

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, DECEMBER 9 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, Vincent Lentini, and Louis Todisco

Alternates: Jon Fischer and Diane Visconti. Absent: 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. 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.

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

(Commissioners Lentini and Todisco were recused from Application #2)

Mr. Fischer was the alternate.

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| 1. 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 | PH 12/9/13 |
| And the Like. | MAD 02/12/14 |
| Sec. 30. Sch. A., Item 7.F | |

Attorney Jeff Cugno represented the applicant, along with Matthew Williams, Greg Fedus, and Lewis Bower, owner of Marbridge Retirement Center.

Matthew Williams, Architect, reviewed some of the changes made to the plans since the last public hearing, noting that everything requested has been done to make everyone comfortable with the application. The loading dock has been removed from Jocelyn Lane and deliveries will be handled internally; the service elevator will be made larger; all loading will take place in front of the building; the front of the building has been moved to the east towards West Main Street; there is one more parking space for the

location of the dumpster. On the plans, Mr. Williams pointed out the berm area, and said the goal is to improve the grass paver area for the fire truck access to the site. There is a walkway around the site for residents to use, along with a light weight metal fencing around this area. A significant change is the area of grass pavers to park 10+ cars for any overflow parking for events.

Greg Fedus, P.E. reviewed the colored rendering of revision #9 of the site plan, sheet 1 of 6, and said the major change is removal of the Jocelyn Lane access. The building was shifted down to Carter Lane entrance 10 feet just to the north of the existing drive. There will be 12 valet parking spots on the grass paver area. The drainage stays the same; storage will be located along Carter Lane and down on Jocelyn Lane before emptying into the catch basin system on Jocelyn Lane.

Sight Line Improvements were from Carter Lane to the south, and they have been submitted to the Planning Department. The improvements were reviewed by Mr. Fedus who advised that the sight line on Carter Lane is 15 feet back from the gutter line to the south. This area is in light gray on the plans; allows for 400 foot plus sight distance which meets the requirements. The traffic study has been revised and is part of the record. The facility sign and plantings are back enough to not impede the sight distance.

Town Planner Voelker read comments from the Police Department, 11/9/13, State DOT 12/5/13, Engineering Department, 12/5/13 and Fire Department, 12/9/13 into the record of the meeting.

The parking situation was raised by Mr. Linder, who believes there is one more spot with the revised plan.

Mr. Williams replied that there is no extra spot, and the extra space is for over flow of cars when events are held, and he pointed this out on the plans.

Regarding facility staffing, Mr. Linder understands there will be 25 residential care units for people who can walk, are healthy and can take care of their daily activities. The new addition will be for assisted living clients.

The Commission was told by Mr. Williams this is not a skilled nursing facility, and the assisted living facility will have the same clients as are there now.

Lewis Bower, owner of Marbridge, addressed the Commission on the type of facility for the new building. 25 clients are now residential care clients; and 25 more units will be licensed as a management residential community with an assisted living service entity. The clients today are aging in place; are not acute care; and people will be ambulatory to non-ambulatory; some will require distribution of medication, personal care assistance, and some people drive cars. Management residential care is a new way of calling what is presently done at the facility.

Mr. Linder talked about Elim Park and his familiarity with the care of his Mother, and said some Elim Park residents do not need daily assistance, can walk to dining rooms, and there are independent living units with healthy people having cars. There are also independent units, with many people needing daily assistance, 24 hour live in help, and this is called assisted living.

According to Mr. Bower, at Marbridge, this is considered “residential care” for facility clients who require help with eating, hygiene, supervision and distribution of medicines. At Elim Park the model distinguishes between tiers and there could be clients within a wide range of needs and it is the facility’s discretion on how to take care of these people. He noted that people can exhaust resources and transition into another level of care at the same facility or another facility. The Marbridge proposal permits clients to live in assisted living and then move to residential care without vacating the premises.

The number of staff required on the busy day shift was raised by Mr. Linder with the new facility and 50 clients, and the required parking for staff.

Mr. Bower said the parking will double, and his staffing model will have 5 or 6 staff for a 50 bed facility during the day shift. There could be up to 7 people with nursing staff, kitchen help, and manager. Regarding maintenance the care model is such that people provide a holistic approach to their duties. There could be 5 full time equivalents to a high of 6 or 7 during a shift.

