

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND REGULAR MEETING  
7:00 P.M. TUESDAY, NOVEMBER 20, 2007  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**MINUTES AND RECORD OF VOTE**

Present: Chairman Robert Townsend, Peter Hanson, Barry McGuiness, Michael Cannata, Peter Keithan, Tom Madden, Nicholas Demetriades, Thomas O'Neill, and alternate Alice Kelly. Also present was BOS Liaison Richard Waters.

Absent: Mark Corvo, alternates Vincent Faienza and Linda Duren.

**1. Call to Order:**

The meeting was called to order at 7:04 pm. Chairman Robert Townsend, presiding.

**2. Roll Call:**

The presence of the above-listed members was noted.

**3. Seating of Alternates**

Alternate Alice Kelly was seated by consent.

**4. Approval of Agenda:**

Deletion of Item 8b. Application #07-84: Special Permit (Stripping of Top Soil) at 665-667 Main Street. Libera Real Estate Holdings LLC, owner; Cromwell Concrete Products Inc., applicant. –Due to lack of signage.

The agenda was approved by general consent with changes.

**5. Public Comments**

**Jim Kerr** of **10 Summerbrook Lane** commented on the project by East West Realty on 80 Shunpike Rd. Mr. Kerr felt that the tree buffer was misrepresented on the project. Mr. Kerr sensed that the Commission might have done things differently with the planting plan if they were aware of the actual trees at the location. Mr. Kerr has concerns with the planting plan.

**Salvatore Petrella** of **558 Main Street** explained that application #07-74 has been withdrawn. The Commission deleted Item 9a. Application #07-74: Use Permit (Farm) at Parcel 00373200 on Shadow Lane (behind 540 Main Street). Salvatore Branciforte Jr, applicant; Shadow Hill

Farm LLC, owner, by general consent from the agenda. Attorney Petrella remarked that he was here to help Jim Kerr with his concerns.

**6. Development Compliance Officer Report:**

a. Report on Status of Approved Applications:

No report. Commissioner Kelly requested that these be provided at every meeting in the future.

b. Report on Possible Zoning Violations

No report. Commissioner Kelly requested that these be provided at every meeting in the future.

c. 540 Main Street; Architectural review

Mr. Curtin commented that Mr. Stamm of 302 Main St. had applied for a grant under downtown business. Mr. Stamm's request for the change in the roofline on his building has been given to Catherine Johnson for architectural review. Ms Johnson has not had a chance to review the drawings and Mr. Stamm has been made aware of this. Mr. Curtin has told Mr. Stamm that the drawings should be reviewed at the next meeting.

d. 80 Shunpike Road; revised planting plan (Application #05-95).

Mr. Curtin discussed Application #05-95, 80 Shunpike Rd. Mr. Curtin reviewed the tape of the meeting. The drawings show a "cloud" of trees along the rear of the building. The Commission asked the Applicant to discuss the issues. Attorney Salvatore Petrella of 558 Main Street Cromwell representing the applicant explained three issues. First, the issues of the back of the property and the concern for light and noise of the neighbor. Second, that you wouldn't be able to see the whole building due to the slope of the property, and third, that the applicant and neighbor had entered into discussions with them and in good faith they want to do it rationally.

LRC Engineering, Pat Gorman presented photos to the Commission of the rear of the building. The photos were taken several months ago and yesterday. Mr. Gorman represented how they discussed the project in the past and how they followed what was approved. Mr. Gorman showed a buffer area of greater than 35ft except for the area of the dissipator, which had been approved by town staff. Mr. Gorman discussed the front of the property and what the State of CT had required. All the trees on the front were taken down on State property. The landscape will be added when the site is stabilized. Attorney Petrella asked that the Commission wait till the end of the project to revise the planting plan. They are willing to work on it but it has not been completed. Mr. Curtin explained that the lighting has been dropped to 14ft with shields and that screening has been added to the HVAC on the roof. Mr. Kerr's expressed concern on the

actual tree location that the applicant is showing. Many of the trees they are commenting on are actually located on his property. The Commission would like to see the neighbor and the project compromise. Mr. Cannata asked when the planting was to be completed. It was predicated to be complete by spring. Attorney Petrella asked to have this be brought back in spring of 2008 to make sure everyone is satisfied. Mr. Curtin suggested a landscaping bond to assure compliance. After a brief discussion, it was decided a planting plan would be drawn up for the rear of the building with a possible bond of \$7500 for discussion at the December 4, 2007 meeting.

Mr. Keithan questioned Mr. Curtin about the repair business on Washington Rd. Mr. Curtin explained that he has followed up on this but has not witnessed this himself, he needs a signed affidavit from someone on the actions taking place before he can move forward. Mrs. Kelly asked whether Mr. Curtin received her memo. Mr. Curtin said he had. Mrs. Kelly asked if the Commission could get an application list each time. Mrs. Kelly reviewed items from her memo such as Newbury Estates, Woodside Rd catch basin and engineering reports from Cobblestone on the wall stability. Mrs. Kelly asked for status reports on the zoning violations. Chairman Townsend presented Mr. Curtin with 2 forms for him to review and comment on. The forms are log and follow-up forms that would help track and log complaints and follow-ups. The Commission would like these forms used so that in the event of an absence it would be easier to see and follow-up on the status of an application or violation.

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

- a. Public Hearings to be Scheduled: none.
- b. Performance Bond Reductions and Releases:

- 1. Harper's Meadow Performance Bond Reduction

Town Planner Craig Minor reported that the staff recommends reducing the letter-of-credit to \$85,000.

After a brief discussion of the conservation monuments which Mr. Hanson remembered at \$22,950 but is shown in the Town Engineer's email as only \$9,000. It was agreed to reduce the bond but to a higher amount for the conservation monuments.

**Motion** to Reduce the Letter-of-Credit to the amount of \$93,500 for Harpers Meadow made by Peter Hanson, **seconded** by Tom Madden. All were in favor. *Motion Passes.*

- 2. Pasco Hill (Robertson Road and Kelly Road) Performance Bond Release

Town Planner Craig Minor reported that the staff recommends reducing the cash bond to \$5,315.

**Motion** to Reduce the cash bond to the amount of \$5,315 for Pasco Hill made by Peter Hanson, **seconded** by Thomas Madden. All were in favor. *Motion Passes.*

3. Coles Brook Commerce Park Performance Bond Reduction

Town Planner Craig Minor reported that the staff recommends releasing the letter-of-credit and the cash bond.

**Motion** to Release the Letter of Credit of \$30,000 and the Cash Bond for \$14,750 for the Coles Brook Commerce Park made by Peter Keithan, **seconded** by Thomas Madden. All were in favor. *Motion Passes.*

4. Chili's Site Bond Release

Mr. Hanson recused himself. No action was taken. The Commission had no information.

c. Approve 2008 Calendar of Meeting Dates

**Motion** to approve the 2008 Calendar of Meeting Dates made by Barry McGuiness, **seconded** by Alice Kelly. All were in favor. *Motion Passes.*

**8. Public Hearing and Possible Action:**

a. Application #07-79: Special Permit (Rear Lot) 604 Main Street and 42 Field Road. Millane Nurseries Inc, owner/applicant.

Public hearing on Application #07-79 was opened by general consent.

Attorney Mike Zizka representing the applicant explained the ultimately the applicant would be seeking a 4-lot subdivision but this was for one -rear lot. Kevin Johnson, an engineer, of Close, Jensen, & Miller described the property and the various lots including the rear lot. Mr. Johnson explained the existing house. Mr. Johnson clarified that the application met with all existing regulations of a rear lot or exceeds requirements. Attorney Zizka reviewed the right-of-way that had been placed in the plans to leave options for the future.

Mr. Townsend asked for public comment in favor of the application. There was none.

Mr. Townsend asked for public comment against the application. There was none.

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

**Motion** to Close the Public Hearing made by Peter Keithan, **seconded** by Thomas O’Neill. All were in Favor. *Motion Passes.*

**Motion** was made to approve Application #07-79: Special Permit (Rear Lot) 604 Main Street and 42 Field Road made by Michael Cannata, **seconded** by Alice Kelly. All were in Favor. *Motion Passes.*

b. Application #07-84: Special Permit (Stripping of Top Soil) at 665-667 Main Street. Libera Real Estate Holdings LLC, owner; Cromwell Concrete Products Inc., applicant.

**Motion** was made to Table Application #07-84: Special Permit (Stripping of Top Soil) at 665-667 Main Street until December 4, 2007 meeting made by Alice Kelly, **seconded** by Thomas O’Neill. All were in Favor. *Motion Passes.*

**9. Old Business:**

a. Application #07-74: Use Permit (Farm) at Parcel 00373200 on Shadow Lane (behind 540 Main Street). Salvatore Branciforte Jr, applicant; Shadow Hill Farm LLC, owner.

Deleted, application withdrawn

**10. New Business:** none.

**11. Communications:** A new welcome guide was given to commissioners prepared by the Planning Commissioners Journal.

**12. Commissioners' Comments** Chairman Townsend commented that he had met briefly with First Selectman Shingleton to discuss Zoning issues such as the Liaison, ZEO issues, and the Zoning Administer. The Commission discussed the Zoning Regulations and picked four members to be on a committee to assist Mr. Minor with the consultant selection process, Thomas Madden, Alice Kelly, Nick Demetriades, and Thomas O’Neill. Mr. Hanson asked new members as well as returning members to review the regulations and make a running list of what doesn’t make sense. This will help the process as they work on the zoning regulations. The Commission discussed that elections will be held at the next meeting and that the Vice Chair and Secretary positions are open.

**13. Approval of Minutes:**

- a. November 1, 2007

On page three there was an error of the name Brian instead of Barry McGuinness. A motion was made to approve the minutes by general consent with the amended changes.

**14. Adjourn**

The meeting was adjourned by general consent at 8:38pm.

Respectfully submitted,

Jennifer L. Donohue  
Planning & Zoning Clerk