

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, FEBRUARY 2, 2021
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chair Michael Cannata, Jeremy Floryan, Chris Cambareri, Nick Demetriades, Paul Cordone, Ann Grasso (alternate) and Robert Donohue (alternate)

Absent: John Keithan, Ken Rozich, and Brian Dufresne

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, and Recording Clerk Michelle Armetta

1. Call to Order:

The meeting was called to order by Chairman Alice Kelly at 7:09 p.m.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

A motion was made by Mr. Nick Demetriades to seat Ann Grasso and Robert Donohue as alternates. Seconded by Vice Chairman Michael Cannata. *All in favor, Motion passed.*

4. Approval of Agenda:

Mr. Popper asked the Commission to amend the agenda to include under New Business the following two items: A discussion regarding the Covenant Living project and a discussion regarding a new sign at 14 Alcap Ridge.

Vice Chairman Michael Cannata made a motion to approve the agenda as amended. Seconded by Chris Cambareri. *All in favor; Motion passed.*

5. Public Comments:

None

6. Development Compliance Officer Report:

Compliance Officer Bruce Driska distributed the updated report to the Commission and asked if there were any questions. A Commission member inquired about Starbucks noting that there was an article in the newspaper referencing the new establishment. Mr. Driska reported that the grand opening is scheduled for Monday, February 8, 2021 and Starbucks should receive their CO on Wednesday, February 3, 2021.

7. Town Planner Report:

Mr. Popper reported that a wetlands application was received for a single-family subdivision on Hicksville Road located north of the entrance to Adelbrook. He said there

will be four lots fronting Hicksville Road with one rear lot and two rear lots on West Street. Mr. Popper said once the wetlands permit is approved, they will be submitting an application to this Commission, perhaps in March.

Mr. Popper said that Starbucks will receive CO on February 3, 2021, as reported by Mr. Driska and grand opening is scheduled for February 8, 2021. He said everyone is very pleased with how the site looks and are happy to have Starbucks in Cromwell.

Mr. Popper said not too many other projects are at the CO stage. He said that the Nike site project is moving along, but is a long way off from a CO. Mr. Popper said that Covenant Village has received a CO for a portion of their new building. He said the project includes 57 new living units as well as a variety of new services for the residents of Covenant Village. Mr. Popper said the project is very attractive, and everyone is pleased with it. He noted that this evening there representatives from Covenant Village to advise the Commission on changes that were made to the plan.

Mr. Popper said there are a few outstanding issues at the new Cromwell Department of Public Works facility that should be resolved soon and they will be receiving their CO shortly.

8. New Business: Accept and Schedule New Applications:

None

9. New Business:

Mr. Popper said there are representatives from Covenant Village of Cromwell who will address changes that have been made to the original site plan. He explained that the Town Engineer, Jon Harriman, and Mr. Driska are working on the CO for this development and in the process, discovered that there was an “outlook” at the pond which was not installed. Mr. Popper said it was not appropriate to approve this change at staff/administrative level and felt the Planning and Zoning Commission should be involved and advised of the change.

Mr. Popper invited Mr. Michael Hamlin, 515 Meriden Avenue in Southington, Director of Facilities at Covenant Village of Cromwell to address the Commission. Mr. Hamlin explained that the original plans for the pond area were to include an “outlook” measuring 25’ x 40’, similar to a fishing dock attached to the walkway around the pond. He explained during construction unsuitable soil materials were discovered and as a result the retaining wall and the shape of the board walk had to be redesigned and the outlook removed. Mr. Hamlin said therefore, the as-built does not match the original plans. Mr. Hamlin is asking for an administrative amendment to the site plan. Chairman Alice Kelly stated that this situation should have been brought to the Commission’s attention immediately when it was discovered that the plans would need to change. Mr. Hamlin replied that when the plans changed from the single-tier wall to the two-tier wall engineering was involved and the architect did not catch it and for that Mr. Hamlin apologized.

Mr. Popper again pointed out that he just wanted the Commission to be aware of this situation should any questions arise in the future.

Vice Chairman Michael Cannata made a motion that a site plan modification is not necessary for the Covenant Village site. Seconded by Chris Cambareri. *All in favor; Motion passed.*

Mr. Popper said the next item is for a sign to be installed on the building for Advanced Window Systems at 14 Alcap Ridge. He said although the applicant was willing to be present at the meeting, but he had advised that due to COVID restrictions, it was not necessary to be present. Mr. Driska distributed pictures of the proposed signage and explained that he had reviewed the sign and it meets zoning regulations. He said that it is a 48" x 106", non-illuminated. Mr. Popper is asking the Commission to allow this application to be approved administratively.

Vice Chairman Michael Cannata made a motion that the application for signage at Advanced Window Systems be handled administratively. Seconded by Jeremy Floryan. *All in favor; motion passed.*

10. Public Hearings:

Chairman Alice Kelly read the Legal Notice into the record. Applications #20-63 and #20-74 for 241 and 251 Main Street will be heard together and Applications #21-02 and #20-48 for 6 Piney Ridge Road will be heard together.

- a. Application #20-63: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the installation of a digital billboard within the Floodplain at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.
- b. Application #20-74: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

Vice Chairman Michael Cannata made a motion to open the Public Hearing for Applications #20-63 and #20-74. Seconded by Chris Cambareri. *All in favor; motion passed.*

Attorney Richard D. Carella, from the law firm of Updike, Kelly and Spellacy, PC in Middletown addressed the Commission. Attorney Carella said he is representing the Owner, Rodnella Realty, regarding the special permit application and Flood Plain permit application for the installation of a digital billboard at 241 and 251 Main Street. Attorney Carella began his presentation by describing the site and the location of the sign pylon/digital bill board on the site plan. He explained that the pylon would be in the floodplain and the pipe would be hollow to allow for water flow and therefore have minimal impact in the flood zone. The Commission members raised the question as to why the billboard was 2-sided. Vice chair Michael Cannata explained that as indicated in previous meetings, the Commission had only approved a one-sided billboard.

Attorney Carella explained that from an engineering standpoint, it needs to be two-sided because of the V-shape for balance and that only one side would be illuminated. He also noted that the regulations did not limit the design of the billboard or the number of billboards on a post.

Vice chair Cannata expressed his disagreement with Attorney Carella's interpretation of the regulations and his concern about the proposed location of the billboard. He was also very concerned about the proposed location of the billboard. Vice chair Cannata noted that in the zone change application the sign had been proposed south of the old gas station building in the existing forest adjacent to Route 9. He said it is now at the southern-most point of the property and highly visible.

Attorney Carella explained that this location was selected to limit the activities and the impact upon the inland wetlands. Chairman Alice Kelly pointed out that she had gotten accident history from the State Police and the proposed area has had many accidents between 2018 and 2020 and this distraction could worsen the situation.

The Commission members and Attorney Carella discussed the proposed location of the and the appearance of the billboard. Attorney Carella and the applicant Rodney Bitgood agreed to revise the plans to address the Commission's concerns. Attorney Carella closed his presentation and thanked the Commission. Chairman Alice Kelly thanked Attorney Carella.

- c. Application #21-02: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the installation of a digital billboard within the Floodplain at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.
- d. Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Vice Chairman Michael Cannata made a motion to open the Public Hearing for Applications #21-02 and #20-48. Seconded by Chris Cambareri. *All in favor; motion passed.*

Attorney Arianna Ceneviva, Ceneviva Law Firm, 721 Broad Street, Meriden addressed the Commission. Attorney Ceneviva said she was here this evening with her client the Owner and Applicant Dominic DeMartino, DFC of Cromwell LLC. Attorney Ceneviva asked Mr. Wayne Violette, Landscape Architect with BL Companies to present the proposal to the Commission. Mr. Violette described the location of the western-most pylon in the floodplain. He noted that there will be minimal impact to the floodplain with only a one cubic yard of soil to be displaced. Mr. Violette said the plans called for feathering the grade so there would be no disturbance to the current drainage patterns. He said changes have been made to the plan to address the Commissions and neighbor's concerns. Mr. Violette said the plans now call for installing a 6' high white vinyl fence

along certain points of the property line and the planting of additional trees. Mr. Violette said there will now be a variety of evergreen trees planted including: Blue Spruce, White Pine and White Spruce along the Northern boundary on the site to supplement existing vegetation. He said the plans call for about 70 trees at a height of 8' to 10' to be planted. Mr. Violette said in addition to these plantings, the applicant is proposing to a reforestation plan for 1.75 acres with about 200 whip size trees to be planted. He explained that over time this would create a dense forest of oaks, maples, and cedars in an effort to engulf the backside of the billboards. Mr. Violette showed an illustration of the size and location of the western-most billboard as seen from 53 South Street and views from 45, 47 and 49 South Street.

Vice Chairman Michael Cannata asked about the hours of operation. Mr. Violette said the applicant is proposing that the billboard be dark from 12:00 am to 5:00 am and a baffle system will be used as previously presented.

Chairman Kelly asked if anyone from the public wished to address the Commission. There were no comments from the Public. Mr. Popper read a memo from Mr. John Harriman, Town Engineer and noted that the applicant has agreed with the conditions set forth and has no issues. Attorney Dennis Ceneviva addressed the Commission and indicated that his client wants everyone on the Commission to feel comfortable with this project and is trying to address all the Commission's and staff comments and be responsive. Chairman Alice Kelly questioned the perspective being shown and felt it was an accurate portrayal. The Commission is also concerned about the hours of operation. Mr. Popper will consult with the Town Attorney to be sure that the Commission has jurisdiction to control hours of operation.

Attorney Dennis Ceneviva asked the Commission to continue the public hearings in order for the applicant to address the concerns raised by the Commission this evening.

Vice Chairman Michael Cannata made a motion to continue the Public Hearings for Applications #21-02 and #20-48; seconded by Paul Cordone. *All in favor; motion passed.*

11. Commissioner's Comments:

Mr. Nicholas Demetriades gave an update on the Regional Plan of Conservation and Development. Mr. Demetriades sent out a couple of informational emails to the Commission regarding the regional maps. Mr. Demetriades spoke with Mr. Popper about the maps and added some of the larger innovative business districts which are in the northern tier as well as walking paths. He said he also put together a spreadsheet that has links to various sites with info about a variety of planning related topics including zoning regulations for multi-family housing. Mr. Demetriades will be sending this information to the Commission members in a day or two.

Vice Chairman Michael Cannata asked the Commission members that if they have a specific point or comment that they want to make certain is in the written minutes, to please make the Recording Secretary aware of that. He pointed out that at the last meeting, a Commission member made a comment that they hoped to have clearly

mentioned in the minutes and it was not. Vice Chairman Cannata said so, going forward, if a Commission member has a comment that they want in the written minutes, please make it known at that time.

Chairman Alice Kelly reminded the Commission members of the Connecticut Land Use Attorney's Program in March at Wesleyan University. She said this year it will be a virtual meeting with a variety of lectures addressing procedures and processes for land use boards and commissions and current issues such as affordable housing, more inclusive zoning, etc. Chairman Kelly said there may be things offered in which you are not currently involved but would gain some insight and those interested in attending should contact Mr. Popper's secretary Greta O'Connell, to enroll.

12. Approval of Minutes:

a. January 19, 2021

Tabled.

13. Adjourn:

Vice Chairman Michael Cannata made the motion to adjourn at 8:50 p.m. *All in favor, motion passed.*

Respectfully submitted,



Michelle L. Armetta
Recording Clerk