



**Town of Cromwell
Planning and Zoning Commission**

**REGULAR MEETING
7:00 P.M. TUESDAY, MAY 4, 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:
 - a. Application #10-26: Residential Re-subdivision at 9 Ledge Road. Brian DiMartino, owner/applicant.
 - b. Performance Bond Actions: None.
8. Public Hearing and Possible Action: None.
9. Old Business: None

RECEIVED FOR FILING
4/27 2010 at 3:07 P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Charlene C. DiProto
TOWN CLERK

10. New Business:

- a. Application #10-27: Site Plan Approval (Batting Cages and Press Box) at 9 Captain James Mann Memorial Drive. Cromwell Little League, applicant; Town of Cromwell, owner.
- b. Application #10-29: Request for Zoning Regulations Interpretation at the "Institutional Development Zone". Burt Johnson, applicant.
- c. Letter from Frank Magnotta, PE regarding Required Sidewalks at the Residential Subdivision at 200 Coles Road (Application #10-25).

11. Communications:

- a. *Connecticut Law Tribune* Article on Permit Application Fees dated April 12, 2010.

12. Commissioners' Comments:

- a. Zoning Regulations Committee Report


13. Approval of Minutes:

- a. April 20, 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 27, 2010
Re: Comments for P&Z Meeting on May 4, 2010

10. New Business:

a. Application #10-27: Site Plan Approval (Batting Cages and Press Box) at 9 Captain James Mann Memorial Drive. Cromwell Little League, applicant; Town of Cromwell, owner.

The Cromwell Little League would like to construct batting cages on the west side of the field at Watrous Park, and a press box on the east side. This project has been in the works for several months but the application was just filed a few minutes ago (which is why this agenda is different from the one you received via email). An advance copy of the plan was seen by town staff, so even though the staff will be getting their official review copies on Monday April 27, I think the staff will be able to have comments for P&Z prior to the meeting.

As a separate activity (but shown on these plans), the Public Works Department would like to create a row of parking spaces on the east side of the ballfields. This requires site plan approval by P&Z, so the Little League agreed to put this on their plans. Someone from Public Works will be at the meeting to answer any questions the Commission may have on the parking spaces.

b. Application #10-29: Request for Zoning Regulations Interpretation at the "Institutional Development Zone". Burt Johnson, applicant.

The management of Covenant Village would like to begin operating a "farmer's market" on the site of the future high-rise residential building that P&Z approved last year. Unfortunately the "Institutional Development Zone" regulations do not allow this because, when the regulation was written, allowing "incidental" activities of this sort was not included in the regulations. Therefore the management is asking the Commission to make an "interpretation" of the regulations, to enable them to do this. I recommend approval.

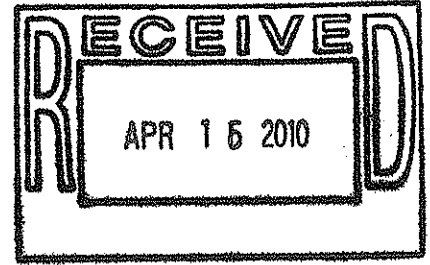
c. Letter from Frank Magnotta, PE regarding Required Sidewalks at the Residential Subdivision at 200 Coles Road (Application #10-25).

The applicants are opposed to the sidewalks requirement. They feel the site is too steep to construct a sidewalk at this location. See attached letter from their consulting engineer. I have sent a copy of it to the Town Engineer, for his comment.

cc:
file

10-26

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION



APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision
(if applicable):

Street Address:

9 LEDGE ROAD

Volume/Page:

566/287

Zoning District:

A-40

PIN #

00213700

Applicant's Name:

BRIAN DIMARTINO

Address:

9 LEDGE ROAD

CROMWELL, CT 06416

Telephone:

860-635-2241

Email Address:

Owner's Name:

BRIAN & ROXANNE DIMARTINO

Address:

9 LEDGE ROAD

CROMWELL, CT 06416

Attached:

- () 1. Application fee in the amount of \$ 230.00 ;
- (✓) 2. Inland Wetlands and Watercourses Agency Permit, if applicable;
- N.A (✓) 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:

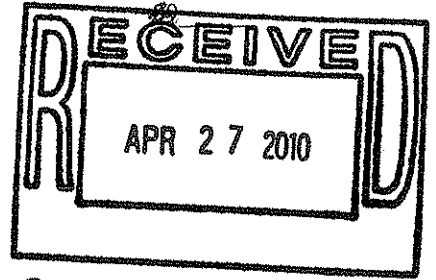
- 1. Is any part of the site within 500' of an adjoining town? (Yes) (No)
- 2. Does any part of the site contain wetlands? (Yes) (No)
- 3. If you propose to disturb more than five acres, have you filed a Stormwater Management Plan with DEP? (Yes) (No) (N/A)
- 4. If the subdivision will involve more than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

Brian DiMartino
Applicant

4/16/10
Date

10-27

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION



APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Cromwell Little League ^(cu) Batting Cages & Press Box
Street Address: P.O. Box 21, Cromwell, CT 06416
Volume/Page: 59/435 PIN #: 00112200

Applicant Name: Cromwell Little League
Address: P.O. Box 21
Cromwell, CT 06416

Telephone: (860) 471-3470 (day) (860) 635-7544 (evening)
Email Address: jccpcoleman@sbcglobal.net

Property Owner Name: Board of Education
Address: _____

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

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

Jeffrey C. Coleman 4/27/10
Applicant Name and Signature Date
Jeffrey C. Coleman

Curtin, Fred

From: Mandeville, Rick [RMANDEVILLE@cromwell.k12.ct.us]
Sent: Tuesday, March 02, 2010 9:47 AM
To: Mazurek, Joe; Curtin, Fred
Cc: 'rambler@bozzutos.com'; Bisceglia, Matt; Maloney, John
Subject: Little League

Gentlemen,

The Cromwell Little League is requesting Bd of Ed approval for construction of additional structures at the Middle School site.

In order to present this request to the Board I want to insure that there are no issues on the design or location of these two structures as viewed by your department.

1. **Batting Cages** – based upon proposed future traffic flow on H. Potter Road with the proposed Senior Center and the possibility of middle school traffic should the existing west entrance be closed and re-routed onto this road, will the location of the new batting cages be in conflict?
2. **Press Box (10'x17')** – while supportive of the placement of a "Press Box" style structure to enhance the game, the overall size and possible height (15'-20') may be imposing. As visitors coming into the middle school property the Little League area will be their first impression to the site with this being the first structure that is seen.

As the Little League Board is requesting Board of Ed approval at their March 9th meeting, I would appreciate your earliest response.

Thank you



Cromwell Little League
P.O. Box 21
Cromwell, CT 06416

Superintendent of Schools
Matt A. Bisceglia, Ed.D
9 Mann Memorial Drive
Cromwell, CT 06416

03/01/10

Dear Dr. Bisceglia:

As warmer weather approaches we hope to wrap up our current building project, our new concession facility. Most of the interior work is complete and landscaping will begin soon.

Cromwell Little League would like commence with our next 2 stages of facility improvements that were previously brought before the board:

Stage 2

- Purchase and install 2 batting tunnels (15' x 55") that would be located directly behind the centerfield fences of both fields.

Stage 3

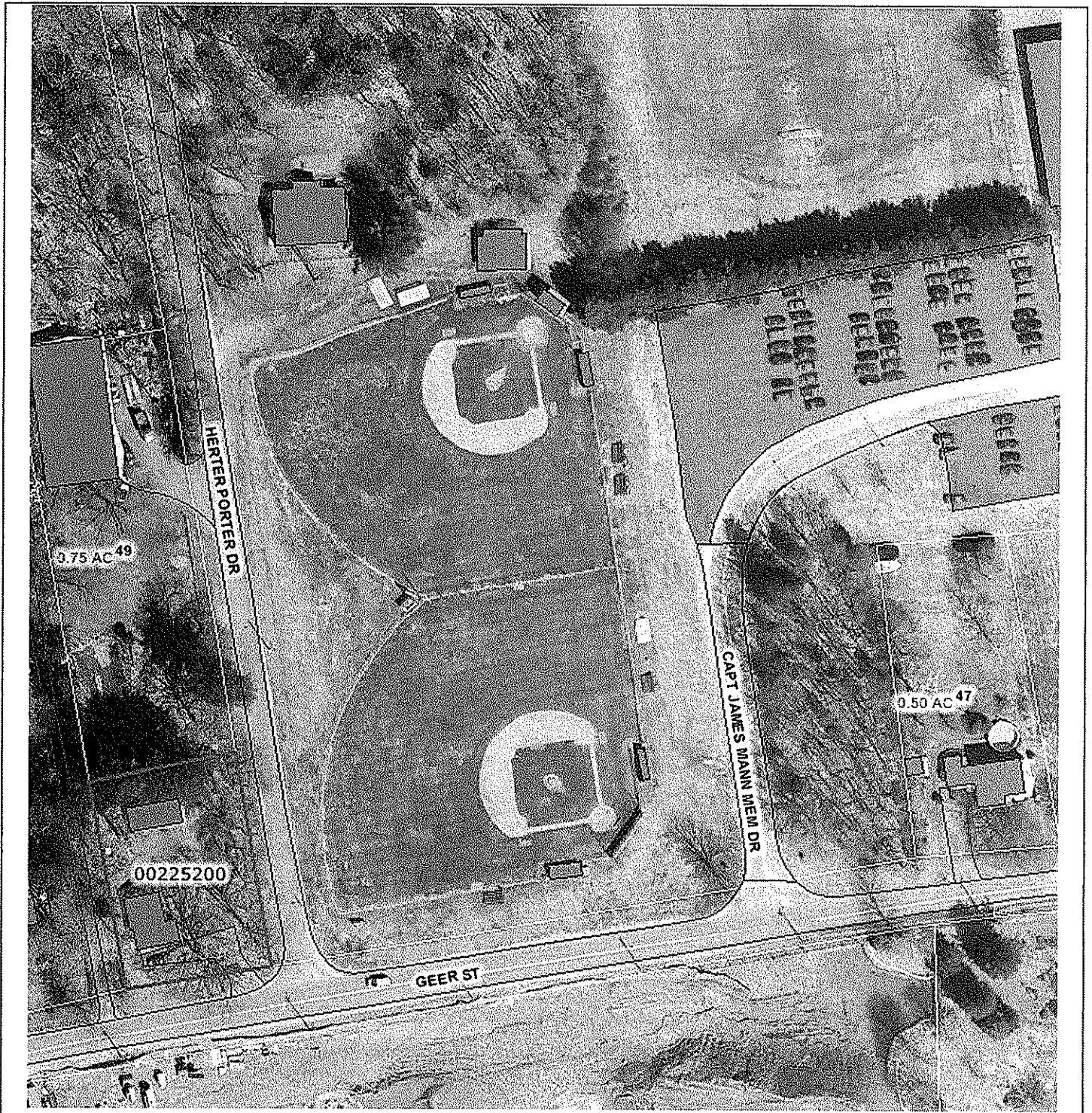
- New press box located to the left of first base dugout on Lindquist Field.

Also, we would like to let you know that we are looking into the possibilities of out sourcing our food concessions, to a licensed vendor. Time constraints, and the lack of licensed volunteers to oversee our concessions, have forced us to examine all possibilities.

We would appreciate it if you could add us to your next possible Board of Education meeting agenda.

Thank you,

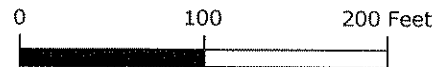
Roger Ambler
President, Cromwell Little League
Home - (860) 635-5062
Cell - (860) 301-5645
Email - rambier@bozzutos.com



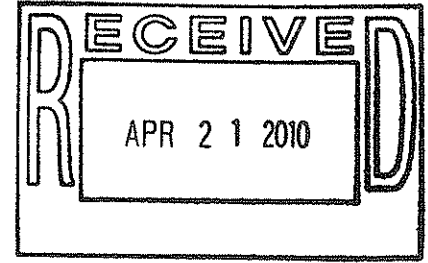
Town of
Cromwell, CT

Interactive Map

Parcel ID: 00225200
Owner: OTOOLE ROSE M
Parcel Address: 44 GEER STREET



Scale: 1"=100' (1:1200)
 Date: 3/08/10



10-29

April 21, 2010

Mr. Nicholas Demetriades
Chairperson, Cromwell Planning and Zoning Commission
C/o Mr. Craig Minor, Town Planner
41 West Street
Cromwell, Connecticut 06416

Dear Mr. Demetriades:

I am writing to you to ask for clarification about a zoning regulation that affects us here at Covenant Village of Cromwell.

As you can understand, the range of resident-centered events that take place in a senior adult community such as ours is quite broad. Besides activities that are specifically resident-centered, we also do a fair amount of community outreach and marketing, for such activities are crucial to our total institutional advancement.

We have a concept that we would like to move forward that spans direct resident involvement and community outreach. And it has a dimension that extends us into the community more than usual. We would like to sponsor a small Farmers' Market during the summer and early fall months.

This Farmers' Market would be modest in size, perhaps five to 10 vendors. We would locate it at the "top of the hill" here at Covenant Village, actually on the site where we plan to build the already approved Hillcrest project. It is a modest way for us to support our residents, create positive awareness of our presence in the community, and benefit those in Cromwell who would just love to have a local version of a farmers' market. We see this as a Covenant Village / Town of Cromwell "win-win" opportunity!

As mentioned, this would involve 10 vendors at most (small trucks); it would be held on a paved surface surrounded by other safe surfaces. We would hold it weekly, on a week day, from early afternoon to early evening. In terms of traffic



and parking, it might attract a dozen cars at a peak period. There would be no difficulty accommodating that parking on that site. There would be no new structures or temporary changes on the property. We have no plans to see this become a large event and the request that follows has no permanence associated with it; we would simply like to try this for one season and then we would reassess, with whatever oversight the Commission might wish to have.

The reason that I bring it to your attention is that the Institutional Development District (§5.7) of the Cromwell zoning regulations defines the permitted-uses for our property. That definition of permitted-uses concisely describes the central purpose of this facility – to be a place of care for the elderly. The two sentences in §5.7.c could not possibly capture all the “event” types or “outreach opportunities” that can occur in such a community. And yet a farmers’ market has a public aspect that does set it apart from that which we usually do.

And so I am approaching the Commission asking for its affirmation of this Farmers’ Market concept as an event that is consistent with the “permitted-uses” on the property. We would greatly appreciate this favorable interpretation in order to move forward.

Of course, I would welcome the opportunity to answer any questions you or the Commission would have about this and I will stay in touch with Craig Minor as you direct him.

Thanks so much for your consideration of this.

Sincerely,

Burton Johnson
Executive Director

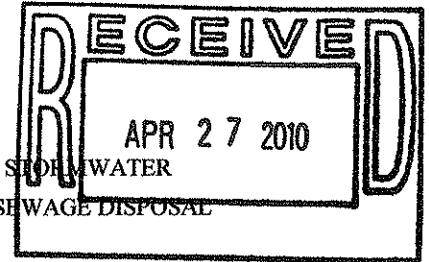
Cc: Mr. Craig Minor, Town Planner

FRANK C. MAGNOTTA, P.E.^{PC}

Consulting Engineer

395 Main St., Portland, CT 06480 Phone/Fax (860)342-2191

CIVIL, SITE, SURVEY, WATER
SUBDIVISION, SEWAGE DISPOSAL



April 26, 2010

Cromwell Planning & Zoning Commission
Mr. Craig Minor, Town Planner
41 West Street
Cromwell, CT 06416

Re: Sidewalk Requirements Mrozowski Subdivision - 200 Coles Road

Dear Mr. Minor:

I'm writing on behalf of the applicant for the referenced subdivision to request reconsideration of the Commission's vote to require sidewalks for this property. The original request for a waiver was made based on the following facts and cost implications.

1. The project has an existing and proposed house on 2.71 acres with 721 feet of road frontage even though the zoning allows lots with 0.57 acres and 130 feet of frontage, compared to the proposed house having 521 feet of frontage. The cost of 721 LF of sidewalk to serve two houses would be cost prohibitive and place an extreme financial hardship on the property owner and home builder.

2. There is only 10-15 feet of area available for sidewalk construction between the road pavement and property line where very steep ground slopes exist. Because of the steep slopes along Coles Road, a retaining wall would be required along more than 350 feet of sidewalk due to the inability to limit the uphill grading. This work would make any installation even more cost prohibitive.

3. All the large trees (24"-30") along Coles Road would have to be removed to accomplish sidewalk construction.

4. There are no connecting or potential for future sidewalks along this portion of Coles Road. Properties on either side, across the street and behind this property are all fully developed and were not required to provide sidewalks anywhere along Coles Road.

In summary, I believe the unusually long road frontage associated with this two lot subdivision and the lack of any existing or future sidewalk extensions in this area does not justify the cost prohibitive installation of a sidewalk and retaining wall.

We appreciate your time and reconsideration for this request.

Sincerely,

A handwritten signature in black ink that reads "Frank C. Magnotta". The signature is written in a cursive style and is positioned above the printed name.

Frank C. Magnotta, P.E.

cc: Attorney Paul Morello

Connecticut LawTribune

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'BUT WE NEED THE MONEY!'

Can towns boost application fees in a time of financial distress?

By **TIMOTHY S. HOLLISTER**

Anyone paying the slightest attention these days to municipal governments knows that they are straining with reduced property tax revenues, reduced state aid, and escalating costs. As a result, they are looking under every figurative rock for new or enhanced revenue sources.

