

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, SEPTEMBER 16, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTE

Present: Michael Cannata, Peter Keithan, Thomas O'Neill, Vincent Faienza, Tom Madden, Nicholas Demetriades, Alice Kelly, Barry McGuinness, Steve Donen and Alternate Joseph Garafalo.

Absent: Alternate Linda Duren and BOS Liaison Richard Waters

1. Call to Order

The meeting was called to order at 7:00 pm. by Chairman Demetriades, presiding.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

There were no alternates seated.

4. Approval of Agenda

Motion was made by Alice Kelly, **seconded** by Steve Donen to amend the agenda to Add under Communications Item 11a. Extension of Map Filing Deadline for Northwoods Estates. All were in Favor. *Motion Passes.*

Motion was made by Alice Kelly, **seconded** by Peter Keithan to approve the amended agenda. All were in Favor. *Motion Passes.*

5. Public Comments

Rosemary Libera of 16 Sunset Drive said that she submitted a letter 2 weeks ago to the Zoning Enforcement Officer, Mr. Mazurek and the Commission members regarding several concerns at Cromwell Concrete. Mr. Minor informed the Commission that Mr. Curtin has received the letter and that the issues were being addressed. Ms Libera read the letter, which addressed a list of zoning violations that she felt had been violated, most importantly a buffer between the properties. Ms Libera stressed that she wants someone to work with the ZEO to make sure the information is correct. Mrs. Kelly questioned why a copy of the letter was not given to the Commission. Chairman Demetriades will follow-up with Mr. Mazurek on the issues. Commission members may contact Ms Libera to visit the site.

6. Development Compliance Officer Report:

- a. Activity Report- None
- b. Status of Current Permits-None
- c. Development Bond Releases-None

7. Town Planner Report:

- a. Performance Bond Reductions and Releases: None.
- b. Public Hearings to be Scheduled: None.
- c. Status of New Zoning Regulations

Mr. Minor said that he has received the Planimetrics contract. The subcommittee needs to schedule their next meeting. Mr. Madden will follow-up with the committee. Mr. Keithan has volunteered to join the subcommittee to resolve the issue of the even number.

8. Public Hearing and Possible Action:

Secretary Tom O'Neill read the legal notice into record.

- a. Application #08-62: Rear Lot Special Permit for Dorio Subdivision at 48 Pasco Hill Road. Dorio Builder and Realty, applicant; Estate of Robert Rioux, owner.

Application #08-62 was opened by general consent.

Jack Guilmartin, Survey Manager, from JL Surveying, representing the applicant reviewed the original plans of the 7-lot subdivision down to the 4-lot subdivision. Mr. Guilmartin described the rear lot and the access driveway. Mr. Donen asked if Dorio would be building all of the housing lots. Mr. Guilmartin clarified that Dorio Builders would be building all of the houses and not selling off the lots. There was some discussion of the placement of the houses. Mr. Cannata asked for clarification on the flood line and utility placement through the road. Mr. Guilmartin answered all questions. Mr. Guilmartin satisfied all concerns from Mr. Minor's 9/10/2008 memo and the Commission felt that the rear lot met the intent of the regulations.

Chairman Demetriades asked for public comment. There was none.

Motion was made by Alice Kelly, **seconded** by Barry McGuiness to close the public hearing. All were in Favor. *Motion Passes.*

Motion was made by Barry McGuiness, **seconded** by Alice Kelly to approve Application #08-62: Rear Lot Special Permit for Dorio Subdivision at 48 Pasco Hill Road. All were in Favor. *Motion Passes.*

b. Application #08-60: Home Occupation at 585 Main Street. Elizabeth Harrison, owner/applicant.

Application #08-60 was opened by general consent.

Elizabeth Harrison of 585 Main Street, the applicant explained that her business from home as an administrative assistant used email and telephone.

Chairman Demetriades asked for public comment. There was none.

Motion was made by Alice Kelly, **seconded** by Thomas O' Neill to close the public hearing. All were in Favor. *Motion Passes.*

Motion was made by Barry McGuiness, **seconded** by Thomas Madden to approve Application #08-60: Home Occupation at 585 Main Street. All were in Favor. *Motion Passes.*

9. Old Business: None.

10. New Business:

Chairman Demetriades recused himself, due to living on Congress Drive. Vice Chairman Thomas Madden became acting Chairman.

Alternate Joseph Garafalo was seated.

a. Application #08-64: Sec. 8-24 Approval of Congress Drive and related Open Space at "Washington Estates" subdivision.

Attorney Salvatore Petrella, of 558 Main Street, representing the applicant, explained that they are seeking Sec. 8-24 approval for the road and the open space. Mr. Minor reported that according to Town staff all road requirements have been met.

Attorney Petrella informed the Commission that additional open space owned by the applicant on

an adjacent parcel will also be deeded to the Town, as was discussed when the subdivision was approved, because of its proximity to the high school. This was something supported by Parks & Recreation and the Board of Education. The only requirement of the developer was that the Town make sure that no lighting or activities impair the residences.

Mr. McGuiness inquired about the split rail fence buffer requirement for the wetlands, which some homeowners are not obeying. The Commission discussed how this requirement would get enforced. Mr. Minor informed the Commission that the Conservation Commission was working on a process. Mr. Cannata asked Acting Chairman Madden to contact ZEO Curtin to enforce the wetland issue violations.

Mrs. Kelly asked whether the open space area is wet and questioned whether it is usable due to a high water table. Attorney Petrella stated that both Park & Rec and the Board of Education had asked for this land, and had looked at the sites.

Mr. Donen recommended that there be separate motions, one to approve the road, and the other to approve the open space.

Motion was made by Alice Kelly, **seconded** by Barry McGuiness to recommend accepting the open space at "Washington Estates" and the adjacent open space parcel belonging to the developer, pursuant to Sec. 8-24. All were in Favor. *Motion Passes.*

The Commission reminded the Town that it should take precaution with lighting the area and other activities, so as to not impact the homeowners.

Motion was made by Steven Donen, **seconded** by Vincent Faienza to recommend accepting Congress Drive at "Washington Estates", pursuant to Sec. 8-24. All were in Favor. *Motion Passes.*

Chairman Demetriades returned. Alternate Joseph Garafalo was unseated.

b. Application #08-65: Site Plan Approval (Modification of Existing Industrial Building) at 135 Sebethe Drive. Joseph Piccolello, owner/applicant.

Joseph Piccolello, the applicant, explained that he has a tenant for the building that has signed a 10-year lease and he needs to put in a loading dock, as it is a printing company. Mr. Minor pointed out a concern that he noticed of the existing loading area in the back and that vehicles may be inhibited in getting around the building. Mr. Piccolello initially said that it was a driveway, but when it was pointed out to him that it was, he said that if he knew about the conflict earlier he would have taken a look to fixing this issue and tried to corrected it.

Motion was made by Michael Cannata, **seconded** by Alice Kelly to approve Application #08-65: Site Plan Approval (Modification of Existing Industrial Building) at 135 Sebeth Drive with the recommendation that the loading area be adjusted if possible. All were in Favor. *Motion Passes.*

11. Communications:

- a. Extension of Map Filing Deadline for Northwoods Estates Subdivision.

Attorney Petrella representing the applicant asked for a 180-day extension to the deadline to file the subdivision mylar. The deadline is presently October 26, 2008.

Motion was made by Alice Kelly, **seconded** by Michael Cannata to approve the request. All were in Favor. *Motion Passes.*

12. Commissioners' Comments

Chairman Demetriades asked for clarification on a procedural question on whether it was necessary to leave the room when you recuse yourself. Mr. Minor replied that you should, because sitting in the back of the room could be perceived as an attempt to influence the Commissioners. Ms. Kelly stated that it is not legally required to leave the room. Chairman Demetriades also asked whether the Commission was okay with him rotating alternates. The Commission agreed, provided the alternate to be seated was present at any previous public hearings, because otherwise he would not be qualified to vote on the application.

The Commission also discussed Pat Snow's letter regarding a "temporary through road" at Cobblestone Plaza, to provide daycare customers with access to the signalized entrance during construction. The Commission also discussed the use of language in their motions that enforce other agencies' regulations.

The Commission discussed whether to hold a regular meeting on Election Day.

Motion was made by Alice Kelly, **seconded** by Michael Cannata to cancel the November 4, 2008 Regular Meeting of Planning & Zoning. All were in Favor. *Motion Passes.*

13. Approval of Minutes:

- a. September 2, 2008

Corrections

Page 1, under Approval of Agenda, the first motion, Faienza was only opposed. Delete the In

Favor reference.

Page 8, under Commissioners' Comments, Mr. Demetriades asked for clarification from Mr. Minor on tax easement issues on undevelopable land for tax breaks and up-zoning.

Motion was made by Steve Donen, **seconded** by Alice Kelly to approve the September 2, 2008 minutes with corrections. All were in Favor. *Motion Passes.*

14. Adjourn

The meeting was adjourned by general consent at 8:30 pm.

Respectfully Submitted,

Jennifer L. Donohue
Commission Clerk