

**Town of Cromwell
Planning and Zoning Commission**

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, APRIL 20, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

AGENDA

RECEIVED FOR FILING
4-8 2010 at *1:33* P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Jean Ahlgvist Cost.
TOWN CLERK

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: None.
 - b. Performance Bond Actions:
 1. Performance Bond at "Eager Lane".
8. **Public Hearing and Possible Action:**
 - a. Application #10-23: Special Permit (Daycare) at 13 Sydney Lane. Cori-Lyn Kovacs, owner/applicant.
 - b. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant.

9. **Old Business:** None

10. **New Business:**

a. Application #10-25: Residential Subdivision at 200 Coles Road. Attorney Paul Morello, applicant; Theodore and Genevieve Mrozowski, owners.

11. **Communications:** None.

12. **Commissioners' Comments:**

a. Zoning Regulations Committee Report


13. **Approval of Minutes:**

a. April 6, 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: April 8, 2010, 2010
Re: Comments for P&Z Meeting on April 20, 2010

You are receiving this agenda packet much earlier than usual because I will be out of the office next week until Thursday, April 15. I will probably send you an updated packet then.

7. Town Planner Report:

1. Performance Bond at "Eager Lane".

I will let you know at the meeting whether the developer has made enough progress with his runoff problem to satisfy the Town Engineer.

8. Public Hearing and Possible Action:

- a. Application #10-23: Special Permit (Daycare) at 13 Sydney Lane. Cori-Lyn Kovacs, owner/applicant.

The owners would like to operate a state-licensed day care for seven or more children in their home. Under our zoning regulations this requires a special permit. See the attached site plan sketch, and floor plan.

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

The owner of this condominium unit would like to operate an import/export business. He has not yet submitted a floor plan, as I requested.

10. New Business:

- a. Application #10-25: Residential Subdivision at 200 Coles Road. Attorney Paul Morello, applicant; Theodore and Genevieve Mrozowski, owners.

See attached letter from me to the applicant.

cc:
file

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday, April 20, 2010 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #10-23: Special Permit (Daycare) at 13 Sydney Lane. Cori-Lyn Kovacs, owner/applicant.
2. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant.

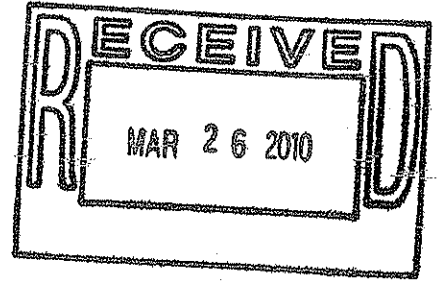
At this hearing interested persons may appear and be heard and written testimony received. These applications are available for public inspection in the office of the Town Planner.

Nicholas Demetriades
Chairman

Dated in Cromwell, Connecticut this 9th day of April 2010.

10
09- 23

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT



Type of Activity: HOME DAYCARE (UP TO 12 CHILDREN)
(Per Section 11.9 of the Cromwell Zoning Regulations)

Street Address: 13 SYDNEY LANE Zoning District: A25

Parcel ID #: 10600100 Volume/Page: 1176/226

Applicant's Name: CORI-LYN KOVACS

Address: 13 SYDNEY LANE

Telephone Number (daytime): 800-632-1402

Email Address: C.KOVACS@SBCGLOBAL.NET

Property Owner's Name: CORI-LYN + PHILIP KOVACS

Address: 13 SYDNEY LANE

Description of Proposed Activity:
(SEE ATTACHMENT)

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).*

Cori Kovacs
(applicant)

3/25/10
(date)

March 25, 2010

To whom it may concern,

I have been running a licensed family day care for a year and a half in my home on Sydney lane. This time has been a wonderful experience for both me and my family. I offer a service to our community, which provides like minded families an alternative to larger childcare centers. (Please see attached description.) I currently provide care for three Cromwell families and have two other Cromwell families on the waiting list.

After much consideration and thought, my husband has decided to leave his current job and work from home at our family day care. The response to this idea has been overwhelmingly positive. Families are literally lining up to get a spot. I am applying for a special permit to allow this arrangement to be possible.

Our intentions are simply and clear. We wish to have a small home day care with no more than 12 children including our own two girls. It is our hope that we can keep the "home-like" atmosphere, while providing care for a few additional children. I currently have two moms who are pregnant with their second child. They have expressed a great desire to keep their children together in my care. I am hoping that this will be an option I can offer them. Our plan is to finish our walkout basement, which will increase available space per child and also provide some privacy for our family. (See attached floor plan)

Thank you in advance for your time and consideration and feel free to contact me with any questions you may have regarding our project(860-632-1402).

Sincerely,

A handwritten signature in cursive script, appearing to read "Cori Kovacs", written in black ink.

Cori Kovacs



Blooming Daysies...

A nurturing, enrichment based daycare program...

This program provides children with a safe, nurturing environment where they can learn and grow at their own pace. Emphasis is placed on practical life skills such as dressing, cooking, cleaning, washing, and baking. Creativity will be used as a vehicle for learning and children will experience many different aspects of creative play including art, music, dance, and of course... free creative time (dress up, puppet shows...). Also, a love for nature will be fostered through science and nature based activities.

Blooming Daysies is a licensed, full-time childcare program provided by a certified public school teacher and mother of two ☺.

Hours: Monday- Friday 7-5p.m

Teacher/Child Ratio is 1 caregiver: 6 children.

Our Daily Schedule-

Timing will vary based on rhythm of the day and daily activities.

8:00-Morning Circle - Story – Songs, Creative Free Play

- Potty, diaper, wash up
- Snack Time
- Scheduled activity such as modeling clay, painting, baking, craft activity or making weekly recipe (each child brings an ingredient), outdoor activity
- Potty time, diaper and wash Up

11:30-Children set table, eat lunch together at table

- Children clean their plates and wipe table
- Story-time /quiet music or songs
- Potty time, diaper and wash up

12:00-?p.m–Rest/nap

3p.m-Wake, potty, wash up

- Snack Time
- Free play until parents arrive

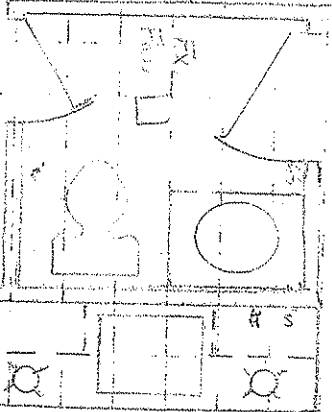
FLOOR PLAN - BASEMENT

FURNACE

11

STORAGE

OIL TANK



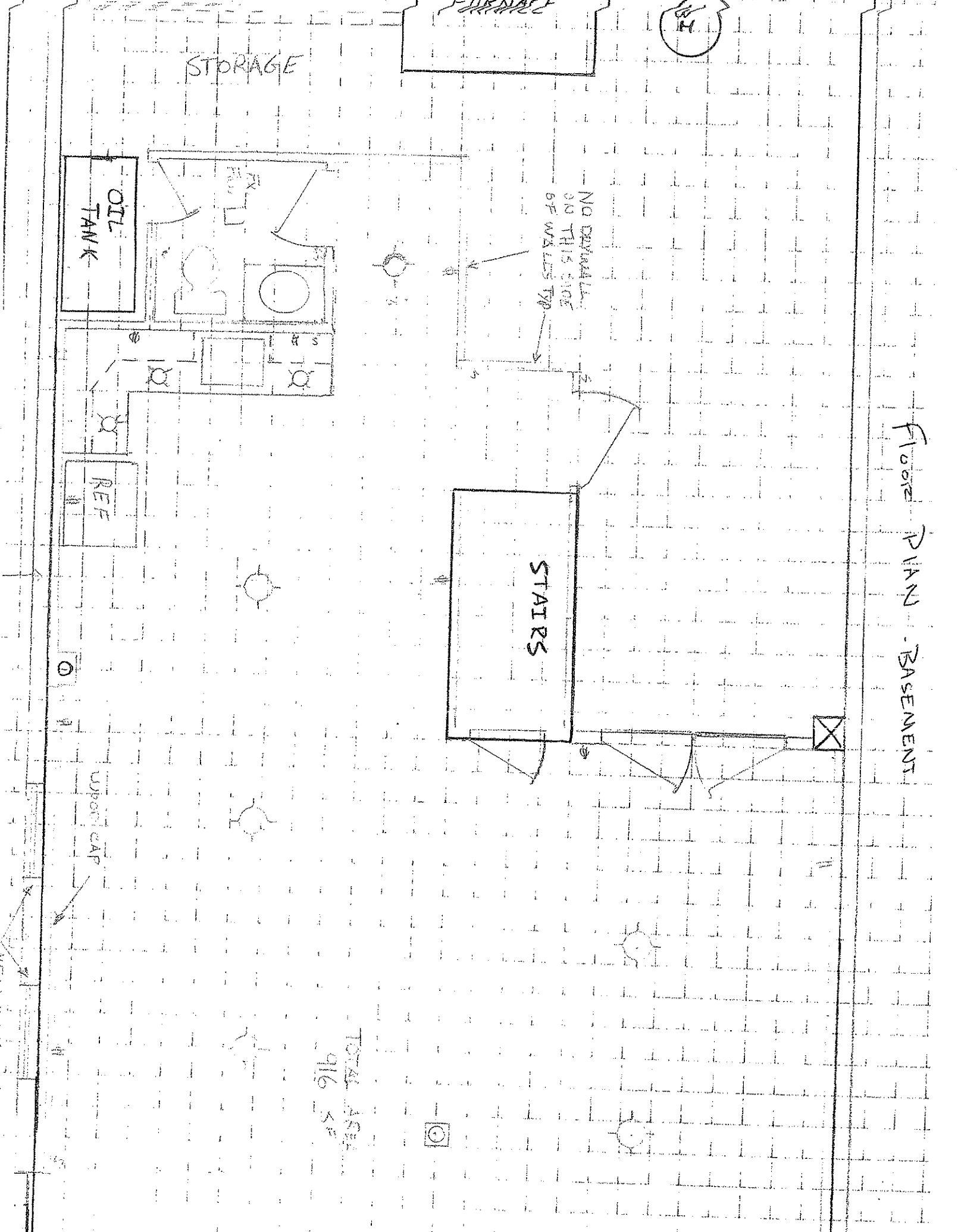
NO DRINKABLE
ON THIS SIDE
OF WALLS TO

STAIRS

REF

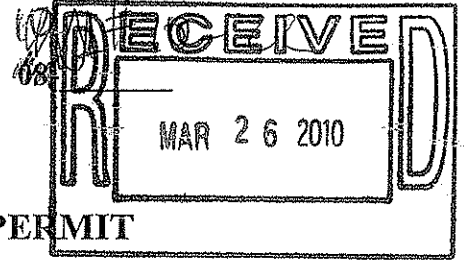
UPPOIN GAP

TOTAL AREA
916 SQ FT



\$ 100 app. fee.

10-22



TOWN OF CROMWELL
 PLANNING AND ZONING COMMISSION

APPLICATION FOR HOME OCCUPATION PERMIT

Name of Applicant: Qamar Nagvi

Address: 15 Wild Rose Court PIN# 00234500

Name of Owner (if different): Same

Assessor's Map _____ Block _____ Lot _____ Volume/Page: 1205 / 66

Telephone Number of Applicant: 860-613-2900

Description of Proposed Activity:
Import handicrafts and gift items.

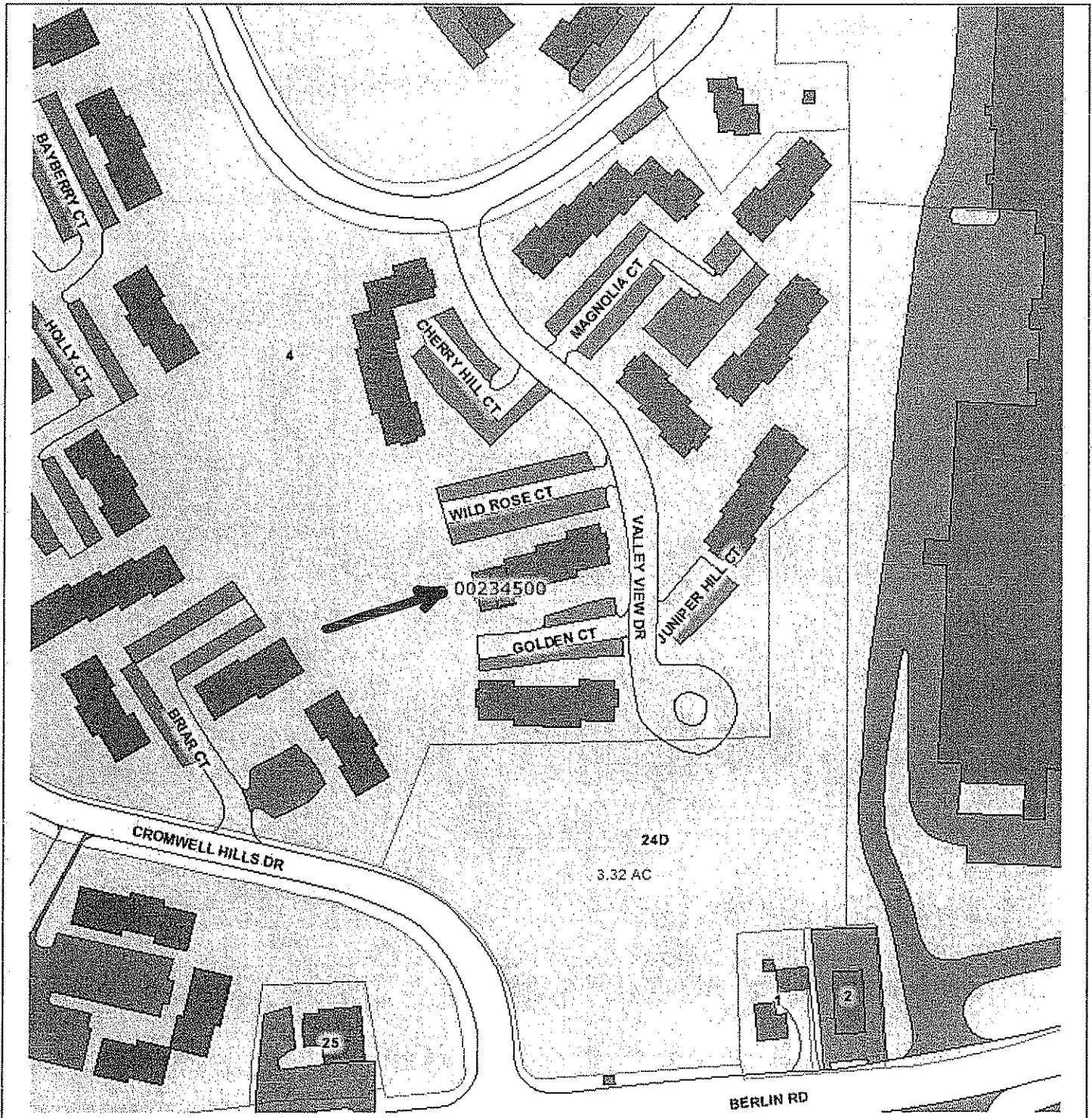
"I hereby certify that I have read Section 11.4 ("Home Occupations") of the Zoning Regulations and that my proposed activity will comply with these regulations."

x [Signature]
 (applicant)

3/25/10
 (date)

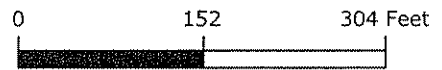
 (owner, if different)

 (date)



Town of
Cromwell, CT

Interactive Map



Scale: 1"=152' (1:1826)
Date: 3/30/10

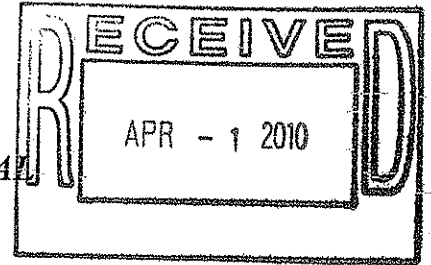
Parcel ID: 00234500

Owner: KAZMI BATOOL

Parcel Address: 15 WILD ROSE COURT

10-25

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION



APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision (if applicable): Mrozowski Subdivision
Street Address: 200 Coles Rd
Volume/Page: V. 57 P. 40
Zoning District: A-25 PIN# 00336200

Applicant's Name: PAUL A. MORELLO, JR
Address: 154 West St
Cromwell, CT 06416
Telephone: 860-635-7373
Email Address: pam@donmcr/law.com

Owner's Name: THEODORE I + GENEVIEVE MROZOWSKI
Address: 200 Coles Rd
Cromwell, CT 06416

Attached:

- (/) 1. Application fee in the amount of \$ _____;
- () 2. Inland Wetlands and Watercourses Agency Permit, if applicable;
- () 3. Water Pollution Control Authority approval, if applicable;
- (/) 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

Please answer the following questions:

- 1. Is any part of the site within 500' of an adjoining town? (Yes) (No)
- 2. Does any part of the site contain wetlands? (Yes) (No)
- 3. If you propose to disturb more than five acres, have you filed a Stormwater Management Plan with DEP? (Yes) (No) (N/A)
- 4. If the subdivision will involve more than 100,000 sf of floor area or 199 parking spaces, have you applied for an STC Permit with DOT? (Yes) (No) (N/A)

