

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

**PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, MAY 20, 2008
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTE

Present: Chairman Peter Hanson, Michael Cannata, Peter Keithan, Barry McGuinness, Thomas O'Neill, Vincent Faienza, and Alternate Joseph Garafalo,

Absent: Tom Madden, Nicholas Demetriades, Alice Kelly, Alternate Linda Duren, BOS Liaison Richard Waters

1. Call to Order

The meeting was called to order at 7:02 pm. Chairman Hanson, presiding.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Alternate Joseph Garafalo was seated by general consent.

4. Approval of Agenda

Addition of 7. b. 2. Application #08-38: Home Occupation Permit at 80 Court Street for Moonbounce Rentals. Josh Etoile, owner/applicant.

The agenda was approved with the addition by general consent.

5. Public Comments

Attorney Salvatore Petrella of 558 Main Street explained that Mr. Minor had provided him with a copy of the RFQ and he would like to see a time frame added so that what is expected is known for a general expectation of delivery. Attorney Petrella suggested that under the work documents section that room be left available for updates to help eliminate confusion in the future. Attorney Petrella also suggested that more than 1 copy of the CD be provided. Mr. Minor remarked that these issues could be addressed during the interview or contractual process.

6. Development Compliance Officer Report:

Chairman Hanson commented that Mr. Curtin had contacted him that he would not be at the meeting but that he had nothing new to add since the last report.

- a. Activity Report -None

b. Status of Current Permits-None

Mr. Keithan commented that A-frame signs are popping up everywhere, particularly along Shunpike. Mr. Minor confirmed that they are illegal in Cromwell, but the State is supposed to enforce this along their roads. Mr. Minor read the regulation. There was some discussion of other sign concerns, specifically signs along Main Street that are hanging over sidewalks.

Mr. Hanson will forward Mrs. Kelly memo to Mr. Curtin regarding such items as Country Squire, Willowbrook Rd and other concerns.

7. Town Planner Report:

a. Performance Bond Reductions and Releases: None.

b. Public Hearings to be Scheduled:

1. Application #08-40: Special Permit (Special Flood Hazard Area) at 257 Main Street. Bruce Raulukaitis, owner/applicant.

The Commission scheduled the hearing for June 3, 2008 by general consent.

2. Application #08-38: Home Occupation Permit at 80 Court Street. Moonbounce Rentals. Josh Etoile, owner/applicant.

The Commission scheduled the hearing for June 3, 2008 by general consent.

c. Status of Zoning Regulations Update

Mr. Minor explained that the RFQ was posted today on the State of Connecticut DAS website, as well as emailed to several leading contacts. The deadline is June 10th. Mr. Minor stated that Attorney Petrella's comments could be handled during the interview.

8. Public Hearing and Possible Action:

a. Application #08-27: Zoning Amendment (Section 12: Special Flood Hazard Area). Planning and Zoning Commission, applicant. Continued from May 6, 2008.

Application #08-27 was opened by general consent.

Mr. Minor is still gathering information from other towns. Chairman Hanson expressed concern again with the wording of "watertight" and the design of a hydrostatic or "breakaway" building.

Chairman Hanson would like to see it reformatted.

Motion was made Michael Cannata, **seconded** Vincent Faienza by to table Application #08-27: Zoning Amendment (Section 12: Special Flood Hazard Area). All were in Favor. *Motion Passes.*

b. Application #08-01: Revision to POCD to Enable Tax Reduction of Privately-Owned "Open Space". Planning and Zoning Commission, applicant. Continued from May 6, 2008

Application #08-01 was opened by general consent.

Mr. Minor provided a map of Cromwell showing lots between 1 and 2 acres, and 2 acres and up. Mr. Minor would like to spend some more time refining the maps because they include areas that are already protected, and he would like to show the various zones.

Chairman Hanson opened the floor for public comments.

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

Attorney Salvatore Petrella of 558 Main Street remarked on a concept that he and Engineer Cassidy have been working on to have developers build developments in stages, particularly for erosion control. Attorney Petrella discusses the tax disadvantage of phased projects for developers, because of the tax burden.

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

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

Mr. Minor and the Commission discussed that an appropriated acreage may be 2 acres above the zone minimum.

Mr. Cannata commented that if the goal is to preserve open space than the zone shouldn't matter, meaning to include all zones for example industrial and commercial. There was some discussion of whether you give a commercial zone a break of open space, because you typically want a commercial property to be developed for jobs and taxes.

Mr. Cannata raised the question due to the fact that the Fish and Game Club brought this issue to the table and they are not in a residential zone but in a Flood Zone and whether it can be included.

Motion was made Michael Cannata, **seconded** by Thomas O'Neill to table Application #08-01: Revision to POCD to Enable Tax Reduction of Privately-Owned "Open Space". All in Favor.

Motion Passes.

9. Old Business:

a. Application #08-35: Site Plan Approval (Modification) at 72 Berlin Road ("Cobblestone Plaza"). Cobblestone Associates LLC, owner/applicant.

Mr. Minor explained that based on the Town Engineer's discussion with the applicant's engineer, it was decided to invoke the "peer review" provision to pay the cost of hiring a consultant engineer with geotechnical experience.

Mr. Cannata asked if the applicant could provide locations of similar structures. Mr. Snow said there are locations in Massachusetts and Latrobe Pennsylvania. Chairman Hanson asked that the applicant provide pictures.

Mr. Snow asked how this peer review gets paid for or approved. Mr. Minor said that it goes out for 3 quotes and he will be kept informed during the process, ultimately it needs Mr. Snow's approval for payment.

Motion was made by Michael Cannata, **seconded** by Thomas O'Neill to obtain a "peer review" of the riprap slope design at the applicant's expense, in accordance with Section 13.3.b.5 of the Zoning Regulations. All in Favor. *Motion Passes.*

Mr. Minor asked the Commission to consider whether the new riprap slope is in line with the original special permit or does that need to be modified because this is significant enough of a change.

Attorney Joseph Williams, for the applicant, explained that the special permit approved the excavating use of material and is concerned with the additional amendment causing a lengthening of the process.

Mr. Minor explained that the concern is not the excavating but the aesthetics that this wall may look very different than what was originally proposed. Attorney Williams explained that Ms Anke, the engineer for the wall, represented that it will look like a rock wall.

Chairman Hanson asked Commission members if they wanted to pursue the special permit issue at this time. The Commission wishes to see pictures. Attorney Williams will provide pictures. Mr. Snow cautioned the Commission members that the pictures may have a different color stone and that he will be using on-site materials that match the current environment. Chairman Hanson confirmed with Mr. Minor that they have enough time in the site plan process.

Mr. Keithan asked about the time frame of the project. Mr. Snow states that in about 1 to 2 months he needs to do something with the rock.

Mr. Snow said that he would have no objection to hiring the "peer review" engineer to also oversee construction of the riprap slope, but Chairman Hansen said that that would not be practical since it was a different engineer who did the design.

Chairman Hanson provided Mr. Snow with the list of concerns and comments from Mrs. Kelly.

Motion was made Michael Cannata, **seconded** by Peter Keithan to table Application #08-35: Site Plan Approval (Modification) at 72 Berlin Road ("Cobblestone Plaza"). All were in Favor. *Motion Passes.*

10. New Business:

a. Application #08-41 Site Plan Approval (Storage/Warehouse Building) at 257 Main Street. Bruce Raulukaitis, owner/applicant.

Motion was made Barry McGuiness, **seconded** by Michael Cannata to table Application #08-41 Site Plan Approval (Storage/Warehouse Building) at 257 Main Street. All were in Favor. *Motion Passes.*

11. Communications-None

12. Commissioners' Comments -None

13. Approval of Minutes:

a. May 6, 2008

On Page 6, "Chairman Hanson explained they would normally rely on the staff engineer and he does not have the experience in this area. "

A motion was made to approve the May 6, 2008 minutes by general consent with changes.

14. Adjourn

The meeting was adjourned by general consent at 8:00 pm.

Respectfully Submitted,

Jennifer L. Donohue
Commission Clerk