

## Town of Cromwell Planning and Zoning Commission

### **REGULAR MEETING** **7:00 P.M. TUESDAY JANUARY 20, 2015** **ROOM 224 CROMWELL TOWN HALL 41 WEST STREET** **Minutes and Record of Votes**

**Present:** Chairman Alice Kelly, Michael Cannata, Paul Cordone, Rich Waters, Nick Demetriades, Brian Dufresne, Chris Cambareri, Alternate Jeremy Floyran,

**Absent:** Alternate Fred Hayward

**Also Present:** Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey

1. **Call to Order** –The meeting was called to order by Chairman Kelly at 7:03pm.
2. **Roll Call**
3. **Seating of Alternates**

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

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

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve the agenda with the amendments of adding 8c. Application 14-31; 2 bonds for Shady Lane Subdivision and 8d. Discussion of planning budget. Also amend so 8b is heard before 8a. *All were in favor; the motion passed.*

#### **5. Public Comments**

Attorney Salvatore Petrella, 8 Wexford Lane said he would like to request that application forms be placed on line so they can be done online instead of handwritten or printed and typed. Chairman Kelly said the town is slowly moving forward and a new IT consultant was recently hired.

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

Ms. Massey said that they are removing signs on a weekly basis. She said she will bring an updated list of permits with a status by the next meeting.

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

**8. New Business:**

- a. Application #15-01: Request for Site Plan Modification for West Street Commons, Mystique Lane. West Street Commons Unit Owners Association is the Applicant and Owners.

Attorney Salvatore Petrella said that this was a site plan developed in 2006 and we have submitted a detailed explanation about not constructing the proposed pedestrian path around the perimeter of the site. He showed the lot on the map and said the location is at the bottom of a steep slope. He said it is a 55+ development so no one wants the paths given the terrain. He said the path would also be in close proximity to some backyards. Attorney Petrella said there are sidewalks on both sides of the road so why not use them. Chairman Kelly asked if the paths would be owned by the Association and on private property. Attorney Petrella said yes, it is private property and the Association would be the only one using them. Mr. Waters said that he sees no reason why this can't be approved. Mr. Popper said the staff agrees with the application and they see no reason why it can't be approved either.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 15-01. *All were in favor; the motion passed.*

- b. Accept and schedule Application #15-02: Request for Site Plan Modification for One Willowbrook Road. JKE Property LLC is the applicant and the Owner.

Mr. Popper said this a new site plan not a modification so we don't need a public hearing.

A **motion** was made by Michael Cannata and **seconded** by Nick Demetriades to schedule application 15-02 for February 17, 2015. *All were in favor; the motion passed.*

**9. Old Business:**

- c. Application #14-37: Request for Site Plan Approval for three commercial buildings and two apartment buildings at 192 Shunpike Road and 110 Court Street. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix and Kane Street Associates LLC are the Owners.

**10. Public Hearings:**

- a. Application #14-36: Request to re-subdivide 192 Shunpike into four lots. The 5.9 acre site is located in the Local Business Zone on the east side of Shunpike Road and the north side of Court Street. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner. (Public Hearing continued from November 18, 2014 meeting)
- b. Application #14-38: Request for Special Permit to allow Multi-family Housing at 192 Shunpike Road. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner. (Public Hearing continued

c. from November 18, 2014 meeting)

Chairman Kelly read a letter from Attorney Williams dated January 20, 2015 that indicates they gave consent for the decision to be made at the next meeting. She said the Town Attorney also agreed. Mr. Popper also read an email from the Town Attorney that says the Commission can deny the application without prejudice. Chairman asked the Commissioners if there were any objections to the waiver and no one objected. Mr. Cambareri said he is recusing himself from the 3 applications.

Mr. Popper clarified that the waiver was for site plan approval for application 14-37. Chairman Kelly said they can't approve a site plan if the Public Hearings aren't acted on first.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to accept the waiver for application 14-37 and table the discussion until February 3, 2015 per the Town Attorney and the Applicant's attorney. *All were in favor; the motion passed.*

Attorney Matt Rinelli with Shipman and Goodwin said he is here since Attorney Williams could not be here tonight. Attorney Rinelli said the Commissioners should have the revised plans with changes made through January 16, 2015. Mr. Popper said we received a revised set of plans today that were not given to you. He said there is not a big difference but they won't show Mr. Harriman's comments. He said that Mr. Harriman is on vacation now. He said you have received copies of additional staff comments and if you approve it should be any outstanding issues. He said he suggests closing the public hearing and vote next month. He said we will draft both motions in the meantime.

Christopher Juliano said they have submitted revised plans after Mr. Harriman's comments were received on the January 14<sup>th</sup>. He said he will review those 6 changes since they are not on your plans. Mr. Juliano reviewed the memo from Mr. Harriman dated January 14, 2015. Mr. Juliano said the added catch basins should be no problem. He said they prepared the maintenance document and the manufacturer's suggestions were added to sheet 6. He said that notifying Engineering department of the installation of the water quality units was noted on Sheets 4 & 5. Mr. Juliano said to address comment 4 he added no parking zones so trucks could back up and eliminated 2 spots. He said they will have three dumpster pads with the same size and one will be smaller. He said they agree to number 5 and will move the sidewalk closer to the road on Court Street and Shunpike if the DOT allows. He said the construction sequence is shown on sheet 12 & 13 which you don't have. Mr. Juliano showed those changes on the map.

Beth Kirmsse of Cedar Hill Landscaping said she has a supplementary memo regarding the percentage of landscaping. She said the total proposed landscaping is in excess of what is required. She said that 5,498.2 is wetlands, 46,736 square feet is wetlands buffer and 14,000 is vegetative buffer and new native would be 14,700 square feet. She said this is a total of 80,948.2 square feet. Mr. Popper said that 82% is wetland or buffer. Ms. Kirmsse said yes and 18% is new. Mr. Popper reads the regulation for landscaping and said that they don't use the word wetlands in regulations so 82% is regulated area that you can't develop. Ms. Kirmsse said she

disagrees and that wetlands does meet the wording in the regulations. She said 82% in its character is 100% of the description. Chairman Kelly said we would have put the word wetlands if that was included. Attorney Rinelli said this does meet the spirit and letter of the regulations. Ms. Kirmsse said that all bodies of water would have a buffer. Attorney Rinelli said that the word buffer has been changed to upland review area and this includes open space areas. He said it doesn't say not including wetlands and some towns do specify. Mr. Popper said we aren't talking about open space areas and Attorney Rinelli said he meant to say landscape area can be used for passive recreation areas. Mr. Popper said this is an open interpretation of the regulations and it is like having cake and eating to. He said if you are saying recreation area than you are conducting activity in the upland areas. He said this could be more amenable if it was 50% and 50% not 18% and 82%. He said it is not a justifiable argument. Mr. Popper said the alternate would be to build 1 less building or go to wetlands for approval to build in the wetlands buffer. Mr. Rinelli said or landscape.

Ms. Kirmsse said she disagrees with your opinions and there was a discussion on the buffer. She cited sections 5.1.D.6.2, 5.1.F.A, 5.1.G.4 and 5.1.H.4. She said they are also asking to reduce buffer requirement as well. She said the location of the driveway has been decided after feedback from town staff and emergency personnel. She said it allows the current lot to abandon a dangerous driveway and to use this one. She said they proposing a fence and plantings on each side of the fence that will buffer the existing residence. She showed pictures of area with a current view and a proposed view. She said we are open to feedback from abutting neighbor for plantings. Mr. Popper said than you are saying there is no prudent and feasible alternative to having only 17 ½ feet instead of a 50 foot buffer and Ms. Kirmsse said correct. Mr. Popper said a prudent and feasible solution would be to move the driveway closer to the Shunpike. He said nothing in the records shows emergency personnel saying it can't be moved 33 feet close to Shunpike. He said it shows agreement to consolidating driveways. Attorney Rinelli said they have an email from Chief Salvatore saying he supports the plan and the merging of driveways. Chairman Kelly said we can't be sure he was aware you were cutting the buffer by 33 feet.

Mr. Cannata asked what was preventing them from giving a 50 foot buffer. Attorney Rinelli said it is an existing lot and our plans call for a building on it. He said this would make this lot unbuildable. Pat Snow said they didn't want to reduce the commercial space anymore since the Commission wanted more commercial. He said it is also not economically feasible to do that since he would lose a commercial lot. He said we did try to find a different solution.

Mr. Waters said I believe that we should give a 50 foot buffer and give the resident a choice if they want a fence or not.

A break was called at 8:23 and the meeting was called back to order at 8:28 by Chairman Kelly.

Mr. Cordone asked about the side yard buffer requirement and Ms. Kirmsse referred to her January 6, 2015 memo and discussed the plantings.

Mr. Popper said the Town Planner, Town Engineer and Police Chief oppose the sidewalk waiver

and I appreciate the Engineer putting it on the plans.

Attorney Rinelli said he is withdrawing the request for the installation of sidewalks to be waived. Chairman Kelly said you are withdrawing the request to waive the sidewalks and Attorney Rinelli said yes.

Chairman Kelly asked if anyone in the public had anything new they would like to say.

Mark Burgess of 72 Nooks Hill Road said he grew up on Court Street where his parents still live and it seems you have a lot questions. He said I don't want to see every piece of property in Cromwell to be built on. He said I am opposed to it.

Eric Bradley of 93 Court Street said I am not understanding where the value to the town of Cromwell is. He said we need commercial not residential.

Rob MacIntyre of 104 Court Street said there is no screening to 104 Court Street on the east side. He said my parents have been used to privacy for 40 years. He said this was bought up on the walk -through but there is nothing on the plan.

Ray Cioffi of 61 Court Street said he looked at the plans but it is hard to understand as a layman. He said the pictures tonight only showed one view but we are not seeing the height and width of the buildings. He said I am not opposed to the commercial but residential doesn't fit.

Beth Nielson said she lives in Middletown but her mom Catherine lives at 106 Court Street but she can't be here tonight. She said that people don't want apartments. She said the values of the home will go down. She asked if the Commission has asked about the developers other projects or developments and how those are working out. She said there will be traffic issues.

Chairman Kelly asked the applicant to address Mr. MacIntyre.

Ms. Kirmsse said she told him that we would propose to remove current materials and replace with pine and American Cranberry Bush. She said we would plant other shrubs to block views. She said we would use native bush that would provide an extra thick buffer.

Cynthia Johnston 65 Court Street said it is very congested area and apartments won't help the town.

Deborah Bradley of 93 Court Street asked what they would see from their home. Ms. Kirmsse explained the paintings they would see including trees, junipers and grasses.

Tom of 98 Court Street said he had asked specific questions about traffic and wanted to know if they were answered by the applicant at the last meeting. Chairman Kelly said they would get him the minutes from the January 6, 2015 meeting. He said his neighbors told him they were not answered.

Mr. Popper reads a letter from Ms. Wilkerson-Brillant of 91 Court Street dated January 6, 2015. She stated her opposition to the application.

Mr. Popper reads a letter from Leonard Lev, M.D. who expressed that he is in favor of the application. Dr. Lev said he would like to have an office there.

Attorney Rinelli said to summarize we have met the requirements and are only asking for a modification within the 50 feet buffer. He said that Dr. Lev is interested in the lot where the driveway would be if there was a 50 feet buffer met. He said the landscape areas are in compliance with the regulations. He said the regulations don't preclude the upland review area. Mr. Rinelli cited the specific regulations regarding site plan approval and said they have met all of the requirements.

Chairman Kelly said that all 3 experts have given well thought out plans and she thanked them for their diligence.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to close the public hearing for application 14-36 and continue discussion until the February 3, 2015 meeting. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to close the public hearing for application 14-38 and continue the discussion until February 3, 2105. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to accept the waiver for application 14-37 and table discussion until February 3, 2015. *All were in favor; the motion passed.*

Mr. Popper said the public and Applicant input part of the hearing is over. He said we will meet on February 3<sup>rd</sup> to hear the discussion and two motions will be drafted, one for an approval and one to deny. He said the Commission has 65 days to vote.

**8c. Application 14-31 Shady Lane Farm LLC is the Applicant and Owner**

Mr. Rozich recused himself from application 14-31 for two bond approvals.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve \$53,226 bond for E & S controls for application 14-31. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve \$460, 735 bond for roadway improvements for application 14-31. *All were in favor; the motion passed.*

**8d. Budget discussion**

Mr. Popper said that they want to put in for \$1,000 for a screen system and \$450 for the projector. Chairman Kelly said she wanted a smart TV. Mr. Popper said I already submitted for \$1500 so we can ask other Commissions to help.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve the Planning and Zoning Budget for 2016. *All were in favor; the motion passed.*

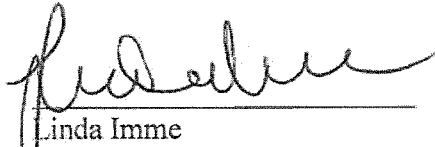
**11. Commissioner's Comments:**

Chairman Kelly said that Rocky Hill is looking at their regulations for marijuana.

**12. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to adjourn at 9:36pm. *All were in favor; the motion passed.*

Respectfully Submitted,

  
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Linda Imme  
Recording Clerk