Paula J. Morley
Applicant

4.1.10
Date

Memo

To: Town Staff
From: Craig Minor, AICP
Town Planner *CM*
Date: April 6, 2010
Re: **P&Z Application #10-25: Residential Subdivision at 200 Coies Road. Attorney Paul Morello, applicant; Theodore and Genevieve Mrozowski, owners.**

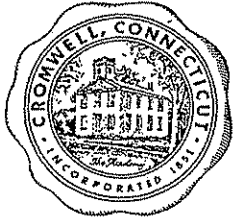
For your review and comment. This application will be received and possibly approved at the Planning and Zoning Commission meeting on April 20, 2010.

Enclosed:

1. Application dated April 1, 2010.
2. Record Subdivision Map prepared by Jackowiak Land Surveying dated March 11, 2010.
3. Site Development Plan prepared by Frank Magnotta dated April 2010.
4. Stormwater Analysis prepared by Frank Magnotta dated March 30, 2010 (Town Engineer only)

cc:

Town Engineer
Chief of Police
WPCA
Water Department
Development Compliance Officer
file ✓



Town of Cromwell

Planning and Zoning Commission

NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

April 8, 2010

Paul A. Morello, Jr.
154 West Street
Cromwell, CT 06416

Dear Attorney Morello:

**Subject: Application #10-25: Subdivision at 200 Coles Road. Paul Morello, applicant;
Theodore and Genevieve Mrozowski, owner.**

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

1. Subdivision Plat Plan:
 - a. An endorsement block needs to be provided (as on the Site Development Plan).
2. Site Development Plan:
 - a. The name and phone number of the party responsible for the erosion control measures needs to be shown.
 - b. Sidewalks may be required at the discretion of the Planning and Zoning Commission.

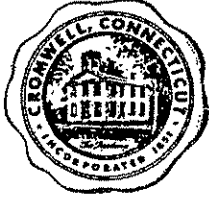
As of this writing I have not received comments from town staff on the placement of the driveway entrance, the grading of the driveway, and the stormwater analysis.

Please contact me at cminor@cromwellct.com or (860) 632-3422 if you have any questions.

Sincerely,

Craig Minor, AICP
Town Planner

cc:
file



**Town of Cromwell
Planning and Zoning Commission**

Gloria Prudergast, Asst
TOWN CLERK

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, APRIL 6, 2010
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTES

Present: Nicholas Demetriades, Vincent Faienza, Joseph Garafalo, Doug Sienna, Peter Keithan, Michael Cannata, Alice Kelly, Thomas O'Neill, Tom Madden (arrived 7:05) and Alternate Fred Hayward
Also Present: Town Planner Craig Minor, BOS Liaison Anthony Varricchio, Sr.
Absent: Alternate Linda Duren

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

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to seat Fred Hayward. All were in Favor. *Motion Passed.*

4. Approval of Agenda

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to approve the agenda.
Motion was made by Vincent Faienza, **seconded** by Douglas Sienna to amend the agenda to remove item 9a under Old Business. All were in Favor. *Motions Passed.*

5. Public Comments

Michael Millane of 34 Field Rd Cromwell clarified whether he would be able to talk under various items on the agenda.

Michael Slifer of 2 Pondview Dr Cromwell remarked that he was at the March 16th meeting and questioned why Public Comment was omitted from the meeting. Mrs. Kelly explained that this was just for Commission discussion of the zoning regulations and that it was notified at prior meetings. Mr. Slifer asked when the vote was taken on the Zoning Regulations what was required for passage. Mr. Minor said that he would have to verify. Mr. Slifer commented that Wal-mart had stated at a local Chamber meeting their plans for expansion and asked what the Town knows about this. Mr. Minor said that the Town has received no information regarding Wal-mart's plans.

6. Development Compliance Officer Report:

a. Activity Report

Zoning Enforcement Officer Curtin reviewed his 3/29/10 memo to Mr. Mazurek.

Mr. Keithan expressed continued concern with Alcap Ridge. He felt there were still a lot of cars up there today. Mr. Keithan reported that there was a transfer of material from Cromwell to Portland of at least 4 trucks from Cromwell Concrete to a landfill over in Portland. Mr. Keithan also reported that the old naval station is filling in the cellar. He saw 5 to 7 trucks from Middletown dumping on the site. Mr. Keithan questioned whether there was a permit. ZEO Curtin confirmed that there was not a permit. Mr. Keithan stated he would like a report.

Mrs. Kelly asked if the planting plans have been completed for Country Squire Drive. ZEO Curtin said that they have not and he would be following up on them. Mr. Minor confirmed that there is a bond for the Dentist's site. There was some discussion regarding the other site but the ZEO could not answer whether there was until he did some further research.

Mr. Hayward asked about other vehicles at 8 South Street. ZEO Curtin clarified how he was proceeding with the process.

Mrs. Kelly inquired about Alcap Ridge. She expressed concern with its appearance and whether all the businesses are in compliance.

Chairman Demetriades asked for a report on the Cobblestone project. ZEO Curtin reported that there had been a construction meeting and that work should be starting soon.

b. Status of Outstanding Permits -No Report

7. Town Planner Report:

a. **Public Hearings to be Scheduled:**

1. Application #10-23: Special Permit (Daycare) at 13 Sydney Lane. Cori-Lyn Kovacs, owner/applicant.

Motion was made by Alice Kelly, **seconded** by Thomas O'Neill to schedule Application #10-23: Special Permit (Daycare) at 13 Sydney Lane for a public hearing on April 20, 2010. All were in Favor. *Motion Passed.*

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

Motion was made by Douglas Sienna, **seconded** by Alice Kelly to schedule Application #10-22: Home Occupation (Import Business) at 15 Wild Rose Court for a public hearing on April 20, 2010. All were in Favor. *Motion Passed.*

b. Performance Bond Actions:

1. Performance Bond Reduction for "Mountain View Estates" on North Road.

Motion was made by Peter Keithan, **seconded** by Douglas Sienna to reduce the Letter of Credit by \$310,00 for "Mountain View Estates" on North Road by \$310,000. All were in Favor. *Motion Passed.*

2. Performance Bond at "Eager Lane".

ZEO Curtin presented a layout provided by Town Engineer Mazurek of the original plans of the development, along with the current layout. Mr. Mazurek asked to be able to call the bond if he can't obtain compliance with the drainage.

Steve McClarty of Coastal Building explained that the adjacent homeowner to the development Mr. Poole went to 3 Wetlands meetings before he was even aware of an issue. Once aware he hired an engineer and submitted a plan of correction. Mr. McClarty stated that Mr. Mazurek was sending notices to the wrong email. Mr. McClarty stated that he only become aware of this current issue 2 days ago, in which he went in to talk with Mr. Mazurek. Mr. McClarty felt that he was working with Mr. Mazurek and that many issues can be resolved now that it is spring and he can work on the site. Chairman Demetriades recapped the issues. The Commissioners asked questions to try to help clarify. Mr. Minor pointed out that the Town Engineer is only asking the Commission to authorize him to call the bond; if Mr. McClarty fixes the problem voluntarily we won't have to go to that extreme. Many Commissioners felt that he should be given a chance to work with Mr. Mazurek to resolve the matter. Mr. Minor stated that he spoke with Mr. Mazurek today and he did not say that it has worked out and Mr. McClarty had spoken with Mr. Mazurek today.

Motion was made by Peter Keithan to authorize the calling of the bonding for \$35,000.

There was no second.

Motion was made by Michael Cannata, **seconded** by Alice Kelly to table this item for 2 weeks and if there is no settlement than action would be taken. All were in Favor. *Motion Passed.*

c. "Incentive Housing Zone" Grant Application

Town Planner Minor explained the restructuring of the grant and the process of the application. Mr. Minor and the Commission discussed that this was to determine whether this zone could

enhance the Town and make an impact and whether it is appropriate or needed.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to authorize the Town Planner to process the Incentive Housing Zone Grant Application. (Favor, Demetriades, Faienza, Garafalo, Sienna, Keithan, Cannata, Kelly, O'Neill) (Opposed, Hayward). *Motion Passed.*

8. Public Hearing and Possible Action:

Douglas Sienna read the legal notice into record.

a. Application #10-14: Use Permit (Golf Tournament) at 100 Golf Club Road, Greater Hartford Community Foundation Inc, applicant; Tournament Players Club of Connecticut, owner.

The public hearing was opened by general consent.

Daniel Kleinman of Levy & Droney reviewed this event, which is in its 27 year. Attorney Kleinman described the use permit. Attorney Kleinman read an email regarding fencing attached to chain link fencing during the event. Attorney Kleinman explained that the fencing is a PGA requirement to protect the players. Attorney Kleinman addressed the past fencing concerns but that the fencing last year was taken down within the allotted time frame. Attorney Kleinman addressed that they have updated their contacts and have spoken with the Homeowners Association over the past few months and are going to try to keep it safe.

Kevin Harrington the Operations Manager for the Greater Hartford Community Foundation reviewed the set-up and breakdown schedule for the tournament. Mr. Harrington discussed the Friday and Saturday night concerts from about 6-9pm. Mr. Harrington also reviewed the Wednesday BBQ from 6-10:30pm. Mr. Harrington explained that most of the parking on-site would be on the bean fields and the VIP parking had been moved to Woodside School.

Mrs. Kelly was concerned with other surrounding property owners. Mrs. Kelly commented that she checked on the fencing last year and that it had been taken down in a timely manner.

Chairman Demetriades asked for comments in support of the application.

Barbara Galo of 32 Glenwood Terrace explained that she had been before the Commission 2 years ago because of lots of noise. Ms Galo stated that Mr. Harrington worked with her and that it has been a win/win. Mr. Harrington clarified that they will continue with a similar set-up this year.

Michael Millane of 34 Field Road supports the tournament and clarified the fence issue. He is concerned about the green fencing hurting the chain link, which is starting to fail. Mr. Millane has some suggestions from a non-golf event he attended. Mr. Millane suggested that traffic

control be increased at the back of Golf Club Rd. Mr. Millane asked what would happen if Tiger Woods did attend the tournament. Mr. Millane also suggested that after the tournament that local residents who are impacted by the tournament be allowed an opportunity to play the course.

Chairman Demetriades asked for comments opposed to the application. There were none.

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

Barbara Galo of 34 Field Road asked when there was going to be music.

Attorney Kleinman clarified that there was going to be music on Friday and Saturday nights and it was expected to end at 8:30pm. Attorney Kleinman explained that it was improbable that Tiger would come to the tournament due to the timing of it but that they would plan accordingly. Attorney Kleinman would also pass along the idea of opening the course to local residents.

Mrs. Kelly asked if they could change the date of the tournament to get Tiger? Attorney Kleinman explained the commitment of the tournament through 2014 and that to change the dates to not be before or after a major open is very difficult.

Motion was made by Michael Cannata, **seconded** by Vincent Faienza to close the public hearing. All were in Favor. *Motion Passed.*

Motion was made by Michael Cannata, **seconded** by Peter Keithan to approve Application #10-14: Use Permit (Golf Tournament) at 100 Golf Club Road with the same conditions as last year. All were in Favor. *Motion Passed.*

b. Application #10-16: Amendments to Subdivision Regulations. Planning and Zoning Commission, applicant.

The public hearing was opened by general consent.

Town Planner Minor explained that the changes were mostly technical changes. Mr. Minor reviewed the regulations with the Commission.

Chairman Demetriades asked for comments in support of this application.

Mike Millane of 34 Field asked if this had anything to do with the new zoning regulations. Mr. Minor replied no, that it is a completely separate set of regulations.

Chairman Demetriades asked if there were any further comments. There was none.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to close the public hearing. All

were in Favor. *Motion Passed.*

Motion was made by Douglas Sienna, **seconded** by Joseph Garafalo to approve Application #10-16: Amendments to Subdivision Regulations. All were in Favor. *Motion Passed.*

9. Old Business:

- a. Discuss Draft Zoning Regulations dated February 4, 2010 -Deleted from agenda

10. New Business:

- a. Status of Mattabassett District's planned Nitrogen Upgrade and Related Improvements presented by Brian Armet, Executive Director.

Brian Armet, Executive Director of the Mattabassett at 245 Main Street Cromwell along with Joe Amaco, a consultant on the project presented to the Commission the planned upgrades and the projections of the District. The EPA has asked for improvement of Long Island Sound regarding Nitrogen credits. Mr. Armet described what Mattabassett has achieved and what they are going to do with their tanks and facility to treat effluent. The project is estimated to cost \$100 million dollars. Mr. Armet reviewed the grants they have obtained and the grants they are pursuing to help offset the costs. A loan will be provided through the Clean Water Fund Loan. They are looking to complete the planning of the project by the end of the year and begin the project next year. Mr. Hayward asked about water quality issues. Mr. Armet addressed the questions. Mr. Armet has been notifying various Boards and groups of the project to educate the community prior to submission of plans. Mr. Sienna noted that the Mattabassett District just received Wastewater Utility of the Year Award for 2009 from the New England Water Environment Association. Mr. Cannata suggested an open house of the facility. Many commission members were interested and Mr. Armet would try to arrange for something.

