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JoAnn Doyle
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Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. TUESDAY SEPTEMBER 19, 2023 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Ann Grasso, Nick Demetriades, Ken Rozich, Robert Donohue

Absent: Brian Dufresne, John Keithan, Paul Cordone, Douglas Kalinowski

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

1. Call to Order

The meeting was called to order at 7:06pm by Chairman Kelly.

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 Chris Cambareri to seat Robert Donohue as an alternate. All were in favor; the motion passed.

4. Approval of Agenda

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve the agenda with the amendment that application #23-28 will not be heard tonight. All were in favor; the motion passed.

5. Development Compliance Officer Report:

Mr. Driska said his report is not in the package since they receive it at the first meeting of the month. He said he can report that the TPC agronomy farm building is under construction and the steel beams are being installed this week. Mr. Demetriades asked about Court Street and Mr.

Popper said there has not been any activity there but the former Ewald Estate was sold. Mr. Popper said there is a court agreement but he is not sure how long they have before that settlement might expire.

6. Director of Planning and Development Report:

Mr. Popper said projects around town are moving along such as Texas Roadhouse and Goldfish Swim. He said there will be a liquor permit application at the next meeting for the old Well. Mr. Popper said the Auto Zone is moving forward and the old Lord Cromwell should be in front of the Town Council in October for the tax abatement request. Mr. Popper said he regrets to inform the Commission of developer Martin Kenney's death over the weekend.

7. New Business Accept and Schedule New Applications:

8. New Business:

a. Application #23-26: Request for Site Plan Approval to construct a restaurant with a drive thru window at 195 West Street in the Highway Business Zone District. Cromwell Chicken LLC is the Applicant and NL Grocery II DST is the Owner.

9. Public Hearing:

a. Application #23-25: Request for a Special Permit under Section 3.3.C.4., 6.5 and 8.7 of the Zoning Regulations to construct a restaurant with a drive thru window at 195 West Street in the Highway Business Zone District. Cromwell Chicken LLC is the Applicant and NL Grocery II DST is the Owner.

Mr. Popper reads the public hearing notice for application #23-25.

A motion was made by Michael Cannata and seconded by Chris Cambareri to open the public hearing for application #23-25. All were in favor; the motion passed.

Jason Klein an Attorney with Carmody, Torrance, Sandak and Hennessey said that he represents Cromwell Chicken LLC and handed Mr. Popper the certificates of mailing. He said the proposed restaurant will be located at 195 West Street in the HB zone and showed the area on a map. He said this site will have a drive thru and in 2022 you told us that you wanted to see the drive thru in another location. Attorney Klein said we have reconfigured it and asked you about it in March. This Commission told us we were on the right track and we heard your suggestions.

Matthew Bersch, Engineer with Dynamic Engineering showed an aerial map of the southwest corner of the parking lot and said that this development is three quarters of an acre. He explained the driveway entrances and exits will remain the same. He said the site plan rendering shows everything but we also will show you an alternate plan with some minor changes. Mr. Bersch said the building will be 2,500 square feet with a double drive through. He said there will be sidewalks, trash enclosure, landscaping, signage and lighting. Mr. Bersch said access to the site will be provided by the existing driveway and the site will have 12 angled parking stalls. He said

the shopping center parking space requirement is to have 262 spaces and with this development they will have 592 spaces. Mr. Bersch said it will be a one way circulation around the building and 13 cueing spaces in the drive thru. He said there will be internal sidewalks that wrap around the building with an access to the dumpsters. Mr. Bersch said the updated rendering has some slight changes to the sidewalk plan. He said there will be two dumpsters in an enclosed 10 x 20 area and there will be trash pick up 3 times a week. Mr. Bersch said deliveries for supplies will be once a week during the overnight and the chicken deliveries will be 2 to 3 times per week in the morning. He explained that the hours of the store will be 10:30am - 11:00pm Sunday through Thursday and 10:30am - 11:30pm Friday and Saturday. Mr. Bersch said there will be 6-8 employees total in peak shifts.

Mr. Bersch said there will be 10 new freestanding LED lights, 5 wall mounted lights and 14 recessed lights under the canopy. Mr. Bersch said they are planning on 378 new plantings with a 3,500 square foot reduction in impervious surface. He said the gas service will connect to the West Street line and the rest of the utilities will tap into the existing site.

Mr. Bersch showed the amended plan with a sidewalk on Shunpike that will lead into the site and crosswalks with pedestrian crossing signs and stop bars/signs to provide safety. He said we will also add a second ADA stall. Mr. Bersch showed the landscape plan and said we are going to beef that up at the intersection by adding 2-3 rows in that area. He showed the architectural colors, materials and signage.

Corey Chase of Dynamic Traffic LLC showed the site access and circulation. He said there will not be any access changes and no new curb cuts. Mr. Chase said we felt there would be limited additional traffic that would impact the shopping center. He said we provided dual order points as research shows this is the best method to fill the gaps in single order line cues.

Attorney Klein said this special permit request does comply with the Plan of Conservation and Development and town regulations. He asked the Commissioners if they had any questions about the plan.

Chairman Kelly asked if there were any questions from the public. No one came forward.

Mr. Demetriades asked when they expect the peak traffic time to be and Mr. Chase said it would usually be at lunchtime and then again in the evening for dinner. He said Saturday midday would be the peak and they anticipate that to be around 71 additional cars. He said that this doesn't mean new cars on the road since they estimate that around 50% of those cars are already in that vicinity for other reasons. Mr. Demetriades asked about snow removal since that is where Stop and Shop piles the snow when they plow the lot. Attorney Klein said we will work with the landlord to find the best spot to put the snow. He said we can give the town a snow removal narrative.

Ms. Grasso asked about maintenance and said she likes the additional landscaping but anticipates there will be debris that gets trapped in the rows of landscaping. She asked what the policy was for trash control. Mr. Bersch said there will be trash cans around and the staff goes out twice per day to pick up trash on the ground.

Mr. Cambareri said he would like to see more than 2 rows of landscaping and Mr. Bersch said there are 5 rows in some components of the design. Attorney Klein said a landscaping maintenance agreement can be a condition of approval.

Daniel Chapple, Attorney with Carmody, Torrance, Sandak and Hennessey handed out an agreement tailored to this parcel. He said this gives the town a mechanism for overseeing the maintenance and will be recorded on the land records. Chairman Kelly said we are more interested in keeping this neat and clean, not having to enforce an agreement. Attorney Klein said we can add that to the agreement. Chairman Kelly asked Mr. Popper and Mr. Driska to work with them on this and Mr. Popper said yes.

Mr. Cambareri asked the Commissioners if they felt that the landscape plan should be enhanced and Mr. Cannata said sometimes more is not always better. He said I just want it to look good. Mr. Cambareri agreed and said it is the busiest and more exposed intersection in town.

Mr. Donohue said he has no reservation about the project and Mr. Rozich said it is a good project.

Mr. Popper asked about the exterior treatment of the dumpster enclosure and Mr. Bersch said it will look similar to the rest of the building. Mr. Popper said he assumed a professional landscaping firm would maintain the area and asked if there would be any irrigation system. Mr. Bersch said no, they have no plans for an irrigation system. Mr. Popper said the maintenance plan doesn't help us if you don't water. He said you have to maintain the area and we don't just want the ability to go on the property and say you need to fix something. Mr. Popper said they would want an outline and plan on how they will maintain the plantings and trees. Attorney Klein said we are agreeable to irrigating the corner of the plot and Mr. Popper said but you have to water everywhere. Attorney Klein said we will hire a company to water the rest and we can show you the agreement with the company and the watering plan. Mr. Popper said that will have to be on the deed forever. Attorney Klein said yes, it will be enforceable for the time it is there since we aren't the property owners and can't maintain the property forever. Mr. Driska said why hire a company to water when the ground will be dug up and you can put it in a full irrigation system. Attorney Klein said we are agreeable to a full system and will put that in the landscape agreement. Mr. Cannata said the plantings need to be very salt tolerant as well.

A motion was made by Michael Cannata and seconded by Chris Cambareri to close the public hearing for application #23-25. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve application #23-26 with the following conditions:

1. All work shall substantially conform to the site plan exhibit prepared by Dynamic Engineering Consultants, PC, dated September 14, 2023, and included in the September 19, 2023 presentation to the Planning and Zoning Commission, a copy of which is on file with the Planning and Development department.

2. Landscaping shall be provided in accordance with the landscape exhibit prepared by Dynamic Engineering Consultants, PC dated September 18, 2023 and included in the September 19, 2023 presentation to the Planning and Zoning Commission, a copy of which is on file with the Planning and Development department.

3. The Applicant shall provide two (2) handicap parking spaces located within the building pad on the portion of the property on which the restaurant will be located.

4. Applicant shall execute a Landscape Maintenance Agreement in substantial conformance with the draft filed on September 19, 2023. It shall be executed prior to the Certificate of Occupancy and include an irrigation system for Popeye's.

All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve application #23-35 with the following conditions:

1. All work shall substantially conform to the site plan exhibit prepared by Dynamic Engineering Consultants, PC, dated September 14, 2023, and included in the September 19, 2023 presentation to the Planning and Zoning Commission, a copy of which is on file with the Planning and Development department.

2. Landscaping shall be provided in accordance with the landscape exhibit prepared by Dynamic Engineering Consultants, PC dated September 18, 2023 and included in the September 19, 2023 presentation to the Planning and Zoning Commission, a copy of which is on file with the Planning and Development department.

3. The Applicant shall provide two (2) handicap parking spaces located within the building pad on the portion of the property on which the restaurant will be located.

4. Applicant shall execute a Landscape Maintenance Agreement in substantial conformance with the draft filed on September 19, 2023. It shall be executed prior to the Certificate of Occupancy and include an irrigation system for Popeye's.

All were in favor; the motion passed.

10. Commissioner's Comments:

Mr. Demetriades said that he attended a River COG meeting and sent you all emails with meeting dates. Mr. Popper said he will distribute the Commissioner training dates as well. Chairman Kelly thanked Mr. Demetriades for attending that meeting.

11. Minutes:

a. May 4, 2023 - tabled

b. June 20, 2023

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the minutes of June 20, 2023. Chairman Kelly, Michael Cannata, Ann Grasso, Chris Cambareri, Nick Demetriades approved, Robert Donohue and Ken Rozich abstained; the motion passed.

c. July 18, 2023- tabled

12. Adjourn:

A motion was made by Michael Cannata and seconded by Chris Cambareri to adjourn at 8:20pm. All were in favor; the motion passed.

Respectfully submitted,

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

Linda Imme
Recording Clerk