

Town of Cromwell Zoning Board of Appeals

***PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY, JULY 12, 2016
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET***

AGENDA



RECEIVED FOR FILING
7/6 2016 at 8:43 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Gloria Prendergast, Asst
TOWN CLERK

1. Call to Order
2. Roll Call
3. Seating of Alternates
4. Approval of Agenda
5. Public Comments
6. Public Hearing
 - a. Application #16-08: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Setbacks) to allow for the construction of parking spaces in the front and side yards at 6 Kirby Road. Elias DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.
 - b. Application #16-09: Request for Variance from Section 1.7 of the Zoning Regulations to allow for an accessory building without a principle building at 38 Field Road. Michael Millane is the applicant and Millane Nurseries, Inc. is the Owner.
7. Commissioners Comments:
8. Approval of Minutes:
 - a. June 14, 2016
9. Adjourn

TOWN OF CROMWELL
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL,
OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 6 Kirby RD	PIN #: 00064900
Zoning District: B	Volume/Page: 1550/83
Applicant:	Property Owner: Luck & Sons Landscaping LLC
Home or Business Address: 12 SAVAGE Hill RD Berlin CT 06037	Home or Business Address:
Phone #: 860 502 3540	Phone:
Email: DIMICHELESBARBERSHOP@GMAIL.COM	
<i>I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.</i>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i>
Signature: 	Signature: 

Type of Application (check one):

- Variance from Section 5-2 of the Zoning Regulations.
- Appeal from ZEO Decision dated _____.
- Change of Non-Conforming Use Special Permit.
- Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)

Description of Request:

① TO ADD 2 PARKING SPACES ON THE WEST SIDE OF PROPERTY FOR 2nd FLOOR TENANTS IN THE 25' SIDE YARD SETBACK, ALSO ADD 2 PARKING SPACES WEST SIDE NORTH OF TENANT PARKING IN THE SAME 25' SETBACK ② ADD 3 PARKING SPACES ON THE SOUTH SIDE IN THE 10' STREET LINE SETBACK

Justification for Request:

If Applying for a variance, state the hardship and explain why the variance is required.

If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a change in non-conforming use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

SEE ATTACHED

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.



applicant

6-7-16

date

Town of Cromwell Z.B.A. Variance Application

6 Kirby Road, Cromwell, CT.

Attached Amendment “Justification for Request”

This property is located in a Zone – “B” Business with a first floor commercial use and a second floor residential rental unit.

The proposed commercial use is for a Barbershop

Variance Area # 1

25’ Residential use set back area – 15’ variance Requested

22.7’ variance Requested

The hardship is parking, there is presently two to three poorly laid out parking spaces, used by customers and tenants. The tenants are often block in or are prevented from parking all together in the existing parking area as are customers. We would like to relocate the tenant parking away from the commercial use by constructing a new driveway entrance west of the existing building entering from Kirby Road. To do this we need to construct it in the 25’ residential use set back area, (the abutting residential property is also Zone – Business). We will construct it 10’ from the property line but 15’ in to the 25’ set back. We will also install a 6’ white PVC stockade fence at the rear of the parking area.

We also need to construct additional parking in this same set back for the commercial use of this property. We will construct 2 parking spaces also 10’ from the property line but adding a turning area for cars to back out of into, the entrance to these parking spaces will be from the existing driveway cut on Kirby Road. This parking will require a 22.7’ variance in the 25’ residential use set back area.

Variance Area # 2

10’ Street Line parking set back – 10’ variance Requested

The existing street line on Kirby Road is different from most street lines in town, there as, most street have two parallel lines 50’ apart (width varies in different areas). Kirby Road has a straight line on the south side, but the north street line is made up of a series deflecting lines. In the area of 6 Kirby Road street lines are 60’ apart (a 50’ road way could be established with out encroaching on any properties if wanted).

