

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, DECEMBER 7, 2021
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: Brian Dufresne

Also, Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska, and Town Council Liaison James Demetriades

1. **Call to Order:** The meeting was called to order by Chairman Alice Kelly at 7:02PM.

2. **Roll Call:**

The presence of the above members was noted.

3. **Seating of Alternates:**

Vice Chairman Michael Cannata made a motion to seat Robert Donohue as an alternate. Seconded by Chris Cambareri. *All in favor, Motion passed.*

4. **Approval of Agenda:**

Mr. Popper said he would like to amend the agenda to add a couple items under New Business Accept and Schedule New Applications:

- a. Application #21-40: Request for a Special Permit to fill a backyard at 12 Summer Brook Lane. Magdalene and Sead Mehic are the Applicants and Owners.
- b. Application #14-31: Request to Release the Erosion and Sedimentation Control Bond for the Shady Lane Farm Resubdivision at 62 Evergreen Road. Shady Lane Farm LLC is the Applicant and the Owner.
- c. Application #14-31: Request to reduce the Performance Bond for the Shady Lane Farm Resubdivision from \$87,130.20 (subject to accrued interest) to \$46,073.50.
- d. Section 8-24 Mandatory Referral for the acceptance of Open Space Parcels A and C within Shady Lane Farm Resubdivision. Shady Lane Farm LLC is the Applicant and the Owner.
- e. Section 8-24 Mandatory Referral for the acceptance of Shady Lane as a town road. Shady Lane Farm LLC is the Applicant and the Owner.

Chairman Kelly asked when Application 21-40 will be heard. Mr. Popper said the public hearing will be heard at the meeting on January 4th 2022.

Michael Cannata made a motion to approve the amended agenda. Seconded by Robert Donahue. *All in favor, Motion passed.*

5. Public Comments:

Attorney Peter Jay Alter, attorney from Alter and Pearson, LLC at 701 Hebron Avenue, Glastonbury said he is here to present an informal presentation on the proposal to redevelop the former Red Lion site at 100 on Berlin Road. He noted that the project name Lord Cromwell is based upon the original name of the development that once occupied this site. Attorney Alter said he is representing the developer Lexington Partners LLC is located at One Financial Plaza Suite 1245, Hartford, Connecticut. He said Lexington Partners LLC is a fully integrated real estate company and they own and operate over 3,000 apartment units in Connecticut and other states. Attorney Alter said they are proposing a mixed-use development with 31,500 square feet of commercial space, 260 rental units, 24 Town Houses, 12,000 square feet for amenities (not including outdoor amenities) and 542 parking spaces.

Attorney Alter described some of the other mixed-use developments that Lexington Partners LLC has developed nearby including: The Tannery in Glastonbury and the Borden in Wethersfield. Attorney Alter said the developer has acquired the abutting property at 15R Christian Hill Road, so the site now includes over 12 acres. He said the site plan will be designed to meet all the requirements of the Mixed-Use Zone District and applications will eventually be submitted to the Inland Wetlands and Watercourse Agency and the Planning and Zoning Commission.

Attorney Alter introduced Mr. Ted Cutler, architect for Tecton Architects Inc., at 34 Sequassen Street Suite 200, Hartford, Connecticut. Mr. Cutler presented an overview of the site and the proposed buildings. Attorney Alter then introduced Martin J. Kenny, the Owner, Lexington Partners LLC, One Financial Plaza Suite 1245, Hartford. He said that he has built a lot of these mixed-use developments and is excited to bring this to Cromwell noting he is a resident of Cromwell. Mr. Kenny said this would be an approximate hundred-million-dollar development and described his vision for the project.

The Commission members and Attorney Alter, Mr. Cutler and Mr. Kenny discussed the proposed project. Chairman Kelly thanked the developers for their presentation.

6. Development Compliance Officer Report:

Mr. Driska asked if there were any questions or comments about the report and he will answer them. No one had any questions or comments.

7. Town Planner Report:

Mr. Popper gave an update on the Geer Street project. He was considering opening a Public Hearing and opening the Geer Street project. Currently, the Public Hearing is continuing with the Wetlands application. The Wetlands Commission has directed the staff to hire a firm to prepare a Peer Review report on the Wetlands application. This is currently in the process, the Peer Report will available be at the January Wetlands meeting. Mr. Popper said nothing has been scheduled at this time for the Planning and Zoning Commission, they will be scheduled if, and when the application is approved by Wetlands.

8. New Business: Accept and Schedule New Applications:

a. Application #21-40: Request for a Special Permit to fill a backyard at 12 Summer Brook Lane. Magdalene and Sead Mehic are the Applicants and Owners.

Mr. Popper asked to schedule this application for our first meeting in January. It will be a Public Hearing and it's a special permit to add fill to their property. Mike Cannata made a motion to accept and schedule Application #21-40 to the first meeting in January. Seconded by Paul Cordone. *All in favor, Motion passed.*

b. Application #14-31: Request to Release the Erosion and Sedimentation Control Bond for the Shady Lane Farm Resubdivision at 62 Evergreen Road. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to accept Application #14-31 Request to Release the \$8,421 (subject to accrued interest) Erosion Control Bond for this evening. Seconded by Robert Donahue. *All in favor, Motion passed.*

c. Application #14-31: Request to reduce the Performance Bond for the Shady Lane Farm Resubdivision from \$87,130.20 (subject to accrued interest) to \$46,073.50.

Michael Cannata made a motion to accept Application #14-31: Request to Reduce the Performance Bond for this evening. Seconded by Robert Donahue. *All in favor, Motion passed.*

d. Section 8-24 Mandatory Referral for the acceptance of Open Space Parcels A and C within Shady Lane Farm Resubdivision. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to accept and schedule Section 8-24 Mandatory Referral for the acceptance of Open Space Parcels A and C for this evening. Seconded by Chris Cambareri. *All in favor, Motion passed.*

e. Section 8-24 Mandatory Referral for the acceptance of Shady Lane as a town road. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to accept and schedule Mandatory Referral for the acceptance of Shady Lane as a town road for this evening. Seconded by Chris Cambareri. *All in favor, Motion passed.*

Mr. Popper asked the commission to consider Application #21-32: Request to Create an 8 lot Subdivision at 20 Woodside Road in conjunction with the Public Hearing for the Rear Lot in that Subdivision. He believes it will be easier for the presentation. Mr. Popper noted that the subdivision is an administrative function and does not a public hearing but the rear lot is a special permit and requires a public hearing.

The Commission members and Mr. Popper discussed the idea of reopening the public comments portion of the meeting to allow people to comment upon the subdivision application. Mr. Popper said he was not in favor of doing this because you are allowing public comments on items that are business items on the agenda that do not require a public hearing. Several Commission members said they disagreed with Mr. Popper.

Michael Cannata made a motion to re-open public comments. Seconded by Chris Cambareri. *All in favor, Motion passed.*

Mr. Drew Sundhlom at 7 Doering Drive said he is in favor of the 8 lot Subdivision at 20 Woodside Road.

Mr. Andy Arnold at 1 Newbury Road said he is concerned about the impact the proposed subdivision may have upon the existing drainage problems he has on his property.

Mr. Ryan Curran at 9 Newbury Road said he is concerned about the impact the proposed subdivision may have upon the existing drainage problems he has on his property.

9. New Business:

a. Approval of 2022 Meeting Calendar

Chairman Kelly pointed out the date changes needed to accommodate the annual election cycle. Mr. Popper said the meeting dates will be changed from Tuesday November 1st to Thursday November 3rd and from Tuesday May 3rd to Thursday May 5th.

Mike Cannata made a motion to approve the amended 2022 meeting calendar. Seconded by Robert Donahue. *All in favor, Motion passed.*

b. Application #14-31: Request to Release the Erosion and Sedimentation Control Bond for the Shady Lane Farm Resubdivision at 62 Evergreen Road. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to approve Application #14-31 Request to Release the Erosion Control Bond. Seconded by Robert Donahue. *All in favor, Motion passed.*

c. Application #14-31: Request to reduce the Performance Bond for the Shady Lane Farm Resubdivision from \$87,130.20 (subject to accrued interest) to \$46,073.50.

Michael Cannata made a motion to approve Application #14-31: Request to Reduce the Performance Bond from \$87,130.20 (subject to accrued interest) to \$46,073.50. Seconded by Robert Donahue. *All in favor, Motion passed.*

d. Section 8-24 Mandatory Referral for the acceptance of Open Space Parcels A and C within Shady Lane Farm Resubdivision. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to issue a positive Section 8-24 Mandatory Referral for the acceptance of Open Space Parcels A and C. Seconded by Chris Cambareri. *All in favor, Motion passed.*

e. Section 8-24 Mandatory Referral for the acceptance of Shady Lane as a town road. Shady Lane Farm LLC is the Applicant and the Owner.

Michael Cannata made a motion to issue a positive Mandatory Referral for the acceptance of Shady Lane as a town road. Seconded by Chris Cambareri. *All in favor, Motion passed.*

10. Public Hearings:

Michael Cannata made a motion was made to open the Public Hearing by Mike Cannata. Seconded by Nick Demetriades. *All in favor, Motion passed.*

a. Application #21-35: 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 LLC is the and Paramount Properties LLC is the Owner.

Mr. Steve Reilly said he is the owner of Paramount Construction at 80R Geer Street. He said he has requested a special permit to allow his company to crush concrete an asphalt to make recycled processed gravel. Mr. Reilly said the operation 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. He said we have been crushing for a number of years and when he informed the town staff he was told that he needed to get a special permit. Mr. Reilly said that is why he is here.

Mr. Popper said that Mr. Reilly's property is located so far back that you cannot see it from Geer Street. He noted that there have not been any complaints about noise from crushing in the past.

Chairman Kelly asked if there were any members of the public that wished to address the Commission regarding this application.

Ms. Cheryl Martin at 88 Geer Street is concerned about the possible smoke, debris and noise from the crushing operation. Mr. Reilly said we use the most modern equipment available to limit the noise, debris and dust from the crushing operation.

Mr. John Steiner at 28 Geer Street said there was a problem with truck traffic entering Geer Street off of Main Street. He was very concerned about the number of trucks, their speed and hours of operation on Geer Street.

Mr. Jim Cassidy at 680 Main Street said that the additional truck traffic on Geer Street from Main Street is likely trucks working on the railroad track wash out near the TPC. He noted that the good news was that the washout has been mostly repaired and the truck traffic should start to decline.

Mr. Reilly pointed out all his trucks are labeled and enter only from Court Street and only operate within the hours set by the Commission on his previous application.

Michael Cannata made a motion to close the Public Hearing. Seconded by Robert Donahue. *All in favor, Motion passed.*

Michael Cannata made a motion to approve Application #21-35: Request for a Special Permit under Section 6.1.H.2 of the Zoning Regulations to permit a Crushing Operation at 80R Geer Street with a condition: That it is for a ten-day duration and the crushing will take place Monday through Friday from 7:00AM to 5:00PM.

Michael Cannata made a motion was to open the Public Hearing on Application #21-33 by Seconded by Nick Demetriades. *All in favor, Motion passed.*

b. Application #21-33: Request for a Special Permit under Section 6.6 of the Zoning Regulations to create a Rear Lot at 20 Woodside Road. Reed Builders is the Applicant and Constance J. Scheu is the Owner.

Mr. Jim Cassidy, a professional engineer for Hallisey Pearson & Cassidy at 630 Main Street in Cromwell said he is here this evening representing the developer Mr. Sean Hussey. He noted that as part of the presentation on the rear lot he would also be describing Application #21-32: Request to Create an 8 lot Subdivision at 20 Woodside Road. Reed Builders is the Applicant and Constance J. Scheu is the Owner.

Mr. Cassidy described the 4.67-acre vacant parcel of land located in R-15 Zone District on the west side of Woodside Road and south of the Woodside Intermediate School. He noted the property contains no wetlands and the current owner of the property lives at 10 Woodside Road. Mr. Cassidy said the plans call for an eight-lot subdivision including one rear lot. He said seven of the lots will front on a town road (Cortland Way) ending in a cul-de-sac and will vary in size from 15,113 square feet to 30,479 square feet and meet all the requirements of the zoning regulations. Mr. Cassidy summarized the site development plan noting water and sewer is available in Woodside Road, drainage includes stormwater pond and network of drywells on each lot to be maintained by a home owners association. Mr. Cassidy said the stormwater management report and drainage calculations have been submitted. He discussed the drainage issues affecting some of the properties to the south on Newbury Road and discussed the surrounding watershed. Mr. Cassidy described the drainage facilities proposed for each lot and noted the system is designed to ensure that

there is no off-site impact. He described the proposed detention basin to be located on the north of Cortland Way and his idea for a HOA (Home Owners Association) that would eventually be responsible for the drainage facilities located within the subdivision.

Mr. Cassidy said the development includes a proposed rear lot located at the end of the cul-de-sac. He noted that the proposed 30,479 square foot rear lot meets all the requirements of Section 6.6 of the Zoning Regulations. Mr. Cassidy explained how the proposed rear lot addresses all the standards of Section 6.6.C General Requirements of the Zoning Regulations. He also addressed how the proposed rear lot addressed the requirement of Section 6.6.D Special Consideration of the Zoning Regulations.

Chairman Kelly asked if there were any members of the public that wished to address the Commission regarding the rear lot application.

Mr. Sean Hussey, developer at 73 Pebble Drive Rocky Hill said he has had discussions with the abutting property owners at 26 and 28 Wildwood Road located to the rear of proposed rear lot. He said he will be installing a 6-foot high privacy fence between their property and the rear lot. Mr. Popper noted that this is an agreement between the property owners and not a condition the Commission is being asked to place on the application.

Mr. Brian Waldmiller at 48 Field Road said there are many concerns about drainage and the impact this development may have on the abutting property owners.

Mr. Brian Botelho at 23 Newbury Road said he had many drainage issues on his property and was concerned about the impact this development may have on his property.

Mr. Mark Poinelli at 15 Newbury Road said he had many drainage issues on his property and was concerned about the impact this development may have on his property.

Mr. Cassidy explained that the developer was proposing to create a home owner's association to maintain the detention basin and lawn area on the north side of the new road and drainage facilities behind each house. The Commission members, staff, Mr. Cassidy and Mr. Hussey discussed the pros and cons of a home owners association maintaining the basin and the drainage facility. Mr. Popper suggested that the Commission continue the public hearing to the December 21, 2021 so that in the meantime the staff and the applicant can come up with a solution to this issue.

11. Commissioner's Comments:

There were no comments.

12. Approval of Minutes:

a. November 4, 2021 – minutes need to be amended to show Paul Cordone present.

Mike Cannata made a motion to approve the amended November 4th minutes.
Seconded by Robert Donahue.

b. November 16, 2021

Mike Cannata made a motion to approve the November 16th minutes. Seconded by Robert Donahue.

13. Adjourn:

Mike Cannata made a motion to adjourn at 10:20 PM. Seconded by Chris Cambareri.

All in favor, Motion passed.

Respectfully submitted,



Candice Fontaine
Recording Clerk