

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

PUBLIC HEARING AND MEETING

**TUESDAY, NOVEMBER 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 7:02 p.m.

2. ROLL CALL:

Present: Peter Hanson, Mark Corvo, Peter Keithan, Al Diaz, Mike Cannata, Joe Cardillo, Jeff Polke, alternates Barry McGuinness and Phil Halibozek.

Absent: Robert Townsend, Tom Madden and alternate Linda Duren.

3. SEATING OF ALTERNATES: Alternates Barry McGuinness and Phil Halibozek were seated by general consent.

4. APPROVAL OF AGENDA:

The agenda was revised as follows:

Add: Agenda item 7. Executive Session pertaining to legal issues.

Add: New Business d. Application #06-108: Vendor's Permit (Christmas Trees) at 35 Berlin Road.

Move: From "New Business" to "Town Planner Report", a. Public Hearings to be Scheduled. 2. Application #06-105: One lot Residential Re-Subdivision at 43 Willow Brook Road, Trilacon Development Corporation, owner/applicant.

Add: Communications, e. Legal Opinion from Town Attorney Jack Bradley dated November 20, 2006 regarding the new application from Cobblestone Associates LLC., f. Draft "Sequence of Events" for the public hearing on the new POCD., g. Truck Counts at 72 Berlin Road (Cobblestone Associates).

The revised agenda was approved by general consent.

5. PUBLIC COMMENTS:

Marvin Selsky of 82 Willow Brook Road said town crews had to clean up Evergreen Road after the recent rainstorm. One of the catch basins sank down and a construction worker was injured. The charges of the clean up should be forwarded to Mr. Snow, and they should include the cost of benefits as well as labor. Also, he has obtained the tape from the last Board of Selectmen's meeting and the Chief of Police cautioned several times that the Transfer Station driveway does not meet Cromwell's Road Specifications. It is Mr.

Selsky's feeling that it would take a lot of work and money to bring it up to specs. It will not be easy to work with Rocky Hill. The transfer station is lost on one of the maps Mr. Petrella handed out. The Commission must look at the whole picture. Mr. Diaz asked if Mr. Selsky recalled if the phrase "illegal road" was used at the meeting. Mr. Selsky said, yes because the road is not wide enough at the entrance.

Alice Kelly of 47 Willow Brook Road said she appreciates the minutes are up to date on the website, but Mr. Curtin's report was not attached to last set of recorded minutes.

6. DEVELOPMENT COMPLIANCE OFFICER REPORT:

Mr. Hanson said he would follow up with Mr. Curtin regarding erosion control issues at several sites as well as the issues at 47 Coles Road. Mr. Hanson said they have received a response to the Geotech report at 72 Berlin Road. It is his opinion that the work and inspection done so far are within the intentions of the review. The buffer was not affected at the Country Squire Drive project, but the Commission still wants a landscape plan for the clear cutting that took place between the lots. Mr. Polke asked if it was possible to get a written report from Mr. Curtin when he is on vacation and unable to attend meetings. Mr. Hanson said he would forward the concern.

7. EXECUTIVE SESSION REGARDING LEGAL ISSUES:

A **motion** was made by Mark Corvo, **seconded** by Barry McGuinness and it was *unanimously* approved to enter in to Executive Session at 7:18 p.m. *Motion passed.*

A **motion** was made by Mark Corvo, **seconded** by Barry McGuinness and it was *unanimously* approved to return from Executive Session at 7:30 p.m. *Motion passed.*

No votes were taken during executive session.

8. TOWN PLANNER REPORT:

Mr. Minor said the developer, and General paving did the catch basin work on Evergreen Road. Town crews did no work. Mr. Cardillo asked if OSHA was notified about the injured construction worker. Mr. Minor was not aware if they were contacted.

a. Schedule Public Hearings:

1. Application #06-105: One Lot Residential Re-Subdivision at 43 Willow Brook Road, Trilacon Development Corporation, owner/applicant. *The Public Hearing was scheduled for December 5, 2006.*

2. Application #06-106: Modification to Special Permit #05-50 for Earth Excavation and Removal at 72 Berlin Road, Cobblestone Associates LLC, owner/applicant.

A **motion** was made by Al Diaz, **seconded** by Joe Cardillo and it was *unanimously approved* to schedule the Public Hearing for *January 2, 2007*. *Motion passed.*

- b. Performance Bonds: None.
- c. Nextel Corporation (“Sprint”) Cellular Communications Facility at 160 West Street.

There was a brief discussion about the Siting Council, a state agency that oversees the locations of cell towers. No action was taken.

- d. Approval of 2007 calendar.

The calendar was approved, as described in the memo of November 15, 2006, by general consent.

Mr. Cardillo reminded Mr. Minor to draft a letter to the Board of Selectmen regarding 47 Coles Road.

9. PUBLIC HEARINGS AND POSSIBLE ACTIONS:

Application #06-98 was removed from the table and opened by general consent.

- a. Application #06-98: Special Permit (3-Family Conversion) at 12 West Street. Angela Ragozzino, owner/applicant.

Angela Ragozzino, applicant, said the house has already been remodeled and would like permission to use the third apartment. Mr. Hanson asked if there would be any changes made to the house. Ms. Ragozzino said no, all the work has been done. Mr. Hanson asked if there are six means of egress and a kitchen and bathroom in each apartment. Ms. Ragozzino said yes, it all currently exists.

Mr. Hanson asked for public comment in favor of the application. There was none.
Mr. Hanson asked for public comment opposed to the application. There was none.
Mr. Hanson asked for public comment without taking a stand either way. There was none.

Mr. Diaz asked about outstanding charges the applicant owes to the Town of Cromwell for sewer usage and sidewalk clearing at 46 West Street. Mr. Minor said the applicant has not addressed them. Ms. Ragozzino said her sister is responsible for the charges; Mr. Minor said town records indicate she is the owner of 46 West Street. Mr. Polke asked to see a plan of the house to see if any changes need to be made. Mr. Minor said he would work with applicant to provide one.

A **motion** was made by Michael Cannata, **seconded** by Phil Halibozek and it was *unanimously* approved to **table** the Public Hearing for Application 06-98. *Motion passed.*

10. OLD BUSINESS:

- a. Application #06-103: Sec. 8-24 Referral for Proposed Town Road at the Recycling Center. Town of Cromwell, applicant.

Mr. Minor referred to several maps provided to the Commission. He said scenario five is the plan that the town is considering. Mr. Corvo asked if the road is currently up to Town specifications. Mr. Minor said no. Mr. Corvo said part of the road is in Rocky Hill, and the DOT calls the road a driveway. Why did the Commission generate road specifications if they are going to accept a road does not meet the specs? What kind of Pandora's box are we opening? Mr. Minor said the concept is consistent with the POCD, and that is the determination the Commission is charged to make. Mr. Corvo said the Commission's referral should include the caveat that the driveway must meet the Town's Road Specifications. Mr. Minor said he would draft the report to the Board of Selectman with that wording included. Mr. Corvo said the Town is not being pro-active. There should have been a representative here to give us the details. Mr. Minor said the Commission could have a policy that every 8-24 requires the applicant to make a presentation.

A **motion** was made by Joe Cardillo, **seconded** by Peter Keithan and it was *unanimously* approved to **recommend** a favorable report to the Board of Selectman, to include language that the road must ultimately meet town road specifications. *Motion passed.*

11. NEW BUSINESS:

- a. Application #06-104: Two lot Residential Subdivision at 158 Shunpike Road. Audrey Ellsworth, owner/applicant.

Gary Bailey of 158 Shunpike Road made a brief presentation. Mr. Minor said the Town engineer had a concern with the sewer design. He also said that the plans show the garage hooked up to the sewer system, but Mr. Ellsworth has agreed to delete the sewer connection.

A **motion** was made by Joe Cardillo, **seconded** by Phil Halibozek and it was *unanimously* approved to **approve** Application #06-104, subject to the Town Engineer's approval. *Motion passed.*

- b. Application #06-107: Site Plan Approval for CVS Pharmacy at 72 Berlin Road. Cobblestone Associates LLC, owner/applicant.

Mr. Hanson said the site plan couldn't be addressed until the modification to the Special Permit is approved. Mr. Polke asked if each building on the site would be approved individually. Mr. Minor said the site plan includes all four buildings. Mr. Hanson asked that the plans be sent to Middletown, and said the Commission can decide if they want a Public Hearing for this application.

A **motion** was made by Phil Halibozek, **seconded** by Joe Cardillo and it was *unanimously* approved to **table** Application #06-107. *Motion passed.*

- c. Application #06-108: Vendor's Permit (Christmas Trees) at 35 Berlin Road.

Mr. Minor said this permit was approved last year with no conditions.

A **motion** was made by Peter Keithan, **seconded** by Mark Corvo and it was *unanimously* approved to **approve** Application #06-102. *Motion passed.*

12. COMMUNICATIONS:

- a. Letter from Kane Street.

Mr. Minor said a dead tree is going to be cut down and removed from the property. Mr. Polke asked that they replace it with another tree.

- b. Rocky Hill zoning amendment. *Informational-no action taken.*
c. "Connecticut Wildlife" September/October 2006. *Informational-no action taken.*
d. "Planning Commissioners Journal" Fall 2006. *Informational-no action taken.*
e. Legal opinion from Town Attorney Jack Bradley dated November 20, 2006, regarding the new application from Cobblestone Associates LLC to modify their existing excavation Special Permit. *No action taken.*
f. Draft "Sequence of Events" for the Public Hearing on the new POCD. *No action taken.*
g. Truck Counts at 72 Berlin Road. *Informational-no action taken.*

13. COMMISSIONER'S COMMENTS:

Mr. Keithan said the entrance to Cromwell off of Route 9 on Main Street looks bad. It's full of junk. Mr. Diaz asked about the Blight Committee, and agreed that that area looks terrible. He also asked about the POCD outline. Mr. Hanson asked the Commission if they would like to break the discussion of the POCD down by zone or geographically. Mr. Diaz suggested breaking it down geographically into four quadrants. Mr. Cardillo asked that a number of copies of the draft Plan be available to the public that night. There was a brief discussion of the Board of Selectmen's comments. Mr. Polke said this document is not just

about development; other town agencies such as the Board of Education and Board of Selectmen must buy into it as well. Mr. Diaz said this is a bold plan and must be signed off on by anyone who has a stake in it. Mr. Minor said once it is adopted the Commission can and should amend it from time to time.

14. APPROVAL OF MINUTES:

1. November 9, 2007: *The minutes were approved by general consent, with Peter Hanson, Michael Cannata, Phil Halibozek and Barry McGuinness abstaining.*

15. ADJOURNMENT:

The meeting was adjourned by general consent at 8:40 p.m.

Respectfully Submitted,

Kimberly Spurlin
Clerk

11/27/06