



Town of Cromwell
Planning and Zoning Commission

Lisa Conroy, Asst.
TOWN CLERK

REGULAR MEETING
7:00 P.M. TUESDAY FEBRUARY 6, 2018
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
AGENDA

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 #18-03: 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.
9. **New Business:**
 - a. Application #17-59: Request to modify the Site Plan Approval at River Highlands Golf Club Road to remove sidewalks on Thistledown and Priorwood Gardens. White & Katzman, Management is the Applicant and River Highlands Home Owners Association is the Owner.
10. **Public Hearing:**
 - a. Application #18-01: Request for a Special Permit under Section 3.5.C.4 of the Zoning Regulations to permit the manufacture of beer in the Industrial Zone at 14 Alcap Ridge. Coles Road Brewing LLC is the Applicant and Fourteen Alcap LLC is the Owner.
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
 - a. January 2, 2018
 - b. January 16, 2018
13. **Adjourn**

P & Z Permits 2017						
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
17-01	Greater Hartford Comm. Foundation	One Golf Club Road	Travelers Championship	Approved with conditions 2/2/17	Event over	
17-02	Town of Cromwell		Amend Section 1.7 of the Zoning Regulations	Approved 3/7/2017	Complete	
17-03	Jonathan Gerolami	321/323 Main Street	Recreation games	Approved by ZEO 1/20/2017	Open for Business	
17-04	Sommer Nelson	547 Main Street	VCA Cromwell Animal Hospital- Dog Training classes	Approved by ZEO 1/27/2017	Open for classes	
17-05	Michael Santangelo	17 Jennerifer Lane	Oversized Garage	Approved 3/21/2017	Complete	
17-06	Town of Cromwell - Public Works Dept.	Willowbrook Rd at 372	Roadway reconstruction filling withtin flood hazard area	Approved 3/21/2017	Begins 11/16/17 on going to Spring 2018	
17-07	Town of Cromwell	Willowbrook Rd. (South end)	Widening & pavement rehabilitation	Approved 3/21/2017	Begins 11/16/17 on going to Spring 2018	
17-08	Stanley Jasiocki	33 Shadow Lane	Leanto Greenhouse	Approved with conditions 3/21/2017	Complete	
17-09	Edward Ainas	136 Berlin Road	Pizzapie Restaurant	Approved by ZEO 3/3/2017	Complete	

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-10	Two Men & a truck	70 County Line Drive	Proposed Building	Approved 4/18/17	Withdrawn
17-11	C & G Holdings II, LLC	Lots 6 & 7 Commerce Dr.	Resubdivision	Approved with conditions 6/6/17	Complete
17-12	Lisa DiMichele	6 Kirby Road	Caffe Vernazza, Emporium	Withdrawn	Closed
17-13	Chris Cambareri	Country Squire Drive	Military Simulation	Approved by ZEO 4/17/2017	Event over
17-14	Autumn Lake of Cromwell	385 Main Street	Install new signs	Approved 5/16/2017	Complete
17-15	Keystone Novelities	113 Berlin Road	Temp Fireworks Retail	Approved 5/2/17	Event over
17-16	Kevin Reed	town wide	Amenda reg 3.5.C.4 to add pet day care	Approved 5/16/2017	Complete
17-17	Fire Dept. Michael Terenzio	105 Coles Road	Mother's day flower dales	Approved by ZEO 4/16/17	Event over
17-18	Lisa DiMichele	6 Kirby Road	SP Mod. To install parking spaces	Denied 7/18/2017	Closed
17-19	Paraco Gas	Krauszers/117 Berlin Road	Propane tanks & cage	App/cond 6/6/17	Not completed or started
17-20	Middlesex Counseling Center	1 Willowbrook Suite 6	Family Counseling	Approved by ZEO 5/15/2017	Open for Business
17-21	Town of Cromwell	Town wide	Amend sections 3.2.3 and Section 3.3.4	Approved 6/6/2017	Complete

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-22	JPG Partners, LLC	186 Shunpike Road	Construct affordable housing development	PH continued to 11/21/2017	Denied 1/16/2018
17-23	JLSurveying	135 Berlin Road	Install additional parking at Cromwell Diner	Approved with conditions 6/20/17	Not complete
17-24	Myhang Phan	542 Main Street	My Hair Salon	Approved by ZEO 5/24/2017	Open for Business
17-25	Carrier Group Inc.	76 Field Road	Change zone R-25 to PRD zone	Approved 8/1/17	Complete
17-26	Stephen Larson	30 New Lane	Fibre Dust tent sale	Approved by staff	Event over
17-27	HB Nitkin	51 Shunpike Road	Amend site plan	Approved with conditions 7/18/17	Pending
17-28	Coles Road Brewery	30 New Lane	Operate a Brewery	Tabled	Withdrawn
17-29	Splash Car Wash	23 Shunpike Road	Car Wash pay stations	Approved 7/18/2017	Complete
17-30	Kendall Amenta	2 Willowbrook Road	Tanning Salon & Spa	Approved by ZEO 7/3/2017	Open for Business
17-31	Dorothy Williams	200 West Street	Install monument sign	Approved 8/1/17	Open for business
17-32	Arco National Const.	120 County Line Drive	Erosion & Control Plan	Approved 9/5/17	Work in progress
17-33	Christopher Panehianco	48 South Street	Home based business	Approved 9/5/17	Complete

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-34	Robert Gallitto	95-97 Berlin Road	Site Plan Modification	Approved 9/5/17	Work in progress
17-35	Jeff DiClemente	75 Field Road	Park Comm. Vehicles and Trailer	Approved 10/3/2017	Complete
17-36	Evergreen	Willowbrook Road	Site Plan Modification	On Hold	Withdrawn
17-37	Republican Town Comm.	309 Main Street	Campaign Headquarters	Approved by ZEO 8/23/2017	Event over
17-38	Stephen Larson	30 New Lane	Fibre Dust Retail Store	Approved by ZEO 8/30/17	Work in progress
17-39	Linden Landscape Ed Amate	60 Hicksville Road	New Parking Expansion a Adelbrook,	Approved w/conditions 10/3/2017	Under construction
17-40	Ed Amate	136 Berlin Road	Smoothie & Art Class	Approved by Town Planner 8/30/17	Open
17-41	Patrick Precourt	14 Alcap Ridg	Gym/Fitness Center	Approved by Town Planner 8/31/17	Work in progress
17-42	National Sign Corp.	164 West Street	Install new digital sign	Approved 11/9/17	Work in progress
17-43	Celina Kelleher	Pierson Park	Trick R Trunk	Approved by Town Planner 9/1/17	Event over

