



**Town of Cromwell
Planning and Zoning Commission**

*SPECIAL MEETING
6:30 P.M. TUESDAY, MAY 24, 2011
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET*

Minutes and Records of Votes

Present: Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Thomas Madden, Richard Waters, Peter Keithan

Absent: Nicholas Demetriades

Also Present: Town Planner, Craig Minor, Zoning Enforcement Officer Fred Curtin (arrived late)

1. Call to Order

The meeting was called to order at 6:30pm by Chairman Vincent Faienza.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

There were none present.

4. Public Comments - none

5. Development Compliance Officer Report: Fred Curtin was not present in the beginning of the meeting so this report was not discussed. Mr. Curtin was present at the end so Chairman Faienza asked him to give an update at that time.

a. Activity Report

Mr. Curtin reviewed the April 2011 Activity Report dated May 10, 2011. No further discussion took place regarding these updates.

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6. Town Planner Report:

a. Public Hearings to be Scheduled:

1. Application #11-17: Special Permit (Accessory Structure in Excess of 1,000 sf) at 62 Coles Road. Thomas and Lucy Manente, owner/applicant.

Attorney Julie Petrella of 630 Main Street said this application is in compliance with 2.7a of the Zoning Regulations. They have signs in place and the neighbors have been notified. They do have a site plan to show.

A **motion** was made by Alice Kelly to schedule application #11-17 for a Public Hearing on June 7, 2011 and was **seconded** by Joseph Garafalo. *All were in the favor, the motion was approved.*

2. Application #11-24: Special Permit (Public Service) at 77 Berlin Road. Easter Seals Goodwill Industries, applicant; BRC River Centre LLC, owner.

Joseph Galasso, VP Retail Operations at Easter Seals of 95 Hamilton Street, New Haven came forward and said they are applying for a public service special permit to operate a used clothes drop off site.

A **motion** was made by Thomas Madden to schedule application #11-24 for a Public Hearing on June 7, 2011 and was **seconded** by Joseph Garafalo. *All were in the favor, the motion was approved.*

3. Application #11-21a: Special Permit (Retail Store in Excess of 50,000 square feet) at 161 Berlin Road. Wal-Mart Real Estate Business Trust, applicant; Infinity Cromwell Properties LP, owner.

Danielle Bercury, Attorney with Hurwitz, Sagarin, Slossbert & Knuff of 147 North Broad Street, Milford, CT 06460 came forward and said that Walmart is applying for a special permit because they would like to add approximately 37,000 square feet to the existing store. This would be an addition for a grocery element. She also said that Walmart is applying for 3 applications under the new Zoning Regulations.

Alan Carpenter, Vice President from CPH Engineers, 520 Hartford Turnpike, Vernon, CT came forward with the site plan. Peter Keithan asked Mr. Carpenter when the work would start if approved and he said next spring. Mr. Keithan also asked if the expansion would affect traffic and Chairman Faienza commented that a traffic study was included in their package and they should refer to that. The Chairman also asked Mr. Carpenter if he could bring two easels and two site plans with him at the public hearing so that the commission and the public in attendance

could see the plan. He said they were going to bring a power point presentation if the room was equipped for that. Town Planner Craig Minor said they will figure out a way to project the presentation so both the public and Commission can view it.

A **motion** was made by Michael Cannata to schedule application #11-21a for a Public Hearing on June 7, 2011 and was **seconded** by Peter Keithan. *All were in the favor, the motion was approved.*

4. Application #11-21b: Special Permit (Luminaire in Excess of 14' High) at 161 Berlin Road. Wal-Mart Real Estate Business Trust, applicant; Infinity Cromwell Properties LP, owner.

A **motion** was made by Peter Keithan to schedule application #11-21b for a Public Hearing on June 7, 2011 and was **seconded** by Alice Kelly. *All were in the favor, the motion was approved.*

7. Public Hearing and Possible Action:

a. Application #11-15: Special Permit (Development in the Special Flood Hazard Area) to construct a Pump Station and Gravel Road at Well No. 4 off Main Street. Cromwell Fire District - Water Division, owner/applicant.

Alice Kelly reads public notice dated May 13, 2011 regarding application #11-15.

Daniel Rukakoski of Tighe and Bond, Westfield, MA presented the plan for the new pumping station over well #4. The plan is to extend the road that currently stops at well #3 and then to construct a structure over well #4 to connect the water supply. This will allow the district to improve the water and volume quality. Wells 1 & 2 are not great water supplies so this additional well will allow them to perform maintenance on these wells without disrupting service.

Chairman Faienza asked if there were any public comments in favor of this application.

William Jarzavek of the Cromwell Fire District – Water Division came forward and wanted it on the record that this application was submitted in time for this meeting.

Chairman Faienza asked if there were any public comments in opposition of this application. No one came forward.

Peter Keithan asked if this water will be sold to Berlin. Darlene Buttrick of Tighe and Bond came forward and said that Cromwell does supply water to Berlin now and there is talk of supplying water to Middletown and Durham in the future. This is an opportunity for Cromwell

to make additional revenues. Mr. Keithan asked if we had a drought would we stop supplying water to other towns. Attorney Salvatore Petrella of 630 Main Street Cromwell, CT came forward and said that all the contracts have provisions for droughts and other emergencies. The contracts mandate that Cromwell be supplied with water first in these conditions. Alice Kelly asked Town Planner Craig Minor if the comments from the Town Engineer were included in his memo dated May 10, 2011 and Mr. Minor replied yes. Joseph Garafalo asked how the current water rates would be impacted by this. Chairman Faienza reminded the commission that these questions are not relevant and should not affect the Commission's decision to approve or deny this application. Attorney Petrella said he could address this and Chairman Faienza said only if he was comfortable in doing so. Attorney Petrella said that Cromwell does have an interdependence with other towns and that it works both ways. He said that the income from other towns does benefit the tax payers of Cromwell.

A **motion** was made by Michael Cannata and **seconded** by Richard Waters to close the public hearing. *All were in favor, the motion was approved.*

Alice Kelly asked Town Planner Craig Minor if all the conditions in the memo sent to Tighe and Bond dated May 10, 2011 were addressed? Mr. Minor asked Darlene Buttrick to respond to this. Ms. Buttrick said that the area of the 100 year flood plain on the south side of the access road will be displayed on the recording mylar, as will the A-2 certification of Horizontal Accuracy and the endorsement block.

A **motion** was made by Michael Cannata and **seconded** by Richard Waters to approve application #11-15. *All were in favor, the motion was approved.*

8. Old Business:

a. Application #11-16: Site Plan Approval to construct a Pump Station and Gravel Road at Well No. 4 off Main Street. Cromwell Fire District - Water Division, owner/applicant.

Daniel Rukakoski of Tighe and Bond came forward and said they will be constructing a 225 square foot well house over well #4 and will extend the paved road from existing well #3 to well #4.

A **motion** was made by Alice Kelly to approve application #11-15 with the condition that all of the conditions on the Town Planner's May 10, 2011 memo to Tighe and Bond have been met and was **seconded** by Joseph Garafalo. *All were in favor, the motion was approved.*

9. New Business:

a. Application #11-22: Site Plan Approval to construct addition to Wal-Mart at 161 Berlin Road. Wal-Mart Real Estate Business Trust, applicant; Infinity Cromwell Properties LP, owner.

A motion was made by Alice Kelly and seconded by Michael Cannata to table application #11-22 to the June 7, 2011 meeting. *All were in favor, the motion was approved.*

b. Application #11-23: Request to Modify Special Permit #07-68 at 16 Pleasant Street.

Mr. Myron Johnson of 16 Pleasant Street came forward to address his request that P&Z rescind their requirement that the trailer on his property be stored inside a building. He handed out an undated letter to the Commission written by his neighbors David and Ashley Jupe of 18 Pleasant Street which he said expressed the request better than he could. Chairman Faienza read the letter out loud. The letter expressed that they had no issues with the trailer being on his property. Mr. Johnson asked to have the copies of the letter back. He stated that the zoning regulations state that if a trailer is less than 16 feet and is properly screened that it does not have to be in a garage. He said that his trailer is 14 feet and will be in a screened area.

Peter Keithan remarked that we can't change the rules and regulations of the town to suit one person. Other people will want to do it as well. Chairman Faienza said the regulations say "may be kept" so they can use their discretion. Alice Kelly said that at the time of the original approval she was not aware it was only 14 feet and she does remember that every neighbor came forward saying they had no issues with the trailer. Town Planner Craig Minor pointed out that there are two types of "trailer" in the zoning regulations: utility trailers for a homeowner to transport his snowmobile, etc., and commercial trailers like Mr. Johnson's that are used for a business. The regulation says that utility trailers may be kept outside, but commercial trailers should be inside a building. Richard Waters asked if Fred Curtin had any issues with this and he came forward and said he does not, that he will go with whatever the Commission decides.

A **motion** was made by Alice Kelly and **seconded** by Michael Cannata to approve Application #11-23, to rescind Condition #1 of Special Permit #07-68. The following were in favor: Joseph Garafalo, Vincent Faienza, Thomas Madden, and Doug Sienna. Richards Waters abstained from voting and Peter Keithan opposed. **The motion was approved.**

10. Communications - none

11. Commissioners' Comments

Alice Kelly asked that a comment made by Attorney Salvatore Petrella at the March 1, 2011 meeting be noted since it was not in the minutes. It was regarding the Senator Drive Open Space deed. At that meeting he stated "We are going to cooperate with the town to attempt to transfer the title back to the town. Mr. Coons has authorized me to tell you that we are going to attempt to do that but we are not going to be intimidated by a threatening lawsuit".

Thomas Madden said they are going to continue working on the by-laws.

Chairman Faienza welcomed Richard Waters to the Commission. Richard Waters said that he noticed some erosion behind the curbs at Northbrook Estates. He feels there should have been a catch basin there. He spoke to one homeowner whose backyard is also eroding. They will send the Public Works Director a notice and Chairman Faienza asked Fred Curtin to keep the Commission updated.

12. Approval of Minutes:

a. May 3, 2011

A **motion** was made by Doug Sienna and **seconded** by Michael Cannata to approve the minutes from May 3, 2011. *All were in favor, the motion was approved.*

13. Adjourn

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to adjourn the meeting at 7:32pm. *All were in favor, the motion was approved.*

Respectfully Submitted,

Linda Imme
Clerk