



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY FEBRUARY 7, 2023
COUNCIL CHAMBERS CROMWELL TOWN HALL
41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Robert Donohue, Ann Grasso

Absent: Brian Dufresne, Ken Rozich, Nick Demetriade, Paul Cordone, John Keithan

Also present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:03pm 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 Ann Grasso to seat Robert Donohue as an alternate. All were in favor; the motion was passed.

4. Approval of Agenda

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

5. Public Comments

James Rude, 25 Highridge Road said that he wanted to talk about the process for public hearings and said there are some residents here who are new to the process and not all of us have the knowledge about the process. Chairman Kelly said that public comments for any public hearings would be heard during the public hearing portion of the meeting. Mr. Rude said he wanted to discuss how the public gets the notices for public hearings. He handed out a document to the Commissioners. He said in section 8.1.0 it talks about the public signage and he said that the sign for application #22-43 was not in accordance with the regulations. Chairman Kelly asked Mr. Rude

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to clarify what he was referring to when he mentioned the section and Mr. Rude said the zoning regulations. Mr. Popper said this is about the public hearing application if it is about the sign they posted for the public hearing. Mr. Rude said but the sign was not in compliance with the regulations so there should not be a public hearing. Mr. Popper said that would be an administrative error and could be discussed in a court setting if there was an appeal.

6. Development Compliance Officer Report:

Mr. Driska said there was a report in the package. He said he also handed out an enforcement document. The Commission and Mr. Driska discussed some of the violations and reasons for the enforcement.

Director of Planning and Development Report:

Mr. Popper said there has not been an application for Texas Roadhouse yet since they need to make some minor modifications to the building plans. He said we should see that application at the end of February or March. He also said there has not been action in the chicken establishment and he has no idea what happened with that application. Mr. Popper said there has been interest in the Friendly's building by an auto parts store and they would demolish the current building and rebuild. He said that the 99 Restaurant building owners are trying to find a new tenant. Mr. Popper said that a national chain called GoldFish has an interest in some space at the ShopRite plaza. He said they have indoor pools for swim lessons. Mr. Popper said that we are waiting for a tax abatement proposal for the former Lord Cromwell site. Chairman Kelly said that the CWPCA just gave them lots of credits for 100 Berlin Road.

8. New Business: Accept and Schedule New Applications:

a. Application #23-03: Request for Site Plan Approval to construct a new access driveway on County Line Drive. Sysco Connecticut LLC is the Applicant and Sysco Corporation is the Owner.

Mr. Popper said they would like to see the driveway closer to the Shunpike Road. He said that Rocky Hill Wetlands is hearing this application tomorrow and if approved it will go to Rocky Hill Planning and Zoning. The Commissioners discussed the location and Mr. Popper said this would not be a public hearing.

A motion was made by Michael Cannata and seconded by Robert Donohue to accept and schedule application #22-03 for March 7, 2023. All were in favor; the motion passed.

b. Application #23-04: Request for a Special Permit for the Travelers Championship at TPC River Highlands at 1 Golf Club Road. Greater Hartford Community Foundation is the Applicant and TPC of CT Inc. is the Owner.

A motion was made by Michael Cannata and seconded by Robert Donohue to accept and schedule application #23-04 for a public hearing on March 7, 2023. All were in favor; the motion passed.

9. New Business:

a. Application #23-01: Request for a Site Plan Modification to install electric car charger units at 101 West Street (Covenant Village). Covenant Living of Cromwell Inc., Covenant Village of Cromwell is the Applicant and the Owner.

Rock Emond from SLR Consulting in Cheshire, CT said that he is here with Covenant Village because they are looking to change 4 standard spaces into spaces for 2 electric charging stations. He showed the

location of the stations on the site plan. He said they will be two juice bar dual chargers. He said this will not reduce the number of parking spaces. He said the site plan was approved with 148 parking spaces but only 139 were required. He said we will still exceed the requirement by 5 spaces. Mr. Emond said the chargers will be placed on a 5 x 5 pad. Mr. Cannata asked if he was aware of Mr. Egan's comments and Mr. Emond said yes, we have addressed them and gave the plan to Mr. Egan this morning. Chairman Kelly said she thought the EV stations were in addition to the approved parking spaces. Mr. Popper said they have an excess so they are using their extra spaces. Mr. Popper said we might have to clean up the language in the regulations but the way the regulations are written now allows this.

Mr. Cannata asked Mr. Emond about a heavy wrecker truck parked on the west end of the property. He said it is parked there more often than not and it is a violation since it blocks access.

