



## Town of Cromwell Planning and Zoning Commission

**REGULAR MEETING**  
**7:00 P.M. TUESDAY JULY 19, 2016**  
**ROOM 224 CROMWELL TOWN HALL 41 WEST STREET**  
**Minutes and Record of Votes**

**Present:** Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Paul Cordone, David Fitzgerald, Jeremy Floryan, Ken Slade

**Absent:** Brian Dufresne, Ken Rozich, Rich Waters

**Also Present:** Director of Planning and Development Stuart Popper, Zoning Compliance Officer Fred Curtin, Town Council Liaison Ed Weners

### **1. Call to Order**

The meeting was called to order by Chairman Kelly at 7:01pm.

### **2. Roll Call**

The presence of the above members was noted.

### **3. Seating of Alternates**

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to seat Dave Fitzgerald as an alternate. *All were in favor; the motion passed.*

### **4 Approval of Agenda**

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to amend the agenda to move item 8c. to be moved to be discussed after public hearing for item 9b. *All were in favor; the motion passed.*

### **5. Public Comments - none**

### **6. Development Compliance Officer Report:**

Mr. Curtin reviewed his report dated July 11, 2016. He said the Kirby Road violations have been taken care of and they have 6 months to finish up.

Mr. Cambareri asked about temporary signs for the golf tournament since the dates are different

this year. Mr. Curtin said they can be up for one month – 2 weeks prior and 2 weeks after so we are almost there now.

## **7. Town Planner Report:**

Mr. Popper said that the retaining wall behind the sign at the Town Hall will be brownstone to match the building. He said this room does have new technology for presentations but he does not know how to use it yet. Chairman Kelly said she is delighted it is here and she hopes they get the appropriate people trained. Town Council Member Ed Wenners said it also included new microphones and is a better system.

## **8. New Business:**

- a. Application #16-20; Request for a Site Plan Modification to install parking at 6 Kirby Road. Elias DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.

Mr. Popper said the Town Engineer has signed off on his comments requesting changes.

Jack Guilmartin, Surveyor said he was retained by Mr. DiMichele after he received the cease and desist order to stop making parking spaces. He said that Mr. DiMichele hired him to develop a plan. He said the building is a first floor commercial space and the second floor is residential. He said there is no defined area to park for tenants or customers. He said the whole neighborhood is commercial with only 4 ½ residential houses. He said they would like to move tenant spaces separate from business use. They will also pave gravel areas and some additional areas. He said they did go to the Town Council to ask to park in the right of way. Mr. Guilmartin handed out a map of the lot dated July 11, 2016 and said it mimicked two other businesses way of parking. He showed employee parking in the back. He said the commercial use is a barber shop with 2 employees. He said it is a 10,765 square foot lot in a highway business zone right behind the Cromwell Diner.

Mr. Popper said that an alternate proposal was front yard parking but Jon Harriman wanted to avoid backing out into the road. Mr. Guilmartin said there is very little traffic on this road with good site lines. Mr. Popper asked Mr. Guilmartin to describe the signs and said they will have to meet zoning regulations.

Elias DiMichele said there will be a 2 x 10 sign on the north side facing Route 372 on the lower half of the roof. He said he will also propose a sign in front of the house over the entrance door. Mr. Popper said Mr. Curtin would approve this signs based on the zone they are in.

Mr. Popper told the Commissioners that they are proposing 3 spaces in front or 2 spaces with a k turn into a driveway. He asked what they prefer. He said 8 spots would meet the requirement but they are asking for 9.

Mr. Cannata said he is not a fan of backing into the street but it is probably least invasive here. Mr. DiMichele said that extra spot would be of use. Mr. Cannata said than we can approve 3.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-20 and allowing 3 stalls in front as one option presented as long as rest of Town Engineers concerns are met. *All were in favor; the motion passed.*

b. Application # 16-27 Request to modify the Site Plan by installing an Advanced Auto Parts store at 76 Berlin Road (aka Cobblestone Plaza). Catapano Engineering & Architecture P.C. is the Applicant and Cobblestone Associates LLC is the Owner.

Mr. Popper said there is a memo dated July 19, 2016 with some concerns which the applicant has no problems addressing. He said I think you will be pleased with this application.

James Galella of Catapano Engineering said this is a 9 ½ acre complex with 1200 feet of frontage. He said there is a steep slope. He also said there are 4 acres that are unusable and 2 acres unoccupied.

Mr. Galella handed out the site plan and said there is an existing underground storm water detention system in front of CVS and one in front of the proposed Advanced Auto site. He said they are proposing a 7,000 square foot building with the hours of Monday – Saturday 7:30am – 9:00pm and Sunday from 8:00am – 7:00pm. He said they are proposing 42 parking spaces which are the requirement and the site plan does meet zoning requirements. He said there would be 8 area lights and 14 wall mounted lights. He said he can shield the lighting but didn't think these would bother anyone. He said they will mimic the landscaping of CVS and Liberty Bank so they are asking for a waiver to the landscape architect. Mr. Galella explained the architect design and the proposed building sign. He said they would be separate channel letters. He also said they would have an insert in the Cobblestone plaza sign. He also explained the curbing.

Mr. Popper said they are very pleased with the building and they have been very cooperative. He said the building will match the CVS and Liberty building so we are very pleased. He asked Mr. Galella to talk about the color of the sign and the brick banner on the building. He also asked them to discuss the fence behind the stores and the jersey barriers.

Mr. Galella said we would plan to remove the jersey barrier. Mr. Cannata said that is part of the original site plan and should not be removed.

Mr. Popper said that Mr. Welty is going out to the site in August and I will make that inquiry and ask him for a formal comment.

There was a discussion on the exit and entrance. Chairman Kelly asked if the dumpster will be enclosed and Mr. Galella said yes.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to grant a waiver to require a landscape architect for application 16-27. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-27 as shown on plans dated July 7, 2016 with the conditions set forth in memos dated July 19, 2016 from Fred Curtin, Stuart Popper and Chief of Police. *All were in favor; the motion passed.*

c. Application #16-30: Request for a Site Plan modification to install hoop houses and grade to install a landscape berm at 600 Main Street. Three Sons Realty LLC (dba Prides Corners Farm, Inc.) is the Applicant and Millane Nurseries is the Owner.

*Approved after application 16-29 was heard at a public hearing.*

d. Application #07-23: Pond View Subdivision Request for Release of Letter of Credit for \$106,617.55. T&M Building Company Inc. is the Applicant and the Owner.

Mr. Popper said both roads have been accepted as Town roads.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to release the letter of credit in the amount of \$106,617.55 to T&M building company. *All were in favor; the motion passed.*

e. Application #10-44: 196 Coles Road Resubdivision. Request to Release a portion of the \$2,800 bond. JWV Associates is the Applicant and Owner.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to release \$1,000 to JWV Associates. *All were in favor; the motion passed.*

## **9. Public Hearing:**

a. Application #16-22: Request for a Special Permit to allow for the construction of more than 1000 square feet of garage space at 134 Coles Road. Paul S. Zigmont is the Applicant and the Owner.

Mr. Cordone reads the public hearing dated June 30, 2016.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to open the public hearing for application 16-22. *All were in favor; the motion passed.*

Attorney Kristen Lynn of 630 Main Street said she wanted to clarify the address is 136 Coles Road not 134 as the agenda reads. She said the signs have been posted and handed Mr. Popper the affidavit and said the neighbors have been notified. Attorney Lynn said that Attorney Petrella requested a waiver of the site plan requirement in a letter to the Commissioners dated May 25, 2016. She said they are proposing a garage that is 1140 square feet and showed the property on a map. She said the set-back requirements are met and handed out photos showing the vegetation around the property. She said the purpose of the garage is to store antiques and collectibles. She said this would enable Mr. Zigmont to consolidate storage bins and he has already removed one shed from the property. She said this garage is solely for personal use and there will not be any

business activity in the garage. She said another shed does exist on the property and that will remain. Attorney Lynn showed that shed on the map.

Paul Zigmont said the shed will stay and is repaired. He said the garage will be behind the fence. He said he would access the garage within the existing driveway.

Mr. Popper said this is a large lot and they don't have to worry about coverage ratio. He said it is up to Commission if you want him to remove existing sheds since this is a special permit. He said the garage would require a building permit.

Chairman Kelly asked if any members of the public wanted to speak regarding application 16-22. No one came forward.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public hearing for application 16-22. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to grant a waiver for a site plan requirement and survey. *All were in favor; the motion passed.*

Chairman Kelly said she would like the shed to be removed when the new garage is up. Mr. Cannata said that no neighbors came tonight so this is not an issue for him.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-22. *All were in favor; the motion passed.*

b. Application #16-29: Request to Re-subdivide 600 Main Street into 2 lots. Prides Corners Farms, Inc. and Garden's Dream Farm, LLC are the Applicants and Millane Nurseries in the Owner.

A recess was called at 8:20pm and the meeting was called back to order by Chairman Kelly at 8:25pm.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to open the public hearing for application 16-29. *All were in favor; the motion passed.*

Kevin Johnson submitted the certificate of mailings and said the sign had been posted. He said this is property of Millane Nurseries which they are in the process of selling and they have 2 buyers. He said they are looking to subdivide into 2 lots. The smaller lot would be Garden Dream and the bigger lot would be Pride Corners Farm. He said 604 Main Street is not part of this application. He said they are proposing an easement for a shared driveway. He said there is a large gully so they would remove trees, re-grade and fill in the low depression areas to construct hoop houses. He showed pictures of hoop houses and explained the drainage system.

Mr. Popper said this is a pretty straight forward large site. He said the larger lot is 30 acres to the

South and will be nurseries and buildings. The smaller lot to the North will be retail. He said the nature of use hasn't changed. He said use of farm is permitted in the R-25 zone. He said the public hearing is only for the re-subdivision of property not for application 16-30 and the hoop houses and landscape berm.

Chairman Kelly asked for any members of the public who wanted to speak regarding application 16-29.

Patty Turner, 4 Marlin Heights asked if she will see the hoop houses.

Mr. Johnson said no, she will not.

Dick Coughlin, 19 Glenwood Terrace asked them to show the audience the hoop houses. Mr. Johnson did so.

Mr. Coughlin asked how many times the property has been subdivided. Mr. Popper said there is no limit on how many times you can subdivide as long as each piece meets zoning requirements.

Mike Cornett, 599 Main Street asked about truck traffic bringing fill to the property.

Mr. Johnson said that there won't be any fill materials coming in or leaving. He said the nursery operations will be built with on-site materials.

Mr. Cornett asked if wholesale operations will continue like they do now.

Mark Slew, Pride Corners Farms said that they will receive deliveries from out of state and from their Lebanon, CT location. He said it will be seasonal and during normal business hours of 7:00am – 5:00pm.

Mr. Cornett said that trucks idle overnight with deliveries. Mr. Slew said they will work hard to reduce that issue and will try to keep people happy.

Michael Millane, 34 Field Road said they don't plan on using Field Road since he will sell that to someone other than Pride's Corner. He said they will expect fewer deliveries from the West Coast.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to close the public hearing for application 16-29. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-29. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-30. *All were in favor; the motion passed.*

Mr. Popper thanked the Millane's for everything and he welcomed Garden's Dream and Pride's Corner.

c. Application # 16-28 Request to Amend Section 7.1.A.3 (1) (2) Non-Conforming Use and Structures and Section 10.4.E.2 Variance Procedures of the Zoning Regulations. The Town of Cromwell Planning and Zoning Commission is the Applicant.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to open the public hearing for application 16-28. *All were in favor; the motion passed.*

Mr. Popper said this came about from the Knights of Columbus application on Main Street. He said he has discussed with the Town Attorney that no other business can go in there or in any other business in a residential zone. He said there are a number of non-conforming businesses in a residential zone. He said only the exact same non-conforming use can go in. He said that just because someone applies for a variance doesn't mean they will get it. He said the Attorney agreed with this and CROG was notified. Mr. Popper reads the River Cog comments from July 12, 2016 which said this had no significant impacts. He said another example would be Cromwell Concrete.

Chairman Kelly said that variances should be granted very sparingly and the State of CT courts say this. There was a discussion on variances that come up most frequently. Mr. Popper said we can go back and fine tune the regulations. He said we have made many houses non-conforming. Mr. Popper said these applications would still need a change of use permit so we would still need to approve them. Mr. Popper said we can always continue the public hearing so we can ask the Town Attorney for any restrictions that could protect any surrounding uses.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to close the public hearing for application 16-28. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-28 by amending Section 7.1.A.3 (1) (2) Non-Conforming Use and Structures and Section 10.4.E.2. *All were in favor; the motion passed.*

#### **10. Approval of Minutes:**

a. June 21, 2016

A **motion** was made by Michael Cannata and **seconded** by Dave Fitzgerald to approve the minutes of June 21. *All were in favor; Paul Cordone abstained; the motion passed.*

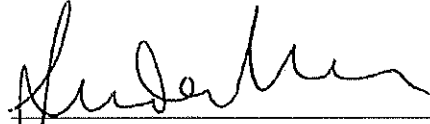
#### **11. Commissioner's Comments:**

#### **12. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 9:17pm. *All*

*were in favor; the motion passed.*

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Linda Imme', written over a horizontal line.

Linda Imme  
Recording Clerk