

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, APRIL 20, 2021
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES

RECEIVED FOR RECORD
May 28, 2021 02:36P
John Doyle
TOWN CLERK
CROMWELL, CT

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

Absent: Ken Rozich, Brian Dufresne, John Keithan and Jeremy Floryan

Also, Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, Town Council Liaison James Demetriades, Town Engineer Jon Harriman, and Recording Clerk Michelle Armetta

1. Call to Order:

The meeting was called to order by Chairman Alice Kelly at 7:00 p.m.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

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

4. Approval of Agenda:

Director of Planning and Development Stuart Popper asked the Commission to add the following to the agenda under New Business: Accept and Schedule New Application:

- a. Application #21-15 for a Special Permit to install a billboard in the 100-year floodplain at 241 and 251 Main Street.
- b. Application #21-16 for a Special Permit for the installation of a billboard at 241 and 251 Main Street.
- c. Application #21-17 for a Special Permit for a restaurant liquor permit at ABC Pizza.

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:

Chairman Alice Kelly invited the Public to make comments not related to the Public Hearing. She went on to explain that when the time comes for public comments for the Public Hearing, residents will have the opportunity to come up and give their name and address and will have three minutes to speak. Chairman Kelly said after everyone has had a chance to make comments, you may return to continue your comments.

6. Development Compliance Officer Report:

Development Compliance Officer Bruce Driska addressed the Commission and asked if anyone had questions regarding the report included in the packet. Mr. Driska gave an update on an enforcement issue that began on Monday, April 5, 2021 on 132 North Road. He explained the site is a 7.99-acre vacant lot at 134 North Road in an R-25 zone. Mr. Driska said the violations consists of placing at that time five box trailer trucks and two flatbed trailer trucks and a notice of violation was issued immediately and within one week all, but one box truck was removed. Mr. Driska will issue a second violation this week to pursue enforcement with the owner. A Commission member asked a question was raised about Application #21-05 for Padre Pio Foundation. Mr. Driska explained that Padre Pio Foundation received a Zoning Board of Appeals variance to do to expand a building addition into the side yard on the south side of the property. He said additional improvements included landscaping and upgrading the parking lot.

Mr. Driska asked the Commission if there were any other questions. The Commission had no further questions and thanked Mr. Driska for his report.

7. Town Planner Report:

Director of Planning and Development Stuart Popper pointed out that several projects are moving along.

Mr. Popper reports that Mr. Driska continues his daily inspections up at the Nike site and Arbor Meadows off of Field Road. He said there have been discussions about properties in town but no applications and we are hoping to see some new applications later this spring.

Mr. Popper said regarding the former Red Lion Hotel property the owners of the property, one which has a mortgage on the land and another which has a mortgage on the building, are considering putting the property together, but there is no action currently. He said there is also nothing to report regarding the Friendly's property.

Mr. Popper asked the Commission if there were any other questions. The Commission had no further questions and thanked Mr. Popper for his report.

8. New Business: Accept and Schedule New Applications:

- a. Application #21-15 for a Special Permit to install a billboard in the 100-year floodplain at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.
- b. Application #21-16 for a Special Permit for the installation of a billboard 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 accept and schedule Applications #21-15 and #21-16 for a Public Hearing to be heard on May 18, 2021; Seconded by Chris Cambareri. *All in favor; motion passed.*

- c. Application #21-17 for a Special Permit for a restaurant liquor permit at ABC Pizza. Currently ABC Pizza sells wine and beer but would like to expand liquor service.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #21-17 for a Public Hearing to be heard on May 18, 2021; Seconded by Chris Cambareri. *All in favor; motion passed.*

9. New Business:

a. Section 8-24 Mandatory Referral for the Installation of Sidewalks in front of 243 Shunpike Road.

Jon Harriman, Town Engineer, addressed the Commission. Mr. Harriman explained that this project will link the newer sidewalks on County Line Drive with the roughly 2500 linear feet of existing sidewalks on Commerce Drive. He explained that sidewalks are currently installed on Shunpike Road between these streets, but a sidewalk has not yet been constructed in front of 243 Shunpike. Mr. Harriman said project funding would come from the remaining funds in the Northern Tier STEAP grant. He explained that the work would be done in the DOT ROW requiring an Encroachment Permit from District 1. Mr. Harriman also commented that there are many walkers along that route. A Commission member asked Mr. Popper if approval was required from the Regional Planning Agency since this project is within 500 feet of Rocky Hill? Mr. Popper said no.

