

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND REGULAR MEETING  
7:00 P.M. TUESDAY, MARCH 4, 2008  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**MINUTES AND RECORD OF VOTE**

Present: Chairman Peter Hanson, Michael Cannata, Peter Keithan, Vincent Faienza, Tom Madden, Thomas O'Neill, Nicholas Demetriades, Alice Kelly, BOS Liaison Richard Waters

Absent: Barry McGuinness, Alternate Linda Duren

**1. Call to Order**

The meeting was called to order at 7:02 pm. Chairman Hanson, presiding.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

There were no alternates seated.

**4. Approval of Agenda**

The agenda was approved by general consent.

**5. Public Comments -None**

**6. Development Compliance Officer Report:**

a. Report on Status of Approved Applications

Information was mailed previously in the Commissioners packets. There were no questions.

b. Report on Possible Zoning Violations

Mr. Curtin provided the Commission with a memo dated 3/4/2008 of an updated Activity Report on 301-305 Main Street, 263 Main Street, 257 Main Street, 5 Eastwood Dr, Sebethe Drive and 10 North Rd. Mr. Curtin commented that he informed officials of the tree removal along South Street. Mr. Curtin has addressed rock concerns with the Cobblestone project. Mrs. Kelly still expressed a great concern for this area. Mrs. Kelly explained that the Kmart Plaza entrance off of West Street that the lights are not on in the evenings and there are large potholes. Mr. Demetriades asked about the drainage issues at the Cedar Hill project. Mr. Curtin said the weather needed to break before more work can be addressed in the development. Mr. Madden asked for Mr. Curtin thoughts on the elimination of the person to be hired to help assist his department. Mr. Curtin was discouraged because he finds himself in the office with paperwork and it would have been an asset to have additional eyes consistently in the field.

**7. Town Planner Report:**

- a. Performance Bond Reductions and Releases-None
- b. Public Hearings to be Scheduled:
  - 1. Application #08-71: Use Permit (Travelers Championship Golf Tournament) at the Tournament Players Club Golf Course at 100 Golf Club Road. Greater Hartford Community Foundation, applicant.

The Commission scheduled the hearing for March 18, 2008 by general consent.

The Commission asked that Mr. Minor pull all previous comments together for the packet. Mrs. Kelly asked that the buses not go down Willowbrook Rd as stated for Coles Rd.

- c. Application #08-16: Sec. 8-24 Approval of Infrastructure and Facilities Program. Thomas O'Neill read the Sec. 8-24 motion prepared by the Bond Counsel into the record.

**Motion** to approve Application #08-16. Sec. 8-24 Approval of Infrastructure and Facilities Program made by Thomas O'Neill, **seconded** by Alice Kelly. All were in Favor. *Motion Passes.*

## **8. Public Hearing and Possible Action:**

- a. Application #08-11: Zoning Amendment to Article 4.84 (Nurseries), to allow Landscaping in the Planned Office Zone. Joseph Fischer, applicant. Thomas O'Neill read the legal notice into the record. Application #08-11 was opened by general consent.

Joseph Fischer of 36 Winthrop Blvd explained to the Commission that he has been involved in the landscaping business for 18 years. Mr. Fischer had the opportunity 2 years ago to purchase the land on Old West Street and has cleared the land to produce plant material. This project has presented a challenge and overwhelming at times due to a limited budget. Mr. Fischer is committed to continue working the land and cleaning it up and producing plant material.

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

**Kevin, Eileen and Brian Janicke** of **167 Old West Street** explained that at one time the property was in their family and had been a dairy farm. They live next door and they do not have a problem with the activities and they support the use of the land.

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 the applicant how large the property was. Mr. Fischer said it was about 5.8 acres. Mr. Keithan explained his concern had been for the chickens and the trailers. Mr. Keithan asked why he hasn't cleaned up the front for his customers? Mr. Fischer explained that this is not for retail, that he produces the plant material for his landscape customers. Mr. Hanson remarked that he thought this was going to be a tree farm and expressed concern for the parking of trailers and other materials. Mrs. Kelly had no recollection of a tree farm. Mrs. Kelly remembered the application as a wholesale nursery with the selling of plant material to subdivision contractors.

**Rich Waters of 84 South Street** remarked that he remembered Mr. Fischer said he was going to grow trees not for anyone to buy, just for him.

**Kevin Janicke of 167 Old West Street** mentioned that there is no land left that is Planned Office.

The Commission asked the applicant what he had on the property. Mr. Fischer said trees, materials, chipper and 3- 40 ft trailers. Mr. Minor explained that the use of trailers for storage is not permitted.

Mr. Hanson explained to the applicant the concerns with zoning in this area and in trying to working towards the POCD. Mr. Fischer was given a copy of Mr. Minor's February 21<sup>st</sup> memo to the Commission.

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

Mr. Faienza was concerned with a change in regulations and how that may affect the area. Mr. Keithan wanted the trailers off and let him run the business. Mrs. Kelly stated the trailers have to go because it's a violation but the applicant has invested in the site as a wholesale nursery. Mr. O'Neill agreed the trailers need to be removed but was in favor of the landscaping. Mr. Cannata stated the trailers need to go and was in favor of the landscaping amendment but asked the applicant to clean up the site the best he could. Mr. Demetriades asked questions about zoning issues and raised a concern of the POCD. Mr. Madden did not have a problem with landscaping as a mixed-use commercial property. Mr. Hanson discussed how the POCD has not been defined yet.

Mr. Minor stated that this confusion is due to the fact that he should have come up with a definition of a landscape nursery when the PO Zone regulations were amended last year at Mr. Fischer's request. Mr. Minor suggested that the applicant be allowed to be there with no change to the regulations. Mr. Cannata suggested a refund to the applicant. The Commission agreed that a definition of a wholesale nursery needs to be addressed.

**Motion** to deny Application #08-11: Zoning Amendment to Article 4.84 (Nurseries), to allow Landscaping in the Planned Office Zone was made by Michael Cannata, **seconded** by Peter Keithan. All were in Favor. *Motion Passes.*

It was determined that what Mr. Fischer is doing is in accordance with his wholesale nursery business special permit at that location.

**9. Old Business:**

a. Application #08-01: Revision to POCD to Enable Tax Reduction of Privately-Owned "Open Space". Planning and Zoning Commission, applicant.

**Motion** to table Application #08-01: Revision to POCD to the Enable Tax Reduction of Privately Owned "Open Space" made by Alice Kelly, **seconded** by Michael Cannata. All were in Favor. *Motion Passes*

**10. New Business- None**

**11. Communications**

It was noted that Mr. Minor received a letter from FEMA today on the new guidelines. It should be available for discussion at the next meeting.

**12. Commissioners' Comments**

Mr. Madden stated the POCD Committee should get together next month. Mr. Cannata asked that Mr. Waters convey to the BOS that the assistant to the ZEO should be considered.

**13. Approval of Minutes:**

a. February 19, 2008

A motion was made to approve the February 19, 2008 minutes by general consent.

**14. Adjourn**

The meeting was adjourned by general consent at 8:30pm.

Respectfully Submitted,

Jennifer L. Donohue  
Planning & Zoning Clerk