

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM THURSDAY, NOVEMBER 8, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Chris Cambareri, Paul Cordone, David Fitzgerald (alternate), Mo Islam (alternate)

Absent: Ken Slade, Ken Rozich, Nicholas Demetriades, Brian Dufresne, John Keithan (alternate)

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska

1. **Call to Order:** The meeting was called to order by Chairman Kelly at 7:03 p.m.
2. **Roll Call:** The presence of the above members was noted.
3. **Seating of Alternates:** Michael Cannata made a motion to seat Mo Islam and David Fitzgerald, Seconded by Jeremy Floryan. *All in favor; motion passed.*
4. **Approval of Agenda:** Mr. Popper said that Application #18-59 would be heard after Application #18-65. He also added Application #18-77, PGA Tour Design and Construction, 1 Golf Club Road, a request to replace the scoreboard. He asked that the application be accepted tonight and be scheduled for consideration at the December 4, 2018 meeting.

Michael Cannata made a motion to approve the amended agenda; Seconded by Jeremy Floryan. *All in favor; motion passed.*

5. **Public Comments:** None
6. **Development Compliance Officer Report:** Mr. Driska asked if there were any questions or comments on his report. Chairman Kelly asked about the Carrier Group project (#18-05). Mr. Driska said that the infrastructure was beginning to go in, specifically the sewer and water lines and preliminary roadways.

He also said that the main structure at the TPC may be done this winter, that the Adelbrook parking project was still ongoing, and that the site work at the Dollar General at 539 Main Street is underway. Mr. Popper said that the Cromwell Diner application had been withdrawn.

Chris Cambareri asked if the Zoning Regulations need to be revised to address pop up shops. Mr. Popper said that the Town doesn't regulate timeframes. Depending upon the zone, a shop can go in as a matter of right, provided that they obtain a zoning permit, and those applications can be handled at the staff level.

7. **Town Planner Report:** Mr. Popper said that the Town Council granted Marriott's requested tax abatement. The developer was now addressing the issue of the easements with the abutting property owner. They expected to begin construction in March. Mr. Popper said he anticipated more applications to be submitted for December, but nothing was pending at this time for the November 20, 2018 meeting. He suggested that it be cancelled.

Michael Cannata made a motion to cancel the meeting scheduled for November 20, 2018, with all business deferred to December 4, 2018, Seconded by Paul Cordone. *All in favor; motion passed.*

8. **New Business:**

- a. Approval of 2019 Meeting Calendar: Michael Cannata made a motion to approve the calendar; Seconded by Jeremy Floryan. *All in favor; motion passed.*

9. **New Business Accept and Schedule New Applications:**

- a. Application #18-77: PGA Tour Design and Construction, 1 Golf Club Road, for a replacement scoreboard.

Michael Cannata made a motion to accept Application #18-77 and to consider it at the December 4, 2018 meeting; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #18-73: Request for a Site Plan Modification (Phasing Plan for Arbor Meadows) at 76 Field Road. Carrier Group Inc. is the Applicant and the Owner.

Michael Cannata made a motion to accept Application #18-73 and to consider it at tonight's meeting; Seconded by Paul Cordone. *All in favor; motion passed.*

Mr. Popper said that the proposed phasing plan was as follows: 16 units in Phase 1, 11 in Phase 2, 15 in Phase 3, 19 in Phase 4 and 14 in Phase 5, for a total of 75 units. This proposal was based on the schedule of the Cromwell Water Pollution Control Authority and the financing of the utility improvements.

Michael Cannata made a motion to accept the phasing plan; Seconded by Chris Cambareri. *All in favor; motion passed.*

10. New Business:

- a. Application #18-68: Request for Site Plan Approval to construct a Starbucks Coffee Shop at 136 Berlin Road. TNO Cromwell, LLC is the Applicant and the Owner.

This item will be considered during the public hearing for Applications #18-67 and #18-69.

11. Public Hearings:

Chairman Kelly read the legal notices for the public hearings scheduled for tonight.

- a. Application #18-65: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to permit garage facilities greater than 1000 square feet at 9 Rivercove Drive. Daniel P. Sullivan is the Applicant and the Owner.

Michael Cannata made a motion to open the public hearing; Seconded by Chris Cambareri. *All in favor; motion passed.*

Mr. Popper said that this is a typical application because of the zoning restrictions for accessory/garage facilities. The addition is 24 X 24 feet, 576 square feet in size, and 18 feet high.

Dan Sullivan, 9 Rivercove Drive, submitted the architectural elevation of the proposed building. Mr. Popper referenced the map in the packet showing the proposed location. There were no staff comments. Mr. Sullivan said it would be a storage building. There would not be heat or plumbing. The building materials list was included in the submission and included lumber and vinyl. Mr. Popper said that proposal met the bulk requirements. Mr. Driska said that the applicant had been working with staff since the project's inception. Mr. Sullivan said that the closest abutting neighbor had no issues with the proposal.

Michael Cannata made a motion to close the public hearing; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-65, Request for Special Permit under Section 2.7.A.4 of the Zoning Regulations to permit private garage facilities greater than 1000 square feet at 9 Rivercove Drive; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #18-59: Request for Site Plan Approval to construct a new access drive, 54 living units and dining, meeting and recreational facilities at 52 Missionary Road. Covenant Home Inc., Covenant Village of Cromwell is the Applicant and the Owner.

Michael Cannata recused himself from this application and left the meeting.

Paul Cordone made a motion to open the public hearing; Seconded by Chris Cambareri. *All in favor; motion passed.*

Attorney Michael Dowley began by saying that the master plan had been previously approved. Tonight they were seeking site plan approval of the first phase and they would address the outstanding questions from the Commission. He said that they had been working with town departments and had received department approvals. He had submitted a letter from Sewer Administrator Richard Peck, dated November 1, 2018, saying that all comments had been addressed and giving approval, provided that the CWPCA also provides approval at its November 19, 2018 meeting.

Attorney Dowley said they had received comments from the Town Engineer concerning drainage issues on Catherine Street. He had originally required an area to be maintained and mowed, but now there was some concern that it was a wetlands area. He said that any approvals tonight would need to be subject to the approval of a maintenance plan to be prepared by a wetlands scientist and submitted to the Town Engineer, and that another memo from the Town Engineer had been submitted to that effect. Attorney Dowley said that the suggested fence had been ordered and would be constructed shortly.

Pamela Claproth, Executive Director of Covenant Village, provided an overview of Covenant Village and its history in Cromwell. This project will add 54 new independent living units and common areas, and 48 of 54 units are already pre-sold. Ms. Claproth reviewed the existing site and the proposed site plan improvements. She identified the open items from the previous meeting.

She said that the total parking required was 139 spaces, and 148 spaces will be provided. She showed a parking distribution plan and identified which spaces will be used by existing residents, new residents, and visitors.

Ken Kite, THW Design, showed a sketch of the landscaped, divided entrance. He described the monumental sign, saying it would meet all town regulations. It would

be 24 square feet, 6 feet high, and externally lit. The sign would be located as to not impede any sightlines. He reviewed the site lighting fixtures to show that the light beam focuses downward. He also provided an overall site photometric analysis to show that there is no overflow lighting affecting the neighbors.

Mr. Kite provided an overview of the existing units, as well as an architectural rendering, to compare how they tie into the proposed buildings. He highlighted the porte-cochere, the covered entrance to new community, which will serve as a focal point for the community. He showed three more renderings, saying the design honors the regional and local architecture. Chairman Kelly asked about valet parking, but Mr. Kite said that was not being provided.

Mr. Popper asked Mr. Ted Hart to answer some questions on the entranceway, specifically about the width for each lane and how they operated, and if they were marked for a crosswalk, and had a stop sign or stop bars. Mr. Hart said they were working with OSTA for a permit, which would probably be an administrative approval, but OSTA was waiting on final approval from Planning and Zoning. He said that the inbound lane was 12 feet wide, and 24 feet wide for the outbound. Both lanes were intended to operate as a single lane.

Mr. Popper asked about lighting at the intersection and was told that only the externally lit sign was planned. Mr. Hart reviewed the photometric plan to show that the entrance lane would be lit. He said that the plans included both stop bars and stop signs. He said that they were proposing a six-foot concrete sidewalk with ramp curbs and would be installing four-foot sidewalks where the driveways along West Street are now. The property owner would be responsible for addressing snow removal from the sidewalks.

Chairman Kelly asked about the width of the entranceway. Mr. Hart said it was to discourage delivery trucks from using this entrance, as there will be a separate truck entrance. Mr. Hart said that the emergency departments, fire and police, had reviewed the plans and had no comments.

Pamela Claproth thanked the Commission and said that the community was very excited about this project. Attorney Dowley said that the closing had been moved up and asked for approval tonight, if possible.

The hearing was opened for public comment.

Maria DiPaola D'ambrogio, 107 West Street, asked about the effect of the vibrations, and how it would affect her property. Chairman Kelly said that vibrations are usually involved with blasting, not demolition. Mr. Driska said that the buildings are proposed to be relocated, rather than torn down.

The hearing was opened to Commissioner comments. Several Commissioners complimented the proposal. Mr. Driska asked about the Commissioners' attendance in regards to voting tonight.

Mr. Popper read Town Engineer Jon Harriman's memo dated November 2, 2018 and his email memo dated November 8, 2018. Mr. Harriman said that he had reviewed the drainage issues on Bel-Air Manor and Catherine Drive. He had originally thought that the stormwater pond between Catherine Drive and Spruce Lane needed maintenance, such as the removal of vegetation and mowing, and the removal of sedimentation. However, after an onsite meeting with the project engineer, he had determined that the pond needed to be inspected by a wetlands scientist to determine what maintenance is required. He recommended that those recommendations be followed and that the cleaning of the stormwater structure and pipes be added as conditions of approval.

Mr. Harriman's previous comment regarding compliance with the Connecticut DEEP MS-4 permit requirement is also to be a condition of approval, as well as CWPCA approval per Sewer Administrator Richard Peck's November 1, 2018 memo, which Mr. Popper read into the record. Approval would be contingent upon the sewer plans being formally approved at their November 19, 2018 meeting.

Jeremy Floryan made a motion to close the public hearing; Seconded by Chris Cambareri. *All in favor; motion approved.*

Jeremy Floryan and David Fitzgerald both said that they watched the previous meeting via the livestream and were able to vote on the application. Mo Islam said he had not and would not be voting.

Chairman Kelly made a motion to approve Application #18-59, Request for Site Plan Approval to construct a new access drive, 54 living units and dining, meeting and recreational facilities at 52 Missionary Road, with the following conditions: that the applicant comply with the CT-DEEP MS 4 permit requirements, that the forthcoming recommendations of a wetlands scientist regarding maintenance of the stormwater pond be followed and the stormwater structure and pipes be cleaned, and subject to the Cromwell Water Pollution Control Authority's approval of the sewer plan; Seconded by Chris Cambareri. In favor: Chairman Kelly, Chris Cambareri, Jeremy Floryan, David Fitzgerald, Paul Cordone. Abstained: Mo Islam. *Motion passed.*

- c. Application #18-67: Request for a Special Permit under Section 3.3.C.4 and 6.5 of the Zoning Regulations to permit a drive thru at the new Starbucks Coffee Shop at 136 Berlin Road. TNO Cromwell, LLC is the Applicant and the Owner.

- d. Application #18-69: Request for a Special Permit under Section 4.2 of the Zoning Regulations to construct a Starbucks Coffee Shop in the Special Flood Hazard Area at 136 Berlin Road. TNO Cromwell, LLC is the Applicant and the Owner.

Michael Cannata was re-seated.

Michael Cannata made a motion to open the public hearing for Application #18-67; Seconded by Chris Cambareri. *All in favor; motion passed.*

Michael Cannata made a motion to open the public hearing for Application #18-69; Seconded by Chris Cambareri. *All in favor; motion passed.*

James Cassidy, P.E., of Hallisey, Pearson and Cassidy Engineering Associate, Inc., 630 Main Street, represented TNO Cromwell, LLC, the owner of Cromwell Commons at 136 Berlin Road. He said that there were three applications: a site plan, a special permit application for the drive through and a special permit because a portion of the site was within the 100-year flood hazard zone. He said that Collene Byrne from Solli Engineering was present to discuss the traffic study. Mr. Cassidy submitted an affidavit regarding the posting of the required signs.

He began by showing an aerial photo of the site and highlighting the existing businesses within the shopping plaza, as well as the three access drives, one off of Sebethe Drive and two on Berlin Road, and the existing detention basin. He said that the overall site was 13.1 acres and zoned Highway Business. He also reviewed the abutters.

Mr. Cassidy showed the existing conditions survey. He said that the detention basin had been delineated by a wetlands scientist. They were looking to develop on a portion of the wetlands, part of the Burger King parking lot and the access drive. He said that they had obtained a wetlands permit already. He reviewed the site demolition plan, pointing out the bank of parking spaces to be used and the access drive to be relocated 60 feet to the west. He said that they would compensate for the filling of the wetlands by creating additional wetlands so that there would not be a loss of capacity. The new access drive would still be a one way in and there would be a one-way circular motion around the building that was 24 feet wide to accommodate two cars at a time. He said that there would be approximately 30 spaces on site, but a total of 54 between Starbucks and Burger King and 714 for the entire plaza, which was in excess of what was required. Mr. Cassidy said that Starbucks and Burger King work well together as they are busy during different times and do the majority of their business via drive through.

Mr. Cassidy showed an overlay of the current and proposed accessways.

In reviewing the drainage plan, he said that there was an existing 36-inch pipe running through the site that discharges to the detention basin and then eventually across the road to the state's system. They planned to tie into that via several catch basins. He said that the detention basin was severely overgrown with invasives, but they planned to replant it. They would tie into the water and sewer lines in Sebethe Drive. He reviewed the landscaping plan, noting canopy trees, foundation plantings and ornamental grasses.

Per the Town Engineer's request, they agreed to do a video inspection of the pipe and to replace or repair it as necessary. They agreed to the requirements of the DEEP MS-4 permit and to add a hydrodynamic separator to improve the water quality. He said that the new plantings in the basin will also improve water quality.

Mr. Cassidy said that there was a watercourse to the north, within a wooded wetlands areas. He said that debris from the woods, as well as from the plaza, builds up, plugging the 36-inch pipe, and causing flooding along the houses on Oak Road. The owner has agreed to install a trash rack on the pipe and to conduct twice-yearly inspections and to provide a written report on cleaning and maintenance. The Town reserves the right to modify the inspection requirement as necessary.

Mr. Cassidy referenced an example of a prototypical building, 1,900 square feet in size, but said that the actual design was not finalized at this time. He said it will look similar to the one recently built in Middletown, as a brick finished one-story building. He said that Starbucks requires site plan approval before developing contract plans. He said that if there were major design changes, they would come back to the Commission. He said that the signage will comply with zoning regulations. He showed a rendering of the proposed monument sign, and said that, if it changed, they would come back for approval. The monument sign had a brick veneer base, with round logo, was internally illuminated, about 11 square feet total, and 6 feet high.

Mr. Cassidy submitted a written statement of use and a response to the Special Permit criteria, saying that the use promoted business in town, was off of a major highway, was easily accessible, and had the infrastructure and utilities to support it. He said that the plaza owner was making a long-term investment in reusing a portion of the property.

Collene Byrne, Traffic Engineer with Solli Engineering, 501 Main Street, Monroe, Connecticut, said she prepared the traffic impact statement. She said that this requires a change to the plaza's major traffic generator permit, which would likely be dealt with via an administrative decision. She said they evaluated six intersections to conduct the AM, PM and Saturday peak counts, which was done in September. The review took into account the new FedEx distribution center in Middletown.

She said that the peak AM count was 135 trips, 69 entering and 66 exiting. Peak afternoon was 66 and peak Saturday was 133. She said that the pre-development levels of service were comparable to the post-development levels, with all intersections at level C or better. There was only one area with a slight degradation from B to C.

Ms. Byrne said that OSTA has to review the plans and that they have the final say on the relocation of the access drive. Mr. Cassidy said that the accessway will have signage and its geometry will discourage people from trying to take a left into it. Mr. Cassidy said that the plans show ten cars able to queue at the drive through, but more can be accommodated.

Mr. Popper said that some customers may walk over from other businesses in the plaza, without moving their cars from their original parking space. Chris Cambareri said he thought more people would go inside at Starbucks, rather than use the drive-through, than at Dunkin Donuts. Mo Islam asked about outside seating and Mr. Cassidy said they could not include that because of the limits on space due to the wetlands.

Several of the Commissioners complimented the plan and design. Mr. Popper said he thought that this development would spur development at the rest of the plaza.

Paul Cordone asked about a designated walkway and Mr. Cassidy said he would look into it, but that there were not any designated walkways in the rest of the plaza. He said that they were proposing to extend sidewalks along Berlin Road.

Mr. Popper said that one condition of approval of the site plan would be a 6-foot high fence along Sebethe Drive for screening of the dumpsters at the Nardelli plaza.

Mr. Cassidy said that there was a small encroachment of activity into the 100-year flood zone, about 72 square feet. No fill or grading was proposed and there would be no change in the amount of impervious coverage. This was necessary to match the grade of the pavement at Burger King.

Michael Cannata asked about the OSTA permit. Mr. Cassidy said he was confident that they would approve the one-way access drive, as it is an improvement over what is currently there.

Mr. Popper said that the Town Engineer had signed off on the plans, but that the one condition was to add in screening along Sebethe Drive. Chris Cambareri suggested staff approval of the final sign design and Mr. Driska said that the Commission was basically approving the size, location and illumination of the sign at this time.

The hearing was opened to public comment. Mr. Popper read a letter in opposition from Eugenia Falco, who said that there was too much traffic along Berlin Road.

Paul Cordone asked if natural screening could be used, and Mr. Popper said he was concerned about the vegetation being killed by roadway salt and the dumpsters still being visible.

Mr. Popper said that the police and fire departments had reviewed the plans and had no comments.

Michael Cannata made a motion to close the public hearing for Application #18-67, Seconded by Paul Cordone. *All were in favor; motion passed.*

Michael Cannata made a motion to close the public hearing for Application #18-69, Seconded by Chris Cambareri. *All were in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-69; Request for a Special Permit under Section 4.2 of the Zoning Regulations to construct a Starbucks Coffee Shop in the Special Flood Hazard Area at 136 Berlin Road; Seconded by Chris Cambareri. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-67, Request for a Special Permit under Section 3.3.C.4 and 6.5 of the Zoning Regulations to permit a drive thru at the new Starbucks Coffee Shop at 136 Berlin Road; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-68, Request for Site Plan Approval to construct a Starbucks Coffee Shop at 136 Berlin Road, with the condition that an approximately 350 foot, natural colored vinyl screening fence be installed along Sebethe Drive, with final location to be determined by staff; Seconded by Chris Cambareri. *All in favor; motion passed.*


12. Approval of Minutes:

- a. October 16, 2018: no action taken

13. Commissioner's Comments: None

14. Adjourn: Michael Cannata made a motion to adjourn. Meeting adjourned at 9:27 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk