

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND SPECIAL MEETING**

**THURSDAY, NOVEMBER 9, 2006  
7:00 P.M.**

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

**MINUTES AND RECORD OF VOTE**

- 1. CALL TO ORDER:** Vice-Chairman Rob Townsend called the meeting to order at 7:00 p.m.

- 2. ROLL CALL:**

Present: Robert Townsend, Mark Corvo, Peter Keithan, Al Diaz, Joe Cardillo, Tom Madden, Jeff Polke, alternate Linda Duren.

Absent: Peter Hanson, Michael Cannata, alternates Barry McGuinness and Phil Halibozek.

- 3. SEATING OF ALTERNATES:** Alternate Linda Duren was seated by general consent.

- 4. APPROVAL OF AGENDA:**

The agenda was approved by general consent. Mr. Townsend noted that Public Hearing for Application #06-98 would be opened then immediately tabled, due to lack of proper signage.

- 5. PUBLIC COMMENTS:**

**Sandra Miller of 45 Coles Road** spoke about 47 Coles Road. The homeowner is running a business in a residential zone. Mr. Curtin has forced the removal of a flatbed truck and unlicensed vehicle. The town must deal with this issue aggressively. She shared letters from 1987 regarding this issue. Mr. Polke asked if the home was ever brought into compliance. Ms. Muller said no; there is a thick file on the property in the Public Works Department. She asked that the P & Z Commission write a letter to the First Selectman to ensure that no building permits are granted and that the property be brought into compliance. The owner used to run an auto body business that was never recognized; he does have a state license for his current concrete business, but he does not have a home-occupancy permit. There are trucks entering the property in the middle of the night. Her house has lost value due to the activities next door. Mr. Townsend said the Commission would do whatever they can to rectify the situation.

**Marvin Selsky of 82 Willow Brook Road** said there is a sign by the entrance to Coles Road that states “No Thru Truck Traffic”. Perhaps Ms. Muller can file a complaint with the Police Department.

**Patricia Dickinson of 31 Coles Road** said there was an issue with the Crowne Plaza Hotel last week. The back gate, which should be locked except for emergencies, was open and being used for an overflow of traffic due to a popular event. She is concerned that Lowe’s will also use the gate and exit traffic onto Christian Hill Road. Mr. Minor said he would check to see if it was a condition of approval for the parking garage that the gate is to be used only for emergencies; if so, he will contact Crowne Plaza Hotel.

**Richie Waters of 84 South Street** said since Mr. Curtin must answer to the First Selectman, he reported the lack of dust control at the Woodside, Pasco Hill and Cider Hill sites to the Board of Selectmen. The roads have not been swept in a month; Mr. Minor has stated that the sites should be cleaned up at the end of each day, and it is not being done. There are not proper silt fences at the sites, and this should not be overlooked.

**Ann Halibozek of 7 Christian Hill Road** said the overflow parking during the event at the Crowne Plaza was a problem. Cars were parked along Christian Hill and in the Northwest Children Center’s parking lot. There needs to be a mechanism in place for parking at crowded events. Mr. Cardillo asked if any police citations were issued that day. Ms. Dickinson said the police issued six citations. Mr. Minor said he would have Mr. Curtin send a letter to the manager of the hotel, once he checks the conditions of approval.

**Sal Petrella, attorney from 558 Main Street** asked if there would be a program or order of events during the Public Hearing for the Plan of Conservation and Development. There are many issues to cover, and there should be some order to the proceedings.

**6. DEVELOPMENT COMPLIANCE OFFICER REPORT:**

Mr. Curtin discussed the October report. (Attached). He recommended holding back \$1,000 from the Baci Grill Bond Release because they have not finished striping and signage. He has notified 30 Berlin Road that they must replace the buffer to at least 25’. A Cease and Desist Order has been issued to 47 Coles Road. Mr. Corvo asked for the status of the buffer zones in the Premier Development lots on Willow Brook. Mr. Curtin said he would look into it. Mr. Townsend told Fred not to issue a C/O if the buffers are not in compliance. Mr. Minor read aloud the regulation regarding buffer zones. He said the developer should submit a remediation plan for the unauthorized clearing. A licensed landscape architect should complete it. Mr. Cardillo asked about 47 Coles Road. Mr. Curtin said he has been served with a notice; if he does not comply he will go to the Town Attorney for an injunction. A Cease and Desist order, which addresses all the issues, has been sent to the courthouse to be served. Mr. Townsend asked if Mr. Curtin has received the response to the Geotech concerns at Cobblestone. Mr. Curtin said no, but he has contacted the developer and will contact him again. Mr. Diaz asked that the record reflect that Mr. Curtin has attempted to get the report from the developers. Ms. Duren asked about the new concrete structure being built on 47 Coles Road. Mr. Curtin said he would ask the

Building Official to check it out; it looks like a retaining wall. Mr. Minor said he would draft a letter concerning 47 Coles Road to the Board of Selectman and email it to the Commissioners for approval. Mr. Keithan said there is an unregistered truck in the Xpect parking lot. Mr. Curtin said he would contact the plaza manager.

## 7. TOWN PLANNER REPORT:

### a. Schedule Public Hearings:

1. Application #06-101: Amendment to Article 4.2.63 (Golf Facilities) of the Cromwell Zoning Regulations. Greater Hartford Jaycees Community Foundation, applicant. *The Public Hearing was scheduled for December 5, 2006.*
2. Application #06-84: Revised Plan of Conservation and Development. Planning and Zoning Commission, applicant. *The Public Hearing was scheduled for November 27, 2006.*

Mr. Polke suggested advertising the Hearing so as many people as possible will attend. Mr. Diaz suggested printing up flyers and displaying them at the schools and condo associations. Mr. Madden said he would write a letter to the editor and work with Mr. Minor on advertising the meeting. The meeting will be held either in the CMS or CHS auditorium at 7:00 p.m.

### b. Performance Bonds:

#### 1. Bond Release at Cromwell Plaza.

A **motion** was made by Joe Cardillo, **seconded** by Peter Keithan and it was *unanimously* approved to **release** the performance bond for Cromwell Plaza in the amount of \$25,000. *Motion passed.*

#### 2. Approve Bond Amount for "Harpers Meadow" Subdivision.

Mr. Diaz asked why Mr. Mazurek was recommending a reduction in the bond amount. Harpers Meadow developer John Hagel said the original amount included the Sewer Bond and a few other items that should not have been included.

A **motion** was made by Joe Cardillo, **seconded** by Mark Corvo and it was *unanimously* approved to **approve** a bond amount of \$180,000 (5% cash, 95% letter of credit) for Harpers Meadow Subdivision. *Motion passed.*

#### 3. Bond Release at "Baci Grill" at 134 Berlin Road.

Mr. Polke said they should hold the entire bond until the signage and striping are complete.

A **motion** was made by Al Diaz, **seconded** by Peter Keithan and it was *unanimously* approved to **deny** the bond release for Baci Grill at 134 Berlin Road. *Motion passed.*

**8. PUBLIC HEARINGS AND POSSIBLE ACTIONS:**

Mr. Cardillo read aloud the legal notice of Public Hearing.

Application # 06-97 was opened by general consent.

- a. Application # 06-97: Resubdivision at 70 Evergreen Road. Kathleen Gordon, owner/applicant.

Kathleen Nevins, representing the applicant, said her client received ownership of the parcel via a quitclaim from her ex husband. The parcel was illegally subdivided in 1982 prior to her client's ownership. The Town Clerk accepted the deeds and the Tax Assessor has been assessing the parcels separately. Mr. Minor said this would allow the owner to sell the house, because it would become a legal parcel.

Mr. Townsend asked for public comment in favor of the application.

**Sal Petrella of 558 Main Street** said this is not an unusual circumstance and there was no wrongdoing on the part of the owner. He recommended approval.

Mr. Townsend asked for public comment opposed to the application. There was none.  
Mr. Townsend asked for public comment neither in favor nor opposed. There was none.

A **motion** was made by Linda Duren, **seconded** by Peter Keithan and it was *unanimously* approved to **close** the Public Hearing. *Motion passed.*

A **motion** was made by Joe Cardillo, **seconded** by Tom Madden and it was *unanimously* approved to **approve** Application #06-97. *Motion passed.*

Application #06-98 was opened by general consent.

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

A **motion** was made by Linda Duren, **seconded** by Joe Cardillo and it was *unanimously* approved to **table** the public hearing. *Motion passed.*

**9. OLD BUSINESS:**

- a. Application #06-95: Modification to Approved Sidewalk Plan at "Washington Estates" subdivision.

Sal Petrella, attorney for the applicant, displayed a map of the proposed modification and introduced developer John Hagel. Mr. Hagel said he has a contract to put up sidewalks on both sides of Congress Drive. He was asked by the Town to stop the construction along the north side and consider building sidewalks on Washington Road instead. He agreed, as

long as the cost was equitable. Town Engineer Joe Mazurek has put together a spreadsheet showing that a linear foot replacement is not financially equitable. Mr. Diaz said one of the Commissioners stated last month that the cost would be about the same; now that the actual figures are in front of them it is obvious that there is a significant difference in the cost. We should not penalize the developer for something that will benefit the town. Mr. Cardillo said this is a win-win for the town.

A **motion** was made by Joe Cardillo, **seconded** by Jeff Polke and it was *unanimously* approved to **approve** Application # 06-95, a modification to the existing site plan conditions for the sidewalks at Washington Estates as follows: elimination of the sidewalks on the northerly side of Congress Drive and to extend the sidewalks on the southerly side of Congress Drive to Senator Drive. Additionally, the applicant will install sidewalks along the easterly side of Washington Road from the southerly side of the Washington Estates property in a northerly direction to the southerly side of Fennwood Drive. The modification of the site plan is specifically contingent upon: 1. The applicant being allowed to perform work within the Town of Cromwell right of way along Washington Road. 2. The applicant entering into a written agreement with the Town of Cromwell with respect to the specifics of the project and 3. The project being approved by the Cromwell Town Engineer. *Motion passed.*

#### 10. NEW BUSINESS:

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

Mr. Minor said the Commission is being asked to make a recommendation to the Board of Selectmen that the Transfer Station Road be accepted as a Town Road. Town Staff and Elected Officials have been working on a plan for ten years regarding development of that area. This would allow for future development of 100 acres of industrial land, and would be consistent with the current and future plans of development for Cromwell.

Mr. Diaz said it should be made a town road; there is wonderful potential in that area.

Mr. Corvo said he would like to see the "plan" before approving this. This will have an impact on the Transfer Station. This should not be approved until the Commission sees the conceptual layouts.

Mr. Polke said this is important for the future development of this area, which will benefit the town with tax dollars. It should not be stalled.

Mr. Keithan said he saw the plan presented at the last Board of Selectmen meeting; this will give us a chance to develop the back area.

Mr. Diaz read aloud from the draft POCD regarding the future development of this area.

Sal Petrella said he was involved in the presentation to the Board of Selectmen. This is simply a recommendation to make it a town road. At a future date, the Commission would see any plans of development, when the applications are presented.

Mr. Minor said he could have the plans available at the next meeting. It would not hold up the Board of Selectman decision, because they will not meet until next month.

A **motion** was made by Mark Corvo, **seconded** by Linda Duren to **table** Application #06-103. Mr. Corvo, Ms. Duren, Mr. Cardillo and Mr. Townsend were in favor. Mr. Polke, Mr. Diaz, Mr. Keithan and Mr. Madden were opposed. *Motion failed.*

Mr. Polke said it is not necessary to see any plans to make this decision. Mr. Corvo said the Commission should do there due diligence and see the plans before making the decision. Mr. Cardillo agreed, and said the Commission has been burned too many times.

A **motion** was made by Mark Corvo, **seconded** by Tom Madden to **table** Application #06-103. Mr. Corvo, Ms. Duren, Mr. Cardillo, Mr. Madden and Mr. Townsend were in favor. Mr. Polke, Mr. Diaz, and Mr. Keithan were opposed. *Motion passed.*

## 11. COMMUNICATIONS:

- a. Letter from Connecticut River Assembly.

Mr. Minor said the Assembly would like a representative from P & Z to attend meetings. Mr. Diaz asked if the Town were to consider Riverfront development, would it hurt if P & Z does not have a representative in the Assembly. Mr. Minor said possibly; he will have the meeting dates available at the next meeting and they could discuss appointing a representative.

- b. Letter from CT River Coastal District, Inc. No action taken.

## 12. COMMISSIONER'S COMMENTS:

Mr. Madden said he would try to get Mr. Mill to write an article about the POCD Public Hearing as well as advertising. Mr. Townsend said the Commission should consider some sort of regulation to ensure that developers who "accidentally" clear cut trees have to replace them to a certain value. Mature trees are much more valuable. There was a brief discussion about the site-plan requirements and buffer requirements at Premier's Willow Brook Road Subdivision. Mr. Cardillo asked if any enforcement has taken place. Mr. Minor said he would direct Mr. Curtin to deny any building permits until a professional landscape plan is submitted. Mr. Cardillo asked that Mr. Curtin also keep a watchful eye on 47 Coles Road. Mr. Cardillo said "Happy Birthday" to the U.S. Marine Corp.

## 13. APPROVAL OF MINUTES:

1. October 17, 2006: *The minutes were approved by general consent.*

**14. ADJOURNMENT:**

The meeting was adjourned by general consent at 9:05 p.m.

Respectfully Submitted,

Kimberly Spurlin  
Clerk

11/13/06