



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY AUGUST 7, 2018
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET

AGENDA

RECEIVED FOR RECORD
Aug 01, 2018 08:42A
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Town Planner Report:**
8. **New Business: Accept and Schedule New Applications:**
 - a. Application #18-49: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to permit private garage facilities greater than 1000 square feet at 27 Fawn Run. Bryan Zerio is the Applicant and Elaine M. Zerio is the Owner.
9. **New 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 LLC is the Owner.
10. **Public Hearings:**
 - a. Application #18-42: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 51 Shunpike Road. David Trembly is the Applicant and HBN-CSC LLC C/O HB Nitkin Group is the Owner.
 - b. Application #18-48: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 136 Berlin Road. William Chen is the Applicant and TNO Cromwell LLC is the Owner.
11. **Approval of Minutes:**
 - a. April 3, 2018
 - b. June 5, 2018
 - c. June 19, 2018
 - d. July 17, 2018
12. **Commissioner's Comments:**
13. **Adjourn**

		P&Z 2018 Permit	Report			
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
18-17	PGA Tour, Inc.	674 Main Street	Gravel parking lot 1st tee	Accept 4/24/18	Site improvements underway	
18-18	Covenant Village	Missionary Road	Amend max bldg height zoning reg.	Approved 5/15/18	Awaiting Construction	
18-19	Covenant Village	Missionary Road	Amend master plan for Covenant Village	Accept 4/24/18	Awaiting Construction	
18-20	Garrett Homes, LLC	539 Main Street	Importing of fill	Approved 6/19/18	Awaiting Construction	
18-21	Garrett Homes, LLC	539 Main Street	Construct retail bldg.	Approved 6/19/18	Awaiting Construction	
18-26	Ed Bartolotta	New Lane & Hillside Rd	Car Show	Approved by staff 4/30/18	Event Completed	
18-27	Kemal Cecunjamin	35 Berlin Road	Restaurant	App with/cond. 6/5/18	Renovations Underway	
18-28	Town of Cromwell	41 West Street	Library Expansion	Approved 5/15/18	Awaiting construction	
18-29	Town of Cromwell	204 Main Street	Transfer materials and grading	Approved 6/5/18	Awaiting Construction	
18-31	The Well LLC	540 Main Street	Amend zoning reg. To permit café/tavern	Withdrawn		

		P&Z 2018 Permit	Report		
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
18-32	Town of Cromwell	Highway Bus. Zone Dist.	Amend zoning reg to increase max bldg height	Continued	Awaiting Approval
18-33	Dennis King	14 North Ridge Drive	Addition to East side of existing accessory bldg	Withdrawn	Withdrawn
18-34	Bill Chen	136 Berlin Rd. Unit#115	K.K. Hibachi & Sushi Rest	Use Permit Approved by staff 5/31/18	Awaiting Renovations
18-35	Curaleaf CT Retail LLC		Amend 3.3.C.2 zoning reg	Scheduled for 7/17/18	Approved
18-36	Linden Landscape Arch.	60 Hicksville Road	Adelbrook Additional Parking	Approved 6/19/18	Awaiting Construction
18-37	Robert Gallitto	150 Sebethe Drive	Top soil processing facility	Approved 6/19/18	IWWA Approved 07/12/18

Memo

To: Planning and Zoning Commission

From: Stuart B. Popper, AICP
Director of Planning and Development

Date: July 31, 2018

Re: Comments for the August 7, 2018 Meeting Agenda

8. New Business: Accept and Schedule New Applications:

a. Application #18-49: Request for a Special Permit under Section 2.7.A.4 of the Zoning Regulations to permit private garage facilities greater than 1000 square feet at 27 Fawn Run. Bryan Zerio is the Applicant and Elaine M. Zerio is the Owner. *The .97 acre site contains an existing single family house and is located on the south side of Fawn Run in R-25 Residence Zone. The applicant is proposing to construct free standing, 576 square foot garage.*

9. New 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 LLC is the Owner. *The 1.21 acre site contains the existing 13,099 square foot Cromwell Diner and is located on the south side of Berlin Road in the Highway Business Zone. The applicant is proposing remove some landscaping to install additional parking spaces in the rear of the building. Attached is a memo from the applicant describing the proposed changes.*

10. Public Hearings:

a. Application #18-42: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 51 Shunpike Road. David Trembly is the Applicant and HBN-CSC LLC C/O HB Nitkin Group is the Owner. *The applicant is proposing to open a full service restaurant in the vacant space located in the corner of the former KMART shopping center in the area adjacent to the Dollar Store.*

b. Application #18-48: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 136 Berlin Road. William Chen is the Applicant and TNO Cromwell LLC is the Owner. *The applicant is proposing to open a full service restaurant in the former Oyama Restaurant space.*

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: Accessory Structure
(Per Section _____ of the Cromwell Zoning Regulations)

Street Address: 27 Fawn Run Zoning District: _____

Assessor's Parcel ID #: 11004500 Volume/Page: _____

Applicant's Name: Bryan Zerio

Address: 27 Fawn Run

Telephone Number (daytime): 860-250-1082

Email Address: bgz1978@yahoo.com

Property Owner's Name: Bryan + Elaine Zerio


Address: 27 Fawn Run, Cromwell CT

Description of Proposed Activity:

Construct a 24' x 24' detached garage

Total Square Ft = 576

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign Posting).*


(applicant)

7/24/18
(date)

18-41

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL *Modification*

Name of Project: Cromwell Diner

Street Address: 135 Berlin Rd

Volume/Page: _____ PIN #: _____

Applicant Name: Christian Plummer

Address: 224 Shunpike Rd
Cromwell

Telephone: 860-398-0101 (day) _____ (evening)

Email Address: christian@plummerlandscaping.com

Property Owner Name: SAAD Associates, LLC


Address: 135 Berlin Road
Cromwell, CT 06416

Attached:

- () Application fee.
- () Twenty-five copies of the **Site Development Plan** prepared in accordance with Article 13.3 of the Cromwell Zoning Regulations.

- | | | |
|--|-------|------|
| 1. <i>Is any part of the site within 500' of an adjoining town?</i> | (Yes) | (No) |
| 2. <i>Will this project require an <u>Inland Wetlands Agency permit</u>?</i> | (Yes) | (No) |
| <i>if yes, have you obtained it?</i> | (Yes) | (No) |
| 3. <i>Will this project require a <u>DEP Stormwater Management Permit</u>?</i> | (Yes) | (No) |
| <i>if yes, have you applied for it?</i> | (Yes) | (No) |
| 4. <i>Will this Project Require an <u>STC Permit</u>?</i> | (Yes) | (No) |
| <i>if yes, have you submitted a copy of the plans to the STC?</i> | (Yes) | (No) |
| 5. <i>Does the parking comply with the <u>handicapped parking</u> requirements as set forth in current version of the State Building Code?</i> | (Yes) | (No) |

I hereby certify that the information presented above is correct to the best of my knowledge.

 Christian Plummer 7-10-18
Applicant Name and Signature Date

J L SURVEYING
212 OLD BRICKYARD ROAD
BERLIN, CT, 06037
860-828-3200

To: Mr. Stuart B. Popper
Director of Planning and Development

February 13, 2018

Reference: 135 Berlin Road, SAAD LLC
41 West Street
Cromwell Ct. 06416

Dear Mr. Popper

The Owners of 135 Berlin Road (Cromwell Dinner) are seeking a Site Plan Amendment to their existing Approved Site plan for additional parking.

The Dinners customer base has increase dramatically over the past years, causing a need for additional parking.

We are requesting the Commission to allow us to reduce the a small amount of green space (1008 sq ft) originally approved on our site and allow us to add 8 new spaces.

To achieve this we would have to remove one small island and reduce two others. Trees, (one exiting tree) will be increased to a total of ⁸ and mulch would be added in the revised and existing islands.

We where afore the Commission June of 2017 and had asking for 6 new parking spaces, two of those spaces would have been located over our property lines. Our new plan has 8 new spaces all located within the boundaries of out property.

To achieve this we are proposing the following:

Area 1 - Reduce the existing island, add 2 spaces and plant a tree in the remaining island.

Area 2 - Remove existing island, restripe existing spaces from angle parking to perpendicular parking add 3 spaces.

Area 3 - Restripe existing spaces from angle parking to perpendicular parking add 1 space.

Area 4 Restripe existing spaces, remove most northerly space and add 1 space on the south end of this parking line (no increase parking)

Area 5 - Reduce the existing island, restripe existing spaces from angle parking to perpendicular parking add 2 spaces

All the requested changes are highlighted and hatched on the submitted plan.

If you have any questions please call me.

Jack Guilmartin, Partner/Survey Manager
Project No.21730



TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday August 7, 2018 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #18-42: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 51 Shunpike Road. David Trembly is the Applicant and HBN-CSC LLC C/O HB Nitkin Group is the Owner.
2. Application #18-48: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 136 Berlin Road. William Chen is the Applicant and TNO Cromwell LLC is the Owner.

At this hearing interested persons may appear and be heard and written testimony received. This application is available for public inspection in the office of the Town Planner.

Alice Kelly
Chairman

Dated in Cromwell, Connecticut this the 24th day of July 2018.

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT


Type of Activity: RESTAURANT, Sit Down, with Accessory Sale of Alcoholic Beverages
(Per Section 3.2.C.4 of the Cromwell Zoning Regulations)
Street Address: 51 SHUN PIKE Zoning District: LOCAL BUSINESS
Assessor's Parcel ID #: 00107900 Volume/Page: 1613/209

Applicant's Name: David Tremblay
Address: 105 Fisk Dr Newington
Telephone Number (daytime): 860-371-5757
Email Address: dtremblay189@yahoo.com

Property Owner's Name: Craig Way
Address: 230 mason st W Greenwich CT 06830

Description of Proposed Activity:
Fit out for a Barbs Pizza Restaurant

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, *and with Section 13.2.d. (Sign Posting)*.


(applicant)

7-9-18
(date)

18-48

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

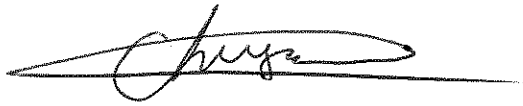
Type of Activity: Restaurant with accessory sales of alcoholic beverages
(Per Section 7.5.B.4 of the Cromwell Zoning Regulations)
Street Address: 136 Berlin Rd Zoning District: HB
Assessor's Parcel ID #: 00094000 Volume/Page: 1563/216

Applicant's Name: William Chen
Address: 15 Faxon Dr, West Hartford, CT 06117
Telephone Number (daytime): 860-416-7771
Email Address: ourname@gmail.com

Property Owner's Name: TNO CROMWELL LLC
Address: Ocean Harbor Dr. Ocean Harbor, NY 11572

Description of Proposed Activity:
Restaurant with accessory sales of
alcoholic beverages

I certify that I have read and I am familiar with the Cromwell Zoning Regulations that pertain to this type of Special Permit activity, **and with Section 13.2.d. (Sign Posting).**



(applicant)

7/12/18

(date)

4e

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY APRIL 3, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Vice Chair Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Brian Dufresne, David Fitzgerald (alternate)

Absent: Chairman Alice Kelly, Ken Rozich, Nicholas Demetriades, John Keithan (alternate)

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

1. Call To Order

The meeting was called to order by Vice Chair Cannata at 7:01 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Jeremy Floryan made a motion to seat David Fitzgerald; Seconded by Paul Cordone. *All in favor; motion passed.*

4. Approval of Agenda

Vice Chair Michael Cannata asked if there any amendments to the Agenda. Mr. Popper asked that the Commission to amend the agenda to add the acceptance and scheduling of two new applications:

Application # 18-10 Application: Request for a Site Plan Modification to add a clothing bin at 529 Main Street. AMG Retail LLC is the Applicant and the Owner. and

Application #18-13: Request for a Special Permit under Section 6.1 of the Zoning Regulations for the proposed substantial filling (18,000 cubic yards over a 5+ year period) at 76 Field Road, 59R Nooks Hill Road and 10 South Ridge Road. Carrier Group, Inc. is the Applicant and the Owner.

Jeremy Floryan made a motion to amend the agenda; Seconded by Paul Cordone. *All in favor; motion passed.*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer

Mr. Driska referenced his report included in the Commission's packet and asked if there were any questions. The Commission did not have any questions.

7. Town Planner Report

Mr. Popper stated the Regular meeting of April 17, 2018 is cancelled. A Special Meeting is scheduled for April 24, 2018 at 7 PM in Room 224 of Town Hall.

8. New Business: Accept and Schedule New Applications:

A motion made to accept and schedule Application # 18-10 Application: Request for a Site Plan Modification to add a clothing bin at 529 Main Street. AMG Retail LLC is the Applicant and the Owner to be considered at the May 1, 2018 meeting.

Jeremy Floryan made a motion to accept the application and schedule it as a business item for the May 1, 2018 meeting; Seconded by Brian Dufresne.

All in favor; motion passed.

A motion made to accept and schedule Application #18-13; Request for a Special Permit under Section 6.1 of the Zoning Regulations for the proposed substantial filling (18,000 cubic yards over a 5+ year period) at 76 Field Road, 59R Nooks Hill Road and 10 South Ridge Road. Carrier Group, Inc. is the Applicant and the Owner to be heard at the April 24, 2018 public hearing.

The motion was made by Paul Cordone; Seconded by Chris Cambareri.

All in favor; motion passed.

9. Public Hearing:

Stuart Popper read the legal notice.

- a. Application #18-03: Request for a Special Permit under Section 2.10.3 and 2.10.4 of the Zoning Regulations to allow for the parking of storage trailers in R-15 Zone District at 20 Pleasant Street. Matthew Zeiner is the Applicant and the Owner.

Jermy Floryan made a motion to open the public hearing; Seconded by Brian Dufresne. *All in favor; motion passed.*

Matt Zeiner of 20 Pleasant Street presented the application. He displayed an aerial image of his property commenting that the Pleasant Street lot had 500-ft. depth to River Road. Mr. Zeiner requested approval to keep three commercial trailers at his property in addition to one boat/trailer and one utility trailer. Mr. Zeiner stated two motor vehicles currently stored in plain view in the rear of his property will be removed in the immediate future. He stated he would plant 6-ft. to 8-ft. Arborvitae bushes as screening for neighbors as well as the River Road street view.

Barbara Spada, 15 Pleasant Street questioned traffic patterns and times of travel for the commercial trailers.

Mr. Popper read written comments in opposition received from Diane McBride on behalf of her mother, Marilyn Lord owner of 69 River Road and 14 Wall Street.

03/28/2018

Town of Cromwell Planning and Zoning

To whom this may concern,

I am writing this on behalf of Marilyn Lord, owner of 69 River Road and 14 Wall Street. This is regarding the application # 18-03 from applicant Matt Zeiner. My mother would prefer the 3 trailers not to be parked on the property. If they are allowed to be parked on the property, we would like the 3 trailers to be parked between the house and the garage.

Thank you, Marilyn Lord and Diane McBride, daughter

The Commission members and staff discussed the proposed application. Mr. Driska read Section 2.10.1 of the Zoning Regulations into the record noting that per the regulations by special permit the applicant could only have one additional commercial vehicle (i.e. one additional trailer in this case) not the three the applicant was requesting.

Paul Cordone made a motion to close the public hearing; Seconded by Brian Dufresne. *All in favor; motion passed.*

The Commission members discussed the application and the implications of the storage of these commercial trailers in a residential neighborhood.

Brian Dufresne made a motion to deny Application #18-03: Request for a Special Permit under Section 2.10.3 and 2.10.4 of the Zoning Regulations to allow for the parking of storage trailers in R-15 Zone District at 20 Pleasant Street. Matthew Zeiner is the Applicant and the Owner. Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. Application #18-05: Request for a Special Permit under Section 8.7 of the Zoning Regulations for the proposed Planned Residence Development at 76 Field Road. Carrier Group, Inc. is the Applicant and the Owner. Application #18-06: Request for Site Plan Approval for the Planned Residence Development Zone District at 76 Field Road. Carrier Group, Inc. is the Applicant and the Owner.

Paul Cordone made a motion to open the public hearing; Seconded by Brian Dufresne.
All in favor; motion passed.

Attorney Joan Molloy with the law firm of Loughlin & Fitzgerald discussed the previously submitted and approved PRD Zone Change application and concept plan. Attorney Molloy presented an overview of the proposed Special Permit Application and the Site Plan Application and how they complied with Section 8.7 of the Zoning Regulations.

Mr. Tom Daley, P.E. with the firm Milone & McBroom provided specifics associated with the development of the site, utilities and over all layout of the plan.

Mr. Scott Driscoll, Licensed Environmental Professional discussed the history of the use of pesticides at the site. He then discussed the plan to remediate the site and relocate the polluted soils on site.

Nathan Peck, P.E. & Traffic Engineer discussed the traffic study prepared in conjunction with the application and reviewed the traffic intersections around the site.

The Commission members and Mr. Peck discussed the traffic study and the various intersections noted in the study. Mr. Cannatta raised concerns about residents heading south to Middletown using Nooks Hill Road and asked the Engineers to take a second look at that area and the implications to traffic.

Mr. John Carrier of the Carrier Group discussed the history of the family owned business and showed a PowerPoint presentation about the business. He also showed a brief video about of one of the Carrier Group's more recent developments.

The Commission members and the applicant's representatives and the applicants discussed the Special Permit and Site Plan applications in general.

Vice Chair Michael Cannata opened the public hearing to the members of the public.

Mr. Michael Millane of 34 Field Road Cromwell addressed the Commission. He had concerns regarding the future traffic in the neighborhood. Mr. Millane also discussed in depth the history of pesticide use at the site.

Mr. Michael Camilleri of 14 Centerwood Drive Cromwell addressed the Commission. He complimented the developer's efforts to work with the neighborhood. Mr. Camilleri had positive comments on the site plan and buffer. He also had concerns about the traffic and asked the town to look at ways to mitigate its impact.

Mr. Bob Fuller of 7 Wexford Lane Cromwell addressed the Commission. He also had concerns regarding the traffic to be generated by the development and it impact on the already busy streets in the neighborhood.

Ms. Julie Schmidt of 54 Field Road Cromwell addressed the Commission. She was very concerned about the existing traffic in the neighborhood and was very concerned about the impact of the additional traffic will have upon the safety of the current and future residents of the neighborhood.

Mr. Nick DiBattista of 71 Field Road Cromwell addressed the Commission. He also had concerns about the safety of all the people walking on Field Road. Mr. DiBattista discussed previous traffic accidents in the neighborhood and noted the need to do something to control the additional traffic that will be associated with the new development.

Vice Chair Michael Cannata asked for any other members that wished to address the Commission. There being none he asked for a motion to continue the public hearing.

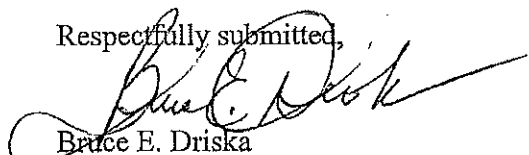
Paul Cordone made a motion to continue the public hearing to April 24, 2018; Seconded by Brian Dufresne. *All in favor; motion passed*

11. **Commissioner's Comments:** There were no comments.

12. **Adjourn:**


A motion to adjourn was made by Paul Cordone; Seconded by Brian Dufresne.
Meeting adjourned at 9:24 p.m.

Respectfully submitted,



Bruce E. Driska
Zoning & Wetlands Enforcement Officer
Acting Recording Clerk

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 5, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES

RECEIVED FOR REC
Jun 08, 2018 01:01
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT 

Present: Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Slade, David Fitzgerald (alternate)

Absent: Chairman Alice Kelly, Ken Rozich, Brian Dufresne, Nicholas Demetriades, Paul Cordone, John Keithan (alternate)

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

1. Call To Order

The meeting was called to order by Vice Chairman Cannata at 7:02 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Ken Slade made a motion to seat David Fitzgerald; Seconded by Jeremy Floryan. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added three items to New Business Accept and Schedule New Applications:

#18-33, Dennis J. King, Special Permit Application for 14 North Ridge Drive to add an accessory building over 1000 feet, to be heard June 19, 2018;

#18-35, Curaleaf CT Retail, LLC, amendment to Section 3.3 of the Zoning Regulations to add a marijuana dispensary, to be heard on July 17, 2018; and

#18-36, Linden Landscaping, site plan modification for 60 Hicksville Road, to add parking at Adelbrook.

Chris Cambareri made a motion to accept the amended agenda; Seconded by Jeremy Floryan. *All in favor; motion passed.*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer

Mr. Driska referenced his report that was included with the agenda packet. He said that 1 Wall Street had been issued a liquor permit and would be re-opening as Donnolly's.

7. Town Planner Report:

Mr. Popper stated that ShopRite was under construction. The property owner had signed a lease with Marshalls and was continuing to look for a tenant for the former K Mart garden area. 120 County Line Drive was almost done with the application process for their OSTA permit. The Nike Site application would be in front of Inland Wetlands on June 6, 2018, for grading work to be done within the Upland Review Area. Mr. Popper expected the Nike Site application to be in front of Planning and Zoning in July.

8. New Business: Accept and Schedule New Applications:

- a. #18-33, Dennis J. King, Special Permit Application for 14 North Ridge Drive to add an accessory building over 1000 feet, to be heard June 19, 2018;

Ken Slade made a motion to accept the application and schedule it to be heard on June 19, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. #18-35, Curaleaf CT Retail, LLC, amendment to Section 3.3 of the Zoning Regulations to add a marijuana dispensary, to be heard on July 17, 2018;

Jeremy Floryan made a motion to accept the application and schedule it to be heard on July 17, 2018; Seconded by Ken Slade. *All in favor; motion passed.*

- c. #18-36, Linden Landscaping, site plan modification for 60 Hicksville Road, to add parking at Adelbrook.

Chris Cambareri made a motion to accept the application and schedule it to be heard on July 17, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

9. Old Business

- a. Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

This application was heard in conjunction with Application #18-20.

10. Public Hearing:

- a. Application #18-20: Request for a Special Permit under Section 6.1D of the Zoning Regulations to permit the importing of fill at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner (continued).

Vice Chairman Cannata read the legal notice for all of the public hearings scheduled to be heard at the meeting.

Jeremy Floryan made a motion to re-open the public hearing; Seconded by Ken Slade. *All in favor; motion passed.*

Matthew Bruton, Engineer with BL Companies, presented the application. He began by reviewing the 1 acre site at 539 Main Street, saying it currently has a single family home and several outbuildings located on it. The applicant was proposing a 9,100 square foot retail building with 37 parking places. He reviewed the abutters and zones surrounding the site. He said that there were no wetlands on site, all setbacks and parking requirements were met, and all utilities were available. He was proposing an access drive onto Main Street and said that an encroachment permit from the state would be required, but local approval was needed first.

Mr. Bruton reviewed the grading and drainage plan next, saying the site was shaped like a bowl. He proposed both a detention basin and subsurface infiltration system to reduce peak runoff and reduce total suspended solids. There would be no outlet to the road drainage, but all water would be retained on site. He also reviewed the erosion and sedimentation plan. He said that he had submitted a stormwater management report to staff for review.

Mr. Bruton next reviewed the landscaping plan and highlighted the vegetative buffer between the site and the adjoining residential uses. He presented the proposed elevations, saying the building had been re-designed with a New England feel, with a gable roof, gooseneck lighting, brick wainscoting, hardy plank siding, glass entry doors, and windows. The HVAC units would be elevated to keep them above the 100 year flood line.

The applicant was asking for a Special Permit for 1,350 cubic yards of fill to bring the finished elevation to 139.5. Mr. Bruton said this would take about 10 days of trucking in the materials, during normal business hours.

Chris Cambareri asked why there were no windows on the north side of the building and Mr. Bruton said that side would be screened by landscaping. There was some discussion regarding the size and spacing of the windows and Mr. Bruton said he thought they were about 10 feet apart and 5 feet tall by 4 feet wide. Chris Cambareri said he wanted to make sure that they are proportionate to the building. Mr. Bruton said they would be glazed to look real, but would not be functioning windows.

The hearing was opened up to Commission comments. Jeremy Floryan asked about the landscaping tree height and spacing and was told they were Eastern Red Cedar, 6 feet at

planting, spaced 8 feet apart. David Fitzgerald asked about the height of the building and was told it was 27 feet. Mr. Bruton said the plantings would grow and screen more of the building each year. Vice Chairman Cannata asked about the retaining wall and was told it varied in height from 2 to 5 feet and went along the parking lot, facing the Eversource property. Vice Chairman Cannata said that the elevated HVAC would be noisy and visible to the neighbors. Mr. Bruton said that it was an issue of not impacting wall space / retail space within the store. Vice Chairman Cannata asked that he look into using a split system and lowering it to address the noise and aesthetics, and that he was ok with it being one to two feet of the ground, so it would be better screened and quieter. Mr. Bruton agreed to make the change.

Vice Chairman Cannata asked about the surrounding elevation and there was a brief discussion regarding the general topography of the site. Mr. Bruton said he couldn't have the site lower than the surrounding properties because it would cause issues with the additional stormwater. Town Engineer Jon Harriman said he was ok with the plan as presented. Mr. Bruton said that he cannot connect to the Department of Transportation's drainage since the site is not currently connected.

The application was opened to public comment. Richard Waters, 84 South Street, said he had seen HVAC systems built into indentations, and platforms and shielded. He asked about the dust control measures proposed and street sweeping during the fill operation.

Michael Weidler, 512 Main Street, said he was concerned about traffic on Main Street, between Evergreen Road and Court Street. He asked if a traffic light at Evergreen Road could be installed.

Vice Chairman Cannata said that Main Street is a state road and that the Commission has no jurisdiction. He said that those concerns have to go to the state or to the Police Chief, as the town traffic authority, to be brought to the state.

Mr. Driska read Note #25 from Page EC2 of the plans regarding sweeping and other dust control measures, such as watering and anti-tracking devices, and said they were specific enough for him to enforce in his capacity as Zoning Enforcement Officer.

Vice Chairman Cannata said that he wanted details on the windows, HVAC unit, and specifics on the dimensions and spacing. He wanted the applicant to work towards making the building more attractive.

Mr. Bruton asked if the public hearing for #18-20 could be closed and Mr. Popper said that he would prefer it stay open in case there were any changes to the site plan application that could impact it, such as the proposed grading. Vice Chairman Cannata asked the applicant to consider the comments about fencing made by the Town Engineer in his memo. Chris Cambareri asked that no trucks operate when the school buses are operating as Main Street is a busy school route.

Chris Cambareri made a motion to continue the public hearing for Application #18-20 and to table Application #18-21, both to June 19, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- b. Application #18-27: Request for a Special Permit under Section 3.3.4 of the Zoning Regulations to permit a restaurant with the accessory sale of alcoholic beverages at 35 Berlin Road. Kemal Cecunjanin is the Applicant and River Grace Plaza LLC is the Owner.

Steven Inghilterra, the applicant's realtor and representative, said that they were seeking a restaurant liquor permit for a 79 seat restaurant. Mr. Popper said that staff had reviewed the floor plan and proposed signage. He had requested a revised parking plan prior to it being re-stripped, so he could confirm that it complied with the parking requirements. He also wanted the applicant to construct an enclosed dumpster area. Mr. Popper said that the Special Permit was to allow alcohol sales.

Chris Cambareri asked why the dumpster couldn't be located to the rear behind the cleaners. Mr. Inghilterra said that they did not own that land and only had an easement to use it for parking.

Mr. Popper said that he would be happy to work with the applicant on the dumpster location. The applicant said he would place the dumpster in the easement area if it was allowed. There were no public comments.

Jeremy Floryan made a motion to close the public hearing; Seconded by Ken Slade. *All were in favor; motion passed.*

Jeremy Floryan made a motion to approve Application #18-27: Request for a Special Permit under Section 3.3.4 of the Zoning Regulations to permit a restaurant with the accessory sale of alcoholic beverages at 35 Berlin Road, with the following two conditions: that the applicant work with staff regarding the location and construction of the dumpster enclosure and submit the striping plans so staff can verify the parking locations; Seconded by Chris Cambareri. *All in favor; motion passed.*

- c. Application #18-29: Request for a Special Permit under Section 4.2.R of the Zoning Regulations to permit transfer of materials and grading at 204 Main Street (area north of Frisbee Park). The Town of Cromwell is the Applicant and the Owner.

Jeremy Floryan made a motion to open the public hearing; Seconded by Ken Slade. *All in favor; motion passed.*

Jon Harriman, Town Engineer, presented the application. He said that the required mailings and the posting of the sign had been completed. He began by reviewing the history of the parcel north of Frisbee Park and along River Road. He said that the property had been an air strip, then a grass field, and then a vegetated wetlands with the triangular piece filled and topsoil stripped. He said that it appears that the intent was to

fill the parcel, and then replace the topsoil that had been piled at River Road, but that was not done.

Mr. Harriman said that the town needs additional parking by the river for town events, such as the farmer's market. The parcel is currently very uneven. The plan is to bulldoze the site into a flat field and to screen and then relocate a portion of the topsoil from River Road. A Special Permit is required because they are in the flood plain. Mr. Harriman said that this higher area could have some flood control properties, but the entire area around it floods and it is breached by the discharge flow from the Mattabasset. The plan is to take topsoil from an area with less trees.

Chris Cambareri said it was good to see the town utilizing its resources.

Mr. Harriman said that taking topsoil from a lower elevation to a higher elevation creates additional flood compensation in the low area.

The application was opened to the public.

Richard Waters, 84 South Street, said he was in favor of the application. He wanted to see test bores done. He said that the parcel provides some protection from flooding for the surrounding property owners. He said that he did not agree with the Town Manager's plan for to construct a roadway to River Road. Vice Chairman Cannata told Richard Waters that the application only concerned the moving of the dirt and nothing else. Richard Waters said he agreed with moving some dirt, but not all of it from one area.

Michael Weidler, 512 Main Street, said that the river area is an underutilized asset and he approved of plans to improve it. He said that he wanted to see some of the construction debris removed along the highway ramp.

Mr. Harriman said that some UConn students had conducted testing and sampling about a year and half prior and found no impairment. He said that he had no plans for building a road per Richard Water's concerns. He said that the town was looking at addressing the removal of the debris.

Chris Cambareri made a motion to approve Application#18-29: Request for a Special Permit under Section 4.2.R of the Zoning Regulations to permit transfer of materials and grading at 204 Main Street (area north of Frisbee Park; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- d. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Mr. Popper presented this application. He said that the Highway Business Zone runs along 372 to the Wal-Mart, from Route 9 and 91. He said that 40 feet limits buildings to three stories, and that most hotel and office building developers want at least four stories.

He said that the Fire Department did not have any concerns and that the building and fire codes would address issues raised by the increased heights. He had solicited a response from the Capital Region Council of Governments and the Lower River Valley Council of Governments but had not received their final response. He wanted to have that to read into the record. He asked that the hearing be continued.

Ken Slade made a motion to continue the public hearing; Seconded by Jeremy Floryan.
All in favor; motion passed.

11. Approval of Minutes:

- a. April 3, 2018: No action taken
- b. May 1, 2018: A motion to approve as presented was made by Jeremy Floryan; Seconded by Ken Slade. *All were in favor; motion passed.*
- c. May 15, 2018: A motion to approve as presented was made by Jeremy Floryan; Seconded by Ken Slade. *All were in favor; motion passed.*


13. Commissioner's Comments: NONE

14. Adjourn: A motion to adjourn was made by Jeremy Floryan. Meeting adjourned at 8:39 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk

RECEIVED FOR RECORD
Jun 27, 2018 09:42A
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT 

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 19, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Slade, Nicholas Demetriades, John Keithan (alternate)

Absent: Ken Rozich, Brian Dufresne, Paul Cordone, David Fitzgerald (alternate)

Also Present: Director of Planning and Development Stuart Popper, Town Engineer Jon Harriman, Development Compliance Officer Bruce Driska, Town Attorney Kari Olson

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:02 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat John Keithan; Seconded by Chris Cambareri. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added the following item under New Business Accept and Schedule New Applications: Application #18-38: Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

It was agreed that the Executive Session would be moved to after New Business.

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

Mr. Popper mentioned that Application #18-33 had been withdrawn.

5. Public Comments

Robin Levanti, 20 Fawn Run, Cromwell, read a letter to the Commission regarding her objections to the possible two-lot development of the parcel in Rocky Hill, north of Fawn Run, and the creation of a potential accessway through Lot 20 of the Northwoods subdivision. She said that the residents of Fawn Run were vigorously opposed and submitted a partial petition to that effect.

Mr. Popper told her that the application submitted to Rocky Hill had been withdrawn and nothing was pending. She asked if one house could be developed, thus creating access to the property. Mr. Popper said that it was normal for towns to negotiate the terms of access, but nothing was being considered at the time.

Danielle Libera Tencza, Company N Tempo, 211 Shunpike Road, Unit 8, and Ed Long, Middlesex Glass, 211 Shunpike Road, Unit 3, spoke regarding their concerns over the process for issuing zoning infractions. He said that they had recently been told to remove their lawn and sandwich board signs, and this had taken place in front of customers, which was upsetting to them. Mr. Long said that the process should be a written notice with a point of contact, and a 30 day cure period before action is taken. He said that their businesses are hidden and they have no frontage. The simple lawn signs attract customers as they can be seen while traveling quickly on Shunpike Road.

Mr. Popper offered to meet with Mr. Long and Ms. Tencza, along with Mr. Driska, to discuss their concerns. He said that they could leave their A frame signs in place until that meeting. Mr. Cambareri said that the Zoning Regulations allow some signage exceptions the two weeks before and after the golf tournament, but to check with Mr. Driska. Michael Cannata said that the Commission is business friendly and thanked them for stating their concerns. He said that if they don't get a resolution after talking with Mr. Popper and Mr. Driska to come back to the Commission.

6. Development Compliance Officer

There was no report.

7. Town Planner Report:

There was no report.

8. New Business: Accept and Schedule New Applications:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Nick Demetriades made a motion to accept the application and to schedule it to be heard at tonight's meeting; Seconded by Michael Cannata. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebeth Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard at tonight's meeting; Seconded by Nick Demetriades. *All in favor; motion passed.*

- c. Application #18-38, Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

Michael Cannata made a motion to accept the application and schedule it to be heard as a business item on July 17, 2018; Seconded by Nick Demetriades. *All in favor; motion passed.*

9. New Business:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Mr. Popper said that the Commission had previously approved Application #18-27 to add more parking. This request was for an additional ten (10) spaces. Mr. Harriman had two comments per his June 12, 2018 memo, requesting to review the maintenance plan and that the applicant submit a maintenance report annually, by January 31 of each year. Per Mr. Driska, one additional tree was to be planted.

Tom Linden of Linden Landscape Architects presented the application. He said that they were asking to construct 10 more parking spaces, 4 on one side and 6 on the other. The total space count would then be 187. He said that the net increase in paving and storm runoff would be 547 square feet, which would have minimal impact. He said that they have 11 trees already planted and were requesting a waiver of the additional one tree.

Mr. Driska said that the one tree should be planted as this is the parking lot in front of the main building. The applicant agreed to the one tree as well as to the annual maintenance plan and reporting requirement.

Michael Cannata made a motion to approve Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. with the following conditions: that the requirements in Jon Harriman's memo June 12, 2018 be adhered to, that the requirements in Bruce Driska's memo June 5, 2018 be adhered to, and that the applicant submit the missing maintenance plan by July 31, 2018; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebethe Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Mr. Popper said that the property was located in the Industrial Zone and the processing of materials was allowed in that zone. He said that because there were residential properties located nearby, they had reviewed the town's noise ordinances.

Robert Gallitto presented the application. He wanted to store extra materials and screen topsoil. He said that the screening was done on an as needed basis, seasonally. He said that the noise levels, per his tests, were 57 decibels, under the 70 decibel threshold when there is a residence 500 feet away. He showed his site location and that of adjacent properties. He said that his hours were 7 a.m. to 6:30 p.m. on

weekdays, and 8 am to 6 p.m. on Saturdays and 10 a.m. to 5 p.m. on Sundays.

Mr. Driska read his June 15, 2018, memo saying that Class C noise emitters can operate during daytime hours and that hours proposed by the applicant were less than those allowed. He said that a silt fence should be installed by the entranceway to the property.

Mr. Popper read three letters of support from nearby businesses, Joseph's Autobody, Roy's Landscaping, and the Tap House, saying that Mr. Gallitto was a respectable businessman and his proposal would not cause any disturbance to their businesses.

Mr. Popper said that the closest proposed use in the Regulations is #3, Other Uses: Assembly, Manufacturing, Processing or Wholesale Distribution of Goods. He said that there have been noise issues in the past because of the adjacent residences and the topography of the area. He wanted leeway to adjust the applicant's hours in the event of problems. Chairman Kelly asked that the applicant to forego screening on Sundays, to which he agreed. Michael Cannata said he may have to cut his hours back to more middle of the day. The applicant said that the screening operation separates the dirt from rock. He also stores topsoil, stone and millings, as well as his heavy equipment.

Michael Cannata made a motion to approve Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C3 of the Zoning Regulations at 150 Sebeth Drive under two conditions: that no screening be conducted on Sundays and that the applicant work with the Town Zoning Enforcement Officer and Town Planner in the event of any noise concerns; Seconded by Chris Cambareri. *All in favor; motion passed.*

10. Old Business:

- a. Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

Chairman Kelly stated that she had listened to the tapes for the meetings she had missed.

Matthew Bruton, Engineer with BL Companies, presented the application. He began by reviewing the 1 acre site at 539 Main Street, saying it currently has a single family home. The applicant was proposing a 9,100 square foot retail building. He was proposing an access drive onto Main Street and said that an encroachment permit from the state would be required, but local approval was needed first. He reviewed the abutters and zones surrounding the site. He said that all setbacks and parking requirements were met, and all utilities were available.

Mr. Bruton reviewed the grading and drainage plan next, saying the site was shaped like a bowl. He proposed both a detention basin and subsurface infiltration system to reduce peak runoff and reduce total suspended solids. There would be no outlet to the road

drainage, but all water would be retained on site. He also reviewed the erosion and sedimentation plan. He said that he had submitted a stormwater management report to staff for review. Mr. Bruton next reviewed the landscaping plan and lighting plan.

He presented the revised architectural plans. He said that that windows were 6 feet by 6 feet and 16' 9" apart on the front façade and 18' 10" along the side. The HVAC unit was lowered to just above the finished floor and hidden by a chain link fence with privacy slats. There was also a privacy wall proposed for around the detention basin. Those two elements, along with the landscaping, would provide noise mitigation. The applicant said that no lighting, doors or windows were proposed for the side of the building facing the Subway.

Mr. Bruton said that the arborvitae would be planted at 135 elevation, providing screening to 141. They were cover half the building from view at first and then grow to the shingled roofline. He said adding a berm was not practical as it would cause flooding to the neighbors.

Nick Demetriades said that he went through the meeting documents and minutes. He asked about anti-tracking measures. Mr. Bruton said that he proposed an Erosion and Sedimentation Plan, to include a riprap track pad, sweeping, silt fence, dust control via watering, silt sacks and seeding/planting any stockpiles that are not to be immediately used. He said that snow storage would be onsite unless removal was needed. Mr. Driska said that he, as ZEO, had the power to add more erosion and sedimentation controls as necessary.

Michael Cannata said that all of his previous questions had been addressed.

Mr. Popper asked about the height of the fencing proposed, as well as their locations.

Doug Grunert, BKA Architects, reviewed the colors proposed, which were a light yellow beige as the main color, a tanner beige accent for the gable, a light brown asphalt shingle and brown fencing around the HVAC unit. Chairman Kelly was concerned about the vinyl fencing being white. Mr. Grunert said he could modify the colors to make it match.

Mr. Bruton said that there was not a contracted tenant at the moment, that the DOT encroachment permit review probably would take at least 4 to 6 weeks, for a fall start to construction and finishing in spring 2019.

Chris Cambareri asked about adding windows to the side facing the Subway to make it more pleasing aesthetically for Main Street. Mr. Bruton said that side would be landscaped and screened from viewing from Main Street by street trees as well.

11. Public Hearings:

- a. Application #18-20: Request for a Special Permit under Section 6.1D of the Zoning Regulations to permit the importing of fill at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner (continued).

Michael Cannata made a motion to open the Public Hearing for Application #18-20; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Bruton said that the site was shaped like a bowl. In order to raise it up, they were asking for a Special Permit for 1,400 cubic yards of fill to bring the finished elevation to match the neighbors and for stormwater management purposes. The water would be captured and retained onsite and recharge the groundwater. Mr. Bruton said this would take about 10 days of trucking in the materials, about 70 truckloads, during normal business hours. He agreed to limit the trucking hours during school bus route hours when children are using the sidewalks. Chairman Kelly asked the applicant to work with Mr. Driska regarding that condition. Mr. Bruton said he would and asked to incorporate his previous testimony into tonight's hearing.

Mr. Popper said that the Town Engineer, via a memo dated June 19, 2018, had asked that the stormwater management be included on the site plan for compliance purposes and that an annual management report be provided by January 31 of each year.

Mr. Popper asked about the HVAC equipment enclosure and was told that it reduced noise and rattling so that it was 72 decibels at 10 feet away. He also asked about the fence color and windows, to ensure that if they were added, they would be spaced out.

There were no public comments.

The applicant said that they were agreeable to the Town Engineer's requests. Mr. Bruton offered to add two windows to the front of the north side of the building, to move the rest of the planned landscaping down to the rear of the north side of the building, and to change the fence color to a wood grain finish.

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 #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street; with the following conditions: that Jon Harriman's memo dated June 19, 2018 be adhered to, that the North facing blank wall have two window treatments added to it at the front and the landscape screening be moved to the rear of the building, and that the fence around the detention basin be tan, with a wood grain finish; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

Michael Cannata made a motion to approve Application #18-20: Request for a Special Permit under Section 6.1.D of the Zoning Regulations to permit the importing of fill at 539 Main Street; with the following condition: that the applicant work with Town Staff regarding the hours of truck access to the site; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Mr. Popper asked that the public hearing be continued as he had not yet received a final response from the Capital Region Council of Governments or the Lower River Valley Council of Governments.

Michael Cannata made a motion to continue the public hearing; Seconded by Jeremy Floryan.

12. Executive Session:

- a. Discuss Pending Litigation for 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.

Michael Cannata made a motion to go into Executive Session at 8:30 p.m. and invited Mr. Driska and Attorney Kari Olsen into Executive Session; Seconded by Nick Demetriades.

Michael Cannata made a motion to come out of Executive Session at 9:12 p.m. with no action taken; Seconded by Jeremy Floryan. *All in favor; motion passed.*

13. Approval of Minutes:

- a. April 3, 2018: No action taken.
- b. June 5, 2018: No action taken.

13. **Commissioner's Comments:** Nick Demetriades said that the Commission should give some consideration to the permit request for next year's TPC tournament. He said that he would prefer extending the permit for a few days rather than allowing construction to begin at 5 a.m. He also said that the larger trucks are supposed to be using the back access roads and are not supposed to be traveling through the development but they are doing so.

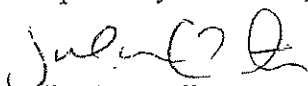
He said that the Commission approved the Field Road development, as well as the TPC construction, and that trucks are going to be using the same roadways (Field Road and Golf Club Road) during the same timeframes. He asked about the pesticides report for the Field Road project and Mr. Popper said he would get him the final remediation report.

He also asked about the moving of contaminated soils, and Mr. Popper said that the proposal was in line with DEEP standards.

Nick Demetriades also said that the Commission should do more planning, especially in light of the expiration of the POCD in 2012. Mr. Popper said that the expiration was not until 2022. There was a brief discussion regarding the reasons the prior 2012 planning grant was not used.

14. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:19 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk

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Jul 20, 2018 02:36P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JULY 17, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Jeremy Floryan, Nicholas Demetriades, Brian Dufresne, Paul Cordone, David Fitzgerald (alternate)

Absent: Chris Cambareri, Ken Slade, Ken Rozich, John Keithan (alternate)

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, Town Council Liaison James Demetriades

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:01 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; Seconded by Jeremy Floryan.
All in favor; motion passed.

4. Approval of Agenda

Mr. Popper added the following item under New Business: Application #18-38: Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Leticia Martinez, Applicant, which he asked the Commission to consider tonight as a business item.

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

5. Public Comments

There were no public comments.

6. Development Compliance Officer

Mr. Driska referenced his current report in the Commissioners' packets. He said that work at 120 County Line Drive was progressing, specifically the installation of infrastructure, stormwater management and stabilization mats. He said that the building at the TPC had been demolished, as well as the parking lot and foundation removed. They were working on the 18th hole reconfiguration. The temporary bathrooms, restaurant and clubhouse facilities were open by the 1st tee. He mentioned that the TPC

had installed a wireless webcam that he could use for checking on the Erosion and Sedimentation controls. Chairman Kelly asked Mr. Driska to come up with a recommendation regarding similar technology being a requirement for larger projects and Michael Cannata said it could be a useful tool for both the police and public works departments.

Mr. Driska mentioned that Application #18-34 is for a Special Permit for the sale of alcoholic beverages at the former Oyama Restaurant at 136 Berlin Road. Paul Cordone asked Mr. Driska to look into the trailer mounted sign at the Splash Car Wash and Mr. Driska said he would. There was a brief discussion regarding the town's options as far as having banks better take care of foreclosed properties. Mr. Driska said he gets contact information on bank ownership and the maintenance companies from the Town Clerk. Chairman Kelly asked him to consider additional ways to motivate the banks to better maintain the properties.

7. Town Planner Report:

Mr. Popper said that there was an application pending with Inland Wetlands regarding enlarging Hoffman pond to make it into a skating and fishing pond. He said that there was an application for a building to be constructed between Baci Grill and Burger King. He referenced the large number of new applications to be scheduled tonight. He asked the Commission regarding their preference for meeting in August. He recommended having two meetings in August, during which the Nike Site applications could be considered at one meeting, that being August 21, and all other applications considered at a Special Meeting to be scheduled on August 7. After a brief discussion, it was agreed that the Commission would hold two meetings in August, per Mr. Popper's suggestion.

8. New Business: Accept and Schedule New Applications:

- 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 LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule it as a business item to be considered August 7, 2018; Seconded by Paul Cordone.
All in favor; motion passed.

- b. Application #18-42: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 51 Shunpike Road. David Trembly is the Applicant and HBN-CSC LLC c/o HB Nitkin Group is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 7, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- c. Application #18-43: Request for a Special Permit under Section 8.7 of the Zoning Regulations to amend the Master Plan for 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 accept the application and to schedule a public hearing for August 21, 2018; Seconded by Paul Cordone. *All in favor; motion passed.*

- d. 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 Site LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 21, 2018; Seconded by Brian Dufresne. *All in favor; motion passed.*

- e. 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 accept the application and to schedule a public hearing for August 21, 2018; Seconded by Brian Dufresne. *All in favor; motion passed.*

- f. 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.

Michael Cannata made a motion to accept the application and to schedule it as a business item to be considered August 21, 2018; Seconded by Paul Cordone. *All in favor; motion passed.*

- g. Application #18-48: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with the accessory sales of alcoholic beverages at 136 Berlin Road. William Chen is the Applicant and TNO Cromwell LLC is the Owner.

Michael Cannata made a motion to accept the application and to schedule a public hearing for August 7, 2018; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- h. Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart). Leticia Martinez is the Applicant.

Michael Cannata made a motion to accept the application and to schedule it to be considered tonight as a business item; Seconded by Brian Dufresne. *All in favor; motion passed.*

9. New Business:

- a. Request for Bond Reduction at Northwoods of Cromwell.

Mr. Popper introduced this item by saying that money had been held for the installation of two wooden footbridges along the open space trail. Both bridges were installed and the developer was requesting that the money be released. Mr. Driska had inspected and written a memo recommending the release of \$12,000.00.

It was clarified that a total of \$25,000 was being held; \$12,000.00 for the two bridges and \$13,000.00 for landscaping.

Michael Cannata made a motion to release \$12,000.00 in bond funds for the two footbridges at the Northwoods subdivision; Seconded by Brian Dufresne. *All in favor; motion passed.*

- b. Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart). Leticia Martinez is the Applicant.

Leticia Martinez, Bentonville, Arkansas, said Wal-Mart was undergoing a nationwide branding change and that signs were being added and/or changed and increased and/or decreased in size. She reviewed the specific size changes to each existing sign and noted that "market" was changing to "grocery" and "outdoor" to "lawn and garden". She said that the addition of two new signs was to inform customers of the vision center and pickup center for online ordering.

Mr. Driska said that the request was for building signs only and that the total difference was an increase of 47.44 square feet, which was still under the maximum allowed. Mr. Popper asked about the signs being lit and the applicant said that only "pick-up" and "Wal-Mart" would be illuminated with LED lights. Nick Demetriades asked about the linear frontage restriction and Mr. Driska said that it was within the limits. Chairman Kelly asked about the placement of the signs in relation to the corresponding areas within the store and the applicant said that she was not aware of the exact store layout, but that the layout would remain the same and that the sign may not be in the corresponding location. Mr. Popper clarified that the Wal-Mart store was built before the sign standards were updated and therefore not subject to the 200 square foot maximum for a building sign.

Michael Cannata made a motion to approve Application #18-38: Request for Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Seconded by Paul Cordone. *All in favor; motion passed.*

10. Public Hearings:

- a. Application #18-35: Request to amend Sections 3.3.C.2 of the Zoning Regulations to allow for Marijuana Dispensary Facilities to be permitted in the Highway Business Zone District. Curaleaf CT Retail, LLC is the Applicant.
Nick Demetriades read the public notice.

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

Michael Romano, Esq., 41 New Britain Avenue, Rocky Hill, represented the applicant and began by passing out a handout entitled "Medical Marijuana – Basic Q&A". He introduced Greg Schaan, 1201 Falls View Road, Manchester, who was there on behalf of Curaleaf Connecticut. Mr. Schaan reviewed a PowerPoint presentation for the Commission, beginning with an overview of the history of cannabis use. He said that this was an application for medical marijuana and clarified that recreational/adult use is illegal in Connecticut. He said that Curaleaf is focused on all aspects of safety, from its sources and processes for making medicine to outreach and education for physicians and patients. He said that all operations are contained within the state. The plants are cultivated and the oils and flowers are subject to testing by a third party. There are multiple forms of delivery of the medicine: the flowers themselves, oils extracted from the leaves, which are then made into topical rubs or tinctures or used for vaping, or incorporated into edible products. He said that there are nine dispensaries in the state. The state plans to license up to another ten dispensaries.

Mr. Schaan said that the entire process is regulated by the Department of Consumer Protection and there are stringent standards regarding security and reporting. All dispensaries get products from all of the producers. He said that there are currently about 27,000 patients and 22 qualifying conditions for adults and 7 for children. A board of physicians makes recommendations about qualifying conditions, which then must be approved by the state legislative.

He said that doctors do not write prescriptions. They instead certify the patient for a card. The dispensaries have licensed pharmacists who discuss dosage and delivery with the patients. He said that their hours of operation are 9 a.m. to 7 p.m. and a dispensary sees about 50 to 60 patients a day. He reviewed the legal requirements for dispensaries: that each patient must have an identification card, to be renewed annually. They must choose one dispensary to get their medicine and can access up to 2.5 ounces per month. The medicine must be dispensed in childproof packaging.

As far as security, staff must undergo extensive training, security officers are on-site to check identification cards and to prevent diversion or on-site use, there is a sophisticated inventory management and tracking system, and the company works closely with local public safety organizations. He provided examples of physician training materials, who must have additional education to certify patients. Pharmacists must have additional training to dispense. He also provided examples of patient education materials and reviewed the company's history of outreach and community giving. He showed photographs of a typical dispensary. He said no medicine is allowed on display and it

must be kept in vaults. He also showed a rendering of a proposed exterior. He said that they choose standalone buildings for security reasons.

At this time, the Department of Consumer Protection may grant up to ten more dispensary licenses. There are currently 73 applications pending. Mr. Schaan said that they are only looking for a zoning regulation change at this time. Their application for a license had been submitted and was under review. He said that different sections of the application are given different weights in terms of points and the highest scoring applications are awarded the license.

Michael Cannata asked if it was possible that the dispensary may not happen in town, even if the zoning regulation is changed, because of the competition for licenses. Mr. Schaan said yes, but he believed his company to have a better chance of getting a license because of their experience. Chairman Kelly asked if a site plan was included in the application and Mr. Schaan said yes. The vault and drive-through at the former Comcast/Liberty Bank were not useable and the building would likely require up to \$1M to retrofit. He said that they typically look for buildings about 2-3,000 square feet in size.

Mr. Popper said that this request was for a zoning amendment change only and that a site plan was not being considered at this time. If the amendment change was approved, the applicant would have to come back for a Special Permit to discuss specific properties. This zoning change is to allow it anywhere in the Highway Business zone, which is where most pharmacies and retail locations are situated and where most other towns have located them.

Mr. Schaan answered questions about security, saying that employees undergo background checks. Other security measures include surveillance of the roof and external walls, in addition to the presence of a security officer.

Nick Demetriades asked about the proposed regulation and was told it was based on other towns. Mr. Popper said it was written by the applicant's attorney. Michael Cannata noted that the amendment does not allow for growing and Mr. Schaan said that required a separate license.

There was some discussion regarding whether to include a distance requirement from establishments such as schools and churches. The applicant proposed a 250' distance requirement. Mr. Popper noted that the state guidelines required a site map be submitted that showed "all places used primarily for religious worship, public or private school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp or military establishment that are within 1000 feet of the proposed dispensary facility location". Michael Cannata recommended leaving out the distance requirement and considering the site location as part of the Special Permit in order to have more flexibility. Mr. Popper said that the Highway Business Zone is not very deep and Cromwell is a small town and it would be difficult to locate a dispensary with a distance requirement in place.

Mr. Popper reviewed the sections of the proposed zoning regulation change. It was proposed that Section 6.11.D.1.a be eliminated and language requiring a plan showing all uses within 500' be submitted, to mirror the state's language, or specifically a radius of 250'. 6.11.D.1.c. would be eliminated. It was also recommended that the hours of operation in 6.11.F.2 be eliminated and be considered as part of the Special Permit.

Michael Cannata asked about the effect of legalizing recreational marijuana. Mr. Schaan said that their license was for medical marijuana only. Mr. Popper said that most communities in Massachusetts, where it is legal, are addressing the matter via zoning. Michael Cannata wanted to make sure this was not an automatic open door to dispensing recreational marijuana. Mr. Popper did not think it was necessary to require a review of Special Condition approval for a dispensary in the event recreational marijuana is legalized. Chairman Kelly asked about adding "Medical" to the heading of "Marijuana Dispensary". There was some discussion about the effect of altering the stat's definition of "dispensary facility" and Mr. Popper recommended that no changes be made. Nick Demetriades asked about referencing the Special Permit criteria of 8.7 and Mr. Popper agreed that the dispensary should be added under Section 3.3.C.4 instead of 3.3.C.2. He said that 8.7 should be listed under "Additional Criteria" as well. Mr. Popper offered to fix the format at the staff level and provide a clean version for approval at the August 7, 2018 meeting. The applicant said that there was a sense of urgency to get approval as soon as possible.

The application was opened up to public comment.

Jennifer Beck, 42 Franklin Road, spoke in favor. She said that she was a cardholder and currently goes to Hartford, which is not always easy to get to. She said that people need access and that the town and its citizens will both benefit.

Avery Pessa, 1 Cozy Court, said she is a patient and advocate and in support. She drives to Bristol for her medicine. She said that dispensaries are very secure. She said that, if approved, this would be the only dispensary in Middlesex County.

Timothy Yankee, 17 Geer Street, spoke in support. He said patients are family members who are sick and need this medicine. He said that he had been a patient in the past. People needed it to be accessible in this area. He said that people wouldn't even know the dispensary was there. He thanked the Commission for considering the application and said most people are very accepting of medical marijuana.

Matthew Long, 120R Washington Road, said he was in full support. He was grateful that the Commission was considering the application. He said there were shortages and that was why additional dispensaries would be licensed. He said residents would benefit, as they need better access to treatment. He said this type of medicine helps veterans and cancer survivors.

Robert G. Venetianer, 34 Hemlock Court, wrote a letter in support, saying that new business in town is a good thing and approving this regulation change was smart for the town, as it would bring in revenue.

There were no more public comments.

Mr. Popper reviewed the proposed changes discussed tonight by the Commission:

That the text would be added to Section 3.3.C.4.;

That a map showing the location of sites within a 250' radius be submitted, mirroring the state's language;

That 6.11.D.1.c. be eliminated;

That 6.11.F.2. regarding specific hours be eliminated and hours of operation be determined at the time of the public hearing; and

That "See 8.7" be added under Additional Criteria.

Mr. Popper said that the Capital Regional Council of Governments and River Council of Governments had both submitted opinions of no impact.

Nick Demetriades said that he was happy that this was moving forward as he thought it was a positive addition to town and a good fit as a Special Permit matter. Michael Cannata said that this was good for Cromwell and good for patients.

Michael Cannata made a motion to approve Application #18-35: Request to amend Sections 3.3.C.4 and 6.11 of the Zoning Regulations to allow for Marijuana Dispensary Facilities to be permitted in the Highway Business Zone; Seconded by Brian Dufresne. *All in favor; motion passed.*

- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

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

Mr. Popper said that both the River Council of Governments and Capital Region Council of Governments had submitted opinions of no negative impact. He said that the current regulations limit building height to 40' in the Highway Business Zone, which is essentially a three-story building, as four stories with a penthouse exceeds that height. He was proposing 55 feet to allow for a true four-story building. He read a letter from Cromwell Fire Chief Michael Terenzio, who said that the additional fifteen feet would not cause an adverse impact on firefighting. He said that the Cromwell Fire Department has equipment to fight a fire in a five- to six-story building. He said that the Fire Marshal would need to weigh in on safety matters during site plan review. He noted that a 55' building is not a high rise.

Mr. Popper said that there have been development inquiries but developers do not want to have to apply for a variance for building height. He reminded the Commission that this would only apply in the Highway Business Zone.

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

Michael Cannata made a motion to approve Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to Increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District; Seconded by Jeremy Floryan. *All in favor; motion passed.*


11. Approval of Minutes:

a. June 19, 2018: No action taken.

12. Commissioner's Comments: Nick Demetriades asked about the possibility of attending meetings electronically. Mr. Popper said that he would research it but was aware of other towns that had legal issues result from doing so. Mr. Driska said it was a matter of not being able to view the same presentation materials as Commissioners who are present at the meeting. Nick Demetriades noted that there is technology that would allow him to view the same materials. Mr. Popper said he would look into the possibility of attending electronically, but did not think that voting electronically would be possible.

13. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:16 p.m.

Respectfully submitted,


Julie C. Petrella
Recording Clerk