

RECEIVED FOR FILING  
1-19 2016 at 3:09 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

**Town of Cromwell  
Planning and Zoning Commission**

*Jan Allyn*  
TOWN CLERK

**REGULAR MEETING  
7:00 P.M. TUESDAY JANUARY 5, 2016  
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET  
Minutes and Record of Votes**

Present: Chairman Alice Kelly, Michael Cannata, Ken Slade, Paul Cordone, Chris Cambareri, Jeremy Floryan, Rich Waters, Ken Rozich, Brian Dufresne

Also Present: Town Planner Stuart Popper, Town Engineer Jon Harriman, Zoning Enforcement Officer Fred Curtin, Town Council Liaison Ed Weners

**1. Call to Order**

The meeting was called to order by Chairman Kelly at 7:04pm.

**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 Michael Cannata and **seconded** by Ken Rozich to approve the agenda with the amendments to add items 8a. application #16-01 and 8b. application #07-23. *All were in favor; the motion passed.*

**5. Public Comments - none**

**6. Development Compliance Officer Report:**

Fred Curtin reviewed his report dated December 28, 2015.

Mr. Cambareri said that he identified one of the utility boxes that are blocking the line of sight. He said it is at the corner of Coles Road where Webster Bank is. Mr. Curtin said he would look into it.

**7. Town Planner Report:**

Mr. Popper said the new baseball training facility is up and running. He said there is a new hair salon in the Kmart plaza and it is a franchise.

**8. Add under New Business:**

- a. Application #16-01: Request to Modify the Existing Site Plan for Watrous Park by Installing a Splash Pad. The Town of Cromwell is the Applicant and the Owner.

Mr. Popper said this was a previously approved for Pierson Park but now we need it for Watrous Park. He asked the Commissioners if they would accept for action tonight.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept application 16-01 for action tonight. *All were in favor; the motion passed.*

Jon Harriman, Town Engineer said that all parties have agreed to the location near the swing set/playground. He said they would tie into the existing discharge basin and the electrical will come out of the bathroom building. He said they would have to move the slide to other side of the playscape.

Mr. Dufresne asked about the material under the playground and said it will carry over to the splash pad. He asked if the grass area could be used instead. Mr. Harriman said there will be a grass strip between the two uses. He said small children will be in both areas. He said the Park and Recreation department uses the grass area for the camps. Mr. Floryan asked if there would be a fence to keep kids safely in the area and away from the parking areas. Mr. Harriman said there are no plans for that but we talked about a timber guardrail between the parking lot and the play area. He said I am not sure what the budget for that is. He said the project is already over budget.

Chairman Kelly asked that the slide not face the sun. She also said there should be a barrier for the parking lot.

Mr. Cannata asked if they should approve with a condition of a fence or approve with the strong recommendation to put one up when they have the budget for it. Chairman Kelly said that it was odd they wouldn't be able to find the money since the Town has \$1 million in this fund. She said strong recommendations are useless.

Mr. Harriman said this is the last construction season we have to use this bond money.

Mr. Floryan said that all parks he has been to have the fence.

Mr. Slade asked if we made the fence a condition of approval would the splash pad still get done. Mr. Harriman said he thought it would and clarified that they are just talking about a barrier to the parking lot. Chairman Kelly said yes, that is correct. There was a discussion on where the barriers should go and where the high risks are. Chairman Kelly asked the Commissioners if the guardrails should be part of the approval. Mr. Cannata and Mr. Cordone said they were torn and

the rest agreed that they should be required. Mr. Harriman showed the corner to corner of the playscape to the access road where he thought the barriers should go.

Mr. Dufresne said he was concerned about the mulch going over to the splash pad. Mr. Popper said we can't set too many demands on how they run the park. He said barriers are one thing but mulch is another. He said they will figure it out.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-01 with the single condition that some sort of guard rail be installed to protect the splash pad/play area. *All were in favor; the motion passed.*

- b. Application #07-23: Pondview Subdivision: 8-24 Mandatory Referral for a Request to Accept Deming Lane and Robbie Road as Town Roads.

Mr. Popper said the builder has resolved all issues and the warranty deeds have been submitted. He said all staff has signed off on the roads. He said we are not releasing any bonds until the spring. He said the roads have met all criteria's for road acceptance. Mr. Popper said if you approve this will be put on the Town Councils agenda for action.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to issue a positive 8-24 referral for Deming Lane and Robbie Road as Town roads. *All were in favor; the motion passed.*

#### 9. Public Hearing:

- a. Application 15-45: Request to modify the existing Special Permit for Signage (Section 5.3.B.2 (2) at 31 Berlin Road. Replace existing pump price toppers and free standing sign numbers with electronic numbers. Carolyn Parker is the Applicant and Cumberland Farms Inc. is the Owner.

Mr. Rozich reads the public notice dated December 16, 2015.

Carolyn Parker, Consultant for Cumberland Farms said they introduced the smart pay program 2.5 years ago and had gone before the State before for LED toppers. They are just approving them now so we are going to the towns to request them and to explain the process. Ms. Parker said normally she has a display to show what the toppers look like but she wasn't able to bring it tonight. She said your bylaws state there are no illuminated flashing signs permitted. She said this is not flashing – it changes every 8 seconds. She said there are several options for the main marque and we can discuss that. She said you can set the frequency in which the sign changes for any amount of time. Chairman Kelly said the pumps are not flashing in neighbors faces or to drivers going by.

Chairman Kelly asked for any members of the public who wished to speak regarding application 15-45.

Valerie Osterhoudt of 35 Cedarland Court said she has a problem with the sign across the street.

She handed out pictures of what she sees every day in her house. She said it is not so bad during the day but at night I have to have the curtains closed. She said this will impact resell values. She asked if there was a way to turn the sign. Ms. Osterhoudt passed around pictures showing the sign and the light in her home.

Joseph Corlis, 17 Redwood Court said he is on the Board of Directors for Cromwell Hills. He said he is concerned with the lighting that you see in the pictures. He said he would appreciate anything you can do to lower the lights. He said it affects the ability to sleep at night.

Chairman Kelly asked how long they have been like this and Ms. Parker said maybe 2011. She said she thought she came before this Commission to request the LED lights,

Ms. Osterhoudt said she thought 3 years or so.

Mr. Popper said I wasn't here when this was approved.

Ms. Parker said they said set all lights at 6 and they could probably turn down to a 3. She said anything lower than that would burn the bulbs. She said LED lights show up brighter in pictures.

Mr. Cannata said they should turn it down and we can table this until the next meeting so we can see it and have neighbors give their input.

Mr. Dufresne asked if there was any change to the square footage of the sign and Mr. Popper said no. Mr. Dufresne asked if we don't approve will it will just stay set at 6? Mr. Popper said no, since this was brought to our attention we can work with the property owners to resolve it. He said we do have that authority, it is in our regulations. Mr. Popper suggested leaving it set to a 6 for few days so the Commissioners can drive by and see how bright it is. After a few days, Cumberland Farms should turn it down to the lowest level they are happy with. He said then we can look at that.

The Commissioners expressed doubt that they would ever approve the main sign to be alternating. Ms. Parker said Cumberland Farms might just be happy with the gas toppers alternating and say don't worry about the main sign. Chairman Kelly said but we do need to address the brightness.

Ms. Parker confirmed that the gas toppers could be set to a 6 and alternate every 8 seconds. All agreed.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 15-45 for pump gas toppers but to deny the proposed change to the free standing sign. The approval is with the condition that the ZEO do an inspection and approve the brightness of the road sign and the topper. *All were in favor; the motion passed.*

## 10 Approval of Minutes:

a. December 15, 2015

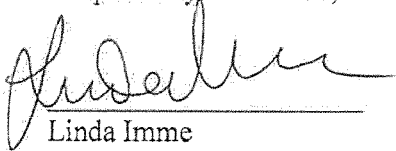
A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to approve the minutes of December 15, 2015. *All were in favor; the motion passed.*

**11. Commissioner's Comments:**

**12. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 8:05pm. *All were in favor; the motion passed.*

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Linda Imme", is written over a horizontal line.

Linda Imme  
Recording Clerk