

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY MAY 15, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Slade, David Fitzgerald (alternate), John Keithan (alternate)

Absent: Paul Cordone, Brian Dufresne, Nicholas Demetriades, Ken Rozich

Also Present: Director of Planning and Development Stuart Popper, Town Engineer Jon Harriman, Development Compliance Officer Bruce Driska

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:02 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 Jeremy Floryan. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added two new items under 8. New Business Accept and Schedule New Applications:

- a. Application #18-31: Request for a Special Permit under Section 7.5.B.4. of the Zoning Regulations to permit a café/tavern at 540 Main Street. The Well LLC is the Applicant and Benitta Properties LLC is the Owner.
- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Mr. Popper requested that both items be accepted at tonight's meeting and scheduled for a public hearing on June 5, 2018.

Michael Cannata made a motion to amend the agenda under New Business Accept and Schedule Applications; Seconded by Jeremy Floryan. *All in favor; motion passed.*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer

Mr. Driska referenced his report that was included with the agenda packet. He said that he was in the process of modifying the report to include specific dates and that would be ready for the next meeting. There were no questions or comments from the Commission.

7. Town Planner Report:

Mr. Popper referenced his Economic Development Coordinator Report dated May 2, 2018. He said that the Town would have a trade show booth at the ICSC New England Retail Connection on June 5, 2018, at the Connecticut Convention Center, where they would showcase the town and available commercial properties. He said that there were three business visits in April: Pinewood Landscaping, Hunter Law, and Asia Grocers. Mr. Popper said that the Go To Cromwell website is now linked to the Town of Cromwell website and it would include further links to local businesses. He mentioned that the Nike Site development was moving forward and expected an announcement regarding a hotel development to be made shortly. The owner of the plaza has signed a lease with Marshalls and was continuing to look for tenants.

8. New Business: Accept and Schedule New Applications:

- a. Application #18-31: Request for a Special Permit under Section 7.5.B.4. of the Zoning Regulations to permit a café/tavern at 540 Main Street. The Well LLC is the Applicant and Benitta Properties LLC is the Owner.
- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Michael Cannata made a motion to accept both applications and to schedule them to both be heard on June 5, 2018; Seconded by Chris Cambareri. *All in favor; motion passed.*

9. New Business:

- a. Application #18-10: Request for a Site Plan Modification at 529 Main Street (Citgo Station) to add a donations bin. AMG Retail I LLC is the Applicant and CH Realty VII/CG CT Atlantic LLC is the Owner.

Jason Sekscenski, Manager of AMG Retail, presented the application. He said they wanted to install a clothing donation bin at the front corner of the Citgo Station. He reviewed the dimensions, the placement, and the weekly pickup schedule.

Michael Cannata said that donation bins are generally not allowed in Cromwell unless they are screened so as not to be visible from the street. Chairman Kelly said that there were many other options available for donation, such as Goodwill and the Veterans. She said that these types of bins do not enhance the property and can become very messy and that she was not in favor. Chris Cambareri said that they have had problems with these bins in the past and he was opposed. He said that there had been discussion about allowing a bin at the transfer station.

Michael Cannata made a motion to deny Application #18-10: Request for a Site Plan Modification at 529 Main Street (Citgo Station) to add a donations bin, Seconded by Chris Cambareri. *All were in favor; motion passed.*

b. Application #18-15: Request for a Site Plan Modification at WIS School to add a Scoreboard to the ballfield. Cromwell Little League is the Applicant and the Cromwell Board of Education is the Owner.

Dave Went, 8 Pond View Drive, presented the application. He asked to install scoreboards on the WIS fields. He said they had already purchased the scoreboards. He said that they would only be on during games with minimal projection. They would be located in the outfield, with the back wall facing the neighbors on Woodside Road.

Mr. Driska said that scoreboards are not considered to be commercial signs and therefore the sign regulations do not apply. Mr. Popper said they are not covered by the regulations because they are neither structures nor signs, and instead are an addendum or an accessory use to an athletic field.

Michael Cannata made a motion to approve Application #18-15: Request for a Site Plan Modification at WIS School to add a Scoreboard to the ballfield; Seconded by Chris Cambareri. *All were in favor; motion passed.*

c. Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

This item was combined with the public hearing for Application #18-20.

d. Section 8-24 Mandatory Referral for Improvements to the Town Hall at 41 West Street.

e. Application #18-28: Request for Site Plan Modification at 41 West Street. The Town of Cromwell is the Applicant and the Owner.

Jon Harriman, Town Engineer, spoke regarding the Section 8-24 referral and Application #18-28, as both concern improvements to the town library. He explained that the courtyard would be utilized for the library expansion. He said that they had received a \$1M grant from the State Library Commission. They were in the design process now and possibly going to bid in late June and hiring a contractor for August or September. The expansion

would include a multipurpose dividable room and two new bathrooms. He reviewed the changes to the site, saying there were no changes to parking. There would be a new double arch walkway entrance and mezzanine. The new room would be 3,500 square feet and hold about 100 people. He reviewed the architectural drawings and elevations.

Michael Cannata made a motion to make a positive 8-24 mandatory referral for improvements to the Town Hall; Seconded by Ken Slade. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-28: Request for Site Plan Modification at 41 West Street; Seconded by Ken Slade. *All in favor; motion passed.*

10. Public Hearings:

Chairman Kelly read the Legal Notices.

a. Application #18-14: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit the sale of Alcoholic beverages at 35 A Berlin Road. Joe's Filling Station, LLC is the Applicant and River Grace Plaza LLC is the Owner.

Joe Moon, 29 South Gate Drive, South Glastonbury, presented the application. He said he was seeking a permit to sell alcohol at the former Franco's Lounge. He planned to open a taproom restaurant and reviewed his proposed hours and staffing. He said he was renting 35A Berlin Road and had options on two units, as well as an option to buy the plaza.

Mr. Popper confirmed that the lease constitutes the owner's permission to make this application. He also said that Mr. Moon was proposing a restaurant with accessory alcohol sales and that there was no applicable distance requirement. Another permit was pending for the restaurant portion of Franco's and would be heard in June.

There was a brief discussion regarding parking. There was no public comment. Chris Cambareri asked about the distance to the church on Country Squire Drive and Mr. Driska confirmed that it was 737 feet away. Chris Cambareri also asked if the restaurant permit allows the applicant to fill growlers. The applicant said yes. He said that he can only fill from the tap system into a growler he provided and only up to two 24 ounce containers a day per person can be sold. Mr. Moon briefly explained the "canning" process for filling the growlers. He said he planned to have 24 craft beers on tap.

Michael Cannata made a motion to close the public hearing; Seconded by John Keithan. *All in favor; motion passed.*

Mr. Popper asked about the applicant's plans for signage. Mr. Moon said he planned on taking over the "Franco's" portion of the pylon sign and replacing the panel with a double-sided backlit sign with this logo. He said the plaza owner wanted to move the neon "Franco's" sign to somewhere on the side of the property. He also planned to have a building sign.

Mr. Popper told the applicant that the sign regulations are based on frontage. Mr. Popper and Mr. Driska both gave examples of calculating the sign allotment using the frontage ratio. Mr. Popper suggested that the Commission, if they approve the application, require that the signage be approved at the staff level.

Michael Cannata made a motion to approve Application #18-14; Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit the sale of Alcoholic beverages at 35 A Berlin Road on the condition that before any signs are erected that they be presented to town staff for staff approval; Seconded by Ken Slade. *All in favor; motion passed.*

b. Application #18-18: Request to amend Section 4.5.B. of the Zoning Regulations to increase the Maximum Building Height in the Institutional Zone District. Covenant Home Inc. Covenant Village of Cromwell is the Applicant and the Owner.

c. Application #18-19: Request for a Special Permit to amend the Master Plan for Covenant Village of Cromwell at 52 Missionary Road. Covenant Home Inc. Covenant Village of Cromwell is the Applicant and the Owner.

Michael Cannata made a motion to open the public hearings for Applications #18-18 and #18-19; Seconded by John Keithan. *All in favor; motion passed.*

Attorney Michael Dowley presented the applications. He said that they were asking that the conceptual plan for expanding the Institutional Zone District be approved, and if it was, they would be returning with a Site Plan Application. He said that a number of buildings were non-conforming as to height, and Application #18-18 would bring those buildings in compliance and allow for further development of the property.

Attorney Dowley gave a brief timeline of Covenant Village's previous development and introduced the development team. He said that one of the main concerns of the police and fire departments is the lack of circulation within the development, but the new master plan resolved that. He next reviewed the impact statement, saying that this development would greatly improve services to the seniors in Covenant Village with little impact on the town's spending. An investment of more than \$24M was planned.

Ted Hart, P.E., with Milone & MacBroom, gave an overview of the site layout. He said that Phase 1 would encompass the creation of the new entrance off of West Street and the new town center area overlooking the pond, as well as additional independent living units, and parking area. A portion of the skilled nursing area would be removed to allow for the through accessway. Phase II would consist of the new community center and pool and additional parking areas throughout the site. Mr. Hart said that the current parking is only about 60% utilized. They were requesting a 9% waiver of the parking requirements, to provide 618 spaces instead of the required 677. He said that one space per unit is adequate and busing was available for larger events. He said that employees work one of three off peak shifts per day and residents generally travel at off-peak times as well. He said that there would be no change to peak hour traffic rates.

Mr. Hart said that all public utilities were available in Missionary Road and that there was adequate capacity for sewer. The maximum height of the existing buildings is 41 feet and the proposed change was to 55 feet. He said that the grading changes around the buildings could allow for parking underneath. The proposed buildings would not be very different from the four story assisted living buildings there now.

Attorney Dowley said that the campus consisted of 38 acres and three lots that had been acquired. They were asking that the building lots on West Street be added to the Institutional Development Zone, as well as the text amendment to change the height requirement.

Jake Friend, of THW Design, in Atlanta, Georgia, said that they were trying to maintain a "Main Street" feel to the community, where residents could enjoy the courtyard, lake, and community center. They were trying to design buildings in the New England style, with balconies, dormers, and cupolas to complement the existing neighboring buildings.

Michael Cannata asked about the underground parking. Mr. Hart said that was only in concept and no numbers had been worked out. Michael Cannata said that he had never encountered difficulties parking in the community. Chairman Kelly asked about parking along the roadway and was told it was likely done out of convenience.

Jeremy Floryan asked about the reduction of staff parking when it was likely that more staff would be hired. Mr. Hart said that more staff parking areas would be created.

Attorney Dowley said that their master plan was to have more landscaping than asphalt and that the 9% reduction requested was minimal. Mr. Popper said that parking and traffic concerns should be addressed during the Site Plan application.

The hearing was opened to public comment.

Marcia Evans, representing George Evans of 28 Bellaire Manor, asked about the civil engineering impacts, such as drainage and water flow. Mr. Popper said that those would be addressed during the Site Plan and Special Permit applications. Engineering studies would have to be prepared, and be subject to staff review, and the development could not have negative impacts on the surrounding properties. She asked about the building heights and Mr. Popper explained that they had been built prior to the zoning regulations being implemented and were therefore grandfathered in.

Susanne Evans, representing George Evans of 28 Bellaire Manor, asked if the site plan was a public hearing and was told yes. She said she was concerned about light pollution, noise and water. She said that there had been problems with water in the past, leading to litigation, and didn't want that to happen again. She wanted the developer to consider the soil composition. Mr. Popper confirmed that the Special Permit application was a public hearing with a sign posted and abutters notified by mail.

Jim Valentin, 97 West Street, asked if a traffic light would be installed at the new entrance. Mr. Popper said that was a site plan question that could be answered after a traffic study was conducted. Mr. Hart said that it was unlikely that they would need a light. He believed they would have adequate sightline once the houses on West Street were removed.

Mr. Popper asked about the landscaping. Mr. Hart said that nice landscaping, signage and walls were planned for the main entrance, but an exact design was not confirmed. He said that the removal of the houses on West Street was part of Phase I.

Chairman Kelly asked how fast the applicant would move onto the Special Permit / Site Plan application phase. Attorney Dowley said that they expected to be back in the summer.

Mr. Popper told the public that the Special Permit application would be a public hearing, with signage and notice and that the plans and studies would be available for inspection prior to the meeting, as well as contact information for the development team.

Mr. Popper read into the record the Capital Council of Government's finding that the requested change in height would not cause any conflict. The Lower Connecticut River Valley Council of Government found no inter-municipal impacts and said that the Planning and Zoning Commission should use discretion in allowing 55 foot building heights elsewhere in town. Mr. Popper also read the Fire Chief's memo stating that the 55 foot building height did not adversely affect their firefighting operations.

Michael Cannata made a motion to close Applications #18-18 and #18-19; Seconded by Chris Cambareri. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-18: Request to amend Section 4.5.B. of the Zoning Regulations to increase the Maximum Building Height in the Institutional Zone District; Seconded by Chris Cambareri. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-19: Request for a Special Permit to amend the Master Plan for Covenant Village of Cromwell at 52 Missionary Road; Seconded by John Keithan. *All in favor; motion passed.*

d. Application #18-20: Request for a Special Permit under Section 6.1.D of the Zoning Regulations to permit the importing of fill at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

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

Stan Novak, P.E. with BL Company, 355 Research Parkway, Meriden, presented the application. He submitted the return receipt cards from the mailing and said he had submitted an acknowledgement letter from the property owner. He said that a 9,100 square foot retail building with 37 parking spaces was planned. The site was 1.1 acres in the LB zone. He reviewed the site layout and surrounding zoning. He said that the site

slopes down gradient and that the percolation tests had revealed extremely sandy soil that excessively drains. The applicant wanted to import fill to raise the lot up equal to Main Street. A swale was proposed and all runoff would be managed with an underground system, double catch basin and isolator row. Nothing was proposed to be connected to the street drainage or DOT stormwater systems. He said that a dumpster enclosure, modular wall, and bike rack were also proposed. All bulk standards were met and all utilities available on Main Street. He reviewed the proposed erosion and sedimentation controls and landscaping plans.

Mr. Novak said that the net amount of fill was 1,350 cubic yards. He next reviewed the building elevations, building orientation and proposed signage.

Michael Perkins, 41 Calhoun Avenue, Trumbull, said that the proposed siding was a cement composite material that looked like clapboard. Michael Cannata said that it was a higher end product.

Mr. Popper suggested that the front side facing Main Street have more features, such as windows. Michael Cannata said that he wanted to see the appearance improved and Chris Cambareri agreed. Michael Cannata said he was ok with the footprint of the building on the site. Chris Cambareri said he wanted to see a layout over an aerial and a rendering that including the abutters. Mr. Perkins said that the orientation and footprint were likely not going to change. Michael Cannata requested a topography map as he was concerned about the amount of fill being requested.

Michael Cannata made a motion to continue Application #18-20 and Application #18-21 to June 5, 2018; Seconded by John Keithan. *All in favor; motion passed.*

11. Approval of Minutes:

- a. April 3, 2018: No action taken
- b. May 1, 2018: No action taken

12. Commissioner's Comments: NONE

13. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:42 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk