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**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM THURSDAY NOVEMBER 9, 2017
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Gloria Prendergast, Asst
TOWN CLERK

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

Absent:

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:05 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat David Fitzgerald and John Keithan; Seconded by Paul Cordone. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added a request for the release of an erosion and sedimentation bond to the City of Middletown as Item 9b under New Business.

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

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer

Michael Cannata made a motion to approve Bruce Driska as the Zoning Enforcement Officer for the Town of Cromwell, Seconded by Chris Cambareri. *All in favor; motion passed.* The Commission welcomed Mr. Driska to the town. There was no report. Nick Demetriades asked Mr. Popper for a profile and about the selection process. Mr. Popper stated that he had hired Mr. Driska and asked him to introduce himself to the Commission. Mr. Driska stated that he had worked in land use for the past twenty two

years, most recently in Middletown, where he was the Deputy Director of Planning and had been a Zoning and Wetlands Officer in both Hamden and Berlin and was the past President of the Connecticut Association of Zoning Enforcement Officials. Michael Cannata stated that he had worked with Mr. Driska in the past on several projects and spoke highly of him.

7. Town Planner Report:

Mr. Popper stated that work was being done at the Cromwell Landing Park. A survey had been done, the stonewall would be rebuilt using brownstone, and some vegetation cleared. A boardwalk and handicapped accessible fishing platform was planned. They were meeting with DEEP to begin the permit process. Several new businesses had opened in town, and several businesses had recently closed along Main Street.

8. New Business Accept and Schedule New Applications:

a. Application #17-50: Request for a Special Permit under Section 6.6 of the Zoning Regulations to create a rear lot at 680 Main Street. Patricia Deperry is the Applicant and Anna Dubik is the Owner. Michael Cannata made a motion to accept the application and schedule it for a public hearing at a special meeting on December 5, 2017, Seconded by Brian Dufresne. *All in favor; motion passed.*

b. Application #17-51: Request for a Special Permit under Section 2.2.C.4 of the Zoning Regulations to construct a new golf course club house at the TPC River Highlands at 1 Golf Course Road. PGA Tour Design and Construction Services Inc. is the Applicant and Tournament Players Club of Connecticut, Inc. is the Owner. Michael Cannata made a motion to accept the application and schedule it for a public hearing at a special meeting on December 5, 2017, Seconded by Brian Dufresne. *All in favor; motion passed.* Ken Rozich recused himself from this item and did not vote.

c. Application #17-52: Request for Site Plan Approval to construct a new golf course club house and associated infrastructure at TPC River Highlands at 1 Golf Course Road. PGA Tour Design and Construction Services Inc. is the Applicant and Tournament Players Club of Connecticut, Inc. is the Owner.

Michael Cannata made a motion to accept the application and schedule it as a business item at a special meeting on December 5, 2017, Seconded by Brian Dufresne. *All in favor; motion passed.* Ken Rozich recused himself from this item and did not vote.

d. Application #17-53: Request for Site Plan Approval to construct a 356,500 square foot warehouse at 120 County Line Drive ARCO National Construction is the Applicant and Gardener's Nursery and the Town of Cromwell are the Owners. Michael Cannata made a motion to accept the application and schedule it as a business item at a special meeting on December 5, 2017, Seconded by Brian Dufresne. *All in favor; motion passed.*

e. Application #17-54: Request to modify the Site Plan Approval at 11 Progress Drive to construct a building addition and additional parking spaces. Snyder Civil is the Applicant and Yedem Properties LLC is the Owner. Michael Cannata made a motion to accept the application and schedule it to be heard at a special meeting on December 5, 2017, Seconded by Brian Dufresne. *All in favor; motion passed.*

9. New Business:

a. Approval of 2018 Meeting Calendar

Michael Cannata made a motion to accept the 2018 meeting calendar; Seconded by Jeremy Floryan. *All in favor; motion passed.*

b. Request for Full Release of \$20,604 erosion and sedimentation control bond for the Mattabassett Sewer Project to the City of Middletown.

Mr. Popper referenced the October 27, 2017 memo from Bruce Driska, recommending the full release of a \$20,604.00 erosion and sedimentation control bond to the City of Middletown. Michael Cannata made a motion release the \$20,604 erosion and sedimentation bond to the City of Middletown; Seconded by Paul Cordone. *All in favor; motion passed.* Mr. Popper stated that the work had been completed last year, but because of the weather, they could not complete inspections until this year.

10. Public Hearing:

Ken Rozich read the legal notices.

a. Application #17-42: Request for a Special Permit under Section 5.3.B.2.(2) to install a new Digital Sign Pricing at 164 West Street. National Sign Corp is the Applicant and AN Patel LLC is the Owner.

Michael Cannata made a motion to open the public hearing for Application #17-42; Seconded by Brian Dufresne. *All in favor; motion passed.* Mr. Popper stated that the special permit application was to install digital sign pricing at 164 West Street, the former Sunoco station. It would again be used as a Sunoco gas station. Robert Kuszpa represented the applicant. He stated that digital pricing was more convenient and safer for the applicant and allowed more timely changes. The digital pricing would fit in the same areas as the pricing on the current sign.

Mr. Driska stated that the proposed sign meets the requirements of the regulations. Michael Cannata stated that LED lights are of variable brightness and that in the past there had been problems with the brightness of the bulbs disrupting neighboring homes. He wanted to condition approval upon the town working with the applicant to adjust the brightness, once installed, if there were any problems. Michael Cannata made a motion to approve Application #17-42 with the condition that Mr. Driska work with the applicant to reduce the sign's brightness, after installation, should there be any complaints; Seconded by Paul Cordone. *All in favor; motion passed.*

- b. Application #17-45: Request to amend the Zoning Map to change the Zoning District from Residential-25 (R-25) to Planned Residential Development (PRD) at 150 Country Squire Drive (aka the Nike site). Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Chris Cambareri recused himself from Application #17-45 and exited the meeting.

Nick Demetriades recused himself from Application #17-45, stating that he had an interest in property at Fox Meadows.

Michael Cannata made a motion to open the public hearing; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Popper passed out a series of memos containing Cromwell town staff comments. He stated that the application was for a change of zone and approval of the master plan / concept plan. If approved, an application for a special permit and detailed site plan would need to be submitted. Therefore, staff comments were limited. He also stated that he had several letters that he would later read into the record. Attorney Joseph Williams had submitted a correction to his October 27, 2017 correspondence stating that the emergency access would be off of Woodsboro Circle. Mr. Popper stated that the zone change was for 150 Country Squire Drive only, not for any abutting properties.

Attorney Joseph Williams from Shipman and Goodwin began the presentation. He submitted the Affidavits regarding the posting of the sign and the mailing of the certified letters. He stated that the proposed zone change affected an 8.75 acre parcel that was currently in the R-25 zone. He was requesting approval of a zone change to the PRD zone, and if approved, would be presenting a special permit application and site plan for multifamily luxury apartments. Attorney Williams began his presentation by introducing the development team and reviewing the applicant's history. He stated that the zone change had been approved by the Commission in March 2015, but was the subject of an appeal and had been overturned in Court. He listed the ten points raised in the Complaint.

He stated that the September 12, 2017 application included an Impact Statement, which was amended by an Addendum dated October 31, 2017. The zoning information table had been updated, as well as the master site plan.

Attorney Williams highlighted Norman Benedict's qualifications in providing a real estate impact analysis as part of the impact statement and summarized Mr. Benedict's conclusion that the development will improve property values and general neighborhood quality, will improve the net tax revenue to the town, improve the community's socio economic nature, and be more attractive than what is currently located at the site.

Attorney Williams said that the proposed plan was to demolish the existing structures and build 160 apartments spread over seven buildings, with community amenities such as a pool, fitness center, theater and club room. He said that the property will be generously landscaped and sensitively lit, utilizing low impact design and best management practices for drainage, that the existing water main would be extended, the roadway improved and utilities placed underground to the extent feasible. A gated emergency access would be created off of Woodsboro Circle.

He continued by saying that the proposed area meets the three criteria of having public water and sewer available, is more than five acres and is currently zoned for residential use. Rezoning complies with the Plan of Conservation and Development in promoting housing choice and protecting the residential character of the area.

Attorney Williams said the site was ideally located as is it surrounded by town owned open space and similar multifamily communities, such as Fox Meadows and Country Squire, and adjacent to the R-15 zone. The applicant was proposing to make a \$30M investment in the property.

Mark Forlenza described his association and work history with the Belfonte Group, stating that he had worked for many years on multiple projects, building luxury apartment home communities. The group targets those that rent by choice, millennials, empty nesters and people in transition, with the majority of renters coming from in-town. In preparing the site plan, he looked to consolidate open space, reduce the building coverage, and keep lower, two story profiles when viewed from the border shared with the neighboring condominiums. He reviewed the proposed site layout. Building 7 would contain the community center and apartments, onsite staff, fire pits, grills and pool area. He believed millennials will choose to live near the community center and empty nesters along the perimeter. He proposed \$1,500 to \$2,000 monthly rents and said some apartments on the top floors would have lofts.

He showed examples of the typical two and three story building architecture, with a common corridor and salt box look and showed a sample clubhouse photograph.

James Cassidy, P.E., Hallisey, Pearson and Cassidy Engineering Associates, presented next. He stated that he had worked as a civil engineer for the past 30 years and had recently worked on the Montage Apartments in Rocky Hill, as well as numerous other residential and commercial developments. He reviewed the site location, zone and the abutting properties. He showed photographs of the site's appearance when it was used as a Department of Defense missile monitoring site, and photographs of its current appearance, showing graffiti and evidence of recent fires. He explained the calculation for determining the maximum of number of units possible, after deducting for wetlands, flood areas and slopes over 33%, stating there were 8.15 usable acres at 20 units/acre, resulting in 163 maximum units. They were proposing 60 one bedroom and 100 two bedroom apartments. Access to the property would be via Country Squire Drive. The plan was to work the buildings into the current topography in order to reduce the overall building heights. The regulations required 1.5 parking spaces per unit so 240 spaces were required and 265 proposed. The buildings would be 2 stories along the easterly property line edge, but 3 stories along the interior parking lot line, or 4 stories along the courtyard and 3 along the parking area. Currently, there were no large deciduous trees at the site, except for around the perimeter. The applicant intended to preserve those trees where possible and fill in with evergreen trees to improve the buffer, as well as to add in significant landscaping.

Mr. Cassidy reviewed the Zoning Compliance Chart to show that all requirements were met or exceeded. He discussed the cul de sac at the main entrance as well as the emergency access through a 12' wide, 1,000 foot gated access driveway from the Evergreen active adult community. They would be using gravity sewers with the sewer manhole to be extended. He had obtained a letter from Richard Peck, on behalf of the Cromwell Water Pollution Control Authority, stating that there was adequate capacity using the 8 inch sewer main. The water main would also have to be extended. The regulations require them to provide fire suppression (sprinklers). He believed that the overall result would likely be improved circulation and pressure for the Country Squire residents. He reviewed the parking lot layout, noting the circular turnaround, larger islands, spaces in front of buildings, and sidewalks along the perimeter.

Mr. Cassidy said that they intended to utilize low impact and best management practices for drainage, with bio retention swales and basins, which treat the first flush prior to discharge, as well as rain gardens to control the volume and rate of drainage, so that it would be the same pre and post development.

Rebecca Augur, Milone and MacBroom, reviewed her qualifications as a planner and her experience with preparing fiscal impacts and market analyses. She said that the property could be developed into twelve single family units, resulting in approximately \$100,000 in property tax revenue and 12 school age children. Compared to other developments for land improvement valuations, she applied those averages to this development and calculated about \$685,712 in yearly tax revenue and \$889,400 in one time fees. She assumed 14 school age children, and using conservative yearly educational expenses, she calculated over \$200,000 net annual revenue plus the one time fees. She said the property had no special vistas, or cultural resources, or

species of special concern. There was one isolated wetlands, the property was previously extensively disturbed, and the proposed development compatible with surrounding existing development.

Kwesi Brown, P.E., PTOE, prepared the initial traffic evaluation, studying Route 372 at Country Squire and Willowbrook Road. He said that he used DOT figures as well as conducting a count, which took place on a weekday in August. Using trip generation manual rates, he predicts an additional 85 trips in the morning and 100 trips in the afternoon, or about a 5% increase as a result of this development. Projecting to 2020, using .8% yearly growth rate, the level of service would still be acceptable at D or better. He said that the Connecticut DOT would be widening Willowbrook Road to allow a two lane approach, improving the signal timing and adding pedestrian signals. Mr. Brown said that he did not anticipate any significant impacts and that the roadway could effectively accommodate the additional traffic, and be safe for motorists and pedestrians.

Mr. Cassidy stated that the site plans would include a full site lighting detail and a photometrics plan. The proposed lighting would compliment the architecture, and the parking lot lights would be contained so to minimize disbursement onto neighboring properties. He said that Country Squire Drive had been built as a driveway when the condominium was developed and was only 20 to 22 feet wide except along the bottom, where it was 30 feet wide. The driveway had been deeded to the Town of Cromwell to own and maintain as a roadway. There was no formal drainage, no curbing, all utilities were above ground and it was narrow. The roadway would have to be widened, have formal drainage, the utilities relocated underground where possible, curbing added, and the cul de sac added. Mr. Cassidy stated that he did not know if sidewalks would extend down the hill or if lighting would be added along the whole length of the roadway.

Attorney Williams stated that the proposal fit in with the Plan of Conservation and Development, met all regulations, would be a valuable town asset, protected the character of the neighborhood and promoted its safety, health and welfare. He asked the Commission to approve the application, and if they did so, to include an effective date and a finding that the zone change was consistent with the Plan of Conservation and Development.

The application was opened to public comment.

Michael Rooslund, 3 Doering Drive, asked whether Cromwell needed more housing. He said there were too many condominiums and apartments, and expressed concerns with the traffic along Routes 9 and 372. He also asked about the emergency access going across open space. He felt Cromwell was expanding too quickly.

Mr. Popper replied that the emergency accessway was across town owned open space and would be gated.

Kate Geoffrey, 14-C Country Squire III, said she wasn't bothered by the site's present condition, because it was quiet. She was concerned about traffic and wanted to know if it would be along any bus routes. Mr. Popper said no. She asked about sidewalks, and Chairman Kelly stated that those would be considered as part of the site plan approval process. She asked whether the Nike Site had any historical significance. Mr. Popper stated that the State Historical District has the authority to designate historical sites, not the Commission.

Ann Perier, 123 Country Squire Drive, Unit D, stated that she was concerned about traffic at Country Squire Drive and Route 372. She wanted a second entrance added.

Bill Thomas, 14 Winchester Way, said that the property should not be rezoned just so people could make money from it. He thought that a 5% increase in traffic was significant. He was concerned about the emphasis on tax revenue from motor vehicle taxes as that could be eliminated by the State of Connecticut. He did not think that Cromwell needed more housing. He feels that the town should clean up the site or leave it as is.

Ryan Donohue, speaking on behalf of Betty-Ann Centini, 14A Country Squire Drive, stated that he was concerned over safety as the roadway is not wide enough and is eroding. He was concerned about construction vehicle traffic, and questioned whether there would be room for sidewalks. He said that young professionals are not interested in moving to Cromwell and that is too far from areas of nightlife, like West Hartford. He feels that the site has historical significance and that it is disrespectful to veterans to develop it.

Brenda Rudolph, 5 Hunters Run, asked about the access road going into Fox Meadows. Mr. Popper said that Fox Meadows is private property and no access road was proposed to go through it. She expressed concern over the area becoming a target where cars will be broken into.

Helen Barnaby, 21 Sun Ridge Lane, asked about the current zone, said she was concerned about traffic on Route 372, and said that she did not believe that the emergency access would remain gated. She feels that the buildings are too tall, there are too many units proposed, and doesn't want the back yards in her front yard. She doesn't feel that the development fits in.

Beth Drake, 23 Sun Ridge Lane, said that the parking calculations do not allot for visitors or friends of the residents. She said that widening Willowbrook Road doesn't help Country Squire Drive. She asked how long the property had been zoned as R-25. She said that additional school age children generated from the development would eat up the projected tax revenues. She said that the residents of Fox Meadows deserve a vote in town.

Helen Barnaby, 21 Sun Ridge Lane, asked for clarification as to the monies proposed to be raised by personal property taxes.

Mr. Popper read a letter from Deborah Doll, 20 Glenview Drive. Ms. Doll said that the apartments don't fit on the space, visually or acreage, that the project doesn't meet the goals of the Plan of Conservation and Development, will decrease property values, is not compatible with the neighborhood, and will cause noise, traffic, and parking and traffic concerns.

He also read a letter from Patty Vallera, 15-O Country Squire Drive. She stated that she was concerned that the utility right of way would impact existing properties along Country Squire, and raised questions with the water pressure, the sanitary sewer design and the traffic study. She asked if buses would be going up the roadway and if it was wide enough.

William Buhler, 8 Winchester Road, submitted a letter as well. He raised concerns over the traffic, density, noise, light pollution and impact on wildlife. He said that move ins and move outs would add to the traffic.

Mr. Popper read a letter from Larry McHugh, President of the Middlesex Chamber of Commerce, in support of the application. He cited potential tax revenue, the improvement of a blighted property, and the improved infrastructure, sidewalks and utilities. He said that the new residents would help support local businesses.

Attorney Williams said that the traffic study was only meant to provide general statistics and that a full study would have to be submitted as part of the special permit application. No traffic would be generated by the approval of the instant application.

He stated that the regulations allow for the conversion of residential property to the PRD zone. He said that the neighboring properties, such as Country Squire and Fox Meadows, are already PRDs in essence, and therefore this development is compatible. He said that the roadway will be widened, and drainage added. A construction plan would need to be in place before any building permits are issued. He stated that the parking calculations were in compliance with the regulations.

Ms. Augur explained that the personal property taxes were generated by the equipment and fixtures owned by the commercial entity that would own the apartment complex.

Mr. Brown stated that further discussion regarding traffic would be forthcoming. The state would have to review his study as well because Route 372 is a state highway.

Mr. Cassidy said that the road is wide enough to have 30 feet of paved area, underground utilities and a snow shelf, just like a typical roadway. He said that they would have to build a hydraulic model to test out the water pressure, and if necessary, would have to install a pump station. He said that the proposed drainage would improve the quality of the runoff and not lead to increased quantities. He said that the cul de sac can accommodate buses.

Attorney Williams repeated his request for approval.

The hearing was opened up to Commissioner comments.

Brian Dufresne asked about the pertinent sections of the Plan of Conservation and Development and how the work on Willowbrook Road would affect Country Squire Drive. Attorney Andrea Gomes of Shipman and Goodwin said it was Objective 15, Policies 10 and 54. Mr. Brown said that the widening of Willowbrook Road would improve times at Country Squire Drive.

Brian Dufresne also asked about parking. Mr. Cassidy said that the numbers were adequate based on his experience with similar complexes, but they could look for more. Jeremy Floryan asked about assigned parking spaces. Mr. Forlenza said that he believes the 1.5 spaces per unit is already overparked and he prefers to keep some spaces in reserve. He disagrees with assigning spaces as it takes spaces out of use when a resident is out of town, for example.

Michael Cannata asked for clarification on the site plan, which was identified as the mailbox kiosk. He also asked about the sprinkler system and elevations. Mr. Cassidy said that if a booster was needed, it would likely be built at the bottom of Country Squire Drive. Ken Rozich asked about the size of the cul de sac and was told it could accommodate a bus.

Mr. Popper reviewed the requisite parts of a motion for approval, should the Commission choose to make one, and read aloud from the Plan of Conservation and Development Objective 15, to promote housing choice and meet the needs of potential residents from all socio-economic levels, Policy 10, to protect the residential character of existing neighborhoods, and Policy 54, to provide alternate housing opportunities while protecting the character of our communities. There was a brief discussion regarding an appropriate effective date. Michael Cannata made a motion to close the public hearing; Seconded by Ken Rozich. *All in favor; motion passed* (Chris Cambareri was not present).

Michael Cannata made a motion to approve Application #17-45, to find the application consistent with Section 8.9 of the Zoning Regulations, to approve the master plan as conforming with and being in compliance with the Plan of Conservation and Development, specifically Objective 15, Policy 10 and Policy 54, and that said approval of the master plan constitutes a zoning map amendment with an effective date of December 8, 2017, and would aid in protecting the public health, safety, welfare and property values per Section 8.9.E.5 of the Zoning Regulations.

Paul Cordone seconded the motion. *All in favor; motion passed.* (Nick Demetriades abstained and Chris Cambareri was not present).

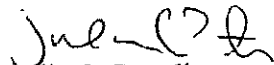
11. Commissioner's Comments: Nick Demetriades said that the Board of Education was looking for a new school facility site and thought that the Commission should liaison with them to assist in the planning process. Chairman Kelly recommended that he discuss that with the mayor.

12. Approval of Minutes:

a. October 17, 2017: Nick Demetriades made a motion to approve the minutes; Seconded by Jeremy Floryan. *All in favor; motion passed.* (Brian Dufresne and Ken Rozich abstained and Chris Cambareri was not present).

13. Adjourn: A motion to adjourn was made by Michael Cannata; Seconded by Ken Rozich. All in favor; meeting adjourned at 10:31 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk