

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
7:00 PM TUESDAY, APRIL 5, 2022  
COUNCIL CHAMBERS CROMWELL TOWN HALL, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Alice Kelly, Vice Chairman Michael Cannata, Nick Demetriades, Ken Rozich, Paul Cordone, Chris Cambareri, Ann Grasso, Robert Donahue, John Keithan and Brian Dufresne

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APR 13, 2022 02:04P  
JoAnn Doyle  
TOWN CLERK  
CROMWELL, CT

**Absent:** Council Liaison James Demetriades

**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 by Chairman Alice Kelly at 7:02 PM.

2. **Roll Call:**

The presence of the above members was noted.

3. **Seating of Alternates:**

There was no seating of alternates.

4. **Approval of Agenda:**

Mr. Popper said he would like to add to the agenda Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner. Mr. Popper asked the Commission to accept and schedule the application to be considered this evening.

Michael Cannata made a motion to add Application #22-10 to the agenda. Seconded by Brian Dufresne. *All in favor, Motion passed.*

Mr. Popper addressed the public in the Chambers and watching from home explaining that the newspaper article in the Hartford Courant this morning was not accurate and there is no public hearing on the Lord Cromwell site this evening. He noted that there is an application for the Lord Cromwell site and the application will be accepted this evening and scheduled for a public hearing at the first meeting in May.

5. **Public Comments:**

There were no public comments.

6. **Development Compliance Officer Report:**

Chairman Alice Kelly suggested that the report be printed in larger in print moving forward. Mr. Driska said the font will be larger moving forward.

Mr. Driska said the developer for the approved subdivision on Hicksville Road has been clearing trees and they have added an anti-tracking pads for the vehicles that are there. He said we have not received a plot plan for a specific lot and house at this time. Mr. Driska said the Schue Farm subdivision on Woodside Street is being worked on. He said that they have stripped the topsoil, clearing brush, cutting trees and removing stumps and they are getting ready to build the road.

Chairman Alice Kelly asked about the status of the approved billboards. Mr. Driska said the steel framework is there on the South Street site, but has not been installed and the billboards are not up. Chairman Kelly suggested Mr. Driska take another look at the South Street site noting that she has seen the steel support beams up by Route 9.

**7. Town Planner Report:**

Mr. Popper we will be interviewing the consultants for the updating of the Plan of Conservation and Development (POCD) and the zoning regulations and this Thursday March 31, 2022 at 3:00 PM. He said there will be three Commission members here in person and one Commission member via zoom. Mr. Popper said there will be 3 firms interviewed and the goal is to have one firm do both jobs as matter of cost efficiency. He would like to select the firm in a timely manner. Mr. Popper said the zoning regulation amendments from the last couple of years and any new state requirements will be incorporated into the new set of regulations. He said we will also consider all work that was done on the sign regulations by Chris and John.

Chairman Alice Kelly said she and the Commission members have not seen the final version of the proposed sign regulations. Mr. Popper said he will make sure the members get copies of the final set of sign regulations. He said there have been discussions with several developers regarding possible medical office use.

He said he spoke with JLN construction about the former Knights of Columbus building and they are hoping to have it finished and move in in June. Mr. Popper said that 70 and 50 Commerce Drive has been purchased by Simoniz Corporation and they will be moving forward with the construction of their warehouse/office building.

**8. New Business: Accept and Schedule New Applications:**

- a. Application #22-07: Request for Site Plan Modification at 51 Shunpike Road to allow for renovation of the building façade and new signage and a loading dock for the Burlington Store. HB Nitkin is the Applicant and HBN-CSC LLC C/O HBNITKIN GROUP is the Owner.

Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at our next meeting on April 19<sup>th</sup> as a business item.

Mike Cannata made a motion to accept and schedule application #22-07 for April 19<sup>th</sup>.

Seconded by Brian Dufresne. *All in favor, Motion passed*

- b. Application #22-08: Request for Site Plan Modification at 150 Country Squire Drive to allow for the expansion of parking lot. Cromwell Village Associates LLC is the Applicant and the Owner.

Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at our next meeting on April 19<sup>th</sup> as a business item.

Mike Cannata made a motion to accept and schedule application #22-08 for April 19<sup>th</sup>.  
Seconded by Brian Dufresne. *All in favor, Motion passed*

- c. Application #22-09: Request to Amend the Zoning Map from HB and R-40 Zone District to Mixed-Use Zone District at 100 Berlin Road and 15R Christian Hill Road. M360 Berlin Land Hodgins, LLC is the Applicant and Berlin Land LLC is the Owner.

Mr. Popper said the applicant's correct name is M360 Berlin Land Holdings, not M360 Berlin Land Hodgins. Mr. Popper said he would like the Commission to accept this application this evening and schedule it to be heard at the May 5, 2022 meeting at a public hearing.

Mike Cannata made a motion to accept and schedule application #22-09 for a public hearing at the May 5, 2022 meeting. Seconded by Brian Dufresne. *All in favor, Motion passed.*

- d. Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner.

Mr. Popper said he would like the Commission to accept the application this evening and schedule it to be heard tonight.

Mike Cannata made a motion to accept and schedule application #22-10 for tonight. Seconded by Chris Cambareri. *All in favor, Motion passed.*

#### **9. New Business:**

- a. Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot. Gary Dayharsh is the Applicant and MIHEL II LLC is the Owner.

Gary Dayharsh, President Delta Building Corporation at 269 Main Street in Cromwell said he is representing the owner

Mr. Dayharsh said we are proposing the following work:

- Existing overgrown trees and shrubbery. Will be removed and replaced as shown on the plans. This work includes several trees on the adjacent property with Owner's approval.

- Install silt fencing where required as well as woodchips and basin protection for silt control.
- Remove and replace catch basin tops, inspect drainage structures. And repair if necessary.
- Create planter areas along sidewalks per plans.
- Install footings for new facade.
- Install new light pole bases and related conduits and wiring.
- Miscellaneous sidewalk work.
- Mill existing pavement, install, new. 3-1/2", 2 coarse pavement.
- Install extruded concrete curbing. Islands to be located per plan.
- New parking signage, striping, etc.
- Install new ornamental plantings.
- Install new 14-foot poles with LED down-lights on 2-foot concrete bases.
- Renovate existing pylon sign.
- Install dumpster pads with gated enclosure screens, locations to be determined.
- Install new fascia system per plans. Remove and replace signage with consistent sign types.
- Signage to be permitted under separate applications to Planning and Zoning.
- New roofing.
- Trim, painting, ETC. For a complete job.

Mr. Dayharsh said he is not proposing new signage tonight and will come back before the Commission as new tenants move in and new signs are required. He explained they are proposing to change the façade of the building to include a landscaped planter along the front of the building and to change the color of the façade from beige to blue and gray. Mr. Dayharsh explained that there are a few existing architectural treatments like the peaked roofs over the entrances along the length of the building. He said these peaked roofs will be changed to large dark blue rectangles. The Commission members and Mr. Dayharsh discussed the pros and cons of the dark blue rectangles. Chairman Kelly said the blue rectangles are invasive visually, unattractive and too blocky. Ann Grasso said she would like it to be put on the record that as an architect it is not as good as it could be. She said it's too boxy looking and it could be more attractive aesthetically by cropping the corners.

Mr. Dayharsh said he will speak with the owner regarding the shape of the awnings. He asked if he can come back at the next meeting with more options regarding the shape and size of the blue rectangles. The Commission said they would be happy to consider more information.

Mr. Popper said the center like many others in town has dumpsters and none of these dumpsters are enclosed and there may not be room behind the center to enclose them. Mr. Dayharsh said we are looking to enclose as many of the dumpsters as possible but many remain directly behind the building. The Commission members and Mr. Dayharsh discussed the dumpsters.

Mr. Popper asked if a horse trailer is still there, and Mr. Dayharsh said it will not be there if the application is approved. Chairman Alice Kelly asked for a sign to be placed stating "No Overnight Parking" and Mr. Dayharsh said he will put a sign up. She also asked if the entrances will be wheelchair accessible and Mr. Dayharsh said yes.

Mike Cannata made a motion to approve Application #22-03: Request for Site Plan Modification at 34 Shunpike Road to allow for renovation of the building façade and improvements to the parking lot with the conditions that the letters from the health department dated 3/9, Zoning Enforcement dated 3/8 and Building dated 4/4 be complied with and that Mr. Dayharsh will come back in two weeks with different design options for the rectangles. Seconded by Chris Cambareri. *All in favor, motion passed.*

b. Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner.

Mr. Jon Harriman, Town Engineer said during the Coles Road reconstruction project, the contractor (Baltazar) began depositing fill material at 161 Coles Road (Snow Park). He explained that the work performed by Baltazar included removal of existing concrete and metal debris, tree clearing, stripping of topsoil and placement of fill material. Mr. Harriman noted that at the end of the work, Baltazar replaced the topsoil and planted grass.

Mr. Harriman said the town proposes to continue this work. He showed on the plans where the area filled was and noted that the wooded area to the west has more concrete and metal debris and beyond the wooded area is the closed landfill that is covered with brush vegetation. He proposes removing the surface debris, clearing the trees, stripping the topsoil, and placing fill material in the wooded area to the west. Mr. Harriman said this operation would be occasional and the fill material would be generated by Public Works in the course of day-to-day operations. He said their projects generally create small quantities of material.

Mr. Harriman said in the fall of each year, the fill material would be graded level and compacted as needed. He said, he does not anticipate generating enough fill material in a calendar year to require a fill permit, and that would be monitored going forward. Mr. Harriman explained that the fill material would improve the potential of making the land usable in the future by leveling the topography.

Brian Dufresne asked if anyone else other than the town would be involved in this project because there had been issues in the past. Mr. Popper said only the town will be placing the fill material here. The Commission members and Mr. Harriman discussed the definition of clean fill material and Baltazar's work at the site. Mr. Harriman assured that only the town would be placing fill material from various public works projects around town at the site.

Chairman Alice Kelly asked if they could rename the park. Mr. Popper said they would have to go to the Town Council to do so.

Mike Cannata made a motion to approve Application #22-10: Request for Site Plan Modification at 161 Coles Road (Snow Park) to allow for fill material to be deposited. The Town of Cromwell is the Applicant and the Owner. Seconded by Ann Grasso. *All in favor, motion passed.*

#### **10. Public Hearings:**

a. Application #22-06: Request to amend the Zoning Regulations to add Section 6.11 to

allow for the retail sales of cannabis and cannabis related products in the Highway Business Zone District and to amend Section 3.5.C.4 to allow for the cultivation of cannabis in the Industrial Zone District. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Mike Cannata recused himself at 8:17 pm. Ken Rozich read the Legal Notice.

John Keithan made a motion to open the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Mr. Popper gave a summary of the adult use cannabis draft regulations prepared by the town staff and clarified some of the terminology. He explained that a couple of issues have been raised regarding the proposed regulations. Mr. Popper said the Commission may wish to decide as to whether the cannabis retail store should be permitted only in a freestanding building or in strip center or multi-tenant building. He said the other issue is the distance of the required setbacks from other uses such churches, daycare facilities and parks. Mr. Popper said there is also, the question of setbacks from medical cannabis and hybrid medical and adult use facilities from each other.

Mr. Popper said this can discussed further in our next meeting and if anyone has any questions or comments beforehand please give him a call. He said that he will look at other communities to see what their setbacks are and will give the commission, a memo for the next meeting.

Chairman Kelly asked if any Commission members had any other questions. There were none. Chairman Kelly asked if there any questions from the public. There were none.

Chris Cambareri made a motion to continue the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

b. Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Michael J. Cannata and Bantry Bay Ventures, LLC is the Applicants. (public hearing continued from 3/15/22 meeting)

Nick Demetriades made a motion to reopen the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Attorney Amy Souchens from the Law offices of Hurwitz, Sagarin, Knuff, LLC, in Milford representing the applicants Michael J. Cannata and Bantry Bay Ventures, LLC. said the Commission may modify or eliminate the requirement for one or more loading space (s) based upon the specific use proposed, provided that (i) sufficient area is available for installation of a loading space (the size of which space shall be the size specified in the definition of "loading space" in Section 5.2.C) in the event subsequent re-use of the property requires a loading space, and (ii) the applicant demonstrates the proposed use does not require the loading space (s) through submission of testimony, reports, or other data outlining the manner of deliveries proposed to occur. Any plan approved pursuant to this section, shall be conditioned upon the provision of the area specified in subsection (i).

The Commission members, Mr. Popper and Attorney Souchens discussed the proposed amendment. Mr. Popper discussed instances where existing businesses in town did not have a loading area.

Nick Demetriades asked about the disposal of unused product from the cannabis retail store. Attorney Souchens explained any unused product will be taken care of inside the facility and not deposited in any outside dumpster.

Chairman Kelly asked if any Commission members had any other questions. There were none. Chairman Kelly asked if there any questions from the public. There were none.

Chris Cambareri made a motion to close the Public Hearing. Seconded by Brian Dufresne. *All in favor, motion passed.*

Chris Cambareri made a motion to approve Application #22-02: Request to amend Sections 5., 5.2.H.4 of the Zoning Regulations to allow for the waiver of a loading dock. Seconded by Brian Dufresne. *All in favor, motion passed.*

Mike Cannata returned to the commission at 9:06PM.

#### **11. Commissioner's Comments:**

Nick Demetriades talked about the recent RiverCOG planning efforts including a regional study of bicycle paths and recommendations for paths and connections to future paths in Cromwell, Middletown and Portland. He said the Regional Agency is also looking at regulations to protect stone walls in the region. Mr. Popper thanked Nick Demetriades for the information he provided.

#### **12. Approval of Minutes:**

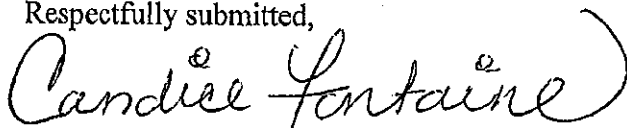
a. March 15, 2022

Mike Cannata made a motion to approve the minutes from March 15<sup>th</sup> with the correction to add his recusal from the meeting. Seconded by Brian Dufresne. *All in favor, motion passed.*

#### **13. Adjourn:**

Mike Cannata made a motion to adjourn at 9:10PM. *All in favor, motion passed.*

Respectfully submitted,



Candice Fontaine  
Recording Clerk