

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING PUBLIC HEARING HELD ON MONDAY, JULY 22, 2013, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Lelah Campo, Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco. Alternate – Leslie Marinaro
Absent: Sean Stollo and Alternate Jim Bulger.
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. BUSINESS

Mr. Voelker read the call of public hearing for each application.

(Commissioner Todisco was recused from the Dalton application)

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| 1. Special Permit Application | PH 5/28/13 |
| <u>Dalton Enterprises, Inc.</u> | PH 6/10/13 |
| 71 Willow Street | PH 6/24/13 |
| Alternate Truck Access | PH 7/8/13 |
| | PH 7/22/13 |
| | MAD 9/25/13 |

Town Planner Voelker read a letter regarding the Dalton application from Attorney Kerry Olson, dated 7/19/13 into the record of the meeting.

Will McPhee, Operations Manager, Dalton Enterprises, represented the applicant. He restated the decision of Dalton to go forward with the permit with the stipulation that the alternate access would not be built unless the State DOT cuts the access on Railroad Avenue. This is not a premature application. Mr. McPhee commented on the long history and discussions between Dalton and the Town, stating that plans were presented 12 years ago and nothing was followed through. Now these plans are back.

Dalton cannot proceed just with a schematic drawing from the State, and must have this access as a back up plan using Railroad Avenue as an exit.

Town Planner Voelker read a letter dated 7/15/13 from Attorney Leonard Jacobs, on behalf of the neighbors, into the record.

PUBLIC

Kim Clarke, 66 Willow Street, requested clarification of the letter from the Town Attorney regarding the five year time of the permit. She asked for patience and let the State and Dalton discussions continue until a decision is made, and Dalton can always refile.

In response, Mr. Voelker explained that a special permit approval has a five year time limit, and the applicant can renew the permit. In the Town Attorney's letter there was agreement stated with the letter from Attorney Jacobs.

Holly Smith, 57 Willow Street, stated that she did not see the conceptual plans for the rails to trails. She read the definition of "driveway", and asked if the proposed driveway is both an entrance and exit. If it's just an exit it is excessive that the apron is 72 to 80 feet wide, and driveway is 30 feet wide, and the link is 230 feet wide. A semi tractor trailer truck is only 8.5 feet wide. Ms. Smith also commented on the noise levels outside the property, and read wording on noise transmitted outside the property. Vibrations (21.5) are also a concern and transmitted outside the property. This application is premature and the DOT is in the planning stages of the rails to trails. She asked that the application be denied as trucks should not be coming out on this semi-residential street.

In response to the questions and statements, Mr. McPhee said the access is only an exit for the trucks. The 30 foot width is needed for a 9 foot wide truck to take the turning radius, and need the opening of the driveway.

Mr. Voelker said that the Town Attorney is aware of concerns raised by commissioners that this approval is tied to an action by another agency. The Town Attorney did not offer that it is illegal for the Commission to do this.

Because the information was just received from the Town Attorney, Chairman Kurtz stated that the PZC would not be voting on the Dalton application during the regular meeting.

THE PUBLIC HEARING WAS CLOSED.

2. Subdivision Application
Diversified Cook Hill LLC
Peck Lane
3-lots

PH 6/10/13
PH 6/24/13
PH 7/8/13
PH 7/22/13
MAD 9/25/13

Ryan McEvoy, P.E. Milone and MacBroom, advised that all the staff comments have been addressed, and this application received IWW approval.

THE PUBLIC HEARING WAS CLOSED.

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| 3. <u>Zone Map Change Application</u>
<u>Cheshire Route 10 LLC</u>
IC Zone to I-C S.D.D. | PH 6/24/13
PH 7/8/13
PH 7/22/13
MAD 9/25/13 |
| 4. COMBINED APPLICATION FOR ZONE CHANGE
TO AND APPROVAL AS AN I.S.D.D. AND
APPROVAL OF I.S.D.P.
<u>Cheshire Route 10 LLC</u>
1953, 1973, 2037 and 2061 Highland Avenue
Dickerman Road and I-691 | PH 6/24/13
PH 7/8/13
MAD 9/11/13 |
| 5. Earth Removal, Filling or Regrading Permit
<u>Cheshire Route 10 LLC</u>
Highland Avenue, Dickerman Road, I-691 | PH 6/24/13
PH 7/8/13
MAD 9/11/13 |

Attorney Anthony Fazzone represented the applicant, and consented to the prior reading of the call of public hearing for the 7/22/13 public hearing.

This is the continuation of the public hearings on the three subject applications, and Mr. Fazzone advised that the formal presentation to the Commission is completed. There have been third party reviews of the engineering and traffic reports; the applicant has submitted responses to those reports and comments; town engineer has stated that the responses are appropriate and acceptable. IWW found that the modifications are not significant and the applicant has received complete and full IWW approval of the modifications.

Attorney Fazzone presented proposed motions to the Planning Department for the three applications. They are similar in detail to those approved in 2008, except for some details including the request that the 2008 record be made a part of the subject file.

The next step in the process is the detailed site plan presentation, and Mr. Fazzone said the applicant would like to get started on the preparation of the plans, drawings etc. Attorney Fazzone has repeatedly stated throughout the hearings that the amendment to the approvals are not material to the overall plan, and improve upon it. The motions prepared by Mr. Fazzone have a minor change, sheet #7, revised through July 19, 2013, and these revised motions were given to the Commissioners. The nine (9) stipulations go with the Combined Application, and are similar to the former approvals.

Applications 3, 4, 5 were tabled to the end of the meeting pending arrival of documentation and information from the Town Manager.

6. Subdivision Application
Ricci Construction Group Inc.
Sperry Road/Crestwood Drive
4-lots

PH 7/8/13
PH 7/22/13
MAD 9/25/13

John Gable represented the applicant, and stated that there was a waiver request for the water supply at the last public hearing. His client, Mr. Ricci, met with the Fire Department and an agreement was reached with a memo issued 7/22/13 from the Fire Department with four comments offered by the applicant in lieu of the water supply. The applicant has addressed engineering comments and received IWW approval.

Chairman Kurtz read the Fire Department comments dated 7/22/13 into the record.

Mr. Cobern read the Engineering Department comments dated 7/16/13 into the record.

Mr. Cobern read a letter from Peter Wickenheisser dated 7/12/13 into the record.

PUBLIC

Peter Wickenheisser, 399 Crestwood Drive, stated his opinion on the public water access was made clear in his letter. There could be minor adjustments to the construction of the homes enabling people to get out on time. Sprinklers in houses with wells have a limited output because an electrical problems loses the water supply. He also commented on the construction work taking place on his property, his lack of control, and asked how the Town would manager this construction. This is a cul de sac which is the property of two neighbors, and when they remove the cul de sac, they will reconstruct and landscape the roadway and extend the driveways to connect to the road in the future.

In reply, Mr. Gable said the area being stated is part of the city right-of-way. The cul de sac was temporary on the original plans. Once the road is extended and improvements made, the temporary easement ceases to exist and goes back to the homeowner. During construction the town engineer had concerns about this activity and everything being properly mowed, seeded, and brought back to its original state.

The members of the public were told by Mr. Voelker that the applicant will be required to post a bond because this is an extension of a public highway, and the construction management is responsible for the development. The Town does not have control; there is a bond in place; and any public concerns should be addressed to the Planning Department. Everything must be done according to Town standards, and nothing will be turned over until the property owner is satisfied. Mr. Voelker expects Mr. Ricci will do exactly what is required under the subdivision regulations.

Mr. Cobern read a memo from Town Planner Voelker dated 7/18/13 into the record.

Mr. Todisco asked if Mr. Wickenheisser's street has public water.

Mr. Wickenheisser said “no”, and the reason the street is the length it is, is that the nearest fire hydrant is 750 feet away. This new subdivision is closer to Sperry Road, but slope of the property makes connection between the water main on Sperry by the Fire Department almost impossible.

Stating that Mr. Voelker gave good advice, Mr. Dawson said that Mr. Ricci will work with the neighbors; everything is on public record; and if performance is not done according to what was testified, people have a good argument. He commented on the excellent town staff who know what they are doing, and are willing to work with everyone involved.

Town Planner Voelker advised that the Planning Department is the enforcement agent for the public, and will insure everything is done according to regulations.

Mr. Gaudio asked about the extension of the existing road to Town standards which would be 30 foot paved, 50 foot road, and the compliance with the central stations. If a house is built, and the homeowner does not pay the bill for the central station, he asked what happens. He also asked about the sprinkler systems, and his understanding that there is a holding tank, and how large the tank would be.

The Commission was told by Mr. Ricci that these tanks for residential homes are pre-engineered, pre-made, installed in place, checked by the Town and a civil engineer, and re-checked by the Fire Department. They are UL listed, and the house size dictates how many heads, capacity of the water, the water pressure, voltage, and the pressure system that pushes the water out, the type of heads, the heat and temperature of the heads. They are all regulated, engineered, UL listed and approved.

Mr. Gaudio asked about the back up system if electricity goes out, i.e. a battery.

According to Mr. Ricci they all have battery back ups.

If water is brought in, Mr. Todisco asked if it could come from Sperry Road.

Mr. Gable said Sperry is the shortest connection.

An excerpt from the regulations on granting waivers where conditions exist that affect the subject land was read by Mr. Todisco. He asked if similar conditions are applicable to other land in the area.

Mr. Gable replied that he is unaware of another site with these conditions, which are unique. It was brought up at the last meeting where, because the existing four lots being created, the existing lot in the front, Sperry Road, where the water main is located is not a proposed lot. A new road is coming off a different street without water access. The distance from the water main to the new lots is over 1,000 feet, from Jinny Hill Road. With the site conditions it is not possible to bring in water with the shallow ledge. Based on soil conditions, RWA found a hardship based on soil conditions. This type of

ledge does not affect land in the area, and would require blasting. Mr. Gable has not seen water installed under similar circumstances.

With regard to blasting with ledge, Mr. Gaudio said that lot #4 has extensive ledge.

There are notes from Chesprocott and Mr. Gable said they indicate ledge in the area.

When blasting for a septic system and foundations, Mr. Gaudio said this is the responsibility of the developer.

There are requirements for this and Mr. Gable said the applicant meets those requirements in terms of fill, so no blasting is required for the septic systems. He is uncertain about foundations until the area is staked out.

Mr. Gaudio asked if there has been consideration about disturbance for the neighbors, and creation of problems with their wells and foundations. He questioned what the developer would be looking at regarding responsibility.

These are conceptualls and with lot approval, Mr. Gable said this would be addressed. Regarding wells and foundations of neighbors, this would be addressed with lot approval. There could be different configurations of the lot layout. If there is ledge then a house would probably be moved.

PUBLIC

Peter Wickenheisser asked about these houses having basements, and blasting to increase the size of the house. He also said if Chesprocott considered bringing water in from Jinny Hill Road up to Sperry Road, and how far the fire hose is from the houses in the subdivision. Also, he asked whether Chesprocott considered bringing the water main down Crestwood where there is a road and digging material to bring the water main from Jinny Hill.

According to Mr. Gable, Chesprocott does not dictate about water lines, and their main concern is the environment part and testing. Regarding basement systems, this depends upon the time of individual lot approval, and what the land can handle. They could be slab houses and this will be addressed.

Kathy Clause, 1142 Sperry Road, lives in the house attached to the three proposed lots. She has concerns about water and does not feel comfortable about blasting. She has no problems with the water, but blasting could affect her foundation, well and water. Regarding fire and water, if there was a fire in a house, she hopes the sprinklers would be enough. Her property has a barn with three horses, and they would panic with fire. She requested a sound barrier be installed to protect her horses.

Mr. Gable stated it is doubtful there will be blasting on the site, and a house could be moved to another location on the property if there is ledge.

Mr. Voelker asked if the applicant is conditioning approval on there being no blasting.

In response, Mr. Gable said we will not know; there may be some blasting. For noise there is a schedule for construction activity and proper hours of work.

Mr. Dawson asked Ms. Clause who told her there would be no blasting.

Stating it was heard from Mr. Ricci, Ms. Clause was also told there would be no concerns regarding her well. She requests a sound barrier when construction is near the horse paddock, has concerns about noise, and the closeness of the houses to the paddock.

Mr. Dawson noted that things have come a long way with blasting.

With blasting, Mr. Kurtz stated the contractor must go to the Fire Department, there are warnings, and the neighbors must be informed.

Mr. Ricci stated that with the type of rock out there, blasting will not be necessary. He explained that pre-blasting inspection is required by the State consisting of a visual and camera of the house inside, outside, footings, foundation by a camera crew. Copies of the film are given to the owner, insurance company and contractor, so there is documentation prior to blasting. For this particular project the houses are not close together; there are large lots; work will be several hundred feet away from wells and existing dwellings and barns, and 100+ feet from the paddock. In his experience, Mr. Ricci said he has never had any problems with blasting; there is no pink granite in Cheshire; it is red rock, brownstone, and with the right equipment, he can get through the material on this property.

With regard to responsibility for problems resulting from blasting, Mr. Voelker said the developer is responsible.

Ms. Campo has heard different things – one was a hardship to get through the ledge, and two was hearing it was easy to get through the type of stone in Cheshire. If its easier to get through the stone, then why are we worrying about the residential fire sprinklers...and why not just put in public water supply.

According to Mr. Gable the areas for homes is smaller, about 50 feet by 40 feet, and the one main line is +100 feet, and this is for one main line coming in, with three feeds off this line.

For clarification of facts, Mr. Todisco said the rock blasted for the purposes of putting in a water main is the same rock blasted for other purposes.

Mr. Gable said that was correct.

PUBLIC

Mr. Wickehneisser questioned the cost difference between three sprinkler systems versus wells, and running a water line in order for PZC to make an informed decision.

Mr. Ricci explained that trench blasting is different from hole blasting, a different application, and a larger area is disturbed by blasting trenches and cutting through veins. The work would not be too far from another person's property and house and well, and would be close to going up the driveway. The cost difference is higher, it is labor intensive, and more is going on with trench blasting. Mr. Ricci said the water main goes into a trench and blasting is closer to existing wells and homes.

THE PUBLIC HEARING WAS CLOSED.

Applications 3, 4 and 5 were brought to current status on the agenda.

Town Planner Voelker read the response of Town Manager Milone on the fiscal impact analysis into the record of the meeting. A copy of this document is part of the files.

Lou Masciello, W/S Development, informed the Commission that the applicant has no objection with any of the figures raised in the Town Manager's response to the fiscal impact analysis. He expressed appreciation for the Town's calculation method, and said the conclusions are close enough and within ranges to serve as an endorsement of the numbers already presented. Mr. Masciello acknowledged, although, the one time revenue numbers for permit fees and permit reviews during development and construction are different, the process would result in a net fiscal benefit to the Town during the project. He pointed out that department heads see the project as even more financially rewarding in the form of net tax revenue...more than W/S did, and the net revenue has been raised by \$100,000 a year. Mr. Masciello stated that the applicant has no dispute with the numbers and asked that they be accepted in their complete fashion.

Attorney Fazzone stated that the presentation from the applicants is concluded.

Town Planner Voelker read a statement from the Town Engineering Department dated 7/19/13, into the record.

Frank Dawidowicz P.E. Weston & Sampson Engineers, Inc. informed the Commission that his firm did the third party engineering peer review, focusing on the traffic engineering and storm water management components, and modifications to the 2008 plan. The firm found that the methodology and engineering parameters associated with the modifications were consistent with those employed during the original 2008 approvals.

Mr. Voelker advised that this firm is on staff to the Town until conclusion of the site plan, and will be working with the Town on the reviews of the final plans.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED to adjourn the special meeting public hearing at 9:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk