



**Town of Cromwell
Planning and Zoning Commission**

***REGULAR MEETING
7:00 P.M. TUESDAY NOVEMBER 15, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL
41 WEST STREET***

AGENDA

RECEIVED FOR RECORD
Nov 10, 2022 10:13A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT *JD*

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Director of Planning and Development Report:**
8. **New Business: Accept and Schedule New Applications:**
9. **New Business:**
 - a. Application #22-37: Request to develop a 6-lot subdivision at 170 Evergreen Street. Roswell Development, LLC is the Applicant and Robert Grinold Estate c/o Adam Berkeley Grinold is the Owner.
10. **Public Hearings:**
 - a. Application #22-38: Request for a Special Permit under Section 5.3.E of the Zoning Regulations to allow for the installation of a church sign in an R-25 Zone District at 22 Nooks Hill Road. Holy Apostles College & Seminary is the Applicant and the Owner
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
 - a. October 6, 2022
 - b. October 18, 2022
13. **Adjourn:**

APPLICATION# 22-37

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION**

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision
(if applicable): 170 Evergreen Road Subdivision

Street Address: 170 Evergreen Road, Cromwell, CT 06416

Volume/Page: _____

Zoning District: R-25 PIN # _____

Applicant's Name: Roswell Development, LLC

Address: 276 Salmon Brook Street
Granby, CT 06035

Telephone: 860-916-7495

Email Address: vosburghjon@gmail.com

Owner's Name: Robert Grinold Estate

Address: 193 RT 9 East
Wilmington, VT 05363

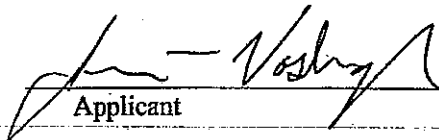
Attached:

- ☒ 1. Application fee in the amount of \$ 660 ;
- ☒ 2. Copy of Inland Wetlands and Watercourses Agency Permit, if applicable;
- ☒ 3. Evidence of Water Pollution Control Authority approval, if applicable;
- ☒ 4. Twenty-five copies of plans prepared in accordance with Article 403 and 404 of the Cromwell Subdivision Regulations.

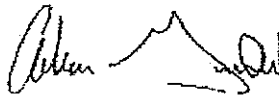
***Incomplete applications may be rejected at the next scheduled meeting
of the Planning and Zoning Commission***

Please answer the following questions:

1. Is any part of the site within 500' of an adjoining town? ☐ Yes ☒ No
2. Does any part of the site contain wetlands? ☒ Yes ☐ No
3. If you propose to disturb more than five acres, have you filed a Stormwater Management Plan with DEP? ☐ Yes ☒ No ☐ N/A
4. If the subdivision will involve more than 100,000 sf of floor area or 199 parking spaces, have you applied for an STC Permit with DOT? ☐ Yes ☐ No ☒ N/A
5. Is any portion of the site subject to any Conservation Restriction per Sec. 47-42d of the Connecticut General Statutes? ☐ Yes ☒ No


Applicant

10/3/22
Date


Owner

10/3/22
Date

**Engineering Department
Town of Cromwell
Cromwell, CT**

Memorandum

To: Stuart Popper

CC: Planning & Zoning Commission

From: Jon Harriman, P.E.

Date: 11/9/2022

Re: Application # 22-37 – 170 Evergreen Road Subdivision

I have reviewed the plans to subdivide and create six lots at 170 Evergreen Road. I have had some discussions with the developer's engineer to resolve some concerns as this project has worked its way through the permitting process. At this time the application has satisfied my concerns.

I offer the following as conditions of approval:

1. As-built submissions for final CO shall include a statement from the engineer/surveyor that the stormwater infrastructure has been installed as per the design requirements.
2. An existing drainage outlet appears to discharge onto 79 Willowbrook Road and continue into and across proposed Lot 1. This drainage route cannot change as a result of this development. Prior to obtaining a final CO for Lot 1, the Engineering Department must be given the opportunity to verify that the proposed drainage swale closest to the abutting property at 79 Willowbrook Road is functional per the design intent, and that the existing drainage condition is not changed.

In compliance with Cromwell's CTDEEP MS4 permit requirements, attached to this memo is the Town's notification to contractors regarding CTDEEP storm water permitting requirements that may be relevant to this project.

Town of Cromwell
Stormwater Permit Information for Developers and Contractors

If your project disturbs more than one acre of land, regardless of phasing, you are responsible for the requirements of the Connecticut Department of Energy & Environmental Protection (DEEP) *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities* ("Construction Stormwater General Permit").

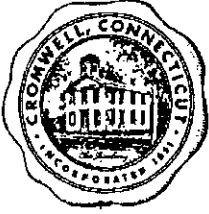
If your project is greater than 5 acres, you are required to submit a registration for the Construction Stormwater General Permit at least 60 days prior to the planned commencement of the construction activity. A copy of your Stormwater Pollution Control Plan shall be provided to the Town upon request.

If your project is between one and five acres, you must adhere to the erosion and sediment control land use regulations of the Town of Cromwell which can be found in the Zoning Regulations and Inland Wetland and Watercourses Regulations, as well as the Connecticut Guidelines for Soil Erosion and Sediment Control and the Connecticut Stormwater Quality Manual. No registration or plan review and certification is required for such construction activity provided a Town of Cromwell land-use commission (i.e. Planning, Zoning, or Inland Wetland) reviews and issues a written approval of the proposed erosion and sediment control measures, pursuant to the requirements of section 22a-329 of the Connecticut General Statutes.

At the completion of a construction project registered pursuant to the "Registration Requirements" of the Construction Stormwater General Permit, a Notice of Termination must be filed with the commissioner. A project shall be considered complete after all post-construction measures are installed, cleaned and functioning and the site has been stabilized for at least three months following the cessation of construction activities. A site is considered stabilized when there is no active erosion or sedimentation present and no disturbed areas remain exposed for all phases.

**More information can be obtained by calling the DEEP at 860-424-3000 or
visiting their Construction Stormwater General Permit webpage at:**

http://www.ct.gov/deep/cwp/view.asp?a=2721&q=558612&DEEPNav_GID=16



TOWN OF CROMWELL

DEPARTMENT OF PLANNING & DEVELOPMENT

MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development

From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*

Date: November 9, 2022

Re: Plan Review, PZC Application #22-37, 170 Evergreen Road,
Six (6) Lot Subdivision Approval

I have reviewed the revised plan dated 11/07/2022 for Application 322-37 and have the following comment:

1. The Applicant has requested a side walk waiver. Staff recommends sidewalks be required for the project.



November 7, 2022

Stuart B. Popper, AICP
Director of Planning & Development
Town of Cromwell
41 West Street
Cromwell, CT 06416

**Re: Plan Review for Application #22-37
Roswell Development, LLC
170 Evergreen Road
Cromwell, Connecticut
SLR #17386.00002**

Dear Mr. Popper,

SLR International Corporation (SLR) is in receipt of your letter with comments from staff dated October 28, 2022, regarding the above-referenced property. Comments were received from Joseph Palmieri of the Cromwell Fire District, Bruce Driska, Zoning Enforcement Officer, and Jon Harriman, Town Engineer. Mr. Palmieri's comment regarding water service was general in nature and we agree to any standard conditions associated with the extension of water service to the proposed lots.

We offer the following responses to the comments contained in the letter from Mr. Driska:

- C1. Add R-25 Zoning designation to General Notes and Subdivision Map (page 1 of 1).
- R1. The R-25 Zoning designation has been added to the General Notes and Subdivision Map. A Data Zoning Table has also been added to the plans.
- C2. Correctly depict and label R-25 yard setbacks on each lot.
- R2. The R-25 yard setbacks have been correctly depicted and labeled on each lot. To show compliance with the 50' aggregate minimum setback on both sides, we show a 25' setback on both sides, with a note that one setback may be a minimum of 20', and with an aggregate of 50' total.
- C3. Add side walks to Site Plan.
- R3. The 4' wide sidewalks have been graphically added to the Site Plan, shown 5' back from the edge of pavement. In accordance with Section 315 of the Town of Cromwell Subdivision Regulations, *"Sidewalks may be required by the Planning and Zoning Commission and in such event, they shall conform to Town of Cromwell Sidewalk Specifications."* We formally request that the

Commission not require sidewalks. There are presently no sidewalks on either side of Willowbrook Road, nor Evergreen Road along the project frontage. Additionally, there are no sidewalks along Willowbrook Road to the north of our site.

C4. Applicant shall submit an E&S Bond estimate for staff review and approval.

R4. The E&S Bond Estimate has been completed.

We offer the following responses to the comment contained in the email dated October 28, 2022, from Mr. Harriman:


C1. The neighboring property owner has concerns about a drain pipe that discharges storm sewer from Willowbrook Road via an outfall in the vicinity of the property line between his parcel and the proposed subdivision. The catch basin(s) in Willowbrook and the outfall from them are not shown on the plans. Please have SLR update the plan to show this infrastructure. The proposed plan shows a swale lined with 2-4" cobble stones in this area. It is not clear to me if this swale is to pick up that discharge or if it is to keep runoff from the development from encroaching on the neighbor's parcel. If it is to pick up the street drainage outfall, I am not convinced that 2-4" cobble will stay in place in a significant storm. I have visited the site and it is not clear to me if the discharge outfall currently flows across the resident's parcel or if it runs across the land of the proposed subdivision. I think the plans should show this because it has been raised as a concern, and we don't want to move what exists today.

R1. We have located the catch basin within Willowbrook Road and the discharge along the right of way on the neighboring property to the north. Based on field observations and review of topographic information, it appears that the discharge from this single catch basin may enter onto the applicant's parcel. We have modified the swale along the property to be constructed with modified rip-rap and included a general right to drain across the proposed Lot 1 so that future homeowners are made aware of road drainage discharges that will drain along the northern portion of their lot.

Please feel free to contact me at (203) 271-1773 should you need any further information.

Sincerely,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer

17386.00002.n722.ltr.docx

Fontaine, Candice

From: Egan, John
Sent: Wednesday, November 02, 2022 5:08 PM
To: Popper, Stuart
Cc: Fontaine, Candice; Driska, Bruce
Subject: 22-37 170 Evergreen Road - Subdivision Approval

I have reviewed the above application for subdivision approval and have no comments.

Sincerely, John Egan
Chief Building Official

Fontaine, Candice

From: Chief Lamontagne
Sent: Wednesday, November 02, 2022 10:06 AM
To: Popper, Stuart
Cc: Fontaine, Candice
Subject: 22-37

I have reviewed the plans for this submission and have no comments.

Denise Lamontagne

Chief of Police
Cromwell Police Department
860-635-2256 x.7843
860-613-2934 fax

CONFIDENTIAL INFORMATION: The information contained in this e-mail is confidential and protected from general disclosure. If the recipient or the reader of this e-mail is not the intended recipient, or person responsible to receive this e-mail, you are requested to delete this e-mail immediately and do not disseminate or distribute or copy. If you have received this e-mail by mistake, please notify us immediately by replying to the message so that we can take appropriate action immediately and see to it that this mistake is rectified.

Fontaine, Candice

From: Harold Holmes <hholmes@cromwellfd.com>
Sent: Tuesday, November 01, 2022 2:17 PM
To: Popper, Stuart
Cc: Fontaine, Candice
Subject: Application 22-37 170 evergreen road

The Fire marshal's office has no comments on this project at this time.

Stay Safe, Stay Healthy !

Harold Holmes NAFI- CEFI, IAAI-FIT
Fire Marshal
Cromwell Fire District
1 West Street Cromwell Ct 06457
hholmes@cromwellfd.com
860-635 3188 Office
860-306-6534 Cell



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Fontaine, Candice

From: Joe Palmieri <jpalmieri@cromwellfd.com>
Sent: Monday, October 31, 2022 11:02 AM
To: Popper, Stuart; Fontaine, Candice
Subject: 22-37 Subdivision Approval

Stuart,

After reviewing the drawings, the contractor should be aware that the Cromwell Fire District Water Division installs the water service taps and water service installations from the water main to the curb valve. There are charges associated with these services. The locations of the service taps are determined by the Water Division. We will work with the contractor to determine the best location of the curb valves for each lot. All water installations done by the contractor need to be installed in accordance with Cromwell Fire District Water Division Specifications.

Thank you.

Joseph A Palmieri
Water Operations Manager
Cromwell Fire District
1 West Street
Cromwell, CT 06416
Phone: 860-635-4420 x1000
Fax: 860-632-0413
E-Mail:

Cromwell Fire District
Cromwell, Connecticut 06416

Fontaine, Candice

From: Peck, Rich
Sent: Friday, October 28, 2022 10:32 AM
To: Popper, Stuart
Cc: Fontaine, Candice
Subject: 22-37 170 Evergreen Road- Subdivision Approval

Stuart,

At their Meeting on October 17, the CWPCA approved the proposed sanitary sewer construction plans for 170 Evergreen Road Subdivision.

Sincerely,

Richard A. Peck
Sewer Administrator, CWPCA
Town of Cromwell
860-632-3430
rpeck@cromwellct.com

Harriman, Jon

From: Harriman, Jon
Sent: Friday, October 28, 2022 1:34 PM
To: Popper, Stuart
Subject: P&Z Application 180 Evergreen Road

Stuart,

The neighboring property owner has concerns about a drain pipe that discharges storm sewer from Willowbrook Road via an outfall in the vicinity of the property line between his parcel and the proposed subdivision. The catch basin(s) in Willowbrook and the outfall from them are not shown on the plans. Please have SLR update the plan to show this infrastructure. The proposed plan shows a swale lined with 2-4" cobble stones in this area. It is not clear to me if this swale is to pick up that discharge or if it is to keep runoff from the development from encroaching on the neighbor's parcel. If it is to pick up the street drainage outfall, I am not convinced that 2-4" cobble will stay in place in a significant storm. I have visited the site and it is not clear to me if the discharge outfall currently flows across the resident's parcel or if it runs across the land of the proposed subdivision. I think the plans should show this because it has been raised as a concern, and we don't want to move what exists today.

Can you ask SLR to clarify these points?

Jon Harriman, P.E.
Town Engineer
Town of Cromwell, CT
ph: 860 632-3465
fx: 860 632-3477

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday November 15, 2022 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #22-38: Request for a Special Permit under Section 5.3.E of the Zoning Regulations to allow for the installation of a church sign in an R-25 Zone District at 22 Nooks Hill Road. Holy Apostles College & Seminary is the Applicant and the Owner.

At this hearing interested persons may appear and be heard and written testimony received. This application is available for public inspection in the office of the Town Planner.

Alice Kelly
Chairman

Dated in Cromwell, Connecticut this the 2nd day of November 2022.

Application# 22-38
\$210.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL PERMIT

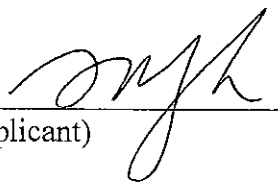
Type of Activity: Sign Placement
(Per Section XIII of the Cromwell Zoning Regulations)
Street Address: 22 Nooks Hill Road Zoning District: R-25
Assessor's Parcel ID #: 00351000 Volume/Page: 1623-140

Applicant's Name: Dr. Thomas Sabbagh
Address: 33 PROSPECT HILL Rd
Telephone Number (daytime): 401-440-5101
Email Address: tsabbagh@holypapostles.edu

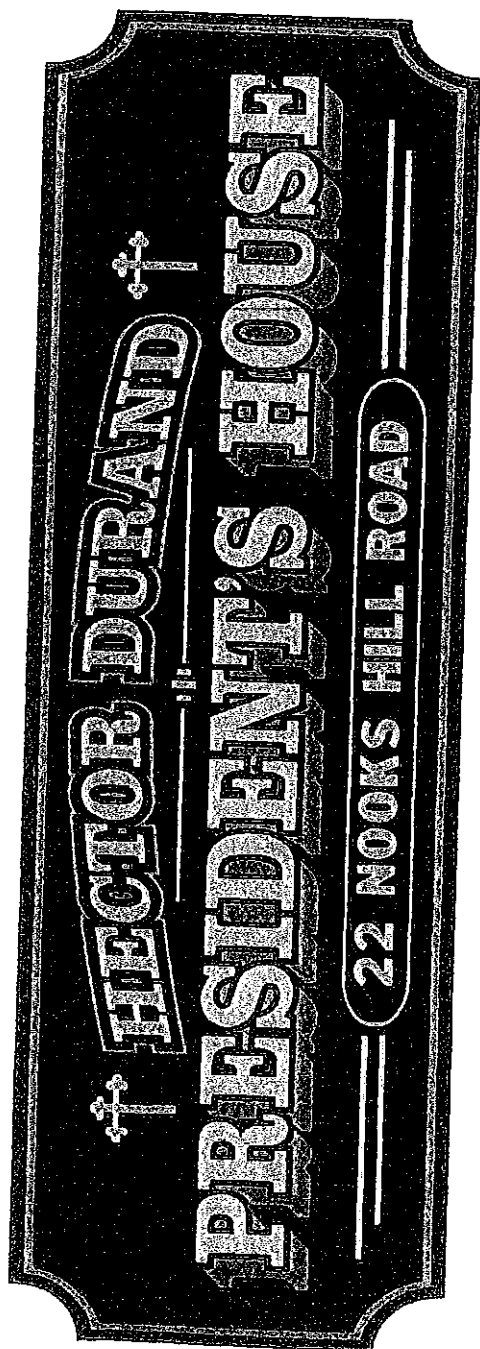
Property Owner's Name: Holy Apostles College & Seminary
Address: 33 Prospect Hill Road, Cromwell CT 06416

Description of Proposed Activity:
Installation of sign in front of 22 Nooks Hill Road.

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign Posting).*


(applicant)

10/11/2022
(date)



3ft

8ft



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. THURSDAY OCTOBER 6, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET Minutes and Record of Votes

Present: Chairman: Alice Kelly, Vice Chairman Michael Cannata, Ann Grasso, Chris Cambareri, John Keithan and Robert Donohue.

Absent: Paul Cordone, Nick Demetriades, Brian Dufresne and Ken Rozich

Also present: Director of Planning and Development Stuart Popper and Zoning Enforcement Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:01 pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A motion was made by Michael Cannata and seconded by Chris Cambareri to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

Mr. Popper asked that the following applications be added to the agenda under "8. New Business: Accept and Schedule New Applications" to be accepted and scheduled this evening.

- a. Application #22-32: Request for Special Permit for Dimensional Modifications to approved Master Plan at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- b. Application #22-33: Request for Site Plan Approval at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- c. Application #22-34: Request for Special Permit (Flood Plain) at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.

d. Application #22-37: Request for a Six Lot Subdivision at 170 Evergreen Road. Roswell Development LLC is the Applicant and Robert Grinold Estate is the Owner.

Mr. Popper asked that the following applications be added to the agenda under “ 10. New Business” to be considered this evening.

a. Extension of Moratorium on the Acceptance of Special Permit Applications under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products.

b. Application #22-29: Request for Site Plan Modification to allow for temporary outside storage containers at the Walmart Store at 161 Berlin Road. Walmart 2299 is the Applicant and Infinity Cromwell Prop LTD Partnership 1643 is the Owner.

Mr. Popper noted that due to technical issues the following applications will not be heard or considered this evening and will be rescheduled at a later date:

Application #22-22: Request for Site Plan Approval to construct a restaurant at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.

Application #22-23: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a restaurant with a drive-up window at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the amended agenda. All were in favor; the motion was passed.

5. Public Comments

There were no public comments.

6. Development Compliance Officer Report:

Mr. Driska said that the report was in the meeting packet and asked if anyone had any questions.

Chairman Kelly said that she was concerned about the development on Hicksville Road and West Street. She said they have a big trailer in the road with no flag person there. She said it has happened twice as far as she knows. Chairman Kelly said that is against the regulations. She confirmed that it was some kind of delivery truck. She also asked about a house on Willowbrook that has had some sort of dumpster there for months. Mr. Driska said it is two steel containers and Chairman Kelly said it has been at least 6 months. Mr. Keithan said he has seen Service Master trucks there. Mr. Driska said he would look into it.

7. Director of Planning and Development Report:

Mr. Popper said there are two new restaurants coming. He said one will be in the Subway on Main Street and it will be a Mexican/American food restaurant. Mr. Popper said the other new

restaurant will be a taco shop where Ambrosia used to be just across the street from the Subway. He said a protein shake shop is planned to go into the Crossroad Shopping Center. He said they will make smoothies but also sell the ingredients. He said these restaurants will likely use existing signage and they won't submit applications to this Commission but I wanted to make you aware of them.

Mr. Popper said that the Burlington store will open in November and Texas Roadhouse will be submitting their plans soon as they want to be ready for demolition as soon as Ruby Tuesday's lease expires. He said construction is ongoing at Arbor Meadows and they are way ahead of schedule. Mr. Popper also said that there will be a small medical office building application submitted later this fall to the Planning and Zoning Commission.

Mr. Popper said the old Friendly's could be an auto parts store but he doesn't know much about it but a sign company contacted them regarding that property. He said the Geer Street project will be voted on next Wednesday by the Inland Wetlands and Watercourses Agency, (IWWA). Mr. Popper said this Commission has a regular meeting next Thursday, October 6th and we will have numerous applications at that meeting. He said we will be discussing the Plan of Conservation and Development and Zoning Regulations Update at the October 18th meeting.

Mr. Popper said the moratorium for accepting any new Cannabis Facility applications needs to be extended by 60 days as we are waiting on the Town Council to meet and decide the number of stores that will be allowed in town. Chairman Kelly asked if this could be done at the October 6th meeting since tonight is a special meeting. Mr. Popper said that would be fine.

Mr. Popper also said that there has been discussion about the senior center relocation project. He said there has been discussion about moving the football field at Pierson Park to the high school.

Mr. Popper said the Town has hired SLR Consulting, LLC of Cheshire to update the zoning regulations and the Plan of Conservation and Development. He said they will be incorporating any/all amendments since 2015 and the new state Statutes into the new format. He said they are moving along and collecting data.

Mr. Popper said I have asked you about forming a subcommittee to work with them. He said I'll ask again and you can let me know next week.

Mr. Popper said the Carrier Company has acquired the property on Court Street and would like to make another informal presentation about the modified court settlement formats and footprints.

8. New Business: Accept and Schedule New Applications:

- a. Application #22-32: Request for Special Permit for Dimensional Modifications to approved Master Plan at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- b. Application #22-33: Request for Site Plan Approval at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- c. Application #22-34: Request for Special Permit (Flood Plain) at 100 Berlin Road.

M360 Berlin Land Holdings is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule the above applications to be heard at a public hearing on Tuesday November 1, 2022. All were in favor; the motion was passed.

d. Application #22-37: Request for a Six Lot Subdivision at 170 Evergreen Road. Roswell Development LLC is the Applicant and Robert Grinold Estate is the Owner.

A motion was made by Michael Cannata and seconded by Ann Grasso to accept and schedule the application to be considered on November 15, 2022. All were in favor; the motion passed.

9. Old Business:

c. Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

Mr. Popper said that when we open the Public Hearing for Application #22-16 the applicant will present the site plan modifications along with the special permit application.

10. New Business:

a. Application #22-29: Request for Site Plan Modification to allow for temporary outside storage containers at the Walmart Store at 161 Berlin Road. Walmart 2299 is the Applicant and Infinity Cromwell Prop LTD Partnership 1643 is the Owner.

Mr. Richard Webster the Cromwell Walmart Store Manager introduced himself and explained that he was here requesting the temporary use of outside storage containers for holiday goods. He said that the location and time table would be similar to last year. The Commission members and Mr. Webster discussed the location of the trailers and the time table.

A motion was made by Michael Cannata and seconded by Robert Donohue approve the application with the condition the trailers be removed by January 15, 2023.

b. Extension of Moratorium on the Acceptance of Special Permit Applications under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products.

A motion was made by Ann Grasso and seconded by Robert Donohue to approve the extension of the moratorium for 60 days. All were in favor; the motion passed.

c. Application #22-28: Request for Site Plan Approval to construct a building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

Mr. Popper said #22-28 will be heard with the public hearing for Application #22-27.

10. Public Hearings:

Mr. Popper asked the Commission to reorder the agenda in the following order: Applications #22-24, #22-27, #22-30 then #22-16.

Chairman Kelly reads the public hearing notice dated September 12, 2022.

a. Application #22-24: Request for a Special Permit under Section 6.1.H.2 of the Zoning Regulations to permit a crushing operation at 80R Geer Street. Paramount Construction is the Applicant and Steve Reilly is the Owner.

A motion was made by Michael Cannata and seconded by Robert Donohue to open the public hearing. All were in favor; the motion was passed.

Mr. Steve Reilly owner of Paramount Construction at 49 Hollow Tree Lane Newington made the presentation. He explained to the commission that he had applied for and received a special permit to allow his company to crush concrete and asphalt to make recycled processed gravel in December of 2021. Mr. Reilly said the operation again would take place between the hours of 7:00AM – 5:00PM from Monday through Friday for approximately ten days. He said the operation will only last for 5 days but to be safe he is asking for a ten-day duration to complete the crushing. Mr. Reilly said this is annual event at this facility where they crush materials at the end of the year in preparation of the next year.

Mr. Popper explained that Mr. Reilly would like to have the permit issued for five years with approval administered annually by staff. Mr. Popper said there have no issues with the crushing operation and has no problem with staff administering this on an annual basis. The commission members, Mr. Reilly and staff discussed the crushing operation and the idea of staff administering the process for five years.

A motion was made by Michael Cannata seconded by Ann Grasso to close the public hearing. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve the application with conditions that: the special permit is for five years; the applicant will submit annual reports and town staff will administer the process to annually issue the permit. All were in favor; the motion was passed.

b. Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Robert Donohue to open the public hearing. All were in favor; the motion was passed.

Mr. Rodney Bitgood the owner of Cromwell Automotive at 263 Main Street and Mr. Justin Packard P.E. with Hallisey Pearson & Cassidy at 630 Main Street Cromwell presented both

applications. Mr. Packard described the existing site, the location of the 4,992 square foot, single story building and the floodplain. He noted the design of the building to accommodate the floodplain building code requirements. Mr. Packard summarized the impact statement per Section 9.4A of the Zoning Regulations. Mr. Packard and the commission members discussed the site and the building.

Mr. Rodney Bitgood described the current conditions of the area behind the existing garage where the new building will be constructed. He discussed how the new building will be utilized for snow plow assembly and installations. The commission members and Mr. Bitgood discussed how the new building will function and the relationship to the ongoing operation of the existing garage.

A motion was made by Michael Cannata and seconded by Ann Grasso to close the public hearing. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve Application #22-28: Request for Site Plan Approval to construct a building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner. All were in favor; the motion was passed.

b. Application #22-30: Request to Amend the Zoning Regulations to delete Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Medical Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District.

A motion was made by Michael Cannata and seconded by Ann Grasso to open the public hearing. All were in favor; the motion was passed.

Mr. Popper explained this is a housekeeping operation because as part of the new cannabis regulations we established new guidelines for medical cannabis facilities and this section of the zoning regulations should have been deleted. He noted again that these regulations were superseded by the new cannabis regulations.

A motion was made by Ann Grasso and seconded by John Keithan to close the public hearing. All were in favor; the motion was passed.

A motion was made by Ann Grasso and seconded by Chris Cambareri to approve the application. All voted in favor; the motion was passed.

Vice Chairman Cannata recused himself at 8:00 pm.

c. Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

A motion was made by Ann Grasso and seconded by Chris Cambareri to open the public hearing for application #22-16. All were in favor; the motion was passed

Mr. Andrew Simonow, President of 6 West Ave, LLC in East Hampton explained that we were here at the last meeting and the commission members and staff had numerous questions and comments on our application. He noted that we have worked with the town staff to address all the comments and questions and are here tonight to present the revised plans. Mr. Simonow described in general the site and the location of the former Riverdale Cleaner building at 33 Berlin Road.

Mr. Simonow described the new lane striping, the additional stop bars and stop signs designed to address the comments regarding traffic flow, customer and employee parking. He discussed the addition of a light head on an existing pole in the lower lot, the light packs on the building and the lighting along the walkway from the rear to the front of the building. Mr. Simonow explained where the loading space would be located in the rear of the building and signage marking the loading space. He noted if at anytime Police were needed for traffic control we will arrange for them to be there.

Mr. Popper noted that the Police Chief had reviewed the revised plans and has approved the location of all the stop signs, stop bars and traffic flow arrows. Mr. Simonow noted that Stephen Mitchell, Traffic Engineer at Mitchell Traffic Engineering, LLC at 7 East Forest Drive, Enfield had submitted revised traffic counts for the number of customers expected. The commission members discussed the plan revisions. Chairman Kelly expressed her concerns regarding vehicle parking in the one-way access driveway located in the front of the building. Mr. Simonov explained how the access and parking will work in the front of the building.

Mr. Mark Degnan, Project Manager at Fellner Architects, 382 Town Street, East Haddam, CT discussed the vault inside the building and the how it will be constructed. He noted that the exterior windows would remain but would be sealed on the inside. Mr. Degan summarized the building's interior design and the proposed exterior modifications.

Mark Reynolds, Professional Engineer at Reynolds Engineering Services, LLC, 63 Norwich Avenue, Colchester, CT said discussed the changes made to address some of the concerns relating to lighting, parking, vehicle access and pedestrian safety. Attorney George Law, 595 Main Street, Portland said the deed includes rear parking rights and the use of the right of way in the existing parking lot. He said they have all rights to use the driveway as we need to conduct business and to make improvements as needed.

The commission members discussed the changes made and suggested a number of improvements: that a pedestrian walkway be painted in the parking lot to provide safe access to the building from the rear parking lot to the west side of the building. They also suggested the employee parking be located westward and a walkway be installed in the island in the rear

parking lot to connect to the stairway adjacent to the plaza building. Mr. Simonow said that they would work with the commission and staff to address all the conditions.

A motion was made Ann Grasso and seconded by John Keithan to close the public hearing for application #22-16. All voted in favor; the motion was passed.

A motion to approve Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner with the following conditions: 1) relocate the employee parking, install pedestrian crosswalk and access to the west side of the building, 2) install a walkway in the island connecting to the stairs on the east side of the Riverside Plaza building and 3) if need be arrange for Police to provide traffic control after store opening was made by Chris Cambarerie and seconded by Robert Donohue. Chairman Kelly voted against the application. All others voted in favor; the motion was passed.

A motion to approve Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner with the following conditions: 1) relocate the employee parking, install pedestrian crosswalk and access to the west side of the building, 2) install a walkway in the island connecting to the stairs on the east side of the Riverside Plaza building and 3) if need be arrange for Police to provide traffic control after store opening was made by Chris Cambarerie and seconded by Robert Donohue. Chairman Kelly voted against the application. All others voted in favor; the motion was passed.

Vice Chairman Michael Cannata returned to the meeting at 9:19 pm.

12. Commissioner's Comments:

13. Approval of Minutes:

a. September 6, 2022

A motion was made John Keithan and seconded by Chris Cambarerie to close approve the minutes of September 6, 2022. All voted in favor; the motion was passed.

14. Adjourn:

A motion was made by Robert Donohue to adjourn at 9:19 pm. All voted in favor; the motion was passed.

Respectfully submitted,

Stuart B. Popper
Temporary Recording Clerk



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING 7:00 P.M. TUESDAY OCTOBER 18, 2022 COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Paul Cordone, Ann Grasso, Chris Cambareri, Nick Demetriades, Robert Donohue

Absent: Paul Cordone, Ken Rozich, Brian Dufresne, John Keithan

Also present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:02pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A motion was made by Michael Cannata and seconded by Ann Grasso to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

Mr. Popper asked to amend the agenda to add under 8. New Business: Accept and Schedule New Applications: Application #22-38: Request for a Special Permit under Section 5.3.E of the Zoning Regulations to allow for the installation of a church sign in an R-25 Zone District at 22 Nooks Hill Road. Holy Apostles College & Seminary is the Applicant and the Owner. He asked to also add to the agenda: under 9. New Business: Performance Bond Release for Scannell Properties #315, LLC, 100/120 County Line Drive and Performance Bond Release for DFC of Meriden, LLC, 6 Piney Ridge Road.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve the amended agenda.

Mr. Popper asked that the commission act on the release of the bonds before other new business.

5. Public Comments - none

6. Development Compliance Officer Report:

Mr. Driska referred the commission to his report in the meeting packet and asked if anyone had any questions and there were none. Mr. Driska handed out his memos regarding the performance bond releases.

7. Director of Planning and Development Report:

Mr. Popper said the proposed warehouse off of Shunpike Road and Geer Street was denied by Inland Watercourse and Wetlands Agency (IWWA) by a vote of 4-3. He said the applicant has 14 days to appeal and we haven't heard anything yet. Mr. Popper said the town received a grant and will be installing sidewalks from Covenant Village to Pierson Park. He said we have received a grant and the town will be moving forward with the renovation of the current football field and the installation of temporary facilities for referees and team meetings. Mr. Popper said there are ongoing discussions about relocating the football field to the high school someday. He said he attended the Middle School building committee meeting today and heard some ideas. Mr. Popper explained that there is concern about traffic onto Geer Street and they are looking at ways to create a more formal access to school since more people are driving their children to school.

Mr. Popper said at our next meeting on November 1, 2022 there will be a public hearing for the former Lord Cromwell site. He said the fast food chicken application will come back to us for a hearing but they need to complete their plans. Mr. Popper said there is an IWWA application for a 26,000 square foot medical facility on Shunpike Road next to the medical office building at 80 Shunpike Road.

Mr. Popper said we will also hear a presentation about the Plan of Conservation and Development (POCD) tonight.

8. New Business: Accept and Schedule New Applications:

- a. Application #22-38: Request for a Special Permit under Section 5.3.E of the Zoning Regulations to allow for the installation of a church sign in an R-25 Zone District at 22 Nooks Hill Road. Holy Apostles College and Seminary is the Applicant and the Owner.

Mr. Popper read application #22-38 and said it is a house and they want to put a sign in front of it saying it is the President's house.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept application

#22-38 and to schedule a public hearing on November 15, 2022. All were in favor; the motion passed.

9. New Business:

- a. Performance Bond Release for Scannell Properties #315, LLC, 100/120 County Line Drive.

Mr. Driska said that he can recommend that the site plan is in compliance to release the performance bond.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve the performance bond #1712 release in the amount of \$51,188 (plus interest) for Scannell Properties #315. All were in favor; the motion passed.

- b. Performance Bond Release for DFC of Meriden, LLC 6 Piney Ridge Road

Mr. Popper said that the digital billboard was never installed at the Piney Ridge site since it was denied by DOT. He said the owner is working with a new attorney and will come in to make an informal presentation on their plans in the near future.

Mr. Driska said that the bond for 6 Piney Ridge Road was required for the approved the landscaping plan. He said one and half growing seasons have passed and it is in compliance.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve the performance bond release in the amount of \$20,000 (plus interest) for DFC of Meriden, LLC 6 Piney Ridge Road. All were in favor; the motion passed.

- c. Application #22-25: Request for Site Plan Modification to construct additional parking at 52 Missionary Road. Covenant Living of Cromwell, Inc. is the Applicant and the Owner.

Ann Grasso recused herself at 7:14pm.

Mr. Edward Hart, Licensed Engineer with SLR Consulting in Cheshire said the site plan for Covenant Living is 3-4 years old. He said we have added 5 parking spaces on the north side of the site behind homes on West Street. He said they have plantings for screening and they have checked for drainage and the small increase in runoff is not a problem.

Mr. Popper said that the parking spots have been installed after the site plan was approved. He said this is a modification to the original site plan. Chairman Kelly said this is modification number 3 since the plan was approved. Mr. Popper had told Mr. Hart that they have to apply for modifications before making any changes to the approved site plan.

Norman Aldrich, Facilities Director at Covenant Living, 52 Missionary Road, Cromwell said he was hired in November of 2021 and said he wasn't aware this had to be presented to the Commission. and he apologized. Mr. Aldrich said he has never been involved with these types of projects before. Mr. Cannata said you have to call Mr. Popper or Mr. Driska before you do

anything like this. Mr. Cambareri asked if these spots about a residence on West Street. and Mr. Aldrich said they are far back and there is a fence and there will be landscaping. Mr. Aldrich said that he has talked to the neighbors and they don't have any issues and don't seem to be concerned about the spaces. Mr. Cambareri said if we get a neighbor complaint we will need to address it. Mr. Popper said the neighbor is the person that advised of the construction of the parking spaces so they are aware of it. Chairman Kelly asked about snow removal. Mr. Aldrich said they will likely have to back blade the snow and move it further down the road. Mr. Hart said the spots are pitched towards the road and are not an issue for drainage. Mr. Popper said the Town Engineer had some concerns about drainage but they were addressed.

Mr. Donohue asked if there was a bond for the landscaping? Mr. Driska said yes. Mr. Hart said it is for \$6,000.

A motion was made by Michael Cannata and seconded by Chris Cambareri approve application #22-25 . Alice Kelly, Michael Cannata, Chris Cambareri, Nick Demetriades, Robert Donohue approved; the motion passed.

Chairman Kelly asked Mr. Popper to send a letter to Covenant Living to explain the planning and zoning process for applications to amend site plans. Chairman Kelly asked Mr. Driska if they could fine them for making an amendment without zoning approval and Mr. Driska said yes.

- d. Application #22-31: Request for Site Plan Modification to install charging stations at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Owner.

Ms. Grasso returned to the meeting at 7:26pm.

Mr. Popper reads application #22-31 and said there was an issue when we amended the regulations and allowed charging stations in commercial areas but didn't address residential areas. Mr. Popper said they are asking for a site plan modification and Chairman Kelly said they are asking something that is not allowed.

Mr. Rock Evans, Engineer with SLR Consulting of Cheshire said they are requesting a site plan modification to add six charging stations but that two of them have already been installed. He said they are dual front facing devices allowing for two vehicles to charge at once. He said we are asking for forgiveness for the two already installed and asking for four more since the demand is going up and we are trying to meet that demand. He said we realized we needed to come to Planning and Zoning and halted the installation. He said I did identify this on the site plan but didn't request it in the site plan modification as a change since I didn't realize it was a major change.

Mr. Cannata said this means that there will be twelve parking spaces out of play for normal parking and out of circulation for residents who are already complaining that parking is at a premium. Mr. Evans said that is correct, but the charging spaces are still parking for residents. He said there are 245 spaces on site plus the recently added tandem spots and there are numerous

parking spaces that are open. Chairman Kelly asked how many resident cars there are and Mr. Evans said they plan for 1.5 per unit so we exceed the regulations. Mr. Cannata said that our regulations need to be changed. He said I know three families who have trouble parking. Mr. Evans said parking is a problem. Chairman Kelly said you should ask if you can buy more parking spaces. Mr. Popper said there have been discussions to sell the developer some adjoining town land where they could build more parking spaces. Chairman Kelly said they should keep what they have for chargers and come back when they have acquired more land for more parking spaces. Mr. Cannata said he agreed but there are no steel ballards now and the chords are in the way of people walking.

Chairman Kelly asked if there was assigned parking and Mr. Evans said I don't believe that exists except for those tandem spaces. She said that is a problem.

Mr. Popper said he suggests the Commission decide if those two can stay and then make a motion to approve them with the conditions that the applicant can come back for the other four when they have resolved the parking issues.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve application #22-31 for the two chargers already installed with the condition of adding steel ballards and improving the cabling on the southeast corner so it's not a trip hazard. No other chargers to be installed at this time. All were in favor; the motion passed.

c. Presentation on the Update of the Plan of Conservation and Development and the Zoning Regulations.

The recording tape was chanted at 7:45pm. The meeting resumed at 7:48pm.

Mr. Robert Collins, SLR said they are in the process of updating the POCD and the zoning regulations. He handed out a package outlining the approach and process of updating the POCD. He said there is synergy in reviewing and updating the POCD and zoning regulation at the same time. Mr. Collins explained that they have done a baseline review and assessment of each and are now analyzing the data and will create a draft plan of vision and goals and then adopt the final plan. He said there will be public engagement by using an interactive website with a story map and an online survey. He said they will preview the survey at 11:00am on Friday and then will plan to go live with it on November 1st. He said there will be a paper version of the survey that can be handed in to town staff. Chairman Kelly asked when the survey was put together and why we haven't seen it yet. Mr. Collins said they will share the preview on Friday. Mr. Popper said no one except you has come forward to be on the subcommittee but we have to move forward. He said he hasn't seen the survey yet either. Chairman Kelly asked if a draft could be sent to them before Friday and Mr. Popper said yes, but with the understanding that this is moving forward. Mr. Collins said he will send them an email but asked that the Commissioners be willing to reply within a few days. He said the idea is he will present and talk about it on Friday.

Mr. Cambareri asked if the survey was anonymous and Mr. Collins said yes, they use Survey Monkey. Chairman Kelly asked how the public will know about the survey and Mr. Collins said the town staff and Commissions will help us get the word out. Mr. Popper said it will be on our

website and as well and we will use the Chamber of Commerce, Town Council and all of the Commissions as a way to spread the word. He said there would be a QR Code and they will put the information on the digital billboard and Facebook. Mr. Popper said there would also be Public Hearings and possibly an open house for the public. Mr. Collins said word of mouth is also a good way. He said we will keep you posted on the response rate as we go along. Mr. Popper said that we will get Mr. Collins on a future Planning and Zoning meeting to review the data and analysis. Chairman Kelly thanked Mr. Collins and said she liked his presentation.

10. Commissioner's Comments: none

11. Approval of Minutes:

a. September 27, 2022

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the minutes of September 27, 2022. Alice Kelly, Michael Cannata, Ann Grasso, Chris Cambareri, Robert Donohue approved. Nick Demetriades abstained. The motion passed.

12. Adjourn:

A motion was made by Michael Cannata and seconded by Ann Grasso to adjourn at 8:38pm . All were in favor; the motion passed.

Respectfully submitted,

Linda Imme
Recording Clerk