



Town of Cromwell Planning and Zoning Commission

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, SEPTEMBER 7, 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, Doug Sienna, Thomas O'Neill (arrived at 7:03), Alice Kelly

Also Present: Town Planner Craig Minor, BOS Liaison Anthony Varricchio, Sr.

Absent: Thomas Madden, 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

Motion was made by Vincent Faienza, **seconded** by Joseph Garafalo to approve the agenda with addition of 4.b.2. Subdivision Completion Agreement for Eager Ln. All were in Favor. *Motion Passed.*

5. Public Comments

Al Waters of 86 South St asked that the Commission ask the Zoning Enforcement Officer to look at the property behind Stocking Triangle, as it has become a dumping ground.

Gary Voccio of 26 Butternut spoke regarding Bill Coons extension. Mr. Voccio expressed his concern for work not getting done. Mr. Voccio spoke of Mr. Coons only just talking with Inland/Wetlands regarding the medallions. Mr. Voccio is concerned that there is not a plan for the final work to be done particularly a contract for the final paving. Mr. Voccio mentioned that Mr. Coons said he would start August 23rd and he came on August 22nd and made markings. Mr. Voccio said that about 10% of the curbing is done, not 2 weeks of work.

Steve Kasthuber of 17 Butternut stated that Bill Coons has made timelines and has never made one. Mr. Kasthuber is concerned for the safety issues. Mr. Kasthuber stated the Mr. Coons

blames the Town for issues being stopped and not moving forward. Mr. Kastenhuber asked that the bond monies be used to get the project finished.

Teri Lambert of 14 Applewood explained that the plows are done by four in the afternoon and explained her concerns for safety for her children.

William Coons, the developer of Northbrook Estates, explained that he is requesting more time in case he goes over September 20th. Mr. Coons said that he did the fencing, shrubs and begun the curbing. Mr. Coons said he was working on it; he just needed about 30 more days.

Pat Snow of 110 Court St informed the Commission that the shot crete is completed and accepted by both parties and he would have letters by next months meeting. Mr. Snow planned to set up a site walk around the 16th because he is done with Phase II. Mr. Faienza asked if he was going to color the shot crete. Mr. Snow said that it could not be colored. Mr. Snow expressed that when he began the Cider Hill project he thought he hired a reputable contractor and he was sorry for all the concerns. Mr. Garafalo asked who inspected the site. Mr. Snow said there were various inspectors based on what the job was for water, sewer, etc. The Commission and Mr. Snow had a discussion regarding the process and recording and compaction process. Mrs. Kelly had a letter regarding Cider Hill from Welti Associates with water erosion concerns. Mr. Snow said that the letter was after the road was done. Mrs. Kelly was concerned that nobody was aware. Mr. Keithan stated he has been up there and the Town is doing a good job up there now and expressed how upset with what he did. Mr. Cannata asked about the safety fences. Mr. Snow and Mr. Minor verified that it was not a requirement. Mr. Cannata felt they had made it a condition on the site plan.

Namki Lakhia of 18 Applewood discussed that she has a son that attends Cromwell Middle School and has to walk .42 miles because the road is not paved and so the buses will not go down their road.

Al Waters of 86 South St asked that a full term clerk of the works be put on new projects and that it be put in the new regulations. Mr. Faienza explained that the roads are under the Department of Public Works and clarified a document that was approved by the Board of Selectman that authorizes them to have the developer bare the costs of an inspector, if the Town cannot oversee the project. Mr. Waters asked that the Commission approve Application 10-56 because he felt that it would increase traffic for other businesses in the area and improve economic development. Mrs. Kelly commented that the paid people within the Town Hall needed to tell the First Selectman that they need help.

Anthony Varricchio of 6 Kowal Drive discussed the issue of the road inspection with the First Selectman. Mr. Varricchio said that the First Selectman is going to come forward with a plan and is going to do what is in the regulations. Mr. Varricchio would bring it up again to get the inspectors.

Jay Belanger of 10 Applewood Drive attended the meeting last month and reiterated that everyone in the subdivision asked the Commission to say no to the extension. Mr. Belanger expressed how unsafe the roads are and asked the Commission to hold the developer accountable. Mrs. Kelly explained that she personally went out to the development and personally spoke to Mr. Coons and told him how unsafe the area was and asked him to fix the issues.

Rich Waters of 84 South St questioned the Commission about the paving on Pasco Hill Rd and the Coons project. Mr. Waters felt that Mr. Coons was working on it now and stated it needed to be taken care of. Mr. Waters asked if the Commission had seen Stocking Triangle and expressed his dislike with the project. Mrs. Kelly clarified that this was an item to be taken to the First Selectman. Mr. Waters expressed concern about the costs of the Cider Hill project and concern for the walls behind the houses. Mr. Waters asked that no more permits be approved for Mr. Snow until all other projects have been finalized and fixed. Mr. Waters expressed concern for the dust in the road from the Cobblestone project. Mr. Waters does not like the island in the middle of Summit Drive. The Commission stated this was not an item they had any approval on. Mr. Waters asked for approval on Application 10-56 because he felt it was good for that side of Town.

6. Development Compliance Officer Report:

- a. Activity Report- A report was provided to Commission
- b. Status of Outstanding Permits –A report was provided to Commission

7. Town Planner Report:

- a. Public Hearings to be Scheduled:

1. Application #10-50: POCD Amendment to Add "Open Space Plan".

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to schedule a public hearing for Application #10-50: POCD Amendment to Add "Open Space Plan" for October 19, 2010. All were in Favor. *Motion Passed.*

- b. Performance Bond Actions:

1. Performance Bond Reduction #1 for "Woodside Estates"

The Commission asked questions on why this was double counted. Town Planner Minor explained that the spreadsheet is processed through several different departments.

Motion was made by Douglas Sienna, **seconded** by Joseph Garafalo for performance bond

reduction #1 for Woodside Estate of \$85,992. (In Favor, Demetriades, Faienza, Garafalo, Keithan, Cannata, Sienna, O'Neill) (Abstained, Kelly) *Motion Passed*.
Mrs. Kelly stated that this was due to the sewer bond being illegal.

2. Subdivision Completion Agreement for Eager Lane

Mr. Minor reviewed with the Commission an agreement to be signed to complete the work within the Eager Lane subdivision. The Commission asked if the Town Land-Use Attorney had looked at the agreement. Mr. Cannata asked if the concerns had been resolved with the adjoining homeowner. Mr. Sienna questioned whether the drainage concerns in the road had been addressed. Mrs. Kelly researched that it had been Mr. Poole of 23 Franklin Rd who had concerns with flooding of his property. Mr. Cannata questioned why the contractor was being rewarded by walking away from a project and that the Town should not be in the business of finishing roads. Mr. Faienza agreed. The Commission agreed that concerns needed to be addressed quickly so the subdivision could be finished. Mr. Garafalo stressed that a statement needed to be made to developers for the future. The Commission needed more information

Motion was made by Douglas Sienna, **seconded** by Alice Kelly to table Subdivision Completion Agreement for Eager Ln until the next meeting. All were in Favor. *Motion Passed*.

8. Public Hearing and Possible Action:

Mr. Sienna read the legal notice into record.

a. Application #10-39: Residential Re-subdivision at 21 Evergreen Road. The LRC Group, applicant; Ronald and Cecilia Faraci, owner. Continued from August 3, 2010.

The application was opened continued from the previous meeting.

Pat Gorman of the LRC Group, representing the applicant for 21 Evergreen Road explained that they were here last month and that they waited the 30 days for the public to see the revised plans. Mr. Minor confirmed that he had communicated with the Chief of Police again regarding the traffic concerns and that he was okay. Mrs. Kelly asked for clarification on the driveway locations. Mr. Gorman confirmed their locations and the reasoning behind the placement. It was discussed that the hedges would be removed to improve sight, but that the applicant was putting in 8 street trees. Mr. Cannata asked about the garage removal and slab. The owner said that the garage was structural sound.

Ron Faraci, the owner of the property since April 1st discussed the concerns with the traffic flow and provided a picture. Mr. Garafalo discussed his concerns with the driveway locations. Mr. Keithan stated he drives this way all different times a day and never sees a problem. Mrs. Kelly verified the parking area and how it would work.

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

Chairman Demetriades asked for public comment in opposition to the application.

Michael Calabro of 69 Hillside Road asked which of the Commission members went out to the site and was curious the thoughts of the Commission members of the project. Mr. Calabro felt the driveway was too narrow. Mr. Calabro was concerned with the position of the lots. Mr. Calabro was concerned with the position of the driveway to the stop sign. Mr. Calabro felt there should be two driveways with the amount of people who live there. Mr. Calabro expressed his constant concern with traffic.

The resident of 21 Evergreen Road asked why not fork the driveway.

John Loesel of 1 Warner Court provided pictures to the Commission with a gridline to breakup the property and a picture of the mature tree. Mr. Loesel described the layouts of the buildings. Mr. Loesel was concerned with another resubdivide. Mr. Loesel asked the Commission to be concerned about the planning of the community and the precedent. Mr. Loesel was concerned with the rental property and the garage.

Chairman Demetriades asked for public comment for neither for or against the application. There was none.

Mr. Gorman explained that the property could not be subdivided again. Mr. Gorman also explained that this was the only way to subdivide the property to fit the Town Regulations. Mr. Gorman pointed out the all other residents of Hillside are backing onto Hillside and the applicant is providing a hammerhead to have a turnaround. Mr. Gorman explained that they are not happy with a shared driveway aspect because of the problems it brings. Mr. Gorman stated they would be happy to move the driveway locations if there was a better location.

Michael Calabro of 69 Hillside Road expressed concern that the plans were wrong and that the numbers were not correct. Mr. Calabro said that there are 5 to 6 cars in the driveway.

Mr. Faraci said that he took care to put good tenants in the apartments.

Mrs. Kelly expressed concern with the look of the property to the neighbors and explained her thoughts and ideas.

Mr. Faienza clarified that the applicant was providing the hammerhead for safety. Town Planner Minor stated that the local traffic authority has said that this is okay and that the division of property needs the driveway on Hillside.

Motion was made by Michael Cannata, **seconded** by Alice Kelly to close the public hearing for Application #10-39: Residential Re-subdivision at 21 Evergreen Road. All were in Favor.
Motion Passed.

Motion was made by Peter Keithan, **seconded** by Michael Cannata to approve Application #10-39: Residential Re-subdivision at 21 Evergreen Road (In Favor, Keithan, Sienna, Kelly, Cannata, Faienza, Demetriades) (Opposed, Garafalo, O’Neill) *Motion Passed.*

Mrs. Kelly commented that if an application meets all criteria by law than the Commission is bound to action.

b. Application #10-44: Residential Re-subdivision at 196 Coles Road. 1213 Development LLC, owner/applicant.
The application was opened by general consent.

Jim Cassidy, Professional Engineer, with the firm Hallisey, Pearson and Cassidy provided Town Planner Minor with the certified mail notifications. Mr. Cassidy explained that 1213 LLC was Rich Gongdon and Mario Lessard who are abutting property owners who purchased the property to provide a buffer from their houses. The discussion will also incorporate Application #10-47. Mr. Cassidy described the 8,739 sq ft, A-25 wooded parcel site. The applicants propose 3 residential sites. Mr. Cassidy described the lots, frontage and setbacks. Mr. Cassidy reviewed the land that would be retained by the owners as tree buffer as a tree preservation. Mr. Cassidy proved revised plans with a new buffer and the addressed staff comments. Mr. Cassidy explained that they would be excavating 3 times the amount required in the regulations. There is about 8,000 yards that needs to be removed, so they need an additional 4,700 cubic yards. There is mostly cut going on, not fill. Mr. Cassidy stated they would do each site individual for vehicles, using the driveways. This was not major mining, so there was not major equipment. Mr. Cassidy addressed the concerns on Town Planner Minor’s memo from 8/30/10. Mr. Cassidy discussed the curtain drainage system throughout the site. Mr. Cassidy addressed the Town Engineering concerns. There was discussion regarding the open space requirements and the Town Planner needed to do further research because he did not feel the requirements have been met. Mr. Cassidy did not agree with Town Planner Minor on comment #1 because if the owner wanted to change the footprint of the site or if the lots did not sell. Mr. Cassidy described the Erosion Sediment Control at each driveway from each site and silt fence and tubing. Town Planner Minor explained that rough grading needs to be reapproved by Planning and Zoning if it is changed and it might not sell which is why Town Planner Minor felt that #1 was important and more detail about Erosion and Sediment was needed. Town Planner Minor did not feel a conservation easement constituted open space. The Town Engineer still needed to review the revised plans. Chairman Demetriades clarified that all rough grading, drainage should be done by the developer. Mrs. Kelly asked who took care of the erosion. Town Planner Minor explained that is why more Erosion and Sediment planning was needed.

The Commission discussed the process and what was appropriate for the project. Mrs. Kelly wanted to know how the site was going to be maintained, if the lots don’t sell. Mr. Cassidy did not want to open the site up all at once to minimize erosion. The Commission asked how many trucks were going to be needed to take the materials off site. Mr. Cassidy said it would be 181 trucks per site. Chairman Demetriades expressed concern with the road and the dirt and not

having that spread out over a long time. The Commission would like a schedule. Mr. Keithan wanted to know who was benefiting from the dirt.

Mr. O'Neill left at 9:52pm.

Mrs. Kelly clarified the slopes and what they would be. Mr. Cannata asked about the sidewalks. Mr. Cassidy explained that there were no other sidewalks around. Mr. Cannata felt that all site work should be done and then sell the lots. Mr. Cannata was concerned with 600 loads and felt there should be a plan. Chairman Demetriades asked for police comments on the traffic and route. The Commission wanted a time and route on the trucks.

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

Chairman Demetriades asked for public comment in opposition of the application.

Rich Waters of 84 South St explained that in that area there was a null in the road and a bend in the road and it is dangerous and dangerous for trucks. Mr. Waters had a concern for erosion. Mr. Waters had concerns for the driveways in the winter. Mr. Waters felt the fill should not leave Town.

Chairman Demetriades asked for public comment neither for nor against the application. There was none.

Mr. Cassidy stated that he would await the comments by the Town Engineer. Mr. Cassidy has looked at the driveways and the site lines and they are within the guidelines, but he will review.

There is still more Town Staff comments needed and the Commission is looking for a safety review regarding the moving of the trucks.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to continue the public hearing for Application #10-44: Residential Re-subdivision at 196 Coles Road. All were in Favor. *Motion Passed.*

c. Application #10-47: Special Permit (Excavation) in connection with Re-subdivision at 196 Coles Road. 1213 Development LLC, owner/applicant.

The application was opened by general consent.

The discussion was combined with Application #10-44.

Motion was made by Alice Kelly, **seconded** by Michael Cannata to continue the public hearing for Application #10-47: Special Permit (Excavation) in connection with Re-subdivision at 196 Coles Road. All were in Favor. *Motion Passed.*

Chairman Demetriades called for a recess at 10:10pm.

Chairman Demetriades called the meeting back to order at 10:13pm.

9. Old Business:

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

Jim Cassidy, professional engineer of Hallisey, Pearson, and Cassidy explained that they had satisfied Engineering's comments and addressed the Town Planner's comments. The apartments have been changed to office space. Mr. Cassidy discussed a parking concern and what was appropriate for a Laundromat/café. The model used by Mr. Cassidy for 44 seats and 88 machines had a capacity of 100 people and the model given used 30 spaces. Town Planner Minor had begun research himself and agreed clarification and discussion was needed.

Motion was made by Alice Kelly, **seconded** by Vincent Faienza to table Application #10-45: Site Plan Approval for Two Commercial Buildings at 1 Willowbrook Road. All were in Favor. *Motion Passed.*

10. New Business:

a. Application #10-51: Extension of Subdivision Approval Expiration Date for "North Brook Estates". William Coons, applicant.

William Coons, the developer of North Brook Estates explained that he was looking for 30 days to complete the project of shrubs, curbing and paving. Mr. Coons explained that 2-years ago the Town had asked him if he would participate in paving with Pasco Hill Rd and he had gotten a price and than he waited to hear from the Town. Mr. Coons than talked with Eric Hood in spring of 2009. Mr. Coons mentioned he had talked with Town Planner Minor about problems with builders putting down final coats down and the binder is destroyed. Mr. Coons described a process of the Town accepting a road at 75%, so that the road is finished and protecting the road. Mr. Coons discussed his thoughts and a process to solve the problem and felt than we wouldn't have such confusion on projects.

Mr. Coons stated he would complete the curbs over the next few days and than the shrubs and needed more time in case the September 20th time runs out.

Mrs. Kelly addressed her concerns with the sidewalks and drains, and expressed her concern with developers taking responsibility. Mrs. Kelly asked why the trees were not planted all along.

Mr. Coons discussed the trees should be planted all at the same time to be at the same height. Chairman Demetriades states that the Developer should be responsible for protecting the road not the Town. There was discussion of finishing the road and getting the project done.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to extended asphalt, curbing and final backfilling until September 30th and the installation of tree no later than October 15th. All were in Favor. *Motion Passed.*

Mrs. Kelly confirmed that Mr. Coons would repair any damage he made to the road will installing the trees.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to schedule a public hearing on the Expiration of Northbrook Estates Subdivision for October 5, 2010. All were in Favor. *Motion Passed.*

b. Application #10-52: Modify Street Tree Plan for "North Brook Estates" subdivision. William Coons, applicant.

Williams Coons, the developer, explained that the plan currently is for 2 per lot and discussed placing trees along the property lines and putting extra trees in the extra space areas. The Commission discussed the trees and past tree easements. Mrs. Kelly asked if they were near sewer lines. The trees are pear and maple as discussed with association.

Joel Feehan of 19 Butternut Dr described the look of the neighborhood and that they agree with the new plan and they are going to work with Mr. Coons with the placement of the trees. Mr. Feehan ran through a 2008 checklist from the Town Engineer and discussed what has happened.

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to accept the Tree Program as approved by the residents of Northbrook Estates. All were in Favor. *Motion Passed.*

The residents are to place the locations of the 66 trees on the site plan for submittal to the Town.

c. Application #10-56: Site Plan Approval (Drive-through) for "Express Food Mart" at 538 Main Street. Hi-Tech Industries LLC, applicant; ABID LLC, owner.

Nahim Khalid, the applicant addressed the Town Planners August 24, 2010 concerns and presented a revised August 30, 2010 plans. Mrs. Kelly asked if the location was going to continue to sell gas. Mr. Khalid confirmed it was. There was concern with the traffic pattern.

Motion was made by Vincent Faienza, **seconded** by Joseph Garafalo to approve Application #10-56: Site Plan Approval (Drive-through) for "Express Food Mart" at 538 Main Street with the August 20, 2010 revised plans. All were in Favor. *Motion Passed.*

d. Application #10-57: Site Plan Approval ("Liturgical Publications") at 5 Progress Drive. Progress Drive Associates, owner/applicant

Tom Cosker, Jr. and Tom Cosker explained the proposed 1,707 square foot addition to expand storage facilities at the current site for the current business.

Motion was made by Alice Kelly, **seconded** by Joseph Garafalo to approve Application #10-57: Site Plan Approval ("Liturgical Publications") at 5 Progress Drive with the condition that the transfer of the land take place and be recorded appropriately. All were in Favor. *Motion Passed.*

11. Communications: None.

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

The Committee felt there would be a large turnout for the Informational Meeting and would like to schedule it in the Gym. The gym is available on Wednesday or Fridays in September. The Committee decided on September 22nd at 7:00pm.

b. Discuss Staff Responsibilities

Chairman Demetriades would continue to follow-up on the spreadsheet.

c. Discuss subdivision "Restrictive Covenant" process.

The Commission due to the late hour decided to table this item by general consent until next month.

d. **Motion** was made by Alice Kelly, **seconded** by Joseph Garafalo to schedule a public hearing on September 21, 2010 for Application #10-53: Home Occupation: 28 Court Street Piano & Voice Lessons. All were in Favor. *Motion Passed.*

Motion was made by Alice Kelly, **seconded** by Douglas Sienna to schedule a public hearing on October 5, 2010 for Application 10-49: Change 2-family home to 4-family home: 27 Coles Rd, John J. Cassells. All were in Favor. *Motion Passed.*

e. The Commission asked if comments from the staff could not be handwritten, as they are hard to read.

13. Approval of Minutes:

a. August 3, 2010

Motion was made by Michael Cannata, **seconded** by Douglas Sienna to approve the August 3, 2010 minutes. All were in Favor. Kelly abstained. *Motion Passed.*

14. Adjourn

The meeting was adjourned by general consent at 11:50 pm.

Respectfully Submitted,

Jennifer L. Donohue
Clerk