

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD ON WEDNESDAY, OCTOBER 22, 2012 AT 7:30
P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET,
CHESHIRE CT 06410**

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Lelah Campo, Martin Cobern, John Kardaras, Gil Linder. Alternates Jim Bulger and Ed Gaudio
Absent: S. Woody Dawson, Tali Maidelis, Louis Todisco and Alternate Leslie Marinaro
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the public hearing to order at 7:31 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Stollo called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. NEW BUSINESS

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| 1. | Special Permit Application
<u>Apex Developers LLC</u>
725 North Brooksvale Road
Rear Lot Accessway | PH 10/10/12
PH 10/22/12
MAD 12/26/12 |
| 2. | Special Permit Application
<u>Apex Developers LLC</u>
725 North Brooksvale Road
6-lots | PH 10/10/12
PH 10/22/12
MAD 12/26/12 |

(Mr. Kurtz recused himself from this application)

Ryan McEvoy, P.E. Milone and MacBroom, 99 Realty Drive, Cheshire CT represented the applicant. Mr. McEvoy stated that the applicant has addressed comments raised by staff and Chesprocott at the last public hearing, and some of the plans have been redesigned. The State DOT and Cheshire Police Department have reviewed the sight lines and approved them as they are

proposed. Engineering Department comments have been addressed and there is indication of their satisfaction.

The Cheshire Fire Department comments have been addressed. There is also clarification on the plans about the accessway serving the three rear lots (4, 5 and 6) which is over 600 feet and there is agreement that sprinkler systems are not needed for these lots. The Fire Department put together a list of stipulations and conditions that will be required, if the application is approved, and the applicant has no objections. For lot #3, a frontage lot, the driveway will not be taking access off the common driveway, as the maximum number of lots for rear access is three.

With regard to fire hydrants, Mr. McEvoy stated that the Fire Department requires a hydrant along North Brooksvale Road on the corner across from the common access, and this hydrant must be installed before combustible materials are brought on site.

Mr. Voelker explained the errors on the plans after review by staff, and saw the same things as Fire Chief Casner. The rear lot accessway exceeded the requirement to alleviate the sprinkler systems, and the original plan had noted that sprinkler systems would be provided. This was an error on the part of the engineer. The applicant met with Chief Casner, and Mr. Voelker also spoke with the Chief on the issues.

Mr. Voelker read the Fire Department comments from Chief Casner dated 10/22/12 into the record; and he read the Chesprocott comments into the record.

According to Mr. Voelker there was some interaction between the applicant and the Police Department, and plans have been submitted to the State DOT>

Mr. Voelker read the comments from the State DOT and the Cheshire Police Department into the record.

It was stated by Mr. McEvoy that the applicant has not objections or issues with the Police Department requests.

Mr. Voelker advised that this application has received IWW approval. He stated that staff has no concerns with the application.

THE PUBLIC HEARING WAS CLOSED.

3. Special Permit Application
Matthew J. Bowman
315 Oregon Road
Section 30, Sch. A. Para. 1B
Accessory Second Dwelling

PH 10/10/12
PH 10/22/12
MAD 12/26/12

(Mr. Bulger recused himself from this application)

Mr. Voelker distributed copies of the floor plans for Commission review.

Attorney Anthony Fazzino represented the applicant. Mr. Fazzino stated that the floor plans for the accessory second dwelling were reviewed at the last public hearing, and the difference now is that there is labeling on the floor plans. At the last public hearing many things were introduced, including exhibits. One exhibit showed that the applicant's property exceeds all of the minimum requirements under the new regulations. Another exhibit was photographs of the property to show the architecture is the same. The heights of the property show that the accessory building is not greater than that of the main house.

Mr. Fazzino submitted a letter addressed to Chairman Kurtz in support of the application, which was signed by 12 families in the neighborhood. The letter was read into the record by Mr. Voelker.

With regard to the height calculations for the accessory building at 18 feet, Mr. Linder noted this is two story structure from the rear and one story structure from the front.

In response, Mr. Fazzino said the regulations require a mean, and the calculations are to the peak towards the rear of the property.

PUBLIC QUESTIONS AND COMMENTS

Ann Newman, 808 South Meriden Road, asked whether Town staff has visited the house to verify changes have been made on dimensions and rooms.

It was stated by Town Planner Voelker that the Assessor's Office staff has been to the site, but did not use a tape measure, because this is not usually done. A floor plan from the registered architect was requested and received by staff.

Ms. Newman asked about Fire Department access to the house, and when the certificate of occupancy (c/o) would actually be received.

Mr. Voelker explained that this is the purview of the Building Official, and once he is satisfied the c/o will be issued.

Mr. Voelker read the Fire Department comments, dated 10/9/12 into the record for the second time. They were read into the record at the 10/10/12 meeting.

Mr. Voelker advised that the Commission follows up on the requirements, and the Zoning Enforcement Officer visits the property. The comments from the Fire Chief must be received before the c/o is issued.

With respect to the dimensions, Mr. Fazzino said that on the floor plans there is an "as built survey" as part of the record. The ground coverage cannot be more than 50%, and the Assessor's records show the subject property does not exceed 50%.

Mr. Cobern commented on the lower floor, basement level, and asked if the applicant has any problems with stipulations that this may never be more than one housing unit.

Under the regulations, Mr. Fazzino said there can only be one additional dwelling unit.

Mr. Strollo asked about stairs being added top to bottom.

According to Mr. Fazzino the property owner can return to the Commission and request stairs. There would not be an additional kitchen, and there is a separate entrance to the lower level.

Ms. Campo questioned the new regulation which permitted this dwelling and whether or not the applicant must return to the Commission with a letter stating the occupancy will be a family member or employee.

Attorney Fazzino said the property owner would have to submit a letter as to who is occupying the premises.

The Commission was informed by Mr. Voelker that on October 2, 2012 there was an affidavit in this regard which was submitted to the Planning Department, and it is part of the record.

THE PUBLIC HEARING WAS CLOSED.

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| 4. Special Permit Modification Application
<u>Elim Park Baptist Home Inc.</u>
140 Cook Hill Road
Two Bldg. Additions to improve
Business operations & resident
Activities and replace & expand existing
Storage building
Section 43.6 | PH 10/22/12
MAD 12/26/12 |
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Henry Thomas, Architect, ASLA and Daniel Tuttle, Architect, represented the applicant.

Mr. Thomas stated that the application before the Commission represents three (3) modest additions to the facility which are not residential in nature, and which

will not add capacity to the facility. On the plans, the modifications are noted in the color red.

Modification #1 – is located behind the main entrance off the cul de sac for additional accounting office space for the business side of the operation.

Modification #2 – is the exterior of the existing garage space; two parking spaces will be removed and the garage extended for space for multi purposes, i.e tag sales held at the facility.

Modification #3 – is replacement of the storage building at the rear of the property; this is a net addition of about 700 sq. ft. for storage of the shuttle bus and other equipment.

Mr. Thomas reviewed the modifications in more detail with the Commission, pointing out the office building connector, corridor, and walkways, access into the building by way of going inside, emergency exit and walkway leading out to the cu de sac. The existing entrance remains the same, and the square addition is in an existing lawn area, with increased impervious cover in this area. There is collection of roof water with gutters on either side of the building and one area drain, discharging and coming into an existing catch basin. He said they are counting on the increase or excess in imperviousness by way of an oversized pipe which will store the increase in runoff, about 2300 sq. ft.

The garage is about a two car space with the door off the end of the building, on bituminous surface and concrete walkways. This is a simple extension with a hip roof; runoff continues to run off onto an existing lawn; and where the gutter is located along the walkway, there will be extension of the gutter to a down spout and plum it directly into an existing pipe. This is, basically, a neutral addition from a storm water standpoint.

The storage building will hold the existing corner, and be no closer to the detention basin, street, or other buildings than it is now. The building is shorter by about 8.5 feet and deeper by about 16 feet, and is within the 100 foot setback in this area. It should not require any additional clearing based on the location of existing trees. There is an additional 700+ sq.ft. A gutter system is being added to be able to discharge rainwater into infiltrators to neutralize the roof area right at the spot. Mr. Thomas pointed out the location of the infiltrators on the plans.

Mr. Voelker expressed concern from neighbors about the storm water management in this part of the site which slopes off in the back.

It was stated by Mr. Thomas that, at the present time, the roofs run off onto grade, and there is only overland flow, no gutters or down spouts. Both sides will be picked up in gutters, and in low flow conditions there will be nothing running off the eaves, with water going into the infiltrators. The only time the

infiltrators will be exceeded would be in a peak event, but their capacity can be expanded for additional insurance.

Daniel Tuttle presented the architectural features of the modification. The first is the accounting addition which is a square, 48 ft. x 48 ft. and it takes the roof line of the existing hall and carries it forward. There will be a brick water table, white siding above it, matching the current pattern throughout the site. About 10 to 12 people will be working in this building addition, with one point of egress out to the causeway/connector where there are two ways out. Mr. Tuttle said everything meets building code.

The second modification is the exterior of the existing building carrying brick and roof line forward and the matching siding.

The third modification is rebuilding the existing building, white siding, brick construction, and a larger building to store the shuttle bus and other equipment. The doors are about 12 feet high, with the pitch of the roof changed to 4 and 12. The roof height is 19 feet to the peak.

Mr. Voelker read the Engineering Department comments into the record. He noted that the revisions to these comments were delivered to the department today and have not yet been reviewed. Mr. Voelker read the applicant's response into the record.

Mr. Voelker read the Cheshire Fire Department comments dated 10/11/12 into the record.

A question on extra lighting was raised by Mr. Bulger, and if more lighting would impact the bordering neighbors.

In response, Mr. Thomas advised that there is no additional lighting proposed, but there would be one low impact light at the door, and there are lights there now. There are no pole lights.

