MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD FOLLOWING THE 7:30 P.M. ON MONDAY, MAY
24, 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, Patti Flynn-Harris, Gil Linder, Sylvia Nichols, Louis Todisco
Alternates – James Bulger; Absent: S. Woody Dawson; Alternates Leslie
Marinaro and Ed Gaudio

I. CALL TO ORDER
Chairman Strollo called the public hearing to order at 8:17 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
5/10 PUBLIC HEARING AND 5/10 SPECIAL MEETING

MOTION by Ms. Nichols; seconded by Mr. Cobern

MOVED that the Planning and Zoning Commission approve the minutes of the
Public Hearing and Special Meeting of May 10, 2010 subject to corrections,
additions, deletions.

Correction: Ms. Nichols was present at the May 10, 2010 meetings.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. Letter from Thomas A. Allard dated May 3, 2010
   RE: In-Law apartment renewal

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

MOVED that the Planning and Zoning Commission grant a five year extension of
the approval of the in-law apartment, property located at 25 Autumn Court,
Assessor’s Map No. 69, Lot No. 102, in an R-40 zone.
With the following stipulations:

1. All previous stipulations shall remain in effect.

2. This approval shall expire on May 24, 2015. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

2. Letter from Michael A. Milone, Town Manager, dated 5/10/10 RE: Proposed Community Pool Enclosure project

Secretary Maidelis read the letter into the record.

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

MOVED to table this agenda item until the next meeting.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

1. Subdivision Text Change Petition P.H.4/26/10
Planning and Zoning Commission P.H. 5/10/10
Technical Subdivision Text Changes P.H. 5/24/10
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.
PUBLIC HEARING SCHEDULED FOR JUNE 14, 2010.

2. Subdivision Application PH 5/24/10
Linda Podryhula PH 5/10/10
826 Wallingford Road PH 5/24/10
2-lots MAD 7/28/10

MOTION by Ms. Flynn-Harris; seconded by Mr. Maidelis
MOVED that the Planning and Zoning Commission approves the proposed subdivision to create one additional lot at 826 Wallingford Road as shown on a map entitled:

"Proposed Subdivision Plan for applicant/owner Linda Podryhula, Trustee 4 Ellis Circle, East Sandwich, MA 02573, Date, April 26, 2010", Prepared by Kratzert & Jones & Associates, PO Box 337, 1755 Meriden Waterbury Road, Milford, CT 06467-0337.

This approval is conditioned upon compliance with the comments from the Cheshire Police Department dated 5/5/10 and that the filing of a Declaration of Covenants for Maintenance of Storm and Surface Water Facility in the Cheshire Land Records with the approved Subdivision Map.

VOTE The motion passed 7-0-2; Kurtz and Bulger abstained.

3. 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.
   PH 5/24/10
   PH 5/10/10
   MAD 7/28/10

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

MOVED that the Cheshire Planning and Zoning Commission approves the proposed amendments to Section 45B.9.1 of the Cheshire Zoning Regulations to read as follows:

45B.9.1A. The Final Development Plan must be submitted within eighteen (18) months from the date of Preliminary Development Plan approval. Otherwise the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves extensions of one (1) year each; provided that the total of all such extensions, together with the original eighteen (18) month period described above shall not exceed the ten (10) years from the date of the approval of the Preliminary Development Plan. Upon such reversion, the commission shall take action to remove the Interchange Special Development District from the zoning map. Application for a Final Development Plan may be for only part of the approved Special Development Plan if the Special Development Plan as approved contemplates phases or if it is determined by the commission that, as a result of the size of the project, it would be unreasonable to require a Final Development Plan for the entire project.

45B.9.1B. Final application for subsequent phases of the project shall be submitted at maximum intervals of eighteen (18) months unless the Commission
approves extensions of one (1) year each; provided that the total of all such extensions together with the original eighteen (18) month period described above, shall not exceed ten (10) years from the date of the approval of the Preliminary Development Plan.

The proposed amendments provide for an annual review of projects approved within the Interchange Special Development District at which time the Commission may determine whether or not said projects remain consistent with the long range planning goals of the I-691 Interchange area established by the Commission.

The Commission finds that these amendments are not in conflict with the 2002 Cheshire Plan of Conservation and Development.

Discussion
Mr. Todisco asked about the first sentence of 45 B.9.1.B, with the eighteen (18) months not applying, unless extensions are approved of one year.

Mr. Cobern said this is not a change to the regulation, and said the thought was if the project was to be done in phases, with 18 months from the original application to submit detailed plans, the applicant would get the same 18 months for phases of the project. Each phase would follow 18 months after the previous one.

It was noted by Mr. Todisco that there is criteria written into the amendment to the regulations and cited them for the record.

With changes in the Plan of Development, goals change, and the project does not meet goals, Mr. Cobern said the extensions would not be granted. He also said the commission cannot, retroactively, hold an applicant to some new regulations not in place when they started. But, what is being said here is each application for extension must be consistent with the long range plan as it exists at that time.

Mr. Linder stated his concerns have been alleviated, and said we should be fair to developers with the Town being in control of its own destiny. This is possible with these amendments.

VOTE The motion passed unanimously by those present.

4. Subdivision Text Change Petition
Planning and Zoning Commission
To amend Section 6.10 Sidewalks
CONTINUED TO JUNE 14, 2010
5. Earth Removal, Filling or Re-grading PH 5/24/10 Permit Application MAD 7/28/10  
Peter & Sia Skabardonis  
Prospect Road  
Est. 5,000 cubic yards.  
CONTINUED TO JUNE 14, 2010

6. Tabled Applications

a. Zone Text Change Petition  
Cheshire Route 10 LLC  
To amend Section 45B.7.2 of Section 45B Interchange Special Development District (I-C S.D.D.)  
To allow for orderly and flexible development of a large Scale project.  
TABLED FOR PUBLIC HEARING ON 6/14/10

b. Special Permit Application  
Elim Park Baptist Home Inc.  
140 Cook Hill Road  
Re-configure previously approved parking and Retention areas on-site.  
TABLED FOR PUBLIC HEARING ON 6/14/10

c. Earth Removal, Filling or Re-grading Permit Application  
Elim Park Baptist Home Inc.  
140 Cook Hill Road  
TABLED FOR PUBLIC HEARING ON 6/14/10

VIII. NEW BUSINESS

1. Special Permit Application  
Cheshire Academy  
10 Main Street  
Replacement of existing track and field with anew illuminated synthetic Athletic field  
SCHEDULED FOR PUBLIC HEARING ON JUNE 28, 2010.

2. Other Planning and Zoning Commission Business

a. Monthly Report from the Zoning Enforcement Officer  
The report was received and accepted.
IX. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Maidelis.

MOVED that the Planning and Zoning Commission adjourn the meeting at 8:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

[Signature]

Marilyn W. Milton, Clerk