



## Town of Cromwell Planning and Zoning Commission

### **REGULAR MEETING** **7:00 P.M. TUESDAY SEPTEMBER 15, 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, Nick Demetriades, Chris Cambareri Alternate Jeremy Floryan, Alternate David Fitzgerald

**Also Present:** Town Planner Stuart Popper, Town Manager Jon Harriman

#### **1. Call to Order**

The meeting was called to order by Chairman Kelly at 7:01pm.

#### **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 Jeremy Floryan 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 item 9c. Application 15-33 Valor Park improvement and 11c. the approval of August 18<sup>th</sup> minutes. *All were in favor; the motion passed.*

#### **5. Public Comments**

Attorney Salvatore Petrella of 630 Main Street said he had comments about the Community Farms Program grant application. Chairman Kelly said he can speak when that application is discussed.

#### **6. Development Compliance Officer Report:**

Chairman Kelly said she went over the report from Mr. Curtin and asked Mr. Popper if he would

ask Mr. Curtin to update with the new status of the applications and have it ready for the next meeting.

Mr. Popper said he will meet with some applicants for the ZEO position once he and the Town Manager vet the applications. He said they reached many new prospects through different channels. He said he and the Town Manager are meeting on Thursday to start vetting and to discuss the process and requirements. Chairman Kelly said she hoped they would have experience especially as a ZEO.

#### **7. Town Planner Report:**

Mr. Popper said he didn't attach a report but he will review some updates. He said that 14 Alcap Ridge is now occupied by Northeast Manufacturing. He said the exterior of the site is a remarkable change and they also did quite a bit to the inside, he said it is pretty amazing. He said they have occupied 40,000 square feet and have 20,000 square feet of factory to rent along with 20,000 square feet of office space to rent.

Mr. Popper said a number of new businesses have moved into town as well so we are very happy. He said I am maintaining a list of available properties. He said that X-pect is moving by end of the year and they are actively pursuing new tenants. He said that the Nardelli's side of Cromwell Commons has some openings too. He said that Crowne Plaza was purchased but I am not sure if the brand will change.

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

- a. 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.

Mr. Popper said that we can schedule this for a public hearing for the first meeting of October if they are ready. He said we became aware that they never received formal approval for the outside garden storage.

- b. 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.
- c. 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 this is an existing rear lot and they are looking to build two new front lots.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept and schedule application 15-35 for October 6, 2015 and applications 15-36 and 15-37 for October 20, 2015. *All were in favor; the motion passed.*

**9. Old Business**

- a. Application #05-25: Request to release \$8,102.06 bond for the Eager Lane Subdivision.

Mr. Harriman said that I came before you a year or so ago as Public Works acting director about this. He said Canina was paid \$9,434 in 2010. He said the physical work has long since been completed. He said that \$5,500 was left to complete the pinning and monumentation. He said the remainder of the money should go to the Developer, Coastland Building. Mr. Harriman said all drainage issues have been addressed. He said there is one remaining lot but that doesn't really have anything to do with this.

Mr. Popper said that Mr. Harriman has the legal document filed by John Flanders with a signature saying the money should be released to the developer. Mr. Waters asked Mr. Harriman if he talked with Mr. Flanders and Mr. Harriman said no. Mr. Rozich said it is irrelevant what Mr. Flanders says since Mr. Harriman has the legal document which is a binding document.

Mr. Cannata explained his understanding of the development and bond money.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to release \$2,602.06 with the condition that Mr. Harriman takes one more look at the land records. *All were in favor; the motion passed.*

- b. Discussion of Community Farms Program Grant Application.

Mr. Popper gave some background about receiving a STEAP grant in 2000 for the Cromwell Business Park. He said that grant required a Farmland Preservation Committee to be formed and that Committee submitted a report in 2008 and it was approved by the First Selectman at the time.

Mr. Popper said that the State developed programs for small farms and Phoenix Farm applied for the program. He said that the State and the Whitney's came to an agreement for the development rights in the amount \$160,000. He said the Farm is about 50 acres. He said the State is asking the Town to contribute \$40,000 for that farm as permitted in section 8.25b Payments in lieu of open space. Mr. Popper read section 8.25B.

Scott Lamberson of 10 Centerwood Drive and Chairman of the Conservation Commission and Farmland Preservation Committee said that Mr. Whitney is a member of our Commission but has abstained from discussing or voting on this. He said that Mr. Whitney was the only applicant for this program and he met very specific criteria's. Mr. Popper said that this grant is available to all towns.

Mr. Lamberson said that the Phoenix Farm is expanding and they are now certified organic. He said they sell to restaurants and farmers markets and has leased other land. He said the town needs to preserve this type of farm.

Attorney Salvatore Petrella of 630 Main Street said he represents Mr. and Mrs. John Whitney with this application to the State. He said I am also a friend and customer of the Whitney's. Attorney Petrella said he has been involved in trying to preserve open space for 27 years. He asked what else can you buy in town for \$40,000 and this is a good deal. He said this is an active farm and the Whitney's have made this a full time commitment. Attorney Petrella said that if they don't receive this and he has to sell you won't be able to replace this farm. He said there are not people out there that want to do this. He said you are buying development rights not the property. He said this means you have the benefit of the space remaining open but someone else has to take care of it.

Mr. Cambareri asked if the town had any liability responsibility. Attorney Petrella said the town doesn't own anything and the Whitney's have to maintain insurance.

Mr. Cannata said that if the Whitney's donated the property it would come off the tax rolls and this way it doesn't.

Chairman Kelly said that she would like to know the legal opinion of the general statute. She said this is grant is to preserve farms but the statute says it is to acquire additional land but we are not acquiring land. She asked if it should say development rights to meet the intent. Mr. Cannata said the statute uses the word or. Mr. Rozich said that a quick interpretation tells me it says the purpose is to preserve open space or acquire additional land like Mr. Cannata suggested. He said the questions should be poised to the Town Attorney if you want a legal opinion. Mr. Lamberson said we looked at this and it is standard practice. Mr. Cannata asked if going to the Town Attorney would delay the process and Mr. Popper said he would need approval from the Town Manager to contact the Town Attorney. He said I would recommend a motion to fund as long as the Town Attorney interprets the fund favorably.

Mr. Demetriades said everything says the transfer of land to the town but are we getting land. Mr. Popper said we can get open space or a fee in lieu of open space but we are talking using that money not acquiring it. Mr. Cannata said that page 9/10 is how we acquire the money not how we administer it.

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to approve the open space fund for the Town's contribution of \$40,000 for the purchase of the Phoenix Farm development rights as long as the Town Attorney says this meets the criteria's of section 8.25B. *All were in favor; the motion passed.*

- c. Application # 15-33: Request for a Site Plan modification to construct improvements to Valor Green Park. The Town of Cromwell is the Applicant and the Owner.

Jon Harriman said there are some field changes to parking area at Valor Green since there were some trees in the way. He said the parking will be across from a stand of trees and not a house.

Mr. Cannata asked about the school of music and said he always has cars parked in front of the house. He said he doesn't want those people to park in these new spaces since it will become a pedestrian and safety issue.

Lou Gagnon from the American Legion Post said that Mr. Donohue from the School of music is on board with this and would direct his clients not to park there. Mr. Cannata said a sign for Valor Green Parking only could help. Mr. Gagnon said he knows Mr. Donohue will be 100% cooperative.

Mr. Gagnon showed the improvements on a map and said there will be pavers added and five service flags added. He said there will be a retaining wall with plaques on it. He said this area was dedicated in 1973 to Vietnam and Korean War Veterans so this would be re-dedicated when it's done. He said other wars will be off to the side. He said there is a WWII site already. Chairman Kelly asked about recent wars in the last 10 years. She said it should be all veterans in Cromwell. Mr. Gagnon said that bricks or other things would be off to the side for other war veterans. He said finances are limited right now to that plan. He said the American Legion approved up to \$40,000 and will raise more through fundraising.

Mr. Gagnon said the retaining wall will be made of real stone and the memorial wall be constructed out of matching veneer. He said the service flags will be illuminated twice a year on Veterans Day and Memorial Day. He said the United States flag is always illuminated.

Mr. Popper told the Commission that when you approved this you were approving parking only so now we need a site plan modification.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 15-33 as a site plan modification to Valor Green. *All were in favor; the motion passed.*

#### **10. 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 there will not be a public hearing on this tonight.

#### **11 Approval of Minutes:**

- a. July 21, 2015

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve the minutes of July 21, 2015. *Chris Cambareri abstained; all approved; the motion passed*

- b. August 4, 2015

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to approve the minutes of August 4, 2015. *Chris Cambareri and Nick Demetriades abstained; all approve; the motion passed.*

c. August 18, 2015

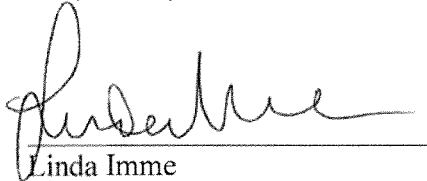
A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve the minutes of August 18, 2015. *Nick Demetriades and Chris Cambareri abstained; all approved; the motion passed.*

**12. Commissioner's Comments:**

**13. Adjourn**

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to adjourn at 8:25pm. *All were in favor; the motion passed.*

Respectfully Submitted,

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

Linda Imme  
Recording Clerk