MINUTES OF THE CHERISHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD AT 7:30 P.M. ON MONDAY, JUNE 14, 2010, IN
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET,
CHESHIRE CT 06410

Present
Sean Strollo, Chairman; Earl Kurtz, Vice Chairman; Tali Maidelis, Secretary;
Martin Cobern, S. Woody Dawson, Patti Flynn-Harris, Gil Linder, Sylvia Nichols.
Alternates – James Bulger, Edward Gaudio and Leslie Marinaro; Absent: Louis
Todisco
Staff Present: William Voelker, Town Planner; Joseph Michaelangelo, Public
Works Director/Town Engineer.

I. CALL TO ORDER
Chairman Strollo called the public hearing to order at 7:31 p.m.

Chairman Strollo read the fire safety announcement.

II. ROLL CALL
Mr. Maidelis 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 Maidelis read the call of public hearing for each application.

1. Subdivision Text Change Petition Planning and Zoning Commission
   Technical Subdivision Text Changes for Consideration
   Section 6.6.2 Other Regulations
   Section 6.2, 6.5.1C, 6.5.2, 6.7 and 6.8
   Correction to bring regulations more in line with the
   Public Works Department Road and Drainage Standards
   Town of Cheshire.

Mr. Michaelangelo reviewed the changes to the regulations, noting there were no
major changes, just procedural things to make things consistent with what is
being done in practice. The regulations still call for the standards for a center cul
de sac island, but here has not been such a subdivision island in 20 years in
Cheshire. This was discouraged in the review of the plans, and this should be
incorporated into the regulations. The current set of standards are reviewed with engineers, contractors and developers during pre-construction meetings, and this document should be referenced in the zoning regulations.

Other changes in the road design standards include a 200 feet minimum road radius; there is verbiage to make cul de sac road grade required to be not along the center line of the road, but along the outside of the cul de sac to get proper water flow; 13 characters for street signs to improve space and readability of the sign for drivers; and with a cul de sac there will be requirement of no more than 3 driveways allowed at the end of the cul de sac.

Mr. Cobern stated he lives on a private street not affected by these regulations. He said that in the past there have been presentations about non-point pollution, etc. and the trend seems to be going towards non-curbed road margins for sheet flow onto the grass and not going into the storm drain. He asked whether Mr. Michaelangelo sees the regulations going on this. With the possibility of review of the Plan of Conservation and Development in the next few years, Mr. Cobern asked if this has been thought about and if there is a movement towards this in the professional organizations.

Ms. Flynn-Harris commented on attendance at land use seminar and discussions on this issue. She said it started with cul de sacs and removal of the center island because it was touted as a way to minimize natural absorption of water, not having it sheet onto the street. She has studied and researched more of the sustainable pavement, the porous asphalt, and questioned the Town’s standards for the roads and sidewalks. We are still showing cement curtains on the roads, and Ms. Flynn-Harris asked if the Town is looking at more newer materials to minimize water going down into the catch basins when it could be absorbed more naturally. Regarding the State standards, she asked if this is what the Town uses or if there is other information used to change the Town’s standards.

This is being wrestled with by many communities and Mr. Michaelangelo said the Council of Governments (Ms. Mason) has been involved with DEP on this issue and how municipalities incorporate many of these new design issues into their standards. There is no set industry criteria to follow, and there is debate on whether it should be qualitative or quantitative, should firm numbers be attached, or is it something in the form of a report narrative. For developers the Town uses passive design, i.e. Carriage House Commons which has no pavement width or curbs. The most recent developments (i.e. Sudol Court) would be good candidates for smaller curbing and shrinking the road down. Sudol Court had minor drainage complaints from neighbors and with some modifications things were worked out satisfactorily with no increase of runoff.

Ms. Flynn Harris said there was a request and proposal from an applicant which made the PZC look at the use of pavers for the first time. The public safety departments did not feel pavers were tested enough, but now they are
incorporated into designs without increasing the impervious surface. She said that new porous materials are being used in parking lots, and maybe this should be included in the Public Works standards. She asked about Section 6.5.2 street construction specs being available from the Public Works office, in the parenthesis this is removing PZC Appendix A from the zoning regulations. Ms. Flynn-Harris hopes this is an error.

According to Mr. Michaelangelo the design standards are very thick in volume and they are available in the Planning Department. He noted that 25 years ago Appendix A was not as large as it is now.

In looking at the Plan of Conservation and Development, Ms. Flynn-Harris said this is a way of looking at issues to be incorporated.

Mr. Voelker said the Subdivision Regulations as they are, and Mr. Michaelangelo is talking more than what is in these regulations.

Mr. Cobern stated that most of the points he had have been addressed. With regard to the comment for need for higher berms or grading in cul de sacs, this would not be the case if there were a center island which would act to absorb the water.

In response, Mr. Michaelangelo said that with an 80 ft. diameter road (cul de sac) and 20 ft. center island, you have a 30 ft. roadway going around, you pitch it to the outside. If the cul de sac is graded correctly then the center island is only accepting water from the sky. Mr. Michaelangelo is in agreement with the statements from the Commissioners.

Mr. Dawson asked about State mandates for signs being enlarged for better viewing, and whether Cheshire has passed this.

The year for the new standards is 2014 and Mr. Michaelangelo said it would be a 9 inch high sign, and North Branford has done this on a wholesale basis. As signs are replaced in Town they are new signs within the new standards.

Mr. Strollo asked about a cul de sac with a dry well in the center.

This can be, and Mr. Michaelangelo said even if it is grass it will absorb as much as possible, and a rain garden will absorb 100%. A 20 ft. island is 4,000 s.f. and makes a dent in a 10 acre subdivision. This lets water soak in the middle of the roadway and this is contrary to what should be done.

Regarding subdivision standards having concrete curbing, Mr. Strollo asked about this.
This is in the subdivision standards and Mr. Michaelangelo said when roads are repaved with concrete and the roadway must be redone, it makes it difficult to live with the concrete curbing. Roads paved this summer were easier with asphalt curbing to be put back, but with concrete curbing it is impractical to remove it. The life expectancy of a new cul de sac road is a minimum of 15 years, but with budget constraints we are out to 18 to 20 years. After 20 years the concrete curbing has breaks and cracks in it. Throughout the Town there are asphalt roads, concrete sidewalks, and many combinations. Adopting these changes to the regulations will take care of some lingering issues and others can be pursued later.

The public hearing was closed

2. **Subdivision Text Change Petition**  
   **Planning and Zoning Commission**  
   **To amend Section 6.10 Sidewalks**

Mr. Voelker informed the Commission that this amendment was proposed based on the staff review and consultation with the Town Attorney on the recent case, Buttermilk Farms LLC versus PZC, Town of Plymouth. The Supreme Court determined that sidewalks can only be required on new streets within the boundaries of the subdivision along the frontages of existing streets. According to the decision, requiring sidewalks on existing streets was an off-site improvement not authorized by the Connecticut General Statutes.

The word “new” was added to Section 6.10 to clarify this.

Mr. Maidelis stated that a few years ago former Town Attorney Knott rendered an opinion which said the Town could have sidewalks in the Town except on State routes. Mr. Maidelis wants to review Attorney Knott’s detailed letter for additional information.

The Commission was informed by Mr. Voelker that he would look for this legal opinion.

Ms. Flynn-Harris said she was going to mention this because the Subdivision Regulations were updated to remove walkways and foot paths from Section 6.10. Based on what Mr. Maidelis is referencing, she said the Commission also removed that sidewalks shall be required on all existing Town or State roads or subdivisions as follows”…there was verbiage regarding this that was removed, and it is more than 5 years ago.

According to Mr. Maidelis this was on Route 42, the house on the right or on the left for which the legal opinion was made. The Commission was trying to connect everything to the walking trail and for safety reasons, and the Town has had a sidewalk master plan.
Mr. Voelker will look into this and advise the Commission. He also said that the Supreme Court decision may override the Town Attorney’s opinion.

This is not an urgent matter and Mr. Cobern said the Commission could wait and get the history. He agreed the Court ruling does not give much leadway, and the Town will have to abide by it.

The public hearing was continued pending review of Attorney Knott’s legal opinion.

3. Earth Removal, Filling or Re-grading Permit Application

Peter & Sia Skabardonis
Prospect Road
Est. 5.000 cubic yards.

Mr. Voelker read a letter from the applicant requesting an extension of this application to June 28th.

Mr. Cobern informed the Commission that he visited the site, and believes the address cited at the last hearing was incorrect, and it should be 1193 Prospect Road.

4. Zone Text Change Petition Application

Cheshire Route 10 LLC
To amend Section 45B.9.1 of Section 45B Interchange Special Development District (I-C.S.D.D.) to allow for orderly and flexible development of a large scale project.

Anthony Fazzone, Esq. represented the applicant. He stated that last month another zone text change was approved for additional periods of time within which to request extra file development plans. The Town Attorney pointed out the change in the statute which dealt with applications approved between July 2006 and July 2009, and suggested that 45B.7.2 should also be changed. The applicant has filed a change to that application.

Mr. Fazzone stated that the I-C S.D.D. came about in 2007, and applies to land in the I-C zone. Section 45B allows for large scale projects, 30 acres or more, mixed use, in lands classified I-C along the Route 10/I-691 Interchange. In Section 45B.7.2 there is already a procedure for the Commission to allow extensions of the 5 year approval, 1 year at a time. This has not been changed. But the application incorporates the State statutory language change which says that those applications approved between July 1, 2006 and July 1, 2009, instead of 5 year approvals, they are good for 6 years. This same language was incorporated that the total of all extensions with respect to applications during...
that period shall not exceed the 11 years. The regulation is the same for approvals outside of this 3 year period, get changed to 6 years, with a total of 11 years, at the discretion of the Commission, after a public hearing, 1 year at a time. The process is the same with the applicant coming back to the PZC for extensions 1 year at a time for this 3 year period.

Secretary Maidelis read comments into the record from the Central Connecticut Regional Planning Board dated 6/8/10, and Council of Governments Central Naugatuck Valley dated 5/28/10.

The public hearing was closed.

5. Special Permit Application
   Elim Park Baptist Home Inc.
   140 Cook Hill Road
   Re-configure previously approved Parking and retention areas on-site.

6. Earth Removal, Filling or Regrading Permit Application
   Elim Park Baptist Home Inc.
   140 Cook Hill Road

William Colwell, Esq. represented the applicant, and said that plans in front of the Commission have a modest change to the prior approved application (July 2009). He pointed out the areas on the map of Elim Park Baptist Home Inc. which are the subject of the application. The Home purchased property to the east and is proposing a change to the layout of the parking area.

Henry Thomas, Landscape Architect, stated the drawing on the reference map is a key and has been simplified. He said there are 3 bays of parking shown on the plan, and the lower bay is grass paved. With the additional property there is extra width getting the parking all off the access drive. This results in a simple loop of the day to day paved parking, connected by way of a cross walk to the new building. The lower parking area would not be used unless there was a special event, and this would be akin to the concrete grass pavers specified on the front of the project, separated by a flush concrete curb, and it would be enclosed by a curb. People could discern where the parking is without delineation of the actual spaces. The net effect for the parking count is an increase of 6 paved parking spaces and 34 grass paved parking spaces, a total increase of 40 spaces. There was an adjustment to the detention basin to make this happen. Other than the parking area modifications to the plan is the same. The house will be rented to an employee with ownership and maintenance by Elim Park.
Mr. Dawson commented on the fact that the proposal will be a great improvement.

Regarding the material to be removed from the site, Mr. Maidelis asked how much it would be.

Mr. Thomas said it will result in a net addition of about 300 yards of material to be removed from the site compared to the previous plan. There is about 1500 yards more excavation and some filling and the balance is 300 yards, and as much of the material that can be used will be a berming effect. Trucks would remove the material off site, and it could be 6 to 10 yards per truck, possibly 50 loads. This is a few days work with no long term implications on the project.

On the revised site plan Ms. Flynn-Harris noted it shows an increase of the property line, and there is a structure into the paved part of the road.

Mr. Thomas said this structure will be demolished.

The Commission was informed by Mr. Voelker that the Fire Department liked this plan because it takes the 90 degree parking out of the aisle.

At this time, Mr. Colwell said the Elim Park property is 38 acres.

The public hearing was closed.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Kurtz

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

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk