

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD AT 7: 30 P.M. ON MONDAY, SEPTEMBER 26, 2016 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sean Strollo, Vice Chairman; Members: Edward Gaudio, Vincent Lentini, John Kardaras, Gil Linder, David Veleber. Alternates - James Jinks, Jeff Natale.
Absent: Earl J. Kurtz III, S. Woody Dawson, Louis Todisco, and alternate Jon Fischer
Staff: William Voelker, Town Planner; Walter Gancarz, Town Engineer.

I. CALL TO ORDER

Mr.Strollo 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. NEW BUSINESS

Secretary Veleber read the call of public hearing for each application.

- 1. Special Permit Application**
Solar City Corporation
1286 Waterbury Road
Solar Facility at Landfill

PH 9/26/16
MAD 11/30/16

The applicant was represented by Attorney Kenneth Baldwin of Robinson & Cole, Bill Allen of Solar City and Michael P. Libertine, All Points Technical Corporation.

Attorney Baldwin stated the application seeks approval for installation of solar panels at the Cheshire Landfill on Waterbury Road. Public notice was sent to abutting property owners and copies of the notice are in the application file. Due to proximity to the wetlands the application was before Inland Wetlands & Watercourses Commission (IWW) which cited a negative declaration for the application.

Town Planner Voelker read a letter regarding the application into the record from Town Attorney Alfred Smith, Murtha & Cullina, dated September 23, 2016.

Mr. Libertine reviewed the application, stating the site is 53.5 acres, a former landfill, with Solar City using 4 acres to install the arrays, using the existing site access. The

arrays will be using a ballast-mounted system and they will sit on top of the existing landfill. They will be spread out so there are no compaction issues, and he said this is a great use of the site with a simple installation.

The Dog Park is just to the west of the Solar City site, on a remote area of the property with little visibility when entering the site at the high point of the landfill. The panels are 6 feet to 6.5 feet tall, installed at a 25 degree angle, and they slope down to about 3 feet off the ground surface. This project will preclude any future expansion of the Dog Park, but there could be some expansion to the northeast part of the property. The Town of Cheshire has been part of the entire planning process.

Town Engineer Gancarz informed the Commission that there has been no discussion about expansion of the Dog Park, and the park is very sizable right now.

Attorney Baldwin reiterated that the solar panels would be on 4 acres, with no penetration to the landfill cap. There will be 1400 kwh power from the panels which will be utilized by the Town.

Mr. Kardaras asked about the life span of the solar panels.

According to Mr. Allen the panels last forever, and some from 1970 are still producing but at a fraction of initial output. After 15 to 20 years there is about 5% less productivity.

Mr. Natale asked about fencing around the abutting properties.

There will be an 8 foot chain link fence around the actual arrays, and Mr. Libertine said properties in the area have extensive tree lines. There may be some minimal view of the panels during the winter months. The site is fairly clear and there are no shading concerns.

The sun glare from the panels on the road or to abutting properties was questioned by Mr. Natale.

Mr. Libertine advised these are light reflective panels which absorb as much sunlight as possible. They are used at airports and are in three Connecticut sites without any issues.

Mr. Jinks asked about danger and risks to the landfill cap.

In response, Mr. Libertine said there is no anticipation of any breach. There could be a risk of some precipitation getting through, but this has not yet been a problem. Equipment will be track vehicles with no excavation.

This is a low permeability soil cap and Mr. Gancarz reported there is no liner to rip. The worst could be some rutting to be fixed.

With panels not mounted into the ground, Mr. Veleber asked about wind speed and increase in the risk of the panels toppling.

Mr. Allen stated that complete structural calculations were done by the designer, and these calculations will be provided to the Town, and there will be a racking vendor involved in the project.

PUBLIC COMMENTS AND QUESTIONS

Allen Jones asked about the vehicles for installation being track vehicles.

Mr. Libertine said the vehicles would be track vehicles or have balloon tires.

Mr. Jones questioned the fencing around the units and property, and how it is attached to the ground, and risk of puncturing the cap.

The Commission and public were told by Mr. Libertine that the fencing would be ballast-mounted.

With regard to Town approval of this project, Mr. Voelker stated that it must have Town Council approval for use on Town property.

Town Engineer Gancarz reported the Town Council has approved this project; there is a signed power purchase agreement between the Town and Solar City. Under the agreement the Town receives power at 8 cents per kwh, without an increase over the 20 years. Virtual net metering has a 40% credit for other Town buildings; there will be savings of 3 to 3.5 cents per kwh over 20 years; and it is an estimated \$1 million in savings.

Jim Vibert, Cook Hill Road, asked about the end of useful life of the panels, and who picks up the cost to remove them.

The agreement is 20 years, and Mr. Gancarz said the panels could be removed at the end of 20 years. There are three options for the Town to consider.

- Solar City takes out the panels at their cost and handles any damages to the property.
- The agreement can continue for another five years or less.
- There is the option for the Town to purchase the panels after the 20 years.

Other Town obligations such as access and right-of way were raised by Mr. Linder.

The Commission was informed by Mr. Gancarz that access is through the Public Works Garage entrance, and Solar City must be permitted this access. The company will be required to mow the grass at the site a few times a year. Other than access through the right-of-way there is the Town's requirement to purchase the power. Everything is all inclusive, and the Town's only responsibility is to purchase the power.

With future technology changes over the next 15 years, Mr. Kardaras asked about changing the solar panels.

Mr. Gancarz does not recall anything about replacement of panels, and this would be looked at the end of the 20 year lease period. It would be the cost of Solar City.

There were no further questions or comments. Mr. Stollo closed the public hearing.

2. **Special Permit Application** **PH 9/2/16**
Elim Park Baptist Home LLC **MAD 11/30/16**
140 Cook Hill Road
Construction of new employee parking lot, 46 spaces.
SCHEDULED FOR OCTOBER 13, 2016

3. **Special Permit Application** **PH 9/26/16**
Fazzone Investments & Properties LLC **MAD 11/30/16**
1701 Highland Avenue
Conversion of existing bank to a Dunkin Donuts

Attorney Anthony Fazzone represented the applicant. He informed the Commission that IWW did not consider this project as a formal application. The IWW letter was introduced into the record.

The site plan shows the reuse of the existing building which is the former Naugatuck Bank with a drive-thru. The regulation under which the application is filed is Section 40.b of Section 30, Schedule A, adopted in May 2016. This regulation allows for a restaurant at a signalized intersection. The restaurant use will be the same layout and drive-through as the bank.

Ryan McEvoy, P.E. Milone & MacBroom, reviewed the application. This is a 3.5 acre lot; Route 10 is to the east; Reinhard Road is to the west; there are two structures with the larger one 30,000 sq.ft. housing five existing businesses. The smaller building is the former bank. The total existing striped parking spaces is 76; 28 spaces are located in the vicinity of the proposed Dunkin Donuts building; there are also areas in the rear of the larger building for parking which are not striped spaces.

The plan is to convert the bank building into a Dunkin Donuts restaurant with limited site plan changes. There will be a minor addition in the rear for a 9'x20' walk-in freezer and a menu board and speaker system for the drive-thru vehicles, and enhancement to the dumpster pad in the rear.

As part of the zoning analysis, Mr. McEvoy said there was a look at the totality of the parking on the property for the proposed use, which requires 26 parking spaces. Under the regulations the total parking spaces is 136 for the entire site. Based on the criteria in the regulations the primary demand comes from the personal service businesses located in the north side of the building. Some of these businesses deal with scheduled

clients (Cross Fit, Horizons, Gymnastics), and there is almost no business during the peak time the Dunkin Donuts would require greater parking usage in the morning. Based on the low usage of the parking in the existing building and nature of the Dunkin Donuts parking, the peak timing does not coincide.

The applicant and future Dunkin Donuts owner are comfortable with the current availability for parking to serve the businesses on site and the Dunkin Donuts restaurant.

A traffic study was done for the application on the impact Dunkin Donuts would have on the area in the a.m. peak hours on Route 10 and along Reinhard Road.

The intersection at Fieldstone Court has service levels of A, B, C, all good levels. Dunkin Donuts would have about 200 trips in and out in the a.m. peak hours with 2/3 coming into the restaurant. All the turning movements continue to remain at service levels A, B, C. There are 200 vehicles already using Route 10 as a primary travel area. The traffic numbers for a.m. and p.m. peak hours were included in the study.

Mr. McEvoy stated that the proposed site plan changes are minimal. Along with the parking counts and deferred parking request there was a plan that demonstrated the possible reconfiguration of the parking lots on the site to achieve 176 parking spaces. The owners did not feel this was necessary now.

The impact to Reinhard Road was questioned by Mr. Natale.

Mr. McEvoy advised that there is little traffic in and out of Reinhard Road...about 20 cars...so it is estimated 90% of restaurant users will go out to Route 10. Under existing and proposed conditions the level of service at Reinhard Road is A.

With regard to vegetation on the site, Mr. McEvoy said this is the responsibility of the property owner. There are no safety issues but there must be maintenance of the property.

Mr. Gaudio asked about the seating capacity of the restaurant.

There is 600 sq. ft. dedicated to customer service space, and Mr. McEvoy said there is seating for 16 to 20 people.

Mr. Gaudio talked about the cars coming off Highland Avenue, the island that is there, and parking along the side of the island...with the drive coming right through and out Reinhard Road. If the queue is blocked by cars waiting for service, he asked if there is room to get through to the building.

The queue shows 11 cars, and Mr. McEvoy explained that DOT wants to see 14 spaces on the site, without spilling onto the State road. He said 11 cars in the queue are rare; there is over 24 feet from the back of the parking spaces to the opposite side of the

lane. There could be some obstruction of vehicles driving to pass from Route 10 but it is very rare for a queue backup of 11 cars.

Mr. Lentini asked about a car coming from Highland Avenue, not being able to take a left turn into Dunkin Donuts, and having to go straight.

There is one way circular parking and queue, and Mr. McEvoy said DOT requires 14 spaces. Problems are not expected.

Mr. Jinks asked about an island to the right being added.

The only change will be to the dark brown building and Mr. McEvoy said this is on the plans, with everything else staying as it now exists.

Looking at the traffic flow, Mr. Veleber reviewed a scenario...a car comes off Route 10, goes down to the end, takes a left, and goes into the line or park in a spot. When done, the car must come around the front of the building, cannot take a left, and must go out to Route 10. He asked about how many cars at the intersection before it is blocked.

That is correct, and Mr. McEvoy said there are three cars in the queue before getting to the signalized intersection. People will not be encouraged to go into Reinhard Road, and cars will be directed to Route 10.

Mr. Veleber cited LOSC...and his concerns about slowing down traffic flow. He asked about discussions for widening the road.

LOSC estimates 25 to 35 seconds to make a turn and Mr. McEvoy said this is an acceptable level of service. A left turn could have three cars in the queue.

There could be level service B or C for the right turn moving in, and Mr. McEvoy said there is not much going on at the property right now. Mr. McEvoy said this is a State road, it cannot be widened, and there are no changes proposed due to good level of service.

According to Mr. Stollo, the busiest Dunkin Donuts he knows about is on RT 322, sometimes with eight cars parked out onto the road. We are talking about 11 cars at the proposed Dunkin Donuts.

There were no further questions or comments. The public hearing was closed.

6. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Kardaras

MOVED to adjourn the public hearing at 8:17 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk