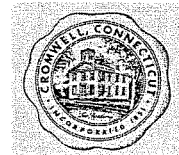


**TOWN OF CROMWELL
ECONOMIC DEVELOPMENT COMMISSION**



Regular Meeting
7:00 P.M. Thursday September 15, 2011
Room 224 Cromwell Town Hall

AGENDA

1. Call to Order
2. Roll Call/Seating of Alternates
3. Approval of Agenda
4. Public Comments
5. New Business
6. Economic Developer Report
7. Old Business:
 - a. Tax Abatement Program
 - b. EDC Budget Report and Update
8. **Communications** (see attached P&Z Report; Zoning Enforcement Report; P&Z Minutes)
9. **Chairman's Comments/Commissioners' Comments**
10. Approval of Minutes:
 - a. August 18, 2011
11. Good & Welfare
12. Adjourn

RECEIVED FOR FILING
9/12 2011 at 2:45 P.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Brendergast, Asst
TOWN CLERK

FOR 2012 13

ORIGINAL APPROP	TRANS/ADJSMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001 GENERAL FUND						
00101005 ECONOMIC DEVELOPMENT						
71200 PART-TIME WAGES						
900.00	0.00	900.00	100.00	0.00	800.00	11.1%
73300 PROFESSIONAL SERVICES						
2,000.00	0.00	2,000.00	0.00	0.00	2,000.00	.0%
75100 DEPARTMENTAL EXPENSES						
150.00	0.00	150.00	0.00	0.00	150.00	.0%
78265 MIDDLESEX EXPO						
1,500.00	0.00	1,500.00	0.00	0.00	1,500.00	.0%
78266 ECONOMIC DEVEL COORDINATOR						
31,000.00	0.00	31,000.00	16,000.00	14,000.00	1,000.00	96.8%
TOTAL ECONOMIC DEVELOPMENT						
35,550.00	0.00	35,550.00	16,100.00	14,000.00	5,450.00	84.7%
TOTAL GENERAL FUND						
35,550.00	0.00	35,550.00	16,100.00	14,000.00	5,450.00	84.7%
GRAND TOTAL						
35,550.00	0.00	35,550.00	16,100.00	14,000.00	5,450.00	84.7%

** END OF REPORT - Generated by greta oconnell **

Memo

To: Planning & Zoning Commission
From: Fred Curtin
Date: 9/13/2011
Re: August Activity Report

93 Washington Road; Carmody: A Notice of Violation will be sent to the property owner for the 2 to 3 family conversion.

80 County Line Drive: The "Gate" is complete, but a letter will be send to add screening.

310 Main Street; Corporate Row Associates, Delta Building: A Notice of Violation was sent to the property owner to have the material removed by August 31, 2011.

31 River Road; Ocampo: I inspected this residence and there is no living on the first floor and the area is marked Storage Only.

261 Main Street; Imperial Builders: I stopped at this address and asked if they could close the gate. The gate will be closed each night.

20 Hillside Road: Unregistered vehicle pending

Clothes Drop Containers: Should they be located in the school parking lots?

DATE	LOCATION NO.	STREET	ACTIVITY	Notice Of Decision		Notice Of Violation	CEASE & DESIST ORDER (C&D) ZEO	REMARKS	Date	Citation. FINE	DECISION	DATE
				ZEO	E&S ZBA							
4-Nov-10		Alcap Ridge	Filling				12/17/2010					
4-Nov-10	57	Washington Rd	Home Occupation	X				Forward to Town Attorney	1/25/2011		Pending	
4-Nov-10	4	Shawnee Ct	Home Occupation	X				No Violation	1/15/2010		Closed	11/05/10
23-Nov-10	47	Coles Rd	Unregistered Vehicles	X				No Violation	11/24/2010		Closed	11/24/10
5-Jan-11	6	Crest Drive	Commercial Trailer			X		Vehicles Removed	12/10/2010		Closed	12/10/10
5-Jan-11	2	Mystique Lane	Foundation Location			X	1/5/2011	Equipment Removed	1/7/2011		Closed	1/07/11
14-Jan-11	1	Mystique Lane	Side yard Distance			X		Cut Foundation Wall	1/26/2011		Closed	2/18/11
12-Feb-11	16	Pleasant Street	Commercial Vehicles		X			Cut Foundation Wall	1/26/2011		Closed	1/26/11
22-Feb-11	6	West St. Hgts.	Unregistered Vehicles			X		Notice of conditions of Special Permit	3/16/2011		Closed	5-24-11
22-Feb-11	112	Washington Rd	Unregistered Vehicles			X		Vehicles Moved	3/25/2011		Closed	3/25/11
12-Apr-11	41	South Street	Dismantled vehicles		X			Vehicles Moved	3/28/2011		Closed	3/28/11
12-Apr-11	80	County line Dr.	Outside storage		X			Moved			Closed	7/22/11
18-Apr-11	161	Shunpike Road	Boats in front yard		X			Pipes removed	4/18/2011		Closed	4/22/11
19-Apr-11	16	Pleasant Street	Question on condition		X			Owner unknown	4/20/2011		Closed	5/27/11
19-Apr-11	501	Rook Road	Erosion - Silt fencing		X			Submit request to remove	4/19/2011		Closed	5/24/11
20-Apr-11	8	South Street	Commercial Equipment		X			Second Notice Sent	4/19/2011		Closed	7/20/11
5-May-11	519	Main Street	Erosion Control			X		Commercial Equipment	4/20/2011		Closed	4/26/11
10-May-11	80	County line Dr.	Fencing			X		Silt fence failure	5/6/2011		Closed	5/10/11
26-May-11	464	Main Street	Unregistered Vehicle			X		Sent letter to install gate	5/10/2011		Open	
8-June-11	130	Shunpike Road	Commercial Equipment			X		Sent letter to Homeowner	5/26/2011		Closed	5/30/11
9-June-11	624	Main Street	Unregistered Vehicles			X	Building	Sent letter to Homeowner	6/14/2011		Open	
24-June11	93	Washington Rd	3 unit Conversion			X		Will remove vehicles	7/22/2011		Closed	8/4/11
								Convert 2 to 3 units	6/24/2011		Open	

P&Z permit report 2011

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-01	All Pallet Recycling Special Conditions: NONE	40 Commerce Drive	Mfg. & Rebuilding pallets	Withdrawn	
11-02	All Pallet Recycling Special Conditions: NONE	40 Commerce Drive	Mfg. & Rebuilding pallets	Withdrawn	
11-03	Robert J. Ouellet Special Conditions: NONE	34 Shunpike Road	AAA Driving School Classroom Activities	Approved 1/11/11 by staff	Business Operating
11-04	First Selectman Special Conditions: NONE	Riverview Place	Extend road	Denied 3/1/11	
11-05	P & Z Special Conditions: NONE	Town wide	Incentive Housing Zone	Will not pursue	
11-06	Douglas Dorsey Accelerated Fitness Solutions Special Conditions: NONE	77 Berlin Road	Personal Training	Approved 2/8/11 by staff	Business Operating
11-07	Adam Wallace Carey Mfg. Co. Special Conditions: NONE	30 Sebethe Drive	Warehouse & Sales Office	Approved 2/11/11 by staff	Business Operating
11-08	H & C Developers Special Conditions: One year extension	Woodside Road	Newbury Estates Extension 1 year	Approved 3/1/11	Homes being built

P&Z permit report 2011

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-09	Greater Hartford Community Foundation, Inc. Special Conditions: All conditions as outlined at the 4/5/11 P&z meeting.	100 Golf Club Road	Travelers Championship	Approved 4/5/11	Event over
11-10	H & C Developers, LLC Special Conditions: NONE	16 & 20 Newbury Road	Rear lot	Approved 4/19/11	No Activity
11-11	H & C Developers, LLC Special Conditions: An additional fire hydrant shall be provided by the applicant, as directed by the Cromwell Fire District.	16 & 20 Newbury Road	Resubdivision	Approved 4/19/11	No Activity
11-12	Cromwell Recreation Dept. Special Conditions: NONE	Woodside School	Storage shed	Approved 3/15/11	No Activity
11-13	Ryan Ahlquist Special Conditions: NONE	97 Berlin Road	Pattti-Wagon - Breakfast & lunch vending truck	Approved 4/5/11	Closed
11-14	Matthew Bryers Special Conditions: NONE	227 Shunpike Road	Jiu-Hitsu Academy Martial arts & fitness training	Approved 4/11/11 by staff	Open for Business
11-15	Cromwell Fire Dist/Water Div. Special Conditions: NONE	Main Street	Well No. 4 Pumping Station Development in SFHA	Approved 5/24/11	No Activity

P&Z permit report 2011

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-16	Cromwell Fire Dist/Water Div. Special Conditions: NONE	Main Street	Pump house, gravel road	Approved 5/24/11	No Activity
11-17	Thomas Manente Special Conditions: Applicant must submit a site plan prepared by a licensed land surveyor.	62 Coles Road	Construct accessory bldg.	Approved 6/7/11	Silt fence installed
11-18	Cobblestone LLC Special Conditions: NONE	Cobblestone Plaza	Modify condition of approval	Approved 5/3/11	
11-19	Paul N. Brown Special Conditions: NONE	150 Sebethe Drive	Pro Golf Academy	Approved by ZEO 4/29/2011	Open for Business
11-20	Kim Serignese Special Conditions: NONE	4 Willowbrook Road	ZERIO'S Restaurant	Approved by ZEO 5/2/2011	Open for Business
11-21a	Wal-Mart Special Conditions: All work shall be in accordance with the site plan submitted in connection with this application, as revised per Site Plan Approval #11-22.	161 Berlin Road	Big Box Retail	Approved 6/2/11	No Activity

P&Z permit report 2011

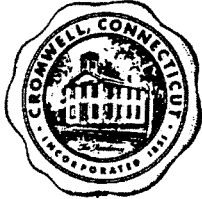
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-21b	Wal-Mart Special Conditions: That section 5.6c of the zoning regulations be met.	161 Berlin Road	Tall Parking Lot Lights	Approved 6/21/11	No Activity
11-22	Wal-Mart Special Conditions: Applicant will post a performance maintenance bond in accordance with 9-3 of the zoning regs.	161 Berlin Road	Expansion of existing store	Approved 6/21/11	No Activity
11-23	Myron P. Johnson Special Conditions:	16 Pleasant Street	Rescind trailer restriction	Approved 5/24/11	
11-24	Easter Seal/Goodwill Industries Special Conditions: NONE	77 Berlin Road	Donation Center	Approved 6/7/11	Open for Business
11-25	Melissa Goduti/TNT Fireworks Special Conditions:	45 Shunpike Road	Sales of Fireworks	Approved 6/17/11 by ZEO	Open for Business
11-26	Joe Dudash Special Conditions:	Shadow Lane	Outdoor Airsoft Field	Pending	
11-27	Cromwell Growers Special Conditions: NONE	Main Street	Greenhouse & office bldg.	Approved 7/5/11	Started to install footings
11-28	Joe Tine Special Conditions: NONE	42 Field Road	Construct oversized garage	Approved 7/5/11	No Activity

P&Z permit report 2011

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-29	Brian Bouffard Special Conditions: No outside sale of plants	11 Berlin Rd-Unit 2	Nursery/plants & produce	Approved 6/20/11 by ZEO	Open for Business
11-30	Pine Street Carpenters Special Conditions: NONE	51-26 Shunpike Road	Weight Watchers	Approved 6/17/11 by ZEO	Open for Business
11-31	Reed Builders Special Conditions NONE	Pasco Hill Road	"Sunset Ridge" Subdivision	Pending	
11-32	Edward Marti Special Conditions: NONE	538 Main Street	TPC tickets	Approved 6/21/11 by ZEO	Closed
11-33	Cynthia Lynn Special Conditions NONE	336 Main Street	Big Deals-Consignment	Approved 6/29/11 by ZEO	
11-34	Beavek, Inc. Special Conditions: NONE	50 Sebethe Drive	Moving & storage	Approved 6/30/11 by ZEO	
11-35	Arborio Brothers, LLC Special Conditions NONE	231 Shunpike Road	Change definition of "Contrator yard"	Ph on 9/20/11	
11-36	Reed Builders, LLC Special Conditions NONE	19 Pasco Hill Road	Commercial Building	Pending	

P&Z permit report 2011

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
11-37	P & Z Commission Special Conditions NONE	Town-wide	Hired road inspector	PH on 9/6/11	
11-38	Jimmy Pauris Special Conditions NONE	136 Berlin Road	Metro PCS Cell Phone Retail Sales	Approved 8/8/11 by ZEO	Business open



RECEIVED FOR FILING
9/13 2011 at 11:24 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

**Town of Cromwell
Planning and Zoning Commission**

Richard D. Peto
TOWN CLERK

***PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, SEPTEMBER 6, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

Minutes

Present: Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Nicholas Demetriades, Richard Waters, Peter Keithan, Alternate Brian Dufresne

Absent: Thomas Madden

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

1. Call to Order

The meeting was called to order at 7:01pm by Chairman Vincent Faienza.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A **motion** was made by Alice Kelly and **seconded** by Michael Cannata to seat Alternate Brian Dufresne. *All were in favor; the motion was passed.*

4. Approval of Agenda

A **motion** was made by Doug Sienna and **seconded** by Joseph Garafalo to approve the agenda. *All were in favor; the motion was passed.*

5. Public Comments

Paul Senecal of 6 Shady Brook Drive said he had concerns about the Airsoft rec facility located in the old Sav-Mor building. He said they applied for an outside permit for an area that borders their house and they have heard gun shots in the last few weeks. He said they have called the Zoning Enforcement Officer to complain since this permit has not been approved yet.

Donna Morales of 4 Shady Brook Drive came up and said that she too has heard gunshots from this area and she feels it is a danger right behind her house since they do not have permission to do this.

Joe Deciuceis of 22 Jennifer Lane came forward and said that he is worried about the approval of the Pasco Hill Road project. He said it is a dangerous idea especially in the winter. He said that road could see an additional 10-12 cars on it. He also remarked that many building contractors have created a lot of problems in this town and he has a list of issues pertaining to his home with the builder of the Pasco Hill Road development.

Greg DeRita of Derita and Sons Construction came forward and said that he dropped off a brief letter to town staff in mid August and he wanted to make sure everyone had a chance to see it. He said he came to speak at the August 9th meeting regarding the Cobblestone project but did not have an opportunity to speak at that meeting. He also said he is happy that the Town Attorney is here so they could understand what a detriment this project has been to his business.

6. Development Compliance Officer Report:

a. Activity Report

Fred Curtin, Zoning Enforcement Officer came up to discuss his activity report dated August 31, 2011. Chairman Faienza asked Mr. Curtin about the Airsoft issue that the public mentioned and Town Planner Craig Minor said that the owner told him he hasn't authorized anyone to shoot outdoors and he will try to catch the culprits. Chairman Faienza remarked that this can't continue to happen since he has no permit for outdoor use. Mr. Curtin said he will know more in two weeks. Richard Waters asked Mr. Curtin about 310 Main Street and said that he saw someone dumping fill there within the last few days. He said it was hearsay but he heard that the owner of Delta gave him permission to do so. Mr. Curtin said that he has made it clear that Delta is responsible for the cleanup. Mr. Waters also asked Mr. Curtin to look into North Road. He said there is a lot of mud there.

7. Town Planner Report:

a. Status of Midstate Regional Planning Agency

Al Diaz of 15 Thistle Down came forward to talk about the merger of the Midstate Regional Planning Agency and the CT River Estuary Regional Planning Agency. He said there are 8 towns in Midstate and 9 from Estuary. He said this will take 12-24 months to consolidate and the main reason for the merger is that the DOT and Office of Budget Management wants to consolidate the entire state into fewer planning regions. Mr. Diaz said it is a good thing and is better than merging with Hartford/Manchester. He also said there is a chance we can bring in some shoreline towns that aren't happy staying in the New Haven region. Mr. Diaz said that the CEO (Chief Elected Officer) will be the representative from each town or a person he/she designates. Joseph Garafalo asked if we change the charter will the Town Manager be the CEO. Mr. Diaz said he wasn't sure since that position is not elected. Chairman Faienza said that the CEO would be the Mayor if the charter changes. Nick Demetriades asked what exactly Midstate

did and Mr. Diaz said they work with the DOT to get transportation funding. The DOT has to sign off on projects approved by towns. They also review local planning and zoning issues and most of the times the agency finds no significant issues and lets the projects move forward.

b. Public Hearings to be Scheduled: none

c. Performance Bond Approvals:

1. Cobblestone Plaza

Town Planner Craig Minor said that up for discussion were his recommendation for a bond reduction in the amount of \$69,801.56 and his recommendation for the Commission to stipulate that it will release \$165,000 upon satisfactory completion of the detention structure per Mr. Eisen's request. He said that the Town Engineer has confirmed he feels the slope is 100% complete.

Chairman Faienza asked Attorney Chappell to clarify that any money released for the slope would be sent to Travelers Insurance company. Attorney Jonathan Chappell replied that yes it would be.

Attorney Jonathan Chappell said that he would discuss the insurance policy in lieu of a maintenance bond as requested by the applicants. He said he was provided with a declaration page and an insurance binder and he did discuss these items with the applicant's counsel. He has concerns with the policy since there is a \$25,000 deductible per occurrence. He said that someone would have to pay down the deductible. He said he is not comfortable with this because he has no way to calculate what will happen if there is a claim. The next item he discussed was the DeRita Construction dispute. He said that the money would be released to Travelers who would then turn it over to DeRita. He then spoke about the underground detention system. He said that if the system is completed and signed off on then we can consider release of bond money. Michael Cannata asked if the money would be released to Travelers or Cobblestone. Attorney Chappell said the money would be released to Cobblestone since we are returning the money to Cobblestone for completing the job. Chairman Faienza then clarified that the Travelers agreement was for only the slope. Joseph Garafalo asked about the arbitration discussed at past meetings. Attorney Chappell said that there was an arbitration scheduled for September but he doesn't see that happening. Chairman Faienza asked Attorney Chappell to confirm that the DeRita dispute is not tied to the Town. Attorney Chappell said correct, we have no legal obligation to act a certain way regarding this. Joseph Garafalo said he was concerned since a partner in Cobblestone said that no more money would be put into this site. Chairman Faienza said there is was enough bond money for the underground detention system even if they release the \$69k. Michael Cannata asked how they can be sure that the contractor will get paid when they finish the underground detention system. Attorney Chappell said he can't assure anything. He said there are other ways a contractor can secure payment, like a mechanic's lien.

He said once we release the money it is out of our hands. Mr. Cannata asked, if Cobblestone agrees at one of our meetings to let us cut the check to the contractor, would that stand? Attorney Chappell said a written agreement would be better. Nick Demetriades asked if the town could be liable for any money not paid to contractors. Attorney Chappell said no. He said there are other mechanisms for collection of debts but the town has not been served with any of these orders. Attorney Chappell also told the Commission that the dispute between DeRita and Cobblestone is more than just over this bond money. Alice Kelly asked how they can ensure for 5 years that they have a proper firm to inspect the site. There are no guarantees that Dr. Welti's firm will still be in business. She asked if they have to do something to the slope who would be responsible. Attorney Chappell answered that the town would not be responsible since this is private property - the owner would be responsible. He remarked that the town might wish to fix it but he is not the one to predict that. Mrs. Kelly asked what would happen if Cobblestone filed bankruptcy, who would own the property. Attorney Chappell said that a trustee would take over and have a certain obligation to creditors. Chairman Faienza remarked that we would still have the bond money.

The applicant's attorney Joseph Williams from Shipman and Goodwin in Hartford came forward to discuss the comments. He said that he understands P&Z's concerns about an insurance policy and they will look into whether there are other terms available. He also confirmed that the \$69K bond reduction would be paid to Travelers. He also said that they are not tonight making a formal request for the release of \$169k for the underground detention system; just an assurance that if and when it is installed, that amount will be released. He said that Falls Excavating is here tonight to see if an assurance is being made. This will ensure the work will get done. He also said that Cobblestone is planning on asking the Commission to have the contractor paid directly once the bond is released. Alice Kelly asked if this would be in writing and Attorney Williams said yes, of course. Michael Cannata asked Attorney Williams if they can get a letter saying that the contractor for the underground detention system will get paid even if Cobblestone claims the contractor didn't meet the timeline or obligations. Attorney Williams said that this Commission is not authorized to get in a debate with how they deal with their contractors. He said that the bond money is Cobblestone's and it will be released to the contractor. They are just asking for the normal course of action when it is time to release the money. Rich Waters said, so I am hearing that we could possibly go thru the same exact thing. Attorney Williams replied that the issue with DeRita is a contractual dispute and it is not up to the Commission to decide who is right and who is wrong. He said that 3 areas are not up to requirements of their contract and it is not the business of the Commission as to how that dispute is handled. Michael Cannata asked if the \$69k included these 3 disputed items. Attorney Williams said no. Town Planner Craig Minor said that they are asking for \$69k but we have around \$140k earmarked for the slope. Alice Kelly asked again if the underground detention system money would be released to the contractor when the work is done and approved by town staff. Attorney Williams said that it is their plan to make such a request if everything is done correctly. Mrs. Kelly asked if that would be in writing. Attorney Williams said yes that would be part of the bond reduction request. Doug Sienna asked if that written request would be before the request to release the money.

Attorney Williams said they would follow normal bond reduction procedures. When the work is done properly they will submit a written request. He said tonight's is an informal request to know that the \$169K will be released when the work is done. Chairman Faienza told the Commissioners that we have to be careful how we proceed. This is not up to us how they conduct their agreement with their contractors. We have to be careful of any precedent we set. We always follow certain standard protocols and procedures. He said we have to think about the future and opening ourselves up to a lawsuit. He asked Attorney Chappell if he was offbase and Attorney Chappell said no, he didn't think so. There was a question as to the performance bond spreadsheet showed \$150k earmarked for the detention system, but the applicants are asking for a commitment to release \$164k. Attorney Williams said that the cost has gone up since the bond was originally estimated. Mr. Minor said money in these line items can be moved around. He said that even if the Commission agrees to release the \$69k we would still have \$268k on hand. He said we have earmarked \$54k for post-completion expenses and outstanding landscaping, but that would still leave \$214k on hand which is more than enough. Rich Waters asked how we can be sure the slope is up to par. Chairman Faienza said that Dr. Welti has been on site and the Town Engineer has signed off on it so it is not up to us to debate the credibility of the Town Engineer. Chairman Faienza then asked the Commissioners to vote yes or no on following the standard protocol of releasing the bond for the underground detention system once it was complete. Chairman Faienza asked for a straw poll on the request to promise to reduce the bond when the detention system is complete.

Peter Keithan - yes

Brian Dufresne - yes

Richard Waters - yes

Doug Sienna - yes

Michael Cannata - no

Alice Kelly - yes

Nicholas Demetriades – would be more agreeable if we used the wording appropriate invoiced amount instead of an exact dollar amount.

Joseph Garafalo – agreed with Mr. Demetriades

Chairman Faienza – agreed that the Commission will follow its standard bond reduction procedures when the system is done, but not commit to a specific dollar amount tonight.

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to release the bond in the amount of \$69,801.56 made payable to the proper department at Travelers for payment to DeRita Construction. *All were in favor; the motion was passed.*

2. Wal-Mart

A **motion** was made by Michael Cannata and **seconded** by Doug Sienna to set the performance bond for Wal-Mart at \$280,000. *All were in favor; the motion was passed.*

8. Public Hearing and Possible Action:

a. Application #11-37: Amendment to Section 330 of the Subdivision Regulations (road inspections). Planning and Zoning Commission, applicant.

Doug Sienna read the legal notice dated August 23, 2011.

Town Planner Craig Minor said that the town no longer has an inspector for road inspections so the Public Works Director is telling developers they have to pay for their own inspections up front, in accordance with town ordinances. Alice Kelly asked about the zoning regulations and whether the lack of an inspector is a problem there too. Mr. Minor replied that yes that was a problem for site plans too and they would need to discuss that when we talk about revising the zoning regs.

Chairman Faienza asked for public comments in favor of, opposed or neither in favor or against. No one came forward.

A motion was made by Michael Cannata and seconded by Alice Kelly to close the public hearing. *All were in favor; the motion was passed.*

A **motion** was made by Alice Kelly and **seconded** by Doug Sienna to the make the following amendment to section 330 of the Subdivision Regulations: "Depending on the availability of qualified Town staff, the Applicant may be required to hire a qualified inspector to be onsite during road construction in accordance with Article 3.8 of the Town of Cromwell Road Construction Specifications dated April 20, 1996 as revised". *All were in favor; the motion was passed.*

9. Old Business:

a. Application #11-31: Residential and Commercial Subdivision on Pasco Hill Road ("Sunset Ridge"). Reed Builders, applicant; Dorothy Massirio and Janice Piccoli, owners.

Attorney Salvatore Petrella of 630 Main Street came forward and said he represents Reed Builders LLC. He said they are in the process of getting approval for a 5 lot residential subdivision. He said they are on the agenda at the September 12, 2011 Board of Selectman meeting for consideration of their road waiver request. He said that if the Board of Selectman does not approve the road waiver they will have to come back with a different subdivision plan. He also said that Town Engineer Joe Mazurek had some concerns about drainage calculations but he now finds them to be acceptable.

Jim Cassidy of Hallisey, Pearson & Cassidy said that all of Joe Mazurek's conditions have been met and Mr. Mazurek has approved their plan. Rich Water remarked that you can't take a right turn onto Pasco Hill Road from the new road without going into the other lane. Mr. Cassidy said

you are right; that is why we are taking back the hillside 15 feet so it will be ok. Mr. Waters also said that the snow on the side of the road is dangerous and that cars go too fast. Mr. Cassidy said that the average speed is 25mph. Chairman Faienza asked if the Chief of Police has signed off on this. Town Planner Craig Minor said yes, but he has asked for additional traffic control signage. Chairman Faienza asked Mr. Minor about the open space fee and Mr. Minor said that he recommends the Commission asked for the fee in lieu of space. Mr. Minor asked Mr. Cassidy if they had given any thought about extending the proposed sidewalk on June Court to the existing sidewalk on Applewood. Mr. Cassidy said they had not. Mr. Minor asked if the Commission could have a discussion about that. After discussion all of the Commission felt that the sidewalks were not practical because of safety concerns with the curvature of Pasco Hill Road and the steep hillside to the west of the curve.

A **motion** was made by Michael Cannata and **seconded** by Alice Kelly to approve application 11-31 with the following 5 conditions. *Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Nicholas Demetriades, Peter Keithan, Brian Dufresne were in favor; Rich Waters opposed. The motion was passed.*

1. Road Waiver Approval by the Board of Selectman.
2. Fee in lieu of open space.
3. Pavement markings as required by Chief of Police.
4. All legal documents must be submitted within 30 days of application approval.
5. A performance bond will be required in an amount to be determined.

A recess was called at 9:35pm. The meeting was called back to order at 9:42pm.

10. New Business:

- a. Application #11-36: Site Plan Approval (Commercial Building) at 19 Pasco Hill Road. Reed Builders, applicant; John Masserio and Janice Piccoli, owner.

Attorney Salvatore Petrella said that he wants to discuss the parcel across the street from Sunset Ridge subdivision which will contain the stormwater detention system for Sunset Ridge. He said the building they would like to construct would be residential-looking and is designed to only be seen from 2 sides. The other 2 sides are hidden. He said the building is smaller than a 2000 square foot home with a 2 car attached garage would be. He said there would be no outside storage and it will be occupied by Reed Builders LLC owned by Sean Hussey.

Mr. Cassidy went over the plans for the commercial building. Mr. Cassidy said that a home designer will have his office in there as well as Reed Builders. He said there are no dumpsters shown; they would roll out garbage cans on trash day like a residential owner would. Brian Dufresne asked if they could build a small platform for the garbage cans and wanted to know if they had any ideas for signs. Mr. Cassidy replied that they could build a platform for the garbage cans. They had no signage in mind as of yet. Rich Waters asked if this would be the permanent

office for Reed Builders and Mr. Cassidy replied that it would be. Michael Cannata asked if they really needed 10 parking spaces. Mr. Cassidy said they probably only needed 5 or 6 but the new regulations required they have 10. Mr. Cannata asked if they would consider applying for a waiver of parking spaces. Mr. Cassidy said they would be willing to defer 4 spaces.

A **motion** was made by Alice Kelly and **seconded** by Doug Sienna to approve application #11-36 with the following 3 conditions. *Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Richard Waters, Peter Keithan, Brian Dufresne were in favor; Nicholas Demetriades opposed; the motion was passed.*

1. Build a platform for the rollout garbage containers;
2. Defer 4 parking spaces;
3. Comply to fire hydrant requirements as requested by Fire Department.

b. Application #11-41: Request to Rescind Conditions of Approval at "Playmates Children's Center" at 40 West Street. Sandra Wallowitz, owner/applicant.

Sandra Wallowitz of 40 West Street came forward and asked if items #1 and 3 could be rescinded from the conditions of approval so she could transfer her business to potential buyers. Town Planner Craig Minor said he recommends approval.

A **motion** was made by Alice Kelly and **seconded** by Rich Waters to approve application #11-41 by rescinding items #1 and 3 of the original conditions of approval. *All were in favor; the motion was passed.*

c. Application #11-42: Vendor's Permit Application at 113 Berlin Road. Noel Greaves, applicant; Gannesha Hospitality LLC, owner.

Noel Greaves came forward and said he is looking to operate a food wagon adjacent to the Quality Inn. There was discussion on what hours he intends to be open. On the permit he said 6:00am – 8:00pm but really he would probably only be there from 10:00am – 2:00pm. He asked for the longer hours just to keep his options open and to test business during different times. Mrs. Kelly asked if cars would have a problem coming out of there and Mr. Minor said that the Police Chief has no problems with the site. Chairman Faienza asked Mr. Greaves if he had permission from the owner to use the property since the letter wasn't signed. Mr. Greaves said that he did have permission and the application form is signed by Mr. Patlikh. Nick Demetriades asked what kind of vehicle he would be using and Mr. Greaves said it was a stainless steel 6 x 8 trailer pulled by a van. It uses propane and 12 volt to cook. He said he would be taking it home every night. He also said that he would like to have an A-frame sign to indicate his business. Chairman Faienza said that he should talk to Mr. Minor before adding any signs.

A **motion** was made by Alice Kelly and **seconded** by Rich Waters to approve application #11-42

once all necessary town permits are obtained. *All were in favor; the motion was passed.*

d. Application #11-43: Corrections to New Zoning Regulations.

Commissioner Kelly presented her tabular version of the proposed amendments and reviewed some of the items. It was also discussed that they add the information about road inspections as discussed earlier. There was also discussion on A-frame signs. It was felt that they were something that could be used as a temporary sign, but not forever.

e. Application #11-45: Revisions to P&Z By-laws.

A **motion** was made by Peter Keithan and **seconded** by Alice Kelly to accept the revisions to the Planning and Zoning by-laws. *All were in favor; the motion was passed.*

11. Communications - none

12. Commissioners' Comments

Nick Demetriades asked if they could make a note for next spring to talk about a Town-wide sidewalk plan. He also asked what happened to all the recommendations in the new POCD. He said that the P&Z has approved lots of developments since the POCD was adopted but have not been getting any open space. It was discussed that the POCD Implementation Committee has not meet in 3 years. Mr. Minor said that it make sense that the Town is not getting any actual open space since there are no more really large parcels being subdivided; P&Z is getting the fee in lieu of open space instead. Mr. Demetriades said they are doing more zoning not planning. Mrs. Kelly said that the Conservation Commission should be looking at open space. Mr. Minor said they are; for example, he took the Sunset Ridge plans to that Commission and they agreed that a fee in lieu of open space made more sense than taking any open space. Chairman Faienza said that it would be a good idea to find the chair of the POCD Implementation Committee and get some meetings together. He also thought it made sense to get a joint meeting together with various land use Commissions to get an idea of how to move forward. Alice Kelly also asked for a document that shows who is in charge of overall implementation of the POCD, the way the Open Space Plan shows who is responsible for its implementation.

Rich Waters asked about 16 Pleasant Street. Chairman Faienza explained that the Commission is waiting for the new zoning regulations to get approved before telling that homeowner what to do. Once they are approved we will be able to get it straightened out then.

13. Approval of Minutes:

a. August 2, 2011

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to approve the minutes of August 2, 2011. *Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Richard Waters, Peter Keithan, Brian Dufresne were in favor; Nick Demetriades abstained. The motion was passed.*

b. August 16, 2011

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to approve the minutes of August 16, 2011. *Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Richard Waters, Peter Keithan, Nick Demetriades were in favor; Brian Dufresne, Richard Waters, Peter Keithan abstained. The motion was passed.*

14. Adjourn

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to adjourn at 11:01pm. *All were in favor; the motion was passed.*

Respectfully Submitted,

Linda Imme
Recording Clerk

Town of Cromwell
 Economic Development Commission
 August 18, 2011

**Town of Cromwell
 Economic Development Commission
 Regular Meeting
 7:00pm, Thursday, August 18, 2011
 Room 224 Cromwell Town Hall**

RECEIVED FOR FILING
8/19/2011 at 3:40 P.M.
 TOWN CLERK'S OFFICE
 CROMWELL, CONN.

Barbara D. Profo
 TOWN CLERK

Minutes

Present: Chairman Richard Nobile, Mertie Terry, Robert Jahn, Joe Fazekas,
 Absent: Stanley Stachura
 Also Present: EDC Coordinator Craig Stevenson (arrived at 7:05pm)

1. Call to Order

The meeting was called to order by Chairman Nobile at 7:00pm.

2. Roll Call/Seating of Alternates:

The presence of the above commissioners was noted.

3. Approval of Agenda

A **motion** was made by Joe Fazekas to approve the agenda and **seconded** by Robert Jahn.
All in favor, the motion was approved.

4. Public Comments - none

5. New Business - There was discussion about the new Bakery called Biscotti and all thought it was opening soon. Chairman Nobile said that he heard the Alcap Ridge development is going well and that the DEP met with the potential buyer to make sure the cleanup is done by the right business. He also said that there are negotiations on the Sebeth Drive land. He said the potential buyer is the same person who owns the GKN building. He said they would need various permits and are working with the Board of Selectman to iron out the details.

6. Economic Developer Report

EDC Coordinator Craig Stevenson handed out his report for August 2011. There was discussion about Alcap Ridge and Robert Jahn asked Mr. Stevenson if they were considering dividing the building. Mr. Stevenson replied that yes it was going to be a multi tenant building. He also said that there are some areas of the buildings that need to be gutted because of mold growth. He said some areas could be cleaned. Mrs. Terry commented that the newspapers seemed like it was a done deal. Mr. Stevenson said it is very close. He said that Attorney John Watts is working a little with the developers Attorneys. He said that the Environmental and tax issues need to be completely resolved before the deal can close. He said that Safeway Corporation has given their commitment to the DEP that they are going to clean up the building of what they were responsible for and more. He said that the DEP is monitoring the cleanup. Chairman Nobile asked who from the town is negotiating the tax issue. Mr. Stevenson thought that the Board of Finance and the Board of Selectman would make those decisions. He said that he was pretty sure that the Tax Collector was on board with this deal. He went on to say that many years of unpaid taxes have gone by and even some years they can't recoup even if they wanted to. This is a good deal for the town because now they will be able to start collecting taxes once

again. They had very few options. Chairman Nobile asked if this Commission should be involved and Mr. Stevenson replied that not until the deal is done. He said that they can review it then and make a recommendation. Mr. Nobile asked how the Board of Finance comes into play on this and Mr. Stevenson said it was his understanding that the Town Attorney said they should be consulted and involved.

Mr. Stevenson went on to the other areas of the report. He made some additional comments regarding 10 County Line Road. He said that he is having a disagreement with the tax assessor regarding the interpretation of the state statute. She believes that an abatement can only be done for 2, 3 or 8 years. Mr. Stevenson is proposing a 4 year 50% tax abatement but she is proposing a 2 year 100% tax abatement. Mr. Stevenson said he doesn't see any reason to forgo the 50%. He thought it would be helpful to start getting the money right away instead of in 2 years. He said that he doesn't understand why the same incentives are used if someone is spending \$3 million or \$300 million.

There was also discussion on the 13 acre lot on Sebeth Drive. Chairman Nobile asked if Dayharsh was in Chapter 11 and Mr. Stevenson said he didn't know but that he did hear he was struggling. He also said that Dayharsh is very interested in making Sebeth Drive more visible. He said that Dayharsh has talked to the town about the Viola property. He said they both seem to be agreeable and can hopefully take it to the next level. He said that the property is on the market for \$119k but the town can buy it for \$50k. He said that they should consider this so they can stop leasing the parking lot. Mrs. Terry said that the space can only accommodate 15 parking spaces. Mr. Stevenson said that would be a concern. Chairman Nobile said that this is something the First Selectman should handle.

Mr. Stevenson said that the young adults who staffed the fun zone at the Travelers Championship were great and did an excellent job. Mrs. Terry suggested he write a note to the appropriate people at the Tournament to let them know.

7. **Stimulating Economic Development** - all covered in Economic Developers report.
Chairman Nobile said that this section can be eliminated since it is covered in that report and since the Travelers Championship is over.

- i. Visitors Guide (About Cromwell) Brochure or Magazine
- ii. Travelers Championship
- iii. Economic Development Web Site

8. Old Business

a. Tax Abatement Program

Craig Stevenson said that he is examining the tax abatement guidelines and wants to put together a program for entitlement to qualify for tax abatements. He said we are limited by statutes. He said that as an example we can indicate the Northern Tier as an informational technology zone and any company that meets that criteria could get a tax abatement. Robert Jahn asked if any other towns were doing this. Mr. Stevenson said he knew of a few like Waterbury and he was going to try to get their details/plans.

b. EDC Budget Report and Update

Mr. Stevenson said that he had asked Mariane Sylvester to send him their budget but she didn't and he forgot to follow up. He did say that they have not spent any money yet this year except on his salary. Mr. Stevenson said that he does want to join CERC Site Finder and Datafinder.

He said these tools help him tremendously. Chairman Nobile asked him how much this cost and he said both would be under \$2000.

A **motion** was made by Joe Fazekas and **seconded** by Robert Jahn to purchase both CERC Site Finder and Datafinder but not to exceed \$2000 for this expense. *All were in favor; the motion was passed.*

c. Public Wi-Fi for Historic Downtown Riverport area

Mr. Stevenson said that the First Selectman is working with an IT consultant on this. Chairman Nobile said that this can be dropped from the agenda as well.

9. Communications (see attached P & Z report; Zoning Enforcement Report; P & Z minutes) – nothing discussed.

10. Chairman's comments/Commissioner's comments:

Chairman Nobile asked if the development of the riverfront park area was a dead issue since the park was built. Mr. Stevenson said in his opinion the park should have been built in the wetland area and the area of development should have been where the park is now. He said we need a redevelopment plan so we know how to achieve the best goals. He said that the municipal government needs to do it. He said that he thinks they should also have the right to take property by eminent domain if someone is trying to unrealistically stand in the way in such a way that it is depriving the town of economic development. Chairman Nobile said that eminent domain will never happen. Mertie Terry said that there is no way this Commission would ever support eminent domain. Robert Jahn asked what the process was to go for a phase 2 environmental study and a phase 2 development plan of West Street down. Mr. Stevenson said that we have to CRCOG (Capital Region Council of Governments) and resubmit the old application. He said we should be entitled to money in the fall. He said that we received the grant money previously but refused it.

11. Approval of Minutes

a. June 16, 2011

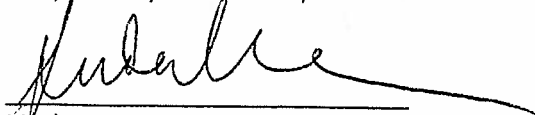
Joe Fazekas made a motion to approve the Minutes of June 16, 2011 and was seconded by Robert Jahn. *All in favor, the motion was passed.*

12. Good & Welfare

13. Adjourn

A motion was made by Robert Jahn to adjourn at 8:24 pm and was seconded by Joe Fazekas. *All in favor, the motion was approved.*

Respectfully submitted,



Linda Imme
Clerk