

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING**

**7:00 PM TUESDAY JUNE 5, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

RECEIVED FOR REC
Jun 08, 2018 01:01
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

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

Absent: Chairman Alice Kelly, Ken Rozich, Brian Dufresne, Nicholas Demetriades, Paul Cordone, John Keithan (alternate)

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

1. Call To Order

The meeting was called to order by Vice Chairman Cannata at 7:02 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Ken Slade made a motion to seat David Fitzgerald; Seconded by Jeremy Floryan. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added three items to New Business Accept and Schedule New Applications:

#18-33, Dennis J. King, Special Permit Application for 14 North Ridge Drive to add an accessory building over 1000 feet, to be heard June 19, 2018;

#18-35, Curaleaf CT Retail, LLC, amendment to Section 3.3 of the Zoning Regulations to add a marijuana dispensary, to be heard on July 17, 2018; and

#18-36, Linden Landscaping, site plan modification for 60 Hicksville Road, to add parking at Adelbrook.

Chris Cambareri made a motion to accept the amended agenda; 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 1 Wall Street had been issued a liquor permit and would be re-opening as Donnolly's.

7. Town Planner Report:

Mr. Popper stated that ShopRite was under construction. The property owner had signed a lease with Marshalls and was continuing to look for a tenant for the former K Mart garden area. 120 County Line Drive was almost done with the application process for their OSTA permit. The Nike Site application would be in front of Inland Wetlands on June 6, 2018, for grading work to be done within the Upland Review Area. Mr. Popper expected the Nike Site application to be in front of Planning and Zoning in July.

8. New Business: Accept and Schedule New Applications:

- a. #18-33, Dennis J. King, Special Permit Application for 14 North Ridge Drive to add an accessory building over 1000 feet, to be heard June 19, 2018;

Ken Slade made a motion to accept the application and schedule it to be heard on June 19, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. #18-35, Curaleaf CT Retail, LLC, amendment to Section 3.3 of the Zoning Regulations to add a marijuana dispensary, to be heard on July 17, 2018;

Jeremy Floryan made a motion to accept the application and schedule it to be heard on July 17, 2018; Seconded by Ken Slade. *All in favor; motion passed.*

- c. #18-36, Linden Landscaping, site plan modification for 60 Hicksville Road, to add parking at Adelbrook.

Chris Cambareri made a motion to accept the application and schedule it to be heard on July 17, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

9. Old Business

- a. 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 application was heard in conjunction with Application #18-20.

10. Public Hearing:

- a. Application #18-20: Request for a Special Permit under Section 6.1D 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 (continued).

Vice Chairman Cannata read the legal notice for all of the public hearings scheduled to be heard at the meeting.

Jeremy Floryan made a motion to re-open the public hearing; Seconded by Ken Slade.
All in favor; motion passed.

Matthew Bruton, Engineer with BL Companies, presented the application. He began by reviewing the 1 acre site at 539 Main Street, saying it currently has a single family home and several outbuildings located on it. The applicant was proposing a 9,100 square foot retail building with 37 parking places. He reviewed the abutters and zones surrounding the site. He said that there were no wetlands on site, all setbacks and parking requirements were met, and all utilities were available. He was proposing an access drive onto Main Street and said that an encroachment permit from the state would be required, but local approval was needed first.

Mr. Bruton reviewed the grading and drainage plan next, saying the site was shaped like a bowl. He proposed both a detention basin and subsurface infiltration system to reduce peak runoff and reduce total suspended solids. There would be no outlet to the road drainage, but all water would be retained on site. He also reviewed the erosion and sedimentation plan. He said that he had submitted a stormwater management report to staff for review.

Mr. Bruton next reviewed the landscaping plan and highlighted the vegetative buffer between the site and the adjoining residential uses. He presented the proposed elevations, saying the building had been re-designed with a New England feel, with a gable roof, gooseneck lighting, brick wainscoting, hardy plank siding, glass entry doors, and windows. The HVAC units would be elevated to keep them above the 100 year flood line.

The applicant was asking for a Special Permit for 1,350 cubic yards of fill to bring the finished elevation to 139.5. Mr. Bruton said this would take about 10 days of trucking in the materials, during normal business hours.

Chris Cambareri asked why there were no windows on the north side of the building and Mr. Bruton said that side would be screened by landscaping. There was some discussion regarding the size and spacing of the windows and Mr. Bruton said he thought they were about 10 feet apart and 5 feet tall by 4 feet wide. Chris Cambareri said he wanted to make sure that they are proportionate to the building. Mr. Bruton said they would be glazed to look real, but would not be functioning windows.

The hearing was opened up to Commission comments. Jeremy Floryan asked about the landscaping tree height and spacing and was told they were Eastern Red Cedar, 6 feet at

planting, spaced 8 feet apart. David Fitzgerald asked about the height of the building and was told it was 27 feet. Mr. Bruton said the plantings would grow and screen more of the building each year. Vice Chairman Cannata asked about the retaining wall and was told it varied in height from 2 to 5 feet and went along the parking lot, facing the Eversource property. Vice Chairman Cannata said that the elevated HVAC would be noisy and visible to the neighbors. Mr. Bruton said that it was an issue of not impacting wall space / retail space within the store. Vice Chairman Cannata asked that he look into using a split system and lowering it to address the noise and aesthetics, and that he was ok with it being one to two feet off the ground, so it would be better screened and quieter. Mr. Bruton agreed to make the change.

Vice Chairman Cannata asked about the surrounding elevation and there was a brief discussion regarding the general topography of the site. Mr. Bruton said he couldn't have the site lower than the surrounding properties because it would cause issues with the additional stormwater. Town Engineer Jon Harriman said he was ok with the plan as presented. Mr. Bruton said that he cannot connect to the Department of Transportation's drainage since the site is not currently connected.

The application was opened to public comment. Richard Waters, 84 South Street, said he had seen HVAC systems built into indentations, and platforms and shielded. He asked about the dust control measures proposed and street sweeping during the fill operation.

Michael Weidler, 512 Main Street, said he was concerned about traffic on Main Street, between Evergreen Road and Court Street. He asked if a traffic light at Evergreen Road could be installed.

Vice Chairman Cannata said that Main Street is a state road and that the Commission has no jurisdiction. He said that those concerns have to go to the state or to the Police Chief, as the town traffic authority, to be brought to the state.

Mr. Driska read Note #25 from Page EC2 of the plans regarding sweeping and other dust control measures, such as watering and anti-tracking devices, and said they were specific enough for him to enforce in his capacity as Zoning Enforcement Officer.

Vice Chairman Cannata said that he wanted details on the windows, HVAC unit, and specifics on the dimensions and spacing. He wanted the applicant to work towards making the building more attractive.

Mr. Bruton asked if the public hearing for #18-20 could be closed and Mr. Popper said that he would prefer it stay open in case there were any changes to the site plan application that could impact it, such as the proposed grading. Vice Chairman Cannata asked the applicant to consider the comments about fencing made by the Town Engineer in his memo. Chris Cambareri asked that no trucks operate when the school buses are operating as Main Street is a busy school route.

Chris Cambareri made a motion to continue the public hearing for Application #18-20 and to table Application #18-21, both to June 19, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. Application #18-27: Request for a Special Permit under Section 3.3.4 of the Zoning Regulations to permit a restaurant with the accessory sale of alcoholic beverages at 35 Berlin Road. Kemal Cecunjanin is the Applicant and River Grace Plaza LLC is the Owner.

Steven Inghilterra, the applicant's realtor and representative, said that they were seeking a restaurant liquor permit for a 79 seat restaurant. Mr. Popper said that staff had reviewed the floor plan and proposed signage. He had requested a revised parking plan prior to it being re-stripped, so he could confirm that it complied with the parking requirements. He also wanted the applicant to construct an enclosed dumpster area. Mr. Popper said that the Special Permit was to allow alcohol sales.

Chris Cambareri asked why the dumpster couldn't be located to the rear behind the cleaners. Mr. Inghilterra said that they did not own that land and only had an easement to use it for parking.

Mr. Popper said that he would be happy to work with the applicant on the dumpster location. The applicant said he would place the dumpster in the easement area if it was allowed. There were no public comments.

Jeremy Floryan made a motion to close the public hearing; Seconded by Ken Slade. *All were in favor; motion passed.*

Jeremy Floryan made a motion to approve Application #18-27: Request for a Special Permit under Section 3.3.4 of the Zoning Regulations to permit a restaurant with the accessory sale of alcoholic beverages at 35 Berlin Road, with the following two conditions: that the applicant work with staff regarding the location and construction of the dumpster enclosure and submit the striping plans so staff can verify the parking locations; Seconded by Chris Cambareri. *All in favor; motion passed.*

- c. Application #18-29: Request for a Special Permit under Section 4.2.R of the Zoning Regulations to permit transfer of materials and grading at 204 Main Street (area north of Frisbee Park). The Town of Cromwell is the Applicant and the Owner.

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

Jon Harriman, Town Engineer, presented the application. He said that the required mailings and the posting of the sign had been completed. He began by reviewing the history of the parcel north of Frisbee Park and along River Road. He said that the property had been an air strip, then a grass field, and then a vegetated wetlands with the triangular piece filled and topsoil stripped. He said that it appears that the intent was to

fill the parcel, and then replace the topsoil that had been piled at River Road, but that was not done.

Mr. Harriman said that the town needs additional parking by the river for town events, such as the farmer's market. The parcel is currently very uneven. The plan is to bulldoze the site into a flat field and to screen and then relocate a portion of the topsoil from River Road. A Special Permit is required because they are in the flood plain. Mr. Harriman said that this higher area could have some flood control properties, but the entire area around it floods and it is breached by the discharge flow from the Mattabassett. The plan is to take topsoil from an area with less trees.

Chris Cambareri said it was good to see the town utilizing its resources.

Mr. Harriman said that taking topsoil from a lower elevation to a higher elevation creates additional flood compensation in the low area.

The application was opened to the public.

Richard Waters, 84 South Street, said he was in favor of the application. He wanted to see test bores done. He said that the parcel provides some protection from flooding for the surrounding property owners. He said that he did not agree with the Town Manager's plan for to construct a roadway to River Road. Vice Chairman Cannata told Richard Waters that the application only concerned the moving of the dirt and nothing else. Richard Waters said he agreed with moving some dirt, but not all of it from one area.

Michael Weidler, 512 Main Street, said that the river area is an underutilized asset and he approved of plans to improve it. He said that he wanted to see some of the construction debris removed along the highway ramp.

Mr. Harriman said that some UConn students had conducted testing and sampling about a year and half prior and found no impairment. He said that he had no plans for building a road per Richard Water's concerns. He said that the town was looking at addressing the removal of the debris.

Chris Cambareri made a motion to approve Application#18-29: Request for a Special Permit under Section 4.2.R of the Zoning Regulations to permit transfer of materials and grading at 204 Main Street (area north of Frisbee Park; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- d. 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 presented this application. He said that the Highway Business Zone runs along 372 to the Wal-Mart, from Route 9 and 91. He said that 40 feet limits buildings to three stories, and that most hotel and office building developers want at least four stories.

He said that the Fire Department did not have any concerns and that the building and fire codes would address issues raised by the increased heights. He had solicited a response from the Capital Region Council of Governments and the Lower River Valley Council of Governments but had not received their final response. He wanted to have that read into the record. He asked that the hearing be continued.

Ken Slade made a motion to continue the public hearing; Seconded by Jeremy Floryan.
All in favor; motion passed.

11. Approval of Minutes:

- a. April 3, 2018: No action taken
- b. May 1, 2018: A motion to approve as presented was made by Jeremy Floryan; Seconded by Ken Slade. *All were in favor; motion passed.*
- c. May 15, 2018: A motion to approve as presented was made by Jeremy Floryan; Seconded by Ken Slade. *All were in favor; motion passed.*

13. Commissioner's Comments: NONE

14. Adjourn: A motion to adjourn was made by Jeremy Floryan. Meeting adjourned at 8:39 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk