

**Town of Cromwell
Planning and Zoning Commission**

Joan McGuire Costello
TOWN CLERK

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, JUNE 1, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
 - a. Activity Report
 - b. Status of Outstanding Permits
7. **Town Planner Report:**
 - a. Public Hearings to be Scheduled:
 - b. Performance Bond Actions:
 1. Final Performance Bond Release for "Harpers Meadow".
8. **Public Hearing and Possible Action:**
 - a. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant. Continued from May 18, 2010
 - b. Application #10-31: Special Permit (Rear Lot) at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

9. **Old Business:** None

10. **New Business:**

a. Application #10-32: Subdivision Approval ("Woodside Estates") at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

b. Application #10-33: Site Plan Approval (Second Story Office Space) at 1 Kirby Road. One Kirby Road C LLC, owner/applicant.

c. Application #10-35: Temporary Use Permit for "Cromwell Riverport Festival" on Community Field Road. Allan Spotts, applicant.

11. **Communications:** None.

12. **Commissioners' Comments:**

a. Zoning Regulations Committee Report

13. **Approval of Minutes:**

a. May 18, 2010

14. **Adjourn.**

Individuals with disabilities who require accommodations, assistance, or communication aids to participate at this meeting are encouraged to make their needs and preferences known to Town Planner Craig Minor at 632-3422 or cminor@cromwellct.com or to the Town ADA Coordinator Therese Strong at 632-3446 or tstrong@cromwellct.com at least 72 hours prior to the scheduled event.

Memo

To: Planning and Zoning Commission
From: Craig Minor, AICP
Town Planner
Date: May 25, 2010
Re: Comments for P&Z Meeting on June 1, 2010

The Public Hearing for the DiMartino subdivision on Ledge Road is not on this agenda, because I did not include it in the Legal Notice. It will be on the June 14, 2010 agenda.

7. Town Planner Report:

b. Performance Bond Actions:

1. Final Performance Bond Release for "Harpers Meadow".

Mr. Hagel has planted the street trees as required in the Subdivision Regulations. I recommend releasing the final \$3,100 cash performance bond.

8. Public Hearing and Possible Action:

a. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant. Continued from May 18, 2010

As of this writing I have not received a sketch showing where in the condo the applicant's "office" will be. I also have not been informed of the address where he will be storing his merchandise.

I spoke with Mr. Walter Cross, the property manager. He said that any business that generates more mail than can be held by the mailbox, and generates more traffic than a typical residence, would not be allowed. He would not say that this activity was prohibited, because it would depend on how the operation unfolds.

b. Application #10-31: Special Permit (Rear Lot) at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

See my letter to the applicant, attached.

10. New Business:

a. Application #10-32: Subdivision Approval ("Woodside Estates") at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

See my letter to the applicant. As of this writing I have not received any other staff comments. If no comments are submitted by the date of the meeting, I would recommend tabling the application until then.

b. Application #10-33: Site Plan Approval (Second Story Office Space) at 1 Kirby Road, One Kirby Road C LLC, owner/applicant.

This building was originally approved as a single-story retail building with an unfinished attic. The owner would now like to rent that space as an office. This is acceptable to the Building Department, and there is sufficient parking, but since it was never "blessed" by the Planning and Zoning Commission the owner must have a revised site plan approved by the Commission. I have no objection to approval.

c. Application #10-35: Temporary Use Permit for "Cromwell Riverport Festival" on Community Field Road. Allan Spotts, applicant.

To the best of my knowledge there were no problems with the event last year. Pending no derogatory comments from staff, I recommend approval.

cc:
file

Memo

To: Joseph Mazurek, Director of Developmental Services
From: Fred Curtin, Wetland/Zoning Officer
Date: 5/25/2010
Re: May 2010 Activity Report

8 South Street; Bengtson: The property owner has removed the Commercial Trailer, and the Commercial Equipment. The Health Department is working on the Blight issue.

Eager Lane: The contractor is to stake out the area where the yard drainage is to be installed and the Engineering Dept. is to approve the location.

81 Washington Road; Dolezel: The unregistered vehicle has been removed.

78R Timber Hill Road; Bironi: A notice was sent to the property owner to replace the trees that were cut within the clearing limits.

72 Berlin Road; Cobblestone Development: No "Shot-Crete" work will be done until the Developer has posted the required bond with the Planner.

2010 PERMITS

<u>Permit#</u>	<u>Name of Applicant</u>	<u>Site Location</u>	<u>Type of Activity</u>	<u>Decision Date</u>	<u>Status</u>
10-01	Norm & Ken Nadeau Special Conditions: NONE	Northbrook Estates Sub	File a Restrictive Covenant in lieu of a letter-of-credit and/or cash performance bond	Approved 1/05/2010	No Activity
10-02	Joe Dudash Special Conditions: NONE	540 Main Street	Indoor Airsoft Facility	Approved 1/19/2010	Open for business
10-03	Reed Builders, LLC Special Conditions: NONE	North Road	"Mountain View" revise lots 7 & 8	Approved 1/05/2010	
10-04	Brothers Property LLC Special Conditions: The Site Development Plan shall be reviewed and approved by the Town Engineer.	County Line Road	3 lot commercial resubdivision	Approved 1/19/2010	
10-05	ORL Construction Corp. Special Conditions: NONE	14 Hillside Road	GKN-Manufacturing	Approved by staff 1/4/10	Work in progress
10-06	Ken Caruso Special Conditions: NONE	26 Court Street	2 family conversion	Approved by staff 1/4/10	
10-07	Peggi Camosci Special Conditions: NONE	322 Main Street	Tea Room & Gift Shop	Approved by staff 1/19/10	Open for Business

2010 Permits

<u>Permit#</u>	<u>Name of Applicant</u>	<u>Site Location</u>	<u>Type of Activity</u>	<u>Decision Date</u>	<u>Status</u>
10-08	First Selectman Special Conditions: NONE	Harpers Meadow Road	Road acceptance - Harpers Meadows	Approved 1/19/2010	Accepted on May 13, 2010
10-09	Debra Tardif Special Conditions: NONE	319 Main Street	The Mouse Hole, LLC Gifts & Antiques	Approved by staff 1/12/10	Open for Business
10-10	John Whitney Special Conditions: NONE	76 Nooks Hill Road	lot split	No action required	
10-11	First Selectman Special Conditions: NONE		8-24 Referral regarding proposed Senior Center	Approved 3/02/10	Rejected by voters
10-12	First Selectman Special Conditions: NONE		8-24 referral regarding proposed Library Expansion	Approved 3/02/10	Rejected by voters
10-13	Country Sq. Commons Special Conditions: NONE	40 Country Squire Road	Horizon Marketing	Approved by staff 2/4/10	Moved in
10-14	Greater Harford Community Foundation Special Conditions: Conditions same as last year	100 Golf Club Road	Travelers Championship Golf Tournament	Approved 4/6/10	Pending June 21st starting date

2010 PERMITS

<u>Permit#</u>	<u>Name of Applicant</u>	<u>Site Location</u>	<u>Type of Activity</u>	<u>Decision Date</u>	<u>Status</u>
10-15	Pipa Patel Krauszer's Food Stores Special Conditions: (1) not to exceed 8 vehicles and if over capacity must be removed within 24 hrs. (2) A no entrance sign on the western entrance.	117 Berlin Road	U-Haul Rental	Approved 3/2/10	No Activity Sign removed
10-16	Planning & Zoning Commission Special Conditions: NONE	town wide	Staff proposed amendments to Subdivision regulations	Approved 4/5/2010	
10-17	First Selectman Special Conditions: NONE	town wide	Infrastructure; Iron Gate; Police	Approved 3/2/10	
10-18	First Line Electric LLC Special Conditions: NONE	135 Sebethe Drive	Electrical Contracting Offices & Warehouse	Approved by staff 2/24/10	
10-19	Salvatore Petrella Special Conditions: NONE	630 Main Street	Bookkeeping Office	Approved by staff 3/9/10	Moved in
10-20	Joshua Eddinger Special Conditions: Wetlands officer review for wetlands compliance	24 Shunpike Road	Temporary Retail Garden Store	Approved 4/6/2010	No chemicals on site Open for Business
10-21	Not used				

2010 PERMITS

<u>Permit#</u>	<u>Name of Applicant</u>	<u>Site Location</u>	<u>Type of Activity</u>	<u>Decision Date</u>	<u>Status</u>
10-22	Qamar Naqvi Special Conditions: NONE	15 Wild Rose Court	Import handicrafts & gift items	pending	
10-23	Croi-Lyn Kovacs Special Conditions: (1) The ramp must be approved by the Building Inspector.	13 Sydney Lane	Home Daycare	Approved 4/20/2010	Workin on Handicap Ramp
10-24	Elizabeth Vincenzi Special Conditions: NONE	199 Shunpike Road	Elite Fitness Studio	Approved by staff 3/30/10	No Activity
10-25	Paul Morello, Jr. Special Conditions: (1) The Town Engineer shall review the drainage report submitted by the applicant, and deem it acceptable; (2) The plans shall be revised to address the Town Planner's comments dated 4/8/10;	200 Coles Road	Mrozowski 1 lot subdivision	Approved 4/16/2010	
10-26	Brian DiMartino Special Conditions: NONE	9 Ledge Road	1 lot subdivision	PH 6/1/2010	

2010 PERMITS

<u>Permit#</u>	<u>Name of Applicant</u>	<u>Site Location</u>	<u>Type of Activity</u>	<u>Decision Date</u>	<u>Status</u>
10-27	Cromwell Little League Special Conditions: Approval by Board of Education	9 Captain James Main Memorial Drive	Batting cages and Press Box	Approved 5/04/2010	No Activity
10-28	LRC Group/Pat Gorman Special Conditions: NONE	14 Hillside Road	Proposed parking expansion	Approved 5/18/ 2010	Work in progress
10-29	Burt John, Director Covenant Village Special Conditions: NONE	Missionary Road	Farmer's Market	Educational events are allowed in Institutional Development Zone No action needed	
10-30	Mark Langton Special Conditions: NONE	Fire Depts. 82 Court St. and 1 West Street	Mother's Day Flower Sale	Approved 5/04/2010	Over

John Hagel Construction, LLC

425 Main Street
Cromwell, Connecticut 06416
Cell: (860)982-7485
Business: (860) 635-8801
Fax: (860) 635-9933

May 19, 2010

Mr. Craig Minor
Town Planner
Town of Cromwell
41 West Street
Cromwell, CT 06416

Dear Mr. Minor:

The Planning and Zoning Commission is holding a performance bond for Harpers Meadow Subdivision for the purpose of street tree plantings. Please be aware that the trees have been installed and I respectfully request the release of the bond.

Thank you for your attention to this matter.

Sincerely,



John Hagel

JH:meh

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday, June 1, 2010 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant. Continued from May 18, 2010.
2. Application #10-31: Special Permit (Rear Lot) at Woodside Road. H.&C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

At this hearing interested persons may appear and be heard and written testimony received. These applications are available for public inspection in the office of the Town Planner.

Nicholas Demetriades,
Chairman

Dated in Cromwell, Connecticut this 26th day of May 2010.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL PERMIT

Type of Activity: Special Permit for development of Rear Lot

(Per Section 11.3 of the Cromwell Zoning Regulations)

Street Address: Woodside Road - west side Zoning District: A-25

Parcel ID #: 00191200 Volume/Page: 135/109

Applicant's Name: H & C Developers, LLC

Address: 425 Main Street, Cromwell, CT 06416

Telephone Number (daytime): 860-982-7485

Email Address: _____

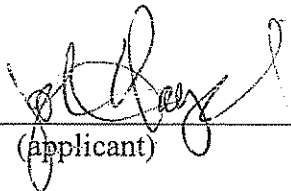
Property Owner's Name: Gardner's Nurseries, Inc.

Address: 400 Brook Street, Rocky Hill, CT 06067

Description of Proposed Activity:

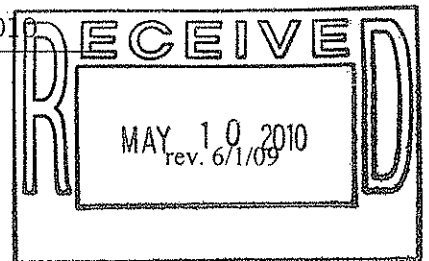
Creation of rear lot in new subdivision

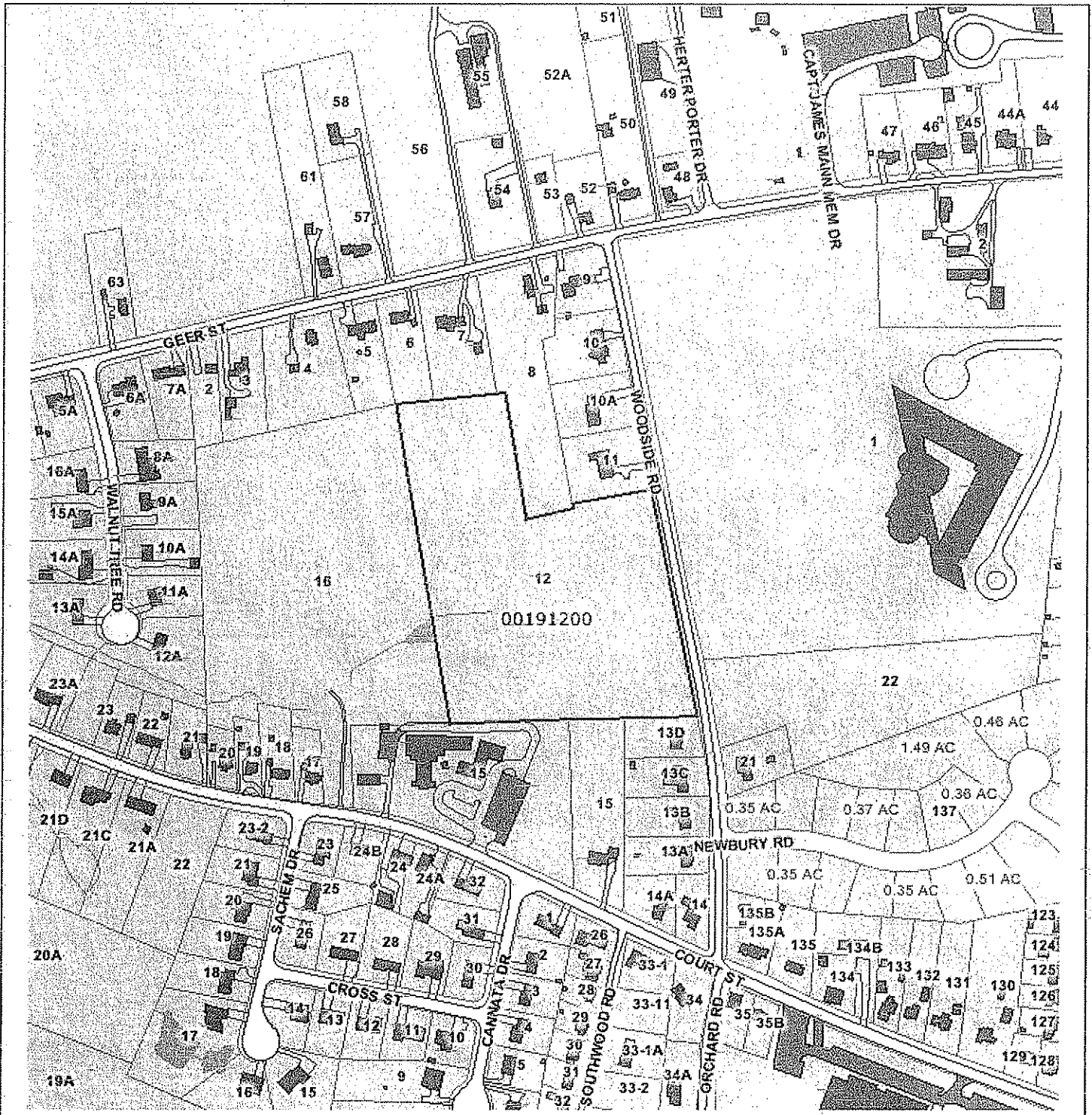
I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign-Posting).*



(applicant)

May 4, 20_____
(date)



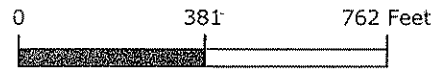


Town of
Cromwell, CT

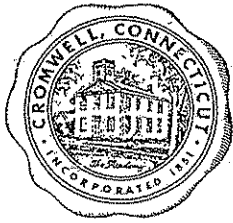


Parcel ID: 00191200
Owner: GARDNERS NURSERIES INC
Parcel Address: WOODSIDE ROAD

Interactive Map



Scale: 1"=381' (1:4570)
 Date: 5/11/10



Town of Cromwell

Planning and Zoning Commission

NATHANIEL WHITE-BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

May 24, 2010

H & C Developers, LLC
425 Main Street
Cromwell, CT 06416

Dear Sirs:

Subject: Application #10-32: Subdivision Approval ("Woodside Estates") at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

I have reviewed the plans for the above-referenced subdivision, and have the following comments:

1. Subdivision Plat Plan:

- a. Lot Boundaries: the length of the southern boundary for Lot 2-6 is not given; the amount of frontage (measured at the setback line) for Lots 2-6 and 2-7 is not given.
- b. The 20' street tree easement is not shown (per Paragraph 312 of the Subdivision Regulations.)

2. Site Development Plan:

- a. The 20' street tree easement is not shown (per Paragraph 312 of the Subdivision Regulations). Also, street trees are required at 75' intervals, not two per lot.
- b. A proposed name for the new street is not given.
- c. The dimensions of the lot boundaries are not given.
- d. The Sheet 3 of 7 dated March 7, 2006 that was submitted to the Inland Wetlands Agency in 2006 in connection with IWA application #06-01 shows a "wood rail fence" around the conservation easement areas on Lots 2-4 and 2-5. IWA Permit #06-01 was approved with two special conditions:

1. A split rail fence shall be installed along the edge of the Conservation Easement, with appropriate medallions placed on the fence and appropriate plantings planted along the inside of the fence, and metal pins placed in the ground along the fence line at appropriate intervals;
2. If the future owners of Lot 2-4 and Lot 2-5 should wish to construct the house in a location other than as shown on the plans submitted with this application, an Inland Wetlands and Watercourse Agency permit shall be required.

The split rail fence should be shown on Sheet 3 of 7, as well as a note regarding possible future IWA approval for Lots 2-4 and 2-5.

e. The site plan that was submitted to the Zoning Board of Appeals in 2006 in connection with ZBA application #06-06 shows a "rain garden" on Lot 2-5, and wetlands plantings in the level spreader on Lot 2-5. ZBA Variance #06-06 was approved with the condition that development of Lot 2-5 be "per plans and other information submitted with the application." The rain garden and wetlands plantings should therefore be shown on Sheet 3 of 7 as well as any other appropriate sheets.

3. General Comments:

a. Lots 2-4 and 2-5 are proposed to contain a conservation easement. A copy of the proposed conservation easement in favor of the Town is required with the application.

b. A 30" drainage pipe and level spreader along the southern edge of the development is shown. A copy of the drainage easement in favor of the Town is required with the application.

c. Lots 2-2 and 2-8 are proposed to be corner lots, with their driveway access and frontage on the cul-de-sac road. This results in a minimum side yard on Woodside Road of only 26' which is out of character with the existing houses to the south (which have a front yard of 40') and to the north (which have front yards of 80' or more). I recommend a deed restriction on these two lots, requiring a full 40' front yard on the Woodside Road side.

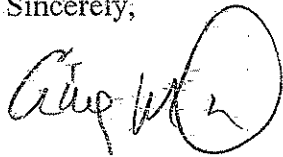
d. I am concerned about the impact of the stormwater drainage design on Lots 2-4 and 2-3. The back yard of 2-4 will be graded to receive runoff from four lots (Lots 2-1 through 2-4). Much of this stormwater then passes through the front yard of 2-4. This is not sustainable. Future owners of these two lots are likely to make un-approved changes to the grading and/or put structures of some sort in these areas. I therefore recommend a more formal stormwater management system be designed.

e. Since no public open space is proposed, the "fee in lieu of open space" will be required. This fee is 10% of the pre-development value of the property, as determined by a licensed appraiser in accordance with Paragraph 321b of the Subdivision Regulations.

As of this date I have not received the staff comments from the Fire Department, the Police Chief, the Engineering Department; nor the and Water Pollution Control Authority. As you know, approval by the Water Pollution Control Authority must be obtained before the Planning and Zoning Commission can approve this subdivision.

Please call me at (860) 632-3422 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Minor", enclosed within a hand-drawn oval.

Craig Minor, AICP
Town Planner

cc:
Hallisey, Pearson & Cassidy
Attorney Salvatore Petrella
Developmental Services Director
file ✓

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision
(if applicable): Woodside Estates

Street Address: Woodside Road

Volume/Page: 135/109

Zoning District: A-25 **PIN #** 00191200

Applicant's Name: H & C Developers, LLC

Address: 425 Main Street
Cromwell, CT 06416

Telephone: (860) 982-7485

Email Address: _____

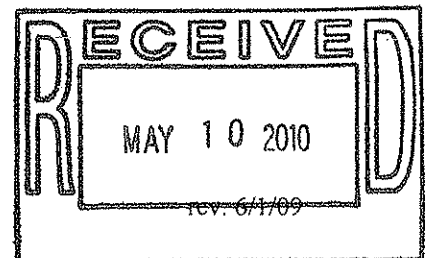
Owner's Name: Gardner's Nurseries, Inc. *M J Gardner*

Address: 400 Brook Street
Rocky Hill, CT 06067

Attached:

- (X) 1. Application fee in the amount of \$ 1760.00 ;
- (X) 2. Inland Wetlands and Watercourses Agency Permit, if applicable;
- () 3. Water Pollution Control Authority approval, if applicable;
- (X) 4. Twenty-five copies of plans prepared in accordance with Article 403 and 404 of the Cromwell Subdivision Regulations.

*Incomplete applications may be rejected at the next scheduled meeting of the
Planning and Zoning Commission*



Law Office of Salvatore J. Petrella, LLC
Attorneys At Law

Salvatore J. Petrella

Julie C. Petrella

630 Main Street
Cromwell, Connecticut 06416

Tel. (860)-632-8300
Fax (860) 632-7945

May 4, 2010

Cromwell Planning & Zoning Commission
41 West Street
Cromwell, CT 06416

Dear Commission Members:

RE: Proposed Subdivision on west side of Woodside Road, Cromwell, CT
(Application Number 10-32)

I have submitted an application for an eight (8) lot subdivision on this parcel of land. The plans call for two of the lots to front on Woodside Road, while the remaining six (6) lots have frontage on a proposed new cul-de-sac.

This project was actually started in 2005. Since the parcel at issue contained wetlands, it was necessary to submit an application for approval to the Cromwell Inland Wetlands and Watercourses Agency. Permit Number 06-01 was approved on April 26, 2006 for this project. A copy of that permit is attached to the application materials submitted as part of this subdivision.

The next step taken by the developer in 2006 was to seek a variance from the Cromwell Zoning Board of Appeals to allow for "the placement of a house in a "rear lot" in the A-25 zone resulting in a frontyard setback of only 40', instead of the standard 80' ". On April 25, 2006, the Cromwell Zoning Board of Appeals issued Variance Number 06-06. A copy of that variance is attached. It has not yet been recorded on the land records for the Town of Cromwell and will not be filed unless and until the subdivision application is approved and the land is transferred from the current owner to the applicants herein.

An application for a subdivision and an application for a Special Permit for a rear lot were also filed in 2006. Those applications were withdrawn when a moratorium on development was imposed by the Planning & Zoning Commission.

Application for Special Permit – Application Number 10-31.

The plans submitted as part of this subdivision show one proposed **rear lot** for the subdivision. This rear lot needs approval by way of the special permit process. For this Commission to act on the special permit request, you normally request to see a subdivision plan, if the rear lot is part of the subdivision. The subdivision plan denotes

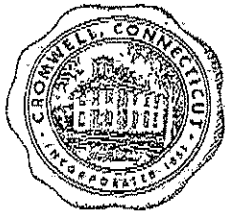
the configuration of the rear lot. A Special Permit application has also been filed along with the subdivision application. This will allow for the Commission to consider both of these matters in context with one another.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. J. Petrella', with a stylized flourish at the end.

Salvatore J. Petrella

Cc: H&C Developers, LLC
John Hagel & William Coons



COPY

Certified mail 7005 0390 0002 5310 5419

Town of Cromwell

Inland Wetlands and Watercourses Agency

NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

WETLANDS PERMIT #06-01

Address of Property: West Side Woodside Road
Map/Block/Lot: 46/18/12
PIN: 00191200
Volume/Page: 135/109

Name of Applicant: J. B. Newbury LLC
Address of Applicant: 425 Main Street
Cromwell, CT 06416

Name of Owner: Gardner Nurseries, Inc.
Address of Owner: 400 Brook Street
Rocky Hill, CT 06057

Nature of Activity: Upland Review Area disturbance for residential subdivision.

Date of Public Hearing: April 26, 2006

Date of Decision: April 26, 2006

Legal Notice Published: May 3, 2006

Special Conditions:

1. A split rail fence shall be installed along the edge of the Conservation Easement, with appropriate medallions placed on the fence and appropriate plantings planted along the inside of the fence, and metal pins placed in the ground along the fence line at appropriate intervals;
2. If the future owners of Lot 2-4 and Lot 2-5 should wish to construct the house in a location other than as shown on the plans submitted with this application, an Inland Wetlands and Watercourse Agency permit shall be required.

General Conditions:

3. This Permit shall expire five years after the date of its issuance;
4. All development shall be conducted as shown on the plans dated March 7, 2006 as amended to reflect any conditions of this approval;

Selectman's Office 632-3410 / Finance 632-3414 / Public Works 632-3420 / Town Planner 632-3422 / Building Department 632-3428
Sewer Department 632-3430 / Town Clerk 632-3440 / Assessor 632-3442 / Tax Collector 632-3445 / Zoning Officer 632-3422
Health Department 632-3426 / Registrars 632-3418 / Youth 632-3448 / Elderly 632-3447 / Human Services 632-3449
Engineering 632-3420 / Library 632-3460 / Recreation 632-3467 / Emergency Management 632-3422
Human Resources Director 632-3497 / Risk Manager 632-3497

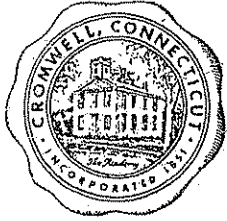
5. The Permittee shall notify the Development Compliance Officer and the Town Engineer immediately prior to any work being conducted in a wetland or upland review area;
6. The Permittee shall notify the Development Compliance officer upon the commencement and completion of the approved regulated activity;
7. In granting this Permit, the Agency has relied on information provided by the Permittee and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit may be modified, suspended or revoked.



Wynn Muller, Chairman

5-16-06
date

cc:
ZEO
file



COPY

Original to be recorded after transfer of ownership #

Certified mail 7005 0390 0002 5306 6734

Town of Cromwell

Zoning Board of Appeals

NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

VARIANCE #06-06

Property Address: Woodside Road **Zone:** A-25
Parcel ID: 00191200 **M/B/L:** 46/18/12 **Vol/Page:** 135/109

Name of Owner: Gardner's Nurseries Inc.
Owner's Address: 400 Brook Street, Rocky Hill, CT 06067

Name of Applicant: JB Newbury LLC and Quantum of Woodside LLC
Applicant's Address: 425 Main Street, Cromwell, CT 06416

Date of Hearing: April 25, 2006
Date of Decision: April 25, 2006
Date of Publication: May 2, 2006

Variance from: Article 8.1. (Minimum Sideyard and Sideyard Aggregate Requirements)

To Allow: The placement of a house in a "rear lot" in the A-25 zone resulting in a frontyard setback of only 40', instead of the standard 80'.

Conditions: Per plans and other information submitted with the application.

Brian Boorman
Chairman

5/6/06

date

THIS VARIANCE IS NOT EFFECTIVE
UNTIL FILED BY THE APPLICANT IN THE
CROMWELL LAND RECORDS

Memo

To: Town Staff
From: Craig Minor, AICP
Town Planner *CM*
Date: May 13, 2010
Re: P&Z Application #10-32: Residential Subdivision on Woodside Road.
H & C Developers Inc, applicant; Gardner Nurseries Inc, owner.

For your review and comment. A similar version of this project was approved by the Inland Wetlands Agency in April 2006.

