



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. TUESDAY NOVEMBER 15, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

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

Absent: Ken Rozich, Brian Dufresne and Paul Cordone

Also present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:03pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

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Dec 02, 2022 02:22P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

3. Seating of Alternates

A motion was made by Michael Cannata and seconded by Chris Cambareri to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the amended agenda adding item 9a. Application #22-42 Lost Breed Gym and item 9b. Approving the 2023 calendar of meeting dates. All were in favor; the motion passed.

5. Public Comments

Peter Amato of 79 Willowbrook Road, Cromwell said he is thankful for the Commission members service. He said he has suggestions for the review process of applications submitted to the Planning and Zoning Commission. He said he finds it difficult to provide the Commission

information as a citizen. He said 170 Evergreen is on the south side of his property and he has been raising concerns about this development since February. He said the Inland Wetlands Commission determined there was no significant activity with the application and didn't schedule a public hearing. Mr. Amato said he thanks Mr. Popper and Mr. Harriman for working to address his concerns of the stormwater drainage. Mr. Amato referred to a memo he sent to Mr. Popper and copied to Chairman Kelly dated November 14, 2022. He said he wanted to have his concerns on record regarding the storm culvert drainage issue and said he feels the drainage easement of 20 feet or more should be provided since the storm culvert is the only drainage for the storm water that flows down the Willowbrook Road grade from its beginning at Coles Road.

Attorney Richard Carella said he represents FM Holdings who owns the property at 241/251 Main Street. He said this property was zoned a Commercial Billboard District in September of 2020. He said this is a separate and distinct zone. Attorney Carella said the owner has learned from the State of Connecticut that this stand-alone zone is not in compliance with federal law. He said specifically the highway beautification act prohibits this and they say it has to be part of a commercial or industrial zone. Attorney Carella said they are interested in having an informal discussion about removing the Commercial Billboard Zone (CBZ) and in its place create a floating zone. He said the CBZ would still be intact and this was recommended by the State.

Chairman Kelly asked what he meant by a floating zone. Attorney Carella said this is commonly used in the commercial or institutional zone and would allow this property to have a billboard on it. Chairman Kelly said she is concerned that once we put it in our regulations that it can be used everywhere. Mr. Popper said the current CBZ district was only zoned for two properties, this one and 6 Piney Ridge. Mr. Demetraides said I am not a sign fan so I want to specifically see what it means and where it will be applied. Attorney Carella said his intent is not to expand this use but to fix a problem my client has. He said I am trying to fix a problem that occurred when this was approved for my client. Attorney Carella said he would like to come back and have a discussion about the floating zone.

Mr. Joseph Koniushesky, 180 Evergreen Avenue, Cromwell said he has expressed his concerns about flooding on my property and that it could increase with the development at 170 Evergreen Road. He said I spoke with Mr. Harriman and he has taken care of some of my concerns. Mr. Koniushesky said that if you don't take precautions in removing trees and soil it can be a problem and said that I hope the developer adheres to proper drainage practices.

6. Development Compliance Officer Report:

Mr. Driska said there was not a report in the package.

7. Director of Planning and Development Report:

Mr. Popper said that Burlington Store is expected to open for Thanksgiving though we don't have an exact date but they are moving along and it will be very soon. He said they expect activity in the retail marijuana business soon. Mr. Popper said that the Town Council voted to allow two retail facilities and one medical facility. He said there have not been any cultivator applications but they are allowed in only the industrial zone.

8. New Business: Accept and Schedule New Applications:

a. Application #22-42: Request for a Site plan modification to change the sign on the building at 20 Sebethe Drive. Lost Breed Gym is the Applicant and CSD Fitness LLC C/O Robert Malin Realty is the Owner.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept Application #22-42 and schedule it to be heard this evening. All were in favor; the motion passed.

9. New Business:

a. Application #22-42: Request for a Site plan modification to change the sign on the building at 20 Sebethe Drive. Lost Breed Gym is the Applicant and CSD Fitness LLC C/O Robert Malin Realty is the Owner.

Mr. Popper said Lost Breed Gym is the new gym at the location of the former WOW gym and would like to change the sign on the building facing Sebethe Drive. He said that a site plan modification is needed per our regulations. Mr. Popper showed the Commissioners the sign.

Anthony Luca of Lost Breed Gym said they would like to put a new box sign where the current sign is now. He said it will be a black sign. Mr. Popper said the sign meets the requirements of the zoning regulations. Mr. Driska said it is slightly larger than the one there now.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve application #22-42. All were in favor; the motion passed.

b. Approve the 2023 Planning and Zoning Meeting dates

Chairman Kelly asked Mr. Popper if May 2nd was a budget referendum date and Mr. Popper said that it was so we can have the May meeting on the 4th instead.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the meeting dates for 2023 with the change of May 4th instead of May 2nd. All were in favor; the motion passed

c. Application #22-37: Request to develop a 6-lot subdivision at 170 Evergreen Street. Roswell Development, LLC is the Applicant and Robert Grinold Estate c/o Adam Berkeley Grinold is the Owner.

Mr. Popper submitted the response from Jon Harriman to Mr. Amato's letter that was previously given and emailed to all of the commissioners. He said we would make his comments a condition of any approval and adjust the comments to read at the time of approval so it gives us the ability to enforce once the lots are developed.

Mr. Ryan McEvoy, Engineer with SLR Consulting, 99 Realty Drive, Cheshire, CT said they are proposing a subdivision of the 14.3 site known as 170 Evergreen. He said his client is purchasing 6.42 acres fronting on Willowbrook Road which will be divided into 6 lots averaging about 1 acre in size. Mr. McEvoy said all the lots will have access to sewer and water and we have received approval at a recent Inland Wetland meeting. Mr. McEvoy said the WCPA also gave approvals to allow the connection to the public sewer. He explained that there will be an underground detention system for each lot and it will be sized appropriately for a 100-year storm and to mitigate flooding.

Mr. McEvoy said that there is an existing drain pipe that the town owns and we are providing a right to drain on this property. He said we will match the existing drainage pattern and work with the town and the neighbors. Mr. McEvoy said we will have a maintenance plan for the swale added to the plan. He said we are requesting a waiver to the sidewalk requirement since there are no sidewalks nearby nor are there curbs on this side of the road. He said they feel a curb would create runoff and create a hazard for cars in the winter. Mr. Popper said the staff recommends the developer install sidewalks. Mr. Cannata asked how many houses they were away from the nearest development that had sidewalks and Mr. McEvoy said Robbie Lane is seven houses north of the site. Mr. Popper said there are sidewalks at the corner of Evergreen Road and Willowbrook Road. The commission members and staff discussed the status of sidewalks to the north and south of the site.

Mr. McEvoy said the subdivision lots meet all the requirements for the R25 residential zone district. Mr. Popper said if this is approved tonight, each lot will be submitted to the town for review for zoning compliance and building permits by town staff. He said house locations shown on the subdivision plan are for general placements for the homes and it is up to each homeowner to show on a plan the house location, grading and utilities. Mr. Popper said there were numerous comments from town staff and memos from the applicant addressing those comments.

Mr. Popper submitted the response from Jon Harriman to Mr. Amato's letter that was previously given and emailed to all of the commissioners. He said we would make his comments a condition of any approval and adjust the comments to read at the time of approval so it gives us the ability to enforce once the lots are developed. Mr. Popper read Mr. Harriman's comments from his memo dated November 9, 2022 into the record:

I have reviewed the plans to subdivide and create six lots at 170 Evergreen Road. I have had some discussions with the developer's engineer to resolve some concerns as this project has worked its way through the permitting process. At this time the application has satisfied my concerns.

I offer the following as conditions of approval:

1. As-built submissions for final CO shall include a statement from the engineer/surveyor that the stormwater infrastructure has been installed as per the design requirements.
2. An existing drainage outlet appears to discharge onto 79 Willowbrook Road and continue

into and across proposed Lot 1. This drainage route cannot change as a result of this development. Prior to obtaining a final CO for Lot 1, the Engineering Department must be given the opportunity to verify that the proposed drainage swale closest to the abutting property at 79 Willowbrook Road is functional per the design intent, and that the existing drainage condition is not changed.

In compliance with Cromwell's CTDEEP MS4 permit requirements, attached to this memo is the Town's notification to contractors regarding CTDEEP storm water permitting requirements that may be relevant to this project.

Mr. Cambareri asked if any bonds are in place for this development Mr. Driska said there would be a bond on the whole project and individual bonds for each lot at the time of development.

Chairman Kelly asked who owned the rest of the property. Mr. Popper said Robert Grinold Estate c/o Adam Berkeley Grinold is the Owner of the whole 14.3-acre parcel. He said the developer is only purchasing the 6.42-acre portion of the site that fronts on Willowbrook Road. Mr. Popper said the Robert Grinold Estate will continue to own the remaining 7.88-acre parcel fronting on Evergreen Road.

Mr. Cannata asked where Mr. Harriman stood on the sidewalks. Mr. Popper said Mr. Harriman wants them installed and the drainage of sidewalks can be worked on. Mr. Driska said Mr. Harriman feels it is an important point. Chairman Kelly said they are needed and she wished they would continue them to Evergreen Road.

Mr. Demetriades said he looked through Mr. Harriman's memos and the applicant responses and it seems they need to make the conditions two memos from Mr. Harriman's condition of approval. They are dated November 9th and November 15th. Mr. Popper said yes, that is correct. Mr. Popper read Mr. Harriman's memo dated November 15, 2022 into the record:

I have read the letter requesting a drainage easement on lot 1. Public Works is not seeking an easement, nor do we wish to take on new infrastructure to maintain going forward. The Town has been able to discharge here for quite some time, and the developer's engineer has added language to the plan acknowledging the right to discharge. The riprap swale should be capable of accommodating storm water. In light of the letter, I recommend that a maintenance plan for the swale be added to the plan. With that, the Town would be able implement enforcement of a site plan violation if the swale is not maintained and problems between the two properties arise in the future.

Mr. Popper said in addition Mr. Harriman asked that this comment be added as condition,

Since the proposed swale is shown in very close proximity to the property line. the final location of the swale may need field adjustment to prevent damage to trees on the abutting property. This shall be coordinated and confirmed with Town staff prior to excavation for the swale.

He said the comments from November 9th and November 15th memo and the above statement should be conditions of approval. Mr. Popper said there should also be a motion to require

sidewalks and to deny the request for a sidewalk waiver.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve application #22-37 with the conditions of Jon Harriman's memos dated November 9th and November 15th and the statement in the minutes. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to deny the request to waive the installation of sidewalks. All were in favor; the motion passed.

10. Public Hearings:

- a. Application #22-38: Request for a Special Permit under Section 5.3.E of the Zoning Regulations to allow for the installation of a church sign in an R-25 Zone District at 22 Nooks Hill Road. Holy Apostles College & Seminary is the Applicant and the Owner

Mr. Popper read the public notice for application #22-38 and said they received a letter withdrawing the application and the church sign has been removed so there will not be a public hearing.

11. Commissioner's Comments:

Mr. Popper reminded the Commissioners about the email they should have received about the Plan of Conservation and Development survey.

Mr. Cambareri asked if the public comments made during that part of the agenda are considered part of the record for that application. Mr. Popper said I am not sure if those comments can be considered part of the record. He said that is a legal question for the town attorney.

Mr. Popper said at the December 6th meeting there will be a public hearing on an application to amend the zoning regulations to allow for electric car charging stations in Residential Zone Districts. He said the other application to be heard at the public hearing is for the new building at the TPC agronomy farm.

12. Approval of Minutes:

- a. October 6, 2022

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve the minutes of October 6, 2022. All were in favor; the motion passed.

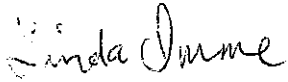
- b. October 18, 2022

A motion was made by Michael Cannata and seconded by Robert Donohue to approve the minutes of October 18, 2022. All were in favor; the motion passed

13. Adjourn:

A motion was made by Michael Cannata and seconded by Chris Cambareri to adjourn at 8:16pm. All were in favor; the motion passed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Imme".

Linda Imme
Recording Clerk