



**Town of Cromwell
Planning and Zoning Commission**

Jean Chiquet West
TOWN CLERK

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, DECEMBER 7, 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. Performance Bond Actions:
 1. 30 Country Squire Drive
 2. Northbrook Estates
 3. Cobblestone Plaza
 - b. Public Hearings to be Scheduled: none
8. **Public Hearing and Possible Action:**
 - a. Application #10-72: Revised Zoning Regulations and Zoning Map. Planning and Zoning Commission, applicant. Continued from November 16, 2010.

9. Old Business:

a. Application #10-45: Site Plan Approval for Two Commercial Buildings at 1 Willowbrook Road. Stone Ridge Associates LLC, owner/applicant.

10. New Business:

a. Application #10-75: Request for Sec. 8-24 Recommendation to Accept Eager Lane as a Town Road. Town of Cromwell, applicant.

b. Application #10-76: Request for Sec. 8-24 Recommendation to Accept Cider Hill Drive and Apple Hill Drive as Town Roads. Town of Cromwell, applicant.

c. Application #10-77: Request for Sec. 8-24 Recommendation to Accept Applewood Road, Butternut Drive, and Grassy Hill Road as Town Roads. Town of Cromwell, applicant.

11. Communications

12. Commissioners' Comments:

a. Discuss Staff Responsibilities

13. Approval of Minutes:

- a. November 4, 2010
- b. November 16, 2010


14. Annual Meeting and Election of Officers:

- a. Reading of By-laws Article VI
- b. Election of Officers
- c. Budget Discussion for FY 2011-2012
- f. Midstate RPA appointment
- g. Approval of Calendar of Meeting Dates for 2011

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: November 30, 2010
Re: Comments for P&Z Meeting on December 7, 2010

7. Town Planner Report:

a. Performance Bond Actions:

1. 30 Country Squire Drive.

This is a recommendation from the Zoning Enforcement Officer.

2. Northbrook Estates.

Nothing has changed since the last meeting, so I recommend no action be taken on this request.

3. Cobblestone Plaza.

The Town Engineer is not satisfied with the documentation submitted by Mr. Snow, so I recommend no action be taken on this request.

8. Public Hearing and Possible Action:

a. Application #10-72: Revised Zoning Regulations and Zoning Map. Planning and Zoning Commission, applicant. Continued from November 16, 2010.

As of this writing the Zoning Update Committee has not met to discuss the comments that came up at the first public hearing last month, so I have no recommendations at this time.

9. Old Business:

a. Application #10-45: Site Plan Approval for Two Commercial Buildings at 1 Willowbrook Road. Stone Ridge Associates LLC, owner/applicant.

The applicant has submitted revised plans showing additional plantings in the buffer area, to my satisfaction. I have no objection to approval with the stipulation that the second story of the smaller building is not approved for any use until additional parking is provided.

For the record, the staff has no objection to the drive-through window. If the lot is subdivided in the future, any inconvenience to the owner of the smaller building caused by vehicle queuing can be dealt with at that time.

10. New Business:

a. Application #10-75: Request for Sec. 8-24 Recommendation to Accept Eager Lane as a Town Road. Town of Cromwell, applicant.

This request is a legal technicality, to comply with Sec. 8-24 of the Connecticut General Statutes. It is not an endorsement of the condition of the road itself - that would have to come from the Public Works Director. It is just an affirmation from P&Z that this road is in harmony with the POCD. I recommend approval.

b. Application #10-76: Request for Sec. 8-24 Recommendation to Accept Cider Hill Drive and Apple Hill Drive as Town Roads. Town of Cromwell, applicant.

See above.

c. Application #10-77: Request for Sec. 8-24 Recommendation to Accept Applewood Road, Butternut Drive, and Grassy Hill Road as Town Roads. Town of Cromwell, applicant.

See above.

14. Annual Meeting and Election of Officers:

a. Reading of By-laws Article VI

It is the Commission's custom to vote to waive the actual reading of the by-laws.

b. Election of Officers

The offices of Chairman, Vice Chairman, and Secretary are open. I will have paper available for secret ballots in case we get multiple persons vying for the same office.

c. Budget Discussion for FY 2011-2012

Attached is the proposed budget, for your review.

f. Midstate RPA appointment

As a member town, Cromwell has two representatives on the Midstate Regional Planning Agency's board of directors: Richard Newton and Al Diaz. They both serve two year terms, and Al Diaz's term is up this month. He has asked to be re-appointed.

g. Approval of Calendar of Meeting Dates for 2011

See attached.

cc:
Community Development Director
file

Memo

To: Joseph Mazurek, Director of Community Development
From: Fred Curtin, Wetland Zoning Officer
Date: 11/30/2010
Re: November 2010 Zoning Activity Report

4 Shawnee Court; Maley: The property owner uses a computer at home and he meets all clients off site. No Home Occupation permit is needed.

57 Washington Road; Flanders: The property owner uses a computer at home and meets clients off site. No Home Occupation permit is needed.

6 Crest Drive; Hatcher: The property owner will be applying for a Special Permit for the Commercial Trailer.

Berlin Road; Cobblestone Development: The contractor is back working on this site.

150 Sebeth Drive; Ravizza: A Notice was sent to the property owner to remove all of the unregistered/junk vehicles within the fenced in area.

9 South Street; Nyser: I've received a complaint about a Commercial vehicle being parked on this property. A Notice was sent and the vehicle has been removed.

47 Coles Road; Beaulieu: A Notice was issued to the property owner for unregistered vehicles. The Home owner has until December to remove them.

Alcap Ridge Road; Rocky Hill Material: A Notice was sent to the property owner to stop bringing in fill. I've been inspecting for compliance.

From: Mazurek, Joe
Sent: Monday, November 29, 2010 5:33 PM
To: Minor, Craig
Subject: RE: Cobblestone Plaza Bond Reduction #4

Craig,

As far as I am concerned, I go back to my original concerns that I do not have sufficient documentation to support what was done. I would prefer to see the entire phase three completed for us to reevaluate the next bond reduction. Items not associated with the Phase 3 portion of the slope can be considered for release of bond, once the list of work is certified as installed.

How was the 25% threshold for bond retainage determined?

Thanks

Joe

-----Original Message-----

From: Minor, Craig
Sent: Monday, November 29, 2010 3:24 PM
To: Mazurek, Joe
Subject: RE: Cobblestone Plaza Bond Reduction #4

Joe:

Pat Snow did tell me about such an agreement, but I have no independent knowledge of it. My position is that if Snow has completed another \$82,000 worth of work we should release it, so long as we never fall below 25% of the original \$553,000 until the project is completely done.

- Craig

> -----Original Message-----

> **From:** Mazurek, Joe
> **Sent:** Monday, November 29, 2010 1:53 PM
> **To:** Minor, Craig
> **Cc:** 'pat@premierbuilding.org'
> **Subject:** RE: Cobblestone Plaza Bond Reduction #4

>

> Are you aware of any type of agreement that if DeRita returns, he would be paid an interim amount to continue the field work? Does this amount represent this agreed upon payment? If so, then I believe that we should approve this amount in order to continue with the project!

>

> -----Original Message-----

> **From:** Minor, Craig
> **Sent:** Monday, November 29, 2010 11:20 AM
> **To:** Mazurek, Joe
> **Subject:** RE: Cobblestone Plaza Bond Reduction #4

>

> Joe:

>

> Did Pat Snow ever get back to you on this? His request for an \$82,000 bond reduction is on the P&Z agenda for next week.

>

> - Craig

>

>

> > -----Original Message-----

> > **From:** Minor, Craig
> > **Sent:** Wednesday, November 17, 2010 1:44 PM
> > **To:** Mazurek, Joe
> > **Cc:** 'Vincent Faienza (E-mail)'; 'Nicholas Demetriades
> > (E-mail)'; Curtin, Fred
> > **Subject:** RE: Cobblestone Plaza Bond Reduction #4

> >

> > Joe:

> >

> > I will forward your email to Pat Snow, and ask him to respond to you directly.

> >

> > - Craig

> >

> >

> > > -----Original Message-----

> > > **From:** Mazurek, Joe
> > > **Sent:** Wednesday, November 17, 2010 12:49 PM
> > > **To:** Minor, Craig
> > > **Cc:** 'Vincent Faienza (E-mail)'; 'Nicholas Demetriades
> > > (E-mail)'; Curtin, Fred
> > > **Subject:** RE: Cobblestone Plaza Bond Reduction #4

> > >

> > > Craig;

> > > Is this for the portion of Phase 3 that is visible in the field? If so, I do not have the inspection report from Welti, nor the as-built of the items listed on the spreadsheet, from Cassidy.

> > > Joe

> > >

> > > > -----Original Message-----

> > > > **From:** Minor, Craig
> > > > **Sent:** Wednesday, November 17, 2010 11:03 AM
> > > > **To:** Mazurek, Joe
> > > > **Cc:** Vincent Faienza (E-mail); Nicholas Demetriades
> > > > (E-mail); Curtin, Fred
> > > > **Subject:** Cobblestone Plaza Bond Reduction #4

> > > >

> > > > Joe:

> > > >

> > > > Pat Snow has requested an \$82,000 reduction of his Cobblestone Plaza performance bond (attached). Please review and make a recommendation for the P&Z. Mr. Snow has asked for this to be on the December 7, 2010 agenda. Thanks.

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> << File: Cobblestone Simple request Nov 18 2010 final (2).xls >>

> Craig Minor, AICP

> Town Planner

Minor, Craig

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- Craig



Cobblestone Simple
request Nov...

Craig Minor, AICP
Town Planner

Minor, Craig

From: Patrick Snow [pat@premierbuilding.org]
Sent: Wednesday, November 17, 2010 10:46 AM
To: Minor, Craig
Subject: Cobblestone Bond Request for December 2nd meeting

Craig:

Please review the attached spread sheet for a bond release request on the Cobblestone Bond. I would like to be on the December 2nd meeting. Work should be restarted prior to that date. If you need any other information please contact me.

Patrick Snow
Member
Premier Partners & Associates, LLC
110 Court Street, Suite 1
Cromwell, CT 06416
860-632-7090 ext 21
Fax 860-394-4001

BOND RELEASE REQUEST COBBLESTONE ASSOCIATES, LLC NOV. 17, 2010

ITEM	Town's		UNITS	TOWN'S		Total	Balance To:Go	Items requested
	AMOUNT	revision		UNIT COST				
4" perf U/D	0	1265 lf		\$ 12.00	\$	15,180.00	\$ (6,395.48)	4668
5' chain lnk fence	0	500 lf		\$ 10.50	\$	5,250.00	\$ (5,250.00)	
machine operator	480	hr		\$ 32.99	\$	15,835.20	\$ (6,657.41)	4860
dozer operator	200	hr		\$ 32.99	\$	6,598.00	\$ (2,772.76)	2023
truck driver	70	500 hr		\$ 27.08	\$	13,540.00	\$ (4,678.16)	3415
modified riprap	6000	tn		\$ 14.30	\$	85,800.00	\$ (36,069.75)	26330
3/4" stone	3000	tn		\$ 16.00	\$	48,000.00	\$ (20,178.88)	14730
excavator	480	hr		\$ 55.00	\$	26,400.00	\$ (11,098.38)	8101
dozer	200	hr		\$ 50.00	\$	10,000.00	\$ (4,203.14)	3069
hauling truck	100	500 hr		\$ 40.00	\$	20,000.00	\$ (8,384.68)	7350

TOTAL 74546
 10% Contingency 7454
GRAND TOTAL 82000

From: Flanders, John
Sent: Friday, November 05, 2010 4:09 PM
To: Minor, Craig
Subject: Eager Lane

As the Town of Cromwell has taken over responsibility for Eager Lane as a part of the settlement agreement I believe it is appropriate to accept it as at Town Road. Please put this item on the agenda of the next available Planning and Zoning Commission meeting for a favorable Sec. 8-24 recommendation.

John M. Flanders Esq.
First Selectman
Town of Cromwell
41 West Street
Cromwell, CT 06416
(860)632-3410

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of Cromwell and will be accessible to the public unless exempted by law.

From: Flanders, John
Sent: Friday, November 05, 2010 4:09 PM
To: Minor, Craig
Subject: Cider Hill

As the Town of Cromwell has taken over responsibility for the Cider Hill Development as a part of the settlement agreement I believe it is appropriate to accept it as at Town Road. Please put this item on the agenda of the next available Planning and Zoning Commission meeting for a favorable Sec. 8-24 recommendation.

JMF

John M. Flanders Esq.
First Selectman
Town of Cromwell
41 West Street
Cromwell, CT 06416
(860)632-3410

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#10-77

From: Flanders, John
Sent: Friday, November 05, 2010 4:12 PM
To: Minor, Craig
Subject: Northbrook

As the residents of this development have experienced substantial delay on the completion of their roads I believe it is appropriate, although as of this writing we have not received a request from the applicant, to move forward in the process to accept it as at Town Road. Please put this item on the agenda of the next available Planning and Zoning Commission meeting for a favorable Sec. 8-24 recommendation.

John M. Flanders Esq.
First Selectman
Town of Cromwell
41 West Street
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PLANNING & ZONING
COMMISSION
BYLAWS

TOWN OF CROMWELL
CONNECTICUT

APPROVED
MAY 14, 2002

Article I. Purpose and Authority

The objectives and purposes of the Planning and Zoning Commission of the Town of Cromwell are those set forth in Chapters 124 and 126 of the Connecticut General Statutes, 1958 Revision, and as amended. Included are those powers and duties delegated by the aforementioned statutes and by the Cromwell Town Charter (last revision), in accordance with the above State Enabling Law.

Article II. Name of Commission

The Commission shall be known as The Planning and Zoning Commission of the Town of Cromwell.

Article III. Office of Commission

The office of the Planning and Zoning Commission shall be the Cromwell Town Hall, 41 West Street, Cromwell, CT, 06416. Here all commission records shall be securely stored and all official documents, records, maps and other lawfully required items will be filed or recorded in the office of the Town Clerk.

Article IV. Membership

The membership and terms of Office for the Planning and Zoning Commission shall be as specified in the Cromwell Town Charter, Section C302 (i), establishing the Commission in accordance with the Connecticut General Statutes. The Town Planner shall provide newly elected members, appointed members and alternates with the latest copies of Planning & Zoning regulations, Zoning maps, Bylaws, and other pertinent information requested by the commission.

Article V. Officers and Their Duties

1. The Officers of the Planning and Zoning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary. Elected officers shall serve at the pleasure of the Commission and represent the Commissions best interests.
2. The Chairman shall be a Commission member. He shall preside over all meetings and hearings of the Commission, fulfilling duties and having authority consistent with Robert's Rules of Order, Newly Revised, unless otherwise provided for in these Bylaws. The Chairman shall call special meetings, and authorize Commission related expenditures up to \$150.00 without prior approval of the Commission. He shall appoint committees with majority approval, and sign Commission documents that have been approved by the Commission. The Chairman will act as the public relations contact for all media issues and contacts, and instruct the Vice-Chair and Secretary to perform follow up duties. All correspondence, informal meetings and actions pertaining to Commission activities will be reported to the Commission at the next regular meeting following the occurrence.

3. The Vice-Chairman shall act for the Chairman in his absence and during that absence have the authority to perform the duties prescribed for the Chairman's office. He shall assist the Chairman in the fulfillment of Commission duties as directed by the Chairman. He shall act as educational officer and insure, with Chairman approval, that new and existing commissioners receive relevant written information on procedures, laws, and case history.

4. The Secretary shall act for the Chairman in the absence of the Chairman and the Vice-Chairman. During that absence he shall have the authority to perform the duties prescribed for the Chairman's office. The Secretary shall issue correspondence for the commission as directed by the Chairman, and act as research resource for issues of parliamentary procedure. The Secretary shall provide assistance in reading the Legal notices at each meeting.

5. Parliamentary procedures and organizational law allow an organization to control its members. All questions regarding another commissioner's actions, which could affect the welfare of the commission, shall first be discussed with the Chairman in private. Thereafter, an executive session can be motioned for, and by majority vote, call for an immediate or later scheduled executive session. The Secretary or his duly appointed replacement shall take minutes. The Chairman shall preside using parliamentary procedure. All subject matter must remain strictly private to the executive board meeting and shall not be made public. While the commission can not remove a commissioner from a town board, it can remove him from an officer position by unanimous vote at an executive meeting. Further, while the contents of the censorship can not be made public, the fact that the commission censored a certain individual can be made public.

Article VI. Election of Officers

1. An annual organization meeting shall be held on the first meeting each December, at which time Article VI will be read aloud followed immediately by officer elections. Following the new seating of officers, the upcoming budget requirements will be reviewed and meeting dates set for the upcoming year. The Town Planner shall provide copies of Bylaws and the proceedings shall be recorded.

2. Nominations for each office shall be made from the floor and a ballot vote for each office held immediately after. The candidate for each office, receiving the majority vote from present and voting members shall be declared elected, and shall serve for one year providing his elected term has not expired.

3. Vacancies in the Commissions officers as a result of death, incapacity, resignation, or term expiration, shall be filled at the next scheduled meeting, following the nominating procedure listed in Part 2 above. The new officer shall assume responsibilities until the next upcoming annual organizational meeting.

4. Resignations from the Commission shall be in writing to the Chairman, who will advise the commission of the resignation, and forward the letter to the Board of Selectman.

Article VII. Meetings

1. Regular meetings will be held on the second Tuesday of each month at 7PM at the Cromwell Town Hall, 41 West Street, Cromwell, CT. The room number will be noted in the legal notice and meeting dates will coincide with the published meeting dates as determined at the annual organizational meeting every December.
2. A **second meeting** in each month can be enacted by majority vote at the yearly organizational meeting in December for the purpose of other P&Z business and/or additional public hearings. Any of these second monthly meetings can be eliminated by majority vote, providing public meetings have not be legally advertised and scheduled for that specific date.
3. The Chairman shall call Special Meetings as are required in his good judgment, and as specifically provided for in the Connecticut General Statues. Timely notification shall be provided to all Commissioners by the Town Planner.
4. All Commission meetings, including site visits, shall be open to the public, except for Executive Sessions. Executive Sessions, normally held during Regular Meetings, shall exclude the public, and require a majority vote to be enacted. The Secretary will take confidential minutes of that session. The minutes and proceedings of an Executive Session are confidential to the Commission. Commissioners who knowingly reveal to others the contents of Executive Sessions are subject to Commission censorship.
5. Parliamentary procedure following Robert's Rules of Order, Newly Revised, shall govern the proceedings of this Commission unless otherwise provided for by these Bylaws. All points of order and other procedural inquiries will be directed to the Chairman who will immediately decide. The Chairman has an over-riding privilege.
6. The number of commissioners required to compose a quorum and legally hold a meeting to conduct business shall be a minimum of three elected commissioners and two or more appointed or alternate members who have been previously sworn in. A quorum of five as described above is a legal entity. The number of votes required to pass or deny any business at a commission meeting, is a majority of seated members present at that meeting unless otherwise required by statute.

Article VIII. Order of Business

1. The Chairman shall read the Order of Business at meetings and call for a motion to accept or amend such Order of Business. The order shall be:
 1. Call To Order
 2. Roll Call
 3. Seating of Alternates
 4. Approval of the Agenda
 5. Public Comments

6. ZEO Report
7. Town Planner Report
8. Announcement of Public Hearings
9. Public Hearings
10. Reading of Legal Advertisement
11. Public Hearings
12. Old Business
13. New Business
14. Scheduling of New Public Hearings
15. Performance Bond Issues
16. Communications, Reports, and Bills
17. Commissioners Comments
18. Approval of Previous Minutes
19. Adjournment

2. All new Commission business for each meeting shall be submitted and meet all required Town Staff approvals, no less than 10 days prior to the Commissions scheduled regular meeting.

Article IX. Public Hearings

1. The Commission shall hold Public Hearings as prescribed by law and in accordance with Chapters 124 and 126 of The Connecticut General Statutes, latest revisions. Additional Hearings may be scheduled or called as deemed to be in the public interest by majority vote at any regular commission meeting.

2. Before any public hearing starts, the Chairman or his designee shall read the entire legal advertised announcements for the scheduled Public Hearings for that date.

3. Public Hearing procedure shall be:

1. Introduction of the matter before the commission by town staff or commission member, as requested by the Chairman.
2. Presentation by the applicant(s).
3. Information gathering questions by the Commissioners.
4. Comments by the public in support of the application
5. Comments by the public in opposition to the application
6. Comments by the public neither for nor against the application.
7. Applicants response to public comments.
8. Commissioner follow-up questions and statements.
9. Motion to close or prolong the public hearing.

4. A competent stenographer and/or sound recording device shall take the presented evidence. Proceedings of the hearing shall be incorporated into the Minute Book of the Commission after review by staff and commission for errors, and by final approval by majority vote of the Commission. The approved minutes shall become a permanent part of that Public Hearing.

5. The Chairman shall preside at the public meeting and all questions, documents, letters, and comments will be directed through the chair only after being recognized by the chair. This will be applied to Commissioners, applicants, and public.
6. Applicants and the public shall present themselves to the Commission at the front podium, stating and spelling their names and stating their address, for the record.
7. Applicant(s) will address the Commission only, and are advised to bring two sets or two-sided visual aids, so that the public might see what the applicant is showing the Commission.
8. The Chairman shall assure an orderly hearing and take necessary steps to maintain the order and decorum of the Public Hearing at all times. The Chairman may impose a time limit on public comments to allow all members of the public an equal opportunity to initially speak. The Chairman shall have the right to terminate the hearing in the event any discussion becomes unruly and unmanageable. Commissioners are reminded that deliberations on the public hearing will be reserved for new or old business after the Public Hearing has been closed.

Article X . Staff and Employees

1. The Commission shall use the Zoning Enforcement Officer to enforce the regulatory powers of the Commission pursuant to the Connecticut General Statutes revised. The Commission shall require written updates of all infractions against its regulations and shall require competent and timely written responses of the ZEO to all Commissioner requests for inspection of potential violations. The Commission shall request that the ZEO be present at regular meetings and to competently answer all questions regarding violations and legal proceedings on those violations.
2. The Commission shall use the services of a competent Town Planner to provide, scheduling, documentation, information, and professional advice regarding subject matters inherent in the functions of Planning and Zoning Commissions as regulated by the Connecticut General Statutes, as revised. The Commission shall expect full disclosure from the Town planner as regards all issues regarding Planning and Zoning functions in this Town. The Commission will require the Town Planner to provide all administrative services to complete the regulatory requirements of the Commission. The Town Planner shall present yearly budget requirements to the Commission at the December organizational meeting for discussion and approval. The Commission shall require the Town Planner to hire competent stenographers and maintain proper recording equipment for commission proceedings. The commission will rely on the Town planner to relate recent federal, state, and local legal rulings, events, and seminars that would be helpful to the Commission's general knowledge. The Commission will require that the Town Planner administrate legal notices and record keeping as required by Connecticut General Statutes.
3. The Commission shall require that a competent Clerk provide accurate and factual written reports as to evidence collected during public hearings and other commission business. Written evidence shall be appropriate for legal representation and the Town Attorney shall be asked to annually check on the appropriateness of the written evidence.

4. The Commission shall require that the Town Attorney is available for legal review and advice as requested by the Chairman, after majority vote by the Commission for such legal review or advice.

5. The Commission shall request the expenditures of money from the Town to hire professional services, consultants, and experts from time to time during the conduct of commission duties. The Commission shall request through the yearly budget, funds to cover such occurrences, and funds to hire professional services for the Ten Year Plan of Conservation & Development as required by state statute.

Article XI. Committees

1. The Chairman shall create all committees and appoint all members, with majority vote of the Commission.

2. A Standing Committee, is a committee of two or more Commissioners, set up as a permanent committee even though membership changes. Standing Committees can be established anytime during the year by majority vote, but the term of office expires that December at the yearly Organizational Meeting.

3. An Ad Hoc (or Special) Committee is a committee of two or more commissioners, set up as a temporary committee to investigate or complete a specific task. It's members serve during the term of the present Commission officers and are re-appointed or replaced at the December Organizational Meeting at the request of the new Chairman and majority approval of the Commission.

4. The work of all committees shall be verbally reported to the commission at each regular meeting during agenda item "Communications and Reports." Final findings shall be presented in writing to the Commission as a "motion to accept the report for review." The Commission shall have sixty days to review before calling a vote to accept or refer back to committee.

Article XII. Public Relations


1. In matters of the press, radio, television, and other public representations, the Commission shall rely on the Chairman to represent the views and best interest of the Commission. All requests for information shall be referred to the Chairman, who shall report to the Commission, at each regular meeting, the occurrences and events of the preceding month. The Commission and its Chairman shall comply with Chapter 3, Section 1-210,1-225 of the Connecticut General Statutes, latest revision.

2. Any Commissioner providing information on P&Z events, in disregard of the aforementioned section 1. above, must require the recipient to publish a disclaimer stating that the Commissioner is only representing his personal viewpoint and not the collected will of the commission. Commissioners are subject to censorship if publications or public comments misconstrue Commissioner comments as representing the collective will of the Commission.

Article XIII. Amendments and Suspensions

1. These Bylaws shall be reviewed and approved by the Commission at its annual organizational meeting in December.
2. These Bylaws can be amended by majority vote at the organizational meeting or at any regular meeting following the written report of a special committee, recommending changes, and approved by majority vote.
3. These Bylaws may be suspended by majority vote at any regular or special meetings.

Memo

To: Planning and Zoning Commission
From: Craig Minor, AICP 
Town Planner
Date: November 30, 2010
Re: Planning and Zoning Commission Meeting Dates for 2011

PLANNING & ZONING COMMISSION (first and third Tuesday, 7:00 pm, Room 224)

January 4 and 18	February 1 and 15	March 1 and 15	April 5 and 19*
May 3 and 17	June 7 and 21	July 5	August 2
September 6 and 20	October 4 and 18	November 1 and 15	December 6
January 3 and 17, 2011			

*second night of Passover

cc:
file



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. THURSDAY, NOVEMBER 4, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

MINUTES

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

1. Call to Order

The meeting was called to order at 7:02 pm 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 made by Vincent Faienza, **seconded** by Joseph Garafalo to approve the agenda with the addition of Item 10.b: Application #10-74 at 82 Court Street. All were in Favor. *Motion Passed.*

5. Public Comments:

Attorney Julie Petrella, 630 Main Street, asked the Commission to add to the agenda "Performance Bond Reduction for North Brook Estates Subdivision". **Motion** made by Vincent Faienza, **seconded** by Michael Cannata to amend the agenda by adding Item 7.b.2: Bond Reduction for North Brook Estates. All were in Favor. *Motion Passed.*

Michael Slifer, 2 Pond View Drive, spoke against removing the 1500' separation requirement for gas stations from the new zoning regulations.

Pat Snow of Premier Development gave an update on the status of the Cobblestone Plaza project. Commissioner Alice Kelly expressed concern over a new contractor possibly coming onboard at this late date, and said that Haley & Aldrich should be involved in any discussion of a new contractor.

Richie Waters, 84 South Street, spoke against reducing the performance bond at North Brook Estates. He also recommended P&Z not approve any more projects for Premier Development until the Cobblestone Plaza project is finished.

6. Development Compliance Officer Report:

Zoning Enforcement Officer Fred Curtin reported on several issues that he is investigating, including: two alleged home occupations without permits; over-sized vehicle on Crest Lane; dumpster yard on Nooks Hill Road; inappropriate fill material on Nooks Hill Road; illegal fill on Alcap Ridge; un-permitted activities at the end of Sebethe Drive.

7. Town Planner Report

- a. Public Hearings to be Scheduled: none.
- b. Performance Bond Actions:

1. Performance Bond for "Cromwell Chase" Subdivision

Town Planner Craig Minor explained that the project is now at the point where the applicants are ready to post a performance bond, and to have their restrictive covenant released. The staff recommends a performance bond amount of \$112,229. Commissioner Alice Kelly asked that in the future, any staff comments to the Commission be typed, and not hand-written. Commissioner Doug Sienna recommended the amount be increased to account for inflation; Mr. Minor replied that it is, by 15%. Mr. Sienna asked that this be made clear in the future.

Motion made by Michael Cannata, **seconded** by Alice Kelly, to approve the Performance Bond for Cromwell Estates subdivision on Willowbrook Road in the amount of \$112,229. All were in Favor. *Motion Passed.*

Motion made by Michael Cannata, **seconded** by Doug Sienna, to release the Restrictive Covenant at Cromwell Chase subdivision on Willowbrook Road. All were in Favor. *Motion Passed.*

2. Performance Bond for "North Brook Estates" Subdivision

Town Planner Craig Minor reported that there are numerous outstanding issues, including missing wetland monuments, unpaid back taxes, and the Engineering Department has not submitted any recommendation because they have not yet inspected the final wearing course. Mr. Minor therefore recommended that no reduction be approved.

Attorney Julie Petrella described the amount of work that has been completed, and requested that at least a portion of the money be released so that contractors can be paid.

Motion made by Alice Kelly, **seconded** by Doug Sienna, to table the request. All were in Favor. *Motion Passed.*

8. Public Hearing and Possible Action: none.

9. Old Business

a. Application #10-45: Site Plan Approval for Two Commercial Buildings at 1 Willowbrook Road. Stone Ridge Associates LLC, owner/applicant.

Town Planner Craig Minor reported that the applicants have asked for a continuation. They have provided the Town with the necessary written permission to delay a decision.

Motion made by Alice Kelly, **seconded** by Doug Sienna, to table the application. All were in Favor. *Motion Passed.*

10. New Business

a. Application #10-69: Extension of Site Plan Approval for Commercial Building at 310 Main Street. Delta Building Corporation, owner/applicant

Gary Dayharsh, owner of Delta Building Corporation, presented his request. He said that due to the bad economy he has not been able to sell the property, and that he has a prospective buyer but will not be able to apply for a building permit before the site plan approval expires.

Commissioner Joe Garafalo asked if one year would be enough; Mr. Dayharsh replied that several years would be better. Town Planner Craig Minor said that he was reluctant to recommend more than one year, because this site plan might not be in harmony with the new zoning regulations. A discussion ensued. Mr. Minor recommended approval for one year now, and if after reviewing the new zoning regulations there are no conflicts, the applicant could come back and ask for the additional years. Commissioner Michael Cannata noted that the site is very messy right now. Mr Dayharsh admitted it was and said that he has been talking to the Town Engineer about it.

Motion made by Alice Kelly, **seconded** by Doug Sienna, to approve the application for one year with conditions: (1) Same conditions as with the original approval; (2) the applicant will clean up the site to the satisfaction of the Town Engineer. All were in Favor. *Motion Passed.*

b. Application #10-74: Use Permit for Roadside Stand (Christmas Trees and Wreaths) at 82 Court Street. Mark Langton, applicant; Cromwell Fire District, owner.

Mark Langton of the Cromwell Fire Department presented the application. He identified himself as the person in charge of the Court Street Fire Station. Commissioner Keithan noted that the Fire Department has been doing this for several years with no problems.

Motion made by Peter Keithan, **seconded** by Alice Kelly, to approve the application. All were in Favor. *Motion Passed.*

11. Communications: none.

12. Commissioners' Comments:

Commissioner Kelly reminded the commission of the hearing on November 16 on the new zoning regulations and map. She reported that she and Vice Chairman Enzo Faienza will be making a presentation to the Cromwell Chamber of Commerce on it next week. Commissioner Kelly recommended the new regulations be reviewed by a land use attorney, such as Mark Branse of Branse & Willis. The commission agreed that this was a good idea and by consent authorized her to discuss it with the Board of Selectmen.

Commissioner Sienna commented on the Eager Lane situation, and his concern that, with all the town staff time going into finishing the project for him, the developer may end up not paying the full cost of this project. He said he presented his concerns to the First Selectman and has asked for a complete list of all the expense items involved, in writing. Alice Kelly asked Mr. Sienna for a list of what he has requested of the First Selectman. Mr. Sienna said he would provide that, for Eager Lane and for Cider Hill.

Chairman Nick Demetriades reported that he will not be seeking re-election as Commission chairman at the December meeting. He was not stepping down from P&Z, he just did not wish to be chairman any longer.

13. Approval of Minutes

Motion made by Peter Keithan to approve the minutes of October 19, 2010 as presented, **seconded** by Doug Sienna. All were in favor except Alice Kelly (abstained). *Motion Passed.*

14. Adjourn

Motion by Doug Sienna to adjourn, seconded by Joseph Garafalo. All were in favor. *Motion Passed.* The meeting adjourned at 8:20. p.m.

Respectfully Submitted,

Craig Minor, AICP
Town Planner



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, NOVEMBER 16, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

MINUTES

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

1. Call to Order

The meeting was called to order at 7:05 pm by Chairman Nicholas Demetriades, presiding.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

There were none present.

4. Approval of Agenda

Motion made by Alice Kelly, **seconded** by Thomas Madden to approve the agenda as presented.
All were in Favor. *Motion Passed.*

5. Public Hearing and Possible Action:

a. Application #10-72: Revised Zoning Regulations and Zoning Map. Planning and Zoning Commission, applicant.

Jason Vincent, AICP of Planimetrics delivered a PowerPoint presentation on the proposed new zoning regulations and zoning map. He described the organization of the proposed regulations which consists of four basic sections: Basics; Zones and Uses; Standards; and Administrative. He then explained in detail each of these four sections.

Chairman Demetriades then invited public comments.

Fred Curtin, Zoning Enforcement Officer: Mr. Curtin objected to the fact that he was not given a copy of the draft regulations, and that he had not been involved in the process. He said he attempted to attend the "power users" meeting but was turned away. He also objected to the

wording assigning duties and responsibilities to him. Commissioner Kelly informed him that he knew about the Committee meetings, and that his supervisor had been asked to go over these changes with him. Mr. Curtin went on to express concerns or questions with items on Pages 2, 6, 29, 82, 128, 130, and 134. Ms. Kelly asked him to submit these concerns in writing, in electronic format. Mr. Curtin then expressed concerns with Section 9.1.E which he said is subject to collective bargaining. Ms. Kelly replied that these changes were recommended by his supervisor.

Phil Gagnon, 13 Harrison Drive: Questioned the need for three separate categories of "home occupation" permits. Mr. Vincent and Mr. Minor explained them to him. He then recommended the wording be changed to be less ambiguous.

Eric Rennie, 9 Wexford Lane: Was glad to see that the proposed regulations prohibit all mining, everywhere in town. He was also pleased to hear that the Committee is willing to insert language specifically saying that mining is prohibited.

Richard Coughlin, 19 Glenwood Terrace: Asked why the proposed "groundwater protection overlay zone" was being removed from the draft? Mr. Vincent replied, because Cromwell already has an Aquifer Protection Zone, so it would be redundant.

Steven Spector, Milford CT: Representing the property owners at 162 West Street in the PO zone. He asked the Commission to consider putting this property in the new "Highway Business" zone, rather than the more restrictive "Business Park" zone. Chairman Demetriades and Mrs. Kelly told him that his parcel abuts several residential neighborhoods, hence the more restrictive zone. But they agreed to consider it.

Thomas Garcia, 16 Nooks Hill Road: As a homeowner in an area currently zoned "Industrial" and proposed to be changed to "A-25", he is in favor of the proposed zone changes.

Michael Slifer, 2 Pond View Drive: Stated that the proposed regulations impose a 50' sideyard requirement in the "Industrial" zone, whereas now there is none. This will be a problem for existing lots that are only 125' wide, which is the current minimum. Mr. Minor acknowledged that this could be a problem and said that the Committee will review it.

Ann Halibozek, 7 Christian Hill Road: On Page 10, asked the Commission to make it more clear what the "height" is of a building that is built on the side of a hill.

Sal Petrella, 8 Wexford Lane: Made the following comments: the public hearing sign requirements make the sign too big, and too expensive; the Mixed Use floating zone should have less restrictive bulk requirements; why does the multi-family regulation specify a maximum of three units; the public hearing on the new regulations be kept open until after the Zoning Subcommittee meets to discuss all the comments; definition of "supermajority"; why was the "restrictive covenant" alternative to performance bonds removed; why not allow meals for the

general public at a bed and breakfast, and more than one non-family employee; questioned rear lot minimum size of double that of a front lot; minimum lot size for large animal pets should be increased; fiscal impact statement is a waste of money; disapproved of the architect that the Commission used in the past for architectural review; wants more public discussion on the alcohol separation regulations.

Richard Coughlin, 19 Glenwood Terrace: Asked what happened to the recommendation in the POCD to have an "agricultural preservation zone" in the Northern Tier? Mr. Vincent explained that it is allowed in the Business Park zone. Asked if the new regulations allow P&Z to require an applicant to pay for a third party review of highly technical documents. Mr. Vincent said no, that has to be in the fee schedule approved by the Board of Selectmen.

Julius Neto, 12 Cannata Drive: Felt that the DC zone is fragmented. Asked if the new Riparian Protection Zone will be more development-friendly than the old Flood Plain zone. Mr. Minor replied no, because in both cases the language comes from the FEMA regulations.

Motion made by Enzo Faienza, **seconded** by Douglas Sienna, to continue the Public Hearing at the next meeting on December 7, 2010. All were in Favor. *Motion Passed.*

6. Adjourn

Motion made by Alice Kelly, **seconded** by Thomas Madden to adjourn. All were in Favor. *Motion Passed.* The meeting adjourned at 9:15. p.m.

Respectfully Submitted,

Craig Minor, AICP
Town Planner