

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, MAY 19, 2009
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

MINUTES AND RECORD OF VOTES

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

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

Absent: Michael Cannata and Alternate Linda Duren

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

Alternate Ann Halibozek was seated by general consent.

4. Approval of Agenda

Add

Item 7a. Performance Bond Release for "Sovereign Ridge"

Delete

10b. Site Plan Approval for "Liberty Bank Drive-Through Lane"

Motion was made Alice Kelly, **seconded** by Thomas Madden to approve the agenda with the addition and deletion. All were in Favor. *Motion Passes.*

5. Public Comments

There was none.

6. Development Compliance Officer Report:

a. Activity Report

A copy of the April Activity report dated 5/14/09 was in the packet.

Mr. Demetriades stated that Mr. Curtin had notified him that he would not be at the meeting tonight.

Mr. Keithan stated that he had received complaints from the condos about Rookies going past its time with noise. Mr. Keithan also complained about parking on Crest Drive to the Police Department and about a resident who has a commercial truck with letters on it parked in their driveway.

Mrs. Kelly expressed concern for the silt fencing along Willowbrook Road and asked whether the new places along Country Squire Drive are in compliance with their buffers. Mrs. Kelly pointed out that the regulations state that the silt fence should be in good repair and discussed that if it is not then it is in violation and pointed out specific instances, such as Willowbrook and Old West Street. Mrs. Kelly also asked about the numerous signs at the front of the transfer station road. Mrs. Kelly would forward an email to staff of her concerns.

Ms. Halibozek expressed concern with the multiple signs along Berlin Road. Mr. Donen inquired about Cider Hill Road and looked for follow-up on his previous inquiry to his concern with open space. Mr. Donen also would like clarification on the noise ordinance for construction projects as he has heard complaints about projects continuing into Friday night.

- b. Status of Outstanding Permits No Report

7. Town Planner Report:

- a. Performance Bond Release for "Sovereign Ridge

Mr. Minor discussed that the developer had discovered remaining funds and that all items had been addressed. The homeowners did not want the additional trees, so the additional funds could be released.

Motion was made Steve Donen, **seconded** by Thomas Madden to release \$2150 performance bond for Sovereign Ridge. All were in Favor. **Motion Passes.**

- b. Public Hearings to be Scheduled: None.

- c. "Head Start" at Edna C. Stevens School

Mr. Minor gave the Commission some information on the program. No action necessary.

8. Public Hearing and Possible Action:

Thomas O'Neill read the legal notice into record.

- a. Application #09-25: Special Permit (Construction in the Special Flood Hazard Area) at 39 Pasco Hill Road. Richard Gilbert, applicant; Buzzard Investment Group Inc., owner.

Pat Gorman, principal member and engineer for LRC, Inc., representing the applicant described the parcel and the contractor's garage in the rear of property and the replacement of the culvert. Mr. Gorman explained their Inland and Wetlands approval. Mr. Gorman described the proposed future greenhouse with 16 parking spaces. Mr. Gorman discussed the removal of 2 trees. Mr. Gorman renumbered the plans, as requested by Mr. Minor. Mr. Gorman reviewed the flood zone and the flood storage capacity and described the culverts. Mr. Gorman stated that they met the setback requirements and buffers and described the fencing.

Mr. Gorman stated that they are in compliance with Town Regulation Section 12 in response to Town Engineer Joe Mazurek's email. Mr. Gorman commented that all cabinets, etc. would be 18" above the 1st floor to protect from flood. Mr. Gorman submitted a letter dated May 16 addressing Joe Mazurek's comments. Mrs. Kelly asked where a copy of Joe Mazurek's email was and asked for copies in the future. Mr. Gorman addressed the fact that there is not a problem with Section 12, they are just trying to document that they are in compliance.

Mr. Gorman commented that if police or staff sees an issue with trees they would gladly take down the necessary trees.

Chairman Demetriades asked for public comment. There was none.

Motion was made Thomas Madden, **seconded** by Thomas O'Neill to close the public hearing for Application #09-25:Special Permit (Construction in the Special Flood Hazard Area) at 39 Pasco Hill Road. All were in Favor. *Motion Passes.*

Motion was made Alice Kelly, **seconded** by Thomas O'Neill to approve Application #09-25: Special Permit (Construction in the Special Flood Hazard Area) at 39 Pasco Hill Road with condition of (1) Town Engineer deems acceptable the statement provided by the applicants certifying that Special Flood Hazard Regulations (Section 12) have been met. All were in Favor. *Motion Passes.*

9. Old Business: None

a. Application #09-26: Site Plan Approval (Garage, Storage Yard and Greenhouse) at 39 Pasco Hill Road. Richard Gilbert, applicant; Buzzard Investment Group Inc, owner.

Pat Gorman of LRC, Inc., representing the applicant, explained that the application conforms to the regulation and that they would meet staff requirements.

Mr. Gorman explained that there would be no bathroom there and that they would use the existing well and would use the existing utility poles. They would use a wooden stockade fence.

Motion was made Peter Keithan, **seconded** by Alice Kelly to approve Application #09-26: Site Plan Approval (Garage, Storage Yard and Greenhouse) at 39 Pasco Hill Road. All were in Favor. *Motion Passes.*

- b. Application #09-34: Use Permit (Gateway Signage) at 45 Shunpike Road. Town of Cromwell, applicant; Shunpike West LP, owner.

No action.

10. New Business:

- a. Application #09-35: Use Permit (Gateway Signage) at 161 Berlin Road. Town of Cromwell, applicant; Infinity Cromwell Properties LTC, owner.

Motion was made Alice Kelly, **seconded** by Thomas Madden to deny Application #09-35: Use Permit (Gateway Signage) at 161 Berlin Road. Town of Cromwell due to its inconsistency with other existing or proposed gateway signs. All were in Favor. *Motion Passes.*

It was recommended the applicant bring the sign before EDC for suggestions and consistency.

- c. Application #09-37: Add "Open Space Plan" to POCD. Conservation Commission, applicant.

Mr. Minor suggested the Commission look at the plan and if the Commission found it acceptable that it could be forwarded to the Board of Selectman. Mrs. Kelly suggested that the zoning regulations consultant Jason Vincent look it over for conflicts with the land use table.

Motion was made Alice Kelly, **seconded** by Vincent Faienza for the "Open Space Plan" be forwarded to the consultant. All were in Favor. *Motion Passes.*

11. Communications:

- a. *Planning Commissioners Journal*, Number 74 Spring 2009.
For information, no action taken.

12. Commissioners' Comments:

- a. Zoning Regulations Committee Report

Mrs. Kelly stated that they would not be meeting this month, but asked that everyone look over the land use documents because Land Use would be discussed at the June 25th meeting.

13. Approval of Minutes:

a. May 5, 2009

Correction: Page 10, under Application #09-32, Mr. Keithan voted In Favor of the Application.

Motion was made Vincent Faienza, **seconded** by Joe Garafalo to approve the May 5, 2009 minutes with corrections. All were in Favor. (Halibozek abstained). *Motion Passes.*

b. May 9, 2009

Motion was made Alice Kelly, seconded by Thomas O'Neill to approve the May 9, 2009 minutes. All were in Favor. (Madden, Donen abstained) Motion Passes.

14. Adjourn

Motion was made Alice Kelly, seconded by Thomas Madden to adjourn the meeting at 7:50pm. All were in Favor. *Motion Passes.*

Respectfully submitted,

Jennifer L. Donohue
Clerk