

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND REGULAR MEETING**

**TUESDAY, MARCH 21, 2006**

**7:00 P.M.**

**ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**MINUTES AND RECORD OF VOTE**

**1. CALL TO ORDER:** Chairman Peter Hanson called the meeting to order at 7:03 p.m.

**2. ROLL CALL:**

**Present:** Chairman Peter Hanson, Robert Townsend, Peter Keithan, Al Diaz, Michael Cannata, Joseph Cardillo, Jeffrey Polke and Thomas Madden. Alternates Linda Duren, Victor Harpley and Barry McGuinness.

**Absent:** Mark Corvo

**3. SEATING OF ALTERNATES:** Alternate Barry McGuinness was seated by general consent.

**4. APPROVAL OF AGENDA:**

a. The order of the agenda was changed; the Development Compliance Officer Report and Town Planner Report would be heard prior to public comments.

b. Add under "New Business" a. Request for Extension to Map Filing Deadline for Application #05-72: Three-lot commercial subdivision at 1 Willow Brook Road. Patrick T. Snow, owner/applicant.

c. Add under "New Business" b. Application #06-37: Road Widening at 29 Geer Street: Town of Cromwell, applicant.

d. Add under "New Business" c. Application #06-34: Site Plan Approval at 24 Shunpike Road. Paul Furtado, applicant; Mattabesset Realty, owner.

The amended agenda was approved by general consent.

**5. DEVELOPMENT COMPLIANCE OFFICER REPORT**

Mr. Curtin discussed items from his report of March 7th. Mr. Polke asked that Mr. Curtin look into the litter and garbage accumulating at Kmart Plaza.

Mr. Curtin said the Blight Committee is meeting tomorrow. Mr. Madden said he saw workers cleaning that area today.

Mr. Hanson asked about the requested spreadsheet outlining enforcement issues. Mr. Curtin distributed the spreadsheet; he said it had just been completed and he still had to look over and verify the information on it.

## 6. TOWN PLANNER REPORT

- a. Schedule Public Hearings: None
- b. Performance Bonds: None.

The meeting was recessed and reconvened in the Town Hall gymnasium.

## 7. PUBLIC COMMENTS

**Richard Waters of 84 South Street** asked for clarification of the additional agenda item regarding the Pat Snow subdivision. Mr. Minor said it was a request for a 30-day extension of the map-filing deadline. Mr. Waters said Cromwell Automotive was directed last year to clean up the property on Main Street. What can the Commission do to enforce it? The property at 47 River Road has six unregistered vehicles in the yard that haven't moved in 3 three years.

**Marvin Selsky of 82 Willow Brook Road** said no extension should be given to Pat Snow. This is a "game" played by many developers - the Commission should have been more forceful in demanding he improve Willow Brook Road; let's stop this on a technicality. The orange construction sign put up to notify vehicles about the construction on Coles Road between Willow Brook and Shunpike Road was put up right at the intersection of Coles and Willow Brook and now impedes sight lines at the intersection.

## 8. PUBLIC HEARINGS AND POSSIBLE ACTIONS:

**The Commission moved from Room 224 to the Gymnasium for the public hearings.**

The Public Hearing for Application 06-05 was removed from the table and reopened by general consent.

- a. Application #06-05: Zone Change (A-25 to Active Adult) for a 200-unit Active Adult development on Main Street, Golf Club Road and Field Road. Pulte Homes of CT LLC, applicant; Gardner Nurseries Inc., owner. Continued from March 7, 2006.

The Public Hearing for Application 06-06 was removed from the table and reopened by general consent.

- b. Application #06-06: Special Permit (Master Concept Plan) for a 200-unit Active Adult development on Main Street, Golf Club Road and Field Road. Pulte Homes of CT LLC, applicant; Gardner Nurseries Inc., owner. Continued from March 7, 2006.

Jeff Cugno, attorney representing Pulte Homes of CT, LLC addressed issues raised at the last meeting. He distributed a model declaration to the Commission members, which addressed the

enforceability of the age restrictions. The association would have the power and authority to enforce the age restrictions. He said the density is in compliance with Active Adult zoning regulations. The active and passive recreation and open space has been addressed in the revised Master Plan. A letter from Town Engineer Joe Mazurek dated February 21 states the plan is generally acceptable in regards to the capacity of municipal infrastructure. The developer plans substantial drainage and road improvements to Golf Club Road. He said the traffic report presented at the last meeting shows that all intersections by the site would continue to be served at an acceptable level.

Wendell Shedd, geotech consultant of Gemini Geotechnical Associates presented a summary of the environmental findings of the site. Approximately 2 acres of the site contains the pesticide dieldrin. The pesticide is found in shallow soil. Nothing was found at a depth of 17-22 feet and there is no groundwater until 60 feet.

Tom Sheil, Landscape Architect with Milone & MacBroom displayed two master concept plans for the site. The original plan has been modified. The new plan has 192 homes instead of 212. The number of duplexes north of Golf Club Road has been reduced from 114 to 102. The number of single-family homes south of Golf Club Road has been reduced from 98 to 90. There is a 10% reduction in density in the new plan. Mr. Sheil discussed the landscaping and sidewalks and the emergency access roads. He showed a comparison of open space between the two plans. He said the new plan shows significant contiguous areas of open space, which contain walking trails and a clubhouse with 18-20 parking spaces. The 31<sup>1/2</sup> acres of open space is 10 acres greater than the regulations require. He described the size and location of the buffer areas.

Mr. Cugno discussed the sustainability of demand for active adult housing. There is major demand for this type of housing in the region and active adult housing has a net tax benefit to the town. He believes this project will be good for the community.

The Chair asked for public comment in favor of the application. There was none.

The Chair asked for public comment in opposition to the application. The Chair noted three letters sent to the Commission, by **Seena Lowe, Linda and Richard Willard** and **Beatrice Valley** stating opposition to the application.

**Jack Sabo of 14 Thistledown** said he is opposed due to traffic concerns. He said the environmental report should have been available prior to the meeting. He wants to see the actual reports and methodology involved.

**Tom Kardos of 5 Southbridge** said he is opposed due to traffic concerns. He checked into other Pulte projects in the state. One has 25 units on seven acres. Why are they pushing for 200 units on 60 acres? The developer does not live in this town; these are cookie cutter houses and the density is too high.

**Keith Roberts of 7 Priorwood Gardens** asked for a graphic comparison between the density of River Highlands and this development. He questioned if the duplexes would even sell for \$350,000. Pulte should use the same density model they use in other communities.

**Harry Schmidt of 15 Pierson Green** said building too many inexpensive homes would reduce the value of TPC; there would be a tax loss to the town if the values at River Highlands decline. The developer should build fewer, more expensive homes. The Commission should require extensive berm and pine trees to screen the neighborhood from the roads. He said the data

presented could be used to prove anything they want to prove; he knows the land will be developed but it should be a good development consistent with the surrounding community.

**Seena Lowe of 1 Northbridge** said the Commission should have a very compelling reason to change the zoning. There is no compelling reason here.

**Dick Coughlin of 19 Glenwood Terrace** said the testimony regarding the demand has the same demographical data other developers are using to get zone changes in surrounding communities. Pulte should show demand in Cromwell, not in the region. The Commission should determine a finite number of AA units that would suit the needs of Cromwell. Also, the signs posted for public hearings should be updated with new dates as the meetings are continued.

**Sarah Dowling of 14 Lower Heatherwood** said although River Highlands is not an “Active Adult” community, there are very few children who live there; building fewer, higher quality homes will not have a negative impact on the town budget.

The Chair asked for public comment neither in favor nor opposed to the application.

**Richard Waters of 84 South Street** said Golf Club Road should be totally rebuilt by the developer. Who will monitor and enforce the “no children” rule? The units built along Golf Club Road should face the road. There was an underground tank on the property by the tobacco shed.

Mr. Cugno responded to some of the comments. He said it is standard to review demand of the region as a whole, as these developments draw buyers from outside the community. The current AA zone allows four units per acre, this plan calls for 3.1 units per acre. It is difficult to compare the densities between sites, because the topography often determines the number of units.

Mr. Sheil said based upon discussions with the Town Engineer, Golf Club Road will be totally reconstructed.

Mr. Diaz asked if the buffer zone is considered part of the open space. Mr. Minor said some of the buffer could meet the definition of open space; that would be discussed further during site plan approval.

Mr. Diaz asked for the width of the access roads. Mr. Sheil said they would be 24 ft paved roads with a gate for emergency access.

Mr. Harpley asked what the capacity of the clubhouse would be, and if a swimming pool would fit into the plan.

Mr. Polke asked what the total number of units would be if there were no duplexes, only single-family houses. Mr. Sheil said approximately 180 units.

Mr. Polke asked if the road lengths were excessive. Mr. Sheil said the road layout has a good looping system and good circulation pattern. Mr. Polke asked if the Fire Chief has looked at the new plan. Mr. Sheil said no. Mr. Polke asked if there were sidewalks within the community.

Mr. Shiel said on one side of the street. Mr. Polke asked when the association would be formed. Mr. Cugno said once 2/3 of the units were sold. He answered Mr. Harpley’s question regarding the clubhouse and said it has not been designed yet, but the capacity would be around 150 people if it were one big room. He said the plan includes one tennis court for active recreation.

Ms. Duren said the environmental report says there is no evidence of a spill, then goes on to say there have been two spills recorded on the site.

Mr. Shedd said there has been two motor vehicle accidents at the intersection of that might have resulted in small spills of motor vehicle fluids. Ms. Duren asked Mr. Shedd to point out the two acres that contain pesticides. Mr. Shedd indicated the northern portion of the site. He said the remediation plan would be to mix the soil on site to bring the concentrations below required levels.

Mr. Cardillo asked if Mr. Shedd could guarantee people would not get sick? Mr. Shedd said no one could guarantee that. Development of the property would reduce the contamination currently there. Mr. Cardillo asked if Pulte would be willing to pay for an independent environmental study. Mr. Cugno said he would need to know the scope of the study. He said the developer would be in the line of title and a liability would exist for environmental issues.

Mr. Madden asked if they would build sidewalks along Main Street and for the size of the homes and total bedrooms. Mr. Sheil said there would be 406 bedrooms in total; if the property were developed into 85-90 single-family colonials the total number of bedrooms would be 340-360. The single-family units would be approx. 2400 sq. ft. and the duplexes 2100 sq. ft. The prices would be in the mid 300,000's.

A **motion** was made by Peter Keithan, **seconded** by Michael Cannata and it was *unanimously* approved to **close** the Public Hearing on Application #06-05. *Motion passed.*

Mr. Diaz said he is opposed to the zone change because the applicant has not shown a need for additional active adult housing. Cromwell's senior center is restricted in the services it offers. He is not convinced this is the right thing for Cromwell.

Mr. Cannata said he is in favor of the zone change. The active adult zone is right for that area, although he is troubled with the master plan presented.

Mr. Townsend said he did not like the plan, but is on the fence about the zone change.

Mr. Polke said he is in favor of the zone change because of the opportunity to have a tax profit.

Mr. McGuiness said he is in favor of the zone change because of the tax implications. If denied, the owner can come back and ask for a zone change to commercial or affordable housing.

Mr. Cardillo said he is opposed to the zone change; he disagrees with the tax implications and this project is good for the developers, not the Town.

Mr. Keithan said he is opposed to the zone change; the age restriction would be hard to enforce.

Mr. Madden said he is in favor of the zone change. The town is limited to its choices on what will happen to the property. AA is a better choice than regular residential and would be a cash cow for the town.

Mr. Hanson said he is in favor of the zone change the developer has shown a sustainable need for active adult housing. AA is better than commercial zoning for this property.

A **motion** was made by Barry McGuiness, **seconded** by Tom Madden to **approve** Application #06-05, with Peter Hanson, Tom Madden, Barry McGuiness, Jeffrey Polke and Michael Cannata *in favor* and Peter Keithan, Joe Cardillo, Rob Townsend and Al Diaz opposed. *Motion carried 5-4.*

Town Planner Craig Minor said he had received a petition opposing the zone change earlier this evening. He explained that if the petition contains the signatures of the owners of 20% of all land within 500' of the zone change, under Connecticut state law the zone change request will need to receive six favorable votes. If the petition does not have enough signatures, it will need

only five affirmative votes. It is not possible to confirm tonight whether there are enough signatures on the petition. He recommended tabling application #06-06 until the petition is verified.

A **motion** was made by Peter Keithan, **seconded** by Joe Cardillo and it was *unanimously* approved to **table** the Public Hearing on Application #06-06. *Motion passed*

The meeting was recessed and reconvened in Room 224 of Town Hall.

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

- a. Request for Extension to Map Filing Deadline for Application #05-72: Three-lot commercial subdivision at 1 Willow Brook Road. Patrick T. Snow, owner/applicant.

Mr. Minor said the subdivision map should be filed within ninety days of approval, which is Friday. The mylars just arrived and still have to be looked over by town staff. Mr. Townsend asked what would happen if they denied the request. Mr. Minor said the subdivision would be void, but the applicant could reapply and the rules haven't changed, so there would be no reason not to re-approve the application. It would really only make more work for the Commission.

A **motion** was made by Barry McGuinness **seconded** by Tom Madden and it was approved to approve the request for map filing extension for Application #05-72 with *seven* in favor and Joe Cardillo and Rob Townsend opposed. *Motion passed.*

- b. Application #06-37: Road Widening at 29 Geer Street: Town of Cromwell, applicant.

Mr. Minor said the Public Works Department plans to widen Geer Street in front of the Scheu property at 29 Geer Street. In accordance with Connecticut. General. Statute Sec. 8-24, the Commission must review and make a recommendation on the project. He referred to the Resolution prepared by the Town's legal counsel and an engineering drawing by the Town Engineering. Mr. Polke said the Town Engineer or a representative involved with the design should be available to answer questions.

A **motion** was made by Tom Madden, **seconded** by Jeff Polke and it was *unanimously* approved to **table** Application #06-37, until design representative is available. *Motion passed.*

- c. Application #06-34: Site Plan Approval at 24 Shunpike Road. Paul Furtado, applicant; Mattabesset Realty, owner.

Mr. Polke said the applicant received a waiver for parking spaces from ZBA, but the Commission's concerns were not brought forward at that meeting. This site has a bad intersection, which is why they were against the plan to begin with.

Sal Petrella, attorney representing Mattabeset Realty, said the issue here is to request a site plan approval to replace an existing building with a new building. The project has never been voted on or disapproved; the original application was withdrawn. ZBA used their variance power to reduce the number of required parking spaces. Mr. Petrella said the staff has not made comments on this plan and they can address traffic flow issues in their comments. The plan is to demolish the existing non-conforming building, which is 6478 sq. ft. and replace it with a new, 4522 sq. ft. building. The traffic impact has diminished since the Dunkin Donuts opened; a new Dunkin Donuts is being planned for Newfield Street in Middletown, which will further diminish traffic issues. The site plan incorporates all requirements in Cromwell Zoning regulations. It is an approved use on an approved state road. Mr. Polke questioned the building level of 24 ft. and discussed traffic flow in the area.

A **motion** was made by Joe Cardillo, **seconded** by Tom Madden and it was approved to **table** Application #06-34, pending staff review, with eight in favor and Peter Keithan opposed. *Motion passed.*

## **11. COMMUNICATIONS:**

### a. Proposed Road Standards:

Mr. Hanson said the Commission members should look over the information and gather any ideas. The specifications are guidelines for the construction of roads, but there should be some continuity between zoning regulations and road standards. There was discussion on cul-de-sac lengths.

### b. Draft "Plan of Conservation and Development":

Mr. Madden said the POCD Advisory Committee will hold an open meeting March 30, 2006 7:00 p.m. at the Woodside School to present the draft POCD to the public.. P&Z commission members should attend. He is trying to get an electronic version of the draft POCD so it can be available on the website. Mr. Minor said, by law, the final draft POCD has to be on the Town's website before the Public Hearing.

## **12. APPROVAL OF MINUTES:**

1. March 7, 2006. The minutes were approved by general consent.

## **13. ADJOURNMENT:**

The meeting was adjourned at 10:40 p.m.

Respectfully Submitted,

Kimberly Spurlin

Clerk

3/23/06