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-44	Cromwell Little League	6 Mann Memorial	Install Lights on field	No Action	Pending
17-45	Cromwell Village Assoc.	150 Country Squire Dr./Nike Site	Amend zone map	Approved 11/9/17	Complete
17-46	Lisa DiMichele	6 Kirby Road	Additional parking for coffee shop	Approved 10/3/2017	Complete
17-47	Tom O'Rourke	Nike Site/Country Squire Dr	Military Simulation event	Approved by ZEO 9/18/2017	Complete
17-48	Troung Linh	200 West Street	Astrology & Crystal Energy	Approved by ZEO 8/3/2017	Complete
17-49	Gary Nelson	5 Reiman Drive	Painting & Handyman Serv.	Approved by ZEO 10/2/2017	Complete
17-50	Patricia Deperry	680 Main Street	Create rear lot	PH on 12/5/2017	Approved 12/5/17
17-51	PGA Tour Design & Const	1 Golf Course Road	Construct new club house	PH on 12/5/2017	Approved 12/5/17
17-52	PGA Tour Design & Const	1 Golf Club Road	New club house & assoc. infrastructure	Scheduled for 12/5/2017	Approved 12/5/2017
17-53	ARCO National Const.	120 County Line Drive	Construct warehouse	Approved 12/12/17	Work in progress
17-54	Snyder Civil	11 Progress Drive	Construct bldg. Addition	Approved 1/2/2018	Work in progress

Memo

To: Planning and Zoning Commission
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: January 31, 2018
Re: Comments for the February 6, 2018 Meeting Agenda

8. New Business Accept and Schedule New Applications:

a. Application #18-03: Request for a Special Permit under Section 2.10 of the Zoning Regulations to allow for the parking of storage trailers in R-15 Zone District at 20 Pleasant Street. Matthew K. Zeiner is the Applicant and the Owner. *Staff is requesting that the Commission accept the application at the February 6, 2018 meeting and schedule it to be heard at the March 6, 2018 meeting.*

9. New Business:

a. Application #17-59: Request to modify the Site Plan Approval at River Highlands Golf Club Road to remove sidewalks on Thistledown and Priorwood Gardens. White & Katzman, Management is the Applicant and River Highlands Home Owners Association is the Owner. Staff has reviewed the application had no comments. *Attached are: 1) A copy of the River Highlands Homeowners Association Board of Directors meeting on August 15, 2017, (see item #10. New Business). 2) A copy of the Bylaws of the River Highlands Homeowners Association, Inc. (see 2.2 H for Powers and Duties as they relate to the removal of the sidewalks). We will present the staff comments at the meeting.*

10. Public Hearing:

a. Application #18-01: Request for a Special Permit under Section 3.5.C.4 of the Zoning Regulations to permit the manufacture of beer in the Industrial Zone at 14 Alcap Ridge. Coles Road Brewing LLC is the Applicant and Fourteen Alcap LLC is the Owner. *Included in the packet is a narrative describing the brewery operation, a copy of the site plan and a drawing showing the location of the brewery inside the building. Also attached are the staff comments.*

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: PARKING OF STORAGE TRAILERS

(Per Section 2.10.2, 2.2.D.1, 2.10 of the Cromwell Zoning Regulations)

Street Address: 20 PLEASANT STREET Zoning District: R-15

Assessor's Parcel ID #: 00402400 Volume/Page: 1467/211

Applicant's Name: Matthew Zeiner

Address: 20 PLEASANT STREET

Telephone Number (daytime): 860 983 2631

Email Address: MattZeiner1@gmail.com

Property Owner's Name: Matt Zeiner

Address: 20 PLEASANT STREET

Description of Proposed Activity:

PARK TRAILER #I FREEDOM 20' x 8.5' YELLOW

PARK TRAILER #II PACE 12' x 6' WHITE

PARK TRAILER #III WELLS CARGO 14' x 8' YELLOW

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).

[Signature]
(applicant)

1/16/18
(date)

17-59

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN ~~APPROVAL~~ Modification

Name of Project: RIVER HIGHLANDS HOMEOWNERS
Street Address: GOLF ROAD
Volume/Page: _____ PIN #: _____

Applicant Name: DONALD GRABON
Address: 111 ROBERTS ST SUITE G-1
EAST HARTFORD, CT 06108
Telephone: 860-291-8777x1148 (day) 860-250-9878 (evening) CELL
Email Address: dgrabon@WKMANAGE.COM

Property Owner Name: Home owner Association
Address: _____

Attached:

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

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

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

Donald C Grabon [Signature]
Applicant Name and Signature

11/30/2017
Date



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December 4, 2017

Stuart Popper
Town of Crowell, Planning and Zoning
41 West Street
Cromwell, CT 06416

RE: River Highlands Sidewalks

Dear Sir,

Per your request this letter follows up the recent application by the River Highlands Homeowners Association. The association wishes to remove some of the blacktop sidewalks along the private streets of the community, specifically Thistledown and Priorwood Gardens. It is proposed to remove the sidewalks in their entirety and replace them with grass. The sidewalks around the rotary on Highland Green and Highland Crossing will remain. The reasons the association is seeking to remove the sidewalks are as follows:

- Most of the streets within the property do not have sidewalks. There are none on the Ridge side of the property nor are there any on any of the side streets other than Priorwood Gardens. For this reason most walkers and joggers start out in the streets and do not move to the sidewalks in those limited locations.
- The sidewalks due to age and tree root damage need to be replaced at significant cost to eliminate tripping hazards. The Board of Directors does not believe that such an expenditure on walks that are not utilized is prudent.
- If the sidewalks were to be replaced it would also require the removal of a number of otherwise healthy trees.

Thank you for the boards consideration of the Association's application.

Sincerely,

Donald C. Grabon
Managing Agent
Email: dongrabon@wkmanage.com





Real Estate Property Management

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November 17, 2017

Town of Cromwell Planning and Zoning Commission
41 West Street
Cromwell, CT 06416

RE: River Highlands Homeowners Association

Dear Commission Members:

The River Highlands Homeowners Association wishes to request permission to eliminate some sidewalks within the private property of the association. Specifically the walks to be eliminated run along Thistledown and Priorwood Gardens. Site maps showing the proposed walk elimination locations are provided.

The Board of Directors has authorized the board President, Ron Freidman and Property Manager Donald Grabon to represent the association on this matter. By their signatures below they are requesting that the matter be placed on a future meeting of the P&Z Board. Thank you for your consideration.

Donald C. Grabon
Managing Agent
Email: dongrabon@wkmanage.com

Sincerely,

Ronald Freidman
President River Highlands Association
Email: rpmd4@aol.com



The River Highlands Homeowners Association

Board of Directors Meeting Minutes

Tuesday, August 15, 2017

1. Call to Order / Roll Call

The regular meeting of The River Highlands Homeowners Association was called to order at 6:00pm on Tuesday, August 15, 2017 at the TPC River Highlands Clubhouse by Ron Friedman.

Present

Ron Friedman, John Kindl, Mike Novosel, Deane Felter, Susan Miller, Bill Goggin

Absent

None

Others: Don Grabon, Property Manager

2. **ARC:** Jaqueline McQuay's report was moved out of sequence as she needed to leave early. She presented to Don Grabon a list of concerns regarding possible violations of the Rules and Regulations. Among the violations were interior window coverings that are the wrong color and the improper installation of a flood light.

Motion that letters be sent to the owners regarding the window coverings and the light by Mike Novosel.
2nd by Susan Miller
Approved Unanimously

3. **Reading of Minutes.** The minutes of the previous meeting were distributed to the board prior to the meeting.

Motion to approve minutes with two modifications made by Deane Felter
2nd by Mike Novosel
Approved Unanimously

4. **Treasurer's Report.** Report presented by Mike Novosel

Currently the expenses are running about \$25,000 over budget. There is an expense of approximately \$5,500 in Irrigation for replacement of controls and pump.

Motion by Susan Miller to move reserve monies to fund the Irrigation capital replacements.

2nd by John Kindl
Approved Unanimously

5. **Presidents Report:** Wishes to thank the committees involved in the front entry and gazebo lighting projects. Thanks the Social committee for a successful Lobster Fest. And a thank you to the community with the recent outpouring of support for the board.

6. **Residents Forum.**

- Bob Fried, 12 Priorwood Gardens. Expressed concern regarding activities at the pool, specifically a lack of supervision of who is using the pool and action occurring around the pool by users.

7. **Manager's Report.**

- a. Reported on the shed delivery status.
- b. Continuing irrigation and minor dollar spot fungus outbreak. Decided not to treat fungus due to limited outbreak and cost of over \$12,000.
- c. Tennis courts have been stripped for pickle ball
- d. Pond treatment to control cat tails will be done late August.

8. **Committee Reports:**

- a. **Insurance Committee.** Deane Felter. Nothing to report
- b. **Communications:** Bill Goggin reported the newsletter would be in the mail soon.
- c. **Landscaping: Sub-Committee:** Rick Willard & Rick Parks. Reported on the large tree removal and trimming initiative. Recommended that Watson Tree remove a limited number of trees that are causing damage to driveways and sidewalks along with a few other potentially dangerous trees this year. Approximately \$3,300 to remove and grind stumps. Expense to regular 2017 operating budget.
- **Landscape / Lighting Committee:** Peter Tripp: Looking into possible additions to front entry to eliminate dark spots on the up lighting.
- d. **O & M:** Reported on fall driveway replacements
- e. **Tournament:** Ron. The TPC will be reporting at the Annual Meeting regarding the club house replacement and next year's tournament.
- f. **ARC review: Phil Veilleux**
 - **7 Thistledown** Committee recommends approving deck installation with a modification to the plans to have the stairs to the ground within the deck foot print. **Motion to approve request for deck extension** by Bill Goggin 2nd John Kindl Approved Unanimously

- **11 Thistledown** Committee recommends approving deck installation per presented plans. **Motion to approve request for deck extension by Deane Felter 2nd John Kindl** Approved Unanimously
- **5 Lion Gardner** Committee recommends allowing a modification to the window installation on rear basement level to permit a double window instead of a triple and a single window on the short return wall. Landscaping to be done to camouflage the double window not being a triple. **Motion to approve the windows as recommended by Bill Goggin 2nd by Deane Felter** Approved Unanimously

g. **Investments:** No changes to investments

h. **Pool** Ron Freidman Reported on the new sign-in desk, pool furniture and pool deck coating.

i. **Social:** Kerry Johnson.

Upcoming events:

Gazebo Concert August 20
 Gazebo Concert September 17
 Riverboat Cruise October 15
 Holiday Stroll December 10

j. **Welcoming Committee:** none

9. Unfinished Business:

A 2018 Operating Budget Mike Novosel made a motion to approve the 2018 Operating budget with a total income from common fees of \$1,001,744.00.

2nd John Kindl

Unanimously approved

10. New Business:

a. **Club Side sidewalks:** Motion made by Mike Novosel to seek town permission to remove the sidewalks on Thistledown and Priorwood Gardens. 2nd Susan Miller. In Favor: Ron, John, Bill, Mike and Susan Opposed Deane Motion passed

11. Residents Forum:

Dave Gorden 5 Lochwood: Expressed concerns regarding the method used to select which driveways were to be replaced.

Dewey Deeton 7 Pierson Green opposed the removal of sidewalks on the club side.

Patti O'Connor, 1 Priorwood Gardens – Suggested that the Board poll the community regarding a special assessment vs increasing the operating budget.

Peter Tripp 3 Tavistock Commented on the process of the budget approval being done as ratification.

Elaine Decker, 7 Lord Brook – Recommended doing a long term assessment for the landscaping improvements rather than in the operating budget. On the sidewalks, stated that she walks the property regularly and prefers to walk in the streets.

12. Next Meeting Date: October 17, 2017 at The TPC Clubhouse, 6:00pm

13. Ron makes a motion to go into Executive session at 8:42 PM. Mike seconds.

14. Board comes out of executive session at 8:58 PM **Deane Felter makes a motion to authorize Don to settle the Yard Group Suit at the amount of \$82,500.** 2nd by Michael Novosel. Unanimously approved.

15. Mike Novosel makes motion to adjourn the meeting. 2nd by Deane. Meeting adjourned at 9:00 pm.

PUBLIC OFFERING STATEMENT EXHIBIT C

BYLAWS OF

THE RIVER HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

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BYLAWS
OF
THE RIVER HIGHLAND HOMEOWNERS ASSOCIATION, INC.

ARTICLE I
Introduction

These are the Bylaws of The River Highlands Homeowners Association, Inc. Capitalized terms are defined in Article I of the Declaration.

ARTICLE II
Executive Board

Section 2.1 - Number and Qualification; Termination of Declarant Control

- (a) The affairs of the Common Interest Community and the Association shall be governed by an Executive Board which, until the termination of the period of Declarant control, shall consist of three (3) persons, and following such date shall consist of five (5) persons, the majority of whom, excepting the Directors appointed by the Declarant, shall be Unit Owners. If any Unit is owned by a partnership or corporation, any officer, partner or employee of that Unit Owner shall be eligible to serve as a Director and shall be deemed to be a Unit Owner for the purposes of the preceding sentence. Directors shall be elected by the Unit Owners except for those appointed by the Declarant. At any meeting at which Directors are to be elected, the Unit Owners may, by resolution, adopt specific procedures for conducting the elections, not inconsistent with these Bylaws or the Corporation Laws of the State of Connecticut.
- (b) The terms of at least one-third (1/3) of the Directors shall expire annually, as established in a resolution of the Unit Owners setting terms.
- (c) Section 8.7 of the Declaration shall govern appointment of Directors of the Executive Board during the period of Declarant control.
- (d) The Executive Board shall elect the officers. The Directors and officers shall take office upon election.
- (e) At any time after Unit Owners other than the Declarant are entitled to elect a Director, the Association shall call and give not less than ten (10) nor more than sixty (60) days' notice of a meeting of the Unit Owners for this purpose. Such meeting may be called and the notice given by any Unit Owner if the Association fails to do so.

Section 2.2 - Powers and Duties. The Executive Board may act in all instances on behalf of the Association, except as provided in the Declaration, these Bylaws or the Act. The Executive Board shall have, subject to the limitations contained in the Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but not be limited to, the following:

- (a) Adopt and amend Bylaws, Rules and regulations;
- (b) Adopt and amend budgets for revenues, expenditures and reserves;
- (c) Collect assessments for Common Expenses from Unit Owners;
- (d) Hire and discharge managing agents;
- (e) Hire and discharge employees and agents other than managing agents and independent contractors;
- (f) Institute, defend or intervene in litigation or administrative proceedings in the Association's name on behalf of the Association or two or more Unit Owners on matters affecting the Common Interest Community;
- (g) Make contracts and incur liabilities;
- (h) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;
- (i) Cause additional improvements to be made as a part of the Common Elements;
- (j) Acquire, hold, encumber and convey in the Association's name any right, title or interest to real property or personal property but Common Elements may be conveyed or subjected to a security interest only pursuant to Section 47-254 of the Act;
- (k) Grant easements for any period of time including permanent easements, and leases, licenses and concessions for no more than one year, through or over the Common Elements;
- (l) Impose and receive payments, fees or charges for the use, rental or operation of the Common Elements, other than Limited Common Elements described in Subsections (2) and

- (4) of Section 47-221 of the Act, and for services provided to Unit Owners;
- (m) Impose charges or interest or both for late payment of assessments and, after Notice and Hearing, levy reasonable fines for violations of the Declaration, Bylaws, Rules and Regulations of the Association;
 - (n) Impose reasonable charges for the preparation and recordation of amendments to the Declaration,, resale certificates required by Section 47-270 of the Act or statements of unpaid assessments;
 - (o) Provide for the indemnification of the Association's officers and Executive Board and maintain Directors' and Officers' liability insurance;
 - (p) Assign the Association's right to future income, including the right to receive Common Expense assessments;
 - (q) Exercise any other powers conferred by the Declaration or Bylaws;
 - (r) Exercise all other powers that may be exercised in the State of Connecticut by legal entities of the same type as the Association;
 - (s) Exercise any other powers necessary and proper for the governance and operation of the Association; and
 - (t) By resolution, establish committees of Directors, permanent and standing, to perform any of the above functions under specifically delegated administrative standards, as designated in the resolution establishing the committee. All committees must maintain and publish notice of their actions to Unit Owners and the Executive Board. However, actions taken by a committee may be appealed to the Executive Board by any Unit Owner within forty-five (45) days of publication of such notice, and such committee action must be ratified, modified or rejected by the Executive Board at its next regular meeting.

Section 2.3 - Standard of Care. In the performance of their duties, the officers and Directors of the Executive Board are required to exercise the care required of fiduciaries of the Unit Owners, if appointed by the Declarant, and ordinary and reasonable care if elected by the Unit Owners.

Section 2.4 - Additional Limitations. The Executive Board shall be additionally limited pursuant to Article XXV of the Declaration.

Section 2.5 - Manager. The Executive Board may employ a manager for the Common Interest Community at a compensation established by the Executive Board, to perform such duties and services as the Executive Board shall authorize. The Executive Board may delegate to the manager only the powers granted to the Executive Board by these Bylaws under Subdivisions 2.2(c), (e), (g) and (h). Licenses, concessions and contracts may be executed by the manager pursuant to specific resolutions of the Executive Board, and to fulfill the requirements of the budget.

Section 2.6 - Removal of Directors. The Unit Owners, by a two-thirds vote of all persons present and entitled to vote at any meeting of the Unit Owners at which a quorum is present, may remove any Director of the Executive Board with or without cause, other than a Director appointed by the Declarant.

Section 2.7 - Vacancies. Vacancies in the Executive Board caused by any reason other than the removal of a Director by a vote of the Unit Owners, may be filled at a special meeting of the Executive Board held for that purpose at any time after the occurrence of any such vacancy, even though the Directors present at such meeting may constitute less than a quorum, in the following manner:

- (a) as to vacancies of Directors who Unit Owners other than the Declarant elected, by a majority of the remaining such Directors constituting the Executive Board;
- (b) as to vacancies of Directors who the Declarant has the right to appoint, by the Declarant.

Each person so elected or appointed shall be a Director for the remainder of the term of the Director so replaced.

Section 2.8 - Regular Meetings. The first regular meeting of the Executive Board following each annual meeting of the Unit Owners shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Unit Owners at the meeting at which such Executive Board shall have been elected. No notice shall be necessary to the newly elected Directors in order to legally constitute such meeting, providing a majority of the Directors shall be present. The Executive Board may set a schedule of additional regular meetings by resolution and no further notice is necessary to constitute such regular meetings.

Section 2.9 - Special Meetings. Special meetings of the Executive Board may be called by the President or by a majority of the

Directors on at least three (3) business days' notice to each Director. The notice shall be hand-delivered or mailed and shall state the time, place and purpose of the meeting.

Section 2.10 - Location of Meetings. All meetings of the Executive Board shall be held within the Town of Cromwell unless all Directors consent in writing to another location.

Section 2.11 - Waiver of Notice. Any Director may waive notice of any meeting in writing. Attendance by a Director at any meeting of the Executive Board shall constitute a waiver of notice. If all the Directors are present at any meeting, no notice shall be required and any business may be transacted at such meeting.

Section 2.12 - Quorum of Directors. At all meetings of the Executive Board, a majority of the Directors shall constitute a quorum for the transaction of business, and the votes of a majority of the Directors present at a meeting at which a quorum is present shall constitute the decision of the meeting. If, at any meeting, there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time. At any adjourned meeting at which a quorum is present any business which might have been transacted at the meeting originally called may be transacted without further notice.

Section 2.13 - Compensation. A Director may receive a fee from the Association for acting as such, as may be set by resolution of the Unit Owners, and reimbursement for necessary expenses actually incurred in connection with his or her duties. Directors acting as officers or employees may also be compensated for such duties.

Section 2.14 - Consent to Corporate Action. If all the Directors or all Directors of a committee established for such purposes, as the case may be, severally or collectively consent in writing to any action taken or to be taken by the Association, and the number of the Directors or committee constitutes a quorum for such action, such action shall be valid corporate action as though it had been authorized at a meeting of the Executive Board or the committee, as the case may be. The Secretary shall file such consents with the minutes of the meetings of the Executive Board.

ARTICLE III Unit Owners

Section 3.1 - Annual Meeting. Annual meetings of Unit Owners shall be held on the second Tuesday in January. At such meeting, the Directors shall be elected by ballot of the Unit Owners, in accordance with the provisions of Article II. The Unit Owners may transact other business at such meetings as may properly come

before them.

Section 3.2 - Budget Meeting. Meetings of Unit Owners to consider proposed budgets shall be called in accordance with Sections 19.5 and 19.6 of the Declaration. The budget may be considered at Annual or Special Meetings called for other purposes as well.

Section 3.3 - Special Meetings. Special meetings of Unit Owners may be called by the president, a majority of the Executive Board, or by Unit Owners having twenty percent (20%) of the votes in the Association.

Section 3.4 - Place of Meetings. Meetings of the Unit Owners shall be held at such suitable place convenient to the Unit Owners as may be designated by the Executive Board or the president.

Section 3.5 - Notice of Meetings. Except for budget meetings, for which notice shall be given in accordance with Sections 19.5 and 19.6 of the Declaration, the secretary or other officer specified in the Bylaws shall cause notice to be hand-delivered or sent prepaid by United States mail to the mailing address of each Unit or to any other mailing address designated in writing by the Unit Owner, not less than ten (10) nor more than sixty (60) days in advance of any meeting. The notice of any meeting shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the Declaration or Bylaws, any budget changes and any proposal to remove an officer or Director of the Executive Board. No action shall be adopted at a meeting except as stated in the notice.

Section 3.6 - Waiver of Notice. Any Unit Owner may, at any time, waive notice of any meeting of the Unit Owners in writing, and such waiver shall be deemed equivalent to the receipt of such notice.

Section 3.7 - Adjournment of Meeting. At any meeting of Unit Owners, a majority of the Unit Owners who are present at such meeting, either in person or by proxy, may adjourn the meeting to another time.

Section 3.8 - Order of Business. The order of business at all meetings of the Unit Owners shall be as follows:

- (a) Roll call (or check-in procedure).
- (b) Proof of notice of meeting.
- (c) Reading of minutes of preceding meeting.
- (d) Reports.

- (e) Establish number and term of memberships of the Executive Board (if required and noticed).
- (f) Election of inspectors of election (when required).
- (g) Election of Directors of the Executive Board (when required).
- (h) Ratification of Budget (if required and noticed).
- (i) Unfinished business.
- (j) New business.

Section 3.9 - Voting.

- (a) If only one of several owners of a Unit is present at a meeting of the Association, that owner is entitled to cast all the votes allocated to that Unit. If more than one of the owners are present, the votes allocated to that Unit may be cast only in accordance with the agreement of a majority in interest of the owners. There is majority agreement if any one of the owners casts the votes allocated to that Unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the Unit.
- (b) Votes allocated to a Unit may be cast pursuant to a proxy duly executed by a Unit Owner. If a Unit is owned by more than one person, each owner of the Unit may vote or register protest to the casting of votes by the other owners of the Unit through a duly executed proxy. A Unit Owner may revoke a proxy given pursuant to this Subsection only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. A proxy terminates one year after its date unless it specifies a shorter term.
- (c) The vote of a corporation or business trust may be cast by any officer of such corporation or business trust in the absence of express notice of the designation of a specific person by the board of directors or bylaws of the owning corporation or business trust. The vote of a partnership may be cast by any general partner of the owning partnership in the absence of express notice of the designation of a specific person by the owning partnership. The moderator of the meeting may require reasonable evidence that a person voting on behalf of a

corporation, partnership or business trust owner is qualified so to vote.

- (d) No votes allocated to a Unit owned by the Association may be cast.

Section 3.10 - Quorum. Except as otherwise provided in these Bylaws, the Unit Owners present in person or by proxy, at any meeting of Unit Owners, shall constitute a quorum at such meeting.

Section 3.11 - Majority Vote. The vote of a majority of the Unit Owners present in person or by proxy at a meeting at which a quorum shall be present shall be binding upon all Unit Owners for all purposes except where a higher percentage vote is required in the Declaration, these Bylaws or by law.

ARTICLE IV Officers

Section 4.1 - Designation. The principal officers of the Association shall be the president, the vice president, the secretary and the treasurer, all of whom shall be elected by the Executive Board. The Executive Board may appoint an assistant treasurer, an assistant secretary, and such other officers as in its judgment may be necessary. The president and vice president, but no other officers, need be Directors. Any two offices may be held by the same person, except the offices of president and vice president, and the offices of president and secretary. The office of vice president may be vacant.

Section 4.2 - Election of Officers. The officers of the Association shall be elected annually by the Executive Board at the organization meeting of each new Executive Board and shall hold office at the pleasure of the Executive Board.

Section 4.3 - Removal of Officers. Upon the affirmative vote of a majority of the Directors, any officer may be removed, either with or without cause, and his or her successor may be elected at any regular meeting of the Executive Board, or at any special meeting of the Executive Board called for that purpose.

Section 4.4 - President. The president shall be the chief executive officer of the Association. He or she shall preside at all meetings of the Unit Owners and of the Executive Board. He or she shall have all of the general powers and duties which are incident to the office of president of a nonstock corporation organized under the laws of the State of Connecticut, including but not limited to the power to appoint committees from among the Unit

Owners from time to time as he or she may in his or her discretion decide is appropriate to assist in the conduct of the affairs of the Association. He or she may fulfill the role of treasurer in the absence of the treasurer. The president, as attested by the secretary, may cause to be prepared and may execute amendments to the Declaration and the Bylaws on behalf of the Association, following authorization or approval of the particular amendment as applicable.

Section 4.5 - Vice President. The vice president shall take the place of the president and perform his or her duties whenever the president is absent or unable to act. If neither the president nor the vice president is able to act, the Executive Board shall appoint some other Director to act in the place of the president, on an interim basis. The vice president shall also perform such other duties as may be imposed upon him or her by the Executive Board or by the president.

Section 4.6 - Secretary. The secretary shall keep the minutes of all meetings of the Unit Owners and the Executive Board. He or she shall have charge of such books, and papers as the Executive Board may direct and he or she shall, in general, perform all the duties incident to the office of secretary of a nonstock corporation organized under the laws of the State of Connecticut. The secretary may cause to be prepared and may attest to execution by the president of amendments to the Declaration and the Bylaws on behalf of the Association, following authorization or approval of the particular amendment as applicable.

Section 4.7 - Treasurer. The treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data. He or she shall be responsible for the deposit of all monies and other valuable effects in such depositories as may from time to time be designated by the Executive Board, and he or she shall, in general, perform all the duties incident to the office of treasurer of a nonstock corporation organized under the laws of the State of Connecticut. He or she may endorse on behalf of the Association for collection only, checks, notes and other obligations, and shall deposit the same and all monies in the name of and to the credit of the Association in such banks as the Executive Board may designate. He or she may have custody of and shall have the power to endorse for transfer on behalf of the Association, stock, securities or other investment instruments owned or controlled by the Association or as fiduciary for others.

Section 4.8 - Agreements, Contracts, Deeds, Checks, etc. Except as

provided in Sections 4.4, 4.6, 4.7 and 4.10 of these Bylaws, all agreements, contracts, deeds, leases, checks and other instruments of the Association shall be executed by any officer of the Association or by such other person or persons as may be designated by the Executive Board.

Section 4.9 - Compensation. An officer may receive a fee from the Association for acting as such, as may be set by resolution of the Unit Owners, and reimbursement for necessary expenses actually incurred in connection with his or her duties.

Section 4.10 - Resale Certificates and Statements of Unpaid Assessments. The treasurer, assistant treasurer, or a manager employed by the Association, or, in their absence, any officer having access to the books and records of the Association, may prepare, certify, and execute resale certificates in accordance with Section 47-270 of the Act and statements of unpaid assessments in accordance with Subsection 47-258(h) of the Act.

The Association may charge a reasonable fee for preparing resale certificates and statements of unpaid assessments. The amount of this fee and the time of payment shall be established by resolution of the Executive Board. The Association may refuse to furnish resale certificates and statements of unpaid assessments until the fee is paid. Any unpaid fees may be assessed as a Common Expense against the Unit for which the certificate or statement is furnished.

ARTICLE V Enforcement

Section 5.1 - Abatement and Enjoinment of Violations by Unit Owners. The violation of any of the Rules and regulations adopted by the Executive Board, or the breach of any provision of the Documents shall give the Executive Board the right, after Notice and Hearing, except in case of an emergency, in addition to any other rights set forth in these Bylaws:

- (a) to enter the Unit in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing or condition (except for additions or alterations of a permanent nature that may exist therein) that is existing and creating a danger to the Common Elements contrary to the intent and meaning of the provisions of the Documents, and the Executive Board shall not thereby be deemed liable for any manner of trespass; or

- (b) to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.

Section 5.2 - Fine for Violation. By resolution, following Notice and Hearing, the Executive Board may levy a fine of up to \$25 per day for each day that a violation of the Documents or Rules persists after such Notice and Hearing, but such amount shall not exceed that amount necessary to insure compliance with the rule or order of the Executive Board.

ARTICLE VI Indemnification

The directors and officers of the Association shall have the liabilities, and be entitled to indemnification, as provided in Sections 33-455 and 33-454 of the Connecticut General Statutes, the provisions of which are hereby incorporated by reference and made a part hereof.

ARTICLE VII Records

Section 7.1 - Records and Audits. The Association shall maintain financial records. The financial records shall be maintained and audited in accordance with Article XVIII of the Declaration. The cost of the audit shall be a Common Expense unless otherwise provided in the Documents.

Section 7.2 - Examination. All records maintained by the Association or by the manager shall be available for examination and copying by any Unit Owner, by any holder of a Security Interest in a Unit, or by any of their duly authorized agents or attorneys, at the expense of the person examining the records, during normal business hours and after reasonable notice.

Section 7.3 - Records. The Association shall keep the following records:

- (a) An account for each Unit which shall designate the name and address of each Unit Owner, the name and address of each mortgagee who has given notice to the Association that it holds a mortgage on the Unit, the amount of each Common Expense assessment, the dates on which each assessment comes due, the amounts paid on the account and the balance due.

- (b) An account for each Unit Owner showing any other fees payable by the Unit Owner.
- (c) A record of any capital expenditures anticipated by the Association for the current and next succeeding fiscal year.
- (d) A record of the amount, and an accurate account of the current balance of any reserves for capital expenditures, replacement and emergency repairs.
- (e) The current operating budget adopted pursuant to Subsection 47-257(a) of the Act and ratified pursuant to the procedures of Subsection 47-245(c).
- (f) A record of any unsatisfied judgments against the Association and the existence of any pending suits in which the Association is a defendant.
- (g) A record of insurance coverage provided for the benefit of Unit Owners and the Association.
- (h) A record of the actual cost, irrespective of discounts and allowances, of the maintenance of the Common Elements.
- (i) Annually the Association shall prepare a balance sheet showing the financial condition of the corporation as of a date not more than four (4) months prior thereto, and a statement of receipts and disbursements for twelve (12) months prior to that date. The balance sheet and statement shall be kept for at least ten years from such date in the principal office of the Association.
- (j) Tax returns for state and Federal income taxation.
- (k) Minutes of proceedings of incorporators, Unit Owners, Directors, committees of Directors and waivers of notice.

Section 7.4 - Form Resale Certificate. The Executive Board shall adopt a form resale certificate to satisfy the requirement of Section 47-270 of the Act.

ARTICLE VIII Miscellaneous

Section 8.1 - Notices. All notices to the Association or the

Executive Board shall be delivered to the office of the Manager, or if there is no Manager, to the office of the Association, or to such other address as the Executive Board may hereafter designate from time to time, by notice in writing to all Unit Owners and to all holders of Security Interests in the Units who have notified the Association that they hold a Security Interest in a Unit. Except as otherwise provided, all notices to any Unit Owner shall be sent to his or her address as it appears in the records of the Association. All notices to holders of Security Interests in the Units shall be sent, except where a different manner of notice is specified elsewhere in the Documents, by registered or certified mail to their respective addresses, as designated by them from time to time, in writing, to the Association. All notices shall be deemed to have been given when mailed except notices of changes of address which shall be deemed to have been given when received.

Section 8.2 - Fiscal Year. The Executive Board shall establish the fiscal year of the Association.

Section 8.3 - Waiver. No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 8.4 - Office. The principal office of the Association shall be on the Property or at such other place as the Executive Board may from time to time designate.