With staff, management and visitors all with cars, Mr. Linder questioned whether 17 parking spaces will be enough, and this is a concern for him.

The Commission was informed by Mr. Williams that Marbridge is not constructed to allow a live-in type of care for patients. The units do not have kitchens; they are not apartments; and at the present time there are no live-ins at the facility.

Mr. Williams commented on the size of the facility, stating that the site can support this building in a residential zone. The proposal is within the regulations; the building has a 5,000 sq.ft. basement and 5,000 sq. ft. attic floor; it is a two story residential building; and is not foreign to this particular zone. He pointed out the residential areas and facility areas on the sketch, noting there could be a house within 62 feet without impacting the setbacks, and there are 3 streets buffering the neighbors.

Mr. Strollo stated that the footprint is the building and house next door, with 650 sq. ft. and 4892 sq. ft. The applicant is now proposing a 9,500 sq. ft. building, double the size of the current footprint. The new building is not that much bigger; it is about 9,000 sq. ft.; and neighbors think the building will engulf the entire center of the property. The applicant could be hooking these two buildings together which is not much less than what is proposed for the new building.

On the site plan, Mr. Williams pointed out what will be seen coming down the street – just the barn – and not the 9,000 sq. ft. building.

Mr. Strollo said with elimination of the Jocelyn Lane entrance there is elimination of some concerns of neighbors, and only one neighbor would have an issue, with the other issues resolved.

Part of the building is on the current foot print, and Mr. Williams said it is larger but the width is the same as now. In the front everything was pushed back and makes for a more attractive facility with additional investment on the part of the applicant. With regard to the number of beds, Mr. Williams said the applicant cannot bring in less than 50 beds for the facility.

It was stated by Mr. Strollo that the sight line issue is resolved with moving the wall, and this means the sidewalk will be at road level.

Mr. Fedus said there will be a ramp on either side; 5 foot of snow shelf; 6 inch high curb replaces the wall; sight line has been increased leaving Carter Lane. Sheet #2 shows the grades.

Mr. Dawson asked if Mr. Bower owns more than one facility and how long he has been in this business.

In response, Mr. Bower stated he and his family own 3 facilities and have been in this business for 40+ years.

Mr. Dawson thanked the applicant, engineer, and architect for their cooperation with the changes they made to help the neighbors and for things to go smoothly. They have shown willingness and worked hard to answer questions to satisfy neighbors, meet regulations, and respond to Commission questions.

Ms. Campo asked if there have been any more meetings with neighbors to address their concerns.

There have been no more meetings, and Mr. Bower said he has not been approached by neighbors other than at the public hearings. He has been responsive to neighbors.

PUBLIC

Louis Nero, 55 Jesse Court, drives past this facility daily, and supports the application proposed. He said Marbridge is a long time business in town, and what is proposed would not be detrimental to Cheshire.

Sharon VanWie, 65 Carter Lane, asked about the location of the new loading area for deliveries.

In reply, Mr. Williams said that all deliveries now come into the front entrance from the existing parking lot. He pointed out the drop off spot in front of the building.

Ms. VanWie said neighbors have concerns about safety of the children in the area, and the school buses coming into the neighborhood. She wanted more details on the fencing.

Mr. Williams reported that fencing would be along the common property line; there will be a 6 foot stockade fence; the rest is an open style metal back, 4.5 feet tall; and fencing will enclose the site.

Ms. VanWie asked the Commission to consider the safety of the children, the bus stops, and increased traffic when making a decision.

Todd Petronio, 62 Carter Lane, questioned the sight lines and turning out of Carter Lane to West Main Street, what is being done to increase the sight lines going left, the number of trucks and deliveries, school bus stops. He asked about moving the school bus stop to accommodate the increase in deliveries and traffic flow. Mr. Petronio commented on 50 beds with 6 staff as being too low, the need for supervision of residents, and how this will be done.

Attorney Cugno stated that the gated area and walking path is for recreation of the residents and will alleviate people wandering the neighborhood.

Matt LaFrance, 29 Carter Lane, said some things have been addressed, some are positive, but there is one major change that needs to happen, and that is the 28,000 sq.ft. size of the facility as being too large. His concerns are reduction in property values, which have not been addressed, and this building not fitting into the neighborhood.

Erica LaFrance, 29 Carter Lane, stated her property shares the island with Marbridge, and she has concerns about her property values. Her house is on the market now, and will be negatively affected by this facility. Supervision of residents, especially those mentally impaired, is not being done as they wander the area. She also asked how 5 or 6 staff can handle 50 clients. Ms. LaFrance also asked about the difference in regulations for residents with mental impairment.

Richard Frappier, 26 Carter Lane, does not agree with this project or the proposed changes, and noted that from his living room and dining room he looks at Marbridge. He suggested knocking down the existing building, add onto the existing building, no L shape and keep it simple. Mr. Frappier stated that the dream team does not have to live there but residents do, and this proposal is not a good idea. This building is a monstrosity, and his car dealership has a 31,600 sq. ft. new building, and the new Marbridge project will not be much less than this size. He has never seen Mr. Bower on the premises in 25 years and questioned his involvement other than at the meetings for this application.

Rich Plourde, 48 Carter Lane, commented on Section 40.4.7 which applies to this application, and he read an excerpt into the record. He said the proposed building does not fit into the neighborhood.

Attorney Cugno read a prepared statement into the record which gave the history of the Bower family and Marbridge. It stated the PZC approved the text amendment in December, 2012, and the team put together the proposed application for the new facility. A special permit was filed in September 2013, and working with Town staff the plans were modified to meet all requirements. A neighborhood meeting was held to explain the plans, suggestions were received, and plans were modified accordingly. A traffic report was done; the original plan was presented at a public hearing; information and concerns from residents was heard about the facility, and were addressed with revised plans. Mr. Cugno noted that the building footprint is in 3 stages and is smaller than a box store. There is no evidence that the existing or new facility will reduce property values, and he believes the new facility will improve the neighborhood. In his statement, Mr. Cugno said that Mr. Bower is proud of the proposal, has responded to the neighbors, Town staff has given positive comments, and the applicant has met and exceeded requirements.

Mr. Cugno said the retirement center is an allowed use under the regulations, is appropriate within the zoning regulations, and is licensed by the State since 1969. The Bower family is a stakeholder in the facility and community, and no complaints have ever been cited against the facility. Accusations that have been made are hurtful to the family and Marbridge staff.

Attorney Cugno thanked the Commission and Town Staff for patience and support of the proposed project which is important for the future of the Marbridge Center. He said the support is for a well developed, forward thinking of a well established business and its patrons who are residents of Cheshire.

Chairman Kurtz stated that the Commission would not vote on this application at this meeting; it will be on the January 13, 2014 PZC agenda. The Commission must review everything presented before making a decision.

THE PUBLIC HEARING WAS CLOSED.

**2. Zone Text Change Petition
Ball & Socket Arts Inc.
To amend Special Adaptive Reuse
Development District
Section 45.A.1.2
To add flexibility to the Special Adaptive
Reuse Regulation**

**PH 10/28/13
PH 11/13/13
PH 11/25/13
PH 12/9/13
MAD 02/12/14**

This public hearing was held open pending responses from regional agencies, and Mr. Voelker stated there were no responses, and the public hearing can be closed this evening.

Attorney Fazzone stated the applicant is interested in acquiring the Ball & Socket site and wants to apply under the special adaptive reuse regulation. The uses can only be those permitted in the underlying zone; this building is in an industrial zone but has not been used for many years; and the regulation eliminates this requirement. Language has been added for specification of the use to be allowed, and the main purpose is to allow for flexibility in the use of a building which is too old for the use allowed.

Regarding flexibility, Mr. Fazzone said this proposal is consistent with the Plan of Conservation and Development (Plan), and he referred to page 8, and read an excerpt into the record.

This parcel of property is surrounded by commercial development and approval of the application will only allow the applicant to propose a certain use. Mr. Fazzone pointed out page 9 of the Plan, #8, and read an excerpt into the record, which permits restoration of old buildings such as the Ball & Socket.

Town Planner Voelker read the South Central Regional Planning Agency letter dated 11/18/13 into the record.

The area of Ives Row to Grove Street as a possible use under this regulation was cited by Mr. Stollo. He also asked what would happen 30 years out for this use on a main road, i.e. a Walmart store.

Mr. Voelker stated that this is for S.A.R.D.D. and not a specific piece of property. The Commission must evaluate whether the amendment to the zoning regulation is appropriate, and cannot discuss a specific piece of property.

The S.A.R.D.D. has two special permits, and Mr. Fazzone said the applicant must apply for a zone change to a reuse zone of 3 acres; and to change use would be to inform the Town of what would be done with the property.

Mr. Voelker said there would be a special set of regulations for that particular property project.

Under the amendment, Mr. Todisco said the applicant could apply to build a large box store, but the Commission could state that this would not be compatible with the surrounding neighborhood, and deny it for that purpose.

Attorney Fazzone said the Commission would be denying it as a zone change, and he knows of no cases in Connecticut where a court has overturned a denial of a zone map change. This is strictly within the Commission's legislative authority.

The Commission was told by Mr. Voelker that the purpose is to keep historical buildings and the legacy, and not replace them.

Mr. Linder questioned this having to do with the historical nature of the building.

Mr. Voelker said you take something already there that is worthwhile keeping and reuse it because of its value to the community and historical merit.

Attorney Fazzone read an excerpt from Section 45.A.1.3 into the record. He said a building must have some architectural merit of historic significance, i.e. old school or factory.

An example was cited by Mr. Todisco with the Lakeview Convalescent Home being turned into condo units.

Mr. Voelker said the Commission has the authority to approve or disapprove, change an historical building with modern addition/changes which support the intent of the regulations. The Commission has the ability to determine whether or not something is acceptable.

It was noted by Mr. Dawson that the Ball & Socket property is a good location for what is being presented to the Commission. He asked Mr. Voelker for feedback, both positive and negative.

The proposed uses in the regulation is better than what was originally written and Mr. Voelker said the regulation only allowed what was in the underlying zone. He sees nothing negative with the proposal before the Commission. The applicant must ask for a zone change first; the Commission does not have to approve; nor does it have to give reasons.

Regarding this regulation, Mr. Voelker informed the Commissioners that he sees no down side to the zone text change, and has no reservations about the proposed regulation.

Mr. Dawson commented on the Commission getting many text change applications in recent months.

THE PUBLIC HEARING WAS CLOSED.

**3. Special Permit Application
Core Development LLC
589 South Main Street
13 Unit Planned Residential
Infill Development**

**PH 10/29/13
PH 11/13/13
PH 12/9/13
MAD 02/12/14**

The applicant was represented by Attorney Fazzone who stated that this is a continuation of the public hearing from October 28th. He asked the Commission to take administrative notice and include the record for the original zone text change which added Section 43.8 as part of the record of this application.

Chairman Kurtz stated the requested record would be made part of this record.

Exhibit #1 – Rationale Behind the Adoption of Section 43.8, Planned Residential Infill Development.

Mr. Fazzone reviewed the content of this exhibit and read parts of the information into the record. The regulation encourages development where services and infrastructure are present, and the site before the Commission meets all of the criteria stated in the rationale presented.

The Plan of Conservation and Development, Residential Goals, were read into the record by Mr. Fazzone.

This property is located at 589 South Main Street; the zone for this application extends one mile north and south of Town Center; and all services are within walking distance to the site. The R-20 zone allows for high density residential use, more than what is allowed in Section 42.8. Mr. Fazzone said the zone change is consistent with the original Plan, and he read an excerpt from the regional planning agency responses. Under State statute there is restriction of funding projects in more rural parts of a town, and the statute encourages use of existing facilities. It was suggested that the Commission review the Milone and MacBroom analysis about these types of uses.

Exhibit #2 – Listing of activities, services, restaurants, stores, public transportation, professional businesses for 589 South Main Street.

Attorney Fazzone informed the Commission that everything listed is within one walking mile of the subject property. The intent is to create housing where it is unnecessary to use a vehicle every time someone wants to use a service.

In that regard, Mr. Strollo commented on the possibility of seeing golf carts going up and down Route 10.

This site meets all the criteria of the regulations and Mr. Fazzone read an excerpt from the Plan, page 9, #10, Town Center Goals, into the record.

Under the proposed plan there is call for retaining the existing use as part of the site development, with the 250 year old colonial style home remaining on the property.

Ryan McEvoy, P.E. Milone and MacBroom reviewed the modifications and changes to the plans. There is a reduction in the density; 2 units have been eliminated; and there is now a total of 11 units. There was shifting of 4 units from the north property line and

away from Elmwood Drive. There is increased parking on the site; 47 total parking spaces; 25 are exterior spaces; 22 are garage spaces, and 7 are separate spaces. The zoning regulations require 22 parking spaces. To the west there will be a 5 foot high white vinyl fence; lights will be relocated so there is no intrusion; and landscaping and vegetation have been moved around the site. There is a sidewalk connection to South Main Street, a new sidewalk on Elmwood Drive cannot work due to grading of the units, and existing trees will be retained. The site will have a minor decrease in impervious surface; drainage stays the same; the fire department has updated the truck turn around template and can get through the site with its largest truck.

Fire Marshal comments have been received, and emergency access width has been increased to 15 feet. Engineering Department comments are acceptable to the applicant.

Ms. Campo commented on the elimination of 2 units, addition of parking, partial elimination of the island landscaping, and 7 unattached parking spaces.

There is a total of 7 unattached parking spaces and Mr. McEvoy said the total exterior surface spaces is 25, with 2 spaces in front of all but the smaller units.

The submission of the intricate plan changes was questioned by Mr. Dawson, who said he did not have them in his packet.

Mr. McEvoy stated the revised plans were submitted to the Planning Department.

Attorney Fazzone advised the applicant would not submit a new application, and resubmitted the revised plans for 11 units.

Mr. Linder said he has concerns about how the property presents itself to Elmwood Drive, and the 6 unit building is a massive structure. He asked about swapping the 2 buildings with the 6 unit building in the back, and the 2 unit building on Elmwood.

Mark Folenza, Core Development, said the 6 unit building has less elevation changes. In the new elevation with elimination of one unit there is more green space, and porches and decks in the front of the buildings. The buildings cannot be swapped due to the way the sight line is laid out, and in the configuration there is creation of a grass space, with an attractive building design.

With regard to the suggestion about switching the buildings, Mr. Voelker said this is contrary to good urban planning.

The cost of the condo units was questioned by Mr. Gaudio.

According to Mr. Folenza, the intent is for a sales price of around \$300,000+ for a 1600 sq. ft. unit. Some units are smaller than others, and people downsizing, young

professionals are the ones who would be likely to purchase a townhouse, not senior citizens.

Mr. Gaudio stated he has a problem with this price, as young and older people will continue to move out of town with a price of \$300,000+. He does not think a young person looking for a condo would be looking at this high price, and older people are scaling back below this price level. He read an excerpt from Section 43.8 into the record. A response to a question raised by Mr. Gaudio was that there were some commercial entities in the front building, and the applicant stated they were "incidental". He asked who determines this, the applicant or the Commission.

In response, Attorney Fazzone said that the Commission decides that, and the front building uses no longer exist with the building vacated two years ago. At the present time there is no office space or commercial use in the building, and the current use is residential. This application eliminates any commercial use of the property.

Betsy Bogin, 270 Patton Drive, stated that the business no longer exists, it is closed. One rental was available in 2012, without any takers. The entire house will be residential under this application.

The possibility of maintaining a commercial use once the project takes place was raised by Mr. Todisco.

Town Planner Voelker explained that this regulation does not enable a mixed use project; this is an infill development project; and there is no commercial use now and there cannot be a commercial use under the infill regulations.

Looking at the map, Mr. Fazzone pointed out a yellow area of the R20-A zone where this regulation would apply...Maple Avenue to RT 42.

Traffic Engineer David Sullivan, Milone and MacBroom, stated that a study was done on October 16, 2013. The study report shows that the amount of traffic from the development will be small, ½ trip per unit during peak hours, and traffic operations in the area will not be affected. Traffic control comparisons were done and the report states one commercial building would generate as much as the entire residential use, i.e. a medical building, with more traffic in peak a.m. and p.m. hours.

With regard to the funeral home events, Mr. Sullivan said that these would be considered the same as any other event, and would not change from what is experienced today with the funeral home.

Mr. Dawson commented on a commercial building increasing the traffic, and the proposed development being a good alternative.

Exhibit #3 – Sketch of the office building and parking that could be built on the property.

