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TOWN CLERK'S OFFICE
CROMWELL, CONN.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 6, 2017
ROOM 224 CROMWELL TOWNHALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Gloria Prundergast, Asst.
TOWN CLERK

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Kenneth Slade, Paul Cordone, Richard Waters, Ken Rozich, Nicholas Demetriades (alternate)

Absent: Brian Dufresne, David Fitzgerald (alternate)

Also Present: Director of Planning and Development Stuart Popper and Development Compliance Officer Fred Curtin

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:05 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Richard Waters made a motion to seat Alternate Nicholas Demetriades, Seconded by Paul Cordone. *All in favor; motion passed.*

4. Approval of Agenda

A motion to approve the agenda was made by Michael Cannata and Seconded by Richard Waters. *All in favor; motion passed.*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer Report

There was a brief discussion regarding Mr. Curtin's report dated May 30, 2017. Chris Cambareri asked Mr. Curtin to revisit the possible sight line issue caused by the AT&T boxes on the telephone poles and offered to meet with the police in regards to his concerns, if necessary.

Chairman Kelly asked that Mr. Curtin clarify the status notations on several matters as contained in his report.

7. Town Planner Report

Mr. Popper stated that Arcadis Environmental had determined that a portion of town owned property near Cromwell Landing required remediation. He explained that a

section of contaminated soil would be removed and replaced. Because the work would be occurring in the Upland Review area, a wetlands permit would be required. The work will likely begin in mid July and Chevron was the party responsible for the payment of the associated fees.

Chris Cambareri informed the Commissioners that the Lower Connecticut River Valley Council of Governments was in the process of preparing a plan of conservation and development for the first time and was requesting that their Commission complete a survey regarding the types of questions they should ask in preparing their plan. Chris Cambareri asked that they return their surveys to him as he is acting as the alternate to the Commission.

Mr. Popper informed the Commission that the Town of Cromwell had lost its appeal in regards to the Nike Site due to what the judge called an administrative error. At this point, it is up to the developer as to what the next step will be.

8. Public Hearing:

- a. Application #17-11: Request to Re-subdivide 20 and 40 Commerce Drive into 3 lots. C&G Holdings II LLC is the Applicant and the Owner.

Ken Rozich read the legal notices for both public hearings. Michael Cannata made a motion to open the public hearing for Application #17-11, which was seconded by Ken Slade. *All in favor; motion passed.*

Attorney Richard Carella presented the application on behalf of the applicant, C&G Holdings II LLC. He began by reviewing the map and the property itself. He explained that the vacant land (originally, Lot 7) was to be divided into two lots and through a modification of the property line, all three lots would then meet all zoning requirements. There was a discussion of the town right of way and how the current cul-de-sac would be changed into a through street, looping around to County Line Drive, in the event the property is later developed.

Mr. Popper reviewed the comments contained in Town Engineer Jon Harriman's memo dated May 17, 2017. Mr. Popper stated that street trees should be shown on the plan as a condition of approval. Michael Cannata asked the purpose of the resubdivision. Attorney Carella stated it was for economic reasons. Chairman Kelly asked if the property's association had approved the development and Attorney Carella stated that they had not yet approached the board.

There were no public comments regarding the application. Michael Cannata made a motion to close the public hearing. It was seconded by Ken Rozich. *All in favor; motion passed.*

Michael Cannata made a motion to approve the application with the conditions contained in Mr. Harriman's memo (that sizing calculations be submitted for each lot and installed

prior to the issuance of the Certificate of Occupancy, that the driveways require a concrete apron with integrated sidewalk matching the Cromwell Road specifications and the rest of the development, and that an annual report be filed on or before January 31 of each year documenting the stormwater system maintenance activities performed during the prior year), as well as the requirement that street trees be included on the plans. It was seconded by Chris Cambareri. *All in favor; motion passed.*

- b. #17-21 Request to amend Sections 3.2.3 Local Business District Multi-family dwelling units and Section 3.3.4 Highway Business District Multi-family dwelling units – Delete Multi-family dwelling units as a Special Permit Use. The Town of Cromwell Planning and Zoning Commission is the Applicant.

Michael Cannata made a motion to open the public hearing. It was seconded by Ken Rozich. *All in favor; motion passed.*

Mr. Popper presented the application. He began by stating that multifamily dwellings were previously banned from residential zones and only allowed in commercial zones. Now they are allowed in residential zones through the floating PRD zone. Because of the limited amount of commercial property available in town, he believes it makes economic sense to amend the regulation. He stated that he notified the Capital Region Council of Governments and they issued a statement of no conflict. There was no comment from the Lower Connecticut River Valley Council of Governments. Nicholas Demetriades asked for clarification as to the use of the PRD and why this amendment is being proposed. Mr. Popper restated that it was to preserve the limited commercial space in town.

Michael Cannata made a motion to close the public hearing. It was Seconded by Ken Rozich. *All in favor. Motion passed.*

Michael Cannata made a motion to approve the application. Jeremy Floryan seconded it. *All in favor; motion passed.*

9. New Business: Accept and Schedule New Applications:

- a. Application #17-22: Request for Site Plan Approval to construct an Affordable Housing Development at 186 Shunpike Road. JPG Partners, LLC is the Applicant and John C. and Sybil C. Martin Executrix of the Estate of Helen M. Ewald is the Owner. Motion to Accept and schedule for July 18, 2017 made by Ken Slade. Seconded by Paul Cordone. *All in favor; motion passed.*
- b. Application #17-23: Request for Site Plan Modification to install additional parking for the Cromwell Diner at 135 Berlin Road. JL Surveying is the Applicant and SAAD Associates LLC is the Owner. Motion to accept and schedule for June 20, 2017 made by Michael Cannata; seconded by Ken Slade. *All in favor; motion passed.*

10. New Business:

- a. Application #17-18: Request for a Site Plan Modification to install additional parking spaces at 6 Kirby Road. Lisa DiMichele is the Applicant and Luca & Sons Landscaping LLC is the owner.

Mr. Popper began by reviewing the plans approved by the Commission on August 1, 2016, which required, in part, new parking spaces and a handicap ramp. He stated that the barbershop opened without those requirements having been met. A drywell and ten foot buffer off the rear yard were also required by the plans. The applicant was now submitting a plan for more parking for the café. The whole site up to the property line had been paved, including the buffer and side yard, without having obtained a waiver. Mr. Popper wanted an engineer to prepare revised drainage calculations based on the new site conditions.

Chairman Kelly expressed her concerns regarding the applicant's decision to conduct work without the Commission's approval, which was in violation of the regulations. She was unwilling to look past the applicant's mistake and want them to restore the site and then re-submit their application.

Elias DiMichele stated that they had the lot paved based on their surveyor's advice that no buffer was necessary between commercial properties. Michael Cannata stated that they had received erroneous advice from their surveyor. He advised them to retain competent counsel and to work with the town staff to resolve the problems they had created. Luca DiMichele stated that the mistakes they had made were unintentional and they did not mean any disrespect. He stated that he had been working with the building department in regards to the construction of the interior premises of the coffee shop. Ken Rozich advised Mr. DiMichele to pursue the use permit for the coffee shop prior to investing resources in its construction. Chairman Kelly stated that any building intended for occupancy must be signed off by the Zoning Enforcement Officer. Mr. Popper suggested that the applicant withdraw his application and resubmit it at a later date without cost. The applicant agreed to do so.

Michael Cannata made a motion to table the application. Ken Rozich seconded it. *All in favor; motion passed.*

Mr. Popper stated for the record that a property line dispute existed between the applicant and the Cromwell Diner. The plans may need to be amended depending on the resolution of the dispute.

- b. #17-19 Request for a Site Plan Modification to install retail Propane Tank Cage unit at 117 Berlin Road. Paraco Gas is the Applicant and SHRI AMBE LLC is the Owner.

Mr. Popper stated that the applicant was proposing to install large concrete blocks in front of the store, which, were in his opinion, unsightly. He suggested that bollards be installed instead.

Steve Taylor presented the application. He stated that the tanks could be located elsewhere on the property provided that their placement was approved by the Fire Marshal. He stated that his company provides concrete blocks free of charge, but does not provide bollards. It would be up to the property owner to pay for the installation of the bollards. There was also a brief discussion regarding the marketing signage associated with the tank storage. There was a brief discussion regarding the preferred placement of the tanks.

A motion to approve the application was made by Michael Cannata, with the requirement that the tanks be placed on the West side of the property, that all requirements per the Fire Marshal be complied with, that all signage comply with the current zoning regulations and that bollards be installed in lieu of concrete blocks. Paul Cordone seconded the motion. *All in favor; motion passed.*

11. Commissioner's Comments

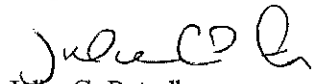
None

12. Approval of Minutes

- a. May 16, 2017: Motion by Michael Cannata to approve the minutes, Seconded by Ken Rozich. *All in favor; motion passed.* Note: Paul Cordone and Nicholas Demetriades both abstained from the vote.

- 13. Adjourn:** Motion to adjourn at 8:17 p.m. by Michael Cannata, Seconded by Ken Rozich. *All were in favor; the motion passed.*

Respectfully Submitted,



Julie C. Petrella
Recording Clerk