



Town of Cromwell Planning and Zoning Commission

SPECIAL MEETING ***7:00 P.M. TUESDAY APRIL 19, 2016*** ***ROOM 224 CROMWELL TOWN HALL 41 WEST STREET*** **Minutes and Record of Votes**

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Slade, Rich Waters, David Fitzgerald, Paul Cordone (arrived 7:30pm)

Absent: Brian Dufresne, Ken Rozich

Other Present: Town Planner Stuart Popper, Town Engineer Jon Harriman, Zoning Enforcement Officer Fred Curtin, Town Manager Anthony Salvatore, Town Council Liaison Ed Wenners

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:02 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 Rich Waters 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 Jeremy Floyran to approve the agenda. *All were in favor; the motion passed.*

5. Public Comments - none

6. Development Compliance Officer Report:

Fred Curtin, Zoning Enforcement Officer said that he received two appeals for cease and desist orders and both were upheld at the last Zoning Board of Appeals meeting. He said he received the first request for fireworks at Kmart plaza. Mr. Popper said that in the past, some requests

have gone before the commission for approval. Chairman Kelly asked the Commissioners if they would like to allow the town staff to approve requests for firework tents.

A **motion** was made by Rich Waters and **seconded** by Ken Slade to allow town staff to approve requests for firework tents. *All were in favor; the motion passed.*

Mr. Curtin continued to review his report. Mr. Cambareri said there is a small blue cape on Court Street and Woodside with a few cars and trailers behind the garage. He said he will send the address to Mr. Curtin for follow up.

7. Town Planner Report:

Mr. Popper said that Dream Garden opened in Milane's retail center. He said there are continued discussions at the K-Mart plaza about future tenants at the X-pect site. An Advanced Auto application for 72 Shunpike should be at the next meeting and there could possibly be other retail operation applications for that site.

8. New Business: Accept and Schedule:

- a. Application #16-10: Request to modify the Site Plan at 302 Main Street to install a new sign and landscaping. Pinewood Landscaping LLC is the Applicant and MK Ventures LLC is the Owner.

Mr. Popper said that last week you received a copy of the sign and Mr. Curtin reviewed it and determined it was in compliance. They would like to pave the parking lot and move forward with retail operations in the back so they will be coming back to this Commission with an application. Would you consider accepting the sign application and hearing it this evening. Chairman Kelly asked Mr. Curtin if the sign meets the requirements and Mr. Curtin said yes. Chairman Kelly asked if it was illuminated and Mr. Curtin said he wasn't sure but would find out. She asked if it was exactly as pictures and Mr. Popper said yes.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept applications for agenda items 8a through 8h. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-10. *All were in favor; the motion passed.*

- b. Application #16-11: Request to modify the Site Plan at 224 Shunpike Road to add retail sales, signage and parking. Plummer All Season Pinewood Landscaping LLC is the Applicant and Mountain Springs Associates LLC is the Owner.

Mr. Popper said that Mr. Plummer was here before and said he would be back for a retail side. He will also be formally striping the parking lot.

Tommy Groat of Plummer Landscaping said it is a pleasure to work with you. Mr. Groat explained the parking, signage and seasonal sales. He said they might reserve an area for plant sales and will sell mulch by the bag and in bulk. He said there will be stop signs in place for customers and employee parking would be created.

Chairman Kelly asked Mr. Popper if these changes were ok for the zone they are in. Mr. Popper said yes. He also said that the Fire and Police Departments as well as the Town Engineer looked at the parking and had no issues.

Mr. Waters said the application says All Season and Mr. Groat said that was a misprint.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-11. *All were in favor; the motion passed.*

c. Section 8-24 Mandatory Referral for the Town of Cromwell Raymond Place Neighborhood Roadway and Drainage Improvements Project.

Mr. Popper said that if you issue a favorable 8-24 I would also ask that you move to the site plan approval.

Jon Harriman, Town Engineer said that project has been in the works for a number of years and it included 9 streets in town. They are north of Geer and west of Main. He said they are all older streets and received the lowest rating in roadway ratings. Mr. Harriman said that the drywells were installed in the 50's and are failing. He said we received the wetlands permit last week. We will do away with the drywells and install catch basins. He said the water will be routed into the rear portion of Watrous Park and will be sized to handle the 100 year storm. Mr. Waters asked if they will replace the water and sewer lines at the same time. Mr. Harriman said yes but only water lines and the Water Division will come to you for an 8-24. He said Yankee Gas wouldn't get on board with running gas lines.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to issue a favorable 8-24 referral for the Raymond Place Neighborhood Roadway and Drainage Improvements Project. *All were in favor; the motion passed.*

d. Application #16-13: Request for Site Plan Approval for Raymond Place Neighborhood Roadway and Drainage Improvements. The Town of Cromwell is the Applicant and the Owner.

Chairman Kelly asked when they would start the project. Mr. Harriman said they will go out to bid early summer so hopefully they can start in early August or September. He said they would have to begin by building the storm water pond so it would depend on the winter.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to approve application 16-13. *All were in favor; the motion passed.*

e. Section 8-24 Mandatory Referral for the Town Hall Parking Lot Expansion at 41 West Street.

Mr. Harriman said they have received approval from the Zoning Board of Appeals for the variance they requested. He said he started working on this project with the former Town Manager. He said the parking lot is over-parked with the use of the building.

Paul Cordone arrived at 7:30pm.

Mr. Harriman said he conceded there is space in the islands but the regulations don't permit that. He said they have a request to the DOT for the right-a-way. He said we would gain 16 spaces and lose 1 existing. Mr. Harriman explained the counter-clock wise movement around the building. He said the new spots would be made available to employees during the day and open to all at night. He said at the same time they would entirely reconstruct the parking lot. Mr. Waters asked if they had state approval and Mr. Harriman said that is pending. He said they are considering whether to lease or give us the land. He said they would need to remove 5 trees and the Christmas tree has a disease and is in sad shape so that might need to be replaced no matter what happens with this. He said the sign would stay where it is.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to issue a favorable 8-24 referral for the Town Hall Parking Lot Expansion at 41 West Street. *All were in favor; the motion passed.*

f. Application #16-14: Request to Modify the Site Plan for Town Hall Parking Lot Expansion at 41 West Street. The Town of Cromwell is the Applicant and the Owner.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to approve application 16-14. *All were in favor; the motion passed.*

g. Section 8-24 Mandatory Referral for Town of Cromwell Lighting Improvements at Pierson Park.

Mr. Popper said this was requested by the Bond Council and the Board of Finance. If an 8-24 was issued we would come back with a site plan. He said that is the nature of the bond.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to issue a favorable 8-24 referral for Lighting Improvements at Pierson Park. *All were in favor; the motion passed.*

h. Application #16-12: Request for Temporary Event Permit for the Annual Sales of Christmas Trees and Mother's Days Plants and Flowers at Coles Road and West Street Firehouses. Town of Cromwell Fire District is the Applicant and the Owner.

Mr. Popper said we are requesting that you let Staff approve these requests on an annual basis.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve application 16-12 and allow staff to handle all future requests for all Fire District tree and plant sales. *All were in favor; the motion passed.*

9. New Business

- a. Notification of Zoning Board of Appeals Applications # 16-01 and 16-05.

Mr. Popper said that there is a formal process in the regulations that you need to be advised of application. He said both applications are included in your package. He said both applications are continued until May 10, 2016.

10. Public Hearing:

- a. Application #16-09 Request for a Temporary Use Permit to conduct the Travelers Championship Tournament at 100 Golf Club Road. The Greater Hartford Community Foundation is the Applicant and the Tournament Players Club of Connecticut is the Owner.

Mr. Cordone read the legal notice dated April 5, 2016.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to open the public hearing for application 16-09. *All were in favor; the motion passed.*

Attorney Daniel Kleinman Hinckley Allen said this is a milestone for us since it is the 65th anniversary of the tournament and 33 years in Cromwell. The other 32 years were in Wethersfield. He thanked Cromwell and said this is a true partnership. He said there is a change to the tournament this year with the dates being August 1 – August 7, 2016. He said there are a number of conditions the Applicant has agreed to in previous years and Attorney Kleinman referenced a letter from Chairman Kelly dated March 30, 2015. He said we will communicate to the Homeowners if there are any changes to their conditions.

Kevin Harrington, Greater Hartford Community Foundation explained the timeline of the construction of the temporary structures. He said they will have brief events at the conclusion of play and musical entertainment will be open to ticket holders and these events are drivers to charitable giving. He said we will continue to work with Fire and Police to conduct safe events. Mr. Harrington reviewed possible plans for offsite parking locations.

Chairman Kelly asked for any members of the public who wanted to speak regarding application 16-09.

Barbara Gallo, 32 Glenwood Terrace thanked Mr. Harrington for his help. She asked if the set up time has been extended and how will it affect my house. She asked if the tear down of the stands would adhere to the 2 week time limit.

Mr. Harrington said we intend to do the same time frame as we did last year. He said we always try to be sensitive to the areas closest to your home. He said we will address the structures close to Ms. Gallo's home quickly. Ms. Gallo asked if the stands would be up for July 4th. Mr. Harrington said he guesses it will be close but they agreed to chat after the meeting about it. Ms. Gallo asked if there were any major differences and Mr. Harrington said they could potentially have a hospitality venue but that would be further away from your house.

Mr. Popper said we have condition numbered 1-15 and the homeowners have conditions numbered 1-6.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to close the public hearing for application 16-09. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve application 16-09 with the 15 conditions found on a memo dated March 30, 2015 signed by Chairman Kelly. *All were in favor; the motion passed.*

- b. Application #16-05: Request to resubdivide 192 Shunpike Road to create a 15,384 square foot lot containing the existing house and Lot #2 (4.86 Acres) for future development. Premier Partners Associates LLC is the Applicant and the Estate of Helen M. Ewald, Sybil C. Martin Executrix is the Owner.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to open the public hearing for application 16-05. *All were in favor; the motion passed.*

Mr. Waters told Mr. Popper that people were told that the public hearing was not going to happen tonight and they were being turned away. Mr. Popper said that is incorrect that he told people what the subject of the matter was. He said I didn't turn anyone away. He said I explained the subject and that this doesn't involve the property on Court Street.

Attorney Joe Williams, Shipman and Goodwin said he had housekeeping items including the notice of letters sent to abutters and the photos of the signs being up. He gave those to Mr. Popper. Chairman Kelly asked if all abutters were notified and Mr. Popper said yes. Mr. Popper said this hearing is to only subdivide the single family house parcel. Mr. Popper clarified for the Commission that the previous application submitted by the applicant is pending in Middletown Superior Court.

Attorney Williams said that we have tied up the estate property for 2 years. He said your charge tonight is to determine that the proposed lot complies with the regulations not determine the use. He said it is currently a non-conforming use as a single family use. Attorney Williams reads a statement on land law use and the temporary suspension of non-conforming use. He said the previous owners passed away so it that is not voluntary. He said the estate has been marketed properly and entered into an agreement.

Attorney Julie Petrella, 630 Main Street said the Mrs. Ewald passed away on December 20, 2012. The estate was created on January 31, 2013. Mrs. Ewald wanted the property to be offered to family before a public sale. The public sale began in July of 2013. She said it has two listings since it is a residential use in a commercial zone. We agree we did not abandon the residential use.

Christopher Jiuliano, Licensed Engineer at 405 Main Street Wallingford said they are looking to subdivide an existing house. He said we would create a 20,701 square foot parcel which is the exact size and dimension of the previous application. He said we will install sidewalks on all sides including Court and Shunpike with minor grading. He said the Town Engineer submitted a bond estimate for sidewalks and trees and we have no problems with that. He said it is very straight forward. Mr. Popper said there were no comments from the Police or Fire Departments. Mr. Jiuliano said we will replace trees if we take any down. Mr. Cannata said the public notice size is different than the size you have on sheets 2 and 3. Mr. Jiuliano said yes, that is a typo. Mr. Cannata asked if the legal notice is correct and Mr. Popper said no, that is my fault, I read the wrong sheet. Attorney Williams said that doesn't require a re-notice. He said the letter we sent went out twice. What is required is that we notify people so they have the opportunity to come speak and that has been provided. Mr. Popper said I tend to agree with that, people are aware we are asking to create a subdivision so in essence this doesn't change the application.

Attorney Petrella said she was in agreement.

A break was called at 8:21 and the meeting was called back to order at 8:27pm.

Chairman Kelly asked for any members of the public who wanted to speak regarding application 16-05. No one came forward.

Mr. Cordone asked if the size of the lot was ok. Mr. Popper said it is ok for it to be bigger in local business zone but not in a residential zone. Attorney Williams said the bulk requirements on page 42 allow for a minimum lot of 15,000 square feet so we exceed that. Chairman Kelly said this is residential use in a commercial zone. She said the zoning regulations only matter to the requirements of the lot and the regulations don't allow for residential use. Attorney Williams said the lot conforms to the requirements. There was a discussion on the commission powers and planning versus zoning. He said planning only looks at lot requirements not use.

Mr. Popper said you are questioning use and continued use of a non-conforming use. He said you don't have authority to tell someone you can't subdivide a non-conforming use since they are not changing anything. Chairman Kelly said that doesn't agree with the Plan of Conservation and Development. She said for 4 years no one has been there. Mr. Cannata said it would have to go to Zoning Board of Appeals to be substantially changed. Attorney Williams said, true it would have to be used to conformity. Mr. Cannata said so it will remain a house until a permit is sought and Attorney Williams said yes.

Chairman Kelly again asked for any members of the public who wanted to speak regarding application 16-05. No one came forward.

Mr. Popper asked that if the Commission were to approve the application tonight it would be with the requirements contained in Jon Harriman's memo dated 3/29/2016.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to close the public hearing for application 16-05. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve application 16-05 to create a 20,701 square foot lot and a 211,803 square foot lot for future development with conditions contained in Jon Harriman's memo of 3/29/2016. *All were in favor; the motion passed.*

11. Approval of Minutes:

a. April 5, 2016

A **motion** was made by Paul Cordone and **seconded** by Jeremy Floryan to approve the minutes of April 5, 2016. *All were in favor; the motion passed.*

12. Commissioner's Comments:

13. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 8:50pm. *All were in favor; the motion passed.*

Respectfully Submitted,

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

Linda Imme
Recording Clerk