



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING

7:00 P.M. TUESDAY JANUARY 17, 2017

ROOM 224 CROMWELL TOWN HALL 41 WEST STREET

Minutes and Record of Votes

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

Absent: Ken Rozich

Also present: Stuart Popper Director of Planning and Development, Fred Curtin Zoning Enforcement Officer, Jon Harriman Town Engineer, Ed Widders Town Council Liaison

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:00pm.

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 Ken Slade 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 changes of replacing 8a and 8b from applications 16-48 and 16-19 to applications 17-01 and 17-02 and with the addition of 8c. request for a mandatory section 8-24 referral for Nooks Hill Road. *All were in favor; the motion passed.*

5. Public Comments - none

6. Development Compliance Officer Report:

Mr. Curtin reviewed his report dated January 10, 2017 and said there are no changes to 49 River Road. Chairman Kelly asked him about the status of some applications listed on the report.

7. Town Planner Report:

Mr. Popper reviewed his Economic Development Report dated January 5, 2017.

8. New Business: Accept and Schedule:

a. Application #17-01: Use Permit for Travelers Championship Golf Tournament at 100 Golf Club Road. Greater Hartford Community Foundation, Inc. is the Applicant; Tournament Players Club of Connecticut, Inc. is the Owner.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to accept and schedule application 17-01 for a public hearing on February 21, 2017. *All were in favor; the motion passed.*

b. Application #17-02: Request to amend Section 1.7 Defined Terms of the Zoning Regulations to include new definitions (see below) for the Manufacture of Alcoholic beverages.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept and schedule application 17-02 for a public hearing on February 7, 2017. *All were in favor; the motion passed.*

c. 8-24 Mandatory 8-24 Referral for the sale of Town owned land at 35 Nooks Hill Road.

Mr. Cannata said that years ago, while he was on Planning and Zoning, the Boy Scouts wanted this property donated to them for building a new hut but there was some opposition by the neighbors. He said this parcel was donated to Cromwell by the Pearson family for recreation use to benefit the town. He said I don't think the Town has the right to sell this. Mr. Popper said he will research this and get an answer for next meeting.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to table the mandatory 8-24 referral for the sale of Town owned land at 35 Nooks Hill Road. *All were in favor; the motion passed.*

9. New Business:

a. Application #16-49: Request for Site Plan Approval to construct a new 3,500 square foot commercial building at 25 Shunpike Road. Nga Nguyen is the Applicant and the Owner.

Mr. Popper said we will hear application 16-49 during the public hearing for application 16-48.

(Motion made after discussion and motion for application 16-48)

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to approve application 16-49. *All were in favor; the motion passed.*

10. Public Hearing:

a. Application #16-48: Request for a Special Permit under Section 4.2 of the Zoning Regulations

to construct a new building in the Special Flood Hazard Area at 25 Shunpike Road. Nga Nguyen is the Applicant and the Owner.

Jeremy Floryan reads the public hearing for application 16-48 dated January 4, 2017.

Jim Cassidy of Hallisey, Pearson and Cassidy said he represents Nga Nguyen. He said he has handed in the affidavits of mailing and pictures of the posted signs. He said he will be showing the presentation on the overhead. Mr. Cassidy said the parcel is in the Flood Hazard area on the west side of the Shunpike. He said it is 24,083 square feet and is existing non-conforming with 2 buildings on the site. He said they are looking for a permit to redevelop the site with a 3,500 square foot building for a retail use including a nail and hair salon. He said they will remove the 2 buildings. He explained the elevations on site and said the building will be in the existing paved parking area. He said they will have 24 parking spaces with 2 handicap spaces and your regulations call for 4 spaces for every 1000 square feet so the requirement is only 16 but with 3 tenants we thought we needed more. Mr. Cassidy showed the dumpster location and discussed drainage and discharge. He said it will be a 13,800 drainage area and the impervious coverage will be the same. Mr. Cassidy explained he is putting the building in this location to balance out cuts and fills and to reduce the amount of fill in the 100 year flood plain. He said he is dropping the elevation of the swale by 2 feet so post development here is no reduction of the 100 year flood capacity. Mr. Cassidy discussed the landscaping, dumpster pads, fences and gates. He said I have amended the plans per Town comments. He said I have shown the location of the freestanding sign but they will have to come back for approval once it is designed with the tenant information.

There was a discussion on the amount of cubic yard material being removed. Mr. Popper told the Commissioners that Mr. Cassidy requested a waiver of regulation 1.5c which is the landscaping plan requirement. Mr. Cassidy said he prepared the plan as he is very familiar with the area and required plantings. He showed a rendering of the building which is 24 feet high which is well under the maximum height allowed. Mr. Cassidy reads the requirements for the special flood hazard zone and their adherence to each requirement.

A **motion** was made by Michael Cannata and **seconded** by David Fitzgerald to open the public hearing for application 16-48. *All were in favor; the motion passed.*

Mr. Popper said there are 3 memos one each from Mr. Curtin, myself and Mr. Harriman. He said we met with Mr. Cassidy and he has revised the plans to address all of our comments. He said also consider the request to waive the landscape plan by a landscape architect. He said I am ok with that and am very excited about the plans and the work.

Chairman Kelly asked for members of the public who wanted to speak regarding application 16-48.

Jay Polke 15 Harrison Drive asked to see where the new entrance would be in comparison with the abutting neighbors across the street to see how they driveways line up.

Mr. Cassidy showed where the driveway would be on the map and said it is almost exactly

opposite the driveway across the street where the bank and strip mall are.

Mr. Polke said this will fit in well with the neighborhood but there is standing water at the end of the driveway across from this and I wonder how this will affect the water. Mr. Cassidy said this won't affect it due to the crowning in the road and also I am going to discharge to the back.

Mr. Polke also said that your first floor elevation is 23 feet not 25. He said we had to build to 25. Mr. Cassidy said the required elevation is 23 feet per the most current vertical data map and you might want to double check that.

Charles Bronstein of Splash Car Wash said that he is seriously concerned with the negative impact on our business with loss of visibility. He said traffic could also be a problem. He said he would like the Commission to consider requiring the applicant to flip the design and have the buildings built on the north or western side. He said they should delay the decision to allow the applicant time to adjust his plans.

Mr. Cassidy I have tried to explain how I came up with the design. He said our plan meets or exceeds all requirements except for the existing non-conforming. He said we meet the front yard setback rules. Mr. Cassidy shows the view on the map and shows where there are currently a row of arborvitaes near where the building will go. He said those already create an obstruction. He said I agree the building will restrict the view but there is still a substantial triangle of view. He said our structure is no further than the trees. He said I just can't make it work on the other side of the site due to the flood issues.

Mr. Cannata said the building won't block the car wash sign or vacuum cleaner area.

Jay Polke 15 Harrison Drive said that the new entrance lines up like a T and would warrant a traffic light. Chairman Kelly said that is out of their purview.

Mr. Bronstein said the line of sight for his business would be reduced to 75 feet from 175 feet. He said the trees are only 6-8 feet high. He said you are helping him but hurting a neighbor.

Chairman Kelly asked why he thinks he needs 175 feet for people to see your business. Mr. Bronstein said it is not to see but to allow people to stop in time. Chairman Kelly said they can still see your business; it is visible by 75 feet.

Mr. Cannata said that the problem with your concern is he is building in the allowable box. He said he has a right to put the building where it best suited for the site if it is in compliance with the regulations. He said it would be difficult to ask him to move the building. Mr. Cannata said the speed limit is 25mph so it shouldn't be a problem to stop in time even if they are driving over the speed limit.

A recess was called at 8:20pm to change the recording CD. Chairman Kelly called the meeting back to order at 8:22pm.

Mr. Dufresne asked where the sign would go and Mr. Cassidy showed the spot on the map. He

said I don't have the details yet, that would be a separate approval. Mr. Cambareri asked if the reason the car wash building was set back was to allow cars to stack and Mr. Bronstein said yes, he would imagine that is why it was designed that way. Mr. Bronstein also said that the trees were a requirement of this Commission to block the view of the vacuums.

Mr. Waters said that in 1983 or 1984 the lot was under water. There was a discussion on flooding.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to close the public hearing for application 16-48. *All were in favor; the motion passed.*

Mr. Popper said that if you act tonight you would have to also approve the waiver for the landscape plan by an architect. He said that the two memos from me and Mr. Curtin have been addressed but there should be a condition on the plan that the Town Engineer has to make sure his comments have been addressed.

Jon Harriman Town Engineer said that 99% of his comments have been addressed and they even incorporated some new LID technologies that DEEP will begin to require so I am all set.

Chairman Kelly asked why there was bike parking in this location. Mr. Popper said the regulations were approved in 2011 with bike parking requirements.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to grant a waiver for the landscape plan to be completed by an architect. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to approve application 16-48. *All were in favor; the motion passed.*

b. Application #16-45: Request to amend Section 3.5.C.4 Other Uses of the Zoning Regulations to permit as a Special Permit the manufacture, sale and consumption of alcoholic beverages in the Industrial Zone District.

c. Application #16-46: Request to amend Sections 7.5 Alcoholic Beverages and Section 7.5.A Permitted Zones and Distances and Section 7.5.B. Location Requirements and Limitations of the Zoning Regulations to permit the manufacture, sale and consumption of alcoholic beverages in the Industrial Zone District.

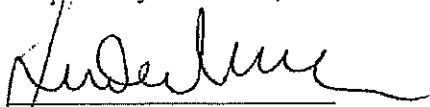
d. Application #16-47: Request to amend the Section 3.5.C.4 Other Uses of the Zoning Regulations to permit as a Special Permit retail sales and small engine repair in the Industrial Zone District. Mr. Popper explained that the related application #17-02 will need to be considered at the same future public hearing. He asked the Commission not to open the public hearings on Application #16-45 and 16-46 at this time.

11. Commissioner's Comments:

12. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 8:42pm. *All were in favor; the motion passed.*

Respectfully Submitted,

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

Linda Imme
Recording Clerk