



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY OCTOBER 18, 2016
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Michael Cannata, Jeremy Floryan, Rich Waters, Chris Cambareri, Brian Dufresne, Alternate David Fitzgerald

Absent: Ken Rozich, Ken Slade, Paul Cordone

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Fred Curtin

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 Michael Cannata and **seconded** by Rich Waters to seat David Fitzgerald 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. *All were in favor; the motion passed.*

5.Public Comments - none

6.Development Compliance Officer Report:

Mr. Curtin reviewed his report dated October 11, 2016. Mr. Waters asked about 51 River Road and Mr. Curtin said he left a notice today about the camper in the front yard. He also said that Wes Bell was on 49 River Road. Chairman Kelly asked if the Town Attorney can send a letter to constant violators. Mr. Waters said that Mr. Bell is supposed to take care of both of these

properties as well as 8 South Street.

Mr. Cambareri said he would be talking with Mr. Curtin about the sign committee and said he had some amendments he will be presenting at the next meeting. Chairman Kelly said we should look at repeat offenders and impose fines.

7. Town Planner Report:

Mr. Popper said they have a RFP out for 60/61 River Road and he will advise the Commission once the proposals are in. He said that on page 93 of the zoning regulations there is a typo and it should say "per acre of buildable area". He said the Town Attorney said no public meeting is needed just to present to the Commission. He said all proposals they have received use the work acre. Chairman Kelly said she would just like to see that in writing from the Town Attorney.

Mr. Popper passed out the CERC town profile that has been updated.

8. New Business: Accept and Schedule New Applications:

- a. Application #16-39: Request for a Site Plan Modification to permit the installation of signs at 14 Hillside Road. Sign Pro Inc. is the Applicant and Buhl Land East is the Owners

A **motion** was made by Michael and **seconded** by Brian Dufresne to accept and hear application 16-39 tonight. *All were in favor; the motion passed.*

- b. Application #16-40: Request for a Site Plan Modification to permit the installation of signs at 1000 Corporate Row. Sign Pro Inc. is the Applicant and Buhl Land East is the Owner.

A **motion** was made by Michael and **seconded** by Brian Dufresne to accept and hear application 16-40 tonight. *All were in favor; the motion passed.*

Robert Kuszpa of Sign Pro said he represents GKN Aerospace. And they are looking to add ID and way finding signs. Mr. Cannata asked Mr. Curtin and Mr. Popper if the signs met the regulations. Mr. Curtin said the signs are OK and there would be two directional signs on 14 Hillside but I don't see anything on how many signs there could be. Chairman Kelly asked if the signs were clear and Mr. Curtin said yes.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-39. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-40. *All were in favor; the motion passed.*

9. Old Business:

- a. Application #16-37: Request for a Site Plan Modification to allow for Outside Storage

and Sale of Propane Tanks at 207 West Street. Blue Rhino of New England is the Applicant and the TA Cromwell LLC and TA New Milford LLS are the Owners.

Scott Lapham a Field Specialist with Stop and Shop said they want to add a storage area for propane tanks at the Stop and Shop gas station. Mr. Cannata asked why they needed one box at each location since the store and gas station are 150 feet away from each other. Mr. Lapham said it is convenience for the customer. He said the gas station is grab and go but the store requires you go in, pay and wait for a key holder to open the storage area outside. He said the unit would be on the side of the building closest to the grocery store. Chairman Kelly said there is not enough room there. Mr. Cannata asked if there would be concrete monument sand Mr. Lapham said yes. Mr. Popper said this was approved by the Fire Marshall. Mr. Waters asked if the tanks would be under lock and key and Mr. Lapham said yes. Chairman Kelly said she is not in favor of this since it is right near the gasoline. She said I know everyone said it was OK but I don't like it.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 16-37. *Michael Cannata, Jeremy Floryan, Rich Waters, Chris Cambareri, Brian Dufresne, David Fitzgerald approved; Chairman Alice Kelly opposed, the motion passed.*

10. Public Hearings

- a. Application #16-32: Request to Modify the Special Permit at 161 Berlin Road by adding seasonal storage of trailers in the parking lot. Wal-Mart Real Estate Business Trust is the Applicant and Infinity Cromwell Properties Limited Partnership is the Owner.

Mr. Popper reads the legal notice dated October 6, 2016.

Chairman Kelly asked if the owner should be the applicant and Mr. Popper said no, this is the typical process and the owner signed the application.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to open the public hearing for application 16-32. *All were in favor; the motion passed.*

Joe Daignault, CPH Design said that an outdoor seasonal area was approved last year and the only change this year is the location will be near the garden center which conflicts less with customers. Mr. Popper asked him to explain the whole set up.

Mr. Daignault said there will be 10 trailers from November 1, 2016 – February 15, 2017 and they are standard size. Mr. Cambareri asked if they would be loading them during the night.

Kathy, Co-Manager at Walmart said no, only during the day for customer layaways. She said layaway closes at 9:00pm and doesn't open until 7:00 or 8:00am. She said the trailers were on the West side last year. Mr. Cambareri asked if there was anything on the South side. Mr. Popper said there was after the reconstruction. Mr. Popper also mentioned that last year they said they said they would remove the trailers earlier if they were able. He said our regulations don't discuss

outside storage, we make it possible through a special permit.

Mr. Cannata said last year I was adamant that this was a onetime deal and didn't expect you back here this year. He said this is not a temporary use it is every year. He said I didn't even want to hear this application, if you need storage than build it. Chairman Kelly asked how many Walmart's do this and Kathy said 100% as far as I know. She said last year she was in Chicopee, MA and there were 20 trailers. Mr. Cannata said that connex boxes are not pretty and Kathy said she is not involved in building decisions. Mr. Waters said if we approve them have them put them in the same spot as last year.

Chairman Kelly asked for members of the public who wanted to speak.

Maurice Villano, 17 Kirby Road said that he is a 32 year resident of this street and he has been supportive overall of Walmart. He said the original design never called for truck traffic or loading on the East side. He said there isn't enough room on the East side. He said you also can't just say seasonal you need specific dates. He said they shouldn't park them on the grass and how they will they get in. He said the fire gates on Kirby are not for traffic. He said I am concerned they will be bought in at night as well. He said if approved I would like a 2 year revisit of the permit.

A motion was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public portion of the public hearing. *All were in favor; the motion passed.*

Mr. Dufresne said he agreed with Mr. Cannata but I understand what is necessary to run a business. He said there is enough room to build a temporary site. He said I want to be business friendly but these trailers are an eyesore. He said I am not sure Corporate will get the message until we deny. Mr. Cambareri said I have a problem with outside storage and I am against this. Mr. Waters said the message is not getting through and if we approve it should only be on the West side. Mr. Floryan said he is not for it since the space on the East side is not big enough. He asked how many years they have been requesting this. Mr. Popper said last year and previously they had them without permits.

Mr. Cannata asked the minimum number of trailers they needed. Kathy said I would say 5.

Mr. Fitzgerald said I don't mind to a point but this seems like poor planning and we need to make it as minimal impact as possible for the neighbors.

Mr. Cannata said speaking for himself he would allow 4 in the same location as last year with a strong message to Corporate that this is the last year we will do this. He said the dates he would approve were November 1, 2106 to January 15, 2017.

Mr. Popper said that he will draft a letter to Corporate. He also said the application includes a permit for the garden center as well. Kathy said that they are looking at dates of April 1, 2017 – the latest of August 1, 2017. She start they start condensing on July 4th.

Chairman Kelly said she is against trailers 100%. She said Walmart can put up a storage shed that would enhance the area. She said they are cheap. Mr. Dufresne said this store is unique since it is in a residential area so we are being sensitive to that. Mr. Cannata said they also avoid paying property taxes by doing it this way. He said again, I am only speaking for myself that I will not approve this next year.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public hearing. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 16-32 with 4 trailers from November 1, 2016 – January 15, 2017 in the same location as last year (West side) by conferring with Fred Curtin and Stuart Popper and the applicant must notify Corporate that this is a pass and will be a problem next year. *Michael Cannata, Jeremy Floryan, Rich Waters, Brian Dufresne, David Fitzgerald approved; Chairman Alice Kelly and Chris Cambareri opposed. The motion passed.*

Mr. Daignault handed Mr. Popper the certificates of mailing for application 16-32.

b. Application #16-36: Request to Amend the Zoning Map for 241 and 251 Main Street from Riparian Protection District to Local Business Zone. Rodnella Realty LLC is the Applicant and Owner.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to open the public hearing for application 16-36. *All were in favor; the motion passed.*

Attorney Rich Carella said there are 2 properties on the lower end of Main Street and referred to a map in the package and also handed a map from the GIS viewer. He said the old Citgo station is still there and we would like to change the zone to Local Business like it was prior to the last regulation change made in 2011. Mr. Popper said there is a question on our part as to what this was prior to the zone change.

Attorney Carella said that this is also in the 100 year flood zone and has flooded in the past. He said they have to meet the special requirements of this zone no matter what zone the property is in. He said his applicant would like to make further developments to this property to make it more welcoming as you enter Cromwell. He said it would be nice and welcoming and have gas and coffee among other things. He said we can't do much there no since it is in the Riparian Protection District (RPD) zone. He said he can maintain the small station since it is grandfathered in but the applicant has other visions.

Rodney Bitgood owner of 263, 241 and 251 Main Street said he has a plan to change the station to a more welcoming gateway to downtown. He said anything I can do is better than what is there.

Mr. Popper said the RPD zone doesn't allow anything and he is not sure why it was ever zoned this way. He said he couldn't find any notes in any minutes about this specific property.

Chairman Kelly discussed the old maps and asked why they aren't asking for it to be changed to the Downtown Business District. Mr. Cambareri asked if that would make the use non-conforming and Mr. Popper said yes, I believe that was the reason and he said that Mr. Bitgood's current business is in the Local Business Zone. Chairman Kelly asked what the differences were. Mr. Popper said the Downtown District doesn't allow auto uses so they wouldn't allow expansion without a variance. He said in my mind Local Business zone seems to fit. He said the regulations surrounding the 100 year flood zone will stick no matter what zone this is. He said the Local Business zone is more expansive. Mr. Cambareri said we can't keep making people non-conforming.

Chairman Kelly asked for members of the public who wanted to speak regarding application 16-36.

Jay Polke, 15 Harrison Drive said this is a win, win for the Town of Cromwell. He said that area is an eyesore now. He said this is a tax generator and Mr. Bitgood is a good guy.

A recess was called at 8:23pm. The meeting was called back to order at 8:26pm by Chairman Kelly.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public portion of the public hearing for application 16-36. *All were in favor; the motion passed.*

Mr. Waters asked if this needed to go to the Wetlands Commission. Mr. Popper said no, this is just a zone change. He said when they are ready to develop the site that it would have to go to the Wetlands Commission if they construct in the wetlands area. He said we are not approving any permits and construction at this point. He said they will have to meet all flood regulations. Mr. Waters said this was changed for a reason and we shouldn't change it.

Mr. Cannata asked if they could renovate the existing building in the current zone and Mr. Popper said that is a building permit question and I'm not sure since it's been empty for some time. He said it is a grandfathered use and it could reopen as the same use. Attorney Carella said it could be used as it is now as a gas station and we could have the pumps and tanks reinstalled in their former footprint.

Mr. Cannata said he is in favor of this since it can all be resurrected than why not change it to give him the ability to clean it up and reopen. Mr. Cambareri, Mr. Floryan, Mr. Fitzgerald and Chairman Kelly all agreed.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public hearing for application 16-36. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 16-36. *Alice Kelly, Michael Cannata, Jeremy Floryan, Chris Cambareri, Brian Dufresne, David Fitzgerald approved; Rich Waters opposed. The motion passed.*

11. Approval of Minutes:

a. September 20, 2016

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan approve the minutes of September 20, 2016 with the amendment of adding the absent Commissioners to include Brian Dufresne and Ken Rozich. *All were in favor; the motion passed.*

b. October 4, 2016

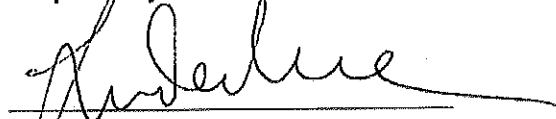
A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve the minutes of October 4, 2016 with the amendment of changing the address in item 6 to 51 River Road from 49 River. *All were in favor; Chairman Kelly abstained; the motion passed.*

12. Commissioner's Comments: none

13. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to adjourn at 8:37pm. *All were in favor; the motion passed.*

Respectfully Submitted,



Linda Imme
Recording Clerk