Attorney Fazzone noted that an office building could be 12,000 sq. ft.; that the application requires a special permit; and traffic skews would be many times what the proposed site traffic would be.

PUBLIC

Dan Ford, co-owner, Alderson Funeral Home, addressed the Commission stating he was surprised at statements made by neighbors of Elmwood Drive. Mr. Ford has had some issues with neighbors. Regarding the road being blocked, he reported that at all funerals and wakes, he has two men in the parking lot, and it is made clear that there will not be parking in front of a neighbor's house. As for two funerals a day, Mr. Ford said that is an incorrect statement, and statistics would back this up. In 2012 his company services 160 families in Cheshire. When necessary, Mr. Ford hires a police officer for traffic control in and out of Elmwood Drive.

With regard to the subject application, Mr. Ford said the development will beautify the corner, and the applicant has spent a great deal of money to satisfy neighbors. However, you cannot make everyone happy or satisfy everyone. Under State statute, Mr. Ford advised that there can be 441 persons in his building, but this is unusual, and the 37 parking spaces is correct for the amount of floor space of the building. According to Mr. Ford, his funeral home has about 35 to 40 large funerals a year.

Ken Smoil, 30 Elmwood Drive, said there are "no parking" signs down Elmwood Drive. He has never called the police on the funeral home parking, but said people do park all over the place. With the new driveway there is no way to get in and out easily.

It was stated by Mr. Todisco that there are no parking signs along Elmwood where the development would be. He does not see people parking in front of the Smoil house as it would be illegal and they could be towed.

Attorney Fazzone stated that the applicant has presented evidence showing the application meets the requirements of Section 43.8 and Section 40, Special Permit Section. The property is zoned R20-A; it is the only zone in which the infill development is allowed; the record shows that this proposal, if approved would benefit the neighborhood to the same extent as many other R-20A uses (a bank, salon), and presents an alternate type of use not available in Cheshire. The price point does present a viable alternative for people wanting new construction, low maintenance, and an HOA maintaining the property. Other planned residential developments require 10 acres and are in more rural sections where services are not available, with need of a motor vehicle for all activities and services.

PUBLIC

Phil Giampetro, 70 Elmwood Drive, informed the Commission that there is no continuous stretch of sidewalk to Everybody's shopping center, and people would have to cross Route 10 two times. His concern is public safety, and the traffic study must be done several times a day, not just a.m. and p.m. peak hours. Many events take place in this area of town, and the submitted traffic study is not thorough enough. Mr.

Giampetro commented on Mr. Ford from Alderson Funeral Homes doing everything possible on parking and other issues. People know, when they move to this area of town, about the funeral home and high school, and maybe extra signage would help. Mr. Giampetro is opposed to the proposed development due to the increased traffic on Elmwood Drive over the last 10 years, and said the application should go back to the drawing board.

The issue of this development substantially increasing traffic was raised by Mr. Todisco, who questioned a small generation of traffic impacting the area.

This is what is being stated and Mr. Giampetro said that with 11 units, 3 cars per unit, visitors, parties, etc. the traffic would be more than what has been stated. People cut through the high school to Elmwood and this is a safety issue.

Debbie Chicosci, 30 Elmwood Drive, asked why the driveway for the development is on Elmwood Drive, and why it can't be on Route 10. She said there is no other access unless you go through the high school, and said a 5 foot fence is not high enough since the driveway is 10 feet from her property line.

Marsha Guglielmino, 108 Elmwood Drive, has lived on the street 26 years and said parking is a challenge. There are signs for no parking during school hours, and she said it is dangerous to drive when the high school is going in and out of the campus. The units are high cost for young individuals and older people, who can live for less elsewhere. As for walking on Route 10, it is frightening and dangerous, and the area is not walker friendly. Ms. Guglielmino also said that some things presented by the applicant are untrue; people will have to go through Thorpe Drive; there will be increased traffic and safety problems; and the development will not get the population the applicant is looking for; people will not pay \$300,000+ to live on Route 10. For parking, 47 spaces will generate more people and cars, and high school students will use these parking spaces. She is opposed to the development as it negatively impacts the neighborhood.

Ms. Smoil is concerned about the cost of the units, whether they will sell, and if the prices go down, it affects his property values. The units could have renters as they may not have to be owner occupied. If the application is approved he will continue to have problems getting in and out of Elmwood Drive. He noted that Mr. Ford did clean up the area of his property, but some of it has grown back, and there are sight line issues with people walking in the street. Mr. Smoil wants to make sure there is no dumpster on the site, and asked PZC to take all the information into consideration when making its decision on this application.

The public was told by Mr. Voelker that there would be individual trash pickup; there is no dumpster on site; and if this were to change, neighbors must inform the Planning Department immediately.

Henry Burke, 236 Elmwood Drive, has lived there for 54 years, and cannot sell his house for \$300,000, and his property values will be negatively impacted.

James Flanell, 63 Elmwood Drive, lives close to the funeral home, and with cars coming and going out the drive the street is often bottle necked. He asked how the fire trucks would go down the street when sometimes a car cannot get down the street. There is a major safety issue and he is opposed to the development.

Cindy Drost, 140 Elmwood Drive, said that everyone is fearful of parking in the street, and more traffic will impact the neighborhood, and the traffic estimate is not accurate. The situation is a disaster and an accident waiting to happen. With regard to sidewalks she asked where they begin and where they linked.

Regarding the sidewalks, Mr. McEvoy said they are internal to the development, and not a public sidewalk.

With the price of \$300,000+ per unit and various incomes and sales, Ms. Drost asked about the traffic remaining the same, as you cannot add more housing and keep traffic the same. She has never had a problem with the funeral home, is respectful of the funerals and the people involved. She asked how many funerals are held a year.

The Commission and public was told by Mr. Ford that there are about 160 funerals in the Cheshire home each year; about 100 of them have wakes; and 30 to 40 are large funerals.

The concept of downsizing was raised by Ms. Drost who said elderly people want one floor living, and you cannot assume people will walk to the post office, library, stores, etc. She is opposed to this application.

Mr. Strollo asked about the access coming out Route 10, and if it is wider than a commercial business. He also wants to leave this public hearing open pending more information.

This was considered, but Mr. McEvoy said the goal is to minimize curb cuts on Route 10.

Mr. Voelker replied that there are no regulatory requirements on the access to Route 10. To leave the application open, the applicant would have to provide written agreement to extend the MAD.

Attorney Fazzone noted we have 58 days to give, so there is no objection to extending the MAD with written consent.

PUBLIC

Alfred Mayer, 81 Elmwood Drive, asked that the Commission conduct a traffic study of Route 10, from the high school to Route 42. He said a driver cannot get out of

Elmwood Drive, cannot go north because cars are blocked, and they must use the high school light.

Chairman Kurtz advised that the Elmwood Drive residents can get their own traffic survey done.

Ms. Campo said she does not believe getting a traffic survey is within the purview of the Commission.

Mr. Dawson asked if the Commission can have an independent traffic consultant come in at the expense of the applicant.

According to Mr. Voelker, there can be a peer review of the applicants traffic study at the expense of the applicant, and he will check into this.

Stating he sees this as a good project, Mr. Dawson thinks the traffic is the biggest problem, and said there may be a solution if the information is factual.

The Commission was told by Mr. Ford that when the new funeral home was built, it was not centered on the property, and is more to the south end. He was going to have a right turn only but hit obstacles with the State, and a light cannot be put in the Elmwood Drive area. The town would have to pay for moving telephone poles and water boxes.

Route 10 is a State road and Mr. Kurtz does not know what the town can do regarding another traffic stop.

Mark Chernyok, 222 Elmwood Drive, asked about his one acre lot and if he could build condos on his property.

Under this regulation, Chairman Kurtz said that you cannot build anything on the Chernyok property.

Elmwood is a nice street with single family homes and gardens, and Mr. Chernyok said now it will have a multi-structure which will ruin the street and nature of the town.

Mr. Voelker explained that Elmwood Drive is not under this regulation.

Ms. Guglielmino asked about an R-20A zone and this property cutting into Elmwood Drive, and whether or not this is different. She said this project will change the neighborhood.

This is still an R-20A zone, and Mr. Voelker said there is no requirement that the driveway cut into a major street, and it can come out a side street.

THE PUBLIC HEARING WAS CONTINUED TO JANUARY 13, 2014.

(Mr. Kurtz was recused from applications 4 & 5; Mr. Fischer was the alternate)

4. **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
PH 12/9/13
MAD 02/12/14
5. **Special Permit Application**
Karen A. Reims
27 East Ridge Court
Two dwelling units in one dwelling
PH 12/9/13
MAD 02/12/14

MOTION by Mr. Stollo; seconded by Mr. Lentini.

MOVED to extend the meeting beyond the 11:00 p.m. curfew to continue conducting business.

VOTE The motion passed unanimously by those present.

Attorney Fazzone represented the applicant, stating that this is a duplex type dwelling in an R-40 zone with two units, not properly permitted when built. The main house was built in 1985, and the addition in 2004. With the addition the property complied with para. #4 Section 5.6, and still does. There is an as-built survey on file showing the buildings meet setback requirements. It appears the waiver request comes from Section 5.6 of the Subdivision Regulations which allows 16 dwelling units on a cul de sac. The addition to this property makes it 17 dwellings, and this has existed since 2004 without incident.

Mr. Voelker explained that the permit was for the addition/family room/exercise area. A kitchen was added and it evolved into a dwelling unit.

Mr. Todisco asked about the addition not approved as a dwelling unit, and without the zoning process it became a dwelling. Now, the applicant wants this to be valid and be retroactive. When the connector was built, he said it was a hallway to the exercise area, and to approve the application, it has to be classified as a single dwelling unit.

The addition was built without a permit and does not meet this section of the regulations, and Mr. Voelker noted it was one building with a breezeway, making two units into one structure. Mr. Voelker said it must be classified as a single dwelling unit, the breezeway is a connector, and the application must meet Section 5.6 to have two dwelling units.

Mr. Voelker believes this was a 16 lot subdivision, but he will check the records.

THE PUBLIC HEARING WAS CONTINUED TO JANUARY 13, 2014.

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| 6. Earth Removal/Filling or regrading permit <u>225 Blacks Road LLC</u> 225 Blacks Road | PH 12/9/13 MAD 02/12/14 |
| 7. Site Plan Application <u>225 Blacks Road LLC</u> 225 Blacks Road Contractor's warehousing and storage building | PH 12/9/13 MAD 02/12/14 |

This application will be continued to January 13, 2014 pending receipt of additional information.

Ryan McEvoy, P.E. Milone and MacBroom represented the applicant. He displayed an aerial rendering of the property. The site is mostly wooded, and the topography would create a range from elevation of 160 to 200 feet at the abutting property line. This is proposed to be a 19,566 sq.ft. contractor's warehousing and storage building, a permitted in the underlying zone, with access from the northeast corner of the site closest to the existing driveway. The driveway will wrap around the building for a 360 degree access for delivery vehicles. There will be office space in the front of the building and 41 employees on site, with 27 parking spaces.

Drainage – the applicant will mimic the existing drainage patterns of the storage facility (same owner); tie into the existing drainage on the self storage facility; and go off to the town drainage.

Earth Removal Activity – this requires a public hearing. 50,000 cubic yards of material will be excavated; material will be trucked to the west on Blacks Road towards Route 10; 40 truck loads per day over 3 to 4 months to excavate the site. The applicant has a detailed erosion control plan; all runoff will be directed towards basins to collect silt, and not go off the property.

Staff comments and RWA comments have been received.

PUBLIC

David Rich, owner of the storage facility, said he is not opposed to the project, but wants to understand the traffic patterns. There will be 18 wheelers on the road which is primarily a residential area, and he has concerns about where the trucks will be pulling in and affect his entrance. Mr. Rich noted the following issues: there are multiple tenants, is the applicant proposing a single usage time, could there be blasting, 3 to 4 months to excavate does not take into consideration the winter months, residents are not aware of this project and should know about the major truck traffic on the street, there are children in this area and on the street, lighting from the trucks going through the neighborhood, and times when the trucks will go through this neighborhood.

Mr. Rich asked that the Commissioners look into the issues he has stated.

Mr. McEvoy advised the applicant would address them at the next public hearing.

THE PUBLIC HEARING WAS CONTNUED TO JANUARY 13, 2014.

VI. ADJOURNMENT

MOTION by Ms. Campo; seconded by Mr. Kardaras.

MOVED to adjourn the public hearing at 11:26 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk