



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING **7:00 P.M. TUESDAY JULY 7, 2015** **ROOM 224 CROMWELL TOWN HALL 41 WEST STREET** **AGENDA**

Present: Chairman Alice Kelly, Michael Cannata, Paul Cordone, Ken Slade, Rich Waters, Chris Cambareri, Brian Dufresne, Alternate Jeremy Floryan, Alternate Fred Hayward

Absent: Ken Rozich, Nick Demetriades,

Also Present: Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey, Mayor Enzo Faienza

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:04pm.

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 Rich Waters to seat Jeremy Floryan and Fred Hayward. *All were in favor; the motion passed.*

4. Approval of Agenda

Mr. Popper asked if application #15-25 could be considered last since Attorney Whitney is at another public hearing in another town.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve the agenda with the change of hearing application 15-25 at the end of the meetings. *All were in favor; the motion passed.*

Mr. Cambareri said he would be recusing himself from application #15-25.

5. Public Comments - none

6. Development Compliance Officer Report:

Ms. Massey said that the updated permit report is in your package and a few use permits were issued since the last report. Ms. Massey said that the new restaurant, Ambrosia on Main Street near The Well has been updated and they did a nice job. She also said the restaurant near The 99 is still being renovated.

Mr. Waters asked about 45 River Road and said the work is not completed. Ms. Massey said she will look into it.

7. Town Planner Report:

Mr. Popper read his report dated June 30, 2015 and also his Economic Development Report dated June 24, 2015.

8. New Business: Accept and Schedule New Applications:

- a. Application # 15-15: Request to modify the site plan at 24 Shunpike Road by installing an additional paved parking for the existing Dunkin Donuts. Dunkin Donuts Mattabasset Realty is the Applicant and Mattabassett Realty, LLC is the Owner.

Mr. Popper reads the application and asks the Commission to hear it at the July 21, 2015 meeting.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to accept application 15-15 and be hear it at the July 21, 2015 meeting. *All were in favor; the motion passed.*

- b. Application #15-29: Request to modify the site plan at 224 Shunpike Road by installing outside storage bins for landscape materials and a new sign. Plummer All Season Landscaping LLC is the applicant and Mountain Springs Associates LLC is the Owner.

Mr. Popper said he is asking the Commission to hear this tonight since the applicant happens to be here and you asked to see the placement of the storage bins. He said they have already moved into the space.

Christian Plummer said he is condensing the operation to one spot. He said they are going to take down the concrete structure and place storage bins in its place to store his materials such as rock, concrete and sand. He said all of the bins will be about 6 feet high. Mr. Plummer showed pictures of the sign along with the dimensions. He said they will be parking behind the building and to the North side. Chairman Kelly said everything is neat as a pin there. Mr. Waters said the trucks look good all of the time. Mr. Hayward asked if there was retail there and Mr. Plummer said not now. Mr. Cambareri said it is a great use of the property and a great showcase.

A **motion** was made by Michael Cannata and **seconded** by Rich Water to accept and approve application 15-15. *All were in favor; the motion passed.*

9. Old Business:

- a. Application #14-40: Request to release the Landscape Bond for Site Plan Modification at the Classic Auto Wash & Detail Center at 23 Shunpike Road. Spanky's Cromwell LLC is the Applicant and Vincent Vento is the Owner.

Mr. Popper said there is two parts to the bond, one is for landscape and one is for interior drainage work. He said that the car wash did everything we asked them and I am very pleased. Chairman Kelly said they did a great job and it looks beautiful.

There was discussion on the amount of the landscape bond and Mr. Popper said it was established by staff not the commission. He said he recalls it be around \$10,000 but will have to double check. He said the drainage bond is about \$5,000 and that is not being released tonight.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to release the landscaping bond for application 14-40. Staff to verify amount but it is approximately \$10,000. *All were in favor; the motion passed.*

10. Public Hearing:

- b. Application #15-26: Request to amend the Zoning Regulations to add single family house and accessory uses to the Section 3.1.2 Downtown Cromwell District of the Zoning Regulations. Town of Cromwell Planning and Zoning Commission is the Applicant.

Mr. Cannata recused himself from application 15-25. Chairman Kelly reads the legal notice for applications 15-25 & 15-26 dated June 23, 2015.

A **motion** was made by Fred Hayward and **seconded** by Rich Waters to open the public hearing for application 15-26. *All were in favor; the motion passed.*

Mr. Popper said that when section 3.1 was amended in 2011 we made single family homes in the downtown district non – conforming. He said everything needs a variance now and that is a severe hardship. He said we are proposing that we allow residential uses in the neighborhood to be permitted and they would just need to get a building permit. This is basically just cleaning up the regulations. Mr. Popper reads his memo to the Commission dated June 9, 2015. He said the amendment we are asking for already exists in all other residential zones in town and we are just putting it back here. He said the only thing we didn't include was chickens and we can add them. He said it is somewhat standard to allow up to 10 but no roosters. He said they need to stay 100 feet from any other home. He said the amendment to the Regional Planning agency and we received a favorable letter back.

Mr. Waters asked what the downtown district encompasses. Mr. Popper said Frisbie Park to West Street and Community Field Road to Wall Street. He said the Tank Farm is the Northern limit. He said the Western limit is North of South Street to cemetery. There was a discussion of the map.

Chairman Kelly asked if anyone from the public wanted to speak in favor of, against or neutral for application 15-26.

Stewart Semeraro of 10 School Street said he wanted to know if the rule about chickens would just apply to the downtown district or to the whole town. Mr. Popper said all residential zones. Mr. Semeraro questioned the setback discussed on the May memo and said it was confusing.

Mr. Popper said we will need to continue the public hearing and clarify that. He asked Mr. Semeraro what his thoughts were on chickens.

Mr. Semeraro said he has a ½ acre side lot and has 4 chickens in the rear corner. He said they are in a pen but he does allow free range when he is home. He said I've had up to 7 at a time but think that 10 are more than enough. He said he has also spoken to his neighbors and they are ok with it. He said there is no problem with manure or smell. Mr. Popper said others have agreed with 10 as well. There was a discussion on spaces for chickens.

Mayor Enzo Faienza of 20 Horse Run Hill said he is in favor of the amendment. He said it didn't get done properly the first time but this is a good fix and he said a good job is being done by Mr. Popper to make these corrections.

A **motion** was made by Fred Hayward and **seconded** by Rich Waters to continue the public hearing for application 15-26 until July 21, 2015. *All were in favor; the motion passed.*

A recess was called at 7:55pm and the meeting was called back to order at 8:01pm.

There was a discussion on the recommended plant list and Mr. Hayward reviewed the list. Mr. Popper said the caliper size is better and the large trees are too burdensome. He said he would add the changes and have a public hearing.

- a. Application #15-25: Request to amend the Zoning Regulations to create a new Regulation to permit multifamily housing in the Residential Zones. Diane Whitney C/O Pullman Comely is the Applicant

Mr. Popper suggested they open the public hearing and he could summarize the application and let Attorney Whitney summarize once she arrived.

Mr. Cambareri recused himself from application 15-25.

A **motion** was made by Michael Cannata and **seconded** by Brian Dufresne to open the public hearing for application 15-25. *All were in favor; the motion passed.*

Mr. Popper reads the memo dated June 23, 2015 from Attorney Diane Whitney.

Attorney Whitney arrived and said that different needs encouraged her to look at various housing types and came up with the proposed PRD. She said we would need to establish road and drainage standards. She said this zone would have to meet specific standards. Attorney Whitney said applicants would come in for a zone change and have a conceptual plan. The next steps would be to apply for a special permit. She said the Commission would act on the conceptual plan.

Mr. Popper said we would need to work on bulk requirements and more detailed roadway and utility designs. He said we should ask the public hearing to be continued until the next meeting. He said letters have gone out to River COG and Capital CROG.

Attorney Whitney said that the floating zone will be out there until someone comes in with an application and puts it in its place. She said there is flexibility of housing types that are consistent with what is already in Cromwell and carries out the goals of CT Statute 8.2(a). She said the floating zone probably won't apply to many places in Cromwell but it will provide more housing opportunities to a higher median age or those who don't want to the maintenance of owning a home. She said by having the applicant come in with a conceptual plan gives you maximum security.

Mr. Waters asked if there could be multi-family in residential. Attorney Whitney said yes, it could allow that. Mr. Cannata asked if they could put together a list of properties that this could apply to. He said we know what you have in mind but we want to see other undeveloped properties it could apply to. Attorney Whitney said they should be able to do that.

Chairman Kelly asked if anyone from the public wanted to speak for, against or neutral to application 15-25.

Mayor Enzo Faienza of 20 Horse Run Hill said he won't be able to make the meeting in two weeks but thinks this is a good idea. He said the Commission will have control on the site plan. He said I strongly support this and recommend you look deeply into this for many areas. He said do the right thing for the town.

Mr. Dufresne asked what it meant that we have control. Mr. Popper said it is up to you to approve the zone change as they come in. He said you have the discretion to approve or not by deciding if it fits in with the existing neighborhood.

Mr. Waters said someone could come in and change the rules down the road and allow other things to come in. There was a discussion on establishing requirements. Mr. Waters said if they aren't happy with a denial than they will take us to court. Chairman Kelly said anyone can decide to take us to court but we can't act because we are scared. She said we deny applications with sturdy footing.

Mr. Cannata said be careful that we have the ability to deny floating zone without an automatic lawsuit.

A **motion** was made by Brian Dufresne and **seconded** by Michael Cannata to continue the public hearing for application 15-25 until July 21, 2015. *All were in favor; the motion passed.*

It is noted that Chris Cambareri did not return to the meeting.

12. Approval of Minutes:

a. May 19, 2015

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve the minutes of May 19, 2015. *Alice Kelly, Michael Cannata, Paul Cordone, Ken Slade, Rich Waters, Jeremy Floryan approved Brian Dufresne, Fred Hayward abstained. The motion passed.*

b. June 2, 2015

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve the minutes of June 2, 2015. *Alice Kelly, Michael Cannata, Paul Cordone, Ken Slade, Rich Waters, Jeremy Floryan approved; Brian Dufresne, Fred Hayward abstained. The motion passed.*

c. June 9, 2015

A **motion** was made by Michael Cannata and **seconded** by Fred Hayward to approve the minutes of June 9, 2015 with the amendment that Jeremy Floryan was in attendance. *Alice Kelly, Michael Cannata, Paul Cordone, Ken Slade, Rich Waters, Jeremy Floryan approved; Brian Dufresne, Fred Hayward abstained. The motion passed.*

d. June 16, 2015

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve the minutes of June 16, 2015. *Alice Kelly, Michael Cannata, Ken Slade, Rich Waters, Jeremy Floryan approved; Paul Cordone, Brian Dufresne, Fred Hayward abstained. The motion passed.*

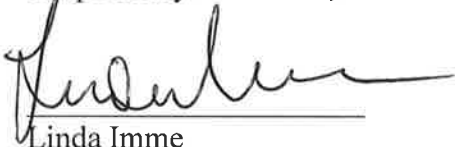
13. Commissioner's Comments:

Mr. Cannata said his microphone is very sensitive. Mr. Popper said he would look into it and Mayor Faienza said the same.

14. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to adjourn at 8:49pm. *All were in favor; the motion passed.*

Respectfully Submitted,

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

Linda Imme
Recording Clerk