



Town of Cromwell Planning and Zoning Commission

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

MINUTES AND RECORD OF VOTES

Present: Nicholas Demetriades, Vincent Faienza, Joseph Garafalo, Peter Keithan, Michael Cannata, Alice Kelly, Thomas O'Neill, Tom Madden, Doug Sienna (arrived late), 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

Alternate Fred Hayward was seated by unanimous consent.

4. Approval of Agenda

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to approve the agenda.

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to add 7b2. Letter from Patrick Snow of Cider Hill Associates to First Selectman John Flanders dated May 24, 2010 regarding Performance Bond for "Cider Hill Estates" to the agenda. All were in Favor. *Motion Passed.*
Chairman Demetriades called for the Main Motion on the agenda. All were in Favor. *Motion Passed.*

5. Public Comments

Salvatore Petrella of 630 Main Street stated that he was willing to contribute towards a proper recording system as long as it did not violate a Code of Ethics, so that the Town could have something that worked properly.

Mertie Terry of 589 Main Street had spoken last month about her concern with the zone change along Main Street. Mrs. Terry had explored around Cromwell current business occupancies and found multiple vacancies in business zones all throughout Town. Mrs. Terry emphasized not wanting empty storefronts in more locations in Town.

Jay Polke of 15 Harrison Drive also stated that he was willing to contribute towards a proper recording system for the Town as long as it did not violate any codes.

Beverly Leghorn-Jirele of 25 Woodside Road confirmed that she would be able to speak regarding the Woodside Road development during the subdivision discussion.

6. Development Compliance Officer Report:

a. Activity Report

Zoning Enforcement Officer Curtin reviewed his 5/25/10 memo to Town Engineer Mazurek. ZEO Curtin reviewed that a Cobblestone meeting had been held last week. Mr. Faienza reported that the site is being inspected weekly and passed out pictures to the Commission, as he had been at last weeks meeting. ZEO Curtin clarified that Mr. Welti has been on the site.

Patrick Snow of Cobblestone Associates gave an update on the shot-crete. Mr. Snow passed out a letter to the Commission for their review. Chairman Demetriades gave time for the Commissioners to review the letter. CVS may want additional work done to their site and Mr. Snow needs additional time to hear from their engineers. Mrs. Kelly asked about the bond of \$38,000. Mr. Snow has not placed the bond yet. There was discussion of the bond and the issues surrounding it. Mrs. Kelly and Mr. Minor discussed the various bond monies. Mrs. Kelly expressed her concerns with Mr. Snow's inability to go on the CVS site. Mrs. Kelly expressed her concern with the inaccuracies of the shot-crete proposal. Mr. Madden asked Mr. Snow if he knew what CVS might be looking for. Mr. Snow thought perhaps more shot-crete or mesh.

Motion was made by Alice Kelly, **seconded** by Joe Garafalo to extend the time from June 20, 2010 for completion of work to August 31, 2020 with the condition the Town Engineer approves the proposal by the CVS engineers. (In Favor, Demetriades, Faienza, Garafalo, Keithan, Kelly, O'Neill, Madden, Hayward) (Opposed, Cannata) Motion Passed.

The Commission discussed the bond monies. Mr. Snow stated he would be asking for a reduction in his bond on Phase I of the project and than he would ask that to cover this bond. Mr. Cannata stated that there has been a lack of request for reduction or an inspection so it cannot be assumed.

Mr. Garafalo asked to discuss the Eager Lane issues. Mr. Steve McClarty from Coastal building stated that he put the markers in for the drains but he has not heard back from Town Engineer Mazurek. ZEO Curtin said that he would check on the progress tomorrow. Mr. Garafalo asked questions regarding the swale and expressed concerns. Mr. Garafalo asked whether the homeowner's engineer's comments had been addressed. Mr. Hayward suggested a field visit. Chairman Demetriades said to let the Town Engineer continue the process and if progress did not continue to be made that they would schedule to walk the site.

Mrs. Kelly gave a summary of the Code Enforcement Activities Worksheet. Mrs. Kelly reviewed with ZEO Curtin what the Commission would like to know. Mrs. Kelly asked that the outstanding items from 2009 be on the Outstanding Permits report, such as Cobblestone.

Mr. Faienza asked that copies of the Cobblestone engineering reports be copied to the Commission. ZEO Curtin said he would get them to the Commission.

Mrs. Kelly reviewed guidelines from December that were to be followed by Cobblestone. Mrs. Kelly asked Mr. Snow if they were being followed. Mr. Snow discussed that Mr. Welti needs to sign off on all final engineering. Chairman Demetriades asked ZEO Curtin to reiterate to Town Engineer Mazurek that he is following all guidelines. Mr. Hayward asked if the Town Attorney should review since there are discrepancies.

Mr. Hayward thanked ZEO Curtin for his hard work on South Street and asked what trees were going to be planted on the Timber Hill issue. Mr. Hayward would like to be informed of the trees.

- b. Status of Outstanding Permits –provided in packet, no discussion.

7. **Town Planner Report:**

- a. Public Hearings to be Scheduled:
- b. Performance Bond Actions:

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

Town Planner Minor went to the site and all the trees are in place and all set and he recommends the release of the bond.

Motion was made by Vincent Faienza, **seconded** by Joseph Garafalo to release the \$3,100 cash performance bond for Harper’s Meadow as recommended by Town Planner. All were in Favor. *Motion Passed.*

- 2. Letter from Patrick Snow of Cider Hill Associates to First Selectman John Flanders dated May 24,2010 regarding Performance Bond for “Cider Hill Estates”

Town Planner Minor explained that it would be appropriate for the Commission to make a motion stating their support in the release of the bond. The Commission discussed at length on how to word the motion. Mrs. Kelly expressed concern over the lack of signature on the letter from Patrick Snow.

Motion was made by Michael Cannata, **seconded** by Thomas O'Neill the Commission is in agreement in principle to release the cash bond to the Town for repairing of the road. All were in Favor. *Motion Passed.*

Mrs. Kelly asked if the open space was deeded to the Town. Town Planner Minor was going to check.

Mr. Faienza read the legal notice into record.

8. Public Hearing and Possible Action:

a. Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. Qamar Naqvi, owner/applicant. Continued from May 18, 2010
The applicant was not present at the meeting.
Chairman Demetriades for public comments. There were no public comments.

Motion was made by Alice Kelly, **seconded** by Peter Keithan to table Application #10-22: Home Occupation (Import/Export Business) at 15 Wild Rose Court. All were in Favor. *Motion Passed.*

b. Application #10-31: Special Permit (Rear Lot) at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.
Motion was made by Vincent Faienza, **seconded** by Alice Kelly to open the public hearing. All were in Favor. *Motion Passed.*

Attorney Salvatore Petrella of 630 Main Street reported that signs were posted on the property and that the certified mailings had been sent to the proper property owners. Attorney Petrella explained that this is an A-25 zone and that they applied for and received wetlands approvals in 2006. The applicants also received a variance in 2006 on the setback, so as not to impact the wetlands. Attorney Petrella stated that they did apply for subdivision approval in 2006, but the moratorium went into effect. Attorney Petrella reviewed how the lot meets rear-lot requirements and discussed the visual impact of the rear lot.

Jim Cassidy, Engineer of Hallisey, Pearson, and Cassidy explained the 10.5 acres along Woodside Road. Mr. Cassidy described the location of the rear-lot in conjunction with the surrounding properties and the 8-new building lots. Seven of the lots will come off of the new roadway and one will come off of Woodside Road. Mr. Cassidy described the lot and the position of the house and how it meets compliance with rear-lot zoning regulations. Mr. Cassidy described how by going with a shorter road benefits the environment and the community.

Mr. Keithan expressed concern with the run-off to the church property. Mr. Cassidy explained how they have changed the design to address the wetland concerns.

Chairman Demetriades asked for comments in support of the application. There were none.

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

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

Beverly Leghorn-Jirele of 25 Woodside Road expressed concern for the lack of drainage when the property has houses and roads built on it. Ms Leghorn-Jirele explained that when the school was voted on there was supposed to be drains and they are not there. Ms Leghorn-Jirele stressed her concern with water and drainage.

Kathleen Leghorn of 25 Woodside Road remarked that her family owned the land at one time and that the land is very wet. Ms Leghorn expressed concern with being flooded out.

Beverly Leghorn-Jirele of 25 Woodside Road questioned whether they were going to fill the land up to her property.

Mr. Cassidy explained the formalized drainage system that would be installed. Mr. Cassidy described how it would catch water and the discharge of water. Mr. Cassidy described the infiltration system for the lots and the runoff. The water drainage along Woodside Road was also discussed.

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to close the public hearing for Application #10-31: Special Permit (Rear Lot) at Woodside Road. All were in Favor. *Motion Passed.*

Motion was made by Alice Kelly, **seconded** by Thomas O'Neill to approve Application #10-31: Special Permit (Rear Lot) at Woodside Road. All were in Favor. *Motion Passed.*

9. Old Business: None

10. New Business:

a. Application #10-32: Subdivision Approval ("Woodside Estates") at Woodside Road. H & C Developers LLC, applicant; Gardner's Nurseries Inc., owner.
Attorney Salvatore Petrella commented that he would like to incorporate previous comments regarding Woodside Estates into this application. Chairman Demetriades consented. Attorney Petrella reviewed that it is a 10.5-acre parcel with about 5 acres being preserved. Attorney

Petrella submitted to Town Planner Minor a Conservation Easement draft. Attorney Petrella discussed the deed restriction and placement of the homes to be 40 ft off from Woodside Road to be in line with the other homes along Woodside Rd. Attorney Petrella also addressed the open space fee and how this may not be entirely appropriate for this application because of all the protected open space on Lot 2-4. Mr. Cassidy informed the Commission that all utilities would be underground. Mr. Cassidy will be redrawing the plans to address the changes needed and it will be submitted for the next meeting. Attorney Petrella assured the Commission that Mr. Hagel would be the developer and that he would be overseeing the project and not selling off the lots to someone else to build the houses on. Mr. Madden suggested walking the property. Mr. Cannata confirmed that Mr. Coons was a silent partner with Mr. Hagel. Chairman Demetriades confirmed that staff comments were needed and a new set of plans.

Motion was made by Alice Kelly, **seconded** by Thomas Madden to table Application #10-32: Subdivision Approval ("Woodside Estates") at Woodside Road. All were in Favor. *Motion Passed.*

The Commission discussed a potential time for a site walk and proposed June 8th at 5:30pm. Attorney Petrella will confirm the date with Town Planner Minor.

b. Application #10-33: Site Plan Approval (Second Story Office Space) at 1 Kirby Road. One Kirby Road C LLC, owner/applicant.
Jim Cassidy of Hallisey, Pearson, and Cassidy presenting for the applicants of 1 Kirby Road described the layout of the building. Mr. Cassidy described the 1,000 square feet of office space on the 2nd floor that is used by Dunkin Donuts. This request is simply to approve the use of the second story, which was not approved for use when the site plan was originally approved several years ago. There is sufficient parking for the additional office space because the Baskin Robins has moved out, reducing the amount of parking needed for the Dunkin Donuts. Mr. Cassidy explained that the retroactive approval is needed now because the franchise would like to purchase the property, but would like to make the plans compliant. Mr. Madden expressed concern with crowdedness. John Mandel, the applicant, explained that it has not been as busy since Baskin Robbins has moved out. Mrs. Kelly asked how the discrepancy happened in the first place. There was some discussion on the conflict.

Motion was made by Michael Cannata, **seconded** by Joseph Garafalo to approve Application #10-33: Site Plan Approval (Second Story Office Space) at 1 Kirby Road. All were in Favor. *Motion Passed.*

c. Application #10-35: Temporary Use Permit for "Cromwell Riverport Festival" on Community Field Road. Allan Spotts, applicant.
The applicant could not be present. Town Planner Minor explained the only change from last year is that the Festival was adding a Farm Stand. Mr. Faienza detailed the hours of the Festival

on Aug 26-29. Mr. Faienza explained that the farm stand would be on Saturday from 2-5pm and would be facing the Fire Department. The parking arrangements would be the same as last year. The fireworks would be held on Saturday at 9:30pm.

Motion was made by Alice Kelly, **seconded** by Thomas O'Neill to approve Application #10-35: Temporary Use Permit for "Cromwell Riverport Festival" on Community Field Road. All were in Favor. *Motion Passed.*

11. Communications: None.

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

Mrs. Kelly reminded everyone that there is a meeting scheduled for June 14th and that in addition to the agenda they would be discussing a budget for Planametrics. Town Planner Minor will discuss with Police Chief Salvatore on attending regarding the Liquor regulations. Mrs. Kelly explained that she might have additional public comments on liquor regulations.

b. Town Planner Minor informed the Commission that Larry McHugh of Chamber of Commerce asked him at the last Chamber meeting to present the members with an update of the new zoning regulations, and zoning map at their next meeting. Mrs. Kelly felt that they should not be discussed until a final map is ready. Town Planner Minor felt that an update should be given, since there has been so much discussion regarding the changes. Mrs. Kelly and Mr. Faienza plan to attend the Chamber meeting as well to help with the discussion.

c. Mr. Cannata discussed his concern with bonding and subdivisions. Mr. Cannata thought that a new system should be looked at so that sidewalks and streets and sidelines get complete during the building of a subdivision. Mr. Cannata stressed that homeowners should not have to wait until the end of 5 years to have their community looking acceptable. Mr. Cannata referenced a project on Pasco Hill as an example. Mr. Minor said he would draft an amendment to the subdivision regulations for the Commission's review, which would require the developer to finish the road once 75% of the homes are built.

d. Mr. Cannata remarked on the Cobblestone bond reduction that Pat Snow referred to earlier tonight and asked the Commission to think long and hard about it. Mr. Cannata asked if the slope would hold up to the test of time. Mr. Cannata expressed concern with the temporary detention system and subdivision of the property.

e. Mr. Sienna typed up concerns from the May 4th meeting regarding Cobblestone and modifications to the site. The Commission discussed the concern and decided to establish a standard practice.

Motion was made by Alice Kelly, **seconded** by Peter Keithan that all modifications to an approved site plan or subdivision plan be referred to the Town Engineer for his review and written comment, and if applicable to the Town's consulting engineer, before the Commission would consider the application for approval. All were in Favor. *Motion Passed.*

13. Approval of Minutes:

a. May 18, 2010

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to approve the minutes of May 18, 2010. All were in Favor. (Hayward, abstain) *Motion Passed.*

14. Adjourn

The meeting adjourned by general consent at 9:55pm.

Respectfully submitted,

Jennifer L. Donohue
Clerk