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**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JULY 18, 2017
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Jean Chelquist
TOWN CLERK

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Brian Dufresne, Richard Waters, Ken Rozich, and David Fitzgerald (alternate)

Absent:, Kenneth Slade and Nicholas Demetriates (alternate)

Also Present: Director of Planning and Development Stuart Popper, Zoning Compliance Officer Fred Curtin, and Town Engineer Jon Harriman.

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:03 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat Alternate David Fitzgerald, Seconded by Richard Waters. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper asked that the Commission amend the agenda to include under New Business: Accept and Schedule New Applications:

- a. Item 9C: Section 8-24 Mandatory Referral for the Town of Cromwell Belden Public Library Expansion and Renovations Project.
- b. Item 9D: Application #17-18: Request for a Site Plan Modification to install additional parking spaces at 6 Kirby Road. Lisa DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.
- c. Item 9E: Application #17-22: Request for Site Plan Approval to construct an Affordable Housing Development at 186 Shunpike Road. JPG Partners, LLC is the Applicant and Sybil C. Martin, Executrix of the Estate of Helen M. Ewald, is the Owner. The Applicant is requesting an extension of time.

A motion to approve the amended agenda was made by Michael Cannata and Seconded by Richard Waters. *All in favor; motion passed.*

Mr. Popper stated that Application #17-28: Request for a Special Permit under Section 3.5.C.4 of the Zoning Regulations to permit a brewery at 30 New Lane, would not be heard tonight per the Applicant's request.

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer Report

Mr. Curtin reviewed with the Commission his Memo dated July 11, 2017. The violation at 49 River Road had been forwarded to the Town Attorney. A Cease and Desist Order had been issued for 6 Kirby Road and the fines were accruing.

7. Town Planner Report

Mr. Popper stated that there was no report.

9. New Business Accept and Schedule New Applications:

- a. Application #17-29: Request to amend the Site Plan at 23 Shunpike Road by installing pay gates to the main car wash building. Splash Car Wash is the Applicant and Vincent Vento is the Owner.

Mr. Popper stated that the application had been reviewed by the police and fire departments and there were no comments. Town staff had requested some minor changes. He asked that the Commission accept and hear the application tonight. Michael Cannata made a motion to accept and schedule the application to be heard tonight; seconded by Ken Rozich. *All in favor; motion passed.*

Jason Frank, 625 W. Putnam Avenue, Greenwich, Connecticut, presented the application on behalf of Splash Car Wash. He stated that they are looking to install ATM or toll booth style pay gates at the back of the property where the cars enter the car wash. An attendant would still be available to assist with loading.

Michael Cannata made a motion to approve the Application; seconded by Brian Dufresne. *All in favor except for Richard Waters; motion passed.*

- b. Application #11-31: Request to release the \$1,200.00 street tree bond (six trees at \$200 per tree) for the Sunset Ridge Subdivision. Reed Builders LLC, was the Applicant; John Masserio and Janice Piccoli were the Owners.

Michael Cannata made a motion to accept and schedule the application to be heard tonight; seconded by Richard Waters. *All in favor; motion passed.*

Fred Curtin stated that all of the required street trees had been planted. Chairman Kelly stated that she did not believe that the trees had been planted along Pasco Hill Road and requested that Mr. Curtin check. Michael Cannata made a motion to table the application until the August 1, 2017 meeting; Seconded by Richard Waters. *All in favor; motion passed.*

- c. Section 8-24 Mandatory Referral for the Town of Cromwell Belden Public Library Expansion and Renovations Project.

Jon Harriman, Town Engineer, presented the application. He stated that the town had received a state grant for improvements to the library and that an architect had been selected who had produced some conceptual plans. He reviewed the major changes, such as the relocation of the circulation desk, the expansion into the courtyard and the construction of a multi-purpose room. He reviewed the general layout and elevation sketches as well as the architect's rendering of the interior. He was requesting a positive referral to the Town Council for action.

Michael Cannata made a motion to make a positive report to the Town Council, seconded by Chris Cambareri. *All in favor; motion passed.*

- d. Application #17-18: Request for a Site Plan Modification to install additional parking spaces at 6 Kirby Road. Lisa DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.

Mr. Popper reminded the Commission that the applicant had paved the buffer area without obtaining a waiver and that the Commission could either order him to re-establish the buffer area or issue a waiver.

Luca DiMichele was present and submitted photographs to the Commission so that they could view the present condition of the property. Chris Cambareri and Michael Cannata both stated that they wanted to see the buffer area re-established. The applicant stated that the buffer area had not been nicely landscaped. Chairman Kelly clarified that the permit they held was for a barbershop only, which the applicant confirmed.

Michael Cannata made a motion to deny the applicant's request for a waiver of the landscape buffer requirement, Seconded by Chris Cambareri. *All in favor; motion passed.*

- e. Application #17-22: Request for Site Plan Approval to construct an Affordable Housing Development at 186 Shunpike Road. JPG Partners, LLC is the Applicant and Sybil C. Martin, Executrix of the Estate of Helen M. Ewald, is the Owner. The Applicant is requesting an extension of time. Michael Cannata made a motion to accept the application and to grant an extension of time until August 15, 2017. Richard Waters seconded. *All in favor; motion passed.* Michael Cannata made a motion to schedule the public hearing for August 15, 2017; seconded by Jeremy Floryan. *All in favor; motion passed.*

10. New Business:

- a. Application #17-27: Request to amend the Site Plan at 51 Shunpike Road. The former Expect building and a portion of the former Kmart building façades will be renovated, the parking lot will be reconstructed, minor building additions constructed and new signs installed. HB Nitkin is the Applicant and Shunpike West Limited Partnership DBP HB Nitkin is the Owner.

Craig Way, Vice-President of Leasing, HB Nitkin, 230 Mason Street, Greenwich, Connecticut, introduced the application. He began by stating that they were looking for a national tenant to serve as the anchor store of the plaza and had bought out K Mart in order to bring in Shop Rite. Raymond Paier, PE, with Westcott and Mapes, Inc., reviewed the site plan, the conformance to the bulk requirements, the erosion and sedimentation plan, grading and drainage, the parking, delivery and loading areas, and the landscaping planting plan. John Amaral, the Project Manager for Shop Rite, reviewed the site lighting plan. Ed Pepin of Pepin Associates, Bloomfield, reviewed the proposed floor plan, which included a community room that could be used by non-profit groups, the storefront rendering and elevations, and the sample board of materials. Harry Garafalo, President of Garafalo Markets, stated that the store would employ approximately 275 full and part time employees and reviewed photos of the Milford Store as the new store would be similar in appearance. He stated that the store would be energy efficient and community oriented and that he was looking forward to working with the town.

There was some discussion among the Commission members and Stuart Popper regarding the proposed signage and the comments from the various town departments. Mr. Popper suggested that the comments included in the Police Chief's memo of July 11, 2017 regarding the bidirectional amplifier and Jon Harriman's memorandum dated July 12, 2017, be included as conditions of approval, should the application be approved. Michael Cannata made a motion to approve the application with the two conditions of approval (compliance with the comments set forth by the Chief of Police and the Town Engineer), Seconded by Brian Dufresne. *All in favor; motion passed.*

11. Public Hearings:

- a. Application #17-28: Request for a Special Permit under Section 3.5.C.4 of the Zoning Regulations to permit a brewery at 30 New Lane.

Ken Rozich read the two public hearing notices.

Michael Cannata made a motion to table the public hearing for Application #17-28; seconded by Richard Waters. *All in favor; motion passed.*

- b. Application #17-25: Request to amend the Zoning Map to create a Planned Residence Development Zone District at 76 Field Road. Carrier Group, Inc. is the Applicant and Larry Webster Associates is the Owner.

Michael Cannata made a motion to open the public hearing; seconded by Richard Waters. *All in favor; motion passed.* Mr. Popper informed the public in attendance of the schedule for tonight's presentation and that, if continued, the application would be heard at the next meeting on August 1, 2017. Attorney Joan Molloy, of Loughlin Fitzgerald, in Wallingford, Connecticut, represented the applicant. She began by submitting the Certificate of Mailing and the Affidavit regarding the sign. She also submitted written comments stating the applicant's compliance with the requirements

of the Zoning Regulations, an Impact Study, and her request for certain waivers as contained in a letter dated June 12, 2017 to the Commission. Mr. Popper clarified for the public that this was a two step process: that the applicant had to submit a master plan, and if approved, then apply for site plan approval and that the Special Permit application would also be the subject of a public hearing.

Mark Arigoni of Milone & MacBroom, Cheshire, Connecticut, began by reviewing the zone change area, a 50 acre parcel along Field Road. They were requesting a zone change from R25 to PRD (Planned Residential Development), carved out of a larger 106 acre parcel. One residential unit, an existing house, would make up the remaining land. The master plan consists of 75 single family units, 2,200 to 2,500 square feet, each with a two car garage, on a 10,000 square foot lot, on a private roadway, with each lot abutting a green space. Both the main access and emergency access roadways would be off of Field Road. There would be approximately 21.5 acres of open space around the development and approximately 3 acres of green space within the development itself. Mr. Popper reminded the applicant that this is not an open space subdivision and that the undeveloped land would remain with the developer, not the town, and that the correct term to use would be green space or buffer space, rather than "open space" to avoid confusion. The applicant confirmed that the green spaces would be maintained by a homeowner's association and be utilized by the community. Mr. Arigoni then compared this proposed development's characteristics to the adjacent neighborhoods.

Nicholas Armata of Milone & MacBroom, continued the presentation by stating that he had reviewed the town's Plan of Conservation and Development and how this development was in line with said plan. He stated that the building techniques enabled the homes to have high energy efficiency ratings and that the surrounding roads and infrastructure support this development. He reviewed the occupancy rates for Cromwell, and how this development will meet that need, as well as the plan's call for more park space. Chairman Kelly reminded the applicant that more than ten years had passed since the POCD had been published.

Nathan Peck of Milone & MacBroom reviewed the traffic study that had been conducted along the intersections of Route 99 (Main Street) and Golf Club Road, Golf Club Road and Field Road, and Nooks Hill and Field Road, during a weekday in May at peak commuter times of 7-9 a.m. and 4-6 p.m. He also reviewed historical volumes and accident data and concluded that there would be no negative impact from the additional proposed traffic of 49 morning trips and 55 evening trips. He stated that the accessway from Field Road had sufficient sight line distance. He stated that they had analyzed the capacity in terms of delays and service interruptions and concluded no significant change in service levels would occur.

Attorney Molloy clarified that the remaining single family residence would be encumbered by deed and development right restrictions so that no additional subdividing would be possible. She stated that the lots would be "exclusive use areas" with the buffer or green spaces under common or association ownership. She

stated that the land is zoned residential and could be developed as a traditional subdivision, in which a greater number of units would be possible.

John Carrier of the Carrier Group, Inc., Plainville, Connecticut, introduced his family and the background of his family's business, and their development history. He stated that they work almost exclusively in Connecticut, offer a five year warranty, build energy efficient homes, and specialize in designing homes with narrow lot lines. He reviewed the basic design layouts. He showed a video, shot by drone, of the Langdon Quarter's Development in Farmington, Connecticut, which would be similar in design to the proposed development.

Upon the conclusion of the main presentation, the Commissioners voiced their individual concerns, which were regarding the need for another emergency accessway, questioning the waivers being requested, the maintenance of the green / buffer spaces, the plan for dealing with pesticides in the soil, and the methodology/reasoning used in the Fiscal Impact Statement and the traffic study. Michael Cannata stated that he did not agree with the estimation of 56 children for a 75 unit development and asked why the shortcut from Vincy Drive to Shadow Lane was not studied. He further stated that it was his preference that the applicant retain the rights to the remaining acreage to ensure that it is not developed or used for other purposes, such as agriculture. Chris Cambareri asked whether the roadways would be built to town specifications, to which Attorney Molloy stated that they would be. Attorney Molloy stated that the waivers requested dealt with specifics that would be addressed later by the application for a site plan. She stated that she would provide the Commission with additional detail regarding the fiscal analysis.

John Carrier stated that the development of the remaining acreage would be controlled via deed restrictions, by requiring access through the private development, and by only allowing a 40 foot easement, rather than the standard 50 foot size. Michael Cannata pointed out that the property could be accessed via other parcels on Shadow Lane. Mr. Carrier stated that he would provide more detail at the next meeting.

The hearing was opened up to public comment. Michael Camilleri, 14 Centerwood Drive, thanked the applicant for its willingness to discuss its plan with the abutting neighbors. He stated his support, but said that he was concerned with the traffic to Shadow Lane and the sharp curve of Field Road, and asked if sidewalks would be installed. He voiced concerns regarding the maintenance of the buffer area, and the need for compliance with DEEP's regulations regarding the pesticides. He suggested that the remaining acreage could have a deed restriction that gives the town power to veto development and that the buffer land be linked to the state park. He also stated that, as chair of the Board of Education, he was not concerned about the enrollment impact. Robert Fuller, 7 Wexford Lane, complimented the applicant's positive reputation, but stated that he wished the applicant had discussed the issue of pesticide remediation at the initial meeting. He was concerned about disturbing the soil. Eric Rennie, 9 Wexford Lane, stated that this was a better proposal than those made in the

past. He was mainly concerned about the possibility of polluted runoff. Carrie Ferrer of 123 Field Road, asked about the depth of the tree line and whether the 500 foot abutters would continue to be notified. Nick DiBattista of 71 Field Road, voiced concerns about the narrowness of Field Road, especially during the winter snowplowing season. Chris Rasmussen of 16 Glenwood Terrace, stated that he had reviewed the Town's Plan of Conservation and Development and that he did not believe that higher end developments were wanted or needed. He stated that he wanted more information regarding the traffic study and believed the additional days and a review of Vincy Drive/Shadow Lane was necessary. Jim Vibberts of 2 Centerwood Drive, stated that he was concerned about the presence of Agent Orange in the soil as it is associated with a number of serious diseases. Barbara Gallo, 32 Glenwood Terrace, stated that she was concerned about the accessway being located on the curve of Field Road. She asked about whether septic systems or public water would be utilized and if sidewalks were being installed. Thomas McDermott of 6 Centerwood stated that he agreed with Mr. Camilleri's comments. Mark Benedetto of 30 Field Road, stated that he did not agree with the findings of the traffic study and stated that the roadway is frequented by pedestrians. Allen Nelson of 4 Centerwood Drive, stated that he agreed with Mr. Camilleri's comments.

Michael Cannata made a motion to continue the public hearing until August 1, 2017; seconded by Paul Cordone. *All in favor; motion passed.*


12. Commissioner's Comments: NONE

13. Approval of Minutes:

a. June 20, 2017: A motion to approve the minutes was made by Michael Cannata; Seconded by Richard Waters. *All in favor; motion passed.*

14. Adjourn: a motion to adjourn was made by Michael Cannata; seconded by Paul Cordone. *All in favor; motion passed.* Meeting adjourned at 10:05 p.m.

Respectfully Submitted,


Julie C. Petrella
Recording Clerk