

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 11, 2016 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Members: S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco, David Veleber.

Absent: Edward Gaudio, Vincent Lentini, and Alternates -Jon Fischer, James Jinks, Jeff Natale

Staff: William Voelker, Town Planner; Vincent Masciana, COO, Dept. of Education.

I. CALL TO ORDER

Mr. Kurtz called the public hearing to order at 7:31 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

Secretary Veleber read the call of public hearing for all the applications.

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| 1. Special Permit Application | PH 6/13/16 |
| <u>420 South Main Street Condominium Assn.</u> | PH 7/11/16 |
| 420 South Main Street | MAD 9/7/16 |
| Expand Parking | |

Mr. Voelker read the letter from Attorney Kevin Hecht into the record, requesting continuance of the public hearing to July 25th pending the applicant's response to staff comments.

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| 2. Special Permit Application | PH 7/11/16 |
| <u>Cheshire Public Schools</u> | MAD 9/7/16 |
| 525 South Main Street | |
| Removal and Replacement of the existing Concession and Bathroom building at the Stadium field. | |

Mr. Masciana explained this project will replace the existing high school concession stand and bathroom facility. The new building will be a better facility, be ADA compliant, have additional male and female bathroom facilities, and a larger concession stand with additional food service options.

The CHS Concession Stand Group has been working on this project since 2015, and is now presenting the project to the Commission.

Chris Hulk, P.E. Milone and MacBroom, displayed the plans for the new building which will be located near the existing site at Cheshire High School. The old building will be removed and replaced with the updated building. The site is an R-20 zone; it is serviced by a driveway to the east of the existing building; there are no wetlands within 500 feet of the site; an IWW application is not required; and the proposed site will have the same functions as the existing one. The new building will be moved further back from the field providing more area for people to congregate and get food. The building is serviced by public water and sewers, and there will be more landscaping improvements in front of the concession stand location.

The rendering for the new building was displayed, and it shows paving improvements, ADA accessibility, emergency vehicle access to the fields. The storm water management plan has yard drains to collect runoff and will tie into the drains on the site. There will be silt fencing and construction padding for the site.

Dean Petrucelli, Silver and Petrucelli, reviewed the proposed floor plan for the new building. There will be six (6) male and female bathroom fixtures in each of the toilet facilities, and concession stand operation will be increased in size and servery area. Bathroom doors will not face the field.

Building Imagery - the building will be wood framed, have vinyl siding, asphalt roof shingles. The colors will be tan building, tan trim, tan doors, and complimentary color for the gables.

Mr. Petrucelli informed the Commission that if the budget can support it, they would seek alternate prices for potential improvements following the bid process. These improvements would include replacing the vinyl siding with HardiePlank siding, which is stronger and more durable; and replacing the asphalt shingles with a standing seam metal roof, which is maintenance free and can last 50+ years.

Town Planner Voelker read comments from the Engineering Department dated June 17, 2016 and the Fire Department dated June 11, 2016 into the record.

In response to staff questions/comments about the project, Mr. Petrucelli said the key box is part of the plan, and perimeter access will be discussed for the vehicles.

According to Mr. Hulk the access to the back side of the site can support a fire truck.

At the request of Mr. Voelker, the applicant will provide this information to the Cheshire Fire Department.

Mr. Strollo expressed concerns about the bathroom and cleaning them.

The Commission was told by Mr. Petrucelli that the proper materials will be used for the bathroom facilities and the environment...they can be washed without issues affecting the wood behind the walls.

Mr. Voelker noted that all municipal and school facilities are subject to special permit in every zone.

A question was raised by Mr. Kurtz with regard to the new facility being done without connection to the existing building during construction.

Mr. Masciana is uncertain whether the existing building will remain during construction. He said timing of the project may enable leaving the existing building up early in the football season. There will be plans for serving food and available bathroom facilities. The completion date of the project is Spring 2017.

Mr. Voelker said the Building Official will be available to look at documents for the project when they are ready.

THE PUBLIC HEARING WAS CLOSED.

3. **Waiver Request of Section 5.5B.16 of the
Cheshire Subdivision Regulations
Mr. and Mrs. Lentini
571 Cook Hill Road
To allow for an accessory structure within 60 feet
From the property line abutting a front lot.**
- PH 7/11/16
MAD 9/7/16

Ryan McEvoy, P.E. Milone and MacBroom, represented the applicants.

Mr. McEvoy said the applicants are seeking a waiver of Section 5.5B.16 of the Subdivision Regulations to construct a detached accessory structure (pool house) within the required 60 foot setback line on a rear lot.

Mr. McEvoy displayed the plans, and pointed out the location of the pool house. This property is the rear lot part of a 2008 subdivision approved by the Commission; it abuts 569 and 563 Cook Hill Road and open space owned by the Town. The owners want an accessory structure to be located within the 60 foot line but outside of the 40 feet. If the waiver is approved a variance is not required.

On the plans, Mr. McEvoy noted much of the rear north part of the property is existing wood and land areas, with a steep grade. The green is lawn areas; the tan is the driveway; and in the back is the existing septic system. The slope exceeds 25 foot of grade. The owner of 553 Cook Hill Road has no objection to the waiver request.

The pool house would be a one story structure, 375 square feet in size; located adjacent to the pool (now under construction); the pool does not require a waiver or other requirements. Due to the steep grade it would be a challenge to construct the pool house without the waiver, and it would result in unnecessary clearing of land.

A portion of Section 11.1.1 of the regulations was read into the record by Mr. McEvoy.

Photographs of the property showing the area for the proposed pool house were submitted for the record. The yellow flags(s) represent the area where the structure would be built; the rear of the property is the heavily wooded area.

Mr. McEvoy stated that the applicant wants the structure in an area with the least disturbance to the property, and not in the wooded area. The nearest owner is within 60 feet and has no objection to the waiver request.

Mr. McEvoy read a portion of Sections 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6 into the record.

The applicant is requesting an accessory structure to be built on the property. Mr. McEvoy said at the time of the building of the subdivision, the applicant did not know anyone wanting an accessory structure. The pool and accessory structure must be 25 feet away from the existing septic system. This limits a portion of the property from building the structure, and the proposed area does not impact the neighboring properties. The subject property is in a two (2) acre zone. The structure would have a bathroom, sink area, and storage.

Mr. Todisco visited the property, and said in the area there is #553, a barn with horses, and noted the subject property has a large lawn. Mr. Todisco read Section 5.5.16 into the record. He asked about the front lot.

On the plans, Mr. McEvoy pointed out the front lots on the property.

A question was raised by Mr. Todisco as to why these are not "side lots".

According to Mr. McEvoy this is due to the orientation of the house and set back regulations.

Mr. Voelker said #569 was the front lot; 60 feet of setback was established from the back line; when approved the regulation read "any set back".

Mr. Todisco said his comments on the application would result in no waiver being required...the front lots were approved as front lots. He asked about the accessory structure (brown color on the plans), being moved to the left.

It was stated by Mr. McEvoy that this cannot be done, as the pool and structure must be 25 feet from the septic system, and comply with the health code. This is a small accessory structure without impact on the property.

Mr. McEvoy commented on Section 11.1.1, which makes the applicant's request a reasonable one. To go back further into the rear lot would require retaining walls, clearing, etc. and the structure cannot be moved further back as it would be located next to a steep slope, with grading required. The proposed location is the only one place on the property for the structure. The open space is owned by the abutting property owner.

Mr. Dawson questioned why this is not a ZBA issue, as it is more of a variance situation than waiver. He noted there would be costs with retaining walls, taking down trees, etc.

The Commission was told by Mr. McEvoy that the applicant is seeking a waiver on something not in the zoning regulations. With ZBA it would be about hardship. There is a steep slope area; the property is adjacent to open space; the location of the house and septic system affects the location of the structure; and the waiver request is reasonable and keeps the slope protected.

This is a two acre lot, and Mr. Dawson understands the situation cited by the applicant. He sees other avenues to be considered...the applicant going further to the back of the lot...and said other ways make sense.

Mr. Veleber asked if there is any way to put the pool structure behind the house, where the driveway comes in.

There is a 60 foot setback line through the center of the driveway, and Mr. McEvoy said the proximity would not permit a structure. It would be on top of the house...and no minimum footage between the pool and the structure is required.

On the photography, Mr. McEvoy noted the red flag(s) where the owner measured off 60 feet from the property line. The yellow flag(s) represent where the pool house would be built, without disturbance to the wooded area.

Mr. Linder asked for clarification on the large lot on Cook Hill Road, which is technically the front lot.

It was the front lot, and Mr. Voelker said it was shown as such during the subdivision process.

Mr. Linder noted this is the lot giving permission for the waiver, and he questioned the technicality about needing permission because of the 2nd lot.

This is up to interpretation, and Mr. McEvoy said the rear lot must have 60 feet of set back from the front lot. There are two front lots, 569 and 554, and it could be

interpreted a 60 feet applied to 569 Cook Hill Road. The two front lot owners are aware of the application and were notified by the applicant. 569 front lot has right-of-way and 553 lot is not part of the subdivision.

Mr. Voelker commented on the subdivision being approved, recorded on the land records, and the front lot owner being okay with the waiver request. Where the 60 feet begins and ends should have been discussed during the prior subdivision application.

Mr. Todisco said the 553 owner gave approval, has no objections, and their property line is within 40 feet. 553 is not part of the rear lot project, and the proposed accessory structure would not be within the area of the first lot.

The Commission was informed by Mr. McEvoy that what is being suggested is that 60 feet would not end at part of the boundary of 559, and would not impact the subject property.

There was reliance on the 60 feet at the time of the application, and Mr. Todisco said now 553 owner does not have objections.

Mr. Voelker noted the rear lot access goes over 559; 559 is not served by the rear lot access way; and there can only be two (2) lots served by a rear access way.

These lots were carved out due to an easement, and Mr. McEvoy said 559 was part of the original application of three (3) lots...571, 573 and 575.

It was stated by Mr. Voelker that #569 is the front lot from which there must be a 60 foot setback; and 553 property owner does not care if the detached structure is built on 571. The lots are bordered by open space of 100+ acres, which is part of the DeDominicus open space.

Chairman Kurtz noted that on lot 559 there cannot be another house built.

To build another house, Mr. Voelker advised the rear lot access would have to be improved to a Town road, and this will never happen for creation of another building lot.

Mr. Voelker also stated that this waiver does not create a precedent for anyone, and each application is handled individually.

For the record, the property owners (Mr. and Mrs. Lentini) invited Commissioners to visit and look at their property.

THE PUBLIC HEARING WAS CONTINUED TO JULY 25, 2016.

VI. ADJOURNMENT

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

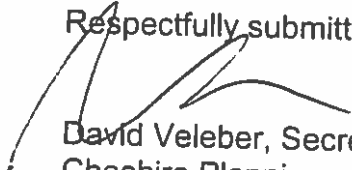
MOVED to adjourn the public hearing at 8:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:


Marilyn W. Milton, Clerk

Respectfully submitted,


David Veleber, Secretary
Cheshire Planning and Zoning Commission