MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD AT 7:30 P.M. HELD ON WEDNESDAY
OCTOBER 13, 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, Sylvia Nichols, Louis
Todisco.
Alternates: James Bulger and Leslie Marinaro
Absent: Gil Linder, Earl Kurtz and Ed Gaudio
Staff Present: William Voelker, Town Planner

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
Mr. Voelker read the call of public hearing for each application.

1. Special Permit Application   PH 9/13/10
   Cheshire Development Co. LLC.   PH 9/27/10
   1151 South Main Street   PH 10/13/10
   Mixed Use development w/Medical   MAD 12/17/10
   Office and residential units.

Attorney Matthew Hall represented the applicant. This public hearing was
continued and the applicant has responded to concerns of the neighbors. Mr.
Hall advised that the developer has redrawn and reconstructed the application,
specifically addressing the King Road access and egress.

Ryan McEvoy, P.E. Milone & MacBroom, informed the Commission that there
was a major change to the plans to remove the full means of access to King
Road. This access has been replaced with a gated emergency access to be
used only by the Police and Fire Departments. The applicant proposes a grass
and paver entrance to the site that is capable of having emergency vehicles drive
over it. As a result of cutting out King Road there was a minor reconfiguration of the parking spaces, with the same number proposed and deferred. There will be reconfiguration of the sidewalk in the area; buildings will be in the same locations; and the landscaping and parking plans are identical. There will be no additional trees removed under the new plans. There is low irrigation on the site.

Mr. Voelker read the Fire Department comments, 10/13/10, into the record.

Mr. McEvoy stated that these comments were received today, and the applicant has no exception to them. The type of emergency access proposed has already had Fire Department approval for the Stonegate development.

PUBLIC COMMENTS AND QUESTIONS
Judy Dembowitz, 1071 King Road, stated her opposition to this development, and said the gate is not the answer. People can do wide turns and go out to Route 10. The access should remain the same with more greenery.

Wade Barosci, King Road, asked about provisions for pedestrian and bicycle safety along the sidewalk. He said cars will park on the side of the road, and he wants to make sure the road is safe.

It was stated by Mr. McEvoy that there is a sidewalk on King Road adjacent to the site. This sidewalk will be lowered for emergency access; it will have a handicapped ramp; and the sidewalk remains in place.

Sean O’Conner, 1050 King Road, asked if the emergency access must be there since the Everybody’s Plaza does not have one.

Mr. Voelker informed the public and Commission that the Fire Department prefers to have the emergency access, and will want access from both ways.

Mr. O’Conner said the gate could be padlocked later on.

This would be illegal and Mr. Voelker said it could revoke the special permit. The gate can only be removed by the applicant coming back to the Commission and another public hearing would be held. The applicant cannot take down the gate.

Mr. Maidelis commented on the condo units on RT 42 and RT 10, when they wanted to take down the gate.

Mike Durso, 50 Pace Drive, asked for more detail on how the property will look on the King Road side, landscaping and the fence view. He is opposed to just emergency access.
There are some existing trees and widened areas on the northwest side near the fire station and Mr. McEvoy said this area is proposed to remain the same. On the south side close to King Road and RT 10 intersection there will be landscaping to add to the original buffer.

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

2. Special Permit Application  PH 9/27/10
Saddlebrook LLC  PH 10/13/10
Huckins Road  MAD 12/17/10
Construction of (2) dwellings on a rear lot.

Ryan McEvoy, P.E. Milone & MacBroom, represented the applicant. He stated that the only change since the last public hearing is that the application has received IWW approval. There are no changes to the plans.

Town Planner Voelker read the Fire Marshal’s comments into the record.

Mr. Voelker stated that the rear access way was approved as part of the subdivision last year.

Mr. McEvoy stated that the applicant has no exceptions to the comments cited.

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

3. Subdivision Application  PH 9/27/10
Peter & Sia Skabardonis  PH 10/13/10
Prospect Road  MAD 12/17/10
1-lot

Paul Bundvich, P.E. represented the applicants. Since the last public hearing two letters have been received from the Town Engineer. One was dated October 5th and the applicant responded; the other is dated October 13th, and there is one minor change. He noted that the access referred to the DOT because of the State highway. There is DOT concept approval for the sight lines and drainage on RT 68. The drainage information has been resubmitted with a zero increase in runoff. Item #4 was about stabilization of the existing bank and slope. A non-encroachment line has been added. No excavation, grading or real activities will be undertaken to the south of this line. Section 25.3A states 1000 maximum cubic yards permitted on the lot, and this will be written into the subdivision plans.

Town Planner Voelker read the comments from the Town Engineer into the record.
Mr. Voelker said there is a line which corresponds on the site plan with the rear buildable area. This corresponds with the slope with some room for grading and construction of a retaining wall. This is sufficient coverage to protect the slope. This line is shown on the subdivision map. In the change of any title for this subdivision this requirement and non-encroachment line must be respected. The non-encroachment will be filed with every conveyance of this property. The proposed site plan has a provision for some construction with some grading in the back, and they will have to grade back into the slope to construct the 6 foot retaining wall. This wall will be about parallel to the non-encroachment line, and they cannot build beyond this line.

Mr. Todisco asked why anyone would want to encroach on this line.

Mr. Bundvich said this would only be to take trees down, and the non-encroachment means no gravel. This property has a usable 3/4ths of an acre and the entire site is 3.44 acres.

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

ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Todisco.

MOVED to adjourn the public hearing at 8:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk