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**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING**

*Rita Conroy, Asst.*  
TOWN CLERK

**7:00pm TUESDAY MARCH 21st, 2017  
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Alice Kelly, Michael Cannata, Brian Dufresne, Chris Cambareri, Richard Waters, Jeremy Floryan, Kenneth Slade, Paul Cordone, and David Fitzgerald

**Also Present:** Director of Planning and Development Stuart Popper and Town Engineer Jon Harriman

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:09 pm.

**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 alternate. *All were in favor; the motion passed.*

**4. Approval of Agenda**

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve the agenda. *All were in favor; the motion passed.*

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Curtin was not present at the meeting, but a copy of his report was submitted to the commission.

**7. Town Planner Report**

Mr. Popper submitted his report at the last meeting. New applications have been accepted, including an application for construction of a small 5,000 sq. ft. structure adjacent to Brother's Autobody which will be subject to approval at the April 4<sup>th</sup> meeting.

## 8. New Business

- a. Application #17-07: Request for site plan approval to reconstruct a portion of Willowbrook Road with the Flood Hazard Area. The Town of Cromwell is the Applicant and Owner.

Stuart Popper presented Application #17-06 and #17-07 and asked they be considered together. He stated the legal notice for applications appeared in the Hartford Courant.

## 9. Public Hearing

- a. Application #17-05: Request for Special Permit under Section 2.7.A.4. of the Zoning Regulations to construct more than 1000 sq. ft. of accessory building (garage) at 17 Jennifer Lane. Michael Santangelo is the Applicant and Michael and Heather Santangelo are the owners.

Michael Cannata made a **motion** to open the public hearing for Application #17-05. Kenneth Slade **seconded** the motion. *All were in favor; the motion passed.*

Michael Santangelo, 17 Jennifer Lane, presented his application for a Special Permit under Section 2.7.A.4 of the Zoning Regulation. Under the regulation, a Special Permit is required to construct more than 1000 sq. ft. of accessory building on the property. Mr. Santangelo provided a packet of photographs, including: a site plan of the proposed shed, a GIS photo of the proposed shed location and street level photographs of the property.

Paul Cordone asked about the square footage of accessory buildings on the property. Mr. Santangelo responded that the proposed shed is 12'x20' and including an attached garage on the property, the total square footage amount is less than 1600 sq. ft., within the requirements of Section 2.7.A.4. of the Zoning Regulations.

In response to Chairman Kelly's questions, Mr. Santangelo stated that the shed would be used to store patio furniture, a lawn mower, and toys for his three children. Mr. Santangelo explained that he had discussed his plans with his neighbor and he had no issue with it. Further, Mr. Santangelo described new bushes he planted that will block the neighbor's view of the shed within the next few years as they grow in.

Mr. Santangelo stated that he had posted the required sign and had the certified mail and provided documentation to Mr. Popper. Mr. Popper stated that he had received a phone call from a neighbor asking about the certified mail received and the neighbors posed no questions or concerns after Mr. Popper's explanation of the process.

Michael Cannata made a **motion** to close the public hearing. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Michael Cannata made a **motion** to approve Application #17-05: Request for Special Permit under Section 2.7.A.4. of the Zoning Regulations to construct more than 1000 sq. ft. of accessory building (garage) at 17 Jennifer Lane. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

- b. Application #17-08: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to construct more than 1000 sq. feet of accessory building (greenhouse) at 33 Shadow Lane. Stanley E. Jasiecki is the applicant and Elizabeth and Stanley Jasiecki are the owners.

Michael Cannata made a **motion** to open the public hearing for Application #17-08. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Stanley Jasiecki, 33 Shadow Lane, presented the certified mail to Mr. Popper. Mr. Jasiecki explained that the proposed greenhouse would be 7.5'x23' and would put his total square footage of accessory building over 1000 sq. ft. It will sit on granite blocks and be built using glass and a steel framework, creating a structure with a more permanent use.

Chairman Kelly asked about the box container on Mr. Jasiecki's property that had caused complaints from neighbors. Mr. Jasiecki explained that the box container has been used to house a significant amount of materials and machinery from his previous business. In response to questions about whether the box container will be removed, Mr. Jasiecki stated that it would go if the commission deemed it was necessary.

Mr. Popper stated that because this is an additional structure, the box container and the materials surrounding it needed to be removed. Mr. Popper expressed that the box container must be removed before construction of the greenhouse were to begin. According to Mr. Popper, with input from Mr. Curtain, the removal of the box container was a condition of a previous permit to construct an unattached garage. The unattached garage has been completed, but the box container has not been removed.

Michael Cannata suggested that the permit be approved with the condition that no work on the greenhouse begin until the box container had been removed.

A discussion occurred in regards to the previous accessory structure, the unattached garage, and whether Mr. Jasiecki can clean up the yard and remove the box container. Mr. Jasiecki asked for 90 days to remove the box container and clean up the yard.

In a public comment, Lou Defurio, 35 Shadow Lane, stated that the box container is an eye sore that needs to be removed because he is planning to sell his house. He explained that he has no issue with the greenhouse as long as Mr. Jasiecki cleans up his yard and removes the box container.

Chris Camberari expressed concern about whether the materials would actually be removed or just move elsewhere on the property. Mr. Jasiecki stated that the material will be removed or moved into one of the existing accessory structures.

Incorporating Paul Cordone's suggestion, Michael Cannata proposed approving the application with a drop-dead date and that nothing can be done without Mr. Curtain's approval. The commission seemed to be in approval of this language.

Mr. Popper asked for 60 days instead of 90 and it was accepted by the commission.

Michael Cannata made a **motion** to close the public hearing. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Michael Cannata made a **motion** to approve Application 17-08: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to construct more than 1000 sq. feet of accessory building (greenhouse) at 33 Shadow Lane, with the condition that the storage container and material around it be removed and cleaned within 60 days subject to Fred Curtain's inspection and approval before construction of the greenhouse can commence. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

- c. Application #17-06: Request for a Special Permit under Section 4.2 of the Zoning Regulations to reconstruct a portion of Willowbrook Road with the Flood Hazard Area. The Town of Cromwell is the applicant and the Owner.

Application #17-07: Request for site plan approval to reconstruct a portion of Willowbrook Road with the Flood Hazard Area. The Town of Cromwell is the Applicant and Owner.

Town Engineer Jon Harriman explained the proposed project that will receive both state and federal funding. The reconstruction of Willowbrook Road will raise the elevation of the road to alleviate the flood area.

Mr. Harriman explained that he followed relevant regulations and applied for and received wetlands permission. A permit is needed to do work in the 100 Year Flood Plan and has received a variance. The project, according to Mr. Harriman, is meant for the public good to ensure better access to the roads.

During the construction, the town will work with the Cromwell Police Department to handle the alternating one way traffic during the majority of the work. A brief, 1-2 week detour, will also be necessary, but if done during the dry season, it may be shorter.

Mr. Harriman reviewed the timeline for the project, which is expected to begin in Fall 2017. Contractors would have Winter 2017-2018 to determine utility pole transitions. The majority of the asphalt work would be done in Spring 2018.

A discussion occurred in regards to the FEMA maps of the flood plan area.

Michael Cannata made a **motion** to close the public hearing. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Michael Cannata made a **motion** to approve Application #17-06: Request for a Special Permit under Section 4.2 of the Zoning Regulations to reconstruct a portion of Willowbrook Road with the Flood Hazard Area. The Town of Cromwell is the applicant and the Owner. Brian Dufresne **seconded** the motion. Chairman Kelly recused herself. *All others were in favor; the motion passed.*

Michael Cannata made a **motion** to approve Application #17-07: Request for site plan approval to reconstruct a portion of Willowbrook Road with the Flood Hazard Area. The Town of Cromwell is the Applicant and Owner. Brian Dufresne **seconded** the motion. Chairman Kelly recused herself. *All others were in favor; the motion passed.*

- 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. The Planning and Zoning Commission is the Applicant.

Mr. Popper submitted the application. Michael Cannata made a **motion** to re-open the public hearing for Application #16-47. Richard Waters **seconded**. *All were in favor; the motion passed.*

Mr. Popper reviewed his memo and stated that the town is currently allowing for a contractor yard, but if the business owner wanted to sell top soil or stone, the business owner could not under current regulations. A discussion occurred in regards to various examples of retail operations that could not be allowed under current regulations.

The motion today, according to Mr. Popper, is to permit retail sales and small engine repair only as an accessory use to an existing permitted use in the Industrial Zone District. Both would require a special permit and would be allowed if attached to an existing permitted use, appropriate, and it would not cause undue traffic.

A discussion occurred about what a permitted use would be. Chris Camberari asked if such operations were occurring now, would they be non-conforming and Mr. Popper responded that they would.

Paul Cordone asked about how the process would work. Mr. Popper explained that a new business owner would have the ability to roll this permit in with an application for a new business. Current business owners would need to get the Special Permit.

A discussion occurred about possible reasons why this type of activity was not allowed when the regulation was created.

No other questions or comments.

Michael Cannata made a **motion** to close the public hearing. Richard Waters **seconded** the motion. *All were in favor; the motion passed.*

Michael Cannata made a **motion** to amend section 3.5.c.4 to include "Permit retail sales only as an accessory use to a permitted use in the Industrial Zone District." Also, "Small engine repair only as an accessory use to a permitted use in the Industrial Zone District." Richard Waters **seconded** the motion. No discussion. *All were in favor; the motion passed.*

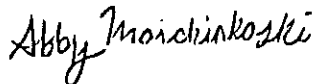
#### 10. Commissioner's Comments

Stuart Popper, responding to Michael Cannata's question about the dam frontage of the proposed lot at 55 Nooks Hill Road, explained that it would be nearly impossible to sell the land because the dam is located there. It would be very difficult to develop the easements to maintain the dam.

#### 11. Adjourn

Michael Cannata **moved** to adjourn the meeting at 8:27 pm, Brian Dufresne **seconded** the motion. *All were in favor; the motion passed.*

Respectfully Submitted,



Abby Marchinkoski  
Recording Clerk