



**Town of Cromwell  
Zoning Board of Appeals**

RECEIVED FOR FILING  
8/2 2016 at 2:31 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Gloria Prendergast, Asst*  
TOWN CLERK

***PUBLIC HEARING AND MEETING  
6:30 P.M. TUESDAY, JULY 12, 2016  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

**Minutes and Record of Votes**

**Present:** Chairman Joseph Morin, Dan Delisle, John Keithan, Mark Zampino

**Also Present:** Director of Planning and Development Stuart Popper

1. **Call to Order** – The meeting was called to order by Chairman Morin at 6:32pm.
2. **Roll Call** – The presence of the above members was noted.
3. **Seating of Alternates** - none
4. **Approval of Agenda**

A **motion** was made by John Keithan and **seconded** by Mark Zampino to approve the agenda. *All were in favor; the motion passed.*

5. **Public Comments** – None.

6. **Public Hearing**

- a. Application #16-08: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Setbacks) to allow for the construction of parking spaces in the front and side yards at 6 Kirby Road. Elias DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.
- b. Application #16-09: Request for Variance from Section 1.7 of the Zoning Regulations to allow for an accessory building without a principle building at 38 Field Road. Michael Millane is the applicant and Millane Nurseries, Inc. is the Owner.

Chairman Morin told the applicants that they need to have 4 votes in the affirmative to receive the variance. He said that since only 4 out of 5 members are in attendance tonight all 4 members must vote in the affirmative. You have the option to reschedule the hearing to next month if you choose. The applicants said they would be heard tonight.

A **motion** was made by John Keithan and **seconded** by Dan Delisle to open the public hearing for application 16-08. *All were in favor; the motion passed.*

Elias Di Michele said he is the applicant and with him tonight is the owner Mr. Luca of Luca & Sons Landscaping LLC and Jack Guilmartin from J L Surveying. Mr. Guilmartin said the 2,225 square foot; two story house is located on .24 acres in the Highway Business Zone on the north side of Kirby Road. He explained that the house is being remodeled and the first floor Antique business will become a barber shop and the second floor residence will remain. Mr. Guilmartin said the applicant is proposing to install parking in the front and side yard setbacks and hence the need for the variance.

Mr. Popper said the existing house with the proposed parking would not conform to the requirements for yard setbacks in the Highway Business Zone when a business use is next to a residential use. He said that creates the need for the variance. Mr. Popper explained that the Town Council had granted permission for the property owner to park in the town right of way in front of the house on Kirby Road.

Chairman Morin asked for any members of the public who wanted to speak on this application.

Town Council Samantha Slade of 128 Nooks Hill Road and a member of the Town Council confirmed that the Council had granted permission to park in the town right of way.

Chairman Morin said that the hardship is this is an existing building built as a residence but now in a commercial zone and used for business. He noted that Kirby Road contained houses used as residences and some as businesses.

A **motion** was made by John Keithan and **seconded** by Mark Zampino to close the public hearing for application 16-08. *All were in favor; the motion passed.*

Application #16-09: Request for Variance from Section 1.7 of the Zoning Regulations to allow for an accessory building without a principle building at 38 Field Road. Michael Millane is the applicant and Millane Nurseries, Inc. is the Owner.

Mike Millane said he was in the process of downsizing Millane Nurseries noting that he will be selling off the business property on Main Street. He said the Main Street property contains 40+/- acres with a garden retail center, a 2,500 square foot office building, and nursery and related buildings and is located R-25 Residential District Zone. Mike Millane said Garden Dream Farm is buying a 10+/- acre lot containing the retail facility and growing area and Prides Corner Nursery is buying the remaining a 30+/- acre parcel containing the nursery and related structures. He said he needs to relocate his equipment and the easiest way to do that is to build an accessory structure on the vacant lot next to his home.

He said he is proposing to construct a poly greenhouse structure to store his farming equipment. Mr. Millane said he plans to grow trees at 38 Field Road and on an acre he will lease from Prides Corner Nursery and he needs the equipment to maintain the trees. Mr. Millane said Mr. Popper said he could not have the accessory building without a main building and that is way he is seeking the variance.

Chairman Morin asked for any members of the public who wanted to speak on this application.

Don Coughlin of 19 Glenwood Terrace addressed the Board and asked what kind of materials will be stored in the poly shed? Mr. Millane said he will have equipment he needs for his tree farm and also equipment he will be removing from the Main Street site. He said he expects to have trucks and other equipment stored in the shed. Mr. Coughlin said 38 Field Road is located in a Residential Zone District and questioned whether it is legal to store commercial equipment in the shed in a Residential Zone.

Mr. Popper said that the issue of the number commercial vehicles will have to have to be addressed by the Planning and Zoning Commission. He said if the ZBA wanted to they could refer it to the Commission.

Chairman Morin said that there would be no commercial operation taking place on the site only the storage of commercial vehicles and he thought that was permitted in residential zones. He said in the past lots of people with businesses have kept their vehicles in barns or garages on their residential properties.

A motion was made by John Keithan and seconded by Mark Zampino to close the public hearing for application 16-09. All were in favor; the motion passed.

Chairman Morin asked for a motion so we could discuss Application #16-08.

A **motion** was made by John Keithan and **seconded** by Mark Zampino to approve Application #16-08:

Chairman Morin and the Board members discussed the current conditions and the various commercial and residential uses on Kirby Road. He said it is what it is.

Chairman Morin asked for a vote. *All were in favor; the motion passed.*

Chairman Morin asked for a motion so we could discuss Application #16-09.

A **motion** was made by John Keithan and **seconded** by Dan Delisle to approve Application #16-09:

Chairman Morin and the Board members discussed Application #16-09.

Chairman Morin asked for a vote. *All were in favor; the motion passed.*

Chairman Morin explained that after the legal notice is published there is a fifteen 15 day appeal period. He said after the appeal period is over the applicant will receive the variance form to file on the land records. Chairman Moring said if the applicants have any questions they should contact Mr. Popper.

## 7. Commissioners Comments:

Mr. Delisle asked about other pending applications and Mr. Popper said the application for the

Knights of Columbus building had been withdrawn. He said the issue was 2 sections of the regulations saying the ZBA can't issue a variance for non-conforming uses in a residential zone. Mr. Popper said he submitted an application to amend/delete 2 sections of the zoning regulations. He reviewed sections 7.1.A on page 164 and section 1.04 on page 205. He said there are many non-conforming uses in residential zones now.

Chairman Morin said there are several resignations and alternate appointment letters in the package.

**8. Approval of Minutes:**

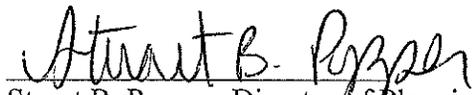
a. April 12, 2016

There was no action on the minutes since there were not enough members present from the last meeting to vote.

**9. Adjourn**

A **motion** was made by John Keithan and **seconded** by Mark Zampino to adjourn at 7:12 pm. *All were in favor; the motion passed.*

Respectfully Submitted



Stuart B. Popper, Director of Planning and Development  
Acting Clerk