- b. Application #10-20: Use Permit (Temporary Retail Garden Store) at 24 Shunpike. Joshua Reddinger, applicant; Mattabesset Realty LLC, owner.
Joshua Eddinger, a resident of Middletown, is looking like he did last year to host a retail nursery to sell annuals grown on his farm in Middletown from April 2010 to July 2010. Mr. Eddinger described the parking changes due to the temporary nature of the business.

Mike Millane of 34 Field Road and of Millane Nurseries explained that live plants require watering and increases wastewater and this business is close to the wetlands. Mr. Millane commented that this business has an advantage over other areas that are regulated. Mr. Millane was not happy that someone from out of town coming in does not have to follow the same rules and regulations. It is a heavily-regulated business and there are lots of licenses needed.

Mr. Keithan agreed with Mr. Millane and was concerned with wastewater. Mr. Keithan was not

happy with it.

Mr. Eddinger said that his family is in the plant business and that either he or someone on his staff has all the necessary licenses. He explained that as agreed to last year, no fertilizers are sold. Mr. Eddinger said that he purchased his water from the Town last year and if he knew this item would come up he would have brought his records. Mr. Eddinger felt that if the Commission saw the numbers they would see that he is using a lot less than a building on the site. Mr. Eddinger explained that he has a family business in Middletown and that they have a store in Middletown and Kensington. This site in Cromwell is a satellite store. They only sell annuals and this is a peak season. Mr. Eddinger stated that they don't sell nursery stock like Mr. Millane.

The Commission discussed some of the concerns raised regarding a temporary building. Mr. Cannata asked if Mr. Eddinger paid taxes. Mr. Eddinger said he did not, but it may have been an oversight by the assessor and was not opposed to anything retroactive. Mr. Garafalo supported opening the town to business. Mr. Hayward asked several questions regarding pesticides and drainage.

Mike Millane commented that if a permanent building were going on the site it would have to go to Inland Wetlands for approval. Mr. Eddinger said that the original building went through Inland Wetlands. Mr. Minor said that Mr. Millane raised a good point and that the application could be approved with the condition that the Wetlands Officer review it for compliance. Mrs. Kelly asked for clarification on the wetland issue.

Motion was made by Thomas O'Neill, **seconded** by Alice Kelly to approve Application #10-20: Use Permit (Temporary Retail Garden Store) at 24-Shunpike with the condition that the Wetlands Officer reviews for wetlands compliance. (Favor, Faienza, Garafalo, Sienna, Kelly, O'Neill)(Opposed, Hayward, Cannata, Keithan)(No Vote, Demetriades). *Motion Passed.*

11. Communications:

a. Spring 2010 Clearscapes newsletter from the Center for Land Use Education and Research at UConn – For Information

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

Mrs. Kelly stated that the next meeting of the subcommittee would be on April 19.

b. Mr. Cannata asked BOS Liaison Varricchio to pass on to the Board of Selectman once again that a new microphone system was needed. It is embarrassing to have to place microphones

on the floor and to have squealing all meeting long. Mr. Cannata wants to know what it will take to get this done.

c. Mr. Keithan expressed frustration with passing information along to Mr. Minor and he says he passes it along to Mr. Curtin and then he doesn't hear anything. Mr. Keithan said he expects more as a Commissioner. Chairman Demetriades explained that he does not have any more rights as a Commissioner than a private citizen. Mr. Minor explained that Mr. Curtin does not work for him, and that all he can do is pass the information along; he cannot demand anything of Mr. Curtin. Mr. Keithan was upset and said that he would take his complaint to Mr. Mazurek.

13. Approval of Minutes:

a. March 2, 2010

The minutes of the March 2, 2010 meeting were approved by general consent.

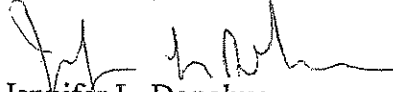
b. March 16, 2010

The minutes of the March 16, 2010 meeting were approved by general consent.

14. Adjourn

The meeting adjourned by general consent at 9:30pm.

Respectfully submitted,



Jennifer L. Donohue
Clerk