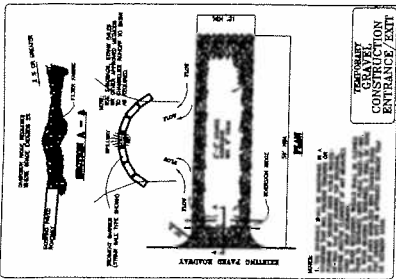
The variance we are requesting in this area is very similar to a property across the street. We would like to construct 3 parking spaces all in the 10’ street line set back and in the street right of way similar to the one across the street. These spaces would be constructed 10’ back of the gutter line not causing any sight line problems.

This parking will require a 10’ variance in the 10’ street line set back area.

Alternate II would be to construct 1 parking space parallel to the street line 18’ off gutter line but still in the street line set back area – 10’ variance requested.

Both parking areas will require a wall to be constructed (no walls in the right of way).

Total parking spaces for commercial area would be 7 spaces, Alternate II 5 spaces



NOTES:

1. INSTALL SILL FENCES AND SEDIMENTATION MEASURES PRIOR TO EXCAVATION AND CONTRACTORS ARE RESPONSIBLE FOR THE PROTECTION OF EXISTING UTILITIES AND STRUCTURES. CONTRACTORS SHALL MAINTAIN A RECORD OF ALL EXCAVATION AND CONSTRUCTION ACTIVITIES.
2. EXCAVATION SHALL BE TO THE DEPTH OF THE NEAREST EXISTING UTILITY OR STRUCTURE. CONTRACTORS SHALL MAINTAIN A RECORD OF ALL EXCAVATION AND CONSTRUCTION ACTIVITIES.
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LEGEND

1. SILL FENCE

2. SEDIMENTATION MEASURES

3. EXCAVATION

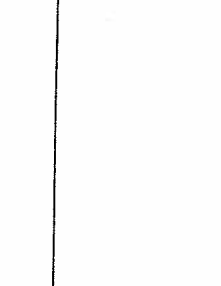
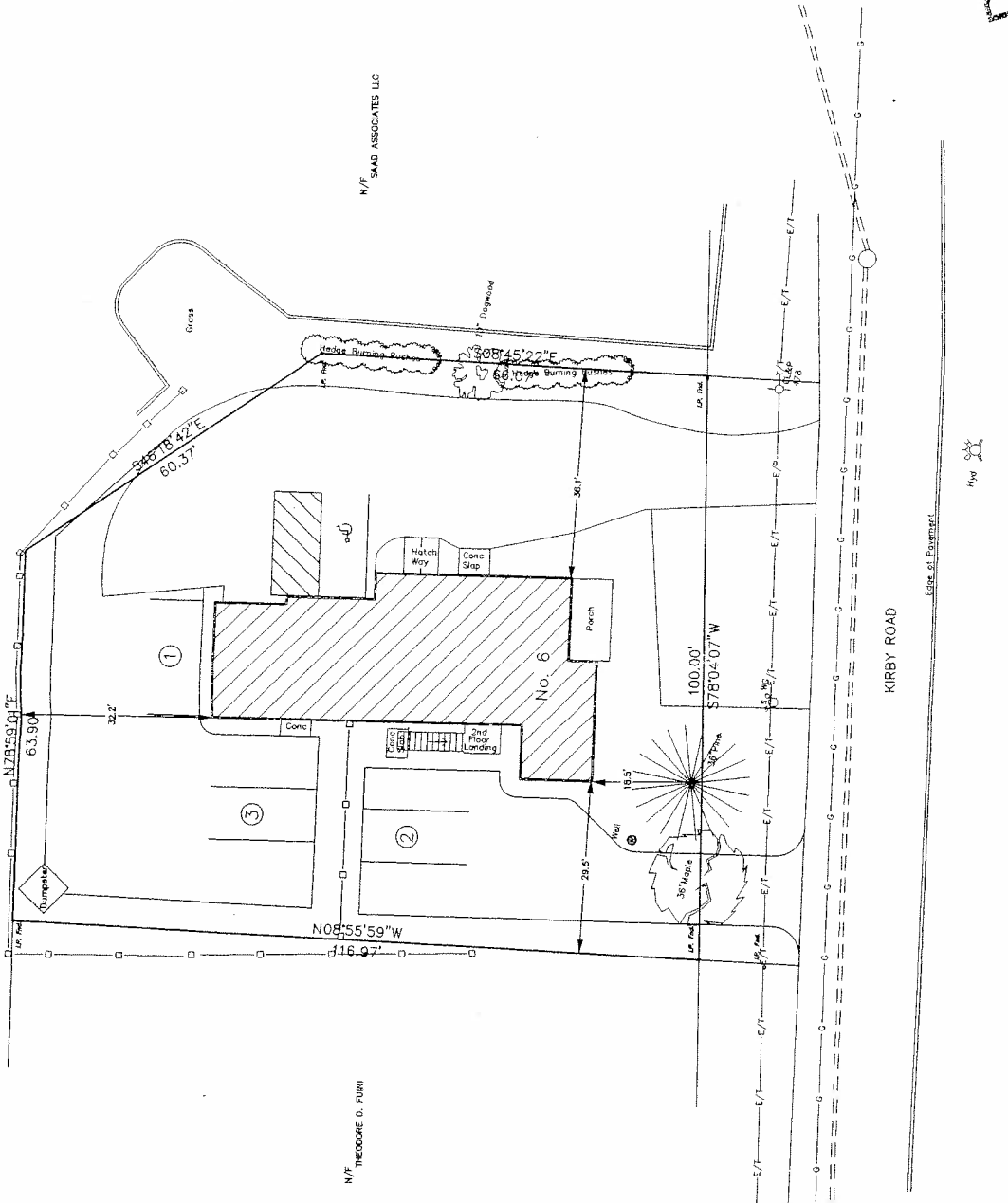
4. CONTRACTORS

5. PROTECTION OF EXISTING UTILITIES

6. STRUCTURES

7. MAINTAIN A RECORD

8. EXCAVATION AND CONSTRUCTION ACTIVITIES



N/7 SAAD ASSOCIATES LLC

N/7 SAAD ASSOCIATES LLC

N/7 THEODORE D. FURNI

KIRBY ROAD

Edge of Pavement

11/17

CONTRACTOR'S NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

LEGEND

1. SILL FENCE

2. SEDIMENTATION MEASURES

3. EXCAVATION

4. CONTRACTORS

5. PROTECTION OF EXISTING UTILITIES

6. STRUCTURES

7. MAINTAIN A RECORD

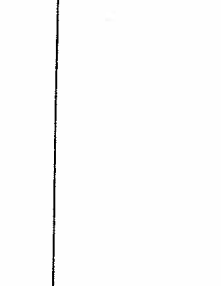
8. EXCAVATION AND CONSTRUCTION ACTIVITIES

© L.P. FINE, MAY 2016 (104)

SITE PLAN

LURCA & SONS / ARCHITECTURE 11/17

11/17



SELF-FENCE

1. SELF-FENCE WITH 4\"/>

2. SELF-FENCE WITH 4\"/>

3. SELF-FENCE WITH 4\"/>

16-09

rev. 6/20/2011

TOWN OF CROMWELL
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE, ZONING APPEAL, DMV LOCATION APPROVAL,
OR CHANGE OF NON-CONFORMING USE SPECIAL PERMIT

Address: 38 Field Road	PIN #:
Zoning District: A25	Volume/Page:
Applicant: Millane Nurseries - Michael Millane	Property Owner: Millane Nurseries, Inc.
Home or Business Address: 34 Field Rd Cromwell, CT 06416	Home or Business Address: 604 Main St. Cromwell, CT 06416
Phone #: 860-655-4420	Phone: 860 635-5500
Email: Mike@millane.com	
<i>I hereby certify that the information presented is to the best of my knowledge true and accurate, and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.</i>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application.</i>
Signature: <i>Michael Millane, Pres.</i>	Signature: <i>Michael Millane, Pres.</i>
Type of Application (check one): <input type="checkbox"/> Variance from Section _____ of the Zoning Regulations. <input type="checkbox"/> Appeal from ZEO Decision dated _____ <input type="checkbox"/> Change of Non-Conforming Use Special Permit. <input type="checkbox"/> Application for Motor Vehicle Location Approval (attach copy of your completed DMV Form K-7)	
Description of Request: See separate sheet	

Justification for Request:

If Applying for a variance, state the hardship and explain why the variance is required.

If Appealing a decision of the ZEO, explain why you feel the ZEO is wrong.

If Applying for a change in non-conforming use Special Permit, explain how the new use will be less non-conforming than the current use.

If Requesting DMV Location Approval, state the date of the original Public Hearing (if any).

See Attached

1. I will send written notice of this application to the owners of property within 100' of the site not less than 14 days before the public hearing. I will submit the "certificate of mailing" not less than 10 days before the hearing.
2. I will post a sign on the property not less than 14 days before the public hearing per Section 8.10.H. of the Cromwell Zoning Regulations. I will submit an affidavit of posting at the hearing.
3. If my request is dimensional in nature, I have submitted a site plan prepared by a surveyor in accordance with Sec. 10.4.B.2 of the Cromwell Zoning Regulations.

Michael Miller, Pres.

applicant

6-17-16

date

38 Field Road



Property Information

Property ID 10801800
Location 38 FIELD ROAD
Owner MILLANE NURSERIES INC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Cromwell, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 10/1/2015
 Properties updated daily



— 604 Main Street Cromwell, Connecticut 06416 —

Millane Nurseries - Field Road Poly House

Revised June 8, 2016

Finished Size: 36'wide x 60'long (x 19'high?)— Hoop Spacing 4' O.C. – Gothic Style
Center Peaked at top - Made for Griffin GHS by XS Smith?

Bows: "W" Truss Style - 2" Round-Pipe galv. steel with Center Pipe Ridge plus 4 Pipe Purlins
Stabilized with 4 "X" Cables (in ceiling each end) plus 2 diagonal 20' pipes (side walls each end)
Incl. 2 Ground Posts (1 on each side) & Hardware (Nuts & Bolts, Self-Tapping-Metal Screws, U-Clamps)
Total of 16 Bows

Site Prep: Millane to laser-level site (44'x70') using sandy fill

Bow Ground Posts: Pre-Marked Holes auger-drilled (30"deep? - Pound-in the last 12")

Anchoring: Duckbill DB-88's set in 5 Pairs at 0'+16'+30'+44'+60'

Wood: PT 2"x6" Bottom Side Boards (each side) and 2"x4" Upper Roll-up Side Boards (each side)

Side Roll-ups: 1¼" End Pipes, ¾" side guides (every 8'), 1½" bottom pipe,
4 cranks (2 per side – 1 on each end)
Identical set-ups each side

Poly Top-Covering: Dual layers w/ Inflator (1 or 2 inflators recommended for 60' long house?)
White 6ml top over Clear 6ml bottom
Plus woven poly roll-up sides
Self-Tapping screws, Washers,
Dble Poly top and single-layer Rollups (both sides) secured in 2-channel 3½" metal strip secured using "wiggle wire"

Gable Ends: 1½ galv. steel square-tube "Framed" Ends
Set on square-tube/round-pipe auger-drilled (Sakrete-below-ground)
Covered with clear Polycarbonate
~~With 24" Polycarbonate top ladders (at each end)~~
Two 9'wide x 10'high Roll-up Doors (one at each end) made by Trac-Rite Doors
Add 3' passage door on North end gable?
Add Gable Vents (1 on each end)?

Ground Covering: 4"deep of Re-Processed Concrete or Processed Trap-rock

Utilities: Two 20amp Electric Circuits
Interior Lighting, Exterior Lighting, Inflator, 3 Duplex Outlets (in the ground at NW corner)
Two ¾" Garden Hose Water Faucets (1 inside and 1 outside - in the ground at NW corner)

The Millane family is doing everything in its power to preserve both 48 acres of Cromwell Farm Land, but also the Millane Nurseries 98yr Farming Legacy in Cromwell itself (albeit on only .69 acres). At the end of the day, after we have sold the majority of our land, buildings, equipment, and inventory, we wish to continue as a 4th generation family farm business in Cromwell. This variance helps us continue our Tree Farming Nursery-Landscape-Arbiculture business here.

We need a large accessory building without a main building, and in this particular case, a 2,160sqft structure in a residential A-25 zone

Respectfully Submitted on June 17, 2016



Michael Millane, President – Millane Nurseries, Inc.



"Trees Since 1918"

Millane Nurseries, Inc.

— 604 Main Street Cromwell, Connecticut 06416 —

June 17, 2016

Most all of the current 48 acres of Millane Nurseries on Main St. in Cromwell has been located there, and farm continuously there, for over 95 years. The Millane family has similarly farmed another 110 acres in Cromwell, between Field Rd., Shadow Lane and Nooks Hill Rd, for 50-65 years. MNI also still grows on 75 acres in Middletown and 100 acres in Portland too.

As MNI continues to downsize, the Millane family is now planning to sell the 48 acres on Main St and 110 acres on Field Rd, leaving us only .68 acres at 38 Field Road to support and maintain all our remaining nursery plants in Cromwell, Portland and Middletown. We will soon sell the bulk of our farm equipment; but will be keeping 9 trucks, 3 trailers, 5 tractors, 4 sprayers and a few attachments. We need a 36'x60' Poly House (steel frame covered with white plastic film and poly carbonate gable ends) to store some of this equipment under cover.

The fact is, the Millane family was preparing to sell the 48 acres to a developer in 2017. Luckily for the town, the abutters, the neighbors, the Millane Family and everyone else we have spoken to, we have negotiated with Prides Corner Farm and Garden's Dream Farm to purchase this parcel AND KEEP IT AS A FARM GOING FORWARD. The Mayor, the Town Manager, the Town Planner, the Police Chief, the Chamber of Commerce, the State Rep, the State Senator, it has been unanimous! Save the farm land and don't develop more housing.

Stuart Popper, the Cromwell Town Planning Director said I need a variance from the ZBA to put the needed over-size storage building (2,160sqft) on the 38 Field Rd. lot. The lot currently contains 50 or so nursery trees with low-volume drip irrigation, but NO buildings.

The Poly House itself will be identical in design as Cromwell Growers (Ed Bartolotta) just erected along New Lane this past Fall. It will be 36' wide x only 60' long x 19' high. Cromwell Growers 3 new houses are each about 300' long. Just like Cromwell Growers, mine will have a dual poly top covering inflated with air. UNLIKE Cromwell Growers, my structure will be heavily screened from view by two rows of Coniferous Pine Trees (see proposed planting plan). 12 Fastigiata White Pine Trees 8-10'tall, planted 6'O.C. (resulting in a 66' long evergreen screen) will rapidly grow to completely cover the south gable end from both of the 42 and 42A Field Rd homes (Joe Tine and Justin Dinnie). 10 beautiful blue-green Vanderwolf Pines 8-10'tall, planted 8'O.C. (makes a 72' screen) will also rapidly grow much taller than the Poly House and block the view of the structure from Field Road and the TPC Golf Course.

The land is currently in PA490 Farm Land Tax Assessment Reduction, and will continue as such. This farm structure will be temporary – with no concrete foundation - likely about 10 years; but only as long as we don't develop 38 Field Road as a residence. When we decide to build a traditional home there (on 38 Field Rd.), the poly house structure will be removed.



Town of Cromwell Zoning Board of Appeals

RECEIVED FOR FILING
6-17 2016 at 8:58AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Debra Lawrence
TOWN CLERK

PUBLIC HEARING AND MEETING
6:30 P.M. TUESDAY, JUNE 14, 2016
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET

Minutes and Record of Votes

Present: Chairman Joseph Morin, Dan Delisle, John Keithan, Mark Zampino

Also Present: Director of Planning and Development Stuart Popper

1. **Call to Order** – The meeting was called to order by Chairman Morin at 6:32pm.
2. **Roll Call** – The presence of the above members was noted.
3. **Seating of Alternates** - none
4. **Approval of Agenda**

A **motion** was made by John Keithan and **seconded** by Dan Delisle to approve the agenda. *All were in favor; the motion passed.*

5. **Public Comments** -none

6. **Public Hearing**

- a. Application #16-07: Request for Variances from Section 2.2.B Bulk Requirements of the Zoning Regulations (Front and Side Yard Setbacks) to allow for the construction of a front porch at 56 Timber Hill Road. Manual Correia is the Applicant and CARMA LLC is the Owner.

Chairman Morin told the applicants that they need to have 4 votes in the affirmative to receive the variance. He said that since only 4 out of 5 members are in attendance tonight all 4 members must vote in the affirmative. You have the option to reschedule the hearing to next month if you choose. The applicant said they would be heard tonight.

A **motion** was made by John Keithan and **seconded** by Dan Delisle to open the public hearing for application 16-07. *All were in favor; the motion passed.*

Michael Jarvis said he is the designer of the addition at 56 Timber Hill Road. He said they are looking to expand the 8 feet by 8 feet existing porch. He said they received the building permit on the 20th pending receiving this variance. Mr. Jarvis used the GIS viewer map to explain the

new porch. He said a second floor will be added and the porch will go over approximately 11 feet and will not quite go to the corner of the house.

Mr. Delisle said he drove by the house today and there were people working on it and he thought the porch was needed and will be a good addition.

Mr. Popper said the house is non-conforming and the front yard setback will extend the front and side yard. Chairman Morin said so the distance from the road is the problem.

Chairman Morin asked for any members of the public who wanted to speak on this application. No one came forward.

A **motion** was made by John Keithan and **seconded** by Mark Zampino to close the public hearing for application 16-07. *All were in favor; the motion passed.*

A **motion** was made by John Keithan and **seconded** by Mark Zampino to approve application 16-07. *All were in favor; the motion passed.*

Chairman Morin said that the hardship is that is an existing building before the regulations were adopted. He said the porch is not obtrusive at all. He explained the 15 day waiting period to the applicant

7. Commissioners Comments:

Mr. Delisle asked about other applications and Mr. Popper said the Knights withdrew their application. He said the issue was 2 sections of the regulations saying the ZBA can't issue a variance for non-conforming uses in a residential zone. Mr. Popper said he submitted an application to amend/delete 2 sections of the zoning regulations. He reviewed sections 7.1.A on page 164 and section 1.04 on page 205. He said there are many non-conforming uses in residential zones now.

Chairman Morin said there are several resignations and alternate appointment letters in the package.

8. Approval of Minutes:

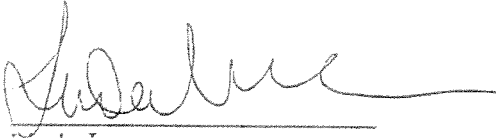
- a. April 12, 2016

A **motion** was made by Mark Zampino and **seconded** by John Keithan to approve the minutes of April 12, 2016 with the amendment of changing the name of Mark Fitzgerald to Mark Zampino. *All were in favor; the motion passed.*

9. Adjourn

A **motion** was made by John Keithan and **seconded** by Dan Delisle to adjourn at 6:47pm. *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