



## **Town of Cromwell Planning and Zoning Commission**

### ***REGULAR MEETING 7:00 P.M. TUESDAY JANUARY 6, 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 Demetraides, Brian Dufresne, Alternate Jeremy Floyran

**Absent:** Chris Cambareri, Alternate Fred Hayward

**Also Present:** Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey, Town Council Liaison Frank Emanuelle

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 Brian Dufresne 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 Rich Waters to approve the agenda. *All were in favor; the motion passed.*

5. **Public Comments**
6. **Development Compliance Officer Report:**

Ms. Massey said that she spoke to Mr. Cambareri and they will begin to meet for the sign regulations and begin that process.

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

Mr. Popper said that the redevelopment agency was appointed and they will meet on the first Wednesdays of the month at 6:30pm. He said I will report back on the progress. He said that they can look at potential properties and request money to purchase them.

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

- a. Application #04-99: Request to grant an extension to the Site Plan Approval for the Active Adult Development at 47 Willowbrook Road. Trilacon Development Corporation is the Applicant and Owner

Mr. Popper said that this is a simple request to grant an extension from 10 years to 15 years. He said the 10 year mark will be in mid-January.

Chairman Kelly said she was recusing herself from this application since she was the owner of the property at one point.

Attorney Andrea Gomes from Shipman and Goodwin said that she is representing George LaCava who is President of Trilacon. She said this will be the second extension of application 4-99 and it was approved on January 18, 2005 for five years and then granted an extension which will expire on January 18, 2015. She said that approximately 98% of the site plan is completed but out of an abundance of caution they would like an extension. She said there are minor construction issues on the site.

A **motion** was made by Rich Waters and **seconded** by Paul Cordone to approve application 04-99. *All were in favor; the motion passed.*

- b. 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.

Mr. Popper said that they are asking the Commission to accept and consider at the next meeting. He said it is a minor change to the site plan and they are asking for the hiking trail to be removed.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to accept and schedule application 15-01 for January 16, 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 from November 18, 2014 meeting)

Chairman Kelly said they are asking the applicant for an extension. Attorney Williams said he thought they could make the presentation and then the Commission can decide if they want to ask for an extension or just close the public hearing tonight. Chairman Kelly said they just received some of the information being presented and they need time to think about the presentation. Mr. Popper said the next meeting is on January 20, 2015. Attorney Williams said he has a conflict on the 20<sup>th</sup> but they only made a few shifts in the site plan and updated the traffic information which is similar to what you've already heard about traffic. Mr. Popper said there are a number of comments to address and some major items still need to be addressed. He told the Commissioners that they are asking for a modification to the required landscape buffer. He said the applicant already indicated to him that they would grant the extension. Mr. Popper also said that we haven't seen a final plan containing all of the staff comments and requests. He said we will need time to review the plans. Pat Snow said we will grant the extension we just want a chance to address the issues first. Chairman Kelly asked if they were granting the extension until January 29, 2015 and Mr. Snow said yes. Attorney Williams said they have a landscape plan with buffer changes, an updated traffic study and a revised engineering plan and data on housing related studies. He said there are no changes to application 14-37 and they have nothing further to add for that application. Chairman Kelly asked about the existing house and Attorney Williams said there will not be any changes to it right away.

Mr. Popper asked about installing sidewalks for the subdivision or where they requesting a waiver. Attorney Williams said he wasn't sure. Mr. Popper said that it should be noted at the public hearing that you are requesting waiver.

Christopher Juliano said there can't be sidewalks on the Shunpike frontage. He said that would require DOT approval since it is a State Highway. Mr. Popper said our regulations require sidewalks so you need to request a waiver if you aren't going to have them. He said we expect to see them on the plans both on Shunpike and Court Street. Attorney Williams said I am requesting a waiver for the sidewalks on Shunpike and Court unless I say something different in writing before the next meeting.

Attorney Williams said that in regard to application 14-38 that someone from the public said there is no need or no market for apartments. He said that is not factual and I collected data and the finding is there is not enough housing in Connecticut. He also said in regard to section 8 questions that to deny based on this is against the law in Connecticut. He said the apartments are luxury apartments that cater to high income adults. Attorney Williams said that your decision is not allowed to be made based on whether there will be school aged children living there. He said the fact is these won't generate a large amount of kids at all.

Attorney Williams said that the Commission has the discretion to decide certain things and I am requesting your discretion on the front buffer by Court Street. He said it wouldn't be a waiver as your regulations don't use that language. Mr. Popper said he agreed and it would be correct to use the word modify instead.

Beth Kirmmse a landscape architect with Cedar Hill Landscape and Architect said she will review her memo dated January 6, 2015. She said their proposal for the area off Court Street was designed with the ideas of town staff and emergency response departments. She said this is where your discretion is required. She said we are proposing a fence in lieu of the 50 feet requirement. She said the buffer is a little bit more than 17 feet and a fence will go down the middle at about 8 feet. Ms. Kirmmse showed pictures of the proposed fence and area.

Mr. Popper asked if the driveway couldn't be moved closer to the Shunpike because of the existing lot the applicant already owns. Mr. Juliano said yes that property is part of the Ewald lot. Mr. Popper asked if they would lose the lot by putting the driveway there and Mr. Juliano said yes but it would also move the driveway closer to the Shunpike by 33 feet and that is not recommended. There was a discussion on whether the driveway could be relocated and if there were other alternatives.

Ms. Kirmmse went on with her presentation and Chairman Kelly asked who would maintain both sides of the fence and Ms. Kirmmse said we do. She indicated that the fence would be 30 feet from the corner of the house not just the property line.

There was discussion on missing maps and it was determined the Commissioners were missing L.1.3 and L.1.4. Attorney Williams gave Chairman Kelly a reduced size for their reference tonight.

Ms. Kirmmse said the plantings are shown at 90% life span. She said they could move them back so there is no chance they would infringe on the property line.

Chairman Kelly said that Town Council Liaison Frank Emanuelle was present at the meeting and she failed to say that at the beginning.

A break was called at 8:25pm. The meeting was called back to order by Chairman Kelly at 8:32pm.

Mr. Popper said that they are required to have 80,000 square feet of landscaping. He asked if they would provide a percentage of how much is wetlands and how much is new landscaping. He said it is important for the Commissioners to know the break down per our regulations.

Mr. Popper also said that per our regulations (3.1.5) sidewalks may be required per the town standard. He said we want to see them on the plan on both Court Street and Shunpike then the Commission can decide if it is a waiver by the next meeting.

Chairman Kelly said she is going to send the landscape plan to Mr. Hayward for his review. Chairman Kelly also thanked Ms. Kirmmse for such a detailed plan and presentation.

Jim Bubaris, Traffic Consultant in Wallingford, CT said additional counts were done and additional analysis was made. He said they came to the same conclusion that this proposal will

not have any adverse impacts. He discussed the bypass lane going South on the Shunpike and said passing on the right in this area per CT Statute is allowed. He said DOT does have to approve this application and they will make changes if they want. He said the DOT guidelines say to study until 100 vehicles per hour and we won't generate that many vehicles per hour. He said that he also did a traffic study 3 years ago for the Town for the Northern Tier. He said that was compared to the DOT study and was done both during the school year and summer and they were comparable. He said he uses a 2% growth factor per the DOT guidelines.

Mr. Bubaris said he conducted the most recent study between 7:00am – 9:00am and between 2:00pm and 5:00pm. He said the numbers of the first study were higher than the second study. He said the level of service is rated as a B which is good. He said some levels will be an A and some will be a C. He said he observed the intersection cues and they do not go past the daycare driveway on the Shunpike. He also discussed the traffic crash experience said that DOT keeps data from the towns for all roads. He also discussed the site lines and the approaching speeds.

Mr. Bubaris said that our findings are that 40 apartments and 6,000 square feet of office space with 2 driveways, one on Shunpike and one on Court will not have an adverse impact on the surrounding areas. He said this will produce low traffic for the four hours studied, 2 in the morning and 2 in the afternoon. He said they also find the site lines to be satisfactory. Mr. Bubaris said they will have to go to DOT for the driveway on the Shunpike and they will look closely at it since it is near their intersection.

Mr. Demetriades asked about the DOT traffic count data and how those numbers refer to his numbers and statistics. Mr. Demetriades said he would like to see it in writing. Mr. Bubaris said it is in his report he gave to Town Staff. Mr. Popper said it is his fault that the Commissioners don't have the full report and only the summary. He said he would get it to them. Mr. Bubaris said he used it to make sure his numbers are at least as high as theirs are per their guidelines. He said that Kerry Ross is his contact at DOT.

Mr. Bubaris discussed the level of service ratings and said A is good with little wait time and F is bad with congestion and long wait times.

Attorney Williams said that there are some minor revisions on the Engineering plan so Mr. Juliano will review that later when the changes are made. Mr. Cordone asked if they could segregate the changes by type and Mr. Juliano said yes he would update.

Mr. Cannata said that he wondered why they decreased the size of the office buildings but not the apartments which require a special permit. He asked if this was for buffer reasons. Mr. Juliano said he missed additional landscape buffer which took away from the buildable lot size and he needs to conform the development to the lot size.

A recess was called at 9:42pm. The meeting was called back to order at 9:46pm.

Chairman Kelly asked for public comments and said they should be new comments about the

new information presented.

Ray Cioffi of 61 Court Street referenced page 2 of the zoning regulations which in part say that proposed development should have no impact on property values and should improve them. He handed out a package to the Commissioners and said he found listing of numerous apartment vacancies in Middletown, Rocky Hill and Cromwell from the Trulia website. Mr. Cioffi read the memo he gave the Commissioners.

Ann Halibozek of 7 Christian Hill Road asked about the traffic and service levels and referred to a document by the Edwards and Kelsey Team titled Cromwell Business Park Draft. She also asked about sidewalks on that side of the Shunpike since they are on the other side. She said the entrance on Court Street isn't safe. Mr. Cannata said the staff recommendations are to have access on Court Street so we would be remiss not to take their advice.

Attorney Julie Petrella of 630 Main Street said she represents Ms. Martin who is handling the Ewald estate. She said that Ms. Martin was tasked with selling these properties. Attorney Petrella reads a letter from Ms. Martin which said that these properties will be sold and developed no matter what. She said the revisions are a result of the developer being thoughtful to the concerns of the citizens and the Commissioners should give proper weight to the professional concerns.

A **motion** was made by Nick Demetriades and **seconded** by Michael Cannata to continue the public hearings for application 14-36, 14-38 and application 14-37 until January 20, 2014. *All were in favor; the motion passed.*

Mr. Popper asked the applicant to supply them with more plans and traffic studies. Mr. Snow agreed.

**11. Approval of Minutes:**  
a. November 18, 2014

A **motion** was made by Nick Demetriades and **seconded** by Michael Cannata to approve the minutes of November 18, 2014. *All were in favor; the motion passed.*

b. December 2, 2014

A **motion** was made by Nick Demetriades and **seconded** by Michael Cannata to approve the minutes of December 2, 2014. *All were in favor; the motion passed.*

**12. Commissioner's Comments:**

Mr. Demetraides asked about the budget and Mr. Popper said it is being worked on now.

Chairman Kelly said she has been going to the COS monthly meeting and they are coming up

with a regional plan for every town.

**13. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to adjourn at 10:25pm.  
*All were in favor; the motion passed.*

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read 'Linda Imme', written over a horizontal line.

Linda Imme  
Recording Clerk