One of these potential sources is application fees for land use and construction permits. This reality brings to the forefront the authority of and limits on local governments to charge application fees, and particularly whether such fees provide a means to help balance local budgets or at least reduce deficits.

As a legal matter, this issue has been highlighted recently by a case decided by the Connecticut Supreme Court. A group of builders who work in Madison have brought a class action claiming that the town, over several years, collected illegal, excessive fees for building permits. The plaintiffs' claims include a state law count under the Unfair Trade Practices Act. The Supreme Court, in *Neighborhood Builders v. Town of Madison*, 294 Conn. 651 (Feb. 2, 2010), held that the plaintiffs met the requirements for class certification, and remanded for further proceedings. Another, similar case of some notoriety occurred several years ago. A three-town regional school district applied for a building permit for an expansion of its high school. The host town's building permit fee schedule was typical, charging a set fee per \$1,000 of total construction cost, for a total of

Timothy S. Hollister is a partner in the Hartford office of Shipman & Goodwin LLP, where he practices land use, environmental and municipal law.

about \$75,000. The building inspector, however, imposed a fee in excess of \$300,000. A local newspaper reported his justification for this fee as, "We need the money."

What are the rules? In general, the principle, well established in Connecticut case law (which is consistent with judicial decisions nationally), is that application fees are intended and authorized to cover the municipality's reasonable cost of administering or processing the application. Thus, a town may charge an applicant its costs to publish and mail legal notices, to provide an appropriate location and security for a public meeting or hearing, and to hire a stenographer to transcribe a proceeding.

The power to set fees is limited by the principles that municipalities may only exercise those powers expressly delegated by the legislature or necessarily implicit in those powers, and therefore any financial charge by a municipality that is not authorized by statute – or is imposed not to cover administrative costs but to raise revenue for the town's general fund and unspecified use – is an unauthorized tax.

In Connecticut, the application of these principles dates to 1872, when in *Welch v. Hotchkiss*, 39 Conn. 140, the Supreme Court upheld as reasonable a license fee of 50 cents to erect, enlarge, or add to any building. More recent cases in Connecticut, such as *Karen v. Town of East Haddam*, 146 Conn. 720, 725-26 (1959), and other jurisdictions apply the same principles.

What Is Reasonable?

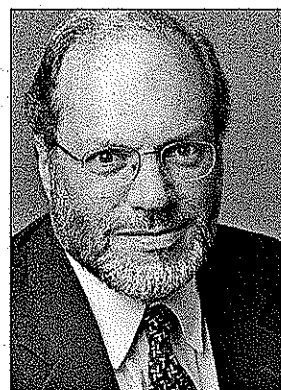
Connecticut's major land use statutes reflect this limitation. Connecticut General Statutes § 8-1c allows a town or its zoning commission to set a reasonable application fee, and § 8-26(b) (planning) and § 22a-42-

a(e) (wetlands) contain similar authorizations.

Cases interpreting what is reasonable are few. But from the cases, as well as the everyday practice of land use, the following practices, untethered from costs of administration, are suspect if not plainly unauthorized:


- Charging an applicant for a staff review that will be done by a salaried municipal employee within the scope of his or her job.
- Setting fees that are based on a formula that has little or nothing to do with the scope of processing the application or determining regulatory compliance, such as wetlands application fees based on the number of proposed residential units, regardless of the acreage of wetlands on the property or the proposed wetlands impacts.
- Setting subdivision fees based on the total acreage of the site without regard to the simplicity or complexity of the development plan.
- Charging full application fees for re-applications, when a great deal of the processing work has already been done.

A particularly thorny and sometimes contentious aspect of application fees aris-



Timothy S. Hollister

LAND USE & ENVIRONMENTAL LAW



es when a municipality determines that it should hire an outside consultant to review an application, and to charge the applicant the full cost of that retention.

Town officials have argued that they cannot have their planned municipal budgets upset simply because an applicant decides to submit an application that is beyond the time available or perhaps the professional expertise of existing town staff, and the public is entitled to a competent professional review. Fair enough. However, retention of experts is obviously open to abuses, including practices such as refus-

ing the applicant's input into the qualifications and cost of the third party reviewer; requiring the applicant to post 100 percent or even 150 percent of the expected cost before the review; not putting funds into an interest-bearing account; not providing the applicant with a copy of the consultant's bills; and not refunding unexpended funds promptly.

One recently enacted statute has addressed these problems. General Statutes § 8-13t(b), the HOMEConnecticut Incentive Housing Zone statute, specifically requires separate accounts, prohibits charges for the work of

salaried employees, and sets a timetable for return of funds.

From the rules stated in case law that fees must reflect processing costs and cannot be a tax imposed to balance the budget, and in light of the fact that each of the statutes limits fees to a "reasonable" amount, applicants should be on the lookout for fees that either depart from these rules, appear excessive, or are not justified upon request to town staff.

Meanwhile, municipal officials should bear in mind these substantive limitations, and not view application fees as low-hanging fruit or an unopened cookie jar. ■



Town of Cromwell

FIRST SELECTMAN'S OFFICE
NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

March 31, 2010

Ms. Judith A. Chusmir
11 Congress Drive
Cromwell, CT 06416

Dear Ms. Chusmir:

I have received your letter of March 26. I have reviewed the situation and I must tell you that I disagree with your assertions about the members of the Zoning Board of Appeals. I also am convinced that their determination in your daughter's case is that required under the law.

However, as the result of my review I do have a suggestion that may make it possible for her to construct the home she has planned. You may not be aware that the property immediately to the rear of her lot has been set aside as undevelopable and attached to one of the neighbor's lots. Since that land may not be used for other houses it should be possible for the owner to transfer a strip that would make your daughter's lot large enough to accommodate the proposed house without violating Cromwell's zoning regulations.

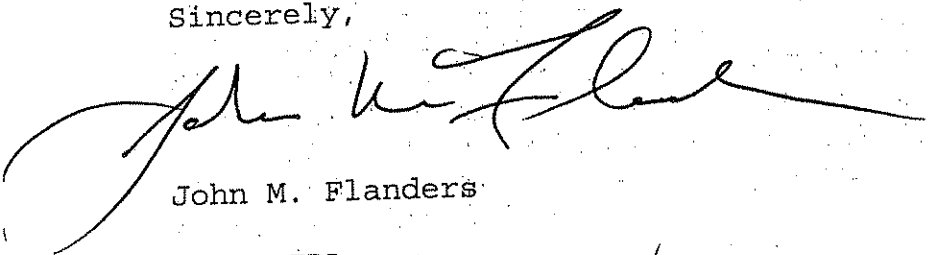
I believe our town planner made this suggestion either to your daughter or to the developer at some point in the process. He, the developer, should be able to help facilitate this, and I would also be very happy to do what I can to help. I would also be happy to take some time to help you understand the basis for the ZBA's decision if that would help.

Let me conclude by saying that I understand your confusion and frustration with this process. Land use can be a very complicated area of the law, and words like "hardship" have been

given specific definitions by the legislature that are sometimes very different from those used in common speech. Given that, it seems clear that the basis for the decision in this case was not shared so that you understood. I hope you will remember, however that the people who serve on these boards are not professionals. They are volunteers who are elected by, and freely give their time to the community. I do not believe they held any ill feeling towards your daughter, nor any wish to discriminate against her or her family. They were simply trying to follow the law. I hope, in the future you will try to give them, and all the volunteers who work for the town the benefit of a little doubt before making accusations about their honesty or motivation.

Please feel free to call my office at any time if you would like to set up an appointment to move forward, or if you have any questions I may be able to answer.

Sincerely,



John M. Flanders

Copy: ZBA

P. & Z. Commission ✓

C. Minor



**Town of Cromwell
Planning and Zoning Commission**

Jane Allegretti
TOWN CLERK

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, APRIL 20, 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
Also Present: Town Planner Craig Minor, BOS Liaison Anthony Varricchio, Sr.
Absent: Alternate Fred Hayward and 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

There were none seated.

4. Approval of Agenda

Add

7b2. Performance Bond for Shot-Crete at "Cobblestone Plaza"

7c. PCS Monopole at 160 West St

11a. Report on Midstate Regional Planning Agency activities

Delete

8b. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant.

Motion was made by Alice Kelly, **seconded** by Doug Sienna to approve the agenda with changes. All were in Favor. *Motion Passed.*

5. Public Comments

Patrick Snow of 110 Court Street commented that Cider Hill and Apple Hill Drive was in litigation. Mr. Snow stated that he had a contract with Tilcon to repair the road and he was working with the Town Engineer and the First Selectman to get it fixed. Mr. Snow referred to an issue with the bond monies.

Michael Slifer of 2 Pond View Road explained that he had reviewed the zoning map and was disturbed seeing Business Park on the West side of Shunpike and was concerned with having

non-conforming businesses. Mr. Slifer expressed concern with businesses making decisions on rules and than the rules being changed.

Kevin Slifer of 42 Hillside Road asked who makes the ultimate decision for a zone change. Mrs. Kelly explained that this is a proposed map and that the subcommittee has not had an opportunity to discuss the map yet. Mrs. Kelly explained that there would be an opportunity for public input which the Commission welcomes. Mrs. Kelly detailed that no decisions have been made and that all items are still being discussed. Mrs. Kelly asked that the Slifer's be added to the subcommittee agenda and minute list. Mr. Slifer asked why it felt that the blue-collar business is being pushed out of Town. The Commission did not agree and explained the rezoning regulation process. Mr. Slifer discussed his frustration with the process of expanding his business within the Town. The Commission discussed that they are working on this and that this is still several months away from a final product.

Jay Polke of 15 Harrison Drive asked if an answer had been found from his question at the last meeting on what the voting process was for approval of changes to the regulations. Mr. Minor had not researched the information yet for him, but would get the information for him.

Brian Canina of 4 Eager Lane explained his ongoing problem with drainage with his neighbor Michael Poole of 23 Franklin Road (the "Eager Lane" subdivision). Mr. Canina provided pictures to the Commission. Mr. Canina discussed that he has hired an engineer who has proposed a solution to the problem and he would like it resolved. Mr. Canina would like to come up with a solution that does not impact his neighbors, but is going to solve the problem.

6. Development Compliance Officer Report:

- a. Activity Report –No report
- b. Status of Outstanding Permits – No Report

7. Town Planner Report:

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

1. Performance Bond at "Eager Lane"

Town Planner Craig Minor reviewed correspondence from Town Engineer Joe Mazurek and Steven McLarty of Coastland Building Company. At this time the Town Engineer is not recommending that the performance bond be called, but he reserves the right to come back later with that recommendation. There was some discussion of what has occurred. Attorney Tim

Sullivan, representing Steven McLarty reviewed the occurrences of what had been happening, which began in July of 2009 thru December of 2009. Mr. McLarty described what he tried to do to fix the problem. Mr. McLarty intends to seed and bring in more vegetation. Attorney Sullivan discussed the intent to follow the directions from the April 15th meeting. Attorney Sullivan explained that if drains are put in than wetlands approval would be needed and that the contractor would be happy to provide a quote to the homeowner. Mr. McLarty provided a picture of the trees planted near the swale, which may have made it smaller. Mr. McLarty stated that the trees might have to come out. Mrs. Kelly asked if the swale was up to the design specifications. The homeowner, Mr. Canina expressed frustration that the swale had not been built correctly and stated how he would like to see it resolved with a drainage system, even though he is not happy with drains in his backyard. Chairman Demetriades decided that he would call the Town Engineer and schedule a discussion to try and resolve the issue. Mr. Cannata clarified that the April 20, 2010 letter from Mr. Mazurek needed to be followed.

Motion was made by Michael Cannata, **seconded** by Peter Keithan to table action on the Performance Bond at "Eager Lane". All were in Favor. *Motion Passed.*

2. Performance Bond for Shot-Crete at "Cobblestone Plaza"

Mr. Minor reviewed the shot-crete for the east end of the plaza and the issue of the rock ledge stabilization.

Motion was made by Michael Cannata, **seconded** by Alice Kelly for a \$38,000 cash performance bond for Shot-Crete at "Cobblestone Plaza". All were in Favor. *Motion Passed.*

The Commission discussed whether there was a time constraint to post the bond.

Motion was made by Alice Kelly, **seconded** by Michael Cannata for the \$38,000 cash performance bond to be posted no later than May 15, 2010. All were in Favor. *Motion Passed.*

c. PCS Monopole at 160 West St

Mr. Minor informed the Commission that this was approved several years ago as a flagpole, but now the company wants to use the artificial pine tree design instead. This was for information only to the Commission. No action is required.

8. Public Hearing and Possible Action:

Secretary Doug Sienna read the legal notice into record.

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

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

were in Favor. *Motion Passed.*

Cori-Lyn Kovacs of 13 Sydney Lane explained she is seeking to expand a daycare facility for children in her home of up to, but no more than 12 children. Ms Kovacs is currently licensed as a family day-care and she will need to get a more specific group home license and pass various licenses for approval before she may open. Mr. Keithan clarified that she cannot open tomorrow. Mrs. Kelly expressed concern with the slope of her backyard. Ms. Kovacs explained that she would have to have a handicap ramp put in and that her yard would be completely fenced in. Chairman Demetriades reviewed and confirmed the parking. Ms Kovacs described the 3 spaces and the handicap space in the turn around.

Chairman Demetriades asked for comments in support of the application.

Ann Mayer of 26 Hicksville Road described her daycare experiences with her first child. She is expecting another child and desires to place her child within the same care, she expressed strong support for the application.

David Goodfellow of 11 Sydney Lane explained that he lives next door and that the Kovacs are great people. He has watched them take care of the kids and they do the right thing. Mr. Goodfellow was not concerned that the business would hamper their property values.

Sairah Sandhu of 8 Sydney Lane was excited for the Kovacs and looks forward to the expansion of the daycare. Ms Sandhu saw a potential use for her grandchildren in the near future.

Chairman Demetriades asked for further public comments. And there was none.

Motion was made by Doug Sienna, **seconded** by Alice Kelly to close the public hearing for Application #10-23. All were in Favor. *Motion Passed.*

Motion was made by Doug Sienna, **seconded** by Joseph Garafalo to approve Application #10-23: Special Permit (Daycare) at 13 Sydney Lane with the condition that the building inspector approves the ramp drawings. All were in Favor. *Motion Passed.*

b. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant.- This item was deleted from the agenda because the applicant failed to post the sign.

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.

Attorney Paul Morello explained the 2-lot subdivision on 3 acres. There is an existing house currently on the parcel. The current owners are in a nursing home, which is why he is representing the applicants. The lot with the house would have 30,000 square feet and the vacant lot would have 80,00 square feet.

Mr. Minor commented that there are no concerns except that the applicant meet the conditions of his comments from his April 8, 2010 letter and comply with the Town Engineers drainage report which he does not have comments back from yet. Mr. Madden asked that sidewalks be considered. Mr. Faienza explained that he lives about 200ft from the property but does not have any issues with the proposal but will abstain if the Commission felt it was necessary. The Commission concluded that it was not a concern.

Motion was made Alice Kelly, **seconded** by Thomas Madden to approve Application #10-25: Residential Subdivision at 200 Coles Road with the following conditions: (1) revise the plans to comply with the comments of the Town Planner's memo of April 8, 2010; (2) revise the plans to include sidewalks across the entire front of the property being subdivided; and (3) the drainage report submitted by the applicant shall be reviewed by the Town Engineer, and the plans shall be deemed acceptable by the Town Engineer. All were in Favor. *Motion Passed.*

Attorney Morello provided Mr. Minor with a copy of the certificate of mailings.

11. Communications:

a. Report on Midstate Regional Planning Agency activities

Mr. Minor read the report from Al Diaz to the Commission. This was for information only, but the Commission expressed concern with the combining of regional agencies.

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

Mrs. Kelly informed the Commission that there was a subcommittee meeting tomorrow night to look at the map and to review the industrial zone. Mr. Garafalo asked that Brothers be on the mailings to make sure they are in the loop. Mr. Faienza wanted it stated that the map was just received by the committee and that there would be plenty of time for it to be discussed by all concerned parties. Mr. Faienza stressed that the Commission is not here to hurt business. Mrs. Kelly said that all interested parties would be heard, especially where zone changes were being made.

b. Regional Planning Concern

The Commission discussed their concern with the State considering redrawing the boundaries and Cromwell along with the other smaller towns losing their clout.

Motion was made by Alice Kelly, **seconded** by Doug Sienna **for the Chairman** to draft a letter expressing the redistricting concern. All were in Favor. *Motion Passed.*

It was asked that the letter be copied to all other local zoning boards. BOS Liaison Varricchio was asked to inform the BOS of the concern. Mr. Varricchio said he would also make aware the concern to our local representative and senator.

c. Mr. Keithan expressed his concern that the ZEO has missed so many meetings. Chairman Demetriades would take his concern to Mr. Mazurek.

d. Chairman Demetriades explained to the Commission that he and Vice-Chair Faienza meet with the ZEO and the Town Planner prior to the meetings to go over issues on the agenda for that evening. Chairman Demetriades encouraged Commission members to email or call them with their concerns prior to the meeting so they could get their concerns addressed.

13. Approval of Minutes:

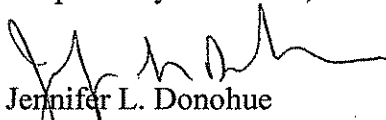
a. April 6, 2010

The minutes of the April 6, 2010 meeting were approved by general consent.

14. Adjourn

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

Respectfully submitted,


Jennifer L. Donohue
Clerk