Vice Chairman Michael Cannata made a motion to issue a positive report for 8-24 mandatory referral for the installation of sidewalks in front of 243 Shunpike Road. Seconded by Chris Cambareri. *All in favor; motion passed.*

b. Section 8-24 Mandatory Referral for the Installation of Sidewalks along portions of Geer Street and Main Street.

Jon Harriman, Town Engineer, addressed the Commission. Mr. Harriman explained that this project will link existing sidewalks on sections of Geer Street with Main Street. He explained that the plan is for new sidewalks to be constructed on Main Street, west side, from Geer Street to Sunset Drive. New sidewalks on the south side of Geer Street would be constructed from the intersection of Court Street east to Woodside Road, and again on the south side of Geer Street from Briadon Drive to Main Street. Sidewalk locations were selected as a part of a Safe Routes to School study. Project comes from a Community Connectivity Grant. The work on Main Street would be done in the DOT ROW requiring an Encroachment Permit from District 1. A question arose as to why the sidewalks would stop at Sunset Drive. Mr. Harriman explained that there are very few homes past Sunset Drive and the grant was for up to \$400K. Paul Cordone asked about the brick street signs along that route and if they would have to be removed. Mr. Harriman answered that they would not.

Vice Chairman Michael Cannata made a motion to issue a positive report for 8-24 mandatory referral for the installation of sidewalks along portions of Geer Street and Main Street. Seconded by Chris Cambareri. *All in favor; motion passed.*

The Commission thanked Mr. Harriman.

10. Public Hearings:

Chairman Alice Kelly read the Legal Notice into the record.

Vice Chairman Michael Cannata made a motion to open the Public Hearing for Application #21-04. Seconded by Paul Cordone. *All in favor; motion passed.*

- a. **Application #21-04:** Request for a Special Permit under Section 4.2.P of the Zoning Regulations to permit the construction of a garage and a breezeway within the Floodplain at 31 River Road. Kelly Maher is the Applicant and Owner.

Mr. Popper explained that the Applicant, Ms. Kelly Maher, has requested that the Commission continue the Public Hearing to May 4, 2021 so that the Applicant's engineers can prepare the necessary flood information.

Vice Chairman Michael Cannata made a motion to continue Public Hearing for Application #21-04 to May 4, 2021. Seconded by Bob Donohue. *All in favor; motion passed.*

Vice Chairman Michael Cannata made a motion to open the Public Hearing for Applications #21-07 and #21-09 to be heard together. Seconded by Paul Cordone. *All in favor; motion passed.*

- b. **Application #21-07:** Request to create 9 lot Resubdivision in a R-25 Zone District at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner.
- c. **Application #21-09:** Request for a Special Permit under Section 6.6 of the Zoning Regulations to allow for the development of a rear lot as part of a single-family resubdivision in a R-25 Zone District at 60 and 80 Hicksville Road. John Zaleski is the Applicant and Adelbrook Community Services, Inc. is the Owner.

Mr. Stuart Popper explained that at the April 3, 2021 meeting of the Inland Wetlands and Watercourses Agency (IWWA), the Agency heard the presentation by the Applicant and by the Applicant's soil scientist, Mr. Martin Brogie. He said that Mr. Brogie went over in detail the comments made by the neighbors and gave his responses to those comments. Mr. Popper explained that after Mr. Brogie's presentation the IWWA decided that it was an insignificant activity and would not require a Public Hearing, and with that in mind, the IWWA voted at their April 3, 2021 meeting to approve the activities within the upland review area. He said that this evening the Applicant will present plans for the re-subdivision and special permit application for a rear lot all covered by our Subdivision and Zoning regulations. Mr. Popper said the Planning and Zoning Commission has no authority over the wetlands on the site, so the public should be addressing the planning and zoning issues, not the wetlands issues, which have already been settled by the Inland Wetlands Agency.

John Wagenblatt, Principal at LRC Group, 160 West Street, Cromwell, addressed the Commission. Mr. Wagenblatt was joined by the Applicant Mr. Jay Zaleski and Mr. Rich Reynolds, a Project Engineer from LRC Group. He said the Vista Estates Resubdivision is a proposed nine lot residential subdivision that encompasses 14.91 acres of the 54.27-acre Adelbrook Community Services property. Mr. Wagenblatt described the location of proposed resubdivision and rear lot. He said there are two parcels that make up the land involved in the development (60 and 80 Hicksville Road) owned by Adelbrook Community Services, Inc. and located in the R-25 Residential Zoning District.

Mr. Wagenblatt said the site of the proposed subdivision contains an area of open grass, wooded areas, inland wetlands, and Chestnut Brook. He explained that a sanitary sewer easement containing a sewer main runs from north to south through the central position of the subdivision property. Mr. Wagenblatt noted that an easement for CL&P exists in the southern portion of the subdivision. He said the existing 10" water main located on Hicksville Road will provide water service for the proposed lots on Hicksville Road and an existing 12" water main located in West Street will provide water service for the lot on West Street. Mr. Wagenblatt said the existing house will remain as a frontage lot off Hicksville Road. He explained that all of the lots have been designed to meet the minimum bulk requirements of the R-25 zoning district and Lot 2 is the only proposed rear lot in the 9-lot subdivision. Mr. Wagenblatt said the accessway to the Hicksville Road rear Lot 2 is 25 feet in width for its entire length and the lot has been designed to meet all the requirements of the Rear Lot regulations. He said the lots will range in size from the minimum of 25,000 square feet to 4.45 acres.

Mr. Wagenblatt explained that there are eight frontage lots along Hicksville Road including the existing Adelbrook property with one rear lot and one frontage lot located off West Street. He said all lots will be served by town sewer and public water. Mr. Wagenblatt said a new sewer line to serve Lot 1 and Lots 3-8 is proposed along the frontage of Hicksville Road. He noted that Lots 2 will be serviced by a direct connection to the trunk line that traverses the property and Lot 9 by a connection to West Street.

Mr. Wagenblatt said stormwater management areas are proposed for Lots 2-9 to attenuate the increase in stormwater runoff due to the change in surface coverage. He said the stormwater management areas have been designed as either an excavated depression or an underground chamber system.

Mr. Wagenblatt said they have received comments from town staff and have submitting responses to staff. He said they met with the Chief of Police to address her concerns regarding the sight line from the driveway along West Street.

Mr. Jay Zaleski, the Applicant addressed the Commission. He said he currently

resides at 48 Evergreen Road and he is a lifelong resident and he and his family are very excited about the proposed subdivision and moving onto Lot 9. Mr. Zaleski went on to thank Mr. Wagenblatt and Mr. Reynolds for their presentation and believes all zoning regulations have been met. He expressed his appreciation to the Commission for their consideration.

Vice Chairman Michael Cannata asked the Applicant about the percentage of driveway to rear lot. Mr. Wagenblatt replied that it is 12% as is the guideline. Mr. Cannata also inquired about the depth of the sewer. Mr. Wagenblatt replied that it is 300 feet and feels it is sufficient.

Mr. Bob Donohue inquired about the distance of the fire hydrants for Lots 2 and 9. Mr. Wagenblatt said Lot 9 is 330 feet and Lot 2 is 290 feet from the respective hydrants.

Mr. Nick Demetriades inquired about the maintenance of the individual storm water management systems. Mr. Rich Reynolds replied that each lot will have an individual plot plan and meet manufacturer requirements. Mr. Popper replied that these are private structures on private property and therefore, must be maintained by the owners and it is not the Town's responsibility; however, the Town Engineer will review each system when proposed on the site plans for each lot to make sure they will work.

Ms. Ann Grasso inquired about the tree cut-back for Lot 9. Mr. Wagenblatt explained that the tree and brush removal is required to have adequate site line for the driveway onto West Street. He explained that some vegetation will be removed to improve the run-off issue and to restore the wetlands along the discharge area from West Street.

Mr. Demetriades asked if there could be a site walk. The Commission agreed to schedule a site walk for Tuesday, April 27 at 6:00 p.m. Chairman Kelly said at the site no questions will be asked and the Applicant's Engineer will point out activities as shown on the plan.

Chairman Kelly opened the Hearing for Public comments:

Mr. David Masse, 37 Hicksville Road addressed the Commission. Mr. Masse has concerns about how the development will fit within the surrounding area. He emphasized the need for the Commission to look at the proposed subdivision and determine its impact on the neighborhood and the town overall. Mr. Masse asked why the Commission has not required a portion of the development to be set aside for conservation. Mr. Popper replied that it has not been proposed and is not a requirement it is an option open to the developer but not a requirement. Mr. Masse has concerns about the wildlife and feels that lots #7 and #8 are located too close to the pond. He suggested that the developer dedicate lots 7 and 8 as open space.

Rev. Mike Langer of the Hilltop Church and resident of 82 Hicksville Road addressed the Commission. Rev. Langer asked the Commission to consider installing sidewalks and expressed concerns for wildlife in the area. Rev. Langer also gave the Commission permission to use the church lot to park for the April 27 site walk.

Ms. Alyssa Goduti, President and CEO of Adelbrook Learning Centers addressed the Commission. Ms. Goduti explained that Adelbrook Learning Centers are private special education programs certified by the State Department of Education to serve students with autism, neurodevelopmental disorders, emotional disturbance, and learning disabilities from pre-Kindergarten through grade 12 and Adelbrook's Transitional Academies, for students ages 18–21, focus on life-long learning and life skills, and employment proficiencies through meaningful work experiences and community engagement. Ms. Goduti went on to explain the sale of the property for development will help support the school and its residents and provide more services. Ms. Goduti also told the Commission that the pond will be visible and accessible to the students. She also explained that Adelbrook could have developed this property but did not because it is separated from the main campus by the pond, stream and sanitary sewer easement.

Mr. James Demetriades, Town Council Liaison, addressed the Commission and suggested that the developer install sidewalks along the property frontage on Hicksville Road.

Chairman Kelly asked if there were any other members of the public who wished to address the Commission. There were none.

Vice Chairman Mike Cannata made a motion to continue the Public Hearing for Applications #21-07 and #21-09 to the site walk on April 27, 2021 at 6:00 p.m. Seconded by Chris Cambareri. *All in favor, motion passed.*

11. Commissioner's Comments:

Mr. Nick Demetriades addressed the Commission. Mr. Demetriades sent an email containing information about the upcoming RPOC Zoom presentation on April 26 at 7:00 p.m. He said the email contained a link to the presentation. It is open to the public and the presentation will look at conservation and development from a regional perspective. Mr. Popper will post the link on the Town website.

Commission members asked what was the status of the upcoming TPC tournament. Mr. Popper said that representatives of the TPC will appear before the Commission at the May 4, 2021 meeting.

12. Approval of Minutes:

- a. **March 2, 2021** – tabled.
- b. **March 16, 2021**

Mr. Demetriades asked that the minutes of March 16, 2020 be amended to include his comment on page 7 noting that Mr. Demetriades reference the plan of conservation and development PLCD section 2.1.1 land use.

Vice Chairman made a motion to approve the minutes of March 16, 2021 as amended. Seconded by Chris Camberieri. *All in favor, motion passed. (Ann Grasso abstain as she was not present at the meeting of 3/16/21).*

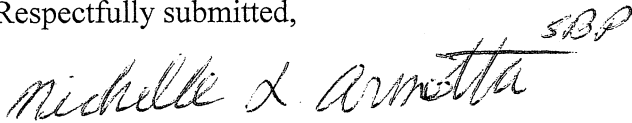
c. March 30, 2021

Vice Chairman made a motion to approve the minutes of March 30, 2021. Seconded by Chris Camberieri. *All in favor, motion passed.*

13. Adjourn:

Vice Chairman Michael Cannata made the motion to adjourn at 8:48 PM. *All in favor, motion passed.*

Respectfully submitted,



Michelle L. Armetta
Recording Clerk