

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

PUBLIC HEARING AND REGULAR MEETING

**TUESDAY, MARCH 7, 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 7:00 p.m.

2. ROLL CALL:

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

Absent: Alternate Victor Harpley.

3. SEATING OF ALTERNATES: No alternates were seated.

4. APPROVAL OF AGENDA:

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

b. Add under "Schedule Public Hearings" 1. Application #06-33: Home Occupation (Massage Therapy) at 17 Washington Road. David Condo, owner/applicant.

c. **Add under "New Business" Application #06-32:** Proposed Transfer of Land in front of 82 Court Street to the Cromwell Fire District. Town of Cromwell, owner/applicant.

d. A **motion** was made by Mark Corvo, **seconded** by Robert Townsend and it was *unanimously* approved to set an adjournment time of 12:00 a.m. *Motion passed.*

The amended agenda was approved by general consent.

5. TOWN PLANNER REPORT

a. Schedule Public Hearings:

1. Application #05-88. Special Permit (Home Occupation). The Public Hearing was scheduled for April 4, 2006.

- b. Performance Bonds: None.

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

6. PUBLIC COMMENTS

Richard Waters of 84 South Street said at the last meeting, the Country Squire Drive project should have included a condition to widen Willow Brook Road.

7. DEVELOPMENT COMPLIANCE OFFICER REPORT

Mr. Curtin discussed his report. (Attached).

Mr. Cardillo asked about the drainage problems at Woodside School. Mr. Curtin said the Town is holding money in escrow to fix the problem in the spring. Nothing can be done until the ground is no longer frozen. Once a plan is in place, the plan will be submitted to the Town Engineer for review.

Mr. Hanson said the First Selectman has asked the Commission to submit a punch-list of items to his office after each meeting; he will then direct Mr. Curtin to respond to each item.

Mr. Corvo asked about a complaint by Steve Donen regarding an encroachment of the buffer zone in the Cider Hill Development.

Mr. Curtin said no encroachment has occurred.

8. PUBLIC HEARINGS AND POSSIBLE ACTIONS:

Mr. Cardillo read aloud the notice of Public Hearings.

The Public Hearing for Application 06-05 was removed from the table and opened 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 February 21, 2006.

The Public Hearing for Application 06-06 was removed from the table and opened 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 February 21, 2006.

Jeff Cugno, attorney representing Pulte Homes of CT, LLC verified that proper notice was sent to abutters and proper signage was posted. The 60 acres site is located on Main Street. He displayed a map of the existing parcel. He said there is a need for active adult housing, the site has accessibility to services, the site would fit in with the physical characteristics of the neighborhood and infrastructure compatibility is in place. Pulte Homes is a Fortune 200 company that has national experience with this type of development and is highly regarded in the field.

Tom Sheil, Landscape Architect with Milone & MacBroom described the site. There is a northern piece of 30 acres and a southern piece of 31 acres. The pieces are separated by Golf Club Road. This is not a rural area; the site is surrounded by quite a bit of development, with A-15 lots to the west and the River Highlands to the East. Town Staff has agreed that the project is generally acceptable and water and sewer hookups are available. Storm water management and improvements to Golf Club Road will be addressed. He described the conceptual plan. It will comprise of 212 homes: 98 single family homes in the southern piece and 114 duplexes in the northern piece. 35% of the site will be usable open space. The plans include walking trails and sidewalks. Recreational plans include tennis and bocce courts; there is no clubhouse in the plan. The proposed density is 3.44 units per acre, which is comparable to adjacent neighborhoods.

Don Klepper-Smith, economist of DataCore Partners, LLC presented a Fiscal Impact Analysis. The age restriction will ensure no impact to the education budget. He projects a net tax benefit to the town of \$5913 per unit per year. He said based on demographic information from the U.S. Census Department, the projected need for adult housing in the region will be 2615 within ten years.

Bruce Hillson, traffic engineer of Traffic Engineering Solutions presented the Traffic Impact Study. The level of service on surrounding streets would be level C or better; the site lines and access drives are more than adequate.

Mark Entenman, Vice President of Operations of Pulte Homes of CT, LLC said Pulte is looking forward to adding a wonderful community to Cromwell. The build-out time would be about four years and the expected market price of the homes will be in the mid \$300,000's. JD Power and Associates has consistently ranked Pulte Homes as first or second in development of communities.

The Chair asked for public comment in favor of the application.

Bill Whaley of Golf Club Road, General Manager of the TPC Golf Club spoke in support of the application, on behalf of the management of TPC.

The Chair asked for public comment in opposition to the application.

The Chair noted two letters sent to the Commission, one by **Mark Carroll** and one by **Bob Jahn**, stating opposition to the application.

Keith Roberts of 7 Priorwood Gardens said he is not adverse to development of the property, but the development must take in consideration of the neighborhood. The resale value of TPC homes will be diminished due to the market price and density of the proposed homes. For a zone change to be approved they must prove a benefit to the community.

Frances Into of 16 Highland Green said the presenters did not discuss the environmental impact. There are chemicals in the soil. The town does not have a senior or community center to support this population.

Jay Salvador of 7 Heatherwood Green said you don't always end up getting what the developers promise. Groundwater issues exist in TPC, and there are potential contaminants on the site. The traffic issues will affect all of Cromwell, and there is too much density in the proposed project.

Tom Kardos of 5 Southbridge said there egress problems with TPC already. Many projects in his native Long Island were shut down due to pesticides in the ground.

Jake Sabo of 14 Thistle Down said the original permit was for 200 units. Older people from Cromwell moving from existing homes to this development will sell to families with kids, wiping out the net tax benefit.

Thomas Dowling of 14 Lower Heatherwood shared a letter he wrote in opposition to the application.

Susan Boucher of 666 Main Street shared concerns about the future of the development once the baby boomers are gone, and the active adult market no longer exists.

Ron Friedman of 5 Belhaven said the environmental impact should not have been omitted from the presentation, and questioned the validity of the economist's comments because they are based upon estimates.

Daniel Petrella of 6 Raymond Place spoke in opposition due to traffic concerns.

Rick Parks of 3 Lochwood said there were misleading comments in the presentation. The density of this project cannot be compared to TPC.

Mike Rooslund of 3 Doering Drive said 424 additional elderly residents in will definitely impact the school budget, because they will tend to vote down education budgets.

Dick Coughlin of 19 Glenwood Drive spoke to environmental impacts of developing the parcel. He said the Commission should require the developer to pay for independent testing of the soil.

Rick Willard of 11 Pierson Green said it would be imprudent to make a decision tonight; the application should be denied without prejudice. The development would deteriorate the values of River Highlands.

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 rebuilt by the developer not the town and the age restriction must be in the deeds. The town does not need another single-family subdivision.

Kathy Ekstrom of 1 Ridge Road said the development would be right next to a major aquifer in town; Golf Club Road is already submerged under water after a heavy rain. She would like to see the open space more clearly defined.

Eric Renney of 9 Wexford Lane spoke about the POCD survey poll results. Also, the POCD committee has advised against any zone changes until the plan is complete. The land on the site will most likely have to be remediated. The soil on the adjacent parcel contains harmful chemicals.

Bob Jahn of 3 Woodside Road asked if the units will have basements, and said any new roads will have to be built to the town's new road specifications.

Marvin Selsky of 82 Willow Brook Road said his group has been fighting active adult developments on the west side of Cromwell.

Sal Petrella of 8 Wexford Lane said he remembers twenty years back a large number of people railing against the River Highlands development, and that development has added a lot to the community. The Commission should follow the regulations and not use emotion when making the decision.

Alice Kelly of 47 Willow Brook Road said she has just sold land that is being developed as an active adult community. The focus should not be on the zone change, but the master plan.

Jeff Cugno responded to some of the comments. He said the density for this project is less than what is allowed under the active adult regulations. Pulte Homes does market studies in every

community it works in. The developer would consider putting sidewalks on Golf Club Road. The law is clear that any new owner of property becomes responsible for environmental issues. Pulte Homes would always be in the line of title and responsible for environmental remediation. The full traffic report is available and on record.

Tom Sheil said there is 35% open space in the plan. Open space is defined as land not covered by buildings, roads and not set aside for private yards.

Mr. Hanson said there was a lot of discussion of the future need for adult housing. How long will the need last?

Mr. Klepper-Smith said there is no data on population projections beyond 2030. Based on current statistics, the elderly population in the region will grow by 15% over the next 25 years.

