

MINUTES OF THE CHESHIRE TOWN COUNCIL PLANNING COMMITTEE MEETING
HELD ON WEDNESDAY, MAY 27, 2015 AT 7:30 P.M. IN ROOM 207, TOWN HALL, 84
SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

James Sima, Chairman; Patti Flynn-Harris and David Schrumm. Council Chairman Tim Slocum.

Staff: Michael A. Milone, Town Manager; William Voelker, Town Planner; Robert Ceccolini, Parks and Rec Director; Sheila Adams, Pool Coordinator.

1. ROLL CALL

Roll was called and a quorum was determined to be present.

Mr. Sima called the meeting to order at 7:32 p.m.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. REQUEST FOR ZONE CHANGE FOR TOWN PROPERTY ON
WATERBURY ROAD

This agenda item refers to 1276 and 1280 Waterbury Road, Wallinger Parcels. Present for the application were A.J. and Bonnie Wallinger, John Milone, P.E. Milone & MacBroom, and Attorney Joseph Bowman.

Town Planner Voelker explained that the applicants, A.J. and Bonnie Wallinger, owners of the subject property, want to expand the non-conforming use. The property is adjacent to the Town Garage, is zoned C-1. There is a provision in the regulations which enables expansion by up to 25%, but this is not an option on this property. A text amendment is a viable approach; it would apply to all the C-1 zones; and contractor, storage and repair is an industrial use under the regulations.

Mr. Voelker and Planning Dept. staff have met with the applicants to review available options, all of which must be reviewed with decision by the Planning and Zoning Commission (PZC).

There are two properties, back and front; they are adjacent to the Town property; and it is the recommendation of staff to re-zone the subject property for industrial purposes. This cannot be done on its own, because it then becomes a de facto spot zone.

Mr. Voelker reported the land use pattern in the area was looked at, and there is some logic to rezoning adjacent properties to industrial. The Town Garage is in this area, along with other facilities. From a municipal standpoint, the Town can put any use in any zone by special permit, but most of the Town land is context sensitive. Most of what the Town owns in this area is industrial in nature, and is the land use typically found in industrial zones. To avoid a spot zoning argument, the applicant is asking the

Town to be a co-applicant with its frontage properties. The only way to do this is to come before the Town Council which must approve the Town as a co-applicant before the Town Manager can sign the application to include the Town properties.

Assuming PZC were to approve the application, Mr. Voelker said the land use proposed would be taken in context, and the zone change would be taken in context of what the general land use pattern is in the area. What is proposed is more related to industrial than commercial uses. Along the frontage of the property is C-1, and with the land use pattern, industrial makes more sense.

An issue was raised by Mr. Sima regarding someone coming to PZC or Council saying there is I-1 across the street, and can they go to I-1. On the other side of that property are neighbors and houses.

Mr. Voelker stated that the zone change approval on the application would not set a precedent for the property across the street, which is an R-40 zone, with some I-2. What is proposed, if approved by PZC, does not change the land use pattern.

John Milone distributed copies of a map showing the various properties involved, with the subject property identified, and a map which showed the existing zone. The subject property is shown as two pieces; it operates as one parcel now; it is an odd zone, C-2 zone, and a small stretch of C-2 exists there now.

A C-2 zone is generally a strip commercial mall area, and Mr. Voelker said the Mazzella property will remain C-2.

According to Mr. Milone the current uses are C-2; the municipal use is not affected and can exist in any zone with a special permit; and the municipal use tends to be more compatible with the underlying industrial zone. The existing use is non-conforming, and any expansion or improvement is prohibited without the mechanism to do it. Mr. Milone said the rezoning seems to be the most appropriate mechanism. Everything is subject to a special permit application with details on what is intended to be done.

Mr. Sima asked about an I-1 zone requiring screening for outside storage, and possible neighbor complaints which could require screening a storage area.

In the C-2 zone storage is not permitted, and Mr. Milone stated that with a special permit in the I-1 zone it is permitted.

Attorney Bowman said the applicant has tried to anticipate, aesthetically, how to handle this, and he distributed a conceptual drawing of the plans.

The zone change is step #1, and Mr. Voelker advised the applicant would have to come back to PZC for a special permit, and the Commission would expect there be substantial screening.

Mr. Milone noted this is a new building, double the size, with operations inside the building, and this will allow improvement and upgrade of the operations. There will be fencing on both sides, berms and more attractive screening along the roadway, and the operation would not be visible to the public.

A.J. Wallinger explained the inside activity of the operation, which will be repair of containers needing welding or painting. Two people will be on site now, and it is possible another person (welder) would be hired to work on the site.

The long term advantage of the plan reduces the potential for another retail use at the site and Mr. Milone said it also incompatibility of pedestrians activity at the site.

With regard to the I-1 Zone, Mr. Schrumm asked about anything compatible with the regulations, and in future years another company fitting the industrial definition can sue the property.

Mr. Voelker reiterated that all I-1 zones are subject to a special permit.

Mr. Schrumm commented on the Wallinger land in the north end of Town, whether the subject site is better for a transfer station, and if the welding could be put in the north end property.

Ms. Wallinger said putting in the transfer station is not an option, and the State process takes a long time.

The total acreage of the two pieces is just over 1 acre, and Mr. Milone said it would be one parcel to be conforming. There will still be commercial uses across the street, and across the street the piece is also all flood plain.

Mr. Voelker informed the committee that the landfill does not come into play with this operation. In his staff report he will state all municipal uses are permitted in every zone by special permit.

MOTION by Mr. Schrumm; seconded by Ms. Flynn-Harris.

MOVED that the Planning Committee approve inclusion of Town properties to become I-1 zoned in the zone change request; and moves the matter forward to the full Town Council.

VOTE The motion passed unanimously by those present.

4. SUBDIVISION HOMEOWNERS ASSOCIATIONS' RESPONSIBILITIES
The Declaration of Easements Reservations, Restrictions and Covenants for the Cedar Crest Subdivision, 920 Jarvis Street, was distributed to those present for review.

Mr. Voelker informed the committee that Town Attorney Smith reviewed the Declaration document, and made language changes on pages 5 and 6 (typed in red).

Mr. Voelker read paragraphs 17 and 18 into the record. The inclusion of language from Attorney Smith strengthens the document and refines the wording.

With regard to homeowner associations in Cheshire, Ms. Flynn-Harris researched information from the office of the Secretary of State for annual submissions of Cheshire associations. She reported that an HOA must submit an annual letter, regulations, by-laws, minutes of an annual meeting to the Secretary of State's office. Without official submissions, the State office must reach out to an HOA for minutes not submitted, and after three years can dissolve the HOA. Ms. Flynn-Harris noted that many of the associations listed are "condo associations", and said an HOA is not a condo association. The Town has no way to know if the HOA is financially secure.

Mr. Voelker advised that the Town Attorney will have bullet points included in the HOA documents.

Noting that the Town already bills people for snow plowing sidewalks, Mr. Schrumm commented on three things with HOA's...orphan sidewalks, detention ponds/drainage, and open space.

For Cedar Crest subdivision, Mr. Voelker said there are sidewalks out to Jarvis, on private property, and the homeowner is responsible for these sidewalks. The "open space" available is what is dedicated to the Town.

Ms. Flynn-Harris asked how the Town knows an HOA is actually formed, and said this is the responsibility of the developer.

According to Mr. Voelker the HOA document will be recorded with the subdivision map.

There was a brief discussion about the formation of the HOA, and it being in the deed language. The Town Attorney will be requested to draft regulatory structure to satisfy language for the subdivision regulations. A maintenance bond could be held until there is proof an HOA has been formed.

Another issue is open space and future open space issues, and without an HOA the Town gets involved.

Under the State regulations the developer must have a certain percentage of homes sold in order to form an HOA, and formation is the responsibility of the developer. Mr. Voelker has requested Attorney Smith to give the Town a template for formation of an HOA.

With a lien on property, Mr. Sima said the Town is at the bottom, and he questioned whether this would fall under the mortgage holder.

Town Manager Milone explained that the Town Attorney advised the Town can reach out to the individual property owner. With the sidewalk snow plowing, people have paid the Town, and there have been no issues with this work.

When the Town Attorney comes up with language for the regulations regarding HOA formation, the matter will be the subject of a public hearing of the PZC.

Agenda item #7 was moved to current status on the agenda.

7. INDOOR IMPROVEMENTS TO POOL FACILITY.

This agenda item is brought forward to inform the committee on the pool work to be done after the contractor is done, and for a time schedule and how work will progress and be completed.

Ms. Adams reviewed her memo and summary report of March 19, 2015.

Locker Rooms - lockers have been repainted; walls have been done; benches in locker rooms have been sanded and refinished.

Floors and Walls in Locker Rooms are left to be done. Ms Adams estimated a cost of \$22,000 to sandblast and paint walls and paint all floors on the public side of the building. She received one estimate of about \$40,000 from a contractor.

Ms. Adams researched this project work. She found a product called "duraflex" for the locker room floors and walls, and for a duraflex product upgrade it would be \$22,500, as opposed to almost \$40,000. This product has been used in other pool facility locker rooms (colleges), and Ms. Adams has visited these facilities, with the product holding up very well for a pool. There is a time frame of 2 weeks for the project work to be done, by the contractor, P&S Contractors Inc. of New Britain, CT. and work could start next week. This work will not interfere with the pool construction project.

Following the discussion on the pool work to be done, the committee recommended Ms. Adams get more quotes, with a bid not to exceed the bid limit of \$28,000.

Regarding new benches for the ladies locker room, Ms. Adams will check with Dan Marsaglia from the high school on the cost of new benches for the CHS locker room work. They were about \$1600 plus shipping costs. There is a determination to be made on whether the benches go in before the flooring.

Concrete Deck at the Pool - Ms. Adams informed the committee that the deck is a mess, is worse than last year, and she has someone coming to determine what work has to be done on this deck. At this time the cost is an unknown. This work would be done after the pool construction project is completed. There will be a review of materials for this work, and Ms. Adams will check into whether the duraflex product can be used for the deck. This project will be a bid item.

It was recommended by Mr. Schrumm that staff check with the pool contractor about doing the pool deck work, and the DOE on the contractor for the high school sidewalks.

Drain lines - this work is to be done prior to the construction, with an estimated cost of \$4,500.

Two Emergency Exit Doors - these doors are in poor condition; the estimate for the east side and west side doors is \$5,500 per door to be replaced; Ms. Adams will check with Keith Goldberg about this work.

Score Board - a quote of \$16,600 was received to replace the score board; and there will be outreach to interested people for sponsorships for replacement (Speed-O and other swim entities).

Touch Pads - the pads interface with the score board, and there will be reach out to interested sponsors.

With a sponsorship funding, and costs over the budget limit, the project must go out to bid. Mr. Ceccolini will check with the State bid list for the score board.

Ms. Adams stated she will talk to companies about the pool deck work; whether it can be done in phases or at one time; and she will take to Mr. Goldberg about grinding now and finish later.

Insurance Proceeds - \$85,173.56 in the Community Pool Balance. There can be use of the C.N.R. account for pool improvements with balance of \$23,732, for a total of \$109,905.

Summary - Locker Rooms Floors and Walls Sanding and Painting - \$22,000; Benches, \$2,000; Anchor Pylon, \$4500; Emergency Doors Replacement, \$11,000; Scoreboard and Touch Pads, \$27,600; Unknown is the deck surfacing.
Total - \$67,100.

Town Manager Milone will check with other communities about sponsors, limits, and relationships. It was suggested Ms. Adams check with PW Director Noewatne and Town Engineer Gancarz on the pool work that has to be completed.

5. SCHOOLS ROOF ICE DAMAGE

The committee received a copy of the detailed memo from Mr. Masciana (DOE) on the roof update with supporting documentation.

Mr. Sima reported that the PBC discussed having all the ice damage from the winter and de-icing inside the gutters. PBC wants to insure the entire job is done, and pitched roofs have been a problem at the high school. With CEP dollars set aside he said we must make sure both sides of the pitched roof can be repaired without future problems.

It is recommended that all of the roof problems be taken care of, cover the entire roof, and do it all at once.

6. SENIOR CENTER RENOVATION

Mr. Sima stated that the PBC put in the cost for Salamone & Associates, \$1875, to determine whether the 2nd floor has the capacity to handle the exercise program. He has an issue with changing the scope of the work, and rebuilding the flooring because the exercise classes were being moved to the 2nd floor. If the flooring is insufficient to handle the classes, they can continue to be held downstairs.

Mr. Slocum commented on concerns registered by people using the Senior Center about noise and jumping on the 2nd floor and disturbance to other programs.

8. OPEN SPACE MANAGEMENT - BUILDINGS

Mr. Milone reported that everything is moving along, but staff wants some guidelines for building maintenance and decisions about them. He talked about the barn at Boulder Knoll, and requested authority to demolish this barn.

There is a house across the street from the farm with someone residing in this house. Mr. Milone stated it would be very costly to bring this house to adequate standards.

The committee discussed whether to consider turning this house over to the Cheshire Housing Authority or Cheshire Interfaith Housing, and either organization undertaking putting this house back into shape. The Interfaith Housing organization does not rent houses, and would want to sell the house. The committee also discussed taking this house down, but this is not something the Town wants to do. Mr. Milone will discuss the housing situation with CHA.

Mr. Milone explained that the house has a rental/lease of \$600 a month, and that all rentals of Town houses will be under review for increases. There is also a lease/rental of the house at Lock 12, with a police officer in residence.

Ms. Flynn-Harris asked about the Environment Commission being involved in discussions with senior staff about the open space management issues. She believes the Boulder Knoll Farm uses the shed on the property for storage.

In response, Mr. Milone believes Ms. Simone has discussed the issues with the commission. He noted that the Environment Commission has an important role in outlining and identifying what has to be done on each property.

Mr. Slocum stated that the Boulder Knoll shed could be demolished.

According to Mr. Sima the fields on the Town property at Boulder Knoll are overgrown again, and this work will have to be contracted out, as was done before.

The committee agreed that the barn/shed should be demolished.

Mr. Milone will contact C.H.A. to talk about the house at Boulder Knoll, and he will check on the rental agreement/lease on the house, as well as inform the organization that the house needs rehab work. He advised there are other Town structures which need work done including the bathroom building at Lock 12, and sheds on the site.

Mixville Park - Mr. Milone reported that the park looks good.

Ms. Flynn-Harris informed the committee that next year the Town will contact local growers for donations of annuals, bushes and plantings to enhance the look of the park.

The open space management - buildings will be an agenda item for the June 9th Council meeting.

Footo Monument - once Mr. Sitko gets all the information regarding this monument, it will be forwarded to the Council. The rededication will take place in July 2016.

9. POLICY FOR DISPOSAL OF SURPLUS PROPERTY

Mr. Milone and the committee reviewed the policy dated November 6, 2014.

Item #4 - items are offered by bid to Town employees only, and most of the items are furniture.

There is no process in place to get rid of surplus property, and it was suggested that the Town could hold a community tag sale.

Ms. Flynn-Harris commented on having information on surplus property prepared by departments. If Town employees are not interested, it can then be bid out to anyone interested.

Mr. Milone noted that some of the property could be given to non-profit groups.

According to Mr. Sima there are groups willing to take over auctioning of property, and this is a great fund raising mechanism. And, items of value could be posted on the web site.

Ms. Flynn-Harris recommended #3 and #4 of the process be cited together.

The idea is to do things collectively, and Mr. Milone said people would come and find things, and the process can be designed around this. He commented on the Town having good luck with car sales, while smaller equipment does not have much value.

Following the discussion, the committee's recommendation was for the disposal process to be a quarterly auction/sale, and items could be published on the web site.

10. ADJOURNMENT

MOTION by Ms. Flynn-Harris; seconded by Mr. Schrumm

MOVED to adjourn the meeting at 9:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk