



**Town of Cromwell  
Planning and Zoning Commission**

**REGULAR MEETING  
7:00 P.M. TUESDAY, JUNE 21, 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, Nicholas Demetriades

Absent: Peter Keithan

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

**1. Call to Order**

The meeting was called to order at 7:07pm 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. Approval of Agenda**

A **motion** was made by Doug Sienna and **seconded** by Alice Kelly to approve the agenda. *All were in favor, the motion was passed.*

**5. Public Comments - none**

**6. Development Compliance Officer Report:**

a. Activity Report

Fred Curtin came forward and discussed the June 2011 Activity Report. He added that 130 Shunpike Road will also be sent a notice of Wetland Violations. He also said that he is

addressing some issues at 10 Court Place such as a huge step van, and an unregistered vehicle on the front lawn. The house is vacant and the owner has a Newington address so he is going to mail him something. He also issued a use permit for a business at 11 Berlin Road. They will be selling gardening items but all inside, nothing outside. Another permit was issued for a fireworks stand in Kmart Plaza. There was also discussion about the email from Chairman Faienza to Eric Hood about Northbrook Estates. Richard Waters said that doesn't address the run-off issue the homeowner at 21 Applewood Drive is experiencing in his driveway and backyard. Chairman Faienza said that he will follow up with Mr. Hood.

Joseph Garafalo asked Mr. Curtin about the Laundry mat café behind Willowbrook that had applied for a permit and received approval. He said that nothing has been done there and it is really looking bad. He said the fact that permits will now be extended concerns him with situations like this. He asked Mr. Curtin to contact the owner and ask him to clean up the area and at least cut and trim the grass/weeds every once in a while. Mr. Garafalo also said that he went to look at the Kirby Road area and was very impressed with the end of road which is a great place for hiking or canoeing. He said that there was lots of garbage and junk to the left hand side and the fence actually seemed to be falling down. He asked Mr. Curtin to try to get that area cleaned up.

Richard Waters asked about 16 Pleasant Street. He said that there are now 3 other trucks and a skid steer on the property. He feels we gave him an inch and he took a mile. Chairman Faienza said that this Commission agreed to allow him to have the trailer until they can look at the new zoning regulations and clarify a few things that need to be addressed. He said they expect to do this at the end of July and then they will revisit the issues at 16 Pleasant Street and see how they fall into place. He also said that the Commission has a right to change their decision. Richard Waters said that this is not a commercial property and he should not have this stuff there. It's not fair to others who want to do this as well. Alice Kelly asked Mr. Curtin if he could supply them with a list of residential areas that are in similar situations. She thought it would be helpful to know how many issues they are dealing with.

Chairman Faienza asked Mr. Curtin if 41 South Street has cleaned up. Mr. Curtin said it is touch and go and he is going to send a letter of violation.

There was also discussion between Rich Waters, Alice Kelly and Chairman Faienza regarding Cobblestone and whether the 1<sup>st</sup> layer of block is below the frost line. It was decided that the approved site plan doesn't show that but that Town Planner Craig Minor can find out if this was something that was done.

## **7. Town Planner Report:**

a. Public Hearings to be Scheduled:

1. Application #11-28: Special Permit (Accessory Structure in Excess of 1,000 sf) at 42 Field Road. Joseph Tine, owner/applicant.

Town Planner Craig Minor reviewed the application saying the homeowner wanted to construct an attached garage with a second story living space that exceeds 1,000 square feet. Alice Kelly asked if it was a garage or an accessory building. They asked Joseph Tine of 42 Field Road to come forward and explain what word was used on the sign. He wasn't exactly certain as to what the sign said but he said it did not have the word garage on it. There was discussion about the zoning regulations and the particulars of the requirements for accessory structures vs. garages. Alice Kelly advised Mr. Tine to write the word garage on the sign tonight so he would be in compliance with the time requirement for displaying the sign prior to the public hearing.

A **motion** was made by Alice Kelly and **seconded** by Joseph Garafalo to schedule application #11-28 for a public hearing on July 5, 2011. *All were in favor, the motion was approved.*

b. Aquifer Protection Area Boundary Revision.

Town Planner Craig Minor said that revisions will have to be made to both the text and map of the Aquifer Protection Area Boundary Area. He said he will have more next month on this matter.

c. Change to Permit Expiration dates per Public Act 11-05.

Town Planner Craig Minor reviewed the new statute that changes all Planning and Zoning Permits issued before July 1, 2011 to expire 9 years after date of approval instead of 5 years. Anything issued after July 1, 2011 will expire after 6 years after date of approval.

**8. Public Hearing and Possible Action:** none

**9. Old Business:**

- a. 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.

Chairman Faienza read the conditions outlined by Craig Minor in a memo to the Planning and Zoning Commission dated June 14, 2011. Alice Kelly questioned if daylight hours was specific enough in condition 2d. It was decided that it would be changed to read "Delivery of construction materials shall be made during daylight hours only but not earlier than 7:00am".

A **motion** was made by Alice Kelly and **seconded** by Richard Waters to approve application

#11-21a with all of the following conditions as noted below: Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Thomas Madden, Richard Waters were in favor; Nicholas Demetriades abstained, ***the motion passed.***

1. *All work shall be in accordance with the site plan submitted in connection with this application, as revised per Site Plan Approval #11-22.*
2. *All construction equipment and all construction material delivery trucks shall enter and leave the site in accordance with the following:*
  - a. *All construction equipment and all construction material delivery trucks shall enter and leave the site per the route describe by Police Chief Anthony Salvatore at the public hearing on June 7, 2011. Specifically: they shall enter the site at the western driveway on Berlin Road, leave the site at the emergency exit on Kirby Road, and re-enter the site at the new emergency exit on Kirby Road. All construction equipment and construction material delivery trucks shall leave the site in reverse of the above except for traffic heading westbound on Berlin Road. Such traffic (and such traffic only) shall exit at the signalized exit on Berlin Road.*
  - b. *The Applicant shall inform equipment operators and truck drivers of the required route. The Applicant shall assign an individual to direct the movement of equipment operators and truck drivers, and to ensure compliance with this condition.*
  - c. *The Applicant shall post signage on Kirby Road eastbound at the end of the Applicant's property, stating "No Construction Traffic Beyond this Point". Across from the above sign on Kirby Road westbound, the Applicant shall install a traffic control sign stating "Construction Area Ahead". All signs shall be Orange with Black letters, to MUTCD standards.*
  - d. *Delivery of construction materials shall be made during daylight hours only but no earlier than 7:00am.*
3. *The Applicant shall replace the deteriorated bark mulch on the nature trail along the Sebeth River, and remove excessive branches overhanging the trail and remove any plants growing in the trail.*
4. *The Applicant shall inspect and photograph/video record the length of Kirby Road to be used during construction, prior to the start of construction. This inspection will be conducted with a representative of the Cromwell Public Works Department. At the completion of construction, Kirby Road will be re-inspected by the Public Works*

*Department, and any damage shall be repaired by Applicant in a manner approved by the Town of Cromwell.*

5. *There shall be no storing of material or vehicles on Kirby Road.*
6. *The Applicant shall extend the existing Satellite Receiver System and a Passive Antenna System (including ancillary equipment and support systems) into the addition. Equipment purchase and installation shall be to Cromwell Police Department specifications. Upon its acceptance of the equipment and installation, the Cromwell Police Department will assume all responsibility for maintenance, and shall have the right, for the life of this Special Permit Approval, to maintain, replace, upgrade, alter, or otherwise operate and improve the said facilities.*
7. *The Applicant shall complete the "Soil Erosion/Sediment Control Operation Time Schedule" chart and the "Off-Site Material Areas Information" chart on Sheet C-4.1 and submit them to the Development Compliance Officer prior to the start of construction.*
8. *The existing and the new emergency access driveways on Kirby Road shall remain locked except when being used for emergencies and occasional use by Wal-Mart management.*

*(End of Conditions to motion to approve application #11-21a)*

- b. 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.

Town Planner Craig Minor said that all of the condition from June 7, 2011 have been met and that the site plan has been revised. He said that it doesn't actually show the luminaries. Alice Kelly referred to page 128 of the zoning regulations and read the section which states that the application must include the lighting plan in details. She was concerned that they haven't seen the luminaries. Alan Carpenter of CPH Engineers came forward and said that the new fixtures are LED cutting edge lights. He confirmed the lighting levels are at .05 and will give Town Planner Craig Minor the cut sheets. He also said the lights direct down or into the parking lot. He also said that the landscaping will grow over time to help create a better buffer as well. Alice Kelly wanted to make sure that the lighting will not shine into the neighbor's house and Mr. Carpenter was confident it would not affect the neighbors.

A **motion** was made by Michael Cannata and **seconded** by Joseph Garafalo to approve application #11-21b with the condition that section 5.6 (c) of the zoning regulations be met. Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Thomas

Madden, Richard Waters were in favor; Nicholas Demetriades abstained, *the motion passed*.

- c. 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.

Chairman Faienza refers to a memo from Alan Carpenter of CPH Engineers to Town Planner Craig Minor dated June 16, 2011. Mr. Minor reads the section on page 4 that refers to the landlord, the property owner, to convey to the Town an area of approximately 5,000 square feet at the end of Kirby Road for the creation of a cul-de-sac and Wal-Mart will provide \$20,000 to the Town to fund its construction. Alice Kelly asked Mr. Minor if the that has to be approved by the Board of Selectman and Mr. Minor replied that yes and also other approvals would have to be met as well.

Town Planner Craig Minor also read the section on page 4 regarding maintenance of the storm water conveyance systems. Mr. Minor stated that the Town Engineer Joe Mazurek finds this acceptable. Alice Kelly wanted to know if CPH could submit a report to the Town when they perform that maintenance and Mr. Carpenter of CPH said that yes they will. Alice Kelly also asked Mr. Carpenter if some of the comments from page 3 such as adding a 50 foot sidewalk and re-aligning the emergency access road on Kirby Road are going to be completed. Mr. Carpenter replied that yes all of these items have been included in the new site plan.

A **motion** was made by Michael Cannata and **seconded** by Doug Sienna to approve application #11-22 with the condition that the applicant will post a performance maintenance bond in accordance with 9-3 of the zoning regulations. Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Thomas Madden, Richard Waters were in favor; Nicholas Demetriades abstained, *the motion passed*.

**10. New Business:** none

**11. Communications** - none

**12. Commissioners' Comments**

Chairman Faienza suggested that a meeting be scheduled to go over some changes/corrections that need to be made to the zoning regulations. He and Town Planner Craig Minor thought there were about 15 or so items that need to be looked and some being simple changes. It was discussed that the meeting would be either July 19 or July 16, 2011 at 6:00pm. Alice Kelly asked Mr. Minor if the maps should be included in the regulations and he replied that the appendices were a separate document. He suggested that they discuss this in more detail at the meeting.

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Thomas Madden asked if this would be a public meeting and Mr. Minor replied that it was more of a workshop, once the regulations were corrected there would a process involved including a public meeting. Mr. Madden also asked about a by-laws meeting and Chairman Faienza suggested they meet on July 5, 2011 at 6:00pm. This was agreeable to all.

### **13. Approval of Minutes:**

a. June 7, 2011

Chairman Faienza had a few changes including correcting the date on page 2 in the Motion to schedule application #11-26 for a public hearing to July 5, 2011 and inserting the word maintenance to a sentence on page 3. He also asked that the motion to re-open and close the public hearing for applications #11-21a and #11-22b be added to the minutes.

A **motion** was made by Joseph Garafalo and **seconded** by Thomas Madden to approve the minutes of June 7, 2011 as amended. Vincent Faienza, Joseph Garafalo, Michael Cannata, Doug Sienna, Alice Kelly, Thomas Madden, Richard Waters were in favor; Nicholas Demetriades abstained, *the motion passed*.

### **14. Adjourn**

A **motion** was made by Alice Kelly and **seconded** by Thomas Madden to adjourn the meeting at 8:20pm. *All were in favor, the motion passed*.

Respectfully Submitted,

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Linda Imme  
Clerk