

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 13, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Earl J. Kurtz, Chairman; Edward Gaudio, Secretary; Members: S. Woody Dawson, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco.

Alternates - Jon Fischer and Diane Visconti

Absent: Sean Strollo and Louis Todisco; Alternate Leslie Marinaro.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:30 p.m.

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

Town Planner Voelker read the call of public hearing for all the applications.

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|--------------------------------------|--------------------|
| 1. Special Permit Application | PH 6/22/15 |
| <u>The Nevar Company</u> | PH 7/13/15 |
| 676 West Main Street | MAD 9/16/15 |
| Rear Lot Access for 3 lots | |
| 2. Subdivision Application | PH 6/22/15 |
| <u>The Nevar Company</u> | PH 7/13/15 |
| 676 West Main Street | MAD 9/16/15 |
| 5-lot subdivision | |

Ryan McEvoy, P.E. Milone & MacBroom, represented the applicant, and informed the Commissioners that staff comments have been addressed, particularly the Engineering Department.

The Town Engineer wanted test pits done. Five locations had test pits done to verify the soil conditions on the site were suitable for infiltration and storm water runoff. The application proposes a common driveway infiltration and roof leader runoff, and there is no groundwater present. Soils are suitable for infiltration.

Common Driveway - The common driveway will be widened off West Main Street, with the first 25 feet at 20 feet wide for vehicles to pass. It has also been confirmed with the Police Department that sight lines for the proposed driveway are adequate based on the design speed on West Main Street.

Fire Marshal comments are standard regarding access along a common driveway. The Engineering Department suggested the applicant provide for a water main down the common driveway with a fire hydrant at the end. The Fire Marshal does not require any additional fire hydrants on the site.

Regarding the Commission's comment about a rear lot access way and the burden on the applicant to confirm there is no other feasible way to serve the property, Mr. McEvoy cited Section 6.5 which requires any new roadway be located no closer than 250 feet from an existing road. He noted that Carter Lane is across the street, and to construct a road conforming to the regulations it would have to be directly across from Carter Lane, and cut through two existing houses which would have to be demolished. It would not be feasible to serve the rear lots by a proposed road.

Town Planner Voelker read comments from the Cheshire Police Department dated 7/3/15, Engineering Department dated 7/13/15, and Cheshire Fire Department dated 6/18/15 into the record.

Mr. Kardaras read from the regulations, and questioned how the rear lot access is "beneficial".

In response, Mr. McEvoy stated that this is a 4 acre parcel; there is no other way to develop the site without a rear lot access; and this is beneficial for development of the property in accordance with the regulations.

Regarding the Engineering comments, Mr. Veleber clarified that water and discharge will not affect adjoining properties, and will stay within the subject property.

Mr. McEvoy stated there is no increase in runoff with the design.

The access to lot #1 from Westmore Street extension was raised by Mr. Veleber, and he also asked if this easement would be abandoned.

Mr. McEvoy said for sole access/private driveway there would have to be improvements to the standard of a private driveway. No lots have access off this road; the development will not be using this driveway; but it will not be abandoned.

Town Planner Voelker commented on the benefit of a rear lot access for this application. He noted a public highway would come through the site and through the homes and neighborhood. This is discouraged and from an advantage standpoint there is preservation of existing homeownership.

THE PUBLIC HEARING WAS CLOSED.

3. Zone Text Change Petition
Fredric M. Kudish
Section 30, Schedule A to add
Subsection 23C - to permit outdoor
Events on a working farm.

PH 7/13/15
MAD 9/16/15

Rebecca Auger, Planner, Milone & MacBroom, represented the applicant. In her presentation to the Commission, Ms. Auger talked about agriculture as a large industry in Connecticut, more than 20,000 people employed in agriculture, difficulty in maintaining a working farm, and farmers looking for ways to increase production and additional uses of their properties. There may be a necessity to further define "working farm" and tying it back to the definition of agriculture. From 2002 to 2007 there was a 237% increase in activity on Connecticut farms.

Ms Auger submitted copies of the COG report on additional uses of farms for activities by special permit and information from the Agriculture Viability Grant Program 2007. A letter was submitted from the Connecticut Farm Bureau for the file.

According to Ms. Auger other state communities are working on the issue of increased activity on farms, among them Canterbury, Canton, North Stonington.

A change in the zoning language opens up for many individual farm properties in Cheshire, +25 acres, with access from a State road or Town road, and multiple/contiguous farming properties. The applicant has been working with Town staff to determine a representative list of farms that would be eligible for this provision.

Comments were received from COG and the Cheshire Fire Department, and Ms. Auger stated the applicant is amenable to their incorporation as standards within the regulations. She cited CFD #5 for clarity as to what is considered a large gathering with the requirement of CFD representative on the site during an event. There are parameters on noise, hours of events/music and proposed hours are not before 10 a.m. to no later than 10 p.m. Monday through Saturday, and Sunday 11 a.m. to 9:30 p.m. for protection of neighboring properties. The proposal is for a special permit; the applicant submitting a site plan where the event(s) will occur to include use of a tent, music, parking, toilet facilities etc. There has been discussion with Town staff about provision of an annual notice of events for the season, number of attendees, and the schedule for one year.

Mr. Voelker said the proposed events would be limited to no more than 400 people; there would be no concerts or large noise generators, but this will be checked with CFD. He commented on the intent being a special permit; notification of abutting properties; and site plan (general plan) on how events would be organized on the property; and the effective way to administer event(s) occurring on the property. Public Safety officials

would be notified of events; they will provide comments on the special permit; and they would have a schedule of events.

In looking at the proposal, Chairman Kurtz noted that a mountain bike event is different from a private party or wedding. He questioned what a mountain biking event would be.

Ms. Auger stated that a race or fund raising activity would have trails, would have many people in attendance, along with parking, a facility to accommodate the people, but the actual happening would be using the property in a different way. The site plan would have to show this type of use of the property.

The site plan should give the Commissioners the idea of the kind of events to be scheduled on the property, and Mr. Voelker said there can be modification of the special permit, and communication to neighbors on what will take place. In his staff report he noted a family wedding on the applicant's property is of no concern to the Town, and is okay. Anything proposed on a "fee basis" is different; it is done by the property owner or a vendor; and is not accessory to a family's needs. Events on a fee basis should be regulated. Something like a seasonal hay ride is not an event and would not be included.

The issue of enforcement of the State noise ordinance was raised by Ms. Visconti, how it would work, stopping music at 10 p.m. as too early for a wedding, and neighbor complaints.

10 p.m. may be too early, but Ms. Auger said there would be a reasonable provision for an event. She commented on the farm event attendees wanting to take advantage of the scenery, daylight hours, and tying the regulation into something enforceable.

Mr. Voelker said this is an attempt to enable use of a farm property that is non-traditional, is new, and many farms are surrounded by established neighborhoods. If there are complaints, they would go to the Police Department which responds to nuisance complaints.

Regarding the limit on the number of people, Mr. Gaudio asked about traffic, and police officers in the area for an event.

The cap is 400 people and Ms. Auger said traffic enforcement by police is not in the standard as a requirement. The property owners would want to insure safety of attendees, and CFD may have a representative at a larger event. Clarity is needed on what is a "large" event.

The proposed amendment applies to the applicant and other farm properties, and Mr. Linder asked the acreage of Hickory Hill and having 400 people at an event.

The total acreage of Hickory Hill is 33 acres, and Ms. Auger said 400 people was considered a reasonable number for the cap on attendance.

Mr. Linder stated his feeling that parking is a problem for such farm events on different properties, with analyzing each particular property's ability to handle various sized events.

The Commission was informed by Mr. Voelker that every single property must come to the PZC for a special permit and detail everything that will be managed.

Mr. Veleber asked if he is correct...that a special permit is required for each event on a particular property.

Stating that is correct, Mr. Voelker said the layout would be changed for each event.

It was suggested by Ms. Auger that a property envisioning multiple uses could have one special permit showing all the planned events.

Mr. Fischer has been to similar wine facility events, and asked about events each weekend, and whether this regulation covers them with one special permit.

There would be one special permit with a number of events cited for use of the property, and Ms. Auger would provide staff with a schedule of events for a season, and for public notification.

The special permit is the layout of parking, tents, toilet facilities, etc. and Mr. Voelker said CFD, CPD, Chesprocott and Building Department officials would have notification. Specifics would be on an event by event basis. PZC would be blessing the site and modifications must come before PZC.

It was stated by Mr. Dawson that businesses start out small, increase, and different events have different work, i.e. a rodeo could have less work and more revenue. He understands the annual schedule of events to the Town, with all departments notified, and this is a good plan.

There was a discussion about the schedule/list to public safety staff, knowing what is required for an event, limitation to a temporary structure (tent) rather than building a permanent structure or pavilion, copies of regulations from other towns. Ms. Auger said other town regulations would be forwarded to the Commission, and a permanent structure could be considered by the applicant.

In the proposed amendment #1 is event standards, and most of them came from other regulations. The numbers cited for an outdoor area is 200 feet from any off-site residence and 75 feet from any property boundary, and these came from other regulations as standard. Regarding the number of farm property events held in other towns, Ms. Auger does not have this information. The events are limited to areas on major roadways; the applicant would have to prove adequate access and site parking;

and through the special permit process things can be worked out agreeable to neighbors.

The regulation states access to a State road or Town arterial road, and the Commission will receive information showing streets and specific farm properties. With the special permit the PZC has limitations on volume, discretion on location of the road, and can deny a special permit. PZC can ask questions about individual events, get particulars, and approve different types of events on the farm properties. The issue of "adequate parking spaces" and number of people permitted at an event has not been defined, and could depend on the nature of the event. It would be part of the special permit process. Any use of "Town owned farm land" would have to come before the Town Council for approval.

Comments were read into the record by Mr. Voelker from the following: South Central Connecticut Regional Planning Agency dated 7/10/15; Capital Region of Council of Governments; Naugatuck Valley Council of Governments dated 7/11/15; Connecticut Farm Bureau dated 7/11/15; Cheshire Fire Department dated 7/8/15.

THE PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 14, 2015

4. Subdivision Modification Application
Napolitano Cook Hill LLC
Cook Hill Road

PH 7/13/15
MAD 9/16/15

John Fries, Bailey & Hershman, represented the applicant for modification of the previously approved subdivision, 8 residential lots. Lot #8 will contain a storm water detention pond to be maintained by a homeowners association (HOA). The pond was included in the original application, and there are no modifications to the storm water management system. The separated portion is not a building lot. The Town Attorney and Town Planner suggested language for the HOA document.

Regarding the modification application, Mr. Fries advised his law firm was not initially involved in the process, but it makes sense to have lot #8 owned by the HOA.

Andy Napolitano, property owner, informed the Commission that the cost to the HOA is \$200 per homeowner, and there are 7 homeowners as HOA members. This covers mowing the area and maintaining the outlet structures.

Comments from Town Attorney Smith were read into the record by Commissioner Veleber. He asked if any of these comments were included in the proposed HOA declaration, and if the Town would recoup any of its maintenance costs if the HOA does not pay for them.

According to Mr. Fries the submitted documents include provision for the Town to redeem its costs.

Lot #3 is the existing home on the property and Mr. Napolitano said it will not be part of the HOA. Only new property owners will be part of the HOA, and lot #3 will not pay the \$200 fee.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Veleber.

MOVED to adjourn the public hearing at 8:40 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk