

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
7:00 PM TUESDAY, MAY 18, 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, Paul Cordone, Brian Dufresne, John Keithan, Ken Rozich, Robert Donohue (alternate), and Ann Grasso (alternate)

**Absent:** 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 7:04 p.m.

**2. Roll Call:**

The presence of the above members was noted.

RECEIVED FOR RECORD  
JUN 17, 2021 11:43A  
JoAnn Doyle  
TOWN CLERK  
CROMWELL, CT 

**3. Seating of Alternates:**

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

**4. Approval of Agenda:**

Director of Planning and Development Stuart Popper asked the Commission to add the following application to the agenda under New Business: Accept and Schedule New Application:

- a. Application #21-18 for a Special Permit to install a garage over 1,000 square feet at 45 Lincoln Road. Sean Flanigan is the Applicant and Owner.

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:**

Chairman Alice Kelly invited the Public to make comments not related to the Public Hearing. There were none.

**6. Development Compliance Officer Report:**

Development Compliance Officer Bruce Driska addressed the Commission and asked if anyone had questions. The report was not included in the packet.

Mr. Driska said both Arbor Meadows and Cromwell Village are coming along nicely and are checked on a regular basis. He said the final paving of Country Squire Drive is being

worked out between the developer and the town, but unsure of the time frame. Mr. Driska believes that the developer plans to first remove any excess fill and remove all heavy equipment that would cause any damage to a new road.

Mr. Chris Cambareri asked Mr. Driska about the garden tilling that is going on at the Asian Market and the proximity of this activity to the Liberty Bank drive thru. Mr. Driska replied that there are no regulations but would speak to the owner of the Asian Market about potential damage caused by the tilling to close to cars in the bank drive thru. Mr. Driska thanked Mr. Cambareri for bringing this to his attention.

Mr. Driska asked the Commission if there were any other questions. The Commission members had no other questions and thanked Mr. Driska for his report.

**7. Town Planner Report:**

Mr. Popper echoed the sentiments of Mr. Driska that all major projects are moving forward, and discussions continue with a number of parties regarding additional development in town.

Mr. Popper said the Red Lion is currently posted on an online auction site and the deadline for bids is June 4, 2021. He said he has had discussions regarding the development of a winery in Rocky Hill on the property north of Fawn Run. Mr. Popper said access to the property would be via North Road in Cromwell. He said that the Crossroads Plaza has sold for \$5.1 million, and the Stop & Shop Plaza has sold for about \$24 million. Mr. Popper said there were no updates on the status of the former Friendly's property.

Mr. Popper asked the Commission if there were any other questions. The Commission members had no other questions and thanked Mr. Popper for his report.

**8. New Business: Accept and Schedule New Applications:**

- a. Application #21-18 for a Special Permit for the installation of a garage larger than 1,000 square feet at 45 Lincoln Road. Sean Flanigan is the Applicant and the Owner.

Vice Chairman Michael Cannata made a motion to accept and schedule Applications #21-18 for a Public Hearing to be heard on June 15, 2021; Seconded by Chris Cambareri. *All in favor; motion passed.*

**9. New Business:**

None

## 10. Public Hearings:

Mr. Ken Rozich read the Legal Notice into the record.

Vice Chairman Michael Cannata made a motion to open the Public Hearings for Applications #21-15 and #21-16. Seconded by Chris Cambareri. *All in favor; motion passed.*

- a. **Application #21-15:** 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.
- b. **Application #21-16:** 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.

Attorney Richard D. Carella, from the law firm of Updike, Kelly and Spellacy, PC in Middletown addressed the Commission. He said he is here this evening representing the Owner, Rodnella Realty, regarding the installation of a digital billboard at 241 and 251 Main Street. Attorney Carella began his presentation by giving background information on the Applications.

Attorney Carella summarized the timeline for the applications: The Planning and Zoning Commission (PZC) authorized the new regulations for a Commercial Billboard District (CBD) in January 2020; The site plan for 241 and 21 Main Street was approved by the Inland Wetlands and Watercourses Agency (IWWA) at their December 2, 2020 meeting; The PZC reviewed the Applications and requested a new location for the billboard at their February 2, 2021. The IWWA approved the new location at their March 3, 2021 meeting. Attorney Carella said at the March 16, 2021 PZC meeting there was a tie vote 3 to 3 with no decision. He said after discussions with the town attorney it was determined that the notice of the March meeting did not reflect the change in location and as a result the Applicant needed to re-apply.

Attorney Carella reviewed the site plan with the PZC. He explained that the billboard sign is approximately 40 feet above grade at the highway meeting the regulations. Attorney Carella showed a depiction of the single-faced billboard from Route 9 southbound and from Route 9 northbound.

Attorney Carella said the property is in the floodplain and one of the two special permits is for the floodplain application. He explained that as a result of putting this pylon in this location, there needed to be compensation for the floodplain storage. Attorney said the column has been designed with holes in the sides to allow for it to fill with water and drain as it floods. He said as a result, there is a very small impact of the floodplain and meets the regulations. Attorney Carella

said the Applicant agrees to follow the conditions of approval suggested by Jon Harriman, Town Engineer in a memo dated March 15, 2021 and the conditions suggested by Bruce Driska, CZEO, of January 21, 2021.

Attorney Carella discussed the PZC concerns about the history of traffic accidents on Route 9 going back to 2018. He said that Chairman Kelly had given him a copy of the report and upon review he discovered that of the 28 accidents reported, only seven were in this vicinity, six of which occurred during rush hour traffic. Attorney Carella said the USDOT Federal Highway Administration (FHWA) indicated in a September 2007 report that a FHWA study found that changeable electronic variable message signals did not cause drivers to take unacceptably long glances from the road, and that the majority of a driver's visual attention was allocated to the task at hand, i.e., driving, where such billboards were present.

Attorney Carella concluded his presentation by saying that these applications meet the CBD regulations and asked if the Commission had any questions.

Mr. Brian Dufrense had a question regarding the composition of telescoping post being used. Attorney Carella did not have that information but indicated that it could be provided. Mr. Dufrense also asked about the holes in the post. Attorney Carella answered that the holes are placed at varying location around the post, and it designed to fill and displace water up to 23.7 feet.

Mr. Nick Demetriades asked to verify that there is not another billboard within 750 feet of the proposed billboard. Attorney Carella answered that the billboard meets that requirement.

Chairman Alice Kelly asked if the Applicant would be selling the billboard. Attorney Carella responded that whoever owns the land will own the billboard. He explained that at this time, the Applicant will contract with someone to design and construct the billboard, as well as maintain and get advertisers.

Vice Chairman Michael Cannata indicated the previous billboard applicant had two conditions of approval one of them is that he utilized Media Resources LED shield and baffle system and the other was the hours of operation were to have the billboards shut down between midnight and 5am.

Chairman Alice Kelly asked if there were any members of the public wishing to speak regarding these applications. There were none present.

Vice Chairman Michael Cannata made a motion to close the Public Hearing for Applications #21-15 and #21-16. Seconded by Chris Cambareri. *All in favor; motion passed.*

Vice Chairman Mike Cannata made a motion to approve Application #21-15 with the following conditions:

- The Media Resources LED Baffle System be utilized.
- The hours of operation exclude the hours between midnight and 5:00 AM.
- The conditions set forth in the letter from Town Engineer Jon Harriman of March 15, 2021 be adhered to.
- The conditions set forth in the letter from CZEO Bruce Driska of January 27, 2021 be adhered to.

Motion seconded by Chris Cambareri.

All in favor: *Vice Chairman Michael Cannata, Chris Cambareri, Brian Dufresne, John Keithan, Ken Rozich, Robert Donohue, and Ann Grasso*

All opposed: *Chairman Alice Kelly, Nick Demetriades and Paul Cordone*

*Motion passed.*

Chairman Alice Kelly gave her reason for the opposition, again citing safety concerns and noting that the FHWA report is 14 years old.

Mr. Nick Demetriades opposed based on his comments from the last time. He referenced the land use from the Plan of Conservation and Development section 2.1.1. and does not feel that this is a positive use of land.

Mr. Paul Cordone explained that wanted to remain consistent with his opposition. He is opposed to this application based on safety concerns, impact on the environment and that it would not be visually appealing.

Vice Chairman Mike Cannata made a motion to approve Application #21-16 with the following conditions:

- The Media Resources LED Baffle System be utilized.
- The hours of operation exclude the hours between midnight and 5:00 AM.
- The conditions set forth in the letter from Town Engineer Jon Harriman of March 15, 2021 be adhered to.
- The conditions set forth in the letter from CZEO Bruce Driska of January 27, 2021 be adhered to.

Motion seconded by Chris Cambareri.

All in favor: *Vice Chairman Michael Cannata, Chris Cambareri, Brian Dufresne, John Keithan, Ken Rozich, Robert Donohue, and Ann Grasso*

All opposed: *Chairman Alice Kelly, Nick Demetriades and Paul Cordone*

*Motion passed.*

Chairman Alice Kelly reiterated her reasons for opposition and does not think that the billboards will help Cromwell businesses.

Attorney Carella thanked the Commission.

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

Vice Chairman Michael Cannata made a motion to continue the Public Hearing for Application #21-04. Seconded by Chris Cambareri. *All in favor; motion passed.*

Ms. Kelly Maher of 31 River Road addressed the Commission. Ms. Maher said she is requesting a special permit to allow for the construction of a 35' x 24' garage with a second story and an 8' x 8' breezeway connection to the existing house all within the 100-year Floodplain. Ms. Maher said she contacted Bryan Nesteriak, P.E., L.S., of B&B Engineering of Woodbridge, CT to come up with a plan.

Mr. Popper said that the plan has been reviewed by Town Engineer Jon Harriman and CZEO Bruce Driska who both have signed off on it. Mr. Popper also pointed out that Ms. Maher received approval from the IWWA in March 2021. Mr. Popper thanked Ms. Maher for her diligence and asked if the Commission had any questions.

Chairman Alice Kelly asked if there were any members of the public wishing to speak regarding these applications. There were none present.

Vice Chairman Michael Cannata made a motion to close the Public Hearing for Application #21-04. Seconded by Chris Cambareri. *All in favor; motion passed.*

Vice Chairman Mike Cannata made a motion to approve Application #21-04 with the conditions of Bruce Driska's memo dated May 12, 2021. Seconded by Brian Dufrense. *All in favor, motion passed.*

Vice Chairman Michael Cannata made a motion to continue the Public Hearing for Applications #21-07 and #21-09. Seconded by Chris Cambareri. *All in favor; motion passed.*

- d. **Application #21-07:** Request to create 9 lot Resubdivision in a R-25 Zone District at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner.
- e. **Application #21-09:** Request for a Special Permit under Section 6.6 of the Zoning Regulations to allow for the development of a rear lot as part of a single-family resubdivision in a R-25 Zone District at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner.

Chairman Alice Kelly said she was very concerned about the grade of the driveway to the rear lot and the location of the house on the side of a hill. She said she asked for town staff to take another look at the grade of the driveway. Mr. Popper distributed two memos regarding the driveway of Lot 2: one from Town Engineer Jon Harriman and one from Acting Fire Chief Jason Brade. In a memo dated May 17, 2021; Mr. Harriman stated in his memo dated May 17, 2021 that he had looked at the driveway and it meets the Town standard for grade at 12% max. He went on to suggest that a guardrail may be needed on the curve.

Acting Fire Chief Jason Brade in a memo dated May 17, 2021 responded to concerns about Lot 2. Mr. Brade said that the 12-foot-wide driveway is adequate for ambulance and fire trucks and although the grade is not most desirable, the fire department would be able to navigate it. He suggested the developer keep in mind the angle at the top of the driveway. Mr. Brade said the hydrant location is not an issue. He noted that the area of 25'x40' outside the garage is large enough for placement of out riggers if an aerial device is being used. He explained that turning around the driveway to exit the site was not an issue for an ambulance, but for larger apparatus, backing out would be a better option. Mr. Brade also addressed the concerns of plowing of the driveway and although the lack of plowing and sanding make every response effort more difficult, plow trucks are available, shovels on apparatus in the winter and each apparatus, including the ambulance, has on-spot chains and in severe weather, full chains are put on all responding vehicles. Mr. Popper mentioned that plowing of a driveway is a concern with every driveway in town during the winter, not just this particular driveway and is the responsibility of the homeowner.

Chairman Alice Kelly explained why her personal experiences with the accessibility of emergency vehicles made her concerned about this situation. She thanked Mr. Popper for addressing the issue.

John Wagenblatt, Principal at LRC Group, 160 West Street, Cromwell, addressed the Commission. Mr. Wagenblatt was joined by the Applicant Mr. Jay Zaleski and Mr. Rich Reynolds, a Project Engineer from LRC Group.

Mr. Wagenblatt explained that they are here to present address comments from the April 27, 2021 site walk. He said the issue of sidewalks was brought up during the site walk. Mr. Wagenblatt explained that the installation of sidewalks along West Street would require significant wetlands disturbance and does not have any significant benefit. He said the installation of sidewalks along Hicksville road would require the removal of at least 40 trees due to grading. Mr. Wagenblatt said the Applicant would be willing to explore other options. Mr. Cordone asked if the sidewalks could be on the East side of the tree line, but Mr. Popper replied that sidewalks need to be in the Town ROW.

Vice Chairman Mike Cannata commented that he does not feel that the rear lot (Lot 2) meets the 6.6.D. requirements for a rear lot. Mr. Dufrense concurs with Mr. Cannata about Lot 2 the rear lot. Chairman Alice Kelly concurred with the other commission members regarding the driveway grade and house location issues of Lot 2.

Mr. Demetriades wanted to clarify that Lot 10 has been removed from the plans and that sidewalks do not extend from West Street to Smith Farm Road.

Mr. Wagenblatt said that Lot 10 had been removed from the plans and that the sidewalks are on Smith Farm Road but not on the lots fronting on West Street.

Mr. Popper received a number of letters in support of this project, about 12 from all parts of town and there were neighbors on the site walk. There were no members of the public at this Public Hearing.

Mr. Dufrense asked that the letters from Town Engineer Jon Harriman of April 20, 2021 and May 17, 2021 be added to the Applications.

Chairman Alice Kelly asked if there were any members of the public wishing to speak regarding these applications. Ms. Alyssa Goduti, President and CEO of Adelbrook Learning Centers addressed the Commission. Ms. Goduti explained the sale of the property for development will help support the school and its residents and provide more services. Ms. Goduti also told the Commission this property will not remain vacant. She said if these Applications are not approved, the land may be used for campus, parking, or some other use. Ms. Goduti asked that the Commission respect the expertise of the Town Engineer and Acting Fire Chief.

The Applicant, Jay Zaleski, 48 Evergreen Road, addressed the Commission. Mr. Zaleski said that he has received about 30 calls inquiring about the rear lot. He feels that it offers the opportunity to live on a wooded lot. He expressed his appreciation to the Commission for their consideration.

Ms. Ann Grasso commented that there are many steep lots in town, and it should be up to the buyer to determine if it is acceptable.

Chairman Alice Kelly asked if there were any members of the public wishing to speak regarding these applications. There were none present.

Vice Chairman Michael Cannata made a motion to close the Public Hearing for Applications #21-07 and #21-09. Seconded by Chris Cambareri. *All in favor; motion passed.*

Mr. Dufrense asked why Adelbrook would not be using this property. Mr. Popper replied that it is too far from the main campus.



Vice Chairman Mike Cannata made a motion to approve Application #21-07 with the conditions in Jon Harriman's memo of April 20, 2021 and with the condition that that the installation of sidewalks on Hicksville Road be required. Motion seconded by Chris Cambareri. *All in favor; motion passed.*

Vice Chairman Mike Cannata made a motion to approve Application #21-09 with the conditions in Jon Harriman's memo of April 20, 2021 and Jason Brade's memo of May 17, 2021. Motion seconded by John Keithan.

All in favor: *Chris Cambareri, John Keithan, Robert Donohue, and Ann Grasso*

All opposed: *Chairman Alice Kelly, Nick Demetriades, Paul Cordone, Vice Chairman Michael Cannata, Brian Dufresne, and Ken Rozich.*  
*Motion failed.*

Chairman Alice Kelly reiterated her reasons for opposition and Vice Chairman Mike Cannata feels that the Application did not meet the requirements of Section 6.6.D. of the Zoning Regulations.

**11. Commissioner's Comments:**

Mr. Popper advised the Commission that at this time there are no items for the June 1, 2021 meeting. It will be canceled unless something comes up.

**12. Approval of Minutes:**

**a. April 27, 2021 (site walk)**

Vice Chairman made a motion to approve the minutes of April 27, 2021 as amended. Seconded by Nick Demetriades. *All in favor, motion passed. (Ann Grasso, Robert Donohue, and Chris Cambareri abstain as they were not present at the site walk of 4/27/21).*

**b. May 4, 2021**

Vice Chairman made a motion to approve the minutes of May 4, 2021. Seconded by Paul Cordone. *All in favor, motion passed. (Alice Kelly, Ken Rozich, Nick Demetriades, Brian Dufresne, and John Keithan abstain as they were not present at the meeting of 5/4/21).*

**13. Adjourn:**

Vice Chairman Michael Cannata made the motion to adjourn at 9:05 PM. *All in favor, motion passed.*

Respectfully submitted,



Michelle L. Armetta  
Recording Clerk