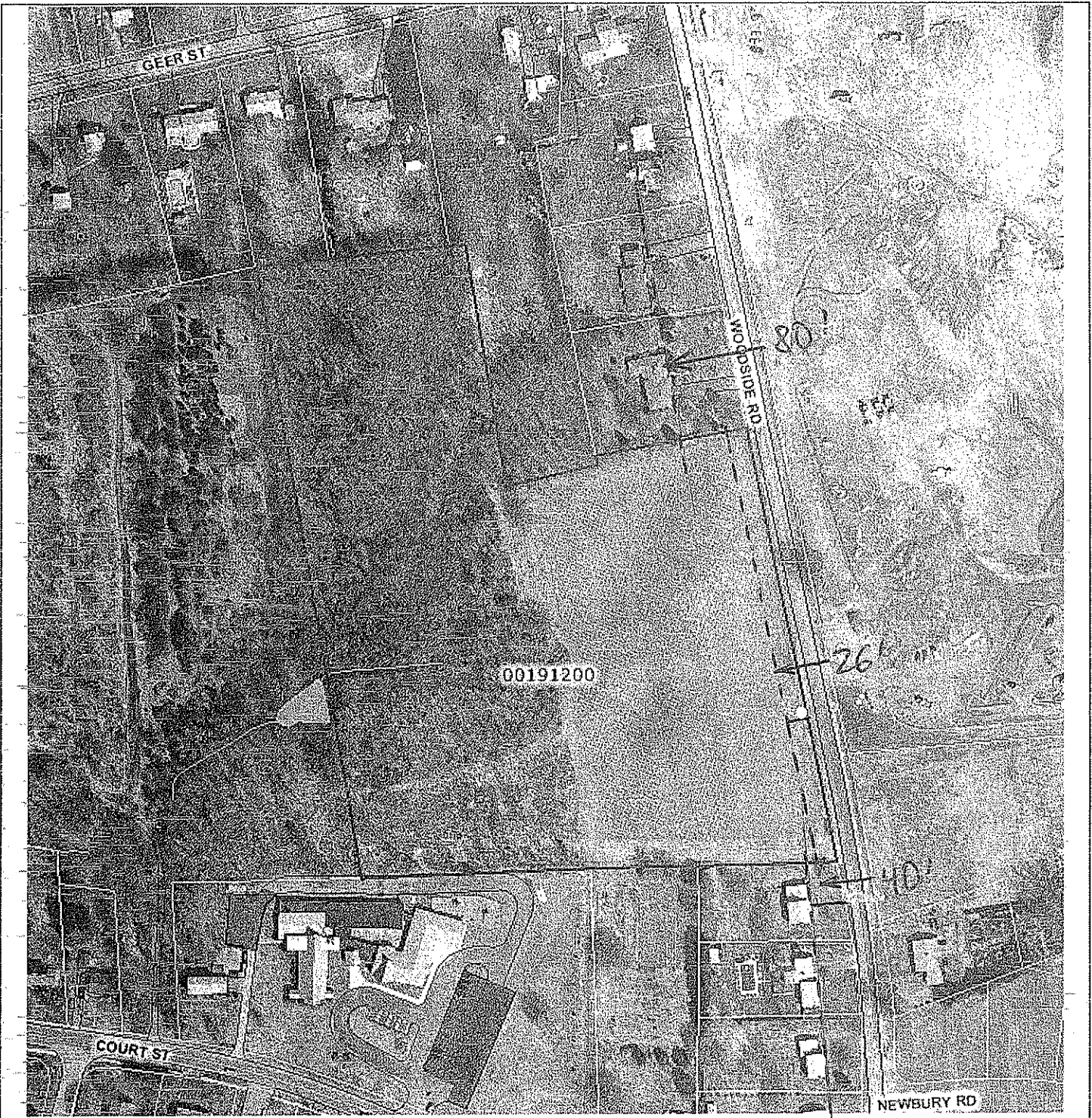
There will be a public hearing on this application (because of the rear lot) on June 1, 2010.

Enclosed:

1. Application dated May 5, 2010.
2. Letter from Attorney Sai-Petrella dated May 4, 2010.
3. Inland Wetlands Agency Permit #06-01.
4. ZBA Variance #06-06.
5. Subdivision plans prepared by Hallisey, Pearson and Cassidy dated March 7, 2006.

cc:

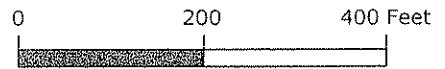
Town Engineer
Chief of Police
Fire Chief
Fire Marshal
Development Compliance Officer
WPCA
file ✓



Town of
Cromwell, CT

Parcel ID: 00191200
Owner: GARDNERS NURSERIES INC
Parcel Address: WOODSIDE ROAD

Interactive Map



Scale: 1"=200' (1:2400)
 Date: 5/24/10

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL
SITE PLAN MODIFICATION

Name of Project: DUNKIN DONUTS - ONE (1) KIRBY ROAD C, LLC

Street Address: 1 KIRBY ROAD

Volume/Page: 617 / 263 PIN #: 00412000

Applicant Name: ONE (1) KIRBY ROAD C, LLC

Address: 2074 PARK STREET
WEST HARTFORD, CT 06106

Telephone: 860-796-8174 (day) 860-796-8174 (evening)

Email Address: _____

Property

Owner Name: ONE (1) KIRBY ROAD C, LLC

Address: 2074 PARK STREET
HARTFORD, CT 06106

Attached:

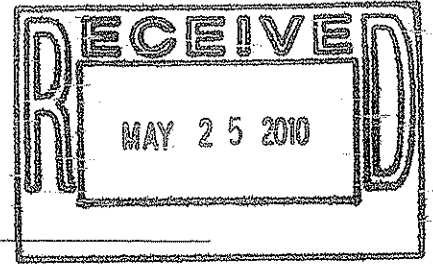
- Application fee.
- Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

- | | | |
|---|--|-----------------------------------|
| 1. Is <u>any part</u> of the site within 500' of an adjoining town? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| 2. Will this project require an <u>Inland Wetlands Agency permit</u> ? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| if yes, have you obtained it? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) - PZIC |
| 3. Will this project require a <u>DEP Stormwater Management Permit</u> ? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| if yes, have you applied for it? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| 4. Will this Project Require an <u>STC Permit</u> ? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| if yes, have you submitted a copy of the plans to the STC? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |
| 5. Does the parking comply with the <u>handicapped parking requirements</u> as set forth in current version of the State Building Code? | <input checked="" type="radio"/> (Yes) | <input type="radio"/> (No) |

I hereby certify that the information presented above is correct to the best of my knowledge.

James P. Cassin 05/10/10
 Applicant Name and Signature Date
 AS AGENT FOR ONE (1) KIRBY ROAD C, LLC

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION



USE PERMIT

Street Address: Main Street
Zoning District: DB Parcel ID #: _____

Name of Business (if applicable): Cromwell Riverport Festival

Description of Proposed Activity: Festival from West St. Firehouse to Pearson Park and parking lots. Community Field Board will be closed.

This request complies with the following Cromwell Zoning Regulation (check one):

- Article IV, Paragraph 4.2.
- Other. Explain: 9.7

8/22/10
8/22/10
8:00 AM - 12:00 PM
8/22/10
11:00 AM
4:00 PM

Applicant's or Agent's Name: ALAN SPOTTS

Applicant's or Agent's Address: 63 Black Hawk Dr

Daytime Telephone Number: 860-678-0202

Email Address: KA.spotts@southwest.com

Property Owner's Name: Town of Cromwell

Property Owner's Address: 41 West St.

Signature: [Signature] 5/25/10
circle-one: (owner) (applicant) (agent) date

Printed Name of Signer: _____

This Use Permit IS NOT a Building Permit!

----- FOR STAFF USE ONLY -----

Adjacent to Different Zone? () yes () no
Town Planner: () approve () deny initials _____ date: _____

Comments: _____

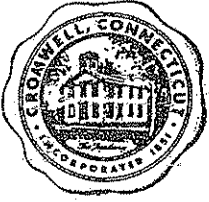
Zoning Enforcement Officer: () approve () deny
Comments: _____

Signature date

5/20 2010 at 12:03 P.M.

TOWN CLERK'S OFFICE

CROMWELL, CONN.



**Town of Cromwell
Planning and Zoning Commission**

Darlene A. Probst
TOWN CLERK

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, MAY 18, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

MINUTES AND RECORD OF VOTES

Present: Nicholas Demetriades, Vincent Faienza, Joseph Garafalo, Peter Keithan,
Michael Cannata, Alice Kelly, Thomas O'Neill, Tom Madden
Also Present: Town Planner Craig Minor;
Absent: Doug Sienna, Alternate Fred Hayward and Alternate Linda Duren, BOS Liaison
Anthony Varricchio, Sr.

1. Call to Order

The meeting was called to order at 7:00pm by Chairman Demetriades presiding.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

There were none seated.

4. Approval of Agenda

Motion was made by Alice Kelly, **seconded** by Thomas Madden to approve the agenda.

Motion was made by Alice Kelly, **seconded** by Thomas Madden to add 7b1. Status of "Shot-Crete" at Cobblestone Plaza to the agenda. All were in Favor. *Motion Passed.*

Motion was made by Vincent Faienza, **seconded** by Alice Kelly to add 9a. Field Change to Cobblestone Plaza Site Plan to the agenda. All were in Favor. *Motion Passed.*

Chairman Demetriades called for the Main Motion on the agenda. All were in Favor. *Motion Passed.*

5. Public Comments

Mertie Terry of 589 Main Street expressed that she was adamantly opposed to the change of the mixed-use business zone from Court Street to Geer Street. Mrs. Terry could not understand the reasoning behind the change for the gateway to the Town. Mrs. Terry felt this was not a good change due to no highway access and the impact to the people that live there. Mrs. Terry pointed out the "dead-zone" that has existed in the Sav-mor Plaza for years. Mrs. Terry expressed concern for a drop in property values. Mrs. Terry asked that Planametrics and the Committee look carefully at this again and the impact it would make.

Kevin Slifer of 42 Hillside Road commented again on his lack of understanding with Mr. Demetriades. Mr. Slifer remarked that he felt at the last Committee meeting that the members

who were present seemed to understand what he had been concerned about.

6. Development Compliance Officer Report:

a. Activity Report

Zoning Enforcement Officer Fred Curtin explained that the contractor for Eager Lane was going to put in two yard drains and that progress was being made. Mr. Garafalo asked that more information regarding specifics be brought to the Commission. Mr. Garafalo asked whether the homeowner's consultant's information was considered in the discussion process and what was the homeowner's reaction to the drains. Mrs. Kelly asked who was responsible for the drains. Mr. Curtin said that it would be the homeowner. Mrs. Kelly would like the information to be relayed to the homeowner, so it is clear that they are responsible for the drain maintenance.

Mrs. Kelly asked for information about the Baroni complaints. ZEO Curtin said that he was working with Inland and Wetlands. ZEO Curtin will review the as-builts and grading plans and then address what actions need to be taken. The Commission asked ZEO Curtin if he ever received the packet with the concerns of the site and the pictures. ZEO Curtin had not received the packet, but had heard about it. Mrs. Kelly gave ZEO Curtin her copy.

b. Status of Outstanding Permits - No report.

7. Town Planner Report:

a. Public Hearings to be Scheduled:

1. Application #10-31: Special Permit (Rear Lot) at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.

Motion was made by Alice Kelly, **seconded** by Thomas O'Neill to schedule the Public Hearing for Application #10-31: Special Permit (Rear Lot) at Woodside Road on June 1, 2010. All were in Favor. *Motion Passed.*

b. Performance Bond Actions:

1. Status of "Shot-Crete" at Cobblestone Plaza

Mr. Minor provided the Commission with information regarding the shotcrete. Mrs. Kelly reviewed her memo and reply to Mr. Mazurek regarding concerns with the slope. Mrs. Kelly also reviewed the shotcrete proposal from ShurShot and expressed her concerns with the proposal and the deterioration at the site. Mr. Cannata conveyed his frustration with the entire process, but felt the work should not be stop. Mr. Cannata thought the work should move forward, with the information submitted to Welti and the bond posted. Mr. Minor discussed a 2008 letter from Dr. Welti and agreed it should be looked at whether the specifics match once the work is complete and the work should be verified by Haley & Aldrich with Town Engineer Mazurek to see if more work should be done. There was a lot of discussion by the Commission expressing concern for an accurate and complete job. Mr. Faienza felt it should move forward and then have it reviewed.

The Commission agreed that staff should review the work with Haley & Aldrich to make sure additional shotcrete, due to deterioration of the site is not needed. The Commission also agreed the bond still exists and that the ZEO needs to take action.

~~Motion~~ was made by Alice Kelly, ~~seconded~~ by Michael Cannata to direct the Zoning Enforcement Officer to enforce compliance with the performance bond requirement, that the \$38,000 bond be posted by May 15, 2010. All were in Favor. *Motion Passed.*

8. Public Hearing and Possible Action:

a. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild-Rose Court. Qamar Naqvi, owner/applicant.

Vincent Faienza read the legal notice into record.

~~Motion~~ was made by Alice Kelly, ~~seconded~~ by Thomas Madden to open the public hearing. All were in Favor. *Motion Passed.*

The Town Planner informed the Commission that, due to Condominium rules, the applicant was not able to post the required sign for at least ten days before the hearing. However, there was a sign for several days before the previous cancelled public hearing on May 4, and a second sign was up for about a week for tonight's public hearing, so in his opinion the intent of the requirement has been met, if not the letter.

Qama Naqui of 15 Wild-Rose Ct described that her husband wished to sell decorative pieces and that she has not had any complaints. Ms Naqui stated that there would be no trucks going in and out because they were going to rent a storage area. Ms Naqui said that her husband still needed to obtain a license for the business. Mr. Minor had requested before and still had not received the arrangement for the business. Mr. Minor explained to Ms Naqui that he still needed the floor plan, which showed the layout of the business in the home. Mr. Minor explained that that the business must not exceed 25% of the space of the home. Mrs. Kelly asked for the location of where the decorative materials were going to be stored, so the Commission could be assured that they were not coming to the unit. The Commission discussed the sign posting concern and decided that the spirit of the regulation was met.

Chairman Demetriades asked for comment in favor of the application. There was none.

Chairman Demetriades asked for comment opposed to the application. There was none.

Chairman Demetriades asked for comment neither for nor against the application.

Michael Slifer of 2 Pond View Drive commented that the Commission should get clarification from the condo association whether this is permitted within the condominium before accepting the application.

Motion was made by Alice Kelly, **seconded** by Michael Cannata to continue the hearing for Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court until the next meeting. All were in Favor. *Motion Passed.*

9. Old Business:

a. Field Change to Cobblestone Plaza Site Plan

Mr. Minor informed the Commission that Haley & Aldrich has deemed the larger rock suitable. Mr. Cannata said that he would accept the finding, but with questions and he does not feel good about it particularly at this location. Mr. Cannata did not feel that the stone was going to bind at the same level as the smaller stone.

~~**Motion** was made by Alice Kelly, **seconded** by Vincent Faienza to approve the field change as requested by the applicant, as found suitable by Haley & Aldridge. All were in Favor. *Motion Passed.*~~

~~Mrs. Kelly asked whether the required inspections are taking place. Mr. Minor said he could not answer the question, as he is not involved at that level of the project. Mr. Cannata asked through the Chairman if it can be asked and addressed.~~

10. New Business:

a. Application #10-28: Site Plan Approval (Expansion of Existing Parking Lot) at 14 Hillside Road. LRC Group, applicant; Buhl Land East IV LLC, owner.

Pat Gorman of 160 West Street, LRC Group, explained that his client purchased the property at 14 Hillside Road and GKN has occupied the space. There are no additions to the building; they are just relocating the front door. Mr. Gorman provided photos to familiarize the Commission with the property. Mr. Gorman explained that they are relocating the door and adding 58 spaces including handicap spaces, as well as storm drainage, lighting, and landscaping. Mr. Gorman addressed all comments in Mr. Minor's April 23, 2010 letter. Mrs. Kelly asked about the roll up doors and questioned about the ability of trucks munevering through the parking lot. Mr. Gorman addressed all her concerns. Mr. Faienza commended the project and all the Commissioners agreed.

~~**Motion** was made by Thomas Madden, **seconded** by Joseph Garafalo to approve Application #10-28: Site Plan Approval (Expansion of Existing Parking Lot) at 14 Hillside Road. All were in Favor. *Motion Passed.*~~

11. Communications:

a. Letter from First Selectman to Patrick Snow regarding "Cider Hill" dated May 5, 2010.

First Selectman John Flanders addressed the Commission regarding his letter to Mr. Snow and that it is not as relevant as it was when written. First Selectman Flanders explained to the

Commission that the Cider Hill situation is on going and that they are trying to find the best solution to address it quickly. Tilcon is not going to offer Mr. Snow credit, but gave a reasonable quote of \$110,000 to the Town. The storm drains are caving in under the roads and need excavating at additional costs. First Selectman Flanders said they will take action and then take legal action. He hopes to start as soon as next week. The Commission and First Selectman Flanders discussed the various bond monies. The Commission asked to be kept informed on the process. The Commission expressed concern with projects involved with Mr. Snow and the increasing costs mounting on the Town with time and legal expenses and whether this can be a consideration for future projects. The Town Planner reminded everyone that it has not been five years yet since the project was approved so he is not sure the Town can take the bond money, but if the Town Attorney recommends this approach, then he would have no objection.

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

Mrs. Kelly commented that the last meeting was very productive. The next meeting was scheduled for June 14, 2010. The setback issue will be discussed and she asked that Jason look at the Main Street issue from Planametries.

b. Mr. Faienza commented that it was imperative that ZEO Curtin and Town Engineer Mazurek stay on top of reports at Cobblestone because it needs to be done right. Mr. Faienza stressed that if there are problems, that they need to be found at each stage and corrected and not when the project has been completed. Mrs. Kelly stressed her concern with not stopping projects and the impact it can have when filing legal action in the future.

13. Approval of Minutes:

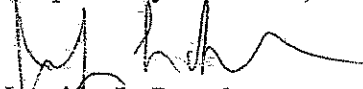
a. May 4, 2010

Motion was made by Alice Kelly, **seconded** by Joseph Garafalo to approve the minutes of May 4, 2010. All were in Favor. *Motion Passed.*

14. Adjourn

The meeting adjourned by general consent at 8:25 pm.

Respectfully submitted,



Jennifer L. Donohue
Clerk