

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY, MARCH 19, 2019  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Nicholas Demetriades, Chris Cambareri, Paul Cordone

**Absent:** Ken Rozich, Brian Dufresne, Ken Slade, Mo Islam (alternate), 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 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 as Item B under New Business Accept and Schedule New Applications #19-14: Site Plan Modification for Starbucks at 136 Berlin Road.

Michael Cannata made a motion to approve the amended agenda; Seconded by Paul Cordone. *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 updated report. He clarified that Covenant Homes, Inc. is awaiting construction. There was a brief discussion regarding River Grace Plaza and Mr. Popper said that it is fully occupied at this time.
7. **Town Planner Report:** Mr. Popper reviewed the projects under construction, such as the TPC and 120 County Line Drive. He said that he expected construction to begin shortly on the Marriott, the Starbucks and

Covenant Village. He said that he was having ongoing conversations regarding the placement of medical offices on West Street and Shunpike Road. He also said that he was hosting a booth at the International Council of Shopping Centers Retail Connection Event on March 20, 2019.

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

- a. Application #19-13: Request for Special Permit under Section 2.2.C.4 of the Zoning Regulations to allow for a place of worship at 573 Main Street. Omar Islamic Center is the Applicant and the Knights of Columbus Building Association is the Owner.

Michael Cannata made a motion to accept the application and to schedule it for a public hearing on April 16, 2019; Seconded by Chris Cambareri. *All were in favor; motion passed.*

- b. Application #19-14: Request for Site Plan Modification for Starbucks at 136 Berlin Road.

Michael Cannata made a motion to accept the application and to schedule it as a business item to be considered on April 2, 2019; Seconded by Chris Cambareri. *All were in favor; motion passed.*

**9. New Business:**

- a. Application #19-02: Request for Site Plan approval to convert the existing single family home at 200 West Street into a restaurant. Linh D. Truong is the Applicant and Linh D. Truong and Linda Duong are the Owners.

Mr. Popper introduced the application by reading his March 12, 2019 Comments memo, noting it is a .26 acre site in the Highway Business zone on the north side of West Street. The site contains a 1,238 square foot existing house and 725 square foot garage. The applicants plan to demolish the existing garage and build an addition at the rear. The applicants are proposing a Pho Grill & Vietnamese restaurant, to be open six days a week, closed on Mondays, with three employees. Mr. Popper said that all staff comments had been addressed except for the Town Building Official's comment regarding the handicapped parking and signage. Mr. Popper said that if the Commission acted favorably tonight, that a condition of approval should be the Building Official's comments. Mr. Popper said that the applicants received a variance for the addition to the rear of the building. He said that both the lot and building were non-conforming and the addition will extend further into the side yard.

Matt Pegolo, AIA, of PegArch Architecture, Portland, Connecticut, presented the application. He said that the site contains a residential property and he reviewed its location on West Street. The applicants' plan is to demolish the existing sunroom and to construct an addition at the rear, which will house the kitchen, some seating, and an entryway. He said that the garage will be removed as well. He reviewed the parking layout plan and noted that they will exceed the required parking. He also reviewed the existing and proposed building layouts and exterior elevations.

Mr. Pegolo said that they are proposing two wall-mounted, backlit signs, one being 2' X 8' and the other being 2' X 6', to be on the east and south sides. They would be reusing the existing freestanding sign, but it would not be lit. He said that all of the lighting would be shielded and downward facing to prevent spillover and glare.

Mr. Pegolo reviewed the traffic circulation. He said that the applicants own the adjacent property at 198 West Street and he reviewed how the traffic flow would work in relation to the two properties and pointed out the location of signage and stop bars.

He said that the plan would result in a decrease in overall impervious coverage as they were adding in green space and changing some of the curbing.

Mr. Popper said that the Chief of Police had reviewed the latest plan and had no objections, but did recommend securing cross-easements in the event the property is sold in the future.

Mr. Driska said that the sign proposal meets the allotment requirements.

Mr. Popper suggested to the Commission that as a condition of approval the applicants should submit lighting details to ensure that they are shielded. Michael Cannata told the applicants that the lights must be full cut off and downward facing. He said that they should bring the specific light cut sheets to the Town Planner and Zoning Enforcement Officer for approval to ensure compliance with Sections 5.6.C. and 5.3.H.

Mr. Pegolo said that there will be separate trash containers for each property and reviewed their location. Mr. Popper told the Commission that they can ask the applicants to enclose the current dumpster at 198 West Street but could not make it a condition of approval.

There was some discussion regarding how deliveries would occur and Mr. Pegolo said that deliveries would occur after hours and that the owners will likely take care of most of the purchasing.

Chairman Kelly asked about the grade change from the handicapped parking and was told that it was almost flat, with an inch rise in elevation over 6 feet. Chris Cambareri suggested that the properties share one dumpster and schedule more frequent pickups. Nick Demetriades asked about setbacks as it related to the propane tanks and dumpster. He was told that the propane tanks were being removed as the property would be converted to gas. Mr. Pegolo said that the dumpster was positioned in such a way because of the location of the manhole. Mr. Popper said that there is no setback for dumpsters but that the abutting property owned by Cromwell Hills was vacant and would not be used for residential purposes. Mr. Driska said that he was satisfied with the placement of the tree.

Mr. Popper said that conditions of approval should concern the lighting detail as well as the requested information regarding the dimensions of the handicapped parking and signage per the Building Official Dave Jolley.

Michael Cannata made a motion to approve #19-02 with the two conditions that Dave Jolley's memo of March 7, 2019 be complied with to provide accessible parking dimensions and signage as well as building exterior lighting cut sheets to be shown to and approved by the Town Planner and Zoning Enforcement Officer; Seconded by Nick Demetriades. *All were in favor; motion passed.*

- b. Application #19-11: Request to modify the site plan at 76 Berlin Road. AVA Group is the Applicant and Cobblestone Associations, LLC is the Owner.

Brandon Handfield, P.E., Yantic River Consultants, Lebanon, Connecticut, was present on behalf of the applicant, AJ Patel. Mr. Handfield stated that the Special Permit and Site Plan had been approved in September 2018 with a number of conditions. He said that there had been some concern over their plan to cut into the riprap wall, and as result, they had decided to change the site plan to eliminate impacting it altogether.

He began by reviewing an aerial photo and then compared the previous plan with the modified plan. The revised plan shows how all activity has been retracted south of the wall. He said that the building did not change, nor did the accessway or entrance drives. Mr. Handfield said that the changes were to the north one-way drive,

where parking was re-configured and one space removed. The parking area to the west was slightly smaller, with six spaces removed and the dumpster relocated. He said that three spaces had been added to the south lot. They had entered into a shared parking agreement with Liberty Bank for three additional spaces and would now be sharing eleven, instead of eight. Liberty Bank currently has an excess of 22 spaces. He said that there would be less impervious surface as a result.

Mr. Handfield said that they like the revised site plan better and were happy to not have to touch the riprap embankment. He said that only a small part of the retaining wall would be visible but that they could try to add some vegetation to grow over it to make it more attractive.

Many of the Commissioners said that they were happy with the re-design. Mr. Handfield said that all comments had been addressed except for the Fire Chief's comment about having the hydrant within 100 feet of the fire department connection. He said that once the architectural plans were finished and they knew the placement of the connection, they would relocate the hydrant to within 100 feet. He also said that the dumpster bins roll out for access, rather than the trucks driving up to them, in response to Mr. Driska's comment.

Mr. Popper said that if the Commission was to act favorably, it would be with the requirement that the hydrant be within 100 feet per the Fire Chief's memo of March 11, 2019 and with the requirement of the submission of the annual compliance report regarding onsite stormwater maintenance be submitted by January 31 of each year, as set forth in Mr. Harriman's memo dated March 15, 2019.

Michael Cannata made a motion to approve Application #19-11, Site Plan Modification, with the two conditions that the March 15, 2019 memo from Town Engineer Jon Harriman and the March 11, 2019 memo from Fire Chief Michael Terenzio be complied with; Seconded by Paul Cordone. *All were in favor; motion passed.*

#### **10. Public Hearing:**

- a. Application #19-07: Request to Amend the Zoning Regulations Section 7.5.B.1 of the Zoning Regulations Location Requirements and Limitations to permit the sale of beer at a retail outlet exceeding 50,000 square feet. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Chairman Kelly read the legal notice.

Paul Cordone made a motion to open the public hearing; Seconded Michael Cannata. *All were in favor; motion passed.*

Mr. Popper reviewed both the current and amended text. He said that the amendment was designed to address the concerns of certain businesses coming to town, such as ShopRite. Mr. Popper said that he had submitted the application to both the Capital Region Council of Governments and the Lower Connecticut River Valley Council of Governments and had received letters from both, saying that the amendment would not result in any apparent conflicts or significant municipal impacts. He read both letters into the record.

Mr. Popper also read an anonymous letter he had received from a member of the public, suggesting that they revise the text to say "grocery beer" and Chris Cambareri clarified that grocery beer is a specific license granted by the State of Connecticut. There was some discussion regarding the intent of the amendment to allow for the sale of beer at large grocery stores, but not at supercenters such as Lowes or wholesale outlets such as Sam's Club. Mr. Popper said that the state statute uses the phrase "grocery store" and Mr. Driska read the definition.

There were no public comments.

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

Michael Cannata made a motion to approve Application #19-07 to amend Section 7.5.B Location Requirements and Limitations as follows:

No building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended, designed, or used for the sale of alcoholic beverages where:

1. A retail outlet for consumption of alcoholic beverages off the premises is located within 1,500 feet (measured as indicated below) of another outlet selling alcoholic beverages to be consumed off the premises with the exception being for the sale of beer at a retail grocery store exceeding 50,000 square feet;

Seconded by Jeremy Floryan. *All were in favor; motion passed.*

**11. Commissioner's Comments:** Michael Cannata asked about the relevant parking regulation for a place of worship and was told it was one space for every five worshippers. There was a brief discussion regarding basing

occupancy on available parking using that calculation as it pertains to the upcoming application for a Special Permit at 573 Main Street.

**12. Approval of Minutes:**

- a. March 5, 2019: Michael Cannata made a motion to approve the minutes as presented, Seconded by Jeremy Floryan.

*All were in favor; motion passed.*

**13. Adjourn:** Michael Cannata made a motion to adjourn the meeting; Seconded by Paul Cordone. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Julie C. Petrella', with a heart symbol integrated into the middle of the signature.

Julie C. Petrella  
Recording Clerk