



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY JULY 21, 2015
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Michael Cantata, Ken Slade, Rich Waters, Ken Rozich, Nick Demetriades, Brian Dufresne, Alternate Fred Hayward

Absent: Chris Cambareri, Alternate Jeremy Floryan, Paul Cordone

Also Present: Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey, Town Engineer Jon Harriman

1. Call to Order

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

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A **motion** was made by Nick Demetriades and **seconded** by Michael Cannata to seat Fred Hayward as an alternate. *All were in favor; the motion passed.*

4. Approval of Agenda

A **motion** was made by Michael Cannata and **seconded** by Fred Hayward to amend the agenda by adding item 8c. Application 15-12 to act upon tonight and 8d. 15-32 to be heard at the 9/1/15 meeting. *All were in favor; the motion passed.*

5. Public Comments - none

6. Development Compliance Officer Report:

Chairman Kelly said she wishes Ms. Massey well in her job. Ms. Massey said she appreciated the Commission's support. She said she is still picking up signs and is working with Mr. Popper to

refine the zoning text amendments.

7. Town Planner Report:

Mr. Popper said he advertised for the ZEO position on Sunday in the Hartford Courant and will start to post in other places as well. He said they have a new application 15-30 from the TPC. He said that they have received a wetlands permit already. Mr. Popper gave a brief description of the work and said that there is no real impact here except to the course. He said we have spent a lot of time with this application. He said this will not be a public hearing.

8. New Business: Accept and Schedule New Applications:

- a. Application # 15-30: Request for a Site Plan Modification to maintain and reconstruct the TPC River Highlands Golf Course at 1 Golf Club Road. GZA Geo Environmental is the Applicant and Tournament Players Club of CT, Inc. is the Owner.

A motion was made by Michael Cannata and seconded by Brian Dufresne to accept and schedule application 15-30 for August 4, 2015. All were in favor; the motion passed.

- b. Application # 15-31: Request for a Site Plan Modification to add parking spaces at 14 Hillside Road. GKN is the Applicant and Buhl Land East V LLS is the Owner.

Mr. Popper read application 15-31 and said he is asking the Commission to accept and consider the presentation this evening. He said the applicant is in a hurry to get the parking lot finished. He said the commission has the ability to waive surface materials and landscaping. He said our regulations require a public hearing if adding a parking lot with more than 20 spaces in an Industrial area for principle use only.

Chairman Kelly asked how long GKN has known they wanted to do this and go around our regulations. Mr. Popper said that is inappropriate to say and this is how I interpreted the regulations. He said this is for 1000 Corporate Row and 14 Hillside Road and their work flow dictates a need for additional parking lot. He said you can have the Attorney look at it if you wish. Mr. Popper referred to a memo from Ms. Massey dated July 21, 2015. He said that Ms. Massey referred to gravel and landscaping requirements. Mr. Popper said that a Public Hearing would be your decision.

Andy McDowell, Facilities Manager at GKN in Cromwell said we are increasing and adjusting work to our sister store at 14 Hillside Avenue. 1000 Corporate Row is our flagship and will be there as well. He said we hired 9 new employees this month and had 8 interns from Cromwell High School and local Universities with a potential of 17 new cars. He said there is not much overflow parking and we are walking between buildings which is not really safe. He said the lot would be temporary for a few years due to growth but we will settle down. He said right now the area is flat greenscape. Mr. Hayward asked if the area was on a slope and Mr. McDowell said that it will be well beyond the 100 feet limit and there are no runoff concerns. Mr. Rozich asked

if they would put the area back to the way it was and Mr. McDowell said we would agree pending any further needs. He was we are lessees with a long term lease.

Mr. Popper said you can decide what is temporary and make it as a condition of approval and let the applicant come back at that point and decide if you want it to be permanent. He said when GKN no longer occupies the building make it go back to the way it was. Mr. Dufresne asked what the lease terms were and Mr. McDowell said he believes 14 Hillside is a 10 year lease and the flagship is 12-15 years.

There was a discussion on subgrade material. Mr. Demetriades asked where the exit and entrance would be. Mr. McDowell showed the area on a map. Mr. Demetriades asked if the silt fence would be removed after construction and Mr. McDowell said yes.

Mr. Cannata asked how many years they considered to be reasonable. Mr. McDowell said he would suggest 4-5 years. Mr. Cannata said the conditions could be 4 years for the sole use of GKN and if they leave before 4 years it goes back to green or at the 4 year mark it would need to be made permanent with appropriate applications or go back to grass. Mr. Demetriades said that 4 years isn't permanent and we should require a 2 year review with a report to the Town Planner and Compliance Officer.

Chairman Kelly said this has been quite an issue for you and we appreciate all that you have done. She asked why not make a permanent lot. Mr. McDowell said this is just a support building and the main work is at our other building.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 15-31 with the following conditions: 4 year limit on temporary parking lot, 2 year review with a report submitted to town planner and compliance officer, GKN sole use only, if they vacate before 4 years are up then it must go back to grass, if they are still there in 4 years it must become permanent with appropriate approval or go back to grass. *All were in favor; the motion passed.*

c. Application 15-12: 198 Evergreen Road, Surveying LLC is the applicant and Anthony and Patricia Iozza are the owners.

Mr. Popper said they are asking us to grant a 90 day extension to file the mylars. He said I have no issues with that.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 15-12 and grant a 90 day extension to file the mylars. *All were in favor; the motion passed.*

d. Application 15-32: Request to amend Section 1 Introduction and Definitions and Section 2 Residential Zone of the Zoning Regulations.

Mr. Popper said please accept and schedule for the September 1, 2015 meeting.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to accept and schedule application 15-32 for September 1, 2015. *All were in favor; the motion passed.*

9. Old Business:

- a. Application #14-40: Request to release the Landscape Bond for Site Plan Modification at the Classic Auto Wash & Detail Center at 23 Shunpike Road. Spanky's Cromwell LLC is the Applicant and Vincent Vento is the Owner.

Mr. Popper asked the Commission to amend the motion from the last meeting to say the exact amount.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to release the landscaping bond for application 14-40 in the amount of \$8,920. *All were in favor; the motion passed.*

As a follow up to the last meeting, Mr. Popper said the drain work has been made but they didn't bond for that, just the landscaping.

- b. Application # 15-15: Request for a Site Plan modification to construct additional parking spaces at 24 Shunpike Road. Donuts Mattabasset Realty is the Applicant and Mattabassett Realty, LLC is the Owner.

Mr. Popper said the applicant is asking this to be tabled as the Engineer had a meeting conflict. He said it was approved at the last Wetland meeting.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to table application 15-15 until the August 4, 2015 meeting. *All were in favor; the motion passed.*

10. Public Hearing:

- a. Application #15-24: Request for a Special Permit to install a public safety antenna at 179 Shunpike Road. Aecom is the Applicant and the Cromwell Fire District is the Owner.

Mr. Demetriades reads the public hearing notice for application 15-24 dated July 9, 2015.

Brian Dufresne recused himself from application 15-24.

A recess was called at 7:49pm. The meeting was called back to order at 7:55pm.

Attorney Salvatore Petrella with an office at 630 Main Street said he is representing the Cromwell Fire District. He said the reason we are here is for public safety. He said the Citing Council does not issue jurisdiction over that, only commercial antennas. He said Cromwell is a part of a coop network of public safety. Attorney Petrella also said that mail notifications were

sent and the sign was up for more than 14 days. He said the address is 179 Shunpike Road but the access is off a different street. He said the site houses a water storage facility as well as one tower already. He said that tower was erected 14 years ago and serves Police, Fire and medical. He said it also connects to other agencies. He said that since Homeland Security was created we need all municipal agencies to communicate. He said this has created a need for redundant public safety in case one tower goes down. Attorney Petrella said this is not mandated now but eventually will be required. He said surrounding towns have numerous towers. He said this is an ideal site height wise since we need a line of site from the facility to the tower. He said we have dead spots now which we are trying address and it is a problem for the emergency personal but also a citizen's problem too.

Attorney Petrella said there has been question as to how safe they are. He said the current one is 14 years old and is rock solid. He said they are designed that way and it would collapse on itself if ever failed. He said there is a greater chance of a tree falling on a house or a roof collapsing.

Attorney Petrella said the site is access controlled and under constant surveillance. He said there is one generator there now. He said the new one is only for public safety and there are no documented studies that these signals pose a danger to anyone and the signals are not directed down. He said I'm told signals are similar to a cell phone. He said the real issue is a visual impact and there is nothing to do with smoke, noise etc. He said there will be some construction noise but only for about a month which really includes curing time for the foundation. He said there is no adverse effect on neighbors. He said this meets your zoning requirements as an appropriate improvement and is a suitable use for the public and safety of the residents. He said your job is to represent all citizens in Cromwell.

Ignacio Artaiz of AECOM/URS Corporation said the tower will be 170 feet tall and will look the same as the one already there. He said there is a halo on top which allows us to maintain cliff antennas. He said each leg is anchored to 45 feet deep with a cement column which has an approximate 100 feet dimension. He said the new tower will be on the western end of the site and will be designed to collapse on itself so if it ever fell it would fall roughly within its own footprint.

He said that on 9/11 there were problems with Fire, EMS and police talking to each other. He said in 2005 we worked with NYC to allow a way for everyone to communicate. He said this was a 3 year project. Mr. Artaiz said this is forward thinking of Cromwell and the requirement will come down eventually. He also said this site is the best maintained site I've ever seen.

Police Captain Denise Lamontagne said a redundant system is certainly good for all 3 emergency entities. She said if a tower goes down it inhibits our ability to communicate. She said this is our lifeline and it is essential.

Attorney Petrella shows photos on a screen showing the views from different locations. He also gave Mr. Popper copies of the pictures which show the addresses.

Chairman Kelly said the public has 3 minutes to speak the first time around. After everyone has spoken they are able to come back up a second time for further comment. She asked for members of the public who wanted to speak against the application.

Narrindar Lalli of 32 Sovereign Ridge said that he has never heard of redundant towers set up right next to each other. He said this is a safe town with not a lot crime. He said if the present tower is used for public safety then why is there a dead zone. He also said home prices will go down if there are 2 towers. He also said that it is documented that there are health issues associated with towers. He said redundancy should be at different location.

John Hamby of 5 Twin Oaks Drive said he spoke with the former EVP at United Technologies and Dean of Technology at the University of Hartford. Mr. Hamby said that this gentleman questioned why there would be two towers right next to each other. Mr. Hamby said to do things because it's right not because you are scared. Mr. Hamby cited news articles which say redundant towers should be separated and it is a terrorist's target. He said we are not protecting ourselves but putting ourselves in harm's way.

Brian Stermer of 16 Sovereign Ridge said he is on the Board of the Homeowners Association. He said they fully support emergency personnel but there is no compelling reason for a 2nd tower. He said it is not a requirement and there has been no mention of the tower failing so this doesn't make sense. He said that Rocky Hill doesn't have their towers in the same location and an eyesore is the concerns. He told the Commission that they are requesting you deny the application.

Eric Zeilor of 5 Black Birch Drive said he wanted to thank EMS personnel but he doesn't think the tower is really about that. He said this is not the only spot that is available it is just because the Fire District owns the land. He said the 2nd tower does not address the dead zone. He said if you do approve it please make it so it is only used for public safety not for commercial use like the current one. He said we didn't know there would be 2 towers and what would prevent another 1 or 2 from being erected. He said these detract from property values.

Allen Hutton of 7 Twin Oaks Drive asked if they looked at other places or just this one since the land is free. He asked why there were no option and if a cost analysis was done. He said this doesn't make sense and visually it doesn't bother him.

Tara Spaniotis of 4 Black Birch Drive said she has questions about the radio frequencies and the effects on raising 4 small children under it. She said I look at it every day and my playscape is just feet from it. She asked if studies have been done and what frequencies it gives off. She asked what a 2nd one will give off. She said I bought here before the tower was there. She said I am not questioning public safety but what other options are there. She said our property values will shrink and I'll never be able to sell. She said won't there still be a dead zone with a second one and can you please consider other options.

Narrindar Lalli of 32 Sovereign Ridge asked what kind of data they have collected with the tower

going off the grid. He asked how many times in 14 years has it gone down.

John Hamby of 5 Twin Oak Drive said that terrorism is real and that is a zone for terror.

Richard Anderson Tower Manager for Cromwell said he has been managing the tower for 27 years and there were 3 towers prior to the one there now. He said lightening is a problem and they have a special system that totally isolates one tower from another. He said that 80% of communication is outside of Cromwell and there are no other sites high enough to do this. He said we average about 20 power failures a year and the biggest problem in that area is with telephones. He said that two towers together does make a lot of sense and the Police Department had a 100% catastrophic failure. Mr. Anderson said if they had a redundant site it could have been fixed with a switch. He said the intent is more than redundancies and by adding a 2nd structure we can switch over if needed. He said it would not be 30 days of construction but more like 4-5 days and the concrete has to cure for about 30 days. He said the Police Department patrols hourly and I am there 2 times a day. He said there are 16 cameras and under-ground sensors so we know if someone is there. He said a lot of Engineers have been involved with this and our goal is to give the town the best radio coverage.

Mr. Popper said a number of technical issues were raised and the Commission should receive the responses in writing from the applicant. He asked if the antenna was going to look like the current one. Attorney Petrella said no the current one is commercial and this halo is just for public safety. He said the current one started out as public safety and was built in conjunction with assistance of public carriers.

Chairman Kelly said they need to know if the 2nd tower will take care of issues raised and we need answers.

Mr. Rozich asked about the intended use and what happens if commercial companies want to put something in there. He wanted to know if that was our jurisdiction. Attorney Petrella said it would go to the Citing Council. Mr. Rozich said it was important to note that we can't control that part of it if we approve and that needs to be clear.

Mr. Popper asked the Commissioners to send him an email with questions and I'll put in the public record file and send to Attorney Petrella.

Eric Zeilor of 5 Black Birch Drive said he believes the intent down the road is for commercial use.

Brenda Zeilor of 5 Black Birch Drive asked why the back-up can't be mounted on the current tower. She asked about megahertz on the towers and the effects on health.

Attorney Petrella said he won't address megahertz and I won't conduct studies.

Tara Spaniotis of 4 Black Birch Drive said that they are asking what is radiating off the towers.

Attorney Petrella said he will address that.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to continue the public hearing until August 4, 2015. *All were in favor; the motion passed.*

A recess was called at 9:24pm. The meeting was called back to order at 9:28pm.

- b. Application #15-25: Request to amend the Zoning Regulations to create a new Regulation to permit multifamily housing in the Residential Zones. Diane Whitney C/O Pullman Comely is the Applicant.

Attorney Diane Whitney of Pullman Comely said they took the name multi-family and named it planned residential district (PRD). Mr. Popper said he thinks another amendment needs to be made to the text.

Mr. Demetriades asked how this is different and Attorney Whitney said that it is a floating zone so it could be single family, duplex or multi-family. Mr. Demetriades discussed the Plan of Conservation and Development. Mr. Popper said the idea behind it is there are areas where you can't build what is there now and this would develop housing that would match what is there now. He said it would be designed to fit in now and would be built to match.

Jim Cassidy of Hallisey, Pearson and Cassidy showed sites on a map that could be floating zones. They discussed the former Nike site and Mr. Cassidy said this is in the R-25 residential zone but could be a good multi-family development and it is 8.5 acres. Mr. Cassidy discussed some other properties and said he didn't list unfeasible properties due to no sewers system being available or other requirements not being met.

Mr. Demetriades asked what the motivation was for a PRD. Attorney Whitney said it would provide flexibility and we would like to come in for an application for a special use application the Nike Site and we can't accomplish that without this zone.

Mr. Popper said it would open more options since multi-family is only permitted in the Light Business or Highway Zone.

Attorney Whitney said the Plan of Conservation calls for more housing types.

Mr. Popper said the Commission might not agree with the floating zone and the Applicant will present some more fine-tuned points. Mr. Popper handed out their plan and explained the changes he wants to see. He said I will try to get this out before the next meeting.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to continue the public hearing for application 15-25 until August 4, 2015. *All were in favor; the motion passed.*

- c. Application #15-26: Request to amend the Zoning Regulations to add single family house and accessory uses to the Section 3.1. Downtown Cromwell District of the Zoning Regulations. Town of Cromwell Planning and Zoning Commission is the Applicant.

Mr. Popper said he added chicken definitions.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to continue the public hearing for application 15-26 until August 4, 2015. *All were in favor; the motion passed.*

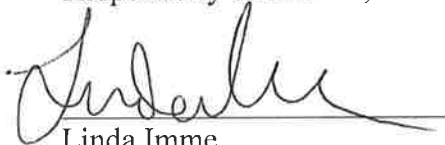
12. Commissioner's Comments:

Mr. Popper said that the Party Co. at 194 Shunpike would like to add an addition to the property and will be in front of wetlands. If approved, they will come here next.

13. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to adjourn at 10:06pm. *All were in favor; the motion passed.*

Respectfully Submitted,



Linda Imme
Recording Clerk