



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY OCTOBER 20, 2015
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Alice Kelly, Michael Cantata, Ken Slade, Rich Waters, Ken Rozich, Brian Dufresne, Paul Cordone, Alternate Jeremy Floryan, Alternate David Fitzgerald

Absent: Nick Demetriades, Chris Cambareri

Also Present: Town Planner Stuart Popper, Town Manager Jon Harriman, Zoning Enforcement Officer Fred Curtain

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:06pm.

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 Brian Dufresne to seat David Fitzgerald as an alternate. *All were in favor; the motion passed.*

4. Approval of Agenda

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve the agenda with the amendments of adding under New Business: Accept and Schedule New Applications: Application #15-43: Request to Modify Special Permit for the Drive-Thru Improvements at 30 Shunpike Road. Application #15-44: Request to Modify Site Plan at 30 Shunpike Road. Also adding under New Business Application #09-16: Northwood's Subdivision: Request to reduce the \$920,841.50 Restrictive Covenant Bond to a \$121,407 Cash Bond.

And changing the wording under 8b. to Section 8-24 Mandatory Referral. *All were in favor; the motion passed.*

5. Public Comments - none

6. Development Compliance Officer Report:

Fred Curtin said that there is a November court date on the ZBA violation at 621 Main Street which was a noise complaint. He said the activity report is attached. Chairman Kelly asked about a report of single family homes being constructed.

7. Town Planner Report:

Mr. Popper said that splash pad that was to be installed at Pierson Park will now be installed at Watrous Park. We will need another mandatory referral for the change.

Mr. Popper referred to his Economic Development Report dated October 7, 2015 and summarized the report. He said he hired a consultant to reformat the zoning regulations so that they can easily edited and reproduced. We will have a new set with all the new amendments by November. We will be able to easily change text as we need to and we will be making them on a copy machine going forward. Mr. Popper said they will be black and white and will look fine.

8. New Business:

- a. Application #07-23: Pondview Subdivision: Request to Accept Deming Lane and Robbie Road as Town Roads.

Mr. Popper said we need to table this. We are still waiting for various legal documents to be submitted by the developer.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to table application 07-23. *All were in favor; the motion passed.*

- b. Application #11-31: Sunset Ridge Subdivision: ***Section 8-24 Mandatory Referral Request to Accept Thomas Court as a Town Road.***

Mr. Popper said this is a warranty deed and all easements have been filed. He said all town officials have commented on the road and it is all set. . He said he would ask the Commission to motion that the developer bond for 6 trees at \$200 each.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to direct the Town Planner to bond \$1200 for trees at Sunset Ridge subdivision. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to issue a positive section 8-24 for application 11-31. *All were in favor; the motion passed.*

- c. ***Application #09-16: Northwoods Subdivision: Request to reduce the \$920,841.50 Restrictive Covenant Bond to a \$121,407 Cash Bond.***

Chairman Kelly asked Mr. Harriman if the bond is approved. Mr. Harriman said yes, it is my recommendation the bond is reduced.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 09-16 by reducing the existing bond to \$121,407 cash. *All were in favor; the motion passed.*

9. New Business Accept and Schedule New Applications:

- a. Application #15-43: Request to Modify Special Permit for the Drive-Thru Improvements at 30 Shunpike Road. McDonald's Corporation is the Applicant and the Owner.

Mr. Popper said McDonald's is looking to add a new drive thru, remove the playscape and landscape that area. He said that 15-44 will be to modify the site plan.

- b. Application #15-44: Request to Modify Site Plan at 30 Shunpike Road. McDonald's Corporation is the Applicant and the Owner.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to accept and schedule applications 15-43 and 15-44 for a public hearing on November 17, 2015. *All were in favor; the motion passed.*

10. Old Business:

- a. Application #15-37: Request to create a three lot subdivision at 678 Main Street. Jeffrey Gilligan is the Applicant and Jeffrey Gilligan and Nidia Lopez are the Owners.

Mr. Popper said that 15-37 will be heard along with 15-36 so please open the public hearing.

Chairman Kelly reads the public notice dated October 5, 2015.

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

11. Public Hearing:

- a. Application #15-38: Request to amend Sections 1.7, 2.2.B, 2.2.C, 2.7.A.5 of the Zoning Regulations. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Mr. Popper said that we need to clarify sub and utility stations. He said we need to define it and cite regulation by the citing council. He also said that we need to discuss amendments to fencing

and whether the fence borders or is within properties.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to continue the public hearing for application 15-38. *All were in favor; the motion passed.*

- b. Application #15-35: Request to Modify the Approved Special Permit by adding outside seasonal storage of trailers in the parking lot and the outdoor display and sales of merchandise in the garden center parking lot. Wal-Mart Real Estate Business Trust is the Applicant and Infinity Cromwell Properties Limited Partnership is the Owner.

Alan Carpenter of CPH Architects hands in the certificates of mailings and affidavit of the sign being up to Mr. Popper. He said an expansion was done at Walmart a few years ago and since then they have found the need for additional storage. He said they placed storage trailers in the parking lot and we are here to formalize a specific location for the trailers. He said they are looking to place them in the front parking lot from November 1st – February 15th. He said they would place 8 40 foot trailers there. He said the parking spaces there are above and beyond what you require so we would still maintain the required number of parking spaces. He said trees are lining Berlin Road so visibility is not significant. Mr. Cannata said that from the rest home it is in their view right out their windows. Mr. Carpenter said we can plant more evergreens or move to another site. He said it is only temporary just to satisfy their holiday season with layaways and other short term needs. He said they also want to keep the parking spaces closest to the store so that is why they want them further away. Mr. Cannata said he is concerned with the lack of parking spaces during the snow storms. Mr. Carpenter said they had 715 spaces and only 405 are required.

Mr. Carpenter said the second request is for the outside sales in the garden center in the spring. The commissions asked if the trailers could go in the area of the garden center. Mr. Carpenter said he could ask since it is a different season. He said the outside sales are from April 1st to November 1st. He said those parking spots are convenient to the inside garden center during the winter. He said the trailers would take up 20-23 parking spots. Mr. Popper said that the neighbors on Kirby Road are closer to the garden center area. Chairman Kelly shows pictures she took of the fence surrounding the area. Mr. Harriman asked about the west side of the parking lot he said that area is not so close to neighbors. Mr. Popper said I am concerned with the Kirby Road neighbors especially with the bare trees in the winter. He said we can work with them to the west. Mr. Carpenter said there are sewer and gas easements to be mindful of. Mr. Popper said you can approve with the condition of approval to work with staff on location and re-approve every October. Mr. Cannata said he would be willing to grant for this year but we need to ask Infinity to add an addition if they need more space. He said Cromwell can collect taxes on the addition and this works both ways. Mr. Carpenter said this is a temporary need so they don't want to build a building.

Mr. Popper said the Fire Marshall asks that no storage of flammable gas is to be stored in the trailers. He also said that no pesticides or fertilizers should be in the outside garden area.

Mr. Popper reads a letter from Martha and Timothy Calnen of 19 Agawam Drive which is directly across the street from Walmart. Mr. Popper also reads a letter from Maurice Vilano of 17 Kirby Road.

Mr. Cannata shows an area in southwest corner that is empty and has no residences. Mr. Carpenter said we are receptive to working with you. Mr. Popper said we have addressed most of the neighbors' concerns.

Chairman Kelly asked for members of the public who wanted to speak for or against application 15-35. No one came forward.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to approve application 15-35 for storage seasonal containers in the parking lot with the location to be determined by staff with a one year permit with annual renewal from November 1, 2015 through February 15, 2015. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve application 15-35 by modifying the special permit to allow outside sales in the garden center with the location to be determined with an annual renewal. *All were in favor; the motion passed.*

- c. Application #15-36: Request for a Special Permit to create a rear lot at 678 Main Street. Jeffrey Gilligan is the Applicant and Jeffrey Gilligan and Nidia Lopez are the Owners.

Attorney Salvatore Petrella of 630 Main Street said he represents the owners of 630 Main Street and this will be a combined presentation for application 15-36 and 15-37. Attorney Petrella handed Mr. Popper the affidavit of posting of the sign and the certified mailings to neighbors. He also said he would submit his remarks for the records. Attorney Petrella said that the sidewalks are included on the map.

Attorney Petrella said that this is a 3 acre parcel at 678 Main Street. He said the house is set back and is next to Meadow Road, which is a private access road. He said that road is not maintained in the winter. He said there is currently one single family home about 500 feet back from the road. He said we would make that a rear lot and would like to make two front lots.

Kevin Johnson, Engineer showed a map with the septic and public water coming off of Meadow Road. He said there is a 20 foot access between the 2 front lots. He said all 3 lots conform to the zoning regulations and the access to the front lots would be off of Main Street. He said that the comments from the staff are addressed on the map. He also explained the erosion controls for all 3 lots. Mr. Johnsons said the Fire Chief is requesting a fire hydrant and this request came about later in the day yesterday so he didn't make the revisions.

Mr. Popper said this is in the R-25 zone and the 2 front lots met all the requirements. He said that Attorney Petrella will address the rear lot.

Attorney Petrella said that we are requesting the sidewalks to be waived. He said nothing will change and the nearby houses are already developed on the same side. He said you would have to walk 40 feet from Main Street to get to the sidewalks. He said that this meets all 11 requirements of the special permit of the zoning regulations found on page 147.

Attorney Petrella also said that the fire department wants the fire hydrant on the east side and now it is on the west side. He said he doesn't know what main they are connected to but this could run the applicant from \$5,000 to \$7,000. Attorney Petrella said he wanted to mention that he is on the Fire Commission as well. Chairman Kelly said I don't think we can waive the request of the Fire Department, I think you have to go to the Fire Commission. Attorney Petrella said your subdivision regulations address your authority and you can defer if you want. Mr. Cannata said that they are saying it is because it is rear lot but the house has been there forever and the hydrant has always been across the street from their driveway. Attorney Petrella said there happens to be another by Cromwell Concrete. Mr. Popper said the Fire Department is not here to defend it so let them waive or enforce it. Attorney Petrella said I concur. He said I don't think the Chief wants the road closed in case of fire and there are lines across the street.

Mr. Cannata asked if they could grade and prep the sidewalks but not install them. Attorney Petrella said the Engineer said it can be done so that is fine.

Chairman Kelly asked if any members of the public wanted to speak regarding applications 15-37 and 15-36. No one came forward.

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

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to approve application 15-36. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and seconded by Ken Rozich to approve application 15-37. 3 lot subdivision with the conditions that the applicant will confirm with the Fire District as to whether or not the installation of the additional hydrant on the east side of Main Street is required and the installation of the sidewalks on Main Street was waived however the grading for the sidewalks was required. *All were in favor; the motion passed.*

12. Approval of Minutes:

- a. October 6, 2015

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve the minutes of October 6, 2015 with the amendment to page 2 #12 to change the last sentence to he didn't think the design of the parking lot was very good. *All were in favor; the motion passed.*

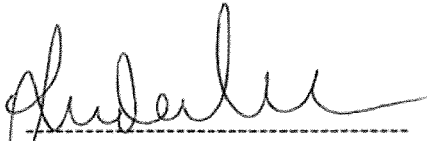
13. Commissioner's Comments:

Mr. Popper said that we may or may not have 2 meetings in November; the first meeting is scheduled for the first Thursday in November due to election day.

14. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to adjourn at 9:10pm.
All were in favor; the motion passed.

Respectfully Submitted,

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

Linda Imme
Recording Clerk