

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY, DECEMBER 18, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Ken Slade, Ken Rozich, Nicholas Demetriades, Brian Dufresne, Chris Cambareri, Paul Cordone, David Fitzgerald (alternate), Mo Islam (alternate)

Absent: John Keithan (alternate)

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

1. **Call to Order:** The meeting was called to order by Chairman Kelly at 7:04 p.m.
2. **Roll Call:** The presence of the above members was noted.
3. **Seating of Alternates:** None
4. **Approval of Agenda:** Mr. Popper added a request for a waiver of the requirement of two street trees at 190 Coles Road, to be considered tonight under New Business. He also asked that the Commission accept Application #18-82 for resubdivision at the Northwoods Estates subdivision, to be scheduled for a public hearing on January 15, 2019, and Application #18-84, a Request for Special Permit at 76 Berlin Road, for a small service bar for hotel guests, to be scheduled for a public hearing on January 15, 2019.

Michael Cannata made a motion to approve the amended agenda; Seconded by Ken Rozich. *All in favor; motion passed.*

5. **Public Comments:** None
6. **Development Compliance Officer Report:** Mr. Driska asked if there were any questions or comments on his report. He then provided an update on projects around town: that Coles Road Brewing did not appear to be moving forward at the permitted location at this time, that Joe's Filling Station had its soft opening and was working on its grand opening, and that construction was proceeding at County Line Drive, the TPC, and ShopRite. Chris

Cambareri asked about the grease dumpster at the Franco's Plaza and Mr. Popper said it would be enclosed prior to the opening of Luna Café.

7. **Town Planner Report:** Mr. Popper mentioned the opening of Joe's Filling Station, the Asian Bistro, and the gyro shop next to Pizza Pie. He said that the Governor's Bonding Commission had awarded the town funds from their Community Connectivity Program, which would be used for the installation of sidewalks. He also said that construction of both the Marriott Hotel and Starbucks would likely begin in the spring.

8. **New Business Accept and Schedule New Applications:**

- a. Application #18-77: Request for Site Plan Modification to Replace the Existing TPC Scoreboard adjacent to the new Clubhouse at 1 Golf Club Road. PGA Tour Design and Construction Services, Inc. is the Applicant and TPC of Connecticut Inc. is the Owner.

Michael Cannata made a motion to accept Application #18-77 and to consider it as a business item at tonight's meeting; Seconded by Chris Cambareri. *All in favor, motion passed.*

- b. Application #18-79: Request for Site Plan Modification to construct a new online grocery pickup area in the parking lot at 161 Berlin Road. Perry M. Petrillo, Architects P.C. is the Applicant and Infinity Cromwell Prop. LTD. Partner is the Owner.

Michael Cannata made a motion to accept Application #18-79 and to consider it at tonight's meeting; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- c. Application #18-79: Request for Site Plan Modification to construct a new online grocery pickup area in the parking lot at 161 Berlin Road. Perry M. Petrillo, Architects P.C. is the Applicant and Infinity Cromwell Prop. LTD. Partner is the Owner.

Michael Cannata made a motion to accept Application #18-79 and to consider it at tonight's meeting; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- d. Application #09-16: Request for a reduction in the Bond amount at Northwoods Estates, Northwoods of Cromwell LLC is the Applicant and the Owner.

Michael Cannata made a motion to accept Application #09-16 and schedule it for consideration at tonight's meeting; Seconded by Nick Demetriades. *All were in favor; motion passed.*

- e. Section 8-24 Mandatory Referral for Acquisition of Property at 15R Christian Hill Road.

Michael Cannata made a motion to accept the application for a Section 8-24 Mandatory Referral; Seconded by Brian Dufresne. *All were in favor; motion passed.*

9. New Business:

- a. Application #18-77: Request for Site Plan Modification to Replace the Existing TPC Scoreboard adjacent to the new Clubhouse at 1 Golf Club Road. PGA Tour Design and Construction Services, Inc. is the Applicant and TPC of Connecticut Inc. is the Owner.

Nate Russell, P.E. with GZA, presented the application. He said that they were asking for permission to erect a new scoreboard for the clubhouse, which would be used during the tournament and club play events. It would be at a lower elevation, making it invisible from Highland Crossing. He reviewed the proposed and current locations and elevations. He said the scoreboard would be stick frame construction, with wood trim and a shingle roof, similar to the clubhouse and painted to match. He showed schematics of the rear and front views.

Dave Corrado, General Manager at TPC, said the scoreboard would face south towards the patio by the clubhouse and fan zone during the tournament.

Mr. Popper said there were no staff comments.

Michael Cannata made a motion to approve Application #18-77, Request for Site Plan Modification to Replace the Existing TPC Scoreboard adjacent to the new Clubhouse at 1 Golf Club Road, Seconded by Brian Dufresne. *All were in favor; motion passed.*

- b. Application #18-79: Request for Site Plan Modification to construct a new online grocery pickup area in the parking lot at 161 Berlin Road. Perry M. Petrillo, Architects P.C. is the Applicant and Infinity Cromwell Prop. LTD. Partner is the Owner.

Perry M. Petrillo presented the application. He said that Wal-Mart was implementing online grocery pickup and would be conducting both interior and exterior work to support it. Pickup would be app driven, with customers coming to the store, being assigned a parking space, and an associate delivering their order to their car.

Seventeen parking spaces at the eastern part of the store would be reworked to thirteen, and be twelve feet wide, hairpin striped, with two-foot buffers in between to allow for the opening of a car door. The overall parking would be reduced to 694 spaces. There would be crosswalks and signage: a numbered sign for each spot, a sign with telephone number to call, and the designation of the parking spot as a pickup stall. There would also be directional signage on the pavement. Mr. Petrillo clarified that this would be on the side of the store nearest the garden center, that traffic circulation and site access would remain the same, and there would be no other exterior changes except for adding a door for pickup.

Several Commissioners questioned the location and Mr. Petrillo said that pickup would normally be on the grocery side but that there is no room at that end for the marshaling of the goods. They would be reworking a portion of the customer service area instead. Nick Demetriades expressed concern over the location in terms of traffic and safety. Mr. Petrillo said that the pickup service will not increase traffic to the site as they are servicing the same general customers.

Mr. Popper said that the Police Chief, as the town's traffic authority, did not express any concerns. Chris Cambareri asked the applicant to give consideration to the location of outdoor goods during the summer and maybe not use those parking areas as display areas. Mr. Popper said that was an ongoing permitted use, but the Commission can require the applicant to meet with town staff to review those display locations. Paul Cordone asked about the building signage, saying that it was misleading and should be located in the vicinity of the actual pickup. Mr. Petrillo said he would review that concern with his client.

Mr. Popper clarified that customers are not getting out of the car and that the signage and parking lot were previously approved by the Commission. Chairman Kelly and Brian Dufresne expressed concerns over the safety and location of the proposed pickup area. Mr. Petrillo repeated that there was no room on the grocery side for the marshaling of the goods or to give associates access.

Mr. Popper said that the only staff comment from Mr. Driska was that the signs are 6' 2" and must be lowered to 6' in height.

Michael Cannata made a motion to approve Application #18-79, Request for Site Plan Modification to construct a new online grocery pickup area in the parking lot at 161 Berlin Road, with the conditions that the sign cannot exceed 6' in height, that prior to the installation

and operation of the spring garden center and the use of the outdoor parking lot, that the applicant meet with town staff to confirm that there are no parking issues to be addressed or modified, Seconded by Ken Rozich. In favor: Michael Cannata, Jeremy Floryan, Ken Slade, Ken Rozich, Nicholas Demetriades, Brian Dufresne, Chris Cambareri. Opposed: Chairman Kelly, Paul Cordone. *Motion passed.*

- c. Application #18-80: Request for Site Plan Approval to construct new 11,925 +/- square foot building at 40 Commerce Drive. RDB Properties, LLC is the Applicant and CG Holdings II LLC is the Owner.

James Cassidy, P.E., Hallisey, Pearson, and Cassidy Engineering Associates, Inc., 630 Main Street, Cromwell, was present on behalf of RDB Properties, the prospective buyer of 40 Commerce Drive. He said that this is the last vacant lot at the end of Commerce Drive, on the southerly side, and consists of two parcels. He reviewed the abutters and abutting uses. The lot was 96,244 square feet, about 2.2 acres, zoned industrial, and had 161 feet of frontage and access from Commerce Drive. Mr. Cassidy described the topography as gradually sloping to the south and the lot being in Flood Zone X. The applicant was proposing a new industrial building, 11,925 square feet in size, to include both office and manufacturing spaces. The intent was to move the existing business, NIC Systems, from Rocky Hill. The applicant's business was light manufacturing, building electrical control panels.

Mr. Cassidy said the project would require a new curb cut off Commerce Drive. Thirty-one parking spaces, including 2 handicap, would be provided, which is more than the required 24. He reviewed the drive aisles, the drop dock for loading, the flush dock, and the ability of large trucks to maneuver. He said that they met all the requirements of the industrial zone. He reviewed the conceptual building plan, but said that it was not the final design. He anticipated that it would be a split face concrete block building and showed proposed architectural elevations. The applicant will provide final building plans at a later point.

Mr. Cassidy reviewed the utility plan next, saying that there was gravity sewer and public water available to the site. He showed the location of the transformer in front of building and said gas and cable were available. On the drainage plan, he showed the location of a catch basin at the front of the site. He said that all water drains to one drain in the parking lot, which then goes to that catch basin. On the stormwater management design plan, he said that the detention basin can handle additional impervious coverage. There would be a new detention basin off of the loading docks, which was a dry well system, and water would infiltrate back into the ground, with no out flow. He

reviewed the landscaping plan, which included evergreens along the property line to the west and east, street trees in front of the building and ornamentals in the parking lot. He submitted a photometric plan, and said that there would be pole lights in the parking lot, with no spill beyond the parking lot. Mr. Cassidy finished by saying that this was an appropriate use of the property and the applicant would be a good tenant.

Chairman Kelly asked if there was an association involved with the property and if they had approved the building design. Mr. Cassidy said that the use had been approved, but not the final building design. The property was being transferred to the applicant by a majority member of the association.

Ron Berggren, member of RDB Properties, LLC, owner of NIC Systems, said that the seller brought the intended usage to the association's attention. They just needed to finish the design and then would bring the final plans in for review.

Chris Cambareri asked about signage. Mr. Cassidy showed the location of the proposed monument sign and said they would abide by the size requirements. Brian Dufresne asked if the business would be expanding and was told there would be a slight increase and possibly new employees added. Ken Slade asked if the final design plans were anticipated to be similar. He was told that the color may change and that the final building had a different shape to it. Mr. Cassidy said that no trees were being planted near the sewer lateral.

Mr. Cassidy read Jon Harriman's memo dated December 14, 2018, and said that the applicant would accept and comply with all as conditions of approval, as well as with the ZEO's request for the establishment of an Erosion Control Bond.

Paul Cordone asked about the maintenance of the infiltration basin and was told it will be the owner's responsibility.

Brian Dufresne asked if there would be any chemical treatments on site and the answer was no.

Michael Cannata made a motion to approve Application #18-80, Request for Site Plan Approval at 40 Commerce Drive, with the conditions that the comments in the letter of Jon Harriman dated December 14, 2018 be addressed, that an erosion bond estimate be provided, and that the onsite signage shown be approved at the staff levels; Seconded by Ken Slade. *All were in favor; motion passed.*

- d. Application #09-16: Request for a reduction in the Bond amount at Northwoods Estates, Northwoods of Cromwell LLC is the Applicant and the Owner.

Mr. Popper read Jon Harriman's memo dated December 17, 2018. It said that more than one year had passed since the roadways were accepted and there were no issues. He recommended the release of two bonds in the amounts of \$42,910.64 and \$65,604.47.

Mr. Driska said that these bonds were required by the Public Works Department for the roadways and were not to be confused with bond money being held for the installation of street trees.

Michael Cannata made a motion to release the two street maintenance bonds in the amounts of \$42,910.64 plus December 2018 accrued interest and \$65,605.47 plus December 2018 accrued interest, Seconded by Chris Cambareri. *All were in favor; motion passed.*

- e. Section 8-24 Mandatory Referral for Acquisition of Property at 15R Christian Hill Road.

Mr. Popper said that the property was on the south side of Christian Hill Road and he referred the Commission to a memo and map in their packet. He said that the property owner was offering to donate the land to the Town. Mr. Popper said that it abuts a large wetlands area and has a large sewer easement running across it.

Nick Demetriades asked if the Town would want this land. Mr. Popper said that it was being offered without restrictions, meaning it could be available for sale in the future and could have value. He did not know of any liability concerns.

Michael Cannata made a motion to make a favorable Section 8-24 referral to the Town Council, Seconded by Paul Cordone. *All were in favor; motion passed.*

- f. Request for Waiver of Planting Two Street Trees, 190 Coles Road.

Mr. Popper distributed a map and emailed letter from the property owners, Tony and Marie Seabra, dated December 11, 2018, saying that they did not want the two trees replanted. The trees that they had were damaged in a storm and were removed. They were in favor of the applicant's waiver request. There was a bond being held for the planting of the two trees.

Chairman Kelly pointed out that these trees were in the area of the Coles Road construction and would likely be uprooted during the sidewalk installation. Nick Demetriades wanted it noted that this waiver request was specific to this situation because the roadway was slated for reconstruction and to be clear that a general precedent was not being set.

Michael Cannata made a motion to waive the planting of two street trees for the various development reasons stated; Seconded by Ken Slade. *All were in favor; motion passed.*

10. Public Hearings:

Chairman Kelly read the legal notice for the public hearing scheduled for tonight.

- a. Application #18-62: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a school for training in occupational skills. Cortiva Institute (Formerly Connecticut Center for Massage Therapy) at 45 Shunpike Road. HBN-CSC LLC c/o HB Nitkin Group is the Applicant and the Owner.

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

Craig Way, 230 Mason Street, Greenwich, spoke on behalf of HB Nitkin. He said that they were seeking approval for a school that would train massage therapists, aestheticians, and skin care professionals.

The school would be run by Cortiva, which is a national business. It has three locations in Connecticut and would be relocating its Newington school to Cromwell. They were interested in a side location, rather than frontage along the plaza, and would utilize a side entrance. The school would be located in the former Kmart garden center area and there would be a new parking area with a total of 75 spaces.

Glenn S. Yeakel, of Friar Architecture, Farmington, reviewed the interior floor plan, showing the office spaces and classroom areas. He said that there would not be any windows. He showed a rendering of the front elevation, with a canopy, benches, landscaping and proposed signage. There would be lights located under the canopy. The parking lot would be lit with LED lighting and he showed the photometric plan, saying it would be a significant improvement over what was

there previously. There would be three small directional monument signs and they would work with staff on the final design.

Mr. Popper complimented the property owner, saying that the shopping center had undergone a remarkable makeover and there would be a variety of uses and more clientele as a result of that diversity. He said that this plaza is the fifteenth largest shopping center in the state. He said that everyone involved with the construction have been very responsive to the town's concerns.

The applicant reviewed the proposed operating and classroom schedule and the parking layout plan. Mr. Driska said that the final parking lot configuration would have a surplus of spaces, 1,071, which only 891 were required. Mo Islam asked if there would be chemicals used in the facility and was told no. There were no public comments.

Chairman Kelly asked the applicant to look into having flush aprons and sloped entrances wherever possible, beyond just meeting what is required per ADA.

Mr. Popper referenced two memos, from the Town Engineer and Fire Chief, both dated December 18, 2018, saying those comments should be included as conditions of approval. The applicant said they would comply with those requests.

There was some discussion regarding snow removal and Mr. Popper said that Mr. Driska had determined there was parking in excess of the requirements. The applicant said that they would haul snow away as necessary and the tenants themselves were looking at employee-designated parking spaces.

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

Michael Cannata made a motion to approve Application #18-62, Request for Special Permit under Section 3.3.C.4 of the Zoning Regulations at 45 Shunpike Road, with the conditions that the letters of Jon Harriman and Fire Chief Terenzio dated December 18, 2018 be addressed; Seconded by Chris Cambareri. *All in favor; motion passed.*

11. Approval of Minutes:

- a. November 8, 2018 – Michael Cannata made a motion to approve the minutes as presented, Seconded by Jeremy Floryan. *All were in favor; motion passed.* Nick Demetriades abstained.


12. Commissioner's Comments: Nick Demetriades asked about updated the Plan of Conservation and Development and Mr. Popper said that they had until 2022 for the update. Nick Demetriades also said that he was no longer a property owner at Fox Meadows and could now participate in applications concerning that development.

Mr. Popper thanked the Commission for their hard work during an incredibly busy year. Michael Cannata and several Commission members thanked Mr. Popper, Mr. Driska and town staff for all of their efforts and said that Cromwell had earned a reputation of being business friendly.

Mr. Popper also said that there were no new applications at the time and the January 3, 2019 meeting will likely be cancelled. Chairman Kelly said that elections would be held at the next meeting.

13. Adjourn: Michael Cannata made a motion to adjourn; Seconded by Paul Cordone. Meeting adjourned at 9:15 p.m.

Respectfully submitted,


Luke C. Petrella
Recording Clerk