

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY SEPTEMBER 4, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Ken Rozich, David Fitzgerald (alternate), John Keithan (alternate)

Absent: Chris Cambareri, Nicholas Demetriades, Brian Dufresne, Ken Slade, Paul Cordone

Also Present: Director of Planning and Development Stuart Popper, Town Engineer Jon Harriman, Town Council Liaison James Demetriades

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

Michael Cannata made a motion to seat David Fitzgerald and John Keithan; Seconded by Jeremy Floryan. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper asked the Commission to table Application #18-41. He corrected the subject property address of Application #18-46 to be 150 Country Squire Drive. He said that the next Commission meeting would be Thursday, September 20, 2018, instead of Tuesday, September 18, 2018.

Michael Cannata made a motion to accept the amended agenda; Seconded by Ken Rozich. *All in favor; motion passed.*

5. Public Comments

There were no public comments.

Chairman Kelly explained Executive Session to the public in attendance. She said that the Commission could go into Executive Session by a 2/3 majority vote for a limited number of proceedings and had to state the reason for doing so and any votes resulting from that discussion must take place during the public meeting. She said that tonight's Executive Session was to discuss strategy regarding negotiations taking place in a court matter. She read Application #17-22's heading into the record.

6. Development Compliance Officer

Mr. Driska was not present. Mr. Popper asked if there were any questions or comments. He said that the two major projects in town, the warehouse on County Line Drive and the ShopRite, were both progressing.

7. Town Planner Report:

Mr. Popper read a notice regarding a Public Information Meeting being held to discuss the replacement of Bridge #05939 on September 19, 2018 at 7 p.m. in Room 224 of the Town Hall. Mr. Harriman clarified that this bridge is the North Road extension over Coles Brook and that construction was planned for 2020.

8. New Business: Accept and Schedule

Mr. Popper said that there was one new application to Accept and Schedule: Application #18-54 Site Plan Approval for Covenant Village, Applicant and Owner.

Michael Cannata made a motion to accept and Schedule Application #18-54 for October 2, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

9. Old Business:

- a. Application #18-41: Request to modify the Site Plan to add additional parking spaces at 135 Berlin Road (the Cromwell Diner). Christopher Plummer is the Applicant and SAAD Associates is the Owner.

Mr. Popper asked the Commission to table the application.

Michael Cannata made a motion to table Application #18-41 to September 20, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. Application #18-46: Request for Site Plan Approval for a Planned Multifamily Residential Development at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Mr. Popper asked the Commission to consider this application in conjunction with the Public Hearing.

10. Public Hearings (Continued):

- a. Application #18-44: Request for a Special Permit under Sections 4.7.E and 8.7 of the Zoning Regulations for a Planned Multifamily Residential Development at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire

LLC is the Owner.

- b. Application #18-45: Request for a Special Permit under Section 6.1 of the Zoning Regulations for Removal of Earth Material at 150 Country Squire Drive. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Michael Cannata made a motion to re-open Application #18-44 and Application #18-45; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Popper said that Freeman Companies had conducted a peer review of the traffic study and that town staff had commented on the extension of the water main towards Evergreen.

Attorney Joe Williams, Shipman & Goodwin, 1 Constitution Plaza, Hartford, began by stating that the Commission had approved the amended master plan during the last meeting. They were now addressing the Special Permit and Site Plan Applications. He also introduced the development team and their roles.

Attorney Williams submitted a letter dated September 4, 2018, addressed to Chairman Kelly, which addressed the proposed off site improvements, specifically the reconstruction of 1,675 feet of the top portion of Country Squire Drive and sidewalks, although the applicant did not want to be responsible for snow clearing, and the water main extension which would extend 850 feet and end in a hydrant about 50 feet away from a hydrant at Evergreen, and include an 8 inch water line. Attorney Williams said that per Joe Palmeri's recommendation that there be a physical interconnection instead, they would agree to that, provided that an agreement between the private parties could be reached within a reasonable time, that being 90 days.

Tom Daly, PE with Milone & MacBroom, gave an overview of the overall project and location, and reviewed the abutting property owners, aerial overview, topography, and existing conditions map. He pointed out the wetlands to the north and said that approvals had been received. He also reviewed the existing building foundations on site and some historical photographs. He next reviewed the site plan, which include a cul de sac at the end of Country Squire Drive, a combination unit/amenities building, which will have on site staff, and the location of the outdoor pool, mail kiosk, and trash compactor. He also reviewed the residential buildings, the sidewalk system throughout, the outdoor patios, the six garages containing 42 parking spaces, and the vegetated buffer.

Mr. Daly reviewed the emergency access drive to the Evergreen community. He said that when that project was approved, it was anticipated that there would be an interconnection. They were proposing a 675 foot emergency accessway across town property, containing an 8 inch water main terminating at the hydrant. Per Joe Palmeri's recommendation, the lines would be connected. There would be a gate valve and it would remain closed with just the Fire Department having access. He said that this proposal benefits Evergreen more than Country Squire because of the elevation differences. He said that there would be a post indicator valve to show if it was open or closed. He said that this would be a closed system but physically connected. He said that the lines would be privately owned, but the pump station would be publicly owned.

Mr. Daly said they were widening Country Squire Drive to town standards so that it would be 28 feet wide and also contain new drainage. They were responsible for the first 1,675 feet and would work with the town on reconstructing the lower part of the roadway. The roadway work would be done at the tail end of project and all work would be bonded. Brand new sidewalks would extend to Route 372.

Mark Forlenza addressed the Commission next. He said he was representing Cromwell Village Associates and Belfonti Companies and was essentially the director of development and construction of this project. He said he was trained as a city planner and spent his career with Fortune 500 companies, building luxury housing in Connecticut and New York. He said that the Belfonti Companies are an investment company, managing apartment homes and commercial communities.

He spoke next about the market segment served by this type of high-end apartment community, saying they were residents who choose this type of lifestyle, such as empty nesters, people in transition, and young professionals. He said that not a lot of children are anticipated in the community, except for some toddlers. He reviewed the apartment sizes and rents, with the average about \$2,500.00.

He reviewed the site design of the clubhouse, Building 1000, which will have between 6-8 staff members, contains residential units on each side, a fitness center, and a model unit. He said there would be fire pits and other recreation areas as well as a dog run. There will be 6 unique building designs, some with common corridors and some direct entry units, with a total of 12 different styles. Mr. Forlenza reviewed the architectural renderings, showing a three-story building with a common corridor and a two-story building with direct entry. He showed the floor plan of the clubhouse, highlighting the package room and fitness area. He showed a photo rendering as well. He said that some of the buildings around the pool were 3/4 splits, with the side facing the pool 4-stories and the side facing the road being 3-stories, which increases density and provides pool views. He said that the long building on site is 3-stories in the middle and 2-stories on each end. He reviewed the architectural rendering of the proposed garages. He ended by saying that there had been a long period of time between the zone change and site plan application, and they conducted numerous studies and borings and reviews of the architecture site plan and materials. He said that they were very proud of this application.

Kwesi Brown, LPE, traffic engineer with Milone & MacBroom, reviewed the traffic study, which had been peer reviewed by Freeman Companies. He submitted his response to the Freeman comments. He said that they essentially concurred with the applicant's analysis, approach, methods, findings, and recommendations. They had made a comment about updating the level of service table regarding volume to capacity ratio and queuing information. Mr. Brown said that the study area was the intersection of Route 372, Country Squire Drive and Willowbrook Road. He said that this area was the subject of DOT improvements, where they were installing dedicated left and right turn lanes, were installing a new traffic signal, widening the roadway and adding pedestrian upgrades, and these improvements were factored into the study. He said that the traffic volumes were from the CT DOT, with about 17,700 vehicles trips and 1,800 trips during peak times. The traffic counts were conducted during a weekday, and peak times were from 8-9 a.m. and 5-6 p.m. He anticipated that site generated traffic would be

85 vehicles during the morning and 100 in the evening.

They considered future planning, projected out to the year 2020, at an 0.8% yearly growth rate. Even with added site traffic, the future projections remained at a level of service C or better. They also studied all individual movements and proposed changes to the traffic timing and cycle length, but said that those recommendations must be reviewed and implemented by DOT. He said that the extensive internal sidewalk system, traffic calming measures such as the cul de sac, and parking layout and circulation will help provide a safe environment and concluded by saying that the roadways can accommodate the proposed development.

Tom Daly said they had conducted an exhaustive study of the soils and the earth removal plan and were proposing to remove 25,000 cubic yards, mostly from the high point of the site in the middle. He reviewed the cut and fill analysis, saying they were mostly filling by the cul de sac. The maximum end for both the cut and fill was 14 feet, and they would be using the cut material for filling. The edge of the site would be blended in the topography. The proposed truck route would be Country Squire Drive, then disbursing from there. They had conducted a geotechnical study and no crushing or blasting was anticipated. Mr. Daly said that this part of the construction has to happen in the first part of the project. They would strip and stockpile then topsoil and then do the earthwork.

Mr. Popper asked how many trucks and the hours they anticipated. Mr. Daly said they were anticipating working five 8-hour days per week, but not weekends or holidays, and average 32 truck trips per day (16 in and 16 out), moving about 600 cubic yards per day. He said it would take about 9 weeks, but could be faster.

Attorney Joe Williams said that the applicant had submitted an application that fully complied with the zoning regulations and master plan requirements and asked the Commission for approval.

The hearing was opened to public comment.

Kate Geoffrey, 14-C Country Squire, asked how the road will be widened.

Carol Joyce Cannito, 3 Blackhaw Drive, asked if the buildings contained elevators. She asked who will maintain the sidewalks coming down Country Squire Drive and what effect the soil movement will have on adjacent properties. She said that she disagrees with the traffic study and says that there are problems on Route 372 as well as on Willowbrook Road because of the numerous condo units.

Amos Huang, 8 Cedars Drive, asked why the accessway to Evergreen was limited to emergency vehicles instead of being opened up to resident traffic.

Ann Marie Perier, 123 Country Squire Drive, asked how much land would be taken from Country Squire II as they are in process of repaving driveways and who would maintain the sidewalks. She said that the association did not want to be responsible for paying for the maintenance. She said that there needed to be a second accessway. She cited traffic issues now

where drivers are running red lights and taking turns on red when they aren't allowed.

Mike Nearing, 19 Sun Ridge Lane, asked how the developer will protect downslope residents from runoff and flooding, as well as the days and hours of construction. He asked about the resulting water pressure for existing homes when the new units are installed. He asked if notifications were required if blasting was necessary and who would repair damage from the blasting. He also asked about the approximate completion date.

Lilli Green, 51 Clubhouse Drive, didn't agree that a 3 of 4-floor walk up was a luxury apartment.

Tom Sullivan, 45 Woodsboro Circle, said this project would forever change Cromwell and he was frightened because the applicant did not address wildlife, the vernal pond on site, the definition of luxury, the amount of children or current traffic issues turning onto Willowbrook Road from Country Squire Drive. He wants the Commission to listen to residents and to not be influenced by a Commission member who is an investor in the project.

Debbie Doll, 20 Glenview Drive, wanted information on soil samples and contamination and said she was concerned about runoff and dirt washing off.

James Demetriades, 7 Bonnie Briar, said these apartments were more expensive than other rental properties in Cromwell. He said that the town needs a strategic housing planning. He also asked about the development of this Open Space and said that the Commission should have a 5 to 10 year strategic plan for the development or preservation of Open Space parcels in town. He said he was concerned about traffic matters and if there were plans to approve the D service levels. He said younger and older people would be using this intersection, as the targeted resident group.

Joyce Swilling, 11 Blackhaw Drive, asked about the leveling of the property, and the impact on groundwater levels. She also asked about the maintenance of the sidewalks. She said that there are abundant condos and apartments in Cromwell and Middletown. She was concerned as to how these would be filled and whether they would become condos over time.

The hearing was opened to Commissioner comments. Chairman Kelly asked Attorney Williams to clarify the property's ownership and the matter of open space, as this is private property. Attorney Williams said they were asked to put in sidewalks and they are willing to do so, but they understood the town ordinance to require property owners adjacent to the sidewalks to maintain them. He said that construction would occur mainly on weekdays and occasionally on Saturdays, generally from 7 a.m. to 7 p.m., with most work done by 3 p.m.

Attorney Williams said that the town has an Open Space Plan, prepared in 2012, that lists major parcels in town.

Tom Daly said that the widening of Country Squire Drive to 28 feet would use available land on the right hand side, and then split the difference as it moved up. He said that the decks at Country Squire Drive extend into the right of way, so they would shift the roadway to the left.

There would not be elevators in the buildings. He said 14 feet was the maximum grading change, with most of the site needing between 2-6 feet of cut or fill. He said that they were protecting the neighbors to the east via extensive erosion control, through bonds, and that the project had to be registered and reviewed by the DEEP. All drainage would be collected, with no discharge to the neighbors or wetlands. All drainage would run through Country Squire Drive and they projected decreased runoff as a result.

Mr. Daly said that the connection to Evergreen was never intended as full access. He said that Evergreen has a convoluted circular roadway network. Chairman Kelly said that the roadway is privately owned and not built to town road specifications.

He said that all projects in the area have their own boosted water systems and they would be building a boosted water system here as well. The pump station would be owned by Cromwell. It wouldn't have an impact on the surrounding properties because it is not a looping system. He said blasting was highly unlikely, but if necessary, a blasting permit would be required. The blasting company would have to provide insurance. They would conduct pre and post blast surveys and install monitors. Mr. Daly said they would probably address any issues through mechanical means instead of blasting.

Mr. Daly said that luxury walkups were being built now throughout the state. He said that the issues of wildlife and wetlands had been previously addressed during the zone change and master plan application processes. He said that their studies determined that there was no vernal pool. He said that the soil contamination was very minor. They had reviewed past studies and their licensed environmental professional would work with the developer on any required cleanup.

He said that they were at the top of the hill, so the issue of the water table was not a concern. They felt that the project would be highly successful in Cromwell. Approximate completion date was in 18-20 months. They had submitted an application to OSTA for administrative approval.

Michael Cannata asked who would maintain and plow the emergency accessway, if there was soil contamination from oil leaking from transformers, and if they could agree to no blasting.

Tom Daly said blasting was highly unlikely based on their exhaustive study, but that there were no guarantees. He said that if it was needed, they would meet with the Town Engineer and Town Planner to discuss the approach. He said that the contamination was fairly minor and that the contractor and LEP would meet on site to review any cleanup needed.

Attorney Williams said that they would maintain the portion of the emergency accessway on their property and on the town's property, but not the part on Evergreen.

Mr. Popper noted the landlocked parcel at the top of hill that is owned by the Town of Cromwell and is not a part of the town's open space. Mr. Popper wanted to ensure that access to the parcel remains open and is limited to fire and police and town personnel.

Mr. Popper also mentioned the Police Chief's memo dated August 27, 2018, in which she recommended that the property owner maintain the sidewalks. He said that the town ordinance makes maintenance the responsibility of abutting property owners, unless changed by Commission. He said that there was no way to force the construction or maintenance upon the developer. Mr. Harriman clarified that maintenance was snow and ice removal, not repair work.

Mr. Popper said that conditions of approval should include the comments in Mr. Harriman's memo dated August 15, 2018 and Mr. Driska's memo of August 6, 2018, as other staff comments had already been addressed.

Mr. Popper also referenced Attorney William's letter of September 4, 2018 regarding off-site improvements the applicant was agreeing to construct. Mr. Popper said that they could not be required as a condition of approval. Chairman Kelly read the letter into the record. Attorney Williams said that they would interconnect the lines if they reached a mutual agreement with Evergreen within 90 days.

Mr. Harriman said that the applicant had submitted new information that addressed most of his comments, so only page 3 of his memo should be incorporated, those being dated August 16, 2018.

Michael Cannata made a motion to close the public hearing for Application #18-44;
Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to close the public hearing for Application #18-45;
Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-44: Request for a Special Permit under Sections 4.7.E and 8.7 of the Zoning Regulations for a Planned Multifamily Residential Development at 150 Country Squire Drive, subject to the conditions contained in the letters of Engineer Jon Harriman dated August 16, 2018 and Zoning Enforcement Officer Bruce Driska dated August 6, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-45: Request for a Special Permit under Section 6.1 of the Zoning Regulations for Removal of Earth Material at 150 Country Squire Drive, subject to the conditions contained in the letters of Engineer Jon Harriman dated August 16, 2018 and Zoning Enforcement Officer Bruce Driska dated August 6, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-46: Request for Site Plan Approval for a Planned Multifamily Residential Development at 150 Country Squire Drive; Seconded by Jeremy Floryan. *All in favor; motion passed.*

11. Executive Session:

Michael Cannata made a motion to go into Executive Session at 9:15 pm.; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to come out of Executive Session at 9:23 p.m., with no action taken; Seconded by Ken Rozich. *All in favor; motion passed.*


12. Approval of Minutes:

- a. August 7, 2018: Michael Cannata made a motion to approve the minutes as presented; Seconded by Jeremy Floryan. *All in favor; motion passed (John Keithan abstained).*
- b. August 21, 2018: Michael Cannata made a motion to approve the minutes as presented; Seconded by Jeremy Floryan. *All in favor; motion passed.*

13. Commissioner's Comments: None

14. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:25 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk