

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, NOVEMBER 25, 2013, 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 regular meeting to order at 8:51 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.

V. ACCEPTANCE OF MINUTES

November 13, 2013 Public Hearing and November 13, 2013 Special Meeting

MOTION by Mr. Cobern; seconded by Mr. Gaudio

MOVED to accept the minutes of the November 13, 2013 Public Hearing and November 13, 2013 Special Meeting, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter FROM Ian J. Meakin dated 11/6/13 RE: In-Law Apartment Renewal for 233 Patton Drive.**

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

MOVED that the Planning and Zoning Commission grant a five year extension of the approval for the in-law apartment, property located at 233 Patton Drive, Assessor's Map No. 65, Lot No. 33, in an R-20 zone.

With the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on November 25, 2018. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

2. Letter from Linda and Kenneth Stellar dated 11/14/13 RE: In-law Apartment renewal for 62 Clearbrook Place.

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

MOVED that the Planning and Zoning Commission grant a five year extension of the approval for the in-law apartment, property located at 62 Clearbrook Place, Assessor's Map No. 7, Lot No. 60, in an R-80 zone.

With the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on November 25, 2018. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

1. **Site Plan Modification** **MAD 12/31/13**
Cynthia Sirico
15 Burton Drive
To add dog play area

Cynthia Sirico, applicant, reviewed the plans for the dog park at 15 Burton Drive, in an I-2 zone, with the Commission. The plans show the roof and fencing in the areas to be added to the existing site plan for dog play areas. There will be three areas – 12 x16 feet (to the north) and 12x29 feet and 14x29 feet to the east. The play area/doggie day care facility can hold 50 to 70 dogs, and the areas are sectioned off to segregate smaller, middle and large sized dogs. The site is concrete with a roof; there is always at

least one technician in each play area with the animals; there is one person for every 10 dogs. The facility is registered with the State of Connecticut Dog Control Office, and must receive its approval before opening.

Ms. Simone read the Fire Department comments dated 11/12/13 into the record.

MOTION by Mr. Dawson; seconded by Mr. Gaudio.

MOVED that the Cheshire Planning and Zoning Commission finds that addition of dog play areas to the existing building at 15 Burton Drive as shown on plans entitled "New Quarters for Doggie Day Care of Cheshire LLC" dated November 19, 2013, and prepared by Daniel Webster Lyon, Architect, LLC< 4 Simpson Avenue at Center Street, Wallingford CT 06492, is consistent with the standards set forth within Section 30, Schedule A. Item 25 of the Cheshire Zoning Regulations, and hereby approves this application, conditioned upon compliance with comments from the Cheshire Fire Department dated November 12, 2013.

VOTE The motion passed unanimously by those present.

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| 2. | 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 |

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that Ricci Construction Group Inc. has satisfied the standards set forth within Section 11.1 of the Cheshire Subdivision Regulations in their request to waive the construction of sidewalks in the extension to Crestwood Drive, and hereby waives the requirement of Section 6.10.1 to construct sidewalks.

Discussion

For the record, Mr. Todisco pointed out there are no other sidewalks on the cul de sac or near this area. He had considered a covenant but after hearing testimony, a covenant does not fit. This is an unusual situation which justifies a waiver.

Ms. Campo stated the applicant must comply with the fire code for this waiver.

Mr. Dawson commented on the fact that the Town Engineer was accepting of the waiver.

VOTE The motion passed unanimously by those present.

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| 3. | Special Permit Application | PH 10/28/13 |
| | <u>Marbridge Retirement Center</u> | PH 11/13/13 |
| | 665 & 655 West Main Street | PH 11/25/13 |

**Assisted Living Convalescent Homes
And the Like.
Sec. 30. Sch. A., Item 7.F
PUBLIC HEARING CONTINUED TO DECEMBER 9, 2013** **MAD 01/20/14**

**4. Zone Text Change Petition PH 10/28/13
Ball & Socket Arts Inc. PH 11/13/13
To amend Special Adaptive Reuse PH 11/25/13
Development District MAD 01/20/14
Section 45.A.1.2
To add flexibility to the Special Adaptive
Reuse Regulation
PUBLIC HEARING CONTINUED TO DECEMBER 9, 2013**

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

Ms. Simone read the Fire Department comments dated November 25, 2013 into the record.

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

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed 5,400 square foot health and exercise facility in a portion of the existing 8,140 square foot industrial building located at 360 Sandbank Road, as shown on plans entitled "Proposed Parking Layout, Proposed Cross Fit Center, 360 Sandbank Road, Cheshire CT 06410" prepared by Milone and MacBroom Inc. 99 Realty Drive, Cheshire CT 06410, and dated November 18, 2013 and revised through November 25, 2013, are consistent with the Cheshire Zoning Regulations and hereby approves this application, conditioned upon compliance with the comments from the Cheshire Fire Department dated November 25, 2013.

VOTE The motion passed unanimously by those present.

6. TABLED APPLICATIONS

**a. Special Permit Application PH 10/28/13
Core Development LLC PH 11/13/13
589 South Main Street PH 12/9/13
13 Unit Planned Residential Infill Development MAD 02/12/14
TABLED TO DECEMBER 9, 2013**

- b. **Waiver request of Section 11.1 of the Subdivision Regulations**
Karen A. Reims
27 East Ridge Court
Requesting waiver of Section 5.6, CUL-DE-SAC STREET OR DEAD END STREET, LIMITATIONS Subsection 5.6.1
SET FOR PUBLIC HEARING ON DECEMBER 9, 2013
PH 12/9/13
MAD 02/12/14

- c. **Special Permit Application**
Karen A. Reims
27 East Ridge Court
Two dwelling units in one dwelling.
SET FOR PUBLIC HEARING ON DECEMBER 9, 2013
PH 12/9/13
MAD 02/12/14

- d. **Earth Removal/Filling or Regrading Permit**
225 Blacks Road LLC
225 Blacks Road
SET FOR PUBLIC HEARING ON DECEMBER 9, 2013
PH 12/9/13
MAD 02/12/14

- e. **Site Plan Application**
225 Blacks Road LLC
225 Blacks Road
Contractor's warehousing and storage building
SET FOR PUBLIC HEARING ON DECEMBER 9, 2013
PH 12/9/13
MAD 0212/14

VIII. NEW BUSINESS

- 1. **Site Plan Application**
Whole Foods Market
400 East Johnson Avenue
Delivery Truck Queuing Area
SET FOR DECEMBER 9, 2013

- 2. **Other Planning and Zoning Commission Business**

- a. **Monthly Report from Zoning Enforcement Officer**

The Commission reviewed the ZEO Report, and requested that the Bozzuto issue be watched and reported to the Commission.

- b. **Other**

Chairman Kurtz commented on the Commission losing its best member with the retirement of Martin Cobern. Mr. Kurtz expressed appreciation to Mr. Cobern for his many years of service on the PZC, along with the expertise and knowledge he brought to the Commission.

Commissioner Cobern said it was his honor and privilege to serve on the PZC, and the Commission is a model of the way public organizations should work. In his 15 years there were only 2 cases where politics came into play. On the Commission, the members work together, and over the years the members jointly accomplished many good things for Cheshire – such as the formation of the Aqua Protection Plan, Plan of Conservation and Development, ban on big box stores outside the I-C zones. Mr. Cobern will miss everyone along with serving on the Commission.

IX ADJOURNMENT

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

MOVED that the regular meeting adjourn at 9:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk