

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY AUGUST 15, 2017
CROMWELL TOWN HALL GYMNASIUM 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Richard Waters, Brian Dufresne, Ken Rozich, Kenneth Slade, Nicholas Demetriates (alternate), and David Fitzgerald (alternate)

Absent: NONE

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Fred Curtin

1. Call To Order

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

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

NONE

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8/22 2017 at 1:14 P.M.
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Gloria Prendergast, Asst.
TOWN CLERK

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

Mr. Curtin reviewed his August 8, 2017 report. There were no questions from the Commission.

7. Town Planner Report

There was no report.

9. New Business Accept and Schedule New Applications:

- a. Application #17-32: Request for an Erosion and Control Plan for 120 County Line Drive. Arco National Construction is the Applicant and Gardner Nurseries is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard on September 5, 2017; Seconded by Paul Cordone. *All in favor; motion passed.*

- b. Application #17-33: Request to Operate a Minor Home-Based Business at 48 South Street. Christopher Panebianco is the Applicant and the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard on September 5, 2017; Seconded by Ken Slade. *All in favor; motion passed.*

10. Public Hearing:

- a. Application #17-22: Request for Site Plan Approval for Center Point Apartments (an Affordable Housing Application) at 186 Shunpike Road. JPG Partners, Inc. is the Applicant and the Estate of Helen M. Ewald c/o Sybil C. Martin Executrix is the Owner.

Ken Rozich read the public notice aloud. A motion to open the public hearing was made by Michael Cannata; Seconded by Brian Dufresne. *All in favor; motion passed.* Chairman Kelly notified the public in attendance that the hearing would be continued to the September 19, 2017 meeting. Mr. Popper read into the record a Memorandum dated August 15, 2017 from Town Attorney Kari L. Olson which summarized pertinent parts of Connecticut's Affordable Housing Appeals Act.

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, represented the applicant. He began by submitting an affidavit regarding the required signs and that all neighbors within two hundred feet (200') of the property had been provided written notice of the hearing. He stated that the purpose of the Affordable Housing Act was to provide housing for middle income families and that this program was not federally subsidized. Thirty percent (30%) of the units would be set aside for a term of no less than forty years with fifteen percent (15%) rented at 80% of state median income levels and fifteen percent (15%) rented at 60% of state median income levels. The other seventy percent (70%) would be leased at market rates. The units consisted of studio, one-, two-, and three-bedroom apartments. Attorney Landolina summarized Connecticut judicial rulings to state that noncompliance with zoning regulations is not sufficient grounds to deny the application and that denials had to be based on the two standards of health and safety. There needed to be a real significant adverse impact and that the mere possibility of harm was insufficient grounds for denial.

Cromwell's median income was \$89,700.00, so the set aside units would be available to those making approximately \$72,000.00 (80%) or approximately \$54,000.00 (60%). He stated that the Department of Housing's goal is for each town to have ten percent (10%) of their housing stock as affordable housing. If a town had 10%, they could be exempt from additional applications by requesting a moratorium for a period of four years. He stated that Cromwell's current rate is 6.33%. He reviewed some sample calculations as to the projected monthly rental rates, which were submitted for the record, as well as some sample lease provisions. He stated that the provisions

would be enforced by the developer but that the town's fair housing or zoning officer could also ensure compliance and review the financial records at any time.

The project engineer, Christopher Juliano of Juliano Associates, LLC, Wallingford, Connecticut, reviewed the proposed plans. He began by reviewing the location, topography, grading and utility plans. He stated that there were wetlands on the property, but no work was proposed for the wetlands or Upland Review Area and that a wetlands permit had already been obtained. The plan calls for four buildings, comprising ninety-two units in total. Two buildings would be four stories. There would be 136 parking spaces and the town's request for additional handicapped parking could be accommodated. All materials cut from the site would be filled back on site. The project would be serviced by public sewer, water, gas and underground electric service. He also reviewed the stormwater management plan, the erosion control methods and the proposed construction sequence and narrative. The development would occur in stages to limit adverse impacts. He ended his presentation by reviewing the landscaping planting plan.

Stephen R. Ulman of Alfred Benesch & Co., of Glastonbury, Connecticut, reviewed his traffic study. He began by reviewing the site layout, speed limits and sight line distances and crash data from the surrounding area. He reviewed the proposed trip generation data for peak morning and afternoon times. He summarized his findings from his January 2017 study and stated that there would be no adverse impact on the service levels of the surrounding roadways.

The public hearing was opened up to public comment.

Peter Hanson of 100 Court Street submitted written comments for the record. He opposed the application, citing the potential impacts on neighboring property values, the aesthetic look of the project, and the increased demand on the school system. He stated that the Plan of Conservation and Development seeks mixed use and business for this portion of the north end of town. He questioned the current housing vacancy rate and requested that existing housing be converted to affordable housing.

Tommy Hyatt, 98 Court Street, opposed the application, stating his opinion that the developer was using the Affordable Housing Act as an attempt to bypass the zoning regulations. He disputed the findings of the traffic study.

Richard Trommer, 15 Evergreen Road, opposed the application, stating his concerns over the amount of traffic and congestion in the vicinity of the traffic signal at Coles Road and Shunpike Road, resulting from the increased development in Rocky Hill.

Dilys McIntyre, 104 Court Street, stated that the development doesn't meet the buffer requirement. She opposed the application as not considering the welfare of the surrounding homes. She asked that, if it was accepted, that a fence that could not be climbed of the maximum allowed height be installed between her property and the development.

Chris Williams spoke on behalf of her mother, 106 Court Street, stating that the project density was too high and she was concerned about traffic and safety. She asked that, if it was accepted, that an attractive fence be installed between her mother's property and the development.

Ken Smith, 34 Elm Road, opposed the application, citing the density, the traffic, and the stress on the school system. He believes there is adequate affordable housing in town and wants a larger traffic study to be performed.

Gabriela Sharon, 4 Sachem Drive, opposed the application, citing concerns regarding the impact on the schools. She questioned whether the school buses would stop on Court Street or enter the development to pick up and drop off children.

Rhonda Papallo, 9 Woodbridge Lane, opposed the application, stating that she disagreed with the traffic study's findings of no adverse impact. She stated that the proposed buildings were unattractive and not progressive. She recounted the adverse impacts brought about by an affordable housing development in Meriden.

Harry McIntyre, 104 Court Street, opposed the project, saying that the four story buildings were out of character of the neighborhood. He stated that he has farm equipment on his property that could be an attractive nuisance and wanted a fence installed that could not be climbed and was of the maximum allowed height.

Matt Zabroski, 25 Sovereign Ridge, stated that a traffic study done in January would not accurately account for foot traffic or traffic resulting from sports being in season. He questioned whether there were any species of concern in the area and how many people would be residing in each unit. He objected to this project but stated he was in favor of affordable housing generally.

Erin Omicioli, 1 West Street Heights, stated concerns for the civil service as the fire department does not have a ladder truck that can reach four stories and the small size of Cromwell's police force.

Pat DePerry of 6 Marshal Lane, opposed the proposed design and size. She expressed concerns over traffic. She stated that rental properties were not included in the calculation of the percent of affordable housing available in town.

Jonathan Rolla, 6 Fennwood Drive, cited the density as his reason for opposing the plan. He was concerned over traffic and the impact on the schools and stated that the daycare on Shunpike was difficult to enter and exit because of the traffic.

James Demetriades, 7 Bonnie Briar, stated that zoning and density concerns could be a substantial factor to consider and cited the negative impacts on traffic and the schools. He stated that he wanted to see a more interactive process between the developer and the neighbors.

Beth Nielsen spoke on behalf of her mother, Katherine Nielsen, 106 Court Street, in opposition. She questioned the demand for this affordable housing, whether there would be residency restrictions, the enforcement process and why there was a hurry to get to the ten percent goal.

A gentleman spoke in opposition, citing the need for more police and firefighters if this project was approved. He stated that he did not want more affordable housing in town. He said that the town needed more housing for those fifty-five years and older.

Donna Brilliant, 91 Court Street, repeated concerns over property values, the exclusion of rental properties in calculating the rate of affordable housing, and the impacts on the schools and traffic. She stated that it was a fair and equitable argument. She pointed out that there were no sidewalks included in the plans.

Pierre Brilliant, 91 Court Street, opposed the application.

Laura Uccello, 6 Lancaster Road, was concerned about the impact on student-teacher ratios and insufficient school supplies and equipment and spoke in opposition.

Al Waters, 86 South Street, opposed the project, citing the impact on traffic.

William Vincenzi, Jr., 14 Sovereign Ridge, opposed the application, citing concerns over traffic, density, and adverse impact on surrounding property values.

Alicia McKernan, 8 Southwood Road, was concerned because the program doesn't give Cromwell residents preferential status in leasing the units.

Curt Anderson, 15 Ridge Road, stated that he wanted the developer to go back to the drawing board on this project.

Melissa Pine, 21 Cider Hill Drive, stated her concerns over the developer's history, referencing the Cider Hill project, in which the town had to complete certain improvements to the roadway. She stated that she did not think that the developer should be allowed to continue to work in town.

Jane Sarnowski, 20 Applewood Road, was also concerned over the past work and the town's relationship with the developer.

Abby Marchinkoski, 17 Bow Lane, opposed the development, referencing lawsuits the developer is or was involved in. She wanted to see a different plan for affordable housing that utilized the existing housing stock.

Diane Wiegert, 75 Geer Street, was concerned over the traffic and wanted to know how it would impact those walking and biking on the street.

Mr. Popper read aloud two letters that he had received. The first was from Giovanna Fortunato, 87 Court Street, regarding a petition she started on change.org that had 578 supporters. She cited the impact on the schools, neighboring home values, and traffic congestion. The second was from Sara Montauti, 16 Scott Lane. She also opposed the development, citing traffic, noise, excessive density, property values, possible tax increases, and concerns over fire safety and policing.

Venita Walker, 17 Scott Lane, stated her concerns over speeding, the impact on aesthetics, and need for more police and issues with exiting and entering traffic to the nearby daycare.

After the public was given an opportunity to speak and be heard, the Commission members were given the opportunity to speak. Chris Cambareri questioned the residential or commercial status of the proposed recreational building, the distance to the abutting neighbors, and the proposed traffic pattern. He stated that he wanted to see sidewalks around the entire project. He said that the affordable housing act was to prevent exclusionary zoning; not to be a loophole for developments that wouldn't ordinarily be allowed. He wanted the performance bond spreadsheet to be submitted for review.

Richard Waters stated that the building design was unattractive and that he had concerns over the traffic impact and the developer's history, citing the issue with Cider Hill Drive.

Jeremy Floryan stated that he was concerned over the accuracy of the traffic study.

Michael Cannata asked about the number of elevators in the buildings, the installation of a sprinkler system, crosswalks, and sidewalks. He stated that he wanted to see a traffic study that had been conducted while school was in session and one that accounted for pedestrians. He asked if this was a major traffic generator that would require a state permit.

Ken Rozich agreed with Michael Cannata's comments regarding the traffic issues. He was concerned with the developer being responsible for compliance. He did not want the town to take on the burden and expense of enforcing the provisions of the act. He asked whether the restrictions ran with the land or could be stripped in foreclosure.

Nick Demetriades stated similar concerns to those raised by the Fire Chief in his letter. He also asked for clarification regarding the construction sequence and snow removal.

Chairman Kelly asked the developer to review the zoning regulations regarding multifamily homes to check that he was in compliance and to submit a performance bond spreadsheet and information on building materials. She was concerned over the timing of the traffic study. She also wanted to know what zoning regulations were pertinent to this application and asked Mr. Popper to forward that question to the town attorney.

Michael Cannata made a motion to continue the public hearing until September 19, 2017; Seconded by Paul Cordone. *All in favor; motion passed.*


11. Commissioner's Comments: NONE

12. Approval of Minutes:

a. August 1, 2017: No action taken.

13. Adjourn: A motion to adjourn was made by Michael Cannata; seconded by Paul Cordone. *All in favor; motion passed.* Meeting adjourned at 10 p.m.

Respectfully Submitted,


Julie C. Petrella
Recording Clerk