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

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.

Application #7 was moved to current status on the agenda.

7. Subdivision Application  
   Linda Podryhula  
   826 Wallingford Road  
   2-lots

   Andrew Quirk, P.E. Kratzert & Jones & Associates, Inc. represented the applicant and submitted revised plans and responses to the Engineering Department comments to the Commission.

   Town Planner Voelker informed the Commissioners that the submitted responses were the only ones outstanding.

   This is a 2-lot subdivision, and Mr. Quirk noted that Sheet E-1 shows the existing conditions of the 4 acre parcel at 826 Wallingford Road, in an R-80 Zone, with
the existing house and out buildings on the property, sewer system and well. There are no wetlands on this property, and it is surrounded by other residences. On Sheet G-1 is the proposal for this simple subdivision which will be divided into two 2-acre lots in conformance with the zoning regulations. A 4 bedroom house will be built, and approval has been received from Chesprocott with a Sanitary Certificate.

Engineering comments have been addressed. Any work in the right-of-way would require a separate permit, and no sidewalks are required for this application. There will be a rain garden which relates to zero increase in runoff, and this small depressed area functions similar to a detention basin. It will be 18 inches deep and landscaped.

Police Department comments were previously addressed regarding sight distance to verify that the proposed driveway meets DOT Standards. All other items have been addressed.

It was stated by Mr. Cobern that with the existing non-conforming house the subdivision will not increase the non-conformity so there is no problem with this subdivision.

Mr. Quirk said it is non-conforming with respect to the front yard setback, and the shed on the property will be removed.

Regarding the rain garden, Ms. Flynn Harris asked about more specificity for the plants in the garden. She noted that in other past applications, the rain garden landscaping for properties has been sparse.

Mr. Voelker stated that the applicant cite specific plantings and the number of plantings, and the Commission wants to see the University of Wisconsin plantings.

Mr. Quick agreed to this recommendation, and said there will be more specificity regarding the rain garden plantings.

It was also noted by Mr. Voelker that the buyer of the house should be informed of what the plantings are.

Mr. Cobern stated that there needs to be a maintenance plan for the rain garden and plantings.

THE PUBLIC HEARING WAS CONTINUED TO MAY 10, 2010 PENDING STAFF REVIEW OF THE SPECIFICS ON THE PLANTS IN THE RAIN GARDEN.
1. Zone Text Change Petition  
Planning and Zoning Commission  
To amend Section 30, Schedule A, Permitted Uses  
Para. 24B, 24C, Regulating Poultry  
To modify the acreage requirement and other  
Standards for the keeping of chickens.

Town Planner Voelker informed the Commissioners that the recommendations of the Town Attorney and PZC questions were considered for this application. He checked with Chesprocott who advised that the regulations were reasonable. With any nuisance complaints, the health district agency would respond under the public health code.

Mr. Voelker checked the statute for the definition of “Poultry”, which means all domesticated foul including chickens, turkeys, water fowls, zoological or psittacine birds. However, the Commission can limit the regulation to just chickens. The ZBA issue was related to keeping of chickens, but the PZC can modify the text if they so choose.

Mr. Cobern commented on a dozen ostriches being too much for a 2-acre lot, but people do keep pigeons, and it is nice to do a general regulation. In this case to try to include everything would result in a complicated regulation, so simpler is better. The regulation should be limited to what is reasonable – chickens – and then make another regulation about other poultry, if needed.

According to Mr. Voelker there was once concern about whether enclosures should be, and in 24C (e) the poultry must be in an enclosure in a rear yard, no less than 50 feet from any lot line. Commissioner Linder had recommended 100 feet rather than 50 feet, but with 100 feet on lot widths of 200 feet or less it would be difficult to find an acceptable place. With more constraints there is less flexibility, and there are advantages to having an owner screen the area in a less objectionable place on the lot and not impact neighbors. Limitation to the rear yard is still 100 feet from the next conforming residence.

Ms. Nichols asked about placing the chicken enclosure in the back of a house on a rear lot, and then being on someone else’s front yard lot line, and how this is affected in the regulation.

In response, Mr. Voelker said there could be other things in the rear of the lot such as swing sets, picnic area, storage shed, etc. and most rear lots are oversized, and it is a buyer's choice.

With a side yard for the chickens, Ms. Nichols asked if a variance would be required.
Mr. Voelker would not recommend anything less than 50 feet and doubts if the ZBA would grant such a variance for less than a 50 year setback.

In the testimony people said that the chickens roam, and Mr. Kurtz asked whether an enclosure limits this roaming.

Mr. Voelker said the enclosure should be a pen or fenced area, not necessarily a roofed area.

A suggestion was made by Mr. Cobern that there be no requirement for the chickens to be enclosed, but if they are, then the enclosure must be 50 feet from the lot line. It is very popular now for free range chickens, and even with a fence, chickens can fly and get out. Usually they do not go far from a feeding area.

Ms. Flynn Harris likes the idea of keeping the chickens in the rear of the property.

Mr. Voelker said that chickens should be enclosed and if they do roam the Planning Department will receive complaints.

THE PUBLIC HEARING WAS CLOSED.

2. Zone Text Change Petition
Planning and Zoning Commission
Technical Zone Text Changes for Consideration
Section 24.4
Enlargement (Correct reference to aquifer protection regulations);
Section 34.10, 34.11 (Numbering)
Section 40.2.1 and Section 41.2.1
(copies to be submitted)

Mr. Voelker explained that these are technical changes. The original regulation has an aquifer overlay zone, and the language has been modified to clear up technical problems. Other amendments are numbering for the industrial district and I-C zone, and the number of copies to be submitted.

THE PUBLIC HEARING WAS CLOSED.

3. Zone Text Change Petition
Planning and Zoning Commission
To amend Section 33 – Off Street Parking And loading
For comprehensive amendments to the
Parking regulations. Add subsection to 33.17
Meanings set forth thereafter: Personal Service
Businesses and Finished Space.

Mr. Voelker stated there was a comprehensive amendment to these regulations,
with incorporation of recommendations from the Town Attorney and language
clarification.
Ms. Flynn Harris asked about language included for mixed use developments.

Mr. Voelker said there is a shared parking section (33.5).

Ms. Flynn Harris noted that this was used for the real estate building, coffee
shop, and residential use in the center of town, without requirement of additional
residential parking spaces. They are not used much during the day and would
be shared with the commercial/retail uses of the building.

Item C, Section 33.5 – Mr. Voelker recommended that language be added as
follows: “Joint parking areas and loading spaces may be established by the
owners of separate contiguous lots and/or projects with mixed use in order to
provide for a sufficient number of off-street parking spaces and loading areas to
satisfy the operational needs of the joint users.”

Mr. Voelker said the applicant must prove that mixed use parking will work. In
the regulation there is a requirement for a parking management plan for
situations such as snow plowing, etc.

THE PUBLIC HEARING WAS CLOSED.

4. To amend Section 46 Flood Plain Management
Regulation. To follow the DEP recommendation
For revisions to define and prohibit.

Mr. Voelker explained that the Town Attorney’s comments were incorporated into
this amendment without further comments from the Planning Department staff.
The regulation is ready for adoption.

THE PUBLIC HEARING WAS CLOSED.

5. Zone Text Change Petition
To amend and add to Section 32, Prohibited Uses
Section 31.3 (new) Outdoor Wood Burning Fireplaces

Mr. Voelker informed the Commissioners that there were no further comments for
this application. The Planning Department received a letter on April 27th from
the Outdoor Wood Burning Industry, and this has been submitted to the Commissioners.

THE PUBLIC HEARING WAS CONTINUED TO MAY 10, 2010 PENDING COMMISSION REVIEW OF THE LETTER RECEIVED.

6. 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.

According to Mr. Voelker the Planning Department has no further comments on this application.

Ms. Flynn-Harris stated that Section 6.7 should be removed from the regulations because the PZC does not approve street names. She is having second thoughts about removing the requirement of the cul de sac and having a center island. At a land use seminar she is attending, Ms. Flynn Harris said it has been stressed that there can be a natural infiltration, and this is what the center island is for and what it can do. It helps to minimize the amount of water that can go into the sewer and into the treatment plant, and try to have as much natural infiltration as possible. The Town standards for roads should be looked at because there are better materials and sheaving techniques which can be used for more natural infiltration. She knows that the public safety agencies want this done.

Mr. Strollo commented on increasing the radius of the cul de sac to compensate for the center.

These changes are proposals at the request of the Town Engineering Department, and Mr. Voelker said that the town engineer, per State statutes, is an officio member of the Planning Commission. He stated that if the Commission wants to hear the opinion of the town engineer, he can be invited to the next meeting to provide more information to the PZC.

Mr. Cobern said there are solutions for both concerns simultaneously. NEMO’s presentation from a few years ago indicated that the PZC could specify a curb list nature to the cul de sac. This allows the water to flow freely into the planted area for absorption, and public safety vehicles can make turns, cutting across the center island. There must be a balance of the concerns of the Fire Department and Public Works.
THE PUBLIC HEARING WAS CONTINUED TO MAY 10, 2010.

V I. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Kurtz.

MOVED to adjourn the public hearing at 8:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk