

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, NOVEMBER 25, 2013, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl Kurtz, Chairman; Sean Strollo, Vice Chairman; Lelah Campo, Martin Cobern, S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco
Alternates: Leslie Marinaro. Absent: Jim Bulger and Jon Fischer
Staff: Suzanne Simone, Environmental Coordinator

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. Strollo 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.

Ms. Simone read the call of public hearing for each application.

V. BUSINESS

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| 1. Subdivision Modification Application | PH 11/13/13 |
| <u>Ricci Construction Group Inc.</u> | PH 11/25/13 |
| Request for sidewalk waiver-Crestwood Drive | MAD 01/20/14 |

Ms. Simone read the Engineering Department comments into the record.

Attorney Anthony Fazzone represented the applicant, stating that this subdivision was approved in July 2013 for 4 lots at the end of Crestwood Drive calling for extension of Crestwood Drive as a continuation of a public road.

At the last public hearing Mr. Fazzone displayed a large board showing the width of the road and the numbers, and this information is on a sheet in the Commission packets showing measurements and dimensions. Copies of the Geogrid Layout Detail, Snow Shelf, and interior of the Geogrid were distributed to the Commission. The applicant could not get slope rights from the abutting property owner, and without these rights or easement, all work must be done within the 50 foot right of way. No equipment can be on the adjacent property.

Mr. Fazzone reiterated many of the statements made at the last public hearing, highlighting the factors and exhibits combined with the comments of the Engineering Department for the 4 foot show shelf. He said this is a situation where the PZC can approve a waiver as requested under Section 11.1. Mr. Fazzone read an excerpt from Section 11.1 into the record of the meeting. The position of the Engineering Department on granting of the waiver is cited in its November 21, 2013 letter.

Mr. Dawson asked about granting a covenant rather than a waiver, should ownership change in the future, and if this protects the Town and the developer.

In order to do this, Mr. Fazzone said there is a 50 foot strip required so the adjacent property is accessible. The 10 foot strip is along the existing property owner's property, and the applicant cannot get a covenant as this is another person's property. The covenant requires sidewalks to be built at the adjacent property's owner's expense. This property is not near schools or other public buildings and there is a school bus turn around at the cul de sac.

Chairman Kurtz noted there is no covenant or waiver on Crestwood Drive.

Ms. Simone informed the Commission that she found no documentation of a waiver or covenant on any of the property owners in this area of Town.

Mr. Todisco said the PZC cannot obligate any of the property owners to put in sidewalks, as could be done with a covenant.

This is an old subdivision and Mr. Fazzone said it was there before the current regulations.

Mr. Todisco read an excerpt from the Town Engineer comments into the record.

Stating she has discussed this application and issues with the Town Engineer, Ms. Campo said it was made clear there are no waivers and she agrees with the department comments.

In response to a question about the 4 foot show shelf, Mr. Fazzone said it would be in addition to the existing snow shelf.

The public hearing was closed.

2. **Special Permit Application**
Marbridge Retirement Center
665 & 655 West Main Street
Assisted Living Convalescent Homes
And the Like.
Sec. 30. Sch. A., Item 7.F

PH 10/28/13
PH 11/13/13
PH 11/25/13
MAD 01/20/14

(Mr. Todisco was recused from this application; Ms. Marinaro was the alternate)

Attorney Jeff Cugno represented the applicant. Mr. Cugno said that the review of the traffic report has not been completed by the Commission and staff, and the Police Department has requested more time to respond to issues of concern. The applicant agrees to an extension of the public hearing pending receipt of all comments and information.

There are three issues to be addressed, and they include the Jocelyn Lane truck access and loading zone; new site development plan for the West Main Street frontage; and clarification of the existing and proposed use of the facility. Some information has been given to the Planning Department, and the remainder will be submitted shortly.

Matthew Williams, Architect, explained that the applicant looked at what could be done to make the project more comfortable and palatable. The wall and sight line from Jocelyn Lane have been looked at, and Mr. Williams submitted a photograph from the corner. Some of the materials and the wall can be taken out to improve the view and visibility. This has been submitted to the Town, but comments have not yet been received.

Loading area – this is a space to drive in and turn out; there is a dumpster enclosure; and Mr. Williams said they may eliminate this entire area (loading access drive). There would be no deliveries or traffic in this area. The only access to the site would be from Carter Lane. The existing retaining wall can be left in place, regraded, and landscaped. These plans have been presented with shifting of the building towards West Main Street, with one more parking space. There is a dumpster enclosure.

Greg Fedus, P.E. reviewed the grading changes, and the “wall of death” on West Main Street, at the edge of the road, with a 6 inch curb, about 1.6 feet high, and there is no ability to have the required snow shelf. They have looked at removing this wall and installing a 6 inch high curb, regrading 25-30 feet back for the required snow shelf, new sidewalk, two new handicapped ramps on both streets. There would be grading further back, creation of 25 to 30 feet of flat area adjacent to West Main Street. This will improve the sight lines on Carter Lane to the south and Jocelyn Lane to the north. These revised plans were submitted to the Planning Department last week.

Sheet #3 Grading Plan – shows the removal of the wall, installation of the curb, new grading, added spot grades, and the slope was kept as flat as possible with 5-1 towards Carter Lane, and no more steep than 3 to 1. This is a big improvement to the area on West Main Street and exiting Carter and Jocelyn Lanes.

Mr. Strollo asked about the signage being 30 feet back.

The Commission was told by Mr. Fedus that the sign is at the front of the planter, is 30 feet back, grades will be the same, with a better sight line.

Ms. Campo asked about the State DOT approvals required for the project.

Mr. Fedus advised that the applicant will be submitting plans to the DOT, and he expects they will be approved. The new plan will remove the driveway on Jocelyn Lane, with access off Carter Lane.

According to Mr. Williams there will be room for a small dumpster with shifting of the building a little to the east.

Stating he visited the site, Mr. Linder was pleased that the garbage truck access was eliminated. He noted the building will be sitting on a hill and would dominate the neighborhood. He asked about making the building less intrusive, and the height of the new building versus the existing building.

Mr. Williams stated the height increase will be about a 3 foot increase in the ridge.

This seems to be an imposing structure and Mr. Linder asked if there is a plan "B" with fewer living units, reducing it to 30 or 40.

Mr. Williams said this has not been discussed.

Mr. Linder commented on the main entrance being directly opposite a neighbor's driveway.

That is correct, and Mr. Williams said one neighbor suggested moving the driveway.

Mr. Linder suggested moving the driveway further down West Main Street away from existing houses.

The applicant wants to save as many trees as possible, but Mr. Williams said moving the driveway could be revisited. There are two driveways opposite the facility.

Mr. Gaudio noted that the Jocelyn Lane exit and entrance will be gone, and he asked about the Fire Department looking at this issue.

There are grass pavers there now and Mr. Williams stated the Fire Department will be visiting the site again. He has met with Fire Marshal Koslowski and everything recommended has been implemented. The department has concerns about getting the ladder truck to each building.

The proposed building height is 39.6 feet, and the existing building ridge is 3 feet lower, and Mr. Williams will confirm these numbers for the PZC.

Mr. Dawson asked about the height of the building being kept for as much privacy as possible, and said the lower height could be worse looking than with the extra height.

This is why the applicant felt comfortable with the proposal, and Mr. Williams will be confirming the dimensions. The height is the height of the roof peak from average grade.

Mr. Strollo said the big difference is the existing other house is 20 feet tall, and the proposed height is double that.

The proposed building is further back from the road, and Mr. Williams explained there will be landscaping and tiering added which will assist with the visibility of the side of the site. This building has been there since 1900, according to Town records.

Lewis Bower, owner of Marbridge Retirement Center, informed the Commission that the facility licensure is for a 25 bed residential care facility. It is anticipated to continue this licensure, and also accommodate an additional maximum 25 clients as a managed residential community, with an assisted living service agency. He noted that people are aging; the average length of stay is 18 to 36 months; the client profile has changed in the last 40 years; and additional beds will be filled with elderly people from the Cheshire area.

Mr. Strollo asked about the cafeteria as the one place for people to eat, and the parking area.

It was explained by Mr. Bower that there is a central dining room where everyone eats.

For parking, Mr. Strollo asked about the kitchen having 3 people on the day shift, and if there is anyone else on site.

The new facility would be 50 beds, and Mr. Bower said the kitchen would have a chef and server, and 2 more people on the day shift.

With a maximum of 6 people for the day shift, Mr. Strollo asked about the 17 parking spaces, clients with cars, and others parking on site.

Mr. Bower said that, usually, clients do not have cars, but they are not prohibited from having them, but are discouraged. Elderly clients usually do not drive.

If there are 60 people, Mr. Strollo said that 10% would have cars, and his major concern is the parking situation on the street. He asked if there have been any incidents with people parking on the street.

Stating he has no incidents known to him, Mr. Bower said people could park at the church across the street, but there will be additional paver areas within the site for extra parking.

The issue of caregivers for clients was raised by Mr. Linder, and their use of the parking spaces.

Mr. Bower stated that the licensure is one care giver per 25 clients. But, it is the discretion of the client to have a private care giver. The facility model is the client getting all services from the facility. He noted that in the other facilities similar to Marbridge the parking area is rarely filled, and some staff get a ride to work or use public transportation.

Mr. Cobern stated that when the parking regulations were established they were based on standards and models for various types of facilities. This application complies with the regulations.

Ms. Simone confirmed that the application does comply with the parking regulations.

PUBLIC

Kathy Jerin, 95 Carter Lane, commented on the parking concerns, stating visitors were not included in the analysis, nor were VNA services, home health aides, physical therapists, and other services. The new facility will have double the number of clients requiring more support services. She stated that many clients walk on Carter Lane; some have almost been hit by cars due to a blind curve and only one light on the road; and there are many psychiatric clients at this facility, who are not elderly. She has concerns about safety awareness of these people, and more injuries to clients.

Rich Frapper, 26 Carter Lane, lives directly across from the only entrance to Marbridge. He reported that Sysco truck deliveries come onto his lawn, and he has many other concerns because this facility is a bad idea.

Erica LaFrance, 29 Carter Lane, addressed the Commission and stated she and her husband recently put their house on the market, before the proposal of a new facility. Now, she believes her house will not sell, and has reduced value. All her windows face the facility which will now be 20 feet closer. At the neighborhood meeting, Ms. LaFrance said that Mr. Bower acknowledged there were psychiatric patients at the facility, and the average client age is not 88 years old. The neighborhood has been on alert due to missing patients. She asked about any difference in the regulations for dementia and elderly retirement home clientele, and noted the patients at Marbridge are not elderly but mentally challenged. This should be addressed by Mr. Bower. Ms. LaFrance read an excerpt from Section 40.4.1 into the record and Section 30, Schedule A, 7.A into the record. She said this facility will be on two acres of land and will affect the general health, welfare and safety of the community, cause a reduction in property values, and the mental stability of the clients is a big concern.

Doug Van Wie, 65 Pehr Lane, commented on the street traffic and safety of Marbridge clients and dementia issues with clients. With the increased number of clients there will have to be additional staffing. Mr. VanWie said he moved to Pehr Lane because it is a cul de sac, is safe for his family, and the proposed large facility will detract from the neighborhood.

Gary Plourde, 48 Carter Lane, is a 30 year resident of the area, and is one lot away from Marbridge. He agreed with statements made by his neighbors and does not believe this large facility is needed in this area. He reviewed the special permit regulations, Section 40.4.7 and read an excerpt into the record. Mr. Plourde stated that this structure will have a negative effect on the neighborhood and property values.

Sean Murphy, 55 Carter Lane, commented on Marbridge residents out on the street, and concerns about more traffic and danger to children in the neighborhood.

With regard to the neighborhood meeting, Attorney Cugno informed the Commission that all the neighbors were mailed written invitations to attend the meeting.

THE PUBLIC HEARING WAS CONTINUED TO DECEMBER 9, 2013.

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| 3. Zone Text Change Petition | PH 10/28/13 |
| <u>Ball & Socket Arts Inc.</u> | PH 11/13/13 |
| To amend Special Adaptive Reuse
Development District | PH 11/25/13 |
| Section 45.A.1.2 | MAD 01/20/14 |
| To add flexibility to the Special Adaptive
Reuse Regulation | |

Attorney Anthony Fazzone represented the applicant, and submitted a letter requesting continuance of the public hearing pending receipt of responses from regional planning agencies.

Attorney Fazzone distributed copies of the revised Section 45A (in red print), 45A.1.2, which the Commission will consider at the next public hearing.

THE PUBLIC HEARING WAS CONTINUED TO DECEMBER 9, 2013.

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| 4. Special Permit Application | PH 11/25/13 |
| <u>Colburn Athletics LLC</u> | MAD 01/20/14 |
| 360 Sandbank Road | |
| Section 30, Sch. A. Para. 37 | |
| Health and Exercise Facility | |

Attorney Joseph Bowman represented the applicant for a special permit for a health and exercise facility at 360 Sandbank Road. The building currently houses Whippersnappers, an exercise facility for children in 1/3 of the building, and the applicant will use the remaining 2/3 of the building. At the present time, Mr. Colburn operates a health club/gym in Cheshire at 1755 Highland Avenue, and will be moving the operation to 360 Sandbank Road.

Ms. Simone read the Engineering Department comments, dated 11/21/13 and 11/25/13 into the record, along with a letter from Milone and MacBroom Inc. dated 11/25/13 .

Ms. Campo asked about fewer parking spaces being requested at the site.

This has been addressed with the map from Milone and MacBroom, and Attorney Bowman said there are 46 parking spaces needed for the site. The building will be fully occupied.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the public hearing be adjourned at 8:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk