



Town of Cromwell Planning and Zoning Commission

***REGULAR MEETING
7:00 P.M. THURSDAY OCTOBER 6, 2022
COUNCIL CHAMBERS CROMWELL TOWN HALL 41 WEST STREET
Minutes and Record of Votes***

Present: Chairman: Alice Kelly, Vice Chairman Michael Cannata, Ann Grasso, Chris Cambareri, John Keithan and Robert Donohue.

Absent: Paul Cordone, Nick Demetriades, Brian Dufresne and Ken Rozich

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 at 7:01 pm by Chairman Kelly.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A motion was made by Michael Cannata and seconded by Chris Cambareri to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

Mr. Popper asked that the following applications be added to the agenda under "8. New Business: Accept and Schedule New Applications" to be accepted and scheduled this evening.

- a. Application #22-32: Request for Special Permit for Dimensional Modifications to approved Master Plan at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- b. Application #22-33: Request for Site Plan Approval at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- c. Application #22-34: Request for Special Permit (Flood Plain) at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.

d. Application #22-37: Request for a Six Lot Subdivision at 170 Evergreen Road. Roswell Development LLC is the Applicant and Robert Grinold Estate is the Owner.

Mr. Popper asked that the following applications be added to the agenda under “ 10. New Business” to be considered this evening.

a. Extension of Moratorium on the Acceptance of Special Permit Applications under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products.

b. Application #22-29: Request for Site Plan Modification to allow for temporary outside storage containers at the Walmart Store at 161 Berlin Road. Walmart 2299 is the Applicant and Infinity Cromwell Prop LTD Partnership 1643 is the Owner.

Mr. Popper noted that due to technical issues the following applications will not be heard or considered this evening and will be rescheduled at a later date:

Application #22-22: Request for Site Plan Approval to construct a restaurant at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.

Application #22-23: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to permit a restaurant with a drive-up window at 195 West Street. Cromwell Chicken, LLC is the Applicants and NL Grocery II DST is the Owner.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve the amended agenda. All were in favor; the motion was passed.

5. Public Comments

There were no public comments.

6. Development Compliance Officer Report:

Mr. Driska said that the report was in the meeting packet and asked if anyone had any questions.

Chairman Kelly said that she was concerned about the development on Hicksville Road and West Street. She said they have a big trailer in the road with no flag person there. She said it has happened twice as far as she knows. Chairman Kelly said that is against the regulations. She confirmed that it was some kind of delivery truck. She also asked about a house on Willowbrook that has had some sort of dumpster there for months. Mr. Driska said it is two steel containers and Chairman Kelly said it has been at least 6 months. Mr. Keithan said he has seen Service Master trucks there. Mr. Driska said he would look into it.

7. Director of Planning and Development Report:

Mr. Popper said there are two new restaurants coming. He said one will be in the Subway on Main Street and it will be a Mexican/American food restaurant. Mr. Popper said the other new

restaurant will be a taco shop where Ambrosia used to be just across the street from the Subway. He said a protein shake shop is planned to go into the Crossroad Shopping Center. He said they will make smoothies but also sell the ingredients. He said these restaurants will likely use existing signage and they won't submit applications to this Commission but I wanted to make you aware of them.

Mr. Popper said that the Burlington store will open in November and Texas Roadhouse will be submitting their plans soon as they want to be ready for demolition as soon as Ruby Tuesday's lease expires. He said construction is ongoing at Arbor Meadows and they are way ahead of schedule. Mr. Popper also said that there will be a small medical office building application submitted later this fall to the Planning and Zoning Commission.

Mr. Popper said the old Friendly's could be an auto parts store but he doesn't know much about it but a sign company contacted them regarding that property. He said the Geer Street project will be voted on next Wednesday by the Inland Wetlands and Watercourses Agency, (IWWA). Mr. Popper said this Commission has a regular meeting next Thursday, October 6th and we will have numerous applications at that meeting. He said we will be discussing the Plan of Conservation and Development and Zoning Regulations Update at the October 18th meeting.

Mr. Popper said the moratorium for accepting any new Cannabis Facility applications needs to be extended by 60 days as we are waiting on the Town Council to meet and decide the number of stores that will be allowed in town. Chairman Kelly asked if this could be done at the October 6th meeting since tonight is a special meeting. Mr. Popper said that would be fine.

Mr. Popper also said that there has been discussion about the senior center relocation project. He said there has been discussion about moving the football field at Pierson Park to the high school.

Mr. Popper said the Town has hired SLR Consulting, LLC of Cheshire to update the zoning regulations and the Plan of Conservation and Development. He said they will be incorporating any/all amendments since 2015 and the new state Statutes into the new format. He said they are moving along and collecting data.

Mr. Popper said I have asked you about forming a subcommittee to work with them. He said I'll ask again and you can let me know next week.

Mr. Popper said the Carrier Company has acquired the property on Court Street and would like to make another informal presentation about the modified court settlement formats and footprints.

8. New Business: Accept and Schedule New Applications:

- a. Application #22-32: Request for Special Permit for Dimensional Modifications to approved Master Plan at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- b. Application #22-33: Request for Site Plan Approval at 100 Berlin Road. M360 Berlin Land Holdings is the Applicant and the Owner.
- c. Application #22-34: Request for Special Permit (Flood Plain) at 100 Berlin Road.

M360 Berlin Land Holdings is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Chris Cambareri to accept and schedule the above applications to be heard at a public hearing on Tuesday November 1, 2022. All were in favor; the motion was passed.

d. Application #22-37: Request for a Six Lot Subdivision at 170 Evergreen Road. Roswell Development LLC is the Applicant and Robert Grinold Estate is the Owner.

A motion was made by Michael Cannata and seconded by Ann Grasso to accept and schedule the application to be considered on November 15, 2022. All were in favor; the motion passed.

9. Old Business:

c. Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

Mr. Popper said that when we open the Public Hearing for Application #22-16 the applicant will present the site plan modifications along with the special permit application.

10. New Business:

a. Application #22-29: Request for Site Plan Modification to allow for temporary outside storage containers at the Walmart Store at 161 Berlin Road. Walmart 2299 is the Applicant and Infinity Cromwell Prop LTD Partnership 1643 is the Owner.

Mr. Richard Webster the Cromwell Walmart Store Manager introduced himself and explained that he was here requesting the temporary use of outside storage containers for holiday goods. He said that the location and time table would be similar to last year. The Commission members and Mr. Webster discussed the location of the trailers and the time table.

A motion was made by Michael Cannata and seconded by Robert Donohue approve the application with the condition the trailers be removed by January 15, 2023.

b. Extension of Moratorium on the Acceptance of Special Permit Applications under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products.

A motion was made by Ann Grasso and seconded by Robert Donohue to approve the extension of the moratorium for 60 days. All were in favor; the motion passed.

c. Application #22-28: Request for Site Plan Approval to construct a building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

Mr. Popper said #22-28 will be heard with the public hearing for Application #22-27.

10. Public Hearings:

Mr. Popper asked the Commission to reorder the agenda in the following order: Applications #22-24, #22-27, #22-30 then #22-16.

Chairman Kelly reads the public hearing notice dated September 12, 2022.

- a. Application #22-24: 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 is the Applicant and Steve Reilly is the Owner.

A motion was made by Michael Cannata and seconded by Robert Donohue to open the public hearing. All were in favor; the motion was passed.

Mr. Steve Reilly owner of Paramount Construction at 49 Hollow Tree Lane Newington made the presentation. He explained to the commission that he had applied for and received a special permit to allow his company to crush concrete and asphalt to make recycled processed gravel in December of 2021. Mr. Reilly said the operation again 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.

Mr. Popper explained that Mr. Reilly would like to have the permit issued for five years with approval administered annually by staff. Mr. Popper said there have no issues with the crushing operation and has no problem with staff administering this on an annual basis. The commission members, Mr. Reilly and staff discussed the crushing operation and the idea of staff administering the process for five years.

A motion was made by Michael Cannata seconded by Ann Grasso to close the public hearing. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve the application with conditions that: the special permit is for five years; the applicant will submit annual reports and town staff will administer the process to annually issue the permit. All were in favor; the motion was passed.

- b. Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner.

A motion was made by Michael Cannata and seconded by Robert Donohue to open the public hearing. All were in favor; the motion was passed.

Mr. Rodney Bitgood the owner of Cromwell Automotive at 263 Main Street and Mr. Justin Packard P.E. with Hallisey Pearson & Cassidy at 630 Main Street Cromwell presented both

applications. Mr. Packard described the existing site, the location of the 4,992 square foot, single story building and the floodplain. He noted the design of the building to accommodate the floodplain building code requirements. Mr. Packard summarized the impact statement per Section 9.4A of the Zoning Regulations. Mr. Packard and the commission members discussed the site and the building.

Mr. Rodney Bitgood described the current conditions of the area behind the existing garage where the new building will be constructed. He discussed how the new building will be utilized for snow plow assembly and installations. The commission members and Mr. Bitgood discussed how the new building will function and the relationship to the ongoing operation of the existing garage.

A motion was made by Michael Cannata and seconded by Ann Grasso to close the public hearing. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve Application #22-27: Request for Special Permit under Section 4.1 of the Zoning Regulations to permit the construction of a 4,992 building in the floodplain at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner. All were in favor; the motion was passed.

A motion was made by Michael Cannata and seconded by Chris Cambareri to approve Application #22-28: Request for Site Plan Approval to construct a building at 263 Main Street. Cromwell Automotive LLC is the Applicant and the Owner. All were in favor; the motion was passed.

b. Application #22-30: Request to Amend the Zoning Regulations to delete Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Medical Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District.

A motion was made by Michael Cannata and seconded by Ann Grasso to open the public hearing. All were in favor; the motion was passed.

Mr. Popper explained this is a housekeeping operation because as part of the new cannabis regulations we established new guidelines for medical cannabis facilities and this section of the zoning regulations should have been deleted. He noted again that these regulations were superseded by the new cannabis regulations.

A motion was made by Ann Grasso and seconded by John Keithan to close the public hearing. All were in favor; the motion was passed.

A motion was made by Ann Grasso and seconded by Chris Cambareri to approve the application. All voted in favor; the motion was passed.

Vice Chairman Cannata recused himself at 8:00 pm.

c. Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner.

A motion was made by Ann Grasso and seconded by Chris Cambareri to open the public hearing for application #22-16. All were in favor; the motion was passed

Mr. Andrew Simonow, President of 6 West Ave, LLC in East Hampton explained that we were here at the last meeting and the commission members and staff had numerous questions and comments on our application. He noted that we have worked with the town staff to address all the comments and questions and are here tonight to present the revised plans. Mr. Simonow described in general the site and the location of the former Riverdale Cleaner building at 33 Berlin Road.

Mr. Simonow described the new lane striping, the additional stop bars and stop signs designed to address the comments regarding traffic flow, customer and employee parking. He discussed the addition of a light head on an existing pole in the lower lot, the light packs on the building and the lighting along the walkway from the rear to the front of the building. Mr. Simonow explained where the loading space would be located in the rear of the building and signage marking the loading space. He noted if at anytime Police were needed for traffic control we will arrange for them to be there.

Mr. Popper noted that the Police Chief had reviewed the revised plans and has approved the location of all the stop signs, stop bars and traffic flow arrows. Mr. Simonow noted that Stephen Mitchell, Traffic Engineer at Mitchell Traffic Engineering, LLC at 7 East Forest Drive, Enfield had submitted revised traffic counts for the number of customers expected. The commission members discussed the plan revisions. Chairman Kelly expressed her concerns regarding vehicle parking in the one-way access driveway located in the front of the building. Mr. Simonov explained how the access and parking will work in the front of the building.

Mr. Mark Degnan, Project Manager at Fellner Architects, 382 Town Street, East Haddam, CT discussed the vault inside the building and the how it will be constructed. He noted that the exterior windows would remain but would be sealed on the inside. Mr. Degan summarized the building's interior design and the proposed exterior modifications.

Mark Reynolds, Professional Engineer at Reynolds Engineering Services, LLC, 63 Norwich Avenue, Colchester, CT said discussed the changes made to address some of the concerns relating to lighting, parking, vehicle access and pedestrian safety. Attorney George Law, 595 Main Street, Portland said the deed includes rear parking rights and the use of the right of way in the existing parking lot. He said they have all rights to use the driveway as we need to conduct business and to make improvements as needed.

The commission members discussed the changes made and suggested a number of improvements: that a pedestrian walkway be painted in the parking lot to provide safe access to the building from the rear parking lot to the west side of the building. They also suggested the employee parking be located westward and a walkway be installed in the island in the rear

parking lot to connect to the stairway adjacent to the plaza building. Mr. Simonow said that they would work with the commission and staff to address all the conditions.

A motion was made Ann Grasso and seconded by John Keithan to close the public hearing for application #22-16. All voted in favor; the motion was passed.

A motion to approve Application #22-16: Request for a Special Permit under Section 6.11.B of the Zoning Regulations to allow for the retail sales of Cannabis and Cannabis related products at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner with the following conditions: 1) relocate the employee parking, install pedestrian crosswalk and access to the west side of the building, 2) install a walkway in the island connecting to the stairs on the east side of the Riverside Plaza building and 3) if need be arrange for Police to provide traffic control after store opening was made by Chris Cambarerie and seconded by Robert Donohue. Chairman Kelly voted against the application. All others voted in favor; the motion was passed.

A motion to approve Application #22-21: Request for a Site Plan Modification at 33 Berlin Road. 6 West Ave, LLC is the Applicant and Mary Ann Marchio is the Owner with the following conditions: 1) relocate the employee parking, install pedestrian crosswalk and access to the west side of the building, 2) install a walkway in the island connecting to the stairs on the east side of the Riverside Plaza building and 3) if need be arrange for Police to provide traffic control after store opening was made by Chris Cambarerie and seconded by Robert Donohue. Chairman Kelly voted against the application. All others voted in favor; the motion was passed.

Vice Chairman Michael Cannata returned to the meeting at 9:19 pm.

12. Commissioner's Comments:

13. Approval of Minutes:

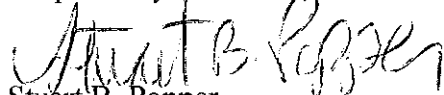
a. September 6, 2022

A motion was made John Keithan and seconded by Chris Cambarerie to close approve the minutes of September 6, 2022. All voted in favor; the motion was passed.

14. Adjourn:

A motion was made by Robert Donohue to adjourn at 9:19 pm. All voted in favor; the motion was passed.

Respectfully submitted,



Stuart B. Popper

Temporary Recording Clerk