

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, MARCH 2, 2021
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Nick Demetriades, John Keithan, Paul Cordone, Ann Grasso (alternate) and Robert Donohue (alternate)

Absent: Ken Rozich, Brian Dufresne, and Jeremy Floryan

Also, Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, and Recording Clerk Michelle Armetta

1. Call to Order:

The meeting was called to order by Chairman Alice Kelly at 7:03 PM

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2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

A motion was made by Vice Chairman Michael Cannata to seat Ann Grasso and Robert Donohue as alternates. Seconded by Paul Cordone. *All in favor, Motion passed.*

4. Approval of Agenda:

Director of Planning and Development Stuart Popper asked the Commission to amend the agenda to add the following item under #8 -New Business: Accept and Schedule New Applications:

Application#21-04: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the construction of a garage and breezeway within the Flood Plain at 31 River Road. Kelly Maher is the Applicant and the Owner.

Application #21-07: Request to create a 9 Lot Resubdivision at 60 & 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Inc. is the Owner.

Application #21-08: Request for a Special Permit under Section 6.6 of the Zoning Regulations to create a rear lot at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Inc. is the Owner.

Mr. Popper said that the Public hearing for Applications #20-63 and #20-47 are tabled until the next Planning and Zoning meeting. He said that the applicant will be going before the Inland Wetland Agency on March 3, 2021.

Vice Chairman Michael Cannata made a motion to approve the agenda as amended. Seconded by Chris Cambareri. *All in favor; Motion passed.*

5. Public Comments:

None.

6. Development Compliance Officer Report:

Compliance Officer Bruce Driska asked the Commission if there were any questions about the report included in their packet.

Chairman Kelly inquired about Application #21-05. Mr. Popper said that the Padre Pio Foundation received a ZBA Variance for sideyard. Mr. Popper asked the Commission if Application #21-05 would require a Site Plan review before the Commission or can it be reviewed at the administrative level. Chairman Alice Kelly and Vice Chairman Michael Cannata said an administrative approval was acceptable.

Bob Donohue inquired about Application #21-03. Mr. Driska explained that it is a naturopathic doctor's office that is relocating to the former Comcast building. Mr. Driska also reported that there has been progress on a Cease-and-Desist Order for 17 Pleasant Street for an inoperable motor vehicle located on the property. He said that the property is currently owned by Wells Fargo Bank and he has had a conversation with them and is confident that this issue will be resolved.

Mr. Driska said regarding the property at 113 Berlin Road he has sent out notices this week for the five outstanding and unpaid fines that were issued for the storage of tractor-trailers on the vacant property. He said through the issuance of five different citations the town has been able to achieve compliance and has not had any other trailers parking there.

The Chairman thanked Mr. Driska for his report.

7. Town Planner Report:

Vice Chairman Michael Cannata inquired about the Red Lion Hotel. Mr. Popper reported that there is no feedback on maintenance issues that occurred earlier in the winter. He said that a hotel group in the Greater Hartford area is acting as custodian of the property. Mr. Popper reported the power and water are shut-off and there have been burst pipes. The fire and police departments have access and have been monitoring the situation.

Mr. Popper reported that due to the Board of Finance budget meeting on April 6th, the Planning and Zoning meeting scheduled for April 6, 2021 will be cancelled. He said we will have only one meeting in April and that will be on April 20th.

Mr. Popper also mentioned that he has had a conversation with a lawyer who has been hired by at least one recreational marijuana dealer. He explained that when the regulations are established by the state, each town will have to decide on the approach to that situation.

Mr. Popper said construction continues both at the Nike site and at Arbor Meadows and that Mr. Driska is out there daily. He reported that the Starbucks is completed and in operation and it has been doing well. Mr. Popper said we are expecting to hear some news, hopefully in the spring, about several new additions up at the ShopRite shopping center.

Chairman Alice Kelly mentioned that our regulations still contain the requirement for a conservation subdivision on any site of more than 15 acres. Mr. Popper said the regulations require that a conservation subdivision dedicate 50% of the site to open space and that is one of the reasons why the town has acquired so much property over the last 20 years. He said it is up to the Commission to decide if we want to keep that requirement in the regulations. The Commission members discussed the process for amending the Zoning Regulations to remove the requirement for a conservation subdivision for any site over 15 acres.

Chairman Alice Kelly reported that DPW has moved into the new building and are quite happy about it. Chris Cambareri congratulated Chairman Kelly on the completion of this project. Ann Grasso asked if the old building was empty. Chairman Kelly replied that she believes it is.

8. New Business: Accept and Schedule New Applications:

- a. Application #21-04: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the construction of a garage and breezeway within the Flood Plain at 31 River Road. Kelly Maher is the Applicant and the Owner.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #21-04 for the April 20, 2021 meeting. Seconded by Nick Demetriades. *All in favor, motion passed.*

- b. Application #21-07: Request to create a 9 Lot Resubdivision at 60 & 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Inc. is the Owner.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #21-07 for the April 20, 2021 meeting. Seconded by Chris Cambareri. *All in favor, motion passed.*

- c. Application #21-08: Request for a Special Permit under Section 6.6 of the Zoning Regulations to create a rear lot at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Inc. is the Owner.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #21-08 for the April 20, 2021 meeting. Seconded by Paul Cordone. *All in favor, motion passed.*

- d. Applicant #21-10: Request for Site Plan Approval for a material storage yard at 80RGeer Street. Paramount Construction is the Applicant and Paramount Property LLC is the Owner.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #21-10 for March 16, 2021 meeting. Seconded by Nick Demetriades. *All in favor, motion passed.*

9. New Business:

None

10. Public Hearings:

- a. Application #20-63: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the installation of a digital billboard within the Floodplain at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner. *Tabled to March 16, 2021.*
- b. Application #20-74: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner. *Tabled to March 16, 2021.*
- c. Application #21-02: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the installation of a digital billboard within the Floodplain at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.
- d. Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Vice Chairman Michael Cannata made a motion to re-open the Public Hearing for Applications #21-02 and #20-48. Seconded by Nicholas Demetriades. *All in favor; motion passed.*

Attorney Dennis Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden addressed the Commission. Attorney Ceneviva said he represents the Owner and Applicant Mr. Dominic DeMartino of DFC of Cromwell LLC. Attorney Ceneviva said he is joined to tonight by Mr. Wayne Violette, Landscape Architect with BL Companies and Mr. DeMartino.

Attorney Ceneviva commented that at the last meeting there were two outstanding issues that needed to be resolved. He said that the first was whether the Commission had the authority to control the hours of operation. The second point was Chairman Alice Kelly questioned the perspective being shown of the billboard being seen from the South Street area and whether it was an accurate portrayal.

Mr. Popper said that he consulted with the Town Attorney and has confirmed that because this is a Special Permit application the Commission does have the jurisdiction to control the hours of operation.

Mr. Violette presented a detailed plan on-screen to address the questions about perspective showing an engineering cross-section of the site plan from the eastern and western sides. He explained that the graphic depiction shows the proposed 8' to 10' supplemental Evergreen plantings, the billboard and how it would be viewed from 55 South Street. Mr. Violette also discussed the inclusion of an area of reforestation on the site with a variety of deciduous tree saplings.

Mr. Dominic DeMartino, addressed the Commission and thanked them for all the time they have put into this application. He told the Commission that these two boards will be the only two in Connecticut with the louver technology. Mr. DeMartino also reiterated that he has had conversations with and gotten written or verbal approval from the neighbors in that area. Mr. DeMartino also reminded the Commission that the billboards can be used to promote town events such as the Farmer's Market. Chairman Kelly commented that the billboards are past the exit for the market. Mr. Popper replied that the billboards are used for advertising, not directions. Mr. DeMartino said that the boards are used to pique interest and promote brand awareness.

Ann Grasso asked about what happens in the event the trees and saplings planted as part of the site plan die. Mr. Popper replied that there will be a bond required to replace the landscaping that dies.

Mr. Dave Massy of 37 Hicksville Road, Cromwell asked Mr. DeMartino about how the plantings will be maintained. Mr. DeMartino replied that he has several commercial properties throughout Connecticut and has the equipment needed to maintain the landscaping. Mr. Massy also asked if Mr. DeMartino would promote non-profits such as the Cromwell Food Pantry. Mr. DeMartino replied that he is committed to helping area non-profits organizations.

Attorney Ceneviva completed his presentation and thanked the Commission.

Chairman Alice Kelly commented that she had gotten a 28-page report of accidents around Route 9 North and South from the last three years. She said due to large number of the accidents in this location she would not be in favor of the billboards. Chairman Kelly said she does not think that the billboards are in the best interest of Cromwell and cannot see how it will improve area businesses. She said she does not live around the billboards but does not think the neighbors will be happy with the view of the billboards. Chairman Kelly said that social media is a better way to promote businesses.

Mr. Popper read a memo from Jon Harriman, Town Engineer dated 1/28/2021 into the record. As conditions of approval, Mr. Harriman suggests the following:

- Update the plan to show the missing items identified above. Flood plain calculations and impact remediation are indicated in the letter report. The applicant should review section 4.2.T.3.(3) and demonstrate compliance.
- Details on structure support below grade show a drilled depth of 23 feet. Provide a dewatering detail.
- Final as-built shall indicate flood compensation has been achieved.

Vice Chairman Mike Cannata made a motion to close the public hearing for Applications #21-02 and #20-48. Seconded by Nick Demetriades. All in favor, motion passed.

Chairman Kelly asked for comments from the Commission.

Vice Chairman Mike Cannata said although there could be 8 to 10 houses built on the property, the location close to the highway and sewage treatment plant are not optimum and it would not be a safe place for children. He said the billboards will be a tax generator and the Applicant has agreed to all the checks and balances the Commission has required. Vice Chairman Cannata said he believes that the billboards are a plus for the town and a good use of the property. He said other uses would be detrimental and is in favor of this application with the proper conditions.

Mr. Chris Cambareri thanked the owner/applicant and his team. Mr. Cambareri said that he is a proponent of anything that will drive business to Cromwell and is in favor of this application.

Mr. Paul Cordone commented that he sees both sides of the discussion. He said the Applicant did a great job with the presentations. Mr. Cordone said he tends to agree with Chairman Kelly about the safety issue and thinks a location with slower moving traffic would be more appropriate.

Mr. Nick Demetriades thanked the Applicant for his time. He said he understands the argument in favor of the billboards but is not a pro-ponent himself. Mr. Demetriades said he is generally not in favor of this application.

Mr. John Keithan thanked the Applicant and said he is in support of the project, and feels it promotes business and brand recognition. He said this would help businesses who may not be able to afford larger radio or social media advertising.

Ms. Ann Grasso commented that she is conflicted but feels that the small town of Cromwell needs some "oomph". She said although Chairman Kelly has a good point about accidents, Ms. Grasso feels the town needs to do what they can to enhance economic development. She complimented the Applicant for a very robust presentation. Since the Commission approved the zone change to allow billboards in that area, Ms. Grasso is in favor.

Mr. Robert Donohue commented that although he saw the accident reports, the Applicant did everything that was asked of him by the Commission. Mr. Donohue said therefore he would approve the Application.

Vice Chairman Michael Cannata made a motion to approve Application 21-02 with the conditions set forth in the January 28, 2020 memo from Town Engineer, Jon Harriman. Seconded by Chris Cambareri. *In Favor: Vice Chair Michael Cannata, Chris Cambareri, John Keithan, Ann Grasso, and Robert Donohue. Opposed: Chairman Alice Kelly, Nick Demetriades and Paul Cordone. Motion passed.*

Vice Chairman Michael Cannata made a motion to approve Application 20-48 with the conditions set forth in the January 27, 2020 memo from Compliance Officer Bruce Driska, the condition that the LED shield be used and the condition that billboard is not used between the hours of 12:00 a.m. and 5:00 a.m. Seconded by Chris Cambareri. *In Favor: Vice Chair Michael Cannata, Chris Cambareri, John Keithan, Ann Grasso, and Robert Donohue. Opposed: Chairman Alice Kelly, Nick Demetriades and Paul Cordone. Motion passed.*

11. Commissioner's Comments:

Mr. Nick Demetriades addressed the Commission regarding the Regional Planning Commission's recent meeting and the ongoing efforts to update the Regional Plan of Conservation. Mr. Demetriades sent a couple of emails to the Commission members that may be pertinent to what Mr. Popper mentioned earlier having to do with recreational marijuana. He noted that the Town of Colchester is going to be proposing some possible changes to regulations citing some issues that could possibly arise regarding growing facilities. Mr. Popper added that currently in Connecticut, there are existing growing facilities that are owned by the medical marijuana retailers. He said large scale growing facilities already exist in many towns and are regulated. Mr. Popper said if the State were to allow recreational marijuana sales each town would have to decide whether to allow retail sales and how to regulate from a zoning perspective.

Mr. Demetriades sent an email to the Commission that has a link to the Regional Plan of Conservation and Development planning maps. He said there is now the opportunity to see the maps and to comment.

Chairman Alice Kelly thanked Mr. Demetriades for his comments.

12. Approval of Minutes:

a. January 19, 2021

The minutes from the January 19, 2021 have been amended to include a comment by Ann Grasso. Vice Chairman Michael Cannata made the motion to approve the amended minutes of January 19, 2021. Seconded by Chris Cambareri. *All in favor, motion passed.* (Chairman Alice Kelly abstained.)

b. February 2, 2021

Vice Chairman Michael Cannata pointed out an error on page four, paragraph two, should read "north (not south) of the old gas station".

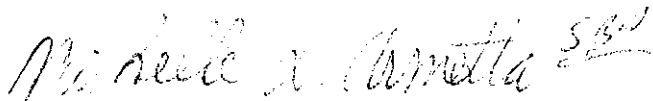
Nick Demetriades would like it noted that during the discussion regarding the billboard he brought up the fact that the Commission had talked about a single billboard issue in several prior meetings and that coming in with the two billboards was not necessarily what we thought would be appropriate for that area.

Vice Chairman Michael Cannata made the motion to approve the amended minutes of February 2, 2021. Seconded by Bob Donohue. *All in favor, motion passed.*

13. Adjourn:

Vice Chairman Michael Cannata made the motion to adjourn at 8:50 p.m. *All in favor, motion passed.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Michelle L. Armetta" followed by a small flourish.

Michelle L. Armetta
Recording Clerk