

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING AND PUBLIC HEARING  
7:00 P.M. TUESDAY, JULY 7, 2009  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

**MINUTES AND RECORD OF VOTES**

Present: Nicholas Demetriades, Vincent Faienza, Michael Cannata, Alice Kelly, Steve Donen, and Alternate Ann Halibozek, Alternate Linda Duren, and Alternate Fred Hayward

Also Present: Town Planner Craig Minor and BOS Liaison Richard Waters

Absent: Joseph Garafalo, Tom Madden, Thomas O'Neill, and Peter Keithan

**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**

Alternates Ann Halibozek, Linda Duren, and Fred Hayward were seated.

**4. Approval of Agenda**

**Motion** was made Alice Kelly, **seconded** by Linda Duren to approve the agenda. All were in Favor. *Motion Passes.*

**5. Public Comments**

**Dick Coughlin of 19 Glenwood Terrace** asked that a provision be looked at for use of land after a zone change, referring specifically to the land near Old West Street and how awful it looks.

**Helen Zalewski of 26 Geer Street** expressed her frustration about a fence that keeps reappearing at 22 Geer Street and her concern with kids getting hurt and that she may put brush there to prevent this from happening.

**Rich Waters of 84 South Street** remarked about fill being taken off Woodside Road and said that fill has been brought from the Shunpike Road, The Learning Center project to this area. Mr. Waters also said the regarding application #09-47 he would like to see a stipulation that they take care of the bank area first.

**6. Development Compliance Officer Report:**

a. Activity Report

Mr. Curtin was not available tonight but provided a report to Chairman Demetriades. Mr. Faienza read the report of July 2, 2009 from Mr. Curtin to Joe Mazurek.

Mrs. Kelly commented that there are multiple signs along the Transfer Station Road to be concerned about. Ms Halibozek asked about the Cobblestone concerns.

Mrs. Kelly said that she wasn't concerned about the end of the cul-de-sac at Newbury Estates but the front of the road. The Commission discussed concern about where the contaminated soil was moved to from the Newbury Estates location. Mrs. Kelly asked Chairman Demetriades to ask where the soil has been moved to. Chairman Demetriades asked Mr. Minor to have Mr. Curtin to listen to the tapes of this meeting to hear the Commission's concerns and to contact the Chairman.

Mrs. Kelly asked about the Status of Outstanding Permits reports. Chairman Demetriades would check on them and the Cease & Desist Orders.

b. Status of Outstanding Permits -No Report

**7. Town Planner Report:**

a. Performance Bond Reductions and Releases: None.

b. Public Hearings to be Scheduled: None

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

Mr. Faienza read the legal notice into the record.

a. Application #09-41: Temporary Use Permit (Concert) at Riverport Park. CT River Music Fest Committee, applicant; Heiros Gamos Entertainment Inc. Continued from June 16, 2009.

**Motion** was made Alice Kelly, **seconded** by Vincent Faienza to remove Application #09-41 from the table. All were in Favor. *Motion Passes.*

Amora Corvo of 380 Main Street the applicant introduced herself.

Chief of Police Anthony Salvatore explained that they had met and worked out the details. Chief

Salvatore discussed the imposed conditions of defined parking areas, and that only VIP parking would be on-site. The signage would be MUTCD Regulation signage (white with black lettering) and posted on River Road, South Street, and Main Street. Chief Salvatore explained that based on research that 2 - 3 officers would be needed for the event. Chief Salvatore requires that the parking areas are clearly advertised and that the bus service goes a certain route and run with certain times. Chief Salvatore stressed that there would be no alcohol and that he encouraged that security check any coolers. Chief Salvatore asked that all vendors not already licensed by Cromwell be required to get vendor permits and/or health permits. The tickets are required to say no alcohol and no pets. Chief Salvatore explained that the applicant is going to make an effort to pre-sell the tickets at a limit of 1,000. Chief Salvatore also has asked the applicant to meet with the boat club executives to workout details with the Cromwell Outboard Association.

Mrs. Kelly asked if these rules are for all concerts. Chief Salvatore said it might come to that, but he not saying so right now. Mrs. Kelly asked about the Park & Recreation concert for a Friday night. There was some discussion about the appropriate parking for this event. Ms Schein has already talked with the Outboard Association and does not anticipate a parking issue.

Sue Schein, Director of Park & Recreation explained that she had conducted a telephone survey in the past week with the Commission and has received a tentative okay prior to their September meeting. The P & R Commission wants an insurance certificate, and copies of the dumpster company and port-o-let contracts. The P & R Commission wants to be assured that the companies understand that the Town of Cromwell is not responsible for the monies. Ms Schein explained that the parking in the park would not happen on the grass and that they wanted someone there to watch to make sure the park is kept clean.

Mr. Hayward asked who was responsible for cleanup. Ms Schein explained that the applicant has a cleanup committee but she will be watching.

Mr. Donen asked if there is going to be a boilerplate for the next time an event like this is going to be proposed. Ms Schein explained that there would be a subcommittee to address policies.

Ms Corvo addressed and reviewed her July 6<sup>th</sup> memo with the Commission.

Chairman Demetriades asked for comments from the public. There were none.

**Motion** was made Alice Kelly, **seconded** by Ann Halibozek to close the public hearing on Application #09-41. All were in Favor. (Hayward, Donen abstained) *Motion Passes.*

**Motion** was made Ann Halibozek, **seconded** by Linda Duren to approve Application #09-41: Temporary Use Permit (Concert) at Riverport Park. CT River Music Fest Committee, applicant; Heiros Gamos Entertainment Inc. All were in Favor. (Hayward, Donen abstained) *Motion*

*Passes.*

b. Application #09-39: Zone Change (A-25 and PO to Business) at 151 West Street, 153 West Street, and Corner of West Street/Mystique Lane. Paul SantaMaria, Orlando and Lisa Cardenas, and Milone & MacBroom Inc., owners/applicants.

John Milone, P.E. of Milone & MacBroom, provided Mr. Minor with the certified receipts. Mr. Milone explained that the 3 separate parcels were combined for this application. Mr. Milone described the zoning and land-use in the area surrounding the property. Mr. Milone showed many lot descriptions and boundary maps. Mr. Milone described the POCD as showing the area as mixed use commercial. Mr. Milone described why this would be a benefit because the lots cannot be developed as planned office due to their size.

Mr. Hayward asked if they had done any traffic studies. Mr. Milone said they would be willing to complete a traffic study if requested, but did not feel there would be a significant impact based on the size.

Chairman Demetriades asked for public comment in favor of the application. There was none.

Chairman Demetriades asked for public comment against the application.

**Carolyn Herrewyn of 6 Patricia Ln** said that she spoke to about 50 people who are opposed to this application. Ms Herrewyn would like to think of Cromwell as growing its tax base, but felt this area can't have more traffic and asked the Commission to look at it deeply before making a decision.

**Eileen Canton of 5 Diane Drive** commented that she moved to Cromwell 31 years ago and is concerned with this going to a commercial building and is concerned about traffic.

**Bernice Hurlburt of 30 Reilly Manor** is not for the application and felt the area is too congested.

**Lee Cota of 9 Pond View Drive** has lived in Cromwell for 62 years and felt that any business development that changes residential should not happen.

**Beth Cota of 9 Pond View Drive** has lived in Cromwell for 32 years and felt that once you go by the Sunoco station it will ruin the character of the Town and let it remain residential.

**Robin Deberry of 27 High Ridge Road** had the same concerns as the previous residents. Ms Deberry would like to know how the proposed development would benefit the surrounding residents in the area besides taxes. She would like to keep property values up.

**Helen Zalewski of 26 Geer Street** felt it was too busy and there are no sidewalks.

**Walter Diaz of 16 Meadow Road** also had the same concerns with the previous residents. Mr. Diaz discussed that he commutes from Willimantic and the longest part of his commute is turning into Cromwell and that he felt that traffic would be impacted. Mr. Diaz also questioned the impact on Mystique Lane development, which is struggling in the economy and asked that it be taken into consideration.

Chairman Demetriades asked for public comment neither for nor against the application. There was none.

Mr. Minor read two letters in opposition to the application into record. One was from Robert and Sharon Blackwell of 19 Washington Road and the other was from Charlotte M. Calarco of 22 Mystique Lane.

Mr. Milone recognized the concerns of the townspeople, but didn't feel they should be concerned. Mr. Milone felt this was unique. Mr. Milone stressed that the mixed-use zone shown in the POCD left off at Hicksville Road. Mr. Milone said that this is already a high traffic area. Mr. Milone felt this is not a logical residential zone and the lots on the west can't be developed due to the large setbacks required in the PO zone. Mr. Milone had prepared an illustration of a proposed project. Mr. Milone showed the proposed 1-story building that could perhaps have office or light retail.

Ms Halibozek said she would like a traffic study. Mrs. Kelly expressed that they are working on zone changes and that she was not in favor of making changes now. Mr. Faienza agreed with Mrs. Kelly. Mr. Donen asked what type of business did Mr. Milone see in a mixed-use commercial zone. Mr. Milone said that he saw it as light retail but explained that it's hard because Cromwell only has a business zone. Mr. Donen asked if they would consider something residential. Mr. Milone explained that currently the lot sizes are too small for a single-family home. Chairman Demetriades asked what you could do with it. Mr. Milone said that maybe they could merge the lots.

**Motion** was made Michael Cannata, **seconded** by Steve Donen to close the public hearing for Application #09-39. All were in Favor. *Motion Passes.*

**Motion** was made Michael Cannata, **seconded** by Alice Kelly to deny Application #09-39: Zone Change (A-25 and PO to Business) at 151 West Street, 153 West Street, and Corner of West Street/Mystique Lane without prejudice.

Mr. Hayward had no comment. Mr. Donen was in support of the application. Mr. Faienza would like to see a proposal again with a rework of the regulations. Mr. Cannata cannot support a

change with nothing specific. Mrs. Kelly said that they have to look at the POCD. Ms Halibozek was concerned with the traffic impact. Ms Duren said it was unfair with past developers. Mr. Demetriades felt a specific plan was needed.

**Motion** was passed. *All were in Favor.*

Chairman Demetriades called a recess at 8:50 pm.

Chairman Demetriades called to order at 9:00 pm.

c. Application #09-43: Zone Change (WMXD to A-15) at 33 through 37 River Road. Hector Ocampo, applicant; Hector Ocampo, John and Mary Cubeta, Gerald Groeper, Michael and Kelly Groeper, owners.

Hector Ocampo of 31 River Road asked that the zone be changed to residential.

Mr. Minor described the variances that the previous owner had been granted, and that these variances run with the land. Mr. Ocampo explained that he would follow what the building inspector says. Ms Halibozek expressed concern with the time on zoning. There was some discussion on the wetlands and demolition.

There was some discussion on the other lots within the zone change.

Chairman Demetriades asked for public comments on the application. There were none.

**Motion** was made Alice Kelly, **seconded** by Steve Donen to close the public hearing for Application #09-43. All were in Favor. *Motion Passes.*

**Motion** was made Steve Donen, **seconded** by Alice Kelly to approve Application #09-43: Zone Change (WMXD to A-15) at 33 through 37 River Road.

Ms Duren would rather just change the one lot. It was noted that would be spot zoning. Ms Duren was concerned that the zone change could prohibit something like an art gallery.

Ms Halibozik asked Chairman Demetriades to read for the record the POCD recommendation for the area. Chairman Demetriades reviewed the Waterfront Village recommendation.

It was explained that the applicant needs this change to build his home because single-family dwellings are not a permitted use in the WMXD zone. The Commission discussed their concern with the lack of a signature for 35 River Road. Mr. Ocampo said that he spoke to the owner at length and that he is in favor.

**Motion** was made Steve Donen, **seconded** by Alice Kelly to amend original motion, with the addition that the Town Planner attempt to obtain the signature of the owner of 35 River Road regarding zone change within 30 days. All were in Favor. *Motion Passes.*

**Main Motion** passed. *All were in Favor.*

d. Application #09-44: Special Permit (Construction in the Special Flood Hazard Area) at 41 South Street. MJ Property Management LLC, owner/applicant.

Attorney Salvatore Petrella asked that they be allowed to combine the site plan and the special permit presentations.

The applicant is asking to put an addition on the current building within a flood plain. They have received an Inland and Wetlands permit and they have posted the proper signage.

Attorney Petrella described the breakaway panels in the building to provide for the flood-proofing. The utilities inside the building would be above flood elevation and the storage would be palletized above the 100-year flood level. Attorney Petrella discussed how they have met Section 12 of the regulations and that they have increased the flood storage capacity. Attorney Petrella explained that they would be installing a landscape buffer along the brook and a storm water detention basin to improve quality.

Jim Cassidy, a professional engineer from Hallisey, Pearson & Cassidy, described the site and property. Mr. Cassidy described the 3,500 sq-foot addition, the parking lot and the buffers. Mr. Cassidy discussed the flood storage capacity and the flood proof materials. The addition would be a storage area for equipment and large trucks.

Attorney Petrella said that they have met or exceeded the requirements for the regulations and that the only thing that you will see from the road is a slightly higher roofline. The garage doors from the addition will face the railroad tracks. The applicant made a commitment to the Wetlands Agency that there would be no hazardous materials stored. Trucks and equipment will be stored in the fenced area. The applicant does not have an end user in mind for the unit. It is a rental but he will also be storing personal items as well.

Ms Halibozek asked if the Town Engineer has reviewed the plans. Mr. Cassidy said the acting Town Engineer has. Mr. Minor added that the Acting Town Engineer has signed off on the flood proof aspects of the site plan, but he has not received any comments from him on the rest of the site plan. Ms Halibozek asked if it could be filled with unregistered vehicles. Attorney Petrella said that it is not to be a junkyard; you need a special permit to do that.

Mr. Hayward asked if the soil has been checked for contamination. Attorney Petrella said that it

would be tested if necessary and addressed. Mr. Hayward asked about the wetlands plan and Mr. Cassidy reviewed the plan.

Chairman Demetriades asked for public comments on the application. There were none.

**Motion** was made Alice Kelly, **seconded** by Michael Cannata to close the public hearing for Application #09-44. All were in Favor. *Motion Passes.*

**Motion** was made Ann Halibozek, **seconded** by Vincent Faienza to approve Application #09-44: Special Permit (Construction in the Special Flood Hazard Area) at 41 South Street. All were in Favor. *Motion Passes.*

**9. Old Business:** None

**10. New Business:**

a. Application #09-45: Site Plan Approval (Addition to Existing Building) at 41 South Street. MJ Property Management LLC, owner/applicant.

The discussion was presented under item 8d.

**Motion** was made Ann Halibozek, **seconded** by Michael Cannata to approve Application #09-45: Site Plan Approval (Addition to Existing Building) at 41 South Street. All were in Favor. *Motion Passes.*

b. Application #09-47: Modification to Site Plan Approval at 30 Country Squire Drive. Robert Breault, applicant; Premier Building and Development, owner.

George Smilas of Smilas Engineering representing the applicant explained that they wished to modify the site plan to realign the parking stalls to have more efficient use of the pavement and to add a second curb cut and it would add 9 spaces.

Mrs. Kelly expressed concern with all the entrances in and out on Country Squire Drive. Dr. Breault of Higganum, the applicant, spoke of the hours and the number of the staff.

Mr. Smilas described the plan of the parking area.

Mr. Cannata asked about the use of the building. Mr. Breault explained that the only use is a Dentist office.

**Motion** was made Vincent Faienza, **seconded** by Alice Kelly to approve Application #09-47:

Modification to Site Plan Approval at 30 Country Squire Drive with the condition of staff approval. All were in Favor. *Motion Passes.*

#### **11. Communications:**

The Commission discussed a letter from homeowners Joel and Tina Feehan regarding Northbrook Estates. Mr. Minor informed the Commission that the developer did not install the detention basin as designed, resulting in standing water and an unattractive appearance, which many of the residents are unhappy about. They are fearful that once all the bond money is released, the developer will not fix the detention basin. He recommended that the Commission not release anymore bond monies. The Commission discussed whether the changes were approved.

**Motion** was made Michael Cannata, **seconded** by Alice Kelly to ask the Town Engineer to come to the next meeting to address the letter regarding the Northbrook Estates concerns. All were in Favor. *Motion Passes.*

Mr. Minor was asked to tell the Town Engineer about this.

#### **12. Commissioners' Comments:**

- a. Zoning Regulations Committee Report:  
Mrs. Kelly reminded everyone that there is a Committee meeting tomorrow night.
- b. Ms Halibozek asked about the Home Occupation permits. Mr. Minor said there was one more that needed to be renewed and he would follow-up with that.
- c. The Commission discussed the fence issue brought up in public comments and that this isn't a zoning issue. Mr. Donen asked about Old West Street and Mr. Minor suggested the BOS and discussing it with them and their blight ordinance.
- d. Chairman Demetriades said that he would address the lack of Cease & Desist Orders and Status of Outstanding Permits reports with Mr. Mazurek again.

#### **13. Approval of Minutes:**

- a. June 16, 2009

**Motion** was made Alice Kelly, **seconded** by Ann Halibozek to approve the June 16, 2009 minutes. All were in Favor. (Donen, Hayward abstained) *Motion Passes.*

**14. Adjourn**

The meeting adjourned by general consent at 10:45.

Respectfully submitted,

Jennifer L. Donohue  
Clerk