

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JUNE 9, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; John Kardaras, Gil Linder, Louis Todisco.

Absent: Lelah Campo, S. Woody Dawson, Edward Gaudio, Vincent Lentini, Sean Strollo.

Alternates: Jon Fischer, Diane Visconti. Absent: Leslie Marinaro

Staff: William Voelker, Town Planner

Guests: Boy Scout Troop 51, Cheshire CT.

I. CALL TO ORDER

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

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

The clerk 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

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|----|--|--------------------|
| 1. | Zone Text Change Amendment | PH 2/24/14 |
| | <u>Town of Cheshire</u> | PH 3/10/14 |
| | To amend Section 23, Definitions | PH 3/24/14 |
| | Add: Recreation Active and Recreation, | PH 4/14/14 |
| | Passive | PH 4/28/14 |
| | To amend Section 30 Schedule A, Permitted | PH 5/12/14 |
| | Uses, Item 29A | PH 5/27/14 |
| | No action | PH 6/9/14 |
| 2. | Resubdivision Application | PH 5/12/14 |
| | <u>Kathie A. Welch</u> | PH 5/27/14 |
| | Reservoir Road | PH 6/9/14 |
| | 3 (2 new) lots | MAD 8/13/14 |
| | Deferred to 6/23/14 P.H. | |

Mr. Voelker explained that this application is still before IWW pending action, and is also awaiting staff comments.

3. Special Permit Application
Ricci Construction Group
50 Prinz Court
Sec. 30, Sch. A. Para 5.
In-Law apartment

PH 6/9/14
MAD 8/13/14

Paul Theroux, 50 Prinz Court, presented his application for a 750 sq. ft. in-law apartment and recreation room to be constructed in the basement of his house. The in-law apartment will be used by his elderly parents.

Mr. Voelker read Fire Department comments dated 6/9/14 into the record.

Mr. Theroux stated that his application would comply with comments from the Fire Department.

THE PUBLIC HEARING WAS CLOSED.

4. Subdivision Application
John Hilzinger
Cheshire Street
2-lots

PH 6/9/13
MAD 8/13/14

Ryan McEvoy, P.E. Milone and MacBroom, represented the applicant. He stated the application is for a two lot subdivision at 1715 Cheshire Street (west side) across from Sterling Ridge Court, on a 3 acre parcel of land. The plan is to carve out a lot in front of the property that will contain the existing house, garage and barn structure.

On the plans, Mr. McEvoy pointed out these structures. He noted a 50 foot strip on the south side of the parcel which will provide access to the 2 acres in the back, and the additional accessory structure. The applicant will build a new house with septic system and associated grading. The application has received IWW approval; there are some minor regulated activities associated with utilities; there is feasibility for primary septic system on the back lot and reserve area on the front should there be a septic system failure. Both lots will be served by public water. There will be a minor increase in impervious surface associated with construction of the house in the rear. The applicant, who is owner of the front lot, proposes to build the rear house, using a gravel driveway. There is an existing gravel driveway on the parcel.

The Engineering Department has requested review of drainage from the property under the possibility and circumstances of a paved driveway for the newly constructed house. The applicant analyzed the property as if there were to be a paved driveway in order to size a rain garden in the northwest corner of the lot to handle increase from the house and paved driveway.

Mr. McEvoy stated that Fire Department comments requested a paved driveway due to adding the 2nd house to the property. He said that the applicant desires to only have a gravel driveway, and has requested the driveway be maintained as a gravel driveway. The owner is an enthusiast of motor vehicles and will keep the driveway in working order to support his vehicles.

Town Planner Voelker advised that regulations do not stipulate a paved driveway, and the Fire Department's job is to raise safety issues, and wants a paved driveway to protect the homeowner. The department wants this noted for the record.

Mr. Todisco questioned the current homeowner owning both lots and taking the risk on the gravel driveway. He said the 2nd house could be sold to someone else and he asked for the reasoning behind a gravel vs. paved driveway.

In response, Mr. McEvoy stated the cost of a paved driveway is one reason the applicant wants to build a house without a paved driveway, which could cost about \$15,000. The present gravel driveway is flat with under a 2% grade.

Mr. Linder raised the consideration of fire trucks which are large vehicles as opposed to smaller trucks or cars going into the back of this property.

Mr. Voelker read Fire Department comments date 6/9/14 into the record. The Engineering Department comments dated 6/9/14 were read into the record.

In looking at the letter from RWA, Ms. Visconti said the residences are heated with fuel oil and asked if there is an above ground tank.

The existing house is heated by fuel oil and Mr. McEvoy said there are above ground tanks.

Mr. Todisco questioned the Commission putting a condition on the driveway.

Mr. Voelker informed the Commission that it cannot make a condition which it is not legally permitted to make.

In that regard, Mr. Todisco said if the Commission cannot, legally, do this then it cannot be done. He suggested postponing the application pending further research and review.

Following this discussion, Mr. McEvoy informed the Commission that the applicant will take on the responsibility of paving the driveway to comply with the Fire Department comments, and this would be done when the house is built.

Mr. Voelker explained that the "paving" is tied to the occupancy and approval of a certificate of occupancy request. There could be a bond for the driveway which is returned to the applicant upon completion of the paved driveway.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

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

MOVED to adjourn the public hearing at 7:55 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk