

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING AND PUBLIC HEARING
7:00 P.M. TUESDAY, OCTOBER 20, 2009
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET**

RECORD OF VOTES

Present: Nicholas Demetriades, Vincent Faienza, Michael Cannata (arrival 7:11pm), Alice Kelly, Steve Donen, Joseph Garafalo, Tom Madden, Thomas O'Neill, Peter Keithan, Alternate Ann Halibozek, Alternate Linda Duren, and Alternate Fred Hayward

Also Present: BOS Liaison Richard Waters, Zoning Enforcement Officer Fred Curtin, and Town Engineer Joe Mazurek

Absent: Town Planner Craig Minor(Excused)

1. Call to Order

The meeting was called to order at 7:03 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 Peter Keithan, **seconded** by Vincent Faienza to approve the agenda. All were in Favor. *Motion Passed.*

5. Public Comments

Richie Waters of 84 South Street, expressed concern with Apple Road in the Cider Hill Division. Mr. Waters explained that the roads are disgusting and should be addressed. Mr. Waters also stated that he felt that no CO should be issued for the bank at the Cobblestone project until everything is fixed properly. Mr. Waters also discussed the property at 2 Wall Street and his reasons why it shouldn't go forward.

Frank Iudiciani of 4 Wall Street expressed that 2 Wall Street is a dead zone and felt that it would become a parking lot for the bar and hoped that it would become something more productive. Mr. Iudiciani discussed the historical aspect of the property and hoped that the line would be drawn.

Mryon Johnson of 16 Pleasant Street, explained that the Town is in the process of trying to purchase the property and that the his opinion is that the Town has invested a lot of monies into the downtown and every now and then government has to intervene into the private sector and he

thinks the timing is right.

Sarah Perhala of 121F Country Squire Drive addressed her letter that she submitted to the Commission (a copy attached to these minutes). Ms Perhala expressed concern with the buffer and her safety. Ms Perhala stated that an attorney had been retained regarding the boundary issue.

Tom Witkowitz representing his Aunt Barbara of 121B Country Squire Drive expressed disbelief that the Cobblestone project has gotten as far as it has and that it is hard to project what has been ruined. He asked that the CO be held back.

6. Development Compliance Officer Report:

a. Activity Report

Zoning Enforcement Office Curtin reviewed his 10/13/09 memo with the Commission. Ms Halibozek asked for clarification on the buffer issue of the three developing lots along Country Squire Drive and the over clearing of a buffer by a contractor and a revised landscape plan. Mr. Snow, the developer for the project explained the buffer between the lots. It was determined there was still an issue with the buffer between the condos. Mr. Snow was going to take a look at and see if that plan had been revised.

b. Status of Outstanding Permits

Mrs. Kelly asked that the report be clearer with updates and gave examples such as the Viola property and the bond posting for Cobblestone. Mr. Demetriades asked if Mrs. Kelly could work on the reports with Mr. Mazurek.

7. Town Planner Report:

a. Performance Bond Reductions and Releases: none

b. Public Hearings to be Scheduled: None

8. Public Hearing and Possible Action:

a. Application #09-54: Amendment to Section 11.1 (Landscaping) of the Zoning Regulations. Planning and Zoning Commission, applicant.

Tom O'Neill read the legal notice into record.

Town Engineer Joe Mazurek reviewed the change to the regulation of front yard requirements. Mrs. Kelly clarified the language for a corner lot.

Chairman Demetriades asked for Public Comment. There was none.

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

Motion was made Steve Donen, **seconded** by Alice Kelly to approve the Amendment to Section 11.1 with the understanding that a corner lot is 2 front property lines. All in were in Favor. *Motion Passed.*

9. Old Business:

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

Attorney Joe Williams of Shipman and Godwin explained that the applicant was looking to modify the site plan and replace the retaining wall with riprap. Attorney Williams explained that there are some concerns with the neighbors and that the neighbors have asked to hold on a decision until Mr. Snow has met with the Association. Attorney Williams explained that the plan does not address this area but that Mr. Snow was working on addressing the landscape concerns and hopes to have this resolved by the next meeting.

Mr. Donen was not opposed to waiting but was concerned with the engineers' comments and waiting until further into winter. There was some discussion on Mr. Snow's permits and his ability to do any excavating work after October 5th. Attorney Williams explained all excavating was done by October 5th.

Jennifer Usher, an Engineer from BL Corporation addressed Town Planner Craig Minor's October 14, 2009 Memo of concerns to Pat Snow. Ms Usher stated that they have one more than the required space, the plan has been revised to show the trees, and the landscape concerns have been addressed. Ms Usher said they would like to present the building when they have a tenant but it would be similar to the façade of the CVS.

Mr. Keithan expressed his concern for the slope. Ms Usher remarked that Country Squire had built up to their property line. There was some discussion regarding drainage.

Mrs. Kelly asked for clarification on who Ms Usher had been communicating with at the condos. Ms Usher said that she had spoken to Sarah several times. Ms Usher discussed placing a curb to stop water from running down the slope and having it entering a catch basin. Mrs. Kelly expressed concern with the Cobblestone project endangering the Country Squire property. Mrs. Kelly discussed the disturb contours. Ms Usher commented that sometimes you have to destroy to rebuild.

Mr. Garafalo asked for clarification on what happened. Mr. Snow said he wasn't sure. Mr. Snow said they were working together but just got the letter today regarding the attorney. He stated that they have not seen the landscape plans they have created yet.

Mr. Cannata asked about the slope drainage. Ms Usher discussed the flows and peak flows. Mr. Cannata questioned if they could meet the flows when the slope had vegetation before and now it is just a flat slope.

Mr. Cannata asked about a letter from July 22, 2009 from Welti that reference that the borings showed a lack of bedrock. Mr. Cannata asked if he represented otherwise. Mr. Snow said he was not aware of such. Mr. Cannata showed Mr. Snow the correspondence. There was discussion regarding the process and the plans. Ms Usher discussed the borings. Mr. Cannata asked if Welti did the borings in 2004. Mr. Snow said he did.

Mr. Cannata asked how much rock was going to have to be brought in to achieve the design. Ms Usher did not know. Mr. Cannata asked for that for the next meeting.

Mr. Donen commented the basically developing the cliff right is moral and right and to take care of the as ethics and safety.

Chairman Demetriades called a recess at 8:25pm.

Meeting resumed at 8:30pm.

Mr. Donen reinforced his comment about a huge obligation with safety and aesthetics.

Ms Halibozek asked about 12.3.b and architectural renderings. Ms Usher explained that they were looking for administrative approval on this for site plan approval. Ms Halibozek expressed concern that they did not have a complete application. Ms Halibozek was curious what the Town Engineer's comments were. Ms Halibozek asked for further 11.1.d.5.a clarification.

Chairman Demetriades asked about the wording on the buffer. Mr. Demetriades explained that Mr. Snow may have encountered a soft buffer and may need a variance.

Mr. Keithan asked that an agreement be put in writing with the condo association.

Mrs. Kelly asked when the wall was going to be constructed. Mr. Snow said that it would be started once he received his approvals. Mr. Snow would call the contractors and begin to get his schedule together.

Mrs. Kelly read a memo from 2008 regarding concerns with the project. Mr. Snow said those

items have not been done but they have been checked.

Rosemary Aldridge, a landscape architect, explained that she was asked by Mr. Snow to look at proposed plantings on the Country Squire property. Ms Aldridge said she would like to provide evergreens. Ms Aldridge did a cross section to determine the height of the trees and reviewed the cross sections. Ms Aldridge was trying to screen the impact of buildings, rooftops, and the road below. Some ideas she had for Building 9 were Blue Spruce, American Arborvitae, and Skyrocket. She suggested moving the dumpster and providing more screening. She would like to extend the guardrail by Building 10 with Skyrocket and Juniper, and lawn. She felt near Building 11, a 7 ft wide lawn with a dense band of evergreens and large rhododendrons.

Mr. Madden asked about the curbing and expressing concern for more guide rail.

Mr. Hayward discussed possible other trees due to a variety of concerns such as insects, disease, etc. A suggestion was a Ginkgo.

Ms Duren asked what the guardrail was made of. Ms Aldridge said it was a post and beam to match what was up there currently.

Mr. Keithan would like to see jersey barriers. Ms Aldridge explained that there are several barriers designed to the standards by DOT.

Chairman Demetriades stressed that safety is the biggest concern.

Mrs. Kelly asked for clarification on where the plants where to be placed.

Ms Halibozek asked about the fence coming down. Mr. Snow clarified that the fence is not coming down.

Attorney Williams stated that they would like to continue with a landscape agreement.

Town Engineer Joe Mazurek passed out his review to the Commission and to Mr. Snow. Mr. Mazurek discussed Item 3 and his concern with the drainage. Mr. Mazurek would like input from Welti and Haley and Aldridge. Mr. Mazurek discussed his concerns with comparing this project to a Danbury project. Mr. Mazurek discussed guide rails along the back of the property along County Squire.

Mr. Cannata asked Mr. Mazurek his thoughts on completion of the detention. Mr. Mazurek said that something has to treat it, whether the entire system or drainage. Mr. Cannata asked whether he thought the entire system should be in place plus the asphalt. Mr. Mazurek said he would have to take a look at it, and maybe what portion of asphalt but that traffic pattern was also a

concern.

Chairman Demetriades reviewed with Mr. Snow some of the concerns and issues: resident's access to property, plantings, erosion control, guard rail, drainage, ZBA variance, rip rap composition, and architectural renderings. Mr. Snow asked for clarification on the architectural drawings.

Motion was made Steve Donen, **seconded** by Alice Kelly to table Application #09-61 until the November 17th, 2009 meeting. All were in Favor. *Motion Passed.*

10. New Business:

a. Application #09-62: Sec. 8-24 Referral from the Board of Selectmen regarding acquisition of the property at 2 Wall Street.

Town Engineer, Joe Mazurek explained that a need had been identified through a Center Study for additional parking. This parking would be entirely municipal or with a joint development. Mr. Mazurek explained the Town is looking to enhance the parking downtown.

Mr. Keithan expressed concern with the monies and that it would not help. Mr. Mazurek stated what the Commission was to do as a need for parking.

Ms Halibozek asked if it was on the blight list and stated that something should be done with it.

Mr. Mazurek said that it was his understanding that monies were available for its purchase.

Mrs. Kelly asked for clarification.

Mr. Garafalo asked why the Town didn't buy it before, why did they wait until the price went up.

Mr. Mazurek discussed the potential of a building be built and this lot would enhance and create revenue.

The Commission discussed parking and a variety of theories downtown.

Mr. Faienza asked about environmental issues and concern with approval without knowing the property.

Mr. Donen explained that other Boards and Commissions had spoken with him and expressed concern with monies and other issues. Mr. Donen would like to see the bigger plan.

Chairman Demetriades asked what direction the Town would take.

Mr. Cannata would like to know EDC comments and a chance to read the POCD.

Mr. Hayward left at 10:12pm.

Motion was made Michael Cannata, **seconded** by Joe Garafalo to table Application #09-62 until a report was received by the Economic Development Commission. (In Favor, Keithan, Garafalo, Cannata, and Faienza) (Opposed, Kelly, Donen, O'Neill, Madden, Demetriades) *Motion Failed*.

Motion was made Steven Donen, **seconded** by Tom O'Neill to approve Application #09-62 and recommend Sec. 8-24 referral due to consistent with POCD. (In Favor, Kelly, Donen, O'Neill, Madden, and Demetriades) (Opposed, Keithan, Garafalo, Cannata, Faienza) *Motion Passed*.

b. Application #09-60: Modification of Approved Site Plan (Professional Office Building) at 630 Main Street. Salvatore J. Petrella, owner/applicant.

Attorney Salvatore Petrella of 630 Main Street explained that he was making no changes to the building. He was just changing the traffic flow to make it safer. No longer would traffic be able to exit directly onto Main Street.

Linda Duren and Ann Halibozek left at 10:19pm.

Motion was made Peter Keithan, **seconded** by Alice Kelly to approve Application #09-60: Modification of Approved Site Plan (Professional Office Building) at 630 Main Street. All were in Favor. *Motion Passed*.

c. Application #09-68: Temporary Use Permit for Fair at 33 Prospect Hill Road. Holy Apostle College and Seminary, owner/applicant.

Teri Ceplinski of 1 Diane Drive, representing the applicant explained the application for the fair they host every other year at Holy Apostles.

Motion was made Michael Cannata, **seconded** by Joe Garafalo to approve Application #09-68: Temporary Use Permit for Fair at 33 Prospect Hill Road. All were in Favor. *Motion Passed*.

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

No Action.

e. Application #09-70: Request from The River Highlands homeowners association to allow limited on-street parking there.

Mike Ferlick of the River Highlands Association explained that the Association was exploring the possibility of on-street parking.

Mr. Madden asked if it had been before the Association. Mr. Ferlick said that it has not been formally voted on yet. Mr. Madden asked if the fire department has been involved yet. Mr. Madden also expressed that he did not like to second judge previous commission decisions.

The Commission agreed that input was needed from the Police and Fire Chief.

Motion was made Steve Donen, **seconded** by Alice Kelly to support River Highlands to develop plans that allow limited on-street parking that supports public safety. All were in Favor. *Motion Passed.*

11. Communications: None.

12. Commissioners' Comments:

a. Zoning Regulations Committee Report

Mrs. Kelly thanked Commissioner's for their support on Thursday night. Mrs. Kelly said she hoped to get thru Chapter 6 at the next meeting.

b. Mrs. Kelly expressed concern with the Special Permit for Cobblestone and that the crushers are still going. Mrs. Kelly asked Mr. Curtin to look into the dates for the permits.

13. Approval of Minutes:

a. September 1, 2009-No Action

b. September 16, 2009

Addition on Page 2, to the Motion regarding Application #09-66, Mrs. Kelly abstained due to her conflict with the Sewer Authority.

The minutes were from the Special Meeting on September 16th were approved by general consent with Steve Donen, Tom Madden, and Tom O'Neill abstaining.

14. Adjourn

The meeting adjourned by general consent at 10:34pm.

Respectfully submitted,

Jennifer L. Donohue
Clerk