

TOWN OF CHESHIRE

Planning & Zoning Commission
84 South Main Street
Cheshire, Connecticut 06410
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At the regular meeting of the Planning and Zoning Commission held on Monday, January 28, 2008, the following motions were approved:

Re: Combined Application for Zone Change To and	P.H.	09/24/07
Approval As, An Interchange Special Development	F.T.	10/13/07
District and Approval of Interchange Special	P.H.	10/22/07
Development Project	P.H.	11/14/07
<u>Cheshire Route 10 LLC</u>	P.H.	11/26/07
1953 and 2037 Highland Avenue,	MAD	01/30/08
I-691 and Dickerman Road		
Mixed Use Development		

MOTION: That in accordance with Section 45.B.6 of the Cheshire Zoning Regulations, and after due consideration of the entire record, the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Aquifer Protection Application are not reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Furthermore, the Cheshire Planning and Zoning Commission makes the following facts of findings:

- a) The special regulations, as amended, as well as the proposed development, are consistent with the intent of these Interchange Special Development District regulations, the Cheshire Plan of Conservation and Development, and the laws and standards for zone changes and amendments in the State of Connecticut.
- b) The proposed project is designed with recognition of a site's context and character.

It is the opinion of the Commission that, with some changes in the specific regulations, particularly with regard to landscaping, this proposal meets the requirements of this standard.

- c) That the natural features of the land have been considered as design determinants.
- d) That important historic and archaeological characteristics have been respected and considered as design determinants.



- e) Community facilities, utilities and/or services, as presently existing or to be provided by the applicant, will not be overburdened due to the increase in population or activity caused by the new development.
- f) There will not be any significant public safety or fire protection problems and that emergency access is adequately provided.
- g) Any internal circulation system encourages pedestrian use and provides linkage throughout the development to the maximum extent possible.
- h) Separation of vehicular and pedestrian traffic is maintained to the greatest extent possible.
- i) Adequate on-site parking for the proposed development is provided, consistent with items f) through h), above.
- j) Storm water run-off will be controlled wherever retention or detention is possible and that all proper and necessary easements will have been obtained by the applicant.
- k) The design and construction of buildings, other structures and facilities by virtue of their location, orientation, texture, materials, landscaping, general bulk and height and other features are consistent with the Town and show design merit.
- l) The perimeter edge of the proposed development relates to existing development with respect to scale and setback.

It is the opinion of the commission that, with the changes to the proposed regulations, as amended, this proposal meets the requirements of this standard.

- m) Landscaping, lighting, graphics, street furniture have been coordinated to create a pleasing public environment.

It is the opinion of the Commission that, with the changes to the proposed regulations, as amended, this proposal meets the requirements of this standard.

- n) The open space system including pedestrian walks is usable, beneficial and can logically be expected to connect to existing and/or future walks on abutting properties.

- o) Open space set aside or established pursuant to the proposed application site plan shall be made available for public use. The open space land shall be held in ownership by the applicant/landowner and shall be subject to an agreement with the Town to be filed on the Land Records at the time of approval regarding the applicant/landowner's responsibility for maintenance of said open space.

It is the opinion of the Commission that, with the changes to the proposed regulations, as amended, this proposal meets the requirement of this standard.

- p) Recreational or park-like areas related to residential units have been shown.
- q) The residential units proposed will be beneficial to the Town of Cheshire, satisfy a demonstrated need within the local housing market, and are integrated with and demonstrably enhance the overall development. The total floor area devoted to residential uses shall be less than 40% of the floor area of buildings devoted to other uses.

Therefore, the Planning and Zoning Commission approve the Combined Application of Zone Change To and Approval As An Interchange Special Development district and Approval of Interchange Special Development Project application, including the special regulations as amended by the Commission, of Cheshire Route 10 LLC, for a Mixed Use Development for property located at 1953 and 2037 Highland Avenue, I-691 and Dickerman Road, as shown on the current Assessor's Map No. 3, Lot No. 51, and Map No. 4, Lot Nos. 6 and 13, and shown on the following plans entitled:

The Shoppes at Cheshire Special Development Plan, Highland Avenue, Cheshire, CT Regulatory Submission July 20, 2007 sheets 1-5,8 and 13-17 final revision October 10, 2007; sheet 6 revised November 20, 2007; sheets 7,9,10,11,12 revised November 9, 2007; Dickerman Road Improvements sheet 1 of 1 November 14, 2007

With the following stipulations:

1. The Stormwater Management Plan shall be strictly adhered to during and after construction. Documented verification is required confirming that the installation of all Stormwater treatment areas have been constructed as presented in the approved plan. In addition, annual documentation is required for post development maintenance in accordance with the "Operation and Maintenance Plan" (Post-Construction) on said plan.

2. An emergency access drive shall be provided as requested by the Fire and Police Departments and offered by the applicant. Details shall be provided for review as part of the Final Development Plan. On-site security shall be provided by the applicant in addition to square footage and parking within the facility for public safety personnel to use as needed.
3. All exterior lighting (including parking, building, and signs) shall be done in accordance with Section 33.9 of the Zoning Regulations and shall be full cut-off fixtures. A detailed Lighting Plan and report on the exact fixtures to be used must be submitted as part of the Final Development Plan.
4. More substantial landscaping be added around the perimeter of the site shall be increased to provide an aesthetically pleasing buffer from large parking areas, dumpsters. In addition, a suitable landscape buffer shall be required along other property lines to soften the transition between this development and existing uses. A detailed landscape plan will be required as part of the final Development Plan and presented to the town Beautification Commission.
5. Freestanding signs shall be of unique design and superior quality. Specific details shall be submitted as part of the Final Development Plan and presented to the Town Beautification Commission.
6. The owner/applicant shall complete all work and comply with all conditions of approval within five (5) years after the approval, which is January 28, 2013. In the event all such work and all conditions are not completed within said time, the approval granted shall become null and void unless a request for revision is submitted and approved as provided for in Section 45.B.7.2 of the Cheshire Zoning Regulations. The Commission may extend the approval for one (1) year periods after a public hearing for good cause is shown.
7. A certified mylar or equivalent black and white copy of the approved Interchange Special Development Plan shall be filed in the Office of the Town Clerk with a verified copy of the resolution and conditions (if any) of the approval, by the applicant at his expense within ninety (90) days following approval by the Commission, and any plan not so filed and recorded within ninety days shall be void. A certified mylar or equivalent black and white copy of the approved Special Development Plan and four paper copies shall also be filed with the Commission together with four (4) copies of the special regulations.

8. As a condition of its approval, the Planning and Zoning Commission shall require the applicant to submit or cause its contractors to submit a Cash Bond or Performance Bond, or another form of surety in form and amount satisfactory to it and with a bonding company licensed to do business in the State of Connecticut as surety conditioned on the construction of all required public improvements, such as, but not limited to, roads, sidewalks, curbing, sanitary sewers, storm sewers, public water, etc., and the completion of all amenities, such as, but not limited to, landscaping, private walks, paved parking areas, street furniture, etc., and providing that in the case of default, the surety company shall promptly take any and all steps necessary to comply with said conditions. The Commission may reduce the bond requirements as portions of the work are completed in accordance with the requirements of the Commission.

9. Prior to the issuance of a Certificate of Occupancy, an as-built plot plan (A-2 Survey) shall be filed with the Building Department for all new

Re: Petition for a Zone Map Change	P.H. 09/24/07
<u>Cheshire Route 10 LLC</u>	F.T. 10/13/07
1953 and 2037 Highland Avenue,	P.H. 10/22/07
I-691 and Dickerman Road	P.H. 11/14/07
Change from Interchange Zone to Interchange	P.H. 11/26/07
Special Development District	MAD 01/30/08

MOTION: That in accordance with Section 45.B.6 of the Cheshire Zoning Regulations, and after due consideration of the entire record, the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Aquifer Protection Application are not reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Furthermore, it is the opinion of the Cheshire Planning and Zoning Commission that this application meets all of the standards laid out in Section 45.B6 of the Zoning Regulations, and that it may be approved by the Commission.

Therefore, the Planning and Zoning Commission approve the petition for Zone Map Change for Cheshire Route 10 LLC, for a change from Interchange Zone to Interchange Zone Special Development District for property located at 1953 and 2037 Highland Avenue, I-691 and Dickerman Road, as shown on the current Assessor's Map No. 3, Lot No. 51, and Map No. 4, Lot Nos. 6 and 13, and shown on the following plans entitled:

The Shoppes at Cheshire Special Development Plan, Highland Avenue, Cheshire, CT Regulatory Submission July 20, 2007 sheets 1-5,8 and 13-17 final revision October 10, 2007; sheet 6 revised November 20, 2007; sheets 7,9,10,11,12 revised November 9, 2007; Dickerman Road Improvements sheet 1 of 1 November 14, 2007

for the following reasons:

1. The change is consistent with the Plan of Conservation and Development by providing a mixed-use development as stated in the commercial goals.
2. The change is consistent with the Plan of Conservation and Development by promoting a project of high quality development through architectural design and landscaping treatments.
3. The change is consistent with the Plan of Conservation and Development Residential Chapter by providing a diverse housing opportunity.

RE: Aquifer Protection Application	P.H. 09/24/07
<u>Cheshire Route 10 LLC</u>	F.T. 10/13/07
1953 and 2037 Highland Avenue,	P.H. 10/22/07
I-691 and Dickerman Road	P.H. 11/14/07
Per Section 47.6 - Mixed Use Development	P.H. 11/26/07

MOTION: That in accordance with Section 45.B.6 of the Cheshire Zoning Regulations, and after due consideration of the entire record, the Commission finds that the applicant's proposed Zone Map Change, Interchange Special Development District Project Plan, and Aquifer Protection Application are not reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state. Furthermore, it is the opinion of the Cheshire Planning and Zoning Commission that this application meets all of the standards laid out in Section 45.B6 of the Zoning Regulations, and that it may be approved by the Commission.

Therefore, the Planning and Zoning Commission approve the Aquifer Protection application of Cheshire Route 10 LLC, for a Mixed Use Development per Section 47.6, for property located at 1953 and 2037 Highland Avenue I-691 and Dickerman Road, as shown on Assessor's Map No. 3, Lot No. 51, and Map No. 4, Lot Nos. 6 and 13 and shown on the following plans entitled:

The Shoppes at Cheshire Special Development Plan, Highland Avenue, Cheshire, CT Regulatory Submission July 20, 2007 sheets 1-5,8 and 13-17 final revision October 10, 2007; sheet 6 revised November 20, 2007; sheets 7,9,10,11,12 revised November 9, 2007; Dickerman Road Improvements sheet 1 of 1 November 14, 2007

with the following stipulations:

1. The owner/applicant shall file and record a copy of the permit with the Town Clerk as set forth in Section 8-3c(b) and Section 8-3d of the Connecticut General Statutes within 30 days of the date of approval of this permit.
2. The owner/applicant shall complete all work and comply with all conditions of approval within 5 years after the date a copy of the permit is filed and recorded with the Town Clerk pursuant to Section 8-3c(b) and Section 8-3d of the Connecticut General Statutes. Failure to complete all such work and comply with all such permit conditions shall render this permit null and void by the Commission after a hearing held by the Commission on the matter. The Commission may, however, extend the time to complete the work and to comply with permit conditions, for good cause shown in an application for extension filed by the owner/applicant no fewer than 60 days prior to the expiration date.
3. The owner/applicant shall comply with the "As-Built Survey and Certificate of Occupancy" requirements of Section 40.7 of the Zoning Regulations.

Respectfully,



Tali Maidelis, Secretary

CHESHIRE PLANNING AND ZONING COMMISSION