Norm Aldridge, Facilities Director at Covenant Living said he will look into this

Mr. Popper asked the Commission to make Mr. Egan's comments a condition of any approvals.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve application #23-01 with the conditions of John Egan's memo dated January 13, 2023 to be adhered to.

b. Application #22-44: Request for Site Plan Approval to construct an office building adjacent to 80 Shunpike Road. Opportunity Real Estate Equities, LLC is the Applicant and Margaret E. Chernock, Trustee, Etals is the Owner.

Mr. Popper said this application will be heard with public hearing application #22-43.

10. Public Hearings:

a. Application #21-40: Request for a Special Permit under Section 6.1.B of the Zoning Regulations to allow for the placement of fill at 12 Summer Brook Lane. Magdalene and Sead Mehic are the Applicants and the Owners.

Chairman Kelly reads the public notice dated January 30, 2023.

A motion was made by Michael Cannata and seconded by Ann Grasso to open the public hearing for application #21-40. All were in favor; the motion passed.

Magdalene Mehic said she lives at 12 Summer Brook Lane and showed her home on the map. She said the area of land past her deck is a steep drop into the backyard. She said we have two children and would like to turn the yard into something that is more usable since it is a safety concern as it is now. Ms. Mehic showed the areas they would fill by sections and said it would be a 3 to 1 grade so a gentle slope. She showed the entrance they would use to access the site and said they would use a construction pad. Ms. Mehic said they would repair any curb and sidewalk damage asap. She said we would receive 1,200 cubic yards of fill over a 6-9 month period. Mr. Cambareri asked if there would be any drainage issues to the surrounding houses and Ms. Mehic said we will comply with any erosion controls. Mr. Popper read a memo from Mr. Harriman dated December 22, 2022. He said that staff issued a wetland permit since it is 100 feet of the wetlands. Mr. Popper said there will be a bond to make sure the drainage is handled properly and the slopes are stabilized enough. Chairman Kelly asked what a check dam is and Mr. Driska said it is meant to receive water and controls the velocity of the water. Mr. Driska said the north and south side of the property show pronounced swales. Mr. Popper said they also act as a barrier of grading that could be deposited to neighboring properties. There was a discussion about installing the swales and

check dam before the project starts since there could be an impactful storm over the duration of the project. Mr. Driska said that would entail field adjustments. Mr. Cannata said his concern was it could never get stabilized while it's in progress and the results downstream could be devastating. He said I would to ask that the swales be put in and maintained with frequent inspections. Ms. Mehic said that we live there so it's important for the safety of our family and neighbors. Mr. Cannata asked where the fill was coming from and Ms. Mehic said she wasn't sure but the contractor would. Mr. Cannata said it needs to be a good quality, clean fill and Ms. Mehic said she wanted that too.

Mr. Cannata said that the conditions of approval would likely be that clean fill was required and once filling starts, Mr. Driska and Mr. Harriman should be notified. He said the swales should be built first and maintained with a bond to be determined by staff.

Chairman Kelly asked for members of the public who wanted to speak.

Jim Kerr, 10 Summer Brook Lane, Cromwell said he has major trees on his property that he doesn't want to lose. Mr. Popper said the grading will take place on their property and the swales will be on their property. Mr. Kerr said he is not opposed to the project but is concerned with erosion to my root system. Mr. Cannata said that if you put fill on a root system it will die. He said generally the roots are equal to the tree canopy. Ms. Mehic said I don't have his property on the map I've shown but we will try not to do that. Ms. Grasso asked about the depth of the fill and where the root system was in relation to the fillable area. Mr. Driska said the inner triangle on the map is the fillable area.

Mr. Popper said if this was a vacant lot they would have the right to rip out roots right up to their property. He said they wouldn't be in front of this Commission as long as they didn't have a negative effect on any property owners. He said they are here because of the amount of fill they are bringing in. Mr. Kerr asked what the point of the public hearing was if this was not a legitimate question. Mr. Popper said that is not what I'm saying and Chairman Kelly said the hearing is for the amount of fill they are bringing in. Mr. Cannata said there is a natural drainage swale on Jim's property so they will be building a 2nd swale on their own property. He said your trees should be ok since the ones of your main concern are beyond the fill area. Mr. Cannata said that Mr. Harriman s should monitor and stop anything before it gets too far.

Chairman Kelly asked if anyone else wanted to speak regarding the application.

A motion was made by Michael Cannata and seconded by Chris Cambareri to close the public hearing for application #21-40. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Robert Donohue to approve application #21-40 with the following conditions; that Mr. Harriman's' memo dated December 22, 2022 be adhered to, weekly inspections by Town Engineer and Zoning Enforcement Officer, a performance bond to be determined by staff and the required finish grade as built be provided at the completion of the project. All were in favor; the motion passed.

A recess was called at 8:14pm to change the recording tape

Chairman Kelly called the meeting back to order at 8:21pm.

b. Application #22-43: Request to create a two lot Resubdivision at 162 West Street. Opportunity Real Estate Equities, LLC is the Applicant and Margaret E. Chernock, Trustee, Etals is the Owner, (public hearing continued from January 17, 2023).

A motion was made by Michael Cannata and seconded by Chris Cambareri to open the public hearing for Application #22-43. All were in favor; the motion passed.

Chairman Kelly asked if any member of the public wanted to speak regarding this application.

James Rude, 25 Highridge Road, Cromwell said that there are issues with the public hearing sign that was posted. He said according to zoning regulations the letters need to be 4 inches high and these were 3.25 inches high. Mr. Rude said the regulations state the signs need to be perpendicular to the street but this was not and it also isn't double sided. He also said the sign was not updated with the date of the continued public hearing. He asked if the affidavit attesting to the sign requirements was handed in by the applicant at the last meeting or this meeting. Mr. Rude said he would like the Commission to follow the public hearing requirements. He said he some questions as a result of the January 26, 2023 memo from the applicants. He asked if you can't move the garbage dumpster can it be picked up later in the day. He said I hope we can see materials. He asked if the lighting was on timers and if so, I hope they pick a definitive time for the lights to go on and off. He said 80 Shunpike shuts them off at 10:00pm. Mr. Rude said I have concerns on the average daily traffic counts. Mr. Rude said if they cut 74 trees and only 24 trees remain there will be an increase in noise and a noise barrier will be a good idea.

Irene Kerr, 10 Summer Brook Lane, Cromwell said that this project and building looks pretty but we will see cars and Route 9 from our property. She said this is exposing our parcels and nice neighborhoods will be ruined and impacted by this. Ms. Kerr said I appeal to this committee to help the citizens. She said this property butts up to residential neighborhoods and we want to preserve this buffer. She asked the Commissioners to come to the street and her driveway to see it from their perspective and to see what it really looks like as residents.

Donna Vickers, 92 Shunpike Road, Cromwell said I agree with Irene and Jim. She said this is not the spot for this. She said this won't be an additional 200 cars per day but more like 200 more per every 2 hours. She said the entrance and exit to this building should be on Route 372.

John Wagenblatt, Principal with LRC Group, 160 West Street, Cromwell, CT showed the architects for the building. Chairman Kelly asked if the lights in the colored tower would be on all night. Mr. Wagenblatt said they would be on until the building closes.

David Giuffrida, Vice President of Middlesex Health, 28 Crescent Street, Middletown said that the picture is accurate and the design is similar to a larger building the hospital owns in Westbrook, CT. Chairman Kelly asked if the color panels were just located in the front of the building and Mr. Giuffrida said yes. Mr. Popper asked him to clarify that the building will be 2 stories initially with a possible expansion area of 1 story. Mr. Giuffrida said yes, that is correct.

Mr. Wagenblatt said we looked at moving the dumpster but then it would be in view of Route 9 and the Shunpike. He said we will put more screening where the dumpster pad is. Mr. Popper said a dumpster enclosure can also be built. Mr. Wagenblatt said moving it would also make it more pronounced because of the retaining wall. Mr. Cannata said the noise of the dumpster pickup is more the issue and asked if they could try to change the pickup schedule. Mr. Wagenblatt said we can try.

Mr. Wagenblatt said the retaining wall is a versa lock wall and Mr. Cannata asked if it was similar to what is at 80 Shunpike and Mr. Wagenblatt said yes. Mr. Wagenblatt said they will also plant

shrubs that grow 10-12 feet high and will help hide the height of the wall and will also provide more screening or buffer. He said that 10 Summer Brook Lane is 375 feet from the retaining wall.

Mr. Wagenblatt said they have been in contact with the Fire Marshall and they will add a fire hydrant and showed where that would be located on the map. He said they were happy with that and indicated that we satisfied their requirement.

Mr. Wagenblatt said that the lights would go off between 8:00-9:00pm and would also be on a motion sensor. He said we can pin down with the tenants the exact time. He said the lights in the front will remain on for safety and as a theft deterrent. He said the lights will be night sky compliant and Mr. Cannata asked if they had any information on reflective lighting and Mr. Wagenblatt said he doesn't have that information with him now. Mr. Cannata said there is a lot more than meets the eye with dark sky compliant lighting but motion sensors and time control are good first steps.

Mr. Wagenblatt said there was discussion about the snow plowing at 80 Shunpike killing trees on Summer Brook but that removal near the property was minimal. He said the salt tolerance of the landscaping list is appropriate for what we are proposing.

Mr. Wagenblatt said the wetlands make it near impossible to make the exit and entrance elsewhere on this property. He said we have actually suggested not to develop the other parcel. He said that we do have to go to OSTA for traffic approvals.

Mr. Popper asked for pictures of the signs and Mr. Wagenblatt showed a picture of the monument sign and showed where on the site plan it would be placed. Chairman Kelly asked if the sign on the building would be backlit and Mr. Giuffrida said they would likely be channel letter and lit up. He said that these are just conceptual plans and not final designs. Mr. Popper said as a condition of approval we would need to see the final design and Mr. Giuffrida said that is not a problem and these plans are very close to what the final design will be. Ms. Grasso asked if the building in Westbrook was accessible for us to see and Mr. Giuffrida said yes, it is located at 250 Flat Rock Place in Westbrook. Ms. Grasso asked if the lighting was cool or warm and Mr. Giuffrida said warm. Mr. Cambareri showed the commissioners the picture found on the internet of the building in Westbrook.

Chairman Kelly asked if they were going to clear all of the trees and Mr. Wagenblatt showed the clearing area and said we will be flagging the limits of the wetland's disturbance. Mr. Cannata said they should leave as much vegetation as possible and we do not want this to be seen from the highway. Mr. Cambareri asked what they could put on the snow shelf and said anything additional would be better. Chairman Kelly said that the plantings they are showing aren't a great buffer and trees would be better. Mr. Driska said on the LL1 page you are showing species that will grow up to 4 feet. He said how will that do anything to provide a buffer. Mr. Wagenblatt said we can change those out. Mr. Popper said he suggested a revised landscaping plan to present to the staff with heartier plantings to provide more of a sound buffer. Mr. Driska said he recommended a demo sheet be created and then have staff go out there to verify the trees being cut are the ones marked in the demo sheet. Mr. Popper said we want to be on site so we can save what we can.

Mr. Cannata said he wanted to add a condition about the versa lock wall and Mr. Popper said that the contractor will be on site and they will be responsible for the build of the wall. He said that this won't be part of Mr. Harriman's area of overview but it will be part of the building permit. Mr. Cannata said there is an 18 foot wall at Covenant Village which had a terrace. He said if the toe of this wall exceeds 5 more feet than you will be in the wetlands. Mr. Wagenblatt said the structural engineer would have alerted them to any possible situations.

Irene Kerr, 10 Summer Brook Lane, Cromwell said that 80 Shunpike road is not a colonial building like they said it would be. She asked if this building would be aluminum and Mr. Wagenblatt said the front is with some brick and stone veneer. Ms. Kerr said the sound bouncing of metal is horrendous. She said I am concerned with the clearing of trees and Mr. Cannata said they are leaving everything south of the retaining wall and our staff will oversee the clearing.

A recess was called at 9:41pm to change the recording tape.

Chairman Kelly called the meeting back to order at 9:44pm.

Chairman Kelly asked if anyone else wanted to speak regarding the application.

A motion was made by Michael Cannata and seconded by Ann Grasso to close the public hearing for application #22-43. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by to approve application #22-43. All were in favor; the motion passed.

A motion was made by Michael Cannata and seconded by Ann Grasso to approve application #22-44 with the following conditions: All were in favor; the motion passed.

- A dumpster enclosure is required with hours of pick up to be approved by staff
- Exterior lights are on a timer with motion sensors
- Final design must come back to Planning and Zoning for approval
- All changes from the memo dated January 26, 2023 from LRC must be adhered to
- A revised landscaping plan must be submitted for review and approval by staff
- Demo plan to be reviewed prior to clearing and trees and marked to prevent excess clearing
- memo from John Egan dated December 13, 2022 regarding parking must be adhered to
- memo from Jon Harriman dated January 25, 2023 regarding mylars must be adhered to

9c. Report on the status of the POCD and Zoning Regulations update.

Robert Collins of SLR said if we had more time tonight I would have given a quick overview and provided the data deck. He said I can give you the data and we can go over that another time. Chairman Kelly asked that he give them the data deck. Mr. Collins said ok, but to keep in mind it is a draft open to questions. He said we should have a future meeting to go over my points. He handed out the deck to the Commissioners. Mr. Popper said maybe we can do it on March 7th or maybe another evening from 5:00-6:00pm. Mr. Collins said the purpose of this meeting would be to answer questions. Chairman Kelly told Mr. Popper to pick a date and send it out to the Commissioners.

11. Commissioner's Comments:

12. Approval of Minutes:

a. December 6, 2022

A motion was made by Michael Cannata and seconded by Chris Cambareri to table the minutes of December 6, 2022. All were in favor; the motion passed.

13. Adjourn:

A motion was made by Michael Cannata and seconded by Robert Donohue to adjourn at 9:59pm. All were in favor; the motion passed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Imme".

Linda Imme
Recording Clerk