



## Town of Cromwell Planning and Zoning Commission

### **REGULAR MEETING** **7:00 P.M. TUESDAY JUNE 2, 2015** **ROOM 224 CROMWELL TOWN HALL 41 WEST STREET** **Minutes and Record of Votes**

**Present:** Chairman Alice Kelly, Michael Cannata, Nick Demetriades, Paul Cordone, Ken Slade, Rich Waters, Chris Cambareri, Alternate Jeremy Floryan

**Absent:** Brian Dufresne, Ken Rozich, Alternate Fred Hayward

**Also Present:** Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey (arrived 7:14pm), Town Council Liaison Richard Newton

#### **1. Call to Order**

The meeting was called to order by Chairman Kelly at 7:04pm.

#### **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 Jeremy Floryan as an alternate. *All were in favor; the motion passed.*

#### **4. Approval of Agenda**

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to approve the agenda with the amendment of adding 3 applications; #15-24, 15-25, and 15-26 to be accepted and scheduled. *All were in favor; the motion passed. Mr. Cambareri said he would recuse himself from application 15-25.*

#### **5. Public Comments - none**

#### **6. Development Compliance Officer Report:**

Mr. Popper said Ms. Massey was running late due to traffic and said she would do her report when she arrived.

After application 11-62 was voted on Ms. Massey began her report. She said that she is drafting a letter to gas stations and convenience stores that are in violation of sign regulations. She passed it around and asked the Commissioners what they thought. Mr. Cambareri asked about enforcement methods. Ms. Massey said this opens the conversation with them and we can discuss the time frames on enforcement after sending the letters. Mr. Cambareri said you have been doing a good job. Mr. Cannata suggested hand delivering some letters to express verbally that they are in violation. Ms. Massey said she will and she is also sending a letter to the actual address and the owner, if different than the occupant.

Ms. Massey said she will have an updated permit report at the next meeting.

#### **7. Town Planner Report:**

Mr. Popper said Middletown is allowing FedEx to move forward with their application at the old Aetna site. He said it should be before the Middletown Planning and Zoning in August or September. He said I would ask this commission to weigh in on the traffic situation and make a recommendation.

#### **8. New Business:**

- a. Request for a Renewal of Application #11-62: Special Permit for the processing of material in a contractor's yard at the rear of 231 Shunpike Road. Arborio Brothers, LLC is the Applicant and the Owner.

Mr. Popper said that he has contacted the Police Department, Fire Department and Town Engineer and none of those town agencies had any issues or comments pertaining to application 11-62.

Attorney Salvatore Petrella with an office at 630 Main Street Cromwell said he represents Arborio Brothers LLC. He said that special permit 11-62 involved a public hearing to permit crushing processing. He said they made a presentation about the recycling operation and a DEEP permit was received as well. He said that no one knew what the effects of the operation would be so there were 7 conditions of approval. He said my only issue with the conditions is the one with the one year time frame condition. He said they are happy to have been in operation for almost one year now. He said we would like to renew the permit with the elimination of that one condition. Attorney Petrella said it doesn't make sense for us to re-apply every year. He said there is an expense associated with that and no real valid reason. He said that any modification or amendment to the special permit could still be revoked with a hearing if we violate the other 6. Attorney Petrella said that the special permit only applies to processing and the crushing activities are already allowed in the zoning regulations. He also said that Mr. Arborio has never received a complaint. He said the charge of the Commission is to protect the health, welfare, and safety of the residents with conditions of approval and we are not affecting any of that. He said this change does not materially alter the special permit; it is just a minor change.

Mr. Popper said the conditions are listed in the minutes from a previous meeting. He said you could ask them to submit an annual report and the staff could check with the 3 departments to make sure there are no concerns. Chairman Kelly asked about condition #4 and Attorney Petrella said they notify all town entities every time they start to crush. Chairman Kelly said to clarify we are taking out condition #1 and instead asking for an annual report. Attorney Petrella said we have no problem with that. Mr. Cannata said this is a clean site and business. Mr. Popper said we will ask for an annual report that shows there are no complaints and confirmation they are adhering to the 6 conditions. Attorney Petrella said we will tailor it to address the conditions. Chairman Kelly asked if the max cubic feet was 850. Attorney Petrella said yes and that is per the DEEP permit. He said if we ever wanted to increase that we would go to them to increase and then come back to you. Mr. Waters asked if we are losing control and Attorney Petrella said no, you will still have the 6 conditions that we have to adhere to.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to renew application 11-62 with the modification to eliminate the one year condition and instead submit an annual report the first Tuesday in June on a yearly basis. *All were in favor; the motion passed.*

Ms. Massey began her report. See agenda item 6.

Mr. Popper said that they scheduled two meetings for July. He said he suggested having the one on July 7, 2015 and deciding if we need to have the July 21<sup>st</sup> meeting.

Mr. Popper said he will have to notify the Regional agencies about applications 15-25 and 15-26 so they can all be heard on July 7, 2015. He read application 15-26 and handed out the application. He asked the Commissioners to let him know if they had any comments.

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

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to accept and schedule application 15-24 for a public hearing on July 7, 2015. *All were in favor; the motion passed.*

**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.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to accept and schedule application 15-25 for a public hearing on July 7, 2015. *Alice Kelly, Michael Cannata, , Paul Cordone, Ken Slade, Rich Waters, Jeremy Floryan approved; Nick Demetriades abstained, Chris Cambareri recused himself. The motion passed.*

**c. Application 15-26:** Request to amend the Zoning Regulations to add single family house and accessory uses to the section 3.1.2 Downtown Cromwell District of the Zoning Regulations. Town of Cromwell Planning and Zoning Commission is the Applicant.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to accept and schedule application 15-26 to be heard on July 7, 2015. *All were in favor; the motion passed.*

#### **9. Discussion of the Zoning Regulations**

Mr. Popper said that the town has allowed temporary use permit for tent sales around 4<sup>th</sup> of July. He said after this year we should talk about it and see if we want to continue with those.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to authorize the staff temporary use permits for July 4<sup>th</sup>. *All were in favor; the motion passed.*

Mr. Cannata said we allowed Stone Post one year to have a place near Dunkin Donuts then denied them another year since they were taking away business from tax paying businesses.

Mr. Waters said we should let these applicants know this year that there might be potential changes for next year.

Mr. Popper said there are no applications for the next meeting so we can work on the regulations at that meeting. He said he will send out another package with definitions in them. He said we need to define things like what is cultivation of land. There was a discussion on farms and gardens.

#### **10. Commissioner's Comments:**

Mr. Waters said the roof at the garage at 49 River Road looks ready to cave in. He said someone could get hurt. Mr. Popper said this property is under severe orders from Mr. Bell and they are being fined per day. He said he will ask Mr. Bell for a report. Mr. Waters also said 8 South Street was a problem.

There was a discussion about the Ted's Cheeseburger building and that it was for lease not sale. Mr. Popper said he will bring the EDC report to the next meeting. Mr. Cambarari said the Fed Ex building will provide an economic boom to the businesses in Cromwell.

#### **11. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Nick Demetraides to adjourn at 8:07pm. *All were in favor; the motion passed.*

Respectfully Submitted,



Linda Imme  
Recording Clerk