Mr. Hanson asked how bringing more seniors into town would impact the education budgets, and there is no guarantee that children would not live in the complex.

Mr. Entenman said active adult community regulations do not allow permanent residence of children under the age of 18.

Mr. Minor said that provision is not in Cromwell's active adult regs; it would have to be in the POS documents.

Mr. Townsend said the proposal must prove there is need within the town for active adult housing and must provide a continuous buffer of open space, which cannot be backyards. Also there must be sufficient noise attenuation between dwellings and passive recreation must be addressed.

Mr. Corvo asked what has been done to address potential contamination. The physical characteristics of the development must be appropriate to the area.

Wendell Shedd, geotech consultant of Gemini, said they have found trace components of pesticides in the soil that are below the RSR's in the guidance documents. Continued agricultural use would pose a greater risk than housing on the site.

Mr. Hanson said he would like the soil test results entered into the record.

Mr. Cardillo said the density needs to be addressed, along with the need for a clubhouse. The soil samples should be sent to an impartial party and the economic impact needs to be studied.

A **motion** was made by Robert Townsend, **seconded** by Joe Cardillo and it was *unanimously* approved to **table** the Public Hearing on Application #06-05. *Motion passed.*

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

- c. Application #06-13: Special Permit (Rear Lots) at Parcel 46/18/12 on the west side of Woodside Street (PIN #00191200). JB Newbury LLC and Quantum of Woodside LLC, applicants; Gardner Nurseries Inc., owner. Continued from February 21, 2006. This application was withdrawn.

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

9. OLD BUSINESS: None.

10. NEW BUSINESS:

- a. Application #06-20: Residential subdivision (“Newbury Estates”) on Woodside Street (PIN #00191300). JB Newbury LLC and Quantum of Woodside LLC, applicant; Gardner Nurseries Inc, LLC.

The Chair suggested the Commission act on the cul-de-sac length waiver before dealing with the rest of the presentation.

Sal Petrella, attorney representing the applicant, said this is a brand-new application. The prior application had spur road that attached to another piece of property not owned by the applicant, this application has a spur road going to the south and east which could be connected to Court Place if the town wishes to procure an easement through two properties on Court Place. The length of the cul-de-sac is less than 1000 ft.

There was discussion of the current town road specifications and P&Z’s regulations.

Mr. Hanson said road specs tell you how to build a road, the Commission is focused on land use and whether this is the best solution for the site.

Mr. Townsend asked what the benefit to the town would be to approve the waiver. Mr. Petrella said it would provide the town with the ability to connect to Court Place at a future date, which is desired by town staff.

Mr. Corvo said the Commission is not in business to maximize developer’s profits. This subdivision could have a 600 ft. cul-de-sac and larger lots. Mr. Hanson asked why they did not choose to create a spur road that could connect to Wildwood. Mr. Petrella said the neighbors there are adverse to a connecting road, and the town engineer expressed a desire to fix the problem with turn-arounds on Court Place. Mr. Petrella showed a map of Horse Run Hill, which has a cul-de-sac length of 1,005 feet.

Mr. Cannata said he was in favor of the waiver. The future possible connection with Court Place is worthwhile.

Mr. Madden said he was in favor of the waiver and the future connection to Court Place.

Mr. Diaz said he was in favor of the waiver; it is a practical way to go.

Mr. Polke said he was in favor of the waiver for consistency and safety reasons and it is the best plan for this piece of property.

Mr. Townsend asked if they had to reapply for this subdivision. Mr. Minor said they reapplied before the moratorium took effect. Mr. Townsend said he was against the waiver; this offers no benefit to the town.

Mr. Corvo said he was against the waiver; the Commission should prevent undue concentration and lessen traffic congestion. They are not preventing him from use of the land.

Mr. Keithan said he was in favor of the waiver; the developer must be required to build the spur road.

Mr. Hanson said he originally thought the best solution was to connect to Wildwood, but the DPW sees a benefit to connection to Court Place, so he would be in favor of the waiver.

Mr. Cardillo said he was torn on the issue, the Board of Selectmen’s road specifications should not be considered, but he would vote in favor of the waiver.

A **motion** was made by Joe Cardillo, **seconded** by Tom Madden and it was approved to waive the maximum road length provision of Section 310 of the subdivision regulations, pursuant to Section 324, with *seven* in favor and Mark Corvo and Rob Townsend opposed. *Motion passed*

Mr. Corvo recused himself from further discussion of the application and left the meeting.

Mr. Petrella discussed the area to be used for remediation purposes. The contaminated soil will be buried under four feet of clean fill on the site and listed as a non-excavation area. The remediation area will be attached to one lot and it will be noted in a deed restriction that the area cannot be excavated.

Jim Cassidy, engineer with Cassidy, Hallisey and Pearson discussed drainage issues. There would be no increase in flow from the site. Mr. Madden asked for the depth of the dry wells. Mr. Cassidy said they would have a depth of eight feet; no drywells would be placed into fill materials. Mr. Diaz asked if the firm has overseen drainage of this type before. Mr. Cassidy said yes and listed several sites that he has designed which have had no drainage problems. Mr. Petrella said the developer would like to prepare the spur road, cover it with grass and bond for future construction, with a time limit imposed for the Town's portion. He would like the town to be required build out the road within ten years.

Alternate Barry McGuinness was seated by general consent.

A **motion** was made by Peter Keithan, **seconded** by Michael Cannata and it was approved to **approve** Application #06-20, with the following conditions: 1. Applicant will post the standard performance bond; 2. Applicant will pay for the future paving of the spur road; 3. Applicant will pay \$25,000 toward drainage work to be done by the Town in the future; 4. Fee in lieu of open space is required, with *seven* in favor and Rob Townsend opposed. *Motion passed.*

- b. Application #06-30: Commercial Development ("The Computer Company") at 15 Commerce Drive (PIN # 10406600); Coles Brook Commerce Park LLC, owner, Delta Building Corporation, applicant.

Gary Dayharsh of Delta Building Corp. said the application has addressed all staff comments. He discussed the company and said it would have 35 employees. Mr. Diaz asked the build-out time. Mr. Dayharsh said six months.

A **motion** was made by Joe Cardillo, **seconded** by Tom Madden and it was *unanimously* approved to **approve** Application #06-30 with the following conditions: 1. the plans are to be revised as indicated in the March 1st memo by the Town Planner and the March 3rd memo by the Town Engineer. *Motion passed.*

- c. Application #06-31: Commercial Development ("Industrial Units") at 25 Commerce Drive (PIN # 10406700); Coles Brook Commerce Park LLC, owner, Delta Building Corporation, applicant.

Gary Dayharsh of Delta Building Corp. said the application has addressed all staff comments. He discussed the curbing issues. Mr. Hanson asked who would maintain the property. Mr. Dayharsh said a condo association would be established. Mr. Cannata requested a condition to require no outside overnight parking of commercial vehicles.

A **motion** was made by Joe Cardillo, **seconded** by Rob Townsend and it was *unanimously* approved to **approve** Application #06-31 with the following conditions: 1. the plans are to be revised as indicated in the March 1st memo by the Town Planner and the March 3rd memo by the Town Engineer, except for item two of the Engineer's memo; 2. No overnight, outside parking of commercial vehicles, except behind the building. *Motion passed.*

d. Application #06-32: Proposed Transfer of Land in front of 82 Court Street to the Cromwell Fire District. Town of Cromwell, owner/applicant.

Town Planner Craig Minor said that the Fire Department would like to acquire the excess land between Court Street and the front of their property on the corner of Court and Geer. Since the Town owns this land, a recommendation from the Planning and Zoning is required by Sec. 8-24 of the Connecticut General Statutes. A **motion** was made by Joe Cardillo, **seconded** by Rob Townsend and it was *unanimously* approved to **approve** Application #06-32. *Motion passed.*

11. COMMUNICATIONS:

Mr. Madden said the POCD Committee will hold an open meeting on March 30. A first draft of the report will be available.

Mr. Hanson clarified the issue regarding creating a punch list for the First Selectman regarding zoning enforcement. The ZOE would still attend meetings, but the Commission cannot direct the activities of the ZOE. It was suggested that Mr. Curtin create a spreadsheet report on every zoning issue, and share it at every meeting with the Commission.

12. APPROVAL OF MINUTES:

1. February 21, 2006. The minutes were approved by general consent, with Rob Townsend abstaining.

13. ADJOURNMENT:

The meeting was adjourned at 12:20 a.m.

Respectfully Submitted,

Kimberly Spurlin
Clerk
3/13/06