

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

*PUBLIC HEARING AND REGULAR MEETING
7:00 P.M. TUESDAY, NOVEMBER 17, 2009
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET*

MINUTES AND RECORD OF VOTES

Present: Nicholas Demetriades, Vincent Faienza, Michael Cannata, Alice Kelly, Joseph Garafalo, Tom Madden, Thomas O'Neill, Peter Keithan, Alternate Linda Duren,

Also Present: Town Planner Craig Minor

Absent: Alternate Fred Hayward

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 none seated.

4. Approval of Agenda

Motion was made by Peter Keithan, seconded by Alice Kelly to approve the agenda.

Motion was made by Alice Kelly, seconded by Tom Madden to amend the agenda to move Item 9b before Item 9a under New Business. All were in Favor. *Motion Passed.*

Motion was made by Alice Kelly, seconded by Doug Sienna to approve the amended agenda. All were in Favor. *Motion Passed.*

Chairman Demetriades gave Mr. Keithan an opportunity to speak. Mr. Keithan made a motion for Chairman Demetriades to continue being the chairman of the Commission. It was explained to Mr. Keithan that the annual meeting is next month. Mr. Keithan retracted his motion.

5. Public Comments

Attorney Petrella of 630 Main Street asked if he could place an extension of filing for of the mylar for Northwoods Estates on the agenda. He expressed his concern with the timing issue, especially with no second meeting in December.

Motion was made by Alice Kelly, **seconded** by Joe Garafalo to add to the agenda under New Business the Extension of the Filing of the Mylar of Northwoods Estates. All were in Favor. *Motion Passed.*

Attorney Timothy Fitzgerald of Dwyer, Sheridan and Fitzgerald representing Country Squire explained that several views were shared regarding the Cobblestone project, but that there were items that needed to be agreed upon. The Commission agreed that they would have Attorney Fitzgerald speak during the Cobblestone discussion.

6. Development Compliance Officer Report:

a. Activity Report

Zoning Enforcement Officer Curtin reviewed his 11/17/2009 memo that he had given to the Commission.

Motion was made by Vincent Faienza, **seconded** by Alice Kelly to approve the bond release for 231 Shunpike Rd, 269 Main Street, and 35 South Street. All were in Favor. *Motion Passed.*

b. Status of Outstanding Permits

Mrs. Kelly asked why there was not an updated report. ZEO Curtin said that he had not had a chance to update the report, but would try to update it.

Mrs. Kelly asked why the CO was issued for CVS without the gunite being completed. Mrs. Kelly felt this should not have happened. ZEO Curtin disagreed. Chairman Demetriades asked for a report from Mrs. Kelly to have him forward with her concerns.

7. Town Planner Report:

a. Performance Bond Reductions and Releases: none

b. Public Hearings to be Scheduled:

1. Application #09-71: Special Permit (Religious Institution) at 110 Court Street. Bible Baptist Church, applicant; Premier Building and Development Inc, owner.

Motion was made by Alice Kelly, **seconded** by Tom O'Neill to schedule Application #09-71: Special Permit (Religious Institution) at 110 Court Street for December 1, 2009. All were in Favor. *Motion Passed.*

c. "Sidewalk Dining Policy"

Mr. Minor explained that this was information for the Commission on this policy.

d. "Incentive Housing Zone" technical assistance grant

Mr. Minor reviewed the grant and the decreased funding from the State. Mr. Minor has not had a chance to see if the process is still feasible with the reduced funding. Mr. Minor asked for

assistance from the Commission. Mrs. Kelly asked if there was a deadline. Mr. Minor will find out. Ms Duren asked if they should apply for the start of the project and ask for more in 2 years. Tom O'Neill read the legal notice into record.

Chairman Demetriades asked Mr. Minor for clarification on the Application and Mr. Minor suggested to do the applications together.

8. Public Hearing and Possible Action:

- a. Application #09-56: Special Permit (Rear Lot) at 78 Timber Hill Road. Gilbert and Marion Bironi, owner/applicant.
- b. Application #09-57: Resubdivision of 78 Timber Hill Road. Gilbert and Marion Bironi, owner/applicant.

Attorney Petrella of 630 Main Street representing the applicant agreed to presenting the applications together. Attorney Petrella explained that the Bironi's were looking to split a lot to create a rear lot. Attorney Petrella explained that the rear lot had access to water, sewer, police and fire services. Attorney Petrella explained that the outstanding issue would be does it fit with the neighborhood and that the applicants have made a nice entrance, which has curb appeal and provided a buffer without visual impact.

Jim Cassidy, a Professional Engineer for Hallisey, Pearson & Cassidy of 75 Coles Spring Rd Rocky Hill described the property and surrounding properties and landscape. Mr. Cassidy described Lot 1A as 19,128ft and the rear lot at 58,000 square feet, both within the regulations. Mr. Cassidy reviewed the distance between the houses and provided a picture showing driveway location to the house. Mr. Cassidy also reviewed a diagram option of building a road with a small cul-de-sac and rebuilding of a house.

Attorney Petrella clarified that the sign was posted properly and that the neighbors were notified by certified mail and that the driveway is not a right of way but a deeded part of the lot.

Attorney Petrella discussed a letter by a certified arborist hired by Mr. Bironi to address trees of interest. The letter was given to Mr. Minor. Mr. Bironi agreed to comply with the suggestion of the arborist of 10 to 20 feet from the trees. Mr. Minor suggested a conservation easement around the trees. Gilbert Bironi addressed the discussion of the concerned trees due to the distance from the property line. Mr. Bironi agreed to stake off the area as well so that machines don't go into the area. Mr. Bironi stated additional items would be addressed as well to protect property that had tree roots underneath. Mr. Minor asked that this be shown on the plans, so that the contractor knows about this. Mr. Minor's additional concerns had been addressed.

Chairman Demetriades asked for comment in support of the application.

Teresa Griffith of 14 Hicksville Rd supported the idea and felt it would be a nice addition to the neighborhood.

Charlie Tucker of 12 Hicksville Rd had no problem with the application and has no problems with his house and is for it.

Chairman Demetriades asked for comment opposed to the application. There was none.

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

Mr. Faienza asked if all issues regarding Inland & Wetlands were resolved. Attorney Petrella said they were all set.

Motion was made by Doug Sienna, seconded by Tom O'Neill to close the public hearing. All were in Favor. Motion Passed.

Motion was made by Alice Kelly, **seconded** by Peter Keithan to approve Application #09-56: Special Permit (Rear Lot) at 78 Timber Hill Road. All were in Favor. *Motion Passed.*

Motion was made by Alice Kelly, **seconded** by Joe Garafalo to approve Application #09-57: Resubdivision of 78 Timber Hill Road with the plans revised to show the 10ft area buffer recommended by the certified arborist. All were in Favor. *Motion Passed.*

9. Old Business:

a. Application #09-69: Extension of Site Plan Approval for "Evergreen Active Adult Development" on Willowbrook Road. Trilacon Development Corporation, owner/applicant.

Mrs. Kelly recused herself from discussion on this application.(Prior interest with the property)

Motion was made by Tom O'Neill, **seconded** by Joe Garafalo to seat Linda Duren. All were in Favor. *Motion Passed.*

George LaCava of 6 Corporate Row described the project and what still needs to be done, and that he is therefore requesting a five-year extension of his site plan approval. The major up front work has been completed. Mr. Cannata asked about the emergency access. Mr. LaCava explained that is part of the second phase when those units sell.

Motion was made by Doug Sienna, **seconded** by Tom Madden to approve Application #09-69: Extension of Site Plan Approval for "Evergreen Active Adult Development" on Willowbrook Road. All were in Favor. *Motion Passed.*

b. Application #09-61: Modification of Approved Site Plan ("Cobblestone Plaza") at 72 Berlin Road. Cobblestone Associates LLC, owner/applicant
Doug Sienna recused himself.

Motion was made by Vincent Faienza, **seconded** by Tom O'Neill to seat Linda Duren. All were in Favor. *Motion Passed.*

Motion was made by Vincent Faienza, **seconded** by Mike Cannata to reseat Alice Kelly. All were in Favor. *Motion Passed.*

Attorney Joe Williams of Shipman and Goodman of 1 Constitution Plaza Hartford discussed the site plans and revisions. Attorney Williams explained that the change is not to the top of the slope or the property line. Attorney Williams reviewed previous discussions and plans. Attorney Williams discussed the correspondence with the condo's and addressing their concerns. Attorney Williams submitted a copy of the landscape sketch and site plan to Mr. Minor and the Commission. Attorney Williams commented that he and Attorney Fitzgerald, the attorney representing Country Squire have been discussing several items and out of 7, they agree on four, somewhat agree on two, and don't agree on one. Attorney Williams reviewed a November 17th letter delivered email from Attorney Fitzgerald to Attorney Williams. Items 1 through 4 are agreed upon. On Item 5, after follow-up discussion, Cobblestone agrees to add a bottom rail for safety reasons. Cobblestone felt they have address aesthetics in other areas of the plan. Cobblestone does agree to the post and beam rail. On Item 6, Cobblestone is concerned that this option is not viable and they haven't been able to run it by Welti Engineering to be sure of its stability. On Item 7 there were some issues on the landscaping plan and Cobblestone felt that the landscape engineer did not propose such plantings, but were willing to work on the options.

Chairman Demetriades summarized the items with Attorney Williams for clarity on the issues. Attorney Williams asked for approval with landscape details worked out with the staff.

Attorney Timothy Fitzgerald of Dwyer, Sheriden, and Fitzgerald of 100 Sycamore Street Glastonbury asked that Item 6 be left to the Town Attorney and Engineering. Attorney Fitzgerald discussed that the buffer was removed with no notice to his clients and would like it remediated for the residential buildings.

Chairman Demetriades asked for clarification on the screening effects. Mr. Keithan felt that jersey barriers needed to be used and expressed and voiced his concerns and opinions.

Mrs. Kelly addressed Item 5 and referenced the wording of “inadequate, insecure, and unsightly”. Attorney Fitzgerald felt that the bar was not sufficient, especially in the center. Mrs. Kelly discussed Item 6 and referenced an August 5th letter. Mr. Minor discussed the buffer and that the applicant has not submitted plans for final approval. Mrs. Kelly stated that some sort of buffer was needed.

Jennifer Usher, an Engineer for BL Corporation addressed comments from Mr. Minor’s October 14th memo, which she responded on October 22nd. Ms Usher stated that she would like to address the trash receptacle during the building permit stage. Ms Usher said the handicap issue was all set and has submitted the building elevations. Ms Usher said the landscape could be provided but she wished to keep the sidewalk for safety. The trees were added to the plan. Mr. Minor expressed concern with leaving the trash containment until later because it cuts into the slope. Mr. Minor addressed the landscape plantings, by suggesting planter’s on the sidewalk.

Mr. Mazurek’s memo dated October 20th was addressed on November 2nd, but several of the items were geotechnical and forwarded to Welti Engineering. Ms Usher said that she has reviewed the memo with Mr. Mazurek regarding drainage concerns and there are still open issues.

Ms Usher addressed concerns with stormwater drainage prior to Liberty Bank’s opening. They would like to implement an intermediate grading and drainage plan. Ms Usher described the system compared to the permanent system.

Mr. Mazurek, Town Engineer, explained that the first time he saw the plan for this drainage system was tonight at 7pm. Mr. Mazurek’s felt it was over designed. It is just a detention basin with no pretreatment for water quality for first flush for the Liberty Bank. Mr. Mazurek questioned whether it would work during the winter.

Mrs. Kelly asked if this system was open and would it have a fence. The applicant confirmed it would.

Mr. Mazurek’s concerns with the project are that Welti Engineering be contracted to certify the design of the wall and phasing construction. Mr. Mazurek also wants Welti Engineering to be contracted to be inspecting during the construction and phase details, observe the construction. Mr. Mazurek felt that if Welti thinks it will work then he would like it certified.

Mrs. Kelly asked for some specifics from various reports. Mr. Faienza clarified that Cobblestone was going to retain Welti during construction of the project and provide reports to the staff.

Attorney Fitzgerald clarified Country Squire building numbers on the site plan.

Chairman Demetriades expressed frustration with lack of information prior to their meetings so the Commission could make decisions to move the project along. Chairman Demetriades stressed his concern with this project going on with the weather changing and erosion.

Mr. Minor and Mr. Mazurek were to come up with a list to give the applicant for the December 1st meeting and have submitted prior to the December 1st meeting. Mr. Snow felt that everything is out there just the details need to be worked out. Ms Usher said that they would present Item 6 to Welti tomorrow, regarding the buffer zone.

Mrs. Kelly asked how the landscape buffer was going to be addressed. Mr. Minor said it would be to her satisfaction.

Mr. Cannata discussed his concerns with the greenbelt buffer and stressed that the applicant needed to know the Commissions' concerns.

Mr. Keithan stressed concern for the people in the condo's that are close to the edge and the jersey barriers. Ms Duren felt that Welti should be contracted to oversee construction and that there should be a 20ft buffer on the Cobblestone side. Mrs. Kelly made a list of 8 items and reviewed each detail. Mrs. Kelly was going to email her concerns to Mr. Minor. Mr. Garafalo was concerned about this prolonging into the winter. Mr. Cannata said that he couldn't support temporary drainage, which could sit for years. Mr. Cannata also felt that Welti should design a buffer to the proper grades. Mr. Faienza wants to see this project get done and wants a proper, sensible plan. Mr. Madden said the shelf is a priority for Country Squire. Mr. Demetriades expressed concern for the drainage and would like a permanent solution and agrees with Mr. Mazurek's concern with hiring an observer. Mr. Demetriades also would like the dumpster location resolved. Mr. Cannata also felt there should be no CO for the Liberty Bank or an additional building permit until the hill was stabilized.

The staff should meet on Thursday. It was asked if Mr. Welti could attend the next Commission meeting. Ms Usher said due to Mr. Welti's age that he did not attend evening meetings. Continued until December 1, 2009.

10. New Business:

a. Application #09-72: Extension of Subdivision Approval for "Cider Hill" Subdivision at Evergreen Road. Cider Hill Associates LLC, owner/applicant.

Vincent Faienza recused himself. (a relative lives in the subdivision)

Patrick Snow of Cider Hill Associates explained the awful condition of the road and curbing. Mr. Snow said that he is trying to work out the repair with the contractor. The Commission expressed concern with the road not being fix at the end of the time. Mr. Snow said he needed time to fix it correctly and that rushing won't fix it properly.

Motion was made by Peter Keithan, **seconded** by Joe Garafalo to approve Application #09-72: Extension of Subdivision Approval for "Cider Hill" Subdivision at Evergreen Road. All were in Favor. (Faienza abstained). *Motion Passed.*

b. Extension of Mylar Filing for Northwoods Estates

Attorney Petrella of 630 Main Street explained that the applicant is working on a Developer's Agreement with the detention pond and is requesting an additional 90 days.

Motion was made by Tom Madden, **seconded** by Vincent Faienza to approve a 90-day extension for Northwoods Estates filing of mylars. All were in Favor. *Motion Passed.*

11. Communications:

- a. Planning Commissioners Journal #76, Fall 2009- No action-Information Only
- b. Letter from Clearwire re telecommunications facility at 84 Hicksville Road
No Action-Information Only

12. Commissioners' Comments:

- a. Zoning Regulations Committee Report

Mrs. Kelly said they are moving along quickly and she would be canceling tomorrow nights meeting due to the heavy meeting load.

13. Approval of Minutes:

- a. October 20, 2009

Addition under Public Comments:

Michelle Ceppagali of 113F Country Squire Dr, Treasurer, faxed and emailed a letter today and asked that the decision on Cobblestone be tabled until further review.

Motion was made by Alice Kelly, **seconded** by Joe Garafalo to approve the October 20, 2009 minutes with the addition. All were in Favor (Sienna abstained) *Motion Passed.*

14. Adjourn: The meeting adjourned by general consent at 10:02pm.

Respectfully submitted,

Jennifer L. Donohue
Clerk