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JoAnn Doyle
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J.D.

**TOWN OF CROMWELL
PLANNING AND ZONING
REGULAR MEETING
7:00 P.M. THURSDAY NOVEMBER 7, 2019
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
MINUTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Paul Cordone, Chris Cambareri, Nick Demetriades, Jeremy Floryan, and John Keithan

Absent: Mo Islam, Brian Dufrense, Ken Rozich, and Kenneth Slade

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Office Bruce Driska, Town Attorney Kari Olson and Commission Clerk Sherry McGuire

1. Call to Order: The meeting was called to order by Chairman Alice Kelly at 7:03 PM.

2. Roll Call: The presence of the above members was noted.

3. Seating of Alternates:

Vice Chairman Michael Cannata made a motion to seat John Keithan; Seconded by Chris Cambareri. *All were in favor; motioned passed.*

4. Approval of Agenda:

Mr. Popper asked that applications #19-55 and application #19-58 be heard tonight under New Business. Mr. Popper also requested that the Executive Session be heard last on the agenda.

Vice Chairman Michael Cannata made a motion to approve the amended agenda; Seconded by Jeremy Floryan. *All were in favor; motioned passed.*

Paul Cordone entered the meeting at 7:06 PM.

5. Public Comments:

Mari Carmen Cajahuaringa, 18 Fairview Heights, stated that she has moved to Cromwell a couple years ago and is interested in learning more about the town officials.

6. Development Compliance Officer Report:

Mr. Driska passed out the reports and asked if anyone had any questions.

Chairman Alice Kelly inquired about the pending status on Application #19-26, Mr. Popper stated that this would be taken off the Permit Report; that the tag sale never took place.

Chairman Alice Kelly inquired about the pending status on Application #19-23, Mr. Popper stated that this would be taken off the Permit Report; that nothing came of this application.

7. Town Planner Report:

Mr. Popper reported that the Marriott Hotel on 26 Berlin Road is under construction. Starbucks will be starting excavation very soon depending on tonight's results with their application.

8. New Business: Accept and Schedule New Applications:

- a. Application # 19-53: Request for Site Plan Modification to install a walk-up ATM at 26 Shunpike Road. Bank of America is the Applicant and Montgomery Development Group LLC is the Owner.

Vice Chairman Michael Cannata made a motion to Accept and Schedule Application # 19-53 for December 17, 2019; Seconded by Jeremy Floryan. *All in favor; Motion passed.*

- b. Application # 19-54: Request for Special Permit under Section 5.6.C.8.2 to install 24' tall light fixtures at 26 Shunpike Road.

Vice Chairman Michael Cannata made a motion to Accept and Schedule Application # 19-54 for December 17, 2019; Seconded by Jeremy Floryan. *All in favor; Motion passed.*

- c. Application #19-55: Request for Site Plan Modification for the Starbucks Coffee Shop at 136 Berlin Road. TNO Cromwell LLC is the Applicant and the Owner.

Vice Chairman Michael Cannata made a motion to Accept and Schedule Application # 19-55 for tonight's meeting; Seconded by Chris Cambareri. *All in favor; Motion passed.*

9. New Business:

- a. Application # 19-48: Site Plan modification to add a new wall sign for a Beauty Salon at 328 Main Street. Cailyn Musinski is the applicant and Mario J. and Maria S. Alemida are the Owners.

Cailyn Musinski, 326f Main Street presented her application. She is seeking approval for a new wall sign associated with a new business. Ms. Musinski explained that she opened the salon 2-3 weeks ago and wanted to add a signature sign to promote her business. Ms. Musinski said the proposed sign would be a maximum of 2.5' X 7', and in the colors of black and white.

Mr. Popper stated that the owner of the salon and the owners of the building have done a great job making improvements to the interior and exterior of the building. The commission wished her luck on her salon.

Vice Chairman Michael Cannata made a motion to approve Application #19-48: Site Plan modification to add a new wall sign for a Beauty Salon at 328 Main Street. Cailyn Musinski is the applicant and Mario J. and Maria S. Alemida are the Owners. Seconded by Paul Cordone. *All in favor; motion passed.*

- b. Application #19-55: Request for Site Plan Modification for the Starbucks Coffee Shop at 136 Berlin Road. TNO Cromwell LLC is the Applicant and the Owner.

Mr. Justin Packard, Engineer with Hallisey, Pearson & Cassidy Engineers Associates Incorporated at 630 Main Street Cromwell introduced the application. He said he was here this evening with Jim Hallisey to present the application. Mr. Packard described the location of the Starbucks Coffee shop and the previously approved site plan.

Mr. Packard summarized the proposed modifications including the removal of the entrance driveway off of Route 372, the additional parking spaces to installed, the new traffic circulation pattern and the relocated dumpster.

Mr. Jim Cassidy said the one way drive, which is accessed via a right turn in from west

bound Berlin Road, has been eliminated in order to allow for the addition of 12 angled parking spaces. He said total parking count now is 630 for the entire plaza, which is more than the 468 spaces required.

Mr. Cassidy said that traffic will enter and exit the site from the shared accessway with Burger King only. He explained that the two lane one-way access drive around the Starbucks composed of a bypass lane and a drive through lane remains the same.

Mr. Cassidy said that the proposed dumpster enclosure has been relocated to the west side of the Starbucks site. He explained that it will be a dedicated dumpster for Starbuck's use. Mr. Cassidy said that a second dumpster with a concrete pad and enclosure will be added north of Burger King, for that restaurant's dedicated use.

The Commission members and Mr. Cassidy discussed the removal of the entrance driveway off of Route 372, the additional parking spaces, the new traffic circulation pattern and the dumpster relocation.

Vice Chairman Michael Cannata made a motion to approve Application #19-55: Request for Site Plan Modification for the Starbucks Coffee Shop at 136 Berlin Road. TNO Cromwell LLC is the Applicant and the Owner. Seconded by Chris Cambareri. *All in favor; motion passed.*

10. Executive Session to Discuss Pending Litigation Regarding:

- a. Discuss Pending Litigation "JPG Partners, LLC v. Cromwell Planning & Zoning Commission LND HHD CV18-6091023-S" involving Application #17-22: Center Point Apartments 186 Court Street. JPG Partners, LLC is the Applicant and Estate of Helen Ewald is the Owner.

Vice Chairman Michael Cannata made a motion to go into Executive Session with Town Attorney Kari Olson, Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, and the commission members; Seconded by Nicholas Demetriades. *All in favor; motion passed.*

Vice Chairman Michael Cannata made a motion to come out of Executive Session with Town Attorney Kari Olson, Stuart Popper, Bruce Driska, and the commission members; Seconded by Chris Cambareri. *All in favor; motion passed.*

11. Old Business:

- a. Discussion and Possible Action of Proposed Settlement for "JPG Partners, LLC v.

Cromwell Planning & Zoning Commission LND HHD CV18-6091023-S" involving Application #17-22: Center Point Apartments 186 Court Street. JPG Partners, LLC is the Applicant and Estate of Helen Ewald is the Owner.

Town Attorney, Kari Olson read the Settlement Memorandum into the record:

The Cromwell Planning & Zoning Commission (Commission) and JPG Partners, LLC (JPG) being the parties to an action entitled JPG Partners, LLC v. Cromwell Planning & Zoning Commission LND HHD CV18-6091023-S in settlement of the above-captioned agree that JPG and its successors or assigns shall have the right to construct two (2) thirty (30) unit apartment buildings, said units to be rented at market rates and two (2) commercial buildings and other related improvements at 186 Shunpike Road, Cromwell as more particularly shown and described in certain maps or plans entitled:

"Center Point Apartments, #186 Shunpike Road, (Connecticut Route 3), Cromwell, CT Date: 05/20/19 Scale 1" = 40', Juliano Associates, Engineers & Surveyors, 405 Main Street (Yalesville), Wallingford, CT, (203) 265-1480"

Said plans include the following:

Site Layout Plan: Sheet 2 of 16, Grading & Erosion Control Plan Sheet 3 of 16, Site Utility Plan Sheet 4 of 16, Photometrics Plan Sheet 5 of 16, Storm Trap Detention System Sheet 6 of 16, Storm Trap Oil/Grit Separator Sheet 7 of 16, Storm Trap Specifications Sheet 8 of 16, Site Details Sheet 9 of 16 Revision: 0, Storm Drainage Details Sheet 10 of 16, Sanitary Sewer Details Sheet 11 of 16, Water Details Sheet 12 of 16, Sediment & Erosion Control Principles, Practices, and Specifications Sheet 13 of 16, Construction Sequence Plan Sheet 14 of 16, Construction Sequence Plan Sheet 15 of 16, Landscaping Plan Sheet 16 of 16. And also including a Plan showing off-site improvements entitled "Off-site Improvements Plan Center Point Apartments, #186 Shunpike Road, (Connecticut Route 3), Cromwell, CT Date: 11/13/17 Scale 1" = 30' sheet 1 of 1, "Off-site Improvements Plan Center Point Apartments, #186 Shunpike Road, (Connecticut Route 3), Cromwell, CT Date: 11/15/17 Scale 1" = 30' sheet 2 of 2, "Off-site Improvements Plan Center Point Apartments, #186 Shunpike Road, (Connecticut Route 3), Cromwell, CT Date: 11/15/17 Scale 1" = 30' sheet 3 of 3, Juliano Associates, Engineers & Surveyors, 405 Main Street (Yalesville), Wallingford, CT, (203) 265-1480".

Said settlement is subject to JPG complying with the comments set forth in the following:

1. Memorandum from Stuart Popper to the Commissioner dated August 21, 2018;
2. Memorandum from Jon Harriman to Stuart Popper dated August 19, 2019;
3. Memorandum from Rich Peak to Stuart Popper dated August 13, 2019;
4. Memorandum from Denise Lamontagne to Stuart Popper dated August 1, 2019;
5. Memorandum from Bruce Driska to Stuart Popper dated July 24, 2019; and
6. Memorandum from Michael Terenzio to Stuart Popper dated August 20, 2019.

The above-referenced Memoranda being attached hereto.

And subject to the following conditions:

1. JPG shall provide a Phasing Plan.
2. Color architectural elevations of all sides of the proposed buildings on site must be submitted along with a narrative of the materials that will be used for the outside of the buildings.
3. The elevations and narrative will become a part of the approved plans and must be submitted for staff approval prior to construction.
4. Phase I must include all infrastructure improvements, i.e. drainage, utilities, curbing, sidewalks, handicapped ramps, etc., as well as a binder course on all pavement.
5. Prior to the issuance of a certificate of occupancy for the second residential building the clubhouse shall be completed and the exterior of at least one commercial building shall be completed. Exterior completion shall include all structural components, roof, door, window and building façade. In addition, all off-site improvements (road improvements, sidewalks, etc.) must be completed before the C/O will issue.
6. Terms of this settlement Memorandum shall be including on the approved plans and incorporated therein as part of and as a condition of the site plan approval.
7. The land use appeal to be withdrawn and the requirement that the public be advised per the requirements of Section 8.8 (n) that Judge Burger will hold a public hearing on November 21, 2019 at Hartford Superior Court at 10:00 AM.

Chairman Alice Kelly calls for vote. *All in favor.*

Chairman Alice Kelly said the settlement agreement has been approved.

12. Commissioner's Comments:

13. Approval of minutes:

- a. September 3, 2019 Chairman Kelly noted the following corrections to the minutes:

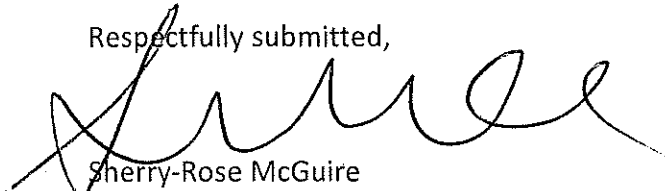
Page 1, Section 3- John Keithan was seated as an alternate not Jeremy Floryan.

Page 3, Section 9, Part B- There was a discussion about the two handicap parking spots and their locations.

Vice Chairman Michael Cannata made a motion to approve the amended minutes;
Seconded by Paul Cordone. All in favor; motion passed.

14. Adjourn: Vice Chairman Michael Cannata made a motion to adjourn the meeting; Seconded by Paul Cordone. Meeting adjourned at 8:12 PM.

Respectfully submitted,



Sherry-Rose McGuire
Commission Clerk