PUBLIC COMMENTS AND QUESTIONS

Allen Jones, 18 Fawn Drive, neighbor to Elim Park, asked why his property is within the lines on the plans, and he pointed out his house. He said his neighbor at 19 Fawn Drive also has concerns about the modifications. Mr. Jones is in favor of the Elim Park improvements, but has concerns about the garage which backs up to his property. Regarding the grading and filling, he noted that this application has been withdrawn.

With regard to the grading and filling issue, Mr. Voelker explained that the applicant is within the limits allowed without a special permit...or 1000 cubic yards. A permit is needed based on quantity only. Actual grading of the site must be shown.

Mr. Jones expressed concerns stating that right now the garage is on the level area, and with more grading there is runoff and puddling which approaches the garage. He asked if the garage will be raised up as this would increase the grade towards his property, the Mill River and the channel. He said the channel backs up into this low area and there is some drainage water across there. With an increased height he would get flow from this area instead of it going to the pond. On the plans, Mr. Jones pointed out where the puddling takes place. He said with a raised garage everything will drain towards the neighbors' yards. There are concerns that with nothing in place to direct this water into the pond, it will flow to his area.

According to Mr. Jones, the Elim Park facility keeps dumping brush and tree trunks into the area and this adds to the wetness of the area. The facility has also dumped into the Land Trust area as well. He commented on the fact that Elim Park takes good care of its residents, but really does not do well with all the details he has noted. Elim Park maintenance people have been in his yard cutting down trees. Mr. Jones said his concern is about the grading, not taking care of neighbors, and adding to the water problems in the back.

Another issue was raised by Mr. Jones, who informed the Commission that he spoke with an executive of the facility and maintenance people several times about their end of the pond. There is an overflow pipe which is underground and empties into the Mill River. The facility staff took a Bobcat and just packed some fill over the drain pipe, and he watched them do it. So, this pond, at this point, which had an overflow to the river now has no overflow. With a severe storm there could be backup, and it will go his way.

Mr. Thomas responded to the questions and issues raised by Mr. Jones. In terms of the floor elevation of the proposed garage, the intent is to match the existing garage floor, with removal of the existing floor and rebuilding it in place. There is no intent to raise or lower this floor. From a runoff standpoint off the roof, water runs in the same direction as today, with the difference being collection by way of gutters and down spouts. Mr. Thomas said he would explore the opportunity to connect the two infiltrators, so any overflow could be over the detention basin to insure it does not go onto the gradient. Because of the gutters, that would effectively remove much of the roof runoff. He will look into more specifics on management of the outlets and make enhancements.

With the public hearing being held open, Mr. Cobern suggested that there be a walk through with neighbors, identify concerns, and come back in two weeks with a response for the Commission to review. This would help Elim Park come up with solutions satisfactory to everyone. He commended Mr. Jones on his concise and factual presentation, laying out the problems clearly, which will help Elim Park come up with an appropriate solution.

Stating he was not against the Elim Park applications, Mr. Jones said there are no problems with the new garage, its height or size. He will be happy to meet with representatives from Elim Park and the engineers and go through his concerns and believes the problems can be solved.

Mr. Bulger commented on the storm runoff now going to grade and the grass, and the fact that the new gutters will be removing that portion of the water into an infiltrator. Regarding the puddling, he asked whether this is a natural depression from settling.

Mr. Thomas said that what would make the puddling go away is lifting up the garage, and look at the implications of that. Right now there is positive drainage; it is relatively flat across that park; and makes its way into the detention basin.

THE PUBLIC HEARING WAS CONTINUED TO NOVEMBER 14, 2012.

5. Special Permit Application
Katherine J. Ardesia
1785 Cheshire Street
In-Law Apartment

PH 10/22/12
MAD 12/26/12

Ted Whiten, Architect, Hamden CT, represented the applicant and advised he is working on the design for the in-law apartment at 1785 Cheshire Street. The property belonged to Frank Papandrea and was deeded to his children. The applicant wants an in-law apartment for her elderly mother who requires round the clock care. Technically, it is not an in-law apartment as it will not have a full kitchen, as there will be no range in the apartment. He reviewed the plans with the Commission, and they showed the existing house and proposed addition.

The applicant was informed by Mr. Voelker that a range could be installed so the apartment is a full in-law apartment.

Katherine J. Ardesia, applicant, stated that she does not want a range in the kitchen area because her mother will not be doing any cooking.

Under the building code, Mr. Voelker said the applicant should get a legal and full in-law apartment for approval.

On the plans, Mr. Whiten pointed out the living room, bedroom, bathroom and kitchen areas of the proposed in-law apartment, and the separate entrance. The application has received Chesprocott approval. The applicant has submitted a notarized letter that this apartment is for her family member.

The Cheshire Fire Department has reviewed the application and stated its approval.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Bulger; seconded by Mr. Kardaras.

MOVED to adjourn the public hearing at 8:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk