

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

Jean Orlowski
TOWN CLERK

7:00 PM TUESDAY AUGUST 1, 2017

**ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Richard Waters and David Fitzgerald (alternate)

Absent: Brian Dufresne, Ken Rozich, Kenneth Slade and Nicholas Demetriates (alternate)

Also Present: Director of Planning and Development Stuart Popper

1. Call To Order

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

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat Alternate David Fitzgerald, Seconded by Richard Waters. *All in favor; motion passed.*

4. Approval of Agenda

A motion to approve the agenda was made by Michael Cannata and Seconded by Jeremy Floryan. *All in favor; 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 due to illness. Mr. Popper offered to pass along any questions the members might have, but there were no questions.

7. Town Planner Report

Mr. Popper discussed the STEAP grant to improve Cromwell Landing Park by adding in a walkway and handicap accessible pier. He stated that there would be some tree cutting and maintenance in the area adjacent to the river. He stated that there had been a wetlands application that was approved for soil remediation at the northern end of River Road and Wall Street. Some brush would be cut for surveying purposes. He also stated that if the developer goes forward at 120 County Line Drive, then an erosion control plan would be issued, as well as a grading and site plan.

9. New Business Accept and Schedule New Applications:

- a. Application #17-31: Request for a Site Plan Modification to install a monument sign at 200 West Street. Dorothy Williams is the Applicant and Linh D. Truong and Linda Duong are the Owners.

Mr. Popper stated that the sign complies with the zoning regulations. He was asking the Commission to accept and schedule the application to be heard tonight. He stated that the house is a single family residence that is currently non-conforming as it is in the Highway Business District.

Michael Cannata made a motion to accept and schedule the application to be heard tonight; seconded by Jeremy Floryan. *All in favor; motion passed.*

Dorothy Williams, 360 Berlin Turnpike, Berlin, Connecticut, stated that she planned to operate an astrology, chakra balancing and energy healing business at the site. She would not be living at the property. Chris Cambareri asked if this was an approved use and required a license. Mr. Popper confirmed that it was approved and Ms. Williams stated that no license is necessary. Chairman Kelly asked about the color of the sign. The applicant stated it was red or burgundy. She would be the only employee. Mr. Popper stated that the applicant had been working with the building department and Zoning compliance officer on the handicap ramp, parking and signage.

Michael Cannata made a motion to approve the Application conditioned upon the applicant working with building department staff to complete all required improvements; seconded by Richard Waters; *motion passed.*

10. New Business:

- a. Application #15-31: Request for a Site Plan Modification to install a temporary parking lot at 14 Hillside Road. GKN is the Applicant and Buhl Land East V LLS is the Owner.

Mr. Popper stated that the application approved on July 21, 2015 was conditioned upon a four year limit for the use of the temporary parking lot and a two year review and status report being submitted. The Applicant has submitted the required two year review and status report. Mr. Popper stated that he had conducted a site visit and the site was in good condition and all requirements had been met.

Nick Shaw, Plant Engineer for GKN, stated that they were asking for an extension of time to use the parking lot. They wanted to maintain the spots and possibly expand further. They were not planning on making it a permanent lot at this time as the property is only leased and the operation could move in part in the future. Mr. Popper clarified that the applicant was really only asking for an additional three years.

Michael Cannata made a motion to approve the application, Seconded by Chris

- Cambareri. *All in favor; motion passed.*
- b. Application #11-31: Request to release the \$1,200.00 street tree bond (six trees at \$200 per tree) for the Sunset Ridge Subdivision. Reed Builders, LLC was the applicant, John Masserio and Janice Piccoli were the Owners.

Mr. Popper stated that he had conducted a site visit and all six trees had been planted. He asked the Commission to vote to release the bond. Chairman Kelly confirmed that she had visited the site and all six trees were there. Michael Cannata made a motion to approve the request, Seconded by Richard Waters. *All in favor; motion passed.*

11. Public Hearings:

- a. Application #17-25: Request to amend the Zoning Map to create a Planned Residence Development Zone District at 76 Field Road. Carrier Group, Inc. is the Applicant and Larry Webster Associates is the Owner.

Mr. Popper informed the public in attendance that this was a two step process, with only the zone change being decided at this time. If approved, there would be a separate hearing on the site plan and special permit application. He also stated that if the concept plan was approved for 75 houses, the number would then be set and could not be increased. All design details would be discussed at the later hearings. Michael Cannata made a motion to open the public hearing; seconded by Paul Cordone. *All in favor; motion passed.*

Joan Molloy, of Loughlin Fitzgerald, in Wallingford, Connecticut, represented the applicant. She stated that this was a zone change application for the 50 acre parcel from R25 to PRD. She stated that the property could be developed as a traditional subdivision. She stated that she had submitted summary information regarding the waivers being requested. Attorney Molloy next reviewed the revised emergency access, which consisted of the existing right of way with an additional two connections so that most homes could then be accessed two ways. She stated that the traffic engineer would provide updated information at the hearing on the site plan and special permit. She stated that a licensed environmental professional was here to discuss the remediation process. She discussed the "house lot", which would be restricted in its development and accessed only through a private drive through the proposed subdivision.

Scott Bristol, LEP, of Milone and MacBroom, stated that he was licensed by the state of Connecticut to access and clean up affected parcels. The subject property was used for agriculture, and dieldrin was a commonly used pesticide likely to be present. He stated that the chemical stays in the soil and doesn't wash out. He said that the state guidance for the past two years has been to manage the soil onsite by blending it with deeper soils and also removing one to two feet, creating berms, and capping them with clean topsoil. He stated that the previous owner had sampled the soil in 2011 and meet with the DEP in 2012 to discuss the process of relocating and capping the soil. Mr. Bristol stated that there would be dust controls and erosion and

sedimentation controls. At the end, the soil would be sampled to ensure success. Richard Waters asked about test bores and when the usage of dieldrin was phased out. Mr. Bristol stated that he hadn't conducted any test bores and did not know when the pesticide was last used. Using DEEP criteria, they would remove all soils that exceed acceptable levels. Mr. Bristol stated that there would be no regulated waste. He also stated that the developer is the one to bring in the fill material and to complete the grading. As the LEP, he will sample the fill to ensure it is clean, will provide the sequence for work and confirm the grading plan. Mr. Popper reminded the Commission that this type of remediation is heavily regulated by the DEEP.

The hearing was opened up to public comment. Chris Rasmussen of 16 Glenwood Terrace, stated that he had reviewed the Town's Plan of Conservation and Development and that he did not believe that higher end developments were wanted or needed. He did not believe that the occupancy rates cited by the applicant warrant further development. Nicholas Armata of Milone & MacBroom, clarified that these were single family home owner-occupied occupancy rates.

Michael Camilleri, 14 Centerwood Drive, reiterated his suggestion that the remaining acreage could have a deed restriction that gives the town power to veto development. He further stated that he hoped the traffic study information would be made available electronically. He also stated that he supported the application.

Julie Schmidt of 54 Field Road stated that she was concerned over the possible traffic and safety. She stated that people often bike and walk along that area of Field Road. She wanted there to be a stop sign along Field Road to make the intersection at Field Road and Greendale Road a three-way stop.

Rich Rogozinski, 5 Rivercove Drive, asked how many lots there would be if it was developed as a R-25 zone.

Dick Coughlin, 19 Glenwood Drive, stated that he was concerned about Agent Orange in the soil. He also stated that there was a large shrub near that part of Field Road that blocks the view.

Nick DiBattista of 71 Field Road, voiced concerns about the narrowness of Field Road, especially during the winter snowplowing season. He is concerned about possible accidents during the winter and drivers pulling out and ending up on his front lawn. Mr. Popper stated the he would talk with the town engineer and highway department regarding the width of the road, especially after plowing.

Mark Benedetto, 30 Field Road, was concerned over the amount of construction related traffic, such as concrete trucks. Chairman Kelly stated that that was a detail to be dealt with during the site plan or special permit application.

Eric Montas, 98 Field Road, asked if the information could be made available via electronic dropboxes. Mr. Popper stated that that type of technology was not

available at this time and not something that the Commission could order.

Mary Tobias, 61 Field Road, asked how the number of houses was determined. Mr. Popper stated that it is up to the Commission to approve or disapprove the concept plan. The number was proposed by the developer in the concept plan.

Attorney Molloy stated that 72 to 100 lots were possible in a traditional subdivision. She stated that the number of lots proposed was similar to that of nearby developments and it was possible that the final number could be less than the 75 proposed.

Michael Cannata wanted confirmation that a broad spectrum of pesticides would be tested for and remediated, not just dieldrin.

Attorney Molloy summarized her argument that the application met the standards set forth in 8.9.D of the Zoning Regulations for a PRD in that water and sewer were available, that no municipalities or regional planning groups had objected, that it was consistent with the POCD, that residential use was permitted and maintained, that it was consistent with the residential neighborhoods nearby, and that the anticipated impacts were all the same as if it had been developed as an R-25. She stated that all requirements would be complied with at the time of the site plan / special permit application, that the development did not impact natural resources, that it would not impact the level of service as far as traffic capacity, and did not endanger safety, health or welfare of the surrounding community.

Attorney Molloy reviewed the six requested waivers as set forth in her letter dated June 12, 2017.

She stated that the soil will be managed in compliance with DEEP. The revised Fiscal Impact Analysis will be provided at the Special Permit hearing.

There was a brief discussion among the Commission member, Mr. Popper, Mr. Camilleri and Attorney Molloy about the appropriateness of including a development restriction affecting the remaining acreage at tonight's hearing as it only affects the 50 acre piece and because the remaining acreage is essentially landlocked and does not have the required 50 feet of frontage along a town road. Attorney Molloy stated that the HOA will control the right of way, that all development proposals would need to go in front of a land use board, and that she is not comfortable having the town being part of a private agreement at this time. She is asking that the issue be addressed at the special permit hearing instead. Chairman Kelly agreed that the present application was only for the 50 acres and not the other land.

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

Michael Cannata made a motion to approve the six requested waivers:

1. 9.4.B.2 Requirement that the Municipal Fiscal Impact statement be prepared by a professional real estate economic analyst. Report prepared by an AICP certified planner. Applicant does not seek to change use from the current approved use – residential homes.
2. 9.4.B.4(2) Design and shading of proposed lighting
3. 9.4.B.4(3) Design and layout of parking and its feasibility and safety for use by public
4. 9.4.B.4(4) Capacity of the wastewater, water and other utility systems proposed to be built and used by the project. Applicant has provided confirmation municipal systems will be able to serve the proposed development
5. 9.4.B.5. Cultural, aesthetic or heritage – not applicable to the site.
6. 9.4.B.6. Natural resources – not applicable as views or view shed, no wetlands on the site, no endangered or critical plant species or woodland habitats, and no endangered or critical animals or natural habitats. Site is a former plant nursery. Soil management will be in compliance with DEEP guidance policies.

The motion was seconded by Paul Cordone. All favor except Richard Waters.
Motion passed.

Michael Cannata made a motion to approve the application; seconded by Paul Cordone. All in favor except Richard Waters. *Motion passed.*

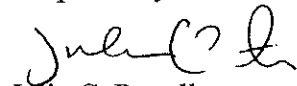
12. Commissioner's Comments: NONE

13. Approval of Minutes:

- a. July 18, 2017: A motion to approve the minutes was made by Michael Cannata; Seconded by Paul Cordone. *All in favor; motion passed.*

14. Adjourn: a motion to adjourn was made by Michael Cannata; seconded by Paul Cordone.
All in favor; motion passed. Meeting adjourned at 8:53 p.m.

Respectfully Submitted,



Julie C. Petrella
Recording Clerk