MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD FOLLOWING THE 7:30 P.M. PUBLIC HEARING
ON MONDAY, APRIL 26, 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
Alternates – James Bolger, Ed Gaudio
Absent: S. Woody Dawson, Louis Todisco, Leslie Marinaro (alternate)
Staff: William Voelker, Town Planner

I. CALL TO ORDER
Chairman Strollo called the meeting to order at 8:16 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. APPROVAL OF MINUTES
TABLED TO MAY 10, 2010

VI. COMMUNICATIONS

1. 8-24 Review RE: Transfer of Excess Rights-of-Way to Markarian and Dill (Oak Avenue)

MOTION by Mr. Maidelis; seconded by Mr. Kurtz.

MOVED that in accordance with CGS Section 8-24, the Cheshire Planning and Zoning Commission recommends approval of the conveyance of excess rights-of-way as shown on a plan entitled “Map Showing Property to be Conveyed from Town of Cheshire to John and Kristen Markarian, 10 Bear Path Court, Cheshire, Conn. & Sheldon F. and Kathleen B. Dill, 200 Oak Avenue, Cheshire, Conn.” prepared by Cardinal Engineering Associates Inc. Consulting Engineers and Surveyors, dated March 2008.

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

VOTE The motion passed unanimously by those present.
VI. UNFINISHED BUSINESS

Agenda item #8 was moved to current status.

Mr. Strollo was recused from this application. Mr. Kurtz was Acting Chairman.

8. Site Plan Application

Marshall Enterprises
1125 Highland Avenue
2 bays and office.

Mr. Fusco, applicant, stated that the site plan has been altered and changed, and the applicant is unhappy with the way the greenhouse was put up against the building, and he wants to do something with it. There would be 2 bays and an office to the existing building.

It was explained by Mr. Voelker that the addition would be where the greenhouse is now located, and there will be a nice architectural design at the front of the building. The addition will be 28 ft. x 44 ft., (existing size of the greenhouse), 2 bays and a small office space. RWA looked at the application; the application complies with DEP regulations; and the building being constructed is appropriate according to the regulations.

Mr. Maidelis stated this is a big improvement and addresses the initial concerns of the Commission on the approval of the site.

MOTION moved and seconded.

MOVED that the Cheshire Planning and Zoning Commission approves the proposed 28’ x 44’ amendment and building modifications to the building located at 1125 Highland Avenue as shown on plans entitled “Site Plan for Marshall Enterprises Limited Partnership, 1123-1127 Highland Avenue, Cheshire CT” for the addition of 2 service bays and office area.

VOTE The motion passed unanimously by those present.

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.

MOTION by Mr. Maidelis; seconded by Mr. Cobern.
MOVED to amend the regulation as follows:

**Chickens**, subject to the following:

a. The lot shall contain a minimum of 80,000 square feet.
b. No more than 12 chickens shall be kept on the lot.
c. Roosters are prohibited on lots less than three (3) acres.
d. More than 12 chickens requires three (3) acres.
e. All chickens must be kept in a building or enclosure located in a rear yard and no less than 50 feet from any lot line.

VOTE The motion to amend the regulation passed unanimously.

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

MOVED that the Cheshire Planning and Zoning Commission approves the proposed amendment to Section 30, Schedule A, Permitted Uses, Paragraphs 24B and 24C as amended by the Commission to modify the acreage requirement and other standards for the keeping of chickens.

The Commission finds that this amendment is appropriate for the keeping of a limited number of chickens and is not in conflict with the 2002 Cheshire Plan of Conservation and Development.

The effective date for this amendment is May 14, 2010.

VOTE The motion passed unanimously by those present.

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)

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

MOVED that the Cheshire Planning and Zoning Commission approves the proposed technical amendments to Section 24.4 to correct the reference to the aquifer protection regulations, Section 34.10 and 34.11 regarding numbering, and Section 40.2.1 and 41.2.1 reducing the number of copies to be submitted.
The Commission finds that these amendments correct errors in the regulations and will also reduce the consumption of paper there by promotion sustainability. The Commission also finds that these amendments are not in conflict with the Cheshire Plan of Conservation and Development.

Discussion
Mr. Maidelis stated his opposition because the State changed these regulations and Cheshire had good regulations.

VOTE The motion passed 8-1; Maidelis opposed.

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.

MOTION by Mr. Maidelis; seconded by Mr. Bulger.

MOVED to amend Section 33.5.C 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.”

VOTE The motion passed unanimously by those present.

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

MOVED that the Cheshire Planning and Zoning Commission approves the proposed comprehensive amendments to Section 33, Off Street Parking Regulations. The Commission finds that these amendments will promote efficiencies in parking lot design including improved storm water management, landscaping, and reduced impervious surfaces.

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

The effective date for this amendment is May 14, 2010.

VOTE The motion passed unanimously by those present.
4. To amend Section 46 Flood Plain Management Regulation. To follow the DEP recommendation for revisions to define and prohibit.

MOTION by Mr. Cobern; seconded by Mr. Maidelis

MOVED that the Cheshire Planning and Zoning Commission approves the proposed comprehensive amendments to Section 46, Flood Plain Management Regulations to be in accordance with the recommended standards recommended by the DEP with amendments as recommended by the Town Attorney.

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

The effective date for this amendment is May 14, 2010.

VOTE The motion passed unanimously by those present.

5. Zone Text Change Petition
   To amend and add to Section 32, Prohibited Uses
   Section 31.3 (new) Outdoor Wood Burning Fireplaces
   CONTINUED TO MAY 10, 2010

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.
   CONTINUED TO MAY 10, 2010

7. Subdivision Application
   Linda Podryhula
   826 Wallingford Road
   2-lots
   CONTINUED TO MAY 10, 2010

9. TABLED APPLICATIONS
   a. Zone Test Change Petition Application
      Cheshire Route 10 LLC
      To amend Section 45B.9.1 of Section 45B Interchange Special Development District
(I.C.D.D.) to allow for orderly and flexible development of a large scale project
SET FOR PUBLIC HEARING ON MAY 10TH

VIII. BONDS

IX. NEW BUSINESS

1. Site Plan Modification
   Frederick Nuzzo
   7-15 South Main Street
   Minor addition to rear of building
   And reconfiguration of parking layout
   SCHEDULED FOR MAY 10, 2010

2. Earth Removal, Filling or Regrading Permit
   Peter Skabardonis
   Prospect Road
   Est. 8,000 cubic yards
   WITHDRAWN

3. Subdivision Text Change Petition
   Planning and Zoning Commission
   To amend Section 6.10 Sidewalks
   SCHEDULED FOR PUBLIC HEARING ON MAY 24, 2010

4. Other Planning and Zoning Commission Business
   a. Monthly Report from Zoning Enforcement Officer
   b. Other

V I. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Maidelis

MOVED to adjourn the public hearing at 8:36 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk