

**Town of Cromwell  
Planning and Zoning Commission**

RECEIVED FOR FILING  
*2-11 2015 at 1:18 P.M.*  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Jan Oulguere Asst.*  
TOWN CLERK

**REGULAR MEETING  
7:00 P.M. TUESDAY FEBRUARY 3, 2015  
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET  
Minutes and Record of Votes**

**Present:** Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Paul Cordone, Brian Dufresne, Ken Rozich, Rich Waters, Alternate Jeremy Floyran and Alternate Fred Hayward

**Absent:** Nick Demetriades

**Also Present:** Town Planner Stuart Popper, Zoning Enforcement Officer Jillian Massey

1. **Call to Order** –The meeting was called to order by Chairman Kelly at 7:03pm.
2. **Roll Call**
3. **Seating of Alternates**

A **motion** was made by Commissioner Cannata and **seconded** by Commissioner Waters to seat Jeremy Floyran as an alternate. *All were in favor; the motion passed.*

**4. Approval of Agenda**

Mr. Popper asked that the following applications be added to the agenda under 8.b as New Applications to be accepted and scheduled. The applications are Application #'s 15 -05: Proposed Resubdivision at 40 Sebethe Drive. NADEKA LLC is the Applicant and SNH Medical Offices Property Trust is the Owner and Application #'s 15 -06: Site Plan Approval for Parcel #00066400 Sebethe Drive. NADEKA LLC is the Applicant and the Owner.

A **motion** was made by Commissioner Cannata and **seconded** by Commissioner Waters to amend the agenda with the amendments of adding 8b. *All were in favor; the motion passed.*

**5. Public Comments**

There were no public comments.

**6. Development Compliance Officer Report:**

Ms. Massey distributed an updated permit status report to the Commission. She said that the format was slightly changed from previous versions and was looking to the Commission for feedback regarding any desired changes.

**7. Town Planner Report:**

Mr. Popper said that there is a change of use proposed for the former convenience store located at 548 Main Street next door to the Well bar. He explained that the property owner is proposing to convert the former convenience store into a casual dining sit down restaurant with 33 seats requiring 8.5 parking spaces. Mr. Popper explained that use is a permitted one in the Local Business Zone District. He asked the Commission as whether or not that felt that it could be handled by the staff or if the Commission wanted to see a site plan modification application. The Commission members discussed it and concluded that it could be handled administratively by staff.

**8. New Business:**

- a. Application #15-04: Request for Site Plan Modification to install a new sign at 136 Berlin Road. Burger King is the Applicant and is MBMB Cromwell LLC is the Owner

Mr. Richard Rizzo, representing National Sign Corporation and Burger King, stated that they were proposing to install four oval shaped signs and one sign reading "Home of the Whopper".

Mr. Popper stated that staff had reviewed the proposal and that the signs were in compliance with the zoning regulations.

The Commission members discussed the proposed new signs.

Chairman Kelly asked if any of the proposed signs would be flashing and if any of the existing ground signs would be changed.

Mr. Rizzo stated none of the signs would be flashing and that maintenance would be done to the other ground signs on the site and that none were proposed to be removed.

Chairman Kelly asked about the exterior renovations and the change in the roofline. The Commission members discussed the ongoing renovations to the exterior of the building. The Commission members noted that the next time a similar application is submitted that they would like to see the proposed building elevations.

A **motion** was made by Commissioner Cannata and **seconded** by Commissioner Waters to approve application #15-04. *All were in favor; the motion passed.*

**8. New Business: Accept and schedule new applications:**

- b. Accept and schedule Application #15 -05: Proposed Resubdivision at 40 Sebeth Drive. NADEKA LLC is the Applicant and SNH Medical Offices Property Trust is the Owner and Application #15 -06: Site Plan Approval for Parcel #00066400 Sebeth Drive. NADEKA LLC is the Applicant and the Owner

A **motion** was made by Commissioner Cannata and **seconded** by Commissioner Dufresne to schedule Application #15-05 and Application #15-06 for March 17, 2015. *All were in favor; the motion passed.*

**9. Old Business:**

- a. Application #14-37: Request for Site Plan Approval for three commercial buildings and two apartment buildings at 192 Shunpike Road and 110 Court Street. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix and Kane Street Associates LLC are the Owners.

**10. Public Hearings:**

- a. Application #14-36: Request to re-subdivide 192 Shunpike into four lots. The 5.9 acre site is located in the Local Business Zone on the east side of Shunpike Road and the north side of Court Street. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner.
- b. Application #14-38: Request for Special Permit to allow Multi-family Housing at 192 Shunpike Road. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner.

Commissioner Cambareri recused himself from Applications #14-36, #14-37 and #14-38.

Mr. Popper discussed the site plan and special permit decision criteria in the zoning regulations that were distributed in the Commissioner's packets. He distributed copies of Section 8.7.E of the Zoning Regulations noting that they were missing from the meeting packet. Mr. Popper noted that the packet contained copies of Section 8.6 Site Plan Application Procedures of the Zoning Regulations.

Mr. Popper discussed the applicant's request to modify the required landscape buffer between the multifamily use in the Local Business Zone and the abutting single family house in the Residence 25 Zone by reducing it from the required 50 feet to 17 feet. He explained that all three applications would be impacted based on whether or not the modification was granted. Mr. Popper discussed Section 8.7.E.3. of the Zoning Regulations which refers to improvements relating to landscaping and buffers.

He also discussed the applicant's landscaping proposal in which a large percentage of the required 2000 square feet of landscaping for each unit was the wetlands, the upland review area and natural areas versus a small percentage of actual landscaping. Mr. Popper stated that he believed the intention of the required 2000 square feet of landscaping for each multi family unit was to encourage a more appropriate site plan design and to provide buffering from the abutting property owners. He noted that it was not just to provide a large area of acreage.

Mr. Popper regarding the Re-Subdivision application referred to Section 302 of the Subdivision Regulations which states, "All subdivision plans shall conform to the Subdivision and Zoning Regulations."

Chairman Kelly read a letter into the record from Commissioner Demetriades because he was absent. The letter generally stated that he did not believe that the multi family dwelling met the

decision criteria for the special permit and he was therefore opposed to that part of the proposal.

Commissioner Cannata discussed his opinion of the proposal as it related to the Special Permit Criteria contained in Section 8.7.E. of the Zoning Regulations. He noted that it was his opinion that the application did not meet the criteria in Section 8.7.E. numbers 1, 2 and 3 (1) and (2).

Commissioner Rozich stated that he agreed with Commissioner Cannata. He stated that the residential component of the proposal will not enhance the character of the area. He stated that the proposal did not meet the criteria contained in Section 8.7.E. (4) of the Zoning Regulations.

Commissioner Cardone stated that he agreed with Commissioners Cannata and Rozich. He added that he did not support the request to modify the required landscape buffer. He stated that he did not feel that a fence was landscaping and that he also had issues with the proposals affect on transportation.

Commissioner Floyran stated that he agreed with all of the previous comments. He stated that property values would be affected with the lack of the required landscape buffer as required by the Zoning Regulations.

Commissioner Waters stated that he agreed with Commissioner Cannata. He stated that he did not support the request to modify the required landscape buffer.

Commissioner Dufresne stated that he concurred with all of the previous comments.

Chairman Kelly stated that she concurred with all of the previous comments. She stated that she is opposed to the landscape buffer modification.

Commissioner Cannata read the special permit criteria contained in Section 8.7.E of the Zoning Regulations. He stated that he felt the proposal did not meet the legislative intent of Section 8.7.E of the Zoning Regulations.

Mr. Popper referred to the minimum buffer requirements contained in Section 5.1.D.2. (5) of the Zoning Regulations and asked that the Commission make a finding as to the requested landscape buffer modification. The Commission members discussed the requested modification.

Commissioner Cannata made a **motion** to deny the request to modify the landscape buffer as it was not appropriate due to the presence of the abutting residential use and because there are feasible and prudent alternatives. The motion was **seconded** by Commissioner Cardone. *All were in favor; the motion passed.*

Mr. Popper asked that the Commission next discuss Application #14-38: Request for Special Permit to allow Multi-family Housing at 192 Shunpike Road. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner.

Commissioner Cannata stated that Application it was not in harmony with the surrounding area and it did not meet the purpose and intent of the regulations.

Commissioner Cannata made a **motion** to deny Application #14-38 based on the following: 1) the landscape buffer modification has not been granted and therefore the application does not comply with the minimum buffer requirement of Section 5.1.D.2. (5) of the Zoning Regulations and 2) it fails to meet the criteria contained in Section 8.7.E. numbers 1, 2 and 3 (1) and (2) of the Zoning Regulations. Commissioner Waters **seconded** the motion. *All were in favor; the motion passed.*

Mr. Popper asked that the Commission next consider Application #14-37: Request for Site Plan Approval for three commercial buildings and two apartment buildings at 192 Shunpike Road and 110 Court Street. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix and Kane Street Associates LLC are the Owners.

Commissioner Cannata stated that Application did not meet the criteria contained in Sections 8.6.D.4. (2) of the Zoning Regulations.

Commissioner Cannata made a **motion** to deny Application #14-37 1) because the application does not comply with the criteria contained in Section 8.6.D.7. (2) of the Zoning Regulations and 2) because the Site Plan was not in compliance with Zoning Regulations due to the denial of the request to modify the landscape buffer, it was **seconded** by Commissioner Cardone. *All were in favor; the motion passed.*

Mr. Popper asked that the Commission next consider Application #14-36: Request to re-subdivide 192 Shunpike into four lots. Premier Partners & Associates, LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner.

Commissioner Cannata made a **motion** to deny Application #14-36 because it does not comply with Section 302 of the Subdivision Regulations which requires the application to conform to the Zoning Regulations due to the denial of the request to modify the landscape buffer. The motion was **seconded** by Commissioner Waters. *All were in favor; the motion passed.*

#### 11. Approval of Minutes:

- a. January 6, 215
- b. January 20, 2015

Chairman Kelly asked if there were any comments on the minutes. Commissioner Rozich asked that the minutes be amended to show that he was present at both the January 6, 2015 and January 20, 2015 meetings.

A **motion** was made by Commissioner Cannata to approve the January 6, 2015 minutes with corrections and it was **seconded** by Commissioner Waters. *All were in favor; the motion passed.*

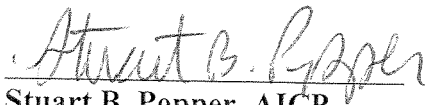
A **motion** was made by Commissioner Cannata to approve the January 20, 2015 minutes with corrections and it was **seconded** by Commissioner Waters. *All were in favor; the motion passed.*

**12. Commissioner's Comments:**

**13. Adjourn**

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

Respectfully Submitted,

A handwritten signature in cursive script, reading "Stuart B. Popper", is written over a horizontal line.

**Stuart B. Popper, AICP**  
**Director of Planning and Development**  
**Acting Clerk**