I. CALL TO ORDER  
Chairman Strollo called the public hearing to order at 8:12 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. ACCEPTANCE OF MINUTES  
6/14/10 PUBLIC HEARING AND 6/14/10 SPECIAL MEETING

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

MOVED to accept the minutes of the Public Hearing and Special Meeting of June 14, 2010 subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. Letter from Anthony J. Fazzone, Esq. dated 6/21/10 RE: Request for modification of approved Special Permit dated February 23, 2009 for RA Cheshire LLC (Rite Aid) 154, 170 and 109 Main Street.

Attorney Anthony Fazzone represented the applicant. He explained that the application provided for utilities to go underground across Main Street. At the time that was done there were plans for the new gas main through Cheshire. DOT had the plans in front of them for months and when they went out for their first field meeting they announces to the developer that Rite Aid cannot put anymore utilities in Main Street. There are two gas mains, a water main, and too
many utilities, and DOT said they cannot go in there. Mr. Fazzone discussed this situation with Town Planner Voelker. At the corner of the property where Vespucci’s Restaurant is located there is a pole there belonging to CL&P and Mr. Fazzone tried to get DOT to accept putting the wire to this pole and go then to the underground facilities on the Rite Aid site. There were already three services on this existing pole and this is the maximum allowed and CL&P said this could not be done. The developer went back to DOT and they stated if the application meets all the regulations, the project can go underground. The applicant must meet the two main categories – a minimum of 3.5 feet below the bottom of the pavement. Then you take CL&P’s regulations requiring electrical wires at least 18 inches from any other utility. The new gas pipe will be 6 inches below the 3.5 feet; then you go 18 inches below the bottom of that pipe which runs into the top of the other gas main, so the only point to put the electrical wiring in is at 5.5 feet deep. CL&P has a regulation whereby they will not accept anything more than 4.5 feet. CL&P has agreed to install a pole at the corner of the Rite Aide property, adjacent to the Vespucci pole, so the wire would come across Main Street in the exactly the same vicinity, with no additional wiring, and nothing would be obstructed nor would there be any additional wiring.

Mr. Fazzone said the application is requesting a modification to the application for the overhead wiring to that pole and then everything within the site would be underground. The applicant is also requesting that all of this be done without requirement of a public hearing.

Mr. Cobern stated that in this case this change is due to circumstances beyond the control of the applicant, and does not represent a substantial change to the special permit application which would require another hearing. He said the Commission could approve this without a public hearing because it is a technicality and unforeseen at the time of the application and is beyond the control of the applicant.

Ms. Flynn Harris asked where the wiring was to be run from across Main Street.

According to Mr. Fazzone you cannot tell from the revised plans, and the previous utility plan had wiring going across the street almost right in the middle of the building. It came underground and there is a pole along the other side of the road. They would come down the pole and gone underneath. At a field meeting, Mr. Fazzone said a DOT person stated they were aware of the pipe line coming through, they reviewed the plans showing the pipe line, but they never gave any thought into it.

If the Vespucci pole has 3 services, Ms. Flynn Harris asked if one would have been the consignment shop which is now gone.

There are 3 services and Mr. Fazzone said they are cable, AT&T and electrical, and with demolition of the consignment store the pole was removed.
Ms. Flynn Harris stated her agreement with the comments made by Mr. Cobern regarding this application.

MOTION by Ms. Flynn Harris; seconded by Mr. Kurtz.

MOVED that the Planning and Zoning Commission approve the proposed modification to the Rite Aid Special Permit for the installation of telephone and electrical service as shown on Sheet C-103 of revised plans through June 17, 2010. The Commission finds that this revision satisfies the requirements of the design standards set forth within Appendix A of the Cheshire Zoning Regulations.

Discussion
Mr. Cobern stated that the motion should include the following language..."The Commission finds that this is not a substantial or material change to the previous plan."

Mr. Voelker informed the Commission that the wiring would include electrical, AT&T and cable.

Regarding cable, Mr. Fazzone said no one has control over it because they can install anywhere.

VOTE The motion passed 8-0-1; Todisco abstained.

VII. UNFINISHED BUSINESS

1. Subdivision Text Change Petition PH 5/24/10
Planning and Zoning Commission P.H. 6/14/10
To amend Section 6.10 Sidewalks P.H. 6/28/10

MOTION by Ms. Flynn Harris; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission approves the proposed subdivision text change to amend Section 6.10.1 Sidewalks, to make the Subdivision Regulations consistent with recent case law. The Commission has reviewed the materials submitted and finds that this action will improve the health, safety and welfare of the general public.

The Commission also finds that this amendment is not in conflict with the 2002 Cheshire Plan of Conservation and Development.

The effective date for this amendment is July 16, 2010, at 12:01 A.M.

VOTE The motion passed unanimously by those present.
2. Earth Removal, Filling or Re-grading Permit Application
   Peter & Sia Skabardonis
   Prospect Road
   Est. 5,000 cubic yards.

APPLICATION WITHDRAWN

3. Special Permit Application
   Cheshire Academy
   10 Main Street
   Replacement of existing track & field
   With a new illuminated synthetic athletic field

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

MOVED that the Planning and Zoning Commission approve the Special Permit Application for a new track and field facility as shown on plans dated May 12, 2010, entitled “Cheshire Academy, Armando Simosa Athletic Field, 10 Main Street, Cheshire, Connecticut” prepared by Milone and MacBroom, 99 Realty Drive, Cheshire, Connecticut, subject to the Fire Department comments dated June 24, 2010.

VOTE The motion passed unanimously by those present.

4. TABLED APPLICATIONS

a. Special Permit Application
   Rebecca D. Green
   49 Wallingford Road
   In-Home Business
   TABLED FOR PUBLIC HEARING 7/12/10

b. Subdivision Application
   Ruth A. Podgwaite
   353 Mount Sanford Road
   3-lots
   TABLED FOR PUBLIC HEARING 7/12/10

VIII. NEW BUSINESS

1. Resubdivision Application
   Saddlebrook LLC
   Huckins Road
   2-lots
   SCHEDULED FOR PUBLIC HEARING ON JULY 12, 2010
2. Special Permit Application
   RLJ Properties LLC
   680 South Main Street
   to add four (4) two (2) bedroom apartments
   to existing office building
   SCHEDULED FOR PUBLIC HEARING ON JULY 26, 2010

3. Earth Removal/Filling/Regrading Application
   Krista & Jeffrey Ostuno
   Sindall Road
   SCHEDULED FOR PUBLIC HEARING ON JULY 26, 2010

4. Other

5. Other Planning and Zoning Commission business
   A. Monthly ZEO Report (none)
   B. Other.

IX. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Kurtz

MOVED to adjourn the meeting at 8:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk