

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND SPECIAL MEETING
7:00 P.M. THURSDAY, JANUARY 3, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES and RECORD OF VOTE

Present: Chairman Peter Hanson, Barry McGuiness, Michael Cannata (arrived 7:05pm), Peter Keithan, Tom Madden, Nicholas Demetriades, Thomas O'Neill, Alice Kelly and alternate Vincent Faienza. BOS Liaison Richard Waters.

Absent: Alternates Linda Duren and Steve Donen.

1. Call to Order

The meeting was called to order at 7:00 pm. Chairman Hanson, presiding.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Alternate Vincent Faienza was seated by consent.

4. Approval of Agenda

It was noted that item 8b. would be opened and tabled.

Addition of 11 a. Letter from the Cromwell Fish & Game Club.

The agenda was approved by general consent with changes.

5. Public Comments

Mike Millane of **34 Field Rd** felt there has been some confusion regarding the Woodside School fields. He explained that most of the work has been done at the Woodside School fields, but they ran out of weather. The rest of the work will be completed in the spring.

Michael Cannata arrived at 7:05 pm.

6. Development Compliance Officer Report:

Mr. Curtin stated that he has met with the First Selectman. They discussed setting up joint meetings with the Chairman's of the various Commissions to review concerns, questions, and issues.

a. Report on Status of Approved Applications:

Mr. Curtin stated that the owners at 263 Main Street have not complied with the site plan and he is working on the issues.

b. Report on Possible Zoning Violations:

The Cease and Desist order for 257 Main Street needs to be reissued due to the rezoning of the area from Flood to Downtown Business. The bond for 80 Shunpike was issued today for the paving.

Mr. Curtin discussed with the Commission their concern for improper signs popping up around town. Some of the signs public works has the right to remove. The signs such as the Cromwellsingles.com and the insurance signs are not permissible.

Mr. Madden mentioned that he had questioned the oversized, commercial for sale sign on the corner of West St & Hicksville Rd. Is this sign allowed and it has been in place for a long time? Mrs. Kelly asked about the water that is draining on the road and creating ice near Country Squire Dr and Willowbrook Rd. This has been a concern in the past but with the recent development it has become worse. Recently, it has been a sheet of ice.

Mr. Curtin remarked that he has been in contact with 165 Old West St and has given them until January 12th to come up with the paperwork requested.

7. Town Planner Report:

a. Performance Bond Reductions and Releases:

1. Pasco Hill Subdivision Bond Release.

Mr. Minor stated that he has been informed that the signs have been installed so he recommends release of the bond.

Motion to Release the Bond of \$5315 for the Pasco Hill Subdivision made by Alice Kelly, **seconded** by Thomas O'Neill. All were in Favor. *Motion Passes.*

b. Public Hearings to be Scheduled:

1. Application #07-90: Resubdivision on Field Road. Millane Nurseries Inc., owner/applicant.

The Commission scheduled the hearing for February 5, 2008 by general consent.

c. Sec. 8-24 Approval of Commerce Drive

Mr. Minor explained that this is the first step in the process of a road being turned over to the Town. This does not mean the Commission is saying that the road is ready for acceptance, just that the Commission is in favor of the road and it meets the goals and objectives of the Town. Mr. Minor recommends the Commission approve.

Motion for Sec. 8-24 Approval of Commerce Drive made by Thomas Madden, **seconded** by Barry McGuinness. All were in Favor. *Motion Passes.*

8. Public Hearing and Possible Action:

Thomas O'Neill read the legal notice of the Public Hearings.

a. Application #07-84: Special Permit (Stripping of Top Soil) at 665-667 Main Street. Libera Real Estate Holdings LLC, owner; Cromwell Concrete Products Inc., applicant. Continued from December 4, 2007.

Public Hearing for Application #07-84 was re-opened by general consent.

Attorney Kenneth Slater from Halloran & Sage representing Jason & Ray Libera the principals of Cromwell Concrete, explained that the hearing needed to be continued to today due to the fact that the signage was not initially posted correctly but it has been in place correctly for the appropriate amount of time. Attorney Slater reviewed that Cromwell Concrete is a legal non-conforming use on Main Street. There is storage all over the current site of concrete materials. The topsoil in the current location needs to be removed to ready the area for concrete storage. The material has been stockpiled and 3 truckloads of topsoil, approximately 60 cubic yards, have been removed.

Attorney Slater reviewed the events leading to the special permit application, including the review by the Town Attorney. Cromwell Concrete expects 10-15 business days to complete the removal of the topsoil during the hours of 7 am – 4 pm. This would be about 5-7 truck trips per day. Attorney Slater commented that during the company's peak season the business averages 100 trips per day, so they don't see these additional trips as an impact. They will take dust control measures such as a water truck on site. No mining will take place.

Chairman Hanson commented for the record that a petition was submitted to the Planning & Zoning Commission **from local residents** stating their concern about noise, dust, devaluation, access and invasion of privacy.

Mr. Hanson asked for public comment in favor of the application. There was none.

Mr. Hanson asked for public comment against the application.

Salvatore Petrella of **558 Main Street** representing Jay Libera an abutting property owner explained that he was here tonight not to debate the use of the property or to hurt Cromwell Concrete, but to protect the neighbors. The use of the area of topsoil removal by Cromwell Concrete was previously protected and now you can see a much larger scale operation. There is a visual impact with additional noise and dust. Attorney Petrella discussed the current regulations don't appropriately apply residential buffers to industrial uses. Attorney Petrella explained that it isn't about not wanting the business to do well, but as neighbors living next to them you want a buffer. Attorney Petrella pointed out a green belt buffer in the regulations for industrial zones. Attorney Petrella reviewed some concerns of additional parcels on the site plan that are industrial and residential. Attorney Petrella remarked that with a special permit conditions could be imposed such as dust, buffer expansion, lighting, and starting time.

Mr. Hanson asked for public comment neither in favor nor opposed to the application. There was none.

Mr. Minor said that Attorney Slater did address hours and dust, and that Attorney Petrella's comments pertained to the use of the site to store concrete products, not topsoil removal, and he reminded the Commission that the Town Attorney has already ruled that the area may be used by the applicants for concrete storage. Mr. Madden asked why the topsoil needed to be removed from that area and asked if this is a family squabble. Jason Libera, a principal of Cromwell Concrete apologized that yes some of this is a family issue. Mr. Jason Libera explained that the equipment used to move the concrete is too heavy and they need to put stone down. They are not trying to impact the neighbors. Mr. Jason Libera stated that there has been vandalism in the area and some of the lighting has been placed for security. He has moved it or changed direction when asked. He reviewed to the Commission the lighting and how it impacts his property.

The Commission discussed the current regulation wording. Mrs. Kelly asked that lighting be taken into consideration as it can impact a neighbor's quality of life. Mr. Demetriades asked what would happen to the area after the topsoil is removed. Mr. Jason Libera said that it would be grassed and screened by existing plantings. Mr. Keithan asked how high the concrete stock would be. Mr. Jason Libera said it would be 8-10 feet high. Mr. Cannata asked where the topsoil is going. Attorney Slater said that it was going to property they owned on Geer Street. The Commission determined that according to the regulation that they would need a Special Permit if they were going to put it there, due to the total 1800 yards.

Motion was made to close the public hearing by Alice Kelly. Motion rescinded by Alice Kelly.

Attorney Petrella remarked that a special permit allows for the health and safety of residents. Attorney Petrella submitted to the Commission what the property looked like before and what it looks like now. Attorney Slater remarked that the discussion needs to be related to the permit

being requested, not the future storage of concrete products. Attorney Slater commented that the complainant is not complaining about the areas he established on his watch. Mr. Demetriades asked whether more plantings could be placed. Mr. Jason Libera explained that he is not opposed, he just can't think of a better way. They are very close together already.

Motion was made by Alice Kelly, **seconded** by Peter Keithan to close the public hearing. All were in Favor. *Motion Passes.*

Motion was made by Alice Kelly, **seconded** by Thomas O'Neill to approve Application #07-84: Special Permit (Stripping of Top Soil) at 665-667 Main Street with the **condition** that they must apply for a Special Permit if they are going to move soil to a location within Cromwell and/or they must report the location of topsoil distribution if not in Cromwell. All were in Favor. *Motion Passes.*

b. Application #07-89: Resubdivision at 269 Main Street. Corporate Row Associates, owner/applicant.

Public Hearing for Application #07-89 was opened by general consent.

Motion was made by Thomas Madden, **seconded** by Alice Kelly to table Application #07-89: Resubdivision at 269 Main Street. All were in Favor. *Motion Passes.*

Mrs. Kelly mentioned that this application has not been before the WPCA.

c. Application #07-89: Special Permit (Government Services) at 82 Court Street. Cromwell Fire District, owner; Jacunski Humes Architects, applicant.

Mr. Minor stated that the applicant had submitted their plans but they were misfiled. Mr. Minor apologized that they have not been reviewed by town staff due to the misfile and vacations.

Bob Jahn of the Cromwell Fire District, Chairman of the Court Street Addition Committee gave a brief overview of the project. Brian Humes, the applicant's architect, explained that the 2-story addition was to improve communications and dispatch. This is a public safety issue. The 2nd floor area would contain offices with a handicap accessibility bathroom and shower, as well as expanded locker facilities. Mr. Mark Roming, the site engineer described the site plan, parking, walkway, and entrances. Mr. Roming discussed the storm water system to reroute water after regrading the site. Mr. Humes remarked that the survey plans show a difference of about 9 inches from the earlier survey submitted to the ZBA. The building did not move but there is a variance concern and it will need to be looked at and resolved.

Mr. Hanson asked for public comment in favor of the application.

Salvatore Petrella of **558 Main Street**, the applicant's attorney, said the sign was up before December 15th and the receipts were sent on December 11th. Attorney Petrella stated that he did

the variance application and to his recollection there is not a specific distance stated.

Mr. Hanson asked for public comment against the application. There was none.

Mr. Hanson asked for public comment neither in favor nor opposed to the application. There was none.

Mr. Madden asked about the drainage. Mr. Roming reviewed the slope on the site plan and explained that they are regrading the area with a swale and picking up the water and redirecting it into the storm water system. Mr. Demetriades asked about the additional parking spaces and concern for line of sight. Mr. Roming explained that this is for passenger vehicles and that there is about 30 ft. Mr. Demetriades asked if he could have pictures of where the spots would be located. Mr. Jahn mentioned that these spots were to be used for the dispatchers. They would not be used for cars that would be moving in and out, just when they were coming in and out for change of shift.

Mr. Hanson asked if the Fire District was a legislative body, because several members of the public had asked him if an 8-24 review by P&Z was required and why are there separate dispatch centers. Mr. Jahn described the make-up of the Fire District. Mr. Minor said that they would need an 8-24 eventually, but not at this point in the process. Deputy Chief Jim Bellamo explained to the Commission other communities that have separate dispatch centers. Deputy Chief Bellamo explained that they have explored a combined dispatch but due to several issues it did not happen. Deputy Chief Bellamo described the dispatch center and the need for offices and the locker room. It was asked why dispatch was not placed at the West St. Firehouse. Mr. Cannata stated that he has much respect for the fire department and for what it does, but asked that dispatch be combined and the space be revised for the good interest of the citizens' tax monies. Mr. Jahn explained that there was no room for dispatch at West Street. The West St building houses the truck bays with equipment and apparatus, and District Offices. Mr. Cannata stated that we do not need a duplication of services. This is a residential area, don't need the variances. The Commission expressed concern that when calling 911 they need to be transferred for Fire and Ambulance. Attorney Petrella, who said he was not representing the District, spoke and explained that the District is a separate entity under a legislative act. Attorney Petrella expressed concern that the issue of the site plan was not being focused on, but the concerns would be addressed. Mrs. Kelly commented on why if this was a priority this was not placed at West Street when the District had available office space? Mrs. Kelly asked why other towns are able to come together on this issue. The Commission asked for photos of drainage and parking.

Motion was made by Alice Kelly and **seconded** by Thomas Madden to table Application #07-89: Special Permit (Government Services) at 82 Court Street. All in Favor. *Motion Passes.*

9. Old Business: None.

10. New Business: None

11. Communications:

Chairman Hanson brought up the issue of the DEP 12/7/2007 letter from the DEP regarding the Middletown Water Pollution Control Abandonment.

Mr. Hanson remarked that he would be attending a joint meeting of Commissions.

The Commissioners mentioned the resignations and appointments.

- a. Letter from the Cromwell Fish & Game Club

The Commission discussed the tax relief request. Mr. Minor explained that there must be specific language in a town's POCD for citizens to be able to take advantage of the tax relief benefits of Public Act 490. This would require an amendment to the new POCD. Cromwell does recognize Public Act 490. The Commission discussed open space concerns and taxes. Mr. Minor said he would draft an amendment to the POCD for the Commission's review to address this.

12. Commissioners' Comments

Mr. Madden expressed an interest in the ERT program mentioned in the packet.

Mr. Madden discussed the formation of the POCD enforcement committee. Mr. Minor informed the Commission that their request to combine funds that had been earmarked for new subdivision regs with money earmarked for new zoning regs is on the agenda for the next BOS meeting.

Mr. Cannata and Mr. Minor discussed the by-law changes and Mr. Minor will have them for the next meeting.

13. Approval of Minutes:

- a. December 4, 2007

A motion was made to approve the December 4, 2007 minutes by general consent.

14. Adjourn

The meeting was adjourned by general consent at 9:20pm.

Respectfully Submitted,

Jennifer L. Donohue
Planning & Zoning Clerk