



Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY DECEMBER 1, 2020
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
AGENDA

RECEIVED FOR RECORD
Nov 18, 2020 11:27A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT *Je*

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:**
9. **New Business:**
10. **Public Hearings:**
 - a. Application #20-54: Request for Special Permit under Section 3.3.C.4 of the Zoning Regulations to allow for a restaurant (Jefferson Fry Company) with the accessory sales of alcoholic beverages at 43 Berlin Road. Emmet Moore is the Applicant and River Grace Plaza LLC is the Owner.
 - b. Application #20-57: Request for a Special Permit under Section 7.5 of the Zoning Regulations 7.5 to operate a Liquor store at 540 Main Street. MAHANT LLC is the Applicant and Benitta Properties LLC is the Owner.
 - c. Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Pine Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.
 - d. Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
 - a. November 5, 2020
 - b. November 17, 2020
13. **Adjourn:**

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Public Hearing on Tuesday December 1, 2020 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #20-54: Request for Special Permit under Section 3.3.C.4 of the Zoning Regulations to allow for a restaurant (Jefferson Fry Company) with the accessory sales of alcoholic beverages at 43 Berlin Road. Emmet Moore is the Applicant and River Grace Plaza LLC is the Owner.
2. Application #20-57: Request for a Special Permit under Section 7.5 of the Zoning Regulations 7.5 to operate a Liquor store at 540 Main Street. MAHANT LLC is the Applicant and Benitta Properties 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 18th day of November 2020.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT**

Type of Activity: Request approval for the ^{accessory} ~~accessory~~ sale of Alcoholic beverages (restaurant)
(Per Section 3.3.A.A of the Cromwell Zoning Regulations)

Street Address: 43 Bentz rd Zoning District: HB

Assessor's Parcel ID #: 00319600 Volume/Page: 1313/048

Applicant's Name: Emmet Moore (Sebberson Fry Company LLC)

Address: 43 Bentz rd Cromwell

Telephone Number (daytime): 860 719 1082

Email Address: emmet@SebbersonFryCompany.com

Property Owner's Name: River Grace Place LLC

Address: Crest Drive Cromwell

Description of Proposed Activity:
Sale of alcoholic beverages in 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)

10.19.20
(date)

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL PERMIT

Type of Activity: Retail outlet sale of Alcoholic Beverages
(Per Section 7.5. of the Cromwell Zoning Regulations)
Street Address: 540 Main Street Zoning District: 1B
Assessor's Parcel ID #: 00300200 Volume/Page: 1611 239

Applicant's Name: MAHANT LLC
Address: 255. BERLIN AVE. SOUTHBINGTON. CT-06489
Telephone Number (daytime): 203. 584. 7040
Email Address: _____

Property Owner's Name: Benitta Properties, LLC
Address: 540 Main St. Cromwell, CT 06416

Description of Proposed Activity:
Retail outlet sale of Alcoholic beverages. New owner of existing business.

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)**.

PRITESH KUMAR. A. PATEL
(applicant)

10/4/20
(date)

Application# 20-48

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
*APPLICATION FOR SPECIAL PERMIT***

Type of Activity: Erect Two (2) Digital Billboards

(Per Section 3.6C of the Cromwell Zoning Regulations)

Street Address: 6 Piney Ridge Zoning District: CBD

Assessor's Parcel ID #: 00212500 Volume/Page: 1626/61

Applicant's Name: DFC OF CROMWELL, LLC

Address: 920 S. Colony Rd. Wallingford, Ct 06492

Telephone Number (daytime): (203) 410-7649

Email Address: _____


Property Owner's Name: DFC OF CROMWELL, LLC

Address: 920 S. Colony Rd., Wallingford, Ct 06492

Description of Proposed Activity:

See attached

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)

8-26-2020

(date)

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT**

Type of Activity: Install Digital Billboard
(Per Section 3.6.C of the Cromwell Zoning Regulations)

Street Address: 241 + 251 Main St. Zoning District: CBD

Assessor's Parcel ID #: 00480800 + 00278500 Volume/Page: 1557/316 + 1505/190

Applicant's Name: RODNEY BITGOOD
Address: 263 MAIN ST CROMWELL, CT 06416
Telephone Number (daytime): 860-613-2355
Email Address: RODNEY@CROMWELLAUTOMOTIVE.COM

Property Owner's Name: Rodrella Realty LLC
Address: 263 Main Street Cromwell, CT

Description of Proposed Activity:
Request to install digital billboard

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)

9-3-2020
(date)

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY NOVEMBER 5, 2020
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, Nicholas Demetriades, Paul Cordone, and Ken Rozich

Absent: Kenneth Slade, Brian Dufresne, John Keithan (alternate), and Ann Grasso (alternate).

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

1. Call to Order:

The meeting was called to order by Chairman Alice Kelly at 7:06 PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

None

4. Approval of Agenda:

Mr. Popper asked the Commission to add two items to the agenda:

- a. Add to *New Business: Accept and Schedule New Applications*: Item #8-C. Permit #20-57 for liquor permit for liquor store located at 540 Main Street. Schedule Public Hearing for December 1, 2020.
- b. Add to *New Business*: Item #9-B. Approval of Planning & Zoning Meeting Dates for 2021.

Vice Chairman Michael Cannata made the motion to approve the agenda as amended; Seconded by Mr. Jeremy Floryan. *All in favor, motion passed.*

5. Public Comments:

Mr. Popper announced that the Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Pine Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner will not be heard at this meeting.

Mr. Popper read a letter dated November 5, 2020 which was received from Attorney Dennis Ceneviva representing the Owner Dominick DeMartino. He said the purpose of the letter was to request a continuance of the public hearing for application 20-48 to the November 17, 2020 Planning and Zoning Commission meeting. Mr. Popper said that the

reason for the request is the applicant is submitting a revision to the Application reducing the number of advertising faces on the proposed billboards from four to two as shown on the plan attached to the letter.

Mr. Popper said that the applicant proposes one advertising face on each of the two proposed billboards. He said both billboards will comply with all requirements set forth in the commercial billboard district and Attorney Dennis Ceneviva and Owner Dominick DeMartino will complete their presentation at the November 17, 2020 meeting.

Mr. Popper also explained that Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner will be tabled because the applicant discovered in the development of the plans the requirement to obtain an inland-wetlands permit.

6. Development Compliance Officer Report:

Mr. Bruce Driska distributed the updated report to the Commission and said he would address any questions. Mr. Driska gave several updates regarding the installation of utilities at the Cromwell Village project. He said gas will be provided to the site via a gas line running up Country Squire through the center of the road and new electrical service will also be extended up Country Squire Drive. Mr. Driska said the retaining wall is complete and it is an engineering marvel.

Mr. Driska complimented the owner of the Asian Grocer Plaza on Main Street saying his parking lot has been resealed and painting and striping is complete. He noted that island has installed separating entrance and exit and approximately six new trees have been planted. Mr. Driska said the Starbucks project is coming closer to being finished they did the paving earlier this week and they are finishing up the exterior with the recent delivery of lumber. He noted that the Storage bin that was at SBC Plaza has been removed along with all the inappropriately discarded items.

7. Town Planner Report:

Mr. Popper said as part of the approval for Starbucks, the Commission had required the property owner to install a fence along Sebeth Drive to screen the view of the back of the building. He said after several discussions with the owner, the owner would rather than installing a fence would like to plant an evergreen tree buffer. Mr. Popper asked the Commission for a recommendation.

Vice Chairman Michael Cannata made motion that the Commission prefers a landscape buffer consisting of the appropriate number of six-foot tall evergreen trees instead of a fence. Mr. Chris Cambareri seconded. *All in favor; motion passed.*

8. New Business: Accept and Schedule New Applications:

- a. Application #20-54: Request for Special Permit under Section 3.3.C.4 of the Zoning Regulations to allow for a restaurant (Jefferson Fry Company) with the accessory

sales of alcoholic beverages at 43 Berlin Road. Emmet Moore is the Applicant and River Grace Plaza LLC is the Owner. Mr. Popper asked the Commission to accept and schedule Application #20-54 to heard on December 1, 2020.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #20-54 for December 1, 2020; Seconded by Jeremy Floryan. *All in favor, motion passed.*

- b. Application #20-55: Request to modify the Site Plan at 153 West Street to permit a Salon. Orlando J. and Lisa J. Cardenas are the applicants and owners. Mr. Popper asked the Commission to accept and schedule Application #20-55 to be heard this evening.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #20-55 to be heard at tonight's meeting; Seconded by Paul Cordone. *All in favor, motion passed.*

- c. Application #20-57: Request for a Special Permit under Section 7.5 of the Zoning Regulations 7.5 to operate a Liquor store at 540 Main Street. MAHANT LLC is the Applicant and Bennitta Properties LLC is the Owner. Mr. Popper asked the Commission to accept and schedule Application #20-57 to heard on December 1, 2020.

Vice Chairman Michael Cannata made a motion to accept and schedule Application #20-57 for December 1, 2020; Seconded by Chris Cambareri. *All in favor, motion passed.*

9. New Business:

- a. Application #20-46: Request to modify the Site Plan for Cromwell Villages at 150 Country Squire Drive. Cromwell Village Assoc LLC is the Applicant and the Owner.

Mr. Popper said that Application #20-46 is a continuation of the previous portion of the site plan modification, revisions to Cromwell Village Multi-Family Residential Development, 150 Country Squire Drive. He said at a previous meeting there were some questions and requests to make the antenna tower a little more aesthetically pleasing. Mr. Popper said there were also some questions regarding the emergency generator and the applicant will address those questions.

Attorney Joseph Williams of Shipman and Goodwin presented an acoustical engineering study and design evaluation performed by Brooks Acoustics Corporation (BAC) showing potential sound emissions from the proposed emergency generator located at the development. He said the study showed that the estimated sound level of 49 dBA is well below the daytime sound level limit of 55 dBA that is mandated by the Town of Cromwell and the State of Connecticut.

Attorney Williams said that this is an emergency backup generator and it is only used in an emergency when power has gone out or when there is a fire. He said it will power the pump stations so that sprinklers in the buildings have sufficient water capacity and water flow and for some of the domestic water supply to the building as well.

Attorney Williams said testing of the generator will be monthly, for about 20 to 30 minutes. He said it will be at full load and at a time of day that will be least inconvenient to residents. Attorney Williams said once per quarter, the test will be run at full load, which is necessary to make sure that that it is working properly.

Rock Emond, Project Civil Engineer with Milone & MacBroom presented the Site Plan Modifications regarding the installation of the communications pole which is needed by the Cromwell Fire Department. He said at the September 15, 2020 Planning and Zoning Commission meeting, Milone & MacBroom discussed the possibility of putting the communications pole closer to the pump station. Mr. Emond said it was determined that it is possible to fit everything within the island; the mail kiosk, the trash compactor and the communications flag pole. He said the proposed flagpole, which is rigid steel, requires a 10' by 10' concrete pad to support it. The flagpole will be 55' with a 17' whip antenna. Mr. Emond said the a 6' fence (matching that of the cabana area) and arborvitaes will surround this area and will be a nice screen as well as dampen sound from the generator.

Mr. Julius Neto, Cromwell Fire District Executive Director and the Commission members discussed the color of the communications antenna. He said it would be made of fiberglass and has a greenish color. Mr. Neto assured the Commission that this antenna will only be used by Cromwell emergency services.

Mr. Popper then read a memo from Ms. Ann Grasso of the Planning and Zoning Commission in which she assures that the very thin communication antenna which will be seen at the top of the proposed flagpole is hardly visible against a blue sky or even a cloudy sky, it simply fades into the background. Ms. Grasso commends the Cromwell Fire Department for working with Malone & MacBroom to provide this elegant solution.

Vice Chairman Michael Cannata made a motion to approve request to modify Application #20-46 with the condition that the flagpole antenna be used only for Cromwell Police and Fire. Seconded by Mr. Chris Cambareri. *All in favor, motion passed.*

b. Approval of Planning & Zoning Meeting Dates for 2021.

Mr. Popper distributed a memo dated November 2, 2020 containing meeting dates for 2021.

Vice Chairman Michael Cannata made a motion to accept 2021 meeting dates, seconded by Mr. Nicholas Demetriades. *All in favor; motion passed.*

- c. Application #20-55: Application for Site Plan Modification for Home Occupation-Salon, located at 153 West Street/50 Mystique Lane. Orlando J. and Lisa J. Cardenas are the Applicants and Owners.

Mr. Charles Sheehan, President, PLS, PMPCA, LLC, 44 Cove Road Stonington, CT is the engineer for the project. He presented the following to the Commission:

The Cardenas Family owns and occupies property located at 153 West Street, Cromwell, CT, and 50 Mystique Lane. He said they are proposing to locate a home occupation-salon/spa within 684 square feet of the first floor of the existing residential structure. Mr. Sheehan said no exterior modifications/alternations/additions to the existing structure will be required to accommodate the proposed use.

He said that "Mia's Salon" which is currently located at 34 Shunpike Road, Unit #10, Cromwell will relocate its existing business to occupy the proposed space. Mr. Sheehan said the salon offers the following services: hair cutting/styling, hair coloring, waxing services, make-up services. He said the proposed hours of operation are Monday through Saturday, 9:00 a.m. to 5:00 p.m. by appointment only and the business will be closed on Sundays.

Mr. Sheehan said the Site modifications include the following:

- Overlay and modify the driveway and parking to accommodate the layout shown on the site plan (9 parking spaces, one handicapped accessible).
- The business will occupy two employees.
- Install site lighting per site plan.
- Construct bluestone walkways per plan.
- Provide site landscaping.
- Install signage per plan.

The following comments were submitted by Mr. Bruce Driska, Zoning & Wetlands Enforcement Officer, on October 29, 2020.

- The Applicant's plan indicates overhead lighting but not lighting detail (type of fixtures, height of poles, etc.) were provided. That information is required to determine conformity with the lighting regulations.
- The Applicant drawing is not to scale. Unless provided, it is otherwise assumed the Applicant shall conform with all numerical requirements of the zoning regulations.
- The Applicant should include safety stops at proposed Parking Spaces abutting the proposed pedestrian walkway.

In an email dated October 26, 2020, Mr. Harold Holmes, Fire Inspector, Cromwell Fire District states that he reviewed the site plans for 153 West Street and does not have any concerns.

In an email dated October 26, 2020, Chief Denise Lamontagne of the Cromwell Police Department states that a stop sign with stop bar should be installed and maintained per MUTCD guidelines. Also, the salon sign should not interfere with the sight line for westbound traffic while exiting business.

In a memo dated October 26, 2020, Mr. Jon Harriman, P.E., Cromwell Town Engineer, indicates the parking lot curbing appears to hinder the access from the space marked as handicapped. The handicapped space should be close to the entrance to the salon and should be laid out in accordance with current ADA standards.

In a memo dated October 23, 2020 Chief Building Official John Egan said the handicapped accessible parking space shall be van accessible.

There was discussion between the Commission and Mr. Sheehan regarding the above conditions. The Commission is pleased that the business will continue to be located in Cromwell.

Vice Chairman Michael Cannata made a motion to approve Application #20-55 with the above referenced conditions, Seconded by Mr. Chris Cambareri. *All in favor, motion passed.*

10. Public Hearing:

Ken Rozich read the legal notice into the record.

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

- a. Application #20-50: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to allow for a restaurant (Wooster Street Pizza) with the accessory sales of alcoholic beverages at 77 Berlin Road. Wilson A. Ollana is the Applicant and BRC River Centre LLC is the Owner. *The Applicant was not present.*
- b. Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the owner. *Application #20-47 was tabled.*
- c. Application #20-48: Request for a Special Permit under 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner. (Public Hearing continued from 10/20/20 meeting). *Application #20-48 was tabled.*

No public was present for the Public Hearings.

Vice Chairman Michael Cannata made a motion to close the Public Hearing; seconded by Mr. Paul Cordone. *All in favor; motion passed.*

Vice Chairman Michael Cannata made a motion to approve Application #20-50: Request for a Special Permit under Section 3.3.C.4 of the Zoning Regulations to allow for a restaurant (Wooster Street Pizza) with the accessory sales of alcoholic beverages at 77 Berlin Road.; seconded by Mr. Chris Cambareri. *All in favor; motion passed.*

11. Commissioner Comments:

Mr. Nicholas Demetriades would like to meet with Mr. Popper and Mr. Driska to discuss the affordable housing issue. Mr. Popper agreed to scheduling a meeting for the upcoming week.

12. Approval of Minute:

a. October 6, 2020

Michael Cannata made the motion to approve the minutes of October 6, 2020. Seconded by Jeremy Floryan. *All in favor, motion passed.*

b. October 20, 2020

Michael Cannata made the motion to approve the minutes of October 20, 2020, with the correction that was not present. Seconded by Jeremy Floryan. *All in favor, motion passed.*

13. Adjourn:

Vice Chairman Michael Cannata made the motion to adjourn at 8:04 PM. *All in favor, motion passed.*

Respectfully submitted,

Handwritten signature in blue ink that reads "Michelle L. Armetta/SBP".

Michelle L. Armetta
Recording Clerk