ARTICLE IX
Amendments to Bylaws

The Bylaws may be amended only pursuant to the provisions of the Article XVI of the Declaration.

Certified to be the Bylaws adopted by consent of the incorporator of The River Highlands Homeowners Association, Inc., dated March 27, 1995.

/s/Jerrold K. Day
Jerrold K. Day
Secretary

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

LEGAL NOTICE

The Town of Cromwell Planning and Zoning Commission will hold a Special Meeting and Public Hearing on Tuesday February 6, 2018 at 7:00 p.m. in Room 224 of the Cromwell Town Hall at 41 West Street on the following items:

1. Application #18-01: Request for a Special Permit under Section 3.5.C.4 of the Zoning Regulations to permit the manufacture of beer in the Industrial Zone at 14 Alcap Ridge. Coles Road Brewing LLC is the Applicant and Fourteen Alcap 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 23rd day of January 2018.

18-01

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: manufacturer of beer

(Per Section _____ of the Cromwell Zoning Regulations)

Street Address: 14 Alcap Ridge Zoning District: industrial

Assessor's Parcel ID #: 00325200 Volume/Page: 1463/219

Applicant's Name: Coles Road Brewing LLC

Address: 130 Coles Road, Cromwell, CT

Telephone Number (daytime): 860-463-3094

Email Address: Contact @ colesroadbrewing.com

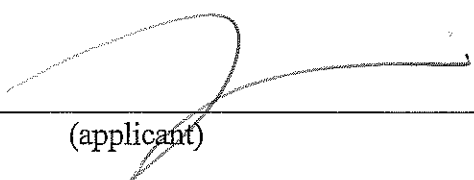
Property Owner's Name: Fourteen Alcap LLC

Address: 9 Lakeview Estates Middletown, CT 06455

Description of Proposed Activity:

manufacture and sale of beer on
premises

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)

1-2-18

(date)

Coles Road Brewing Narrative

Coles Road Brewing is planning on opening their brewery at 14 Alcap Ridge in Cromwell. This brewery will contain its own taproom. A taproom is a place for people to gather to talk, have a beer or two, and hopefully take some to go. We plan to sell a flight of 5 oz pours and 12 oz beers to consume on site. Additionally we will provide kegs for local restaurants and bars, fill containers of beer for patrons to take home, with the addition of cans and bottles at a later date.

We also hope to be a part of the community, promoting other local businesses. We would like to partner up with and showcase local restaurants, musicians, artists, businesses, and artisans.

We hope to open as early as September, but due to the hurdles of the manufacturing of equipment, federal and state licensing it may be later.

Building Description

- 12,500 square feet total
- 4,000 dedicated to taproom
- 4,000 dedicated to storage
- 4,500 dedicated to brewing operations

Brewery will contain

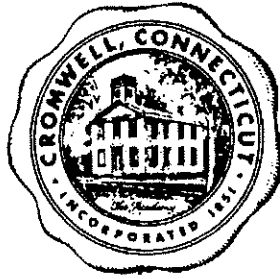
- 2 public bathrooms
- 1 private bathroom
- Laboratory/Quality control room
- Office
- Cold Storage
- Seating for 40 patrons
- 187 parking spaces for entire building
- 2 handicapped spaces

Hours of Operation

- Brewing operations everyday 6:00 am to 10:00 pm
- Retail hours
 - Thursday 4:00 pm to 10:00 pm
 - Friday 4:00 pm to 10:00 pm
 - Saturday 12:00 pm to 10:00 pm
 - Sunday 11:00 am to 5:00 pm

Employees

- 2 full time employees
- 4-6 part time employees (20 hours per week)



MEMORANDUM

To: Stuart B. Popper, AICP, Director of Planning & Development
From: Bruce E. Driska, CZEO, Zoning & Wetlands Enforcement Officer *BD*
Date: January 29, 2018
Re: **PZ Application #18-01, Coles Road Brewing LLC**

BACKGROUND

The Subject Property is located at the top of Alcap Ridge and is within the IND Industrial Zone. The parcel is 6.4 acres in size with an 81, 000+ SF building housing multiple tenants (manufacturing, gym and sports clinic).

PROPOSAL

The Applicant is seeking Special Permit approval to conduct brewery and taproom. The Zoning Regulations allow breweries in the Industrial Zone by Special Permit.

Brewery operations are proposed daily from 6 AM to 10 PM. The Applicant has proposed the following hours for retail/taproom operation:

Day	Hours
Thursday	4 PM- 10 PM
Friday	4 PM- 10 PM
Saturday	12 PM- 10 PM
Sunday	11 PM- 5 PM

The Applicant proposes to utilize an overall area of 12, 500 SF to house a 4,000 SF taproom with seating for 40 patrons and 8,500 SF for brewing operations and storage. Cromwell's zoning regulations parking require restaurants have 1 space for every 4 seats. The site plan submitted states there are a total of 187 parking spaces however an actual count of the parking spaces on the site plan indicates a total of 143 which include 2 handicapped spaces provided in front. Overall site parking appears to be adequate.

Continued on page 2

...Continued

When granting a Special Permit, the Commission may, pursuant to Section 8.7.D.5.:

- (1) Stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility, and
- (2) Impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Use Permit by the Zoning Enforcement Officer, if it shall be found necessary that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.

Any condition or safeguard attached to the granting of a Special Permit pursuant to Section 8.7.D.6.:

- (1) Shall be binding upon property as long as the Special permit use is still in operation, and
- (2) Shall continue to be in effect regardless of any change in ownership of the property

**Engineering Department
Town of Cromwell
Cromwell, CT**

Memorandum

To: Stuart Popper, Town Planner

CC: Planning & Zoning Commission

From: Jon Harriman, P.E. 

Date: 1/29/2018

Re: #18-01 14 Alcap Ridge – Coles Road Brewery

I have reviewed the submission for the Coles Road Brewery to be located within 14 Alcap Ridge. The application does not appear to alter the exterior (parking, access, etc) in any way. As such I have no comments on this application.

Popper, Stuart

From: Chief Lamontagne
Sent: Friday, January 26, 2018 2:45 PM
To: Popper, Stuart
Subject: 18-01

No comments on the application.

Denise Lamontagne

Chief of Police
Cromwell Police Department
860-635-2256 x.13
860-613-2934 fax

RECEIVED FOR FILING
1-19 2018 at 3:23M.P
TOWN CLERK'S OFFICE
CROMWELL, CONN.

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JANUARY 2, 2018
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Jean Allquor
TOWN CLERK

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Nicholas Jeremy Floryan, Ken Rozich, Nicholas Demetriades and David Fitzgerald (alternate) and John Keithan (alternate).

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Bruce Driska and Town Engineer Jon Harriman

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:03 pm.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to seat David Fitzgerald and John Keithan as alternates. *All were in favor; the motion passed.*

4. Approval of Agenda

Chairman Kelly asked Mr. Popper if there were any changes to the agenda. Mr. Popper asked the Commission to add the acceptance of Application #18-01 Request for a Special Permit to allow for the Manufacture of Beer at 14 Alcap Ridge. Coles Road Brewery LLC is the Applicant and Fourteen Alcap Ridge LLC is the Owner. A **motion** was made by Michael Cannata and **seconded** by Ken Rozich to approve the agenda as amended. *All were in favor; the motion passed*

5. Public Comments

There were no public comments at this time.

6. Development Compliance Officer Report

Mr. Driska presented his report and answered questions from the Commission.

7. Town Planner Report

Mr. Popper presented his report and answered questions from the Commission.

8. New Business Accept and Schedule New Applications:

- a. Application #17-59: Request to modify the Site Plan Approval at River Highlands Golf Club Road to remove sidewalks on Thistledown and Priorwood Garden. White & Katzman,

Management is the Applicant and River Highlands Home Owners Association is the Owner. A **motion** was made by Michael Cannata and **seconded** by Nicholas Demetriades to accept the application and schedule it to be heard at the February 6, 2018 meeting. *All were in favor; the motion passed*

The Commission members requested: 1) Copies of the original approval motion/letter for the River Highlands Development; 2) Copies of the Home Owners Association By-laws; 3) Staff research the status of the request to waive the installation of sidewalks in the last phase of the development and 4) Staff check on the status of any bonds for sidewalks.

b. Application #18-01: Request for a Special Permit to allow for the Manufacture of Beer at 14 Alcap Ridge. Coles Road Brewery LLC is the Applicant and Fourteen Alcap Ridge LLC is the Owner. A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to accept the application and schedule it to be heard at the February 6, 2018 meeting. *All were in favor; the motion passed*

9. New Business:

a. Application #17-54: Request to modify the Site Plan Approval at 11 Progress Drive to construct a building addition and additional parking spaces. Snyder Civil is the Applicant and Yedem Properties LLC is the Owner. Mr. Don Snyder of Snyder Civil Engineering LLC located at 150 Marlborough Street Portland, CT presented the application and described the proposed work at the site and the proposed building addition. He said the design of the retaining wall has been a complicated process and thanked the staff for their assistance and patience on this project.

Chairman Kelly asked Mr. Snyder if there was any other work he would like to tell the Commission about. Mr. Madey of 151 Blue Ridge Road Kensington CT addressed the Commission. He explained that he is the President and owner of Central Mechanical Services. He apologized to the Commission and said that the work had begun under his direction by mistake.

Mr. Driska noted that the work had begun without the appropriate permits and he and Mr. Popper had discovered this and that a Cease and Desist Order had been issued. Mr. Popper noted that all the appropriate steps had been taken by the applicant to address all the issues raised by the Cease and Desist order. Mr. Popper thanked the applicant for all his efforts in correcting this mistake.

Mr. Popper noted that if the Commission were to act favorably on the application this evening it should be with the conditions contained in Town Engineer Jon Harriman's memo of December 29, 2017 and Zoning Enforcement Officer Bruce Driska's memo of December 5, 2017 and with the requirement that there will be on site storage of erosion control materials for emergency purposes

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to

approve the application with the conditions contained in Jon Harriman's memo of December 29, 2017 and Bruce Driska's memo of December 5, 2017 and with the requirement that there will be on site storage of erosion control materials for emergency purposes. *All were in favor; the motion passed*

b. Application #17-55: Request to modify the Site Plan Approval at 153 West Street and 50 Mystique Lane to construct a building addition and more parking spaces. Orlando Cardenas is the Applicant and is the Owner.

Mr. Charles Sheehan Engineer with PMPCA LLC at 44 Cove Road Stonington CT presented the application and described the proposed work at the site and the proposed building addition. Mr. Sheehan noted that the site plan for the Beauty Salon and Spa had been previously approved for 50 Mystique Lane. He explained that since that time the family had opened the Beauty Salon and Spa at the shopping center at 34 Shunpike Road. Mr. Sheehan noted that this application would allow for the salon to be relocated until such time as they build the approved building at 50 Mystique Lane.

Mr. Popper explained that the staff had reviewed the plans and the only comment was to add the proposed signage to the plans which the applicant has done with the revised plan presented this evening.

Mr. Cardenas was present and the Commission members thanked him for keeping his business in Cromwell.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve the application. *All were in favor; the motion passed.*

c. Application #17-56: Request to modify the Site Plan Approval at 23 Shunpike Road to remove the existing self-serve bays and replace with more vacuums. Splash Car Wash is the Applicant and Vincent Vento is the Owner. Mr. Jason Frank described the proposed site plan modifications. Mr. Van Hopson, Engineer with Milone and MacBroom summarized the technical aspects of the application.

The Commission members and the applicant's engineer discussed the proposed site plan modifications.

A **motion** was made by Michael Cannata and **seconded** by Nicholas Demetriades to approve the application with the conditions contained in Town Engineer Jon Harriman's memo dated January 2, 2018. *All were in favor; the motion passed.*

d. Application #17-57: Request to modify the Site Plan Approval at 95 Berlin Road to install new sign signs. 95 Berlin Road LLC is the Applicant and the Owner.

Victor Porzio of 95 Berlin Road LLC described the proposed signs and their locations on the site and building to the Commission. Attorney Thomas Porzio assisted in the presentation. The Commission members and the applicant discussed the location and color of the signs.

Mr. Popper mentioned that there was a question as to whether or not the proposed vacuums were shown on the approved site plan and if the design of the vacuums was ever presented to the Commission at the public hearing. Mr. Popper said the location of the vacuums is shown on the approved site plan and that a manufacturer's cut of the proposed vacuums was handed out at the public hearing. He pointed out that there is a question as to the color of the vacuums. Attorney Porzio pointed that the vacuums are the same color (red) as the corporate color of the building trim. The Commission members and Attorney Porzio and Mr. Porzio discussed the color of the vacuums.

A **motion** was made by Michael Cannata and **seconded** by to Ken Rozich approve the application. *All were in favor; the motion passed.*

10. Commissioner's Comments :

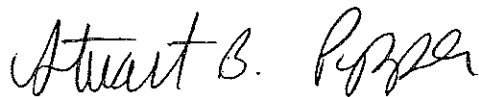
11. Approval of Minutes:

a. December 12, 2017: A **motion** to approve the minutes was made by Michael Cannata; **seconded** by Nicolas Demetriades. All in favor; motion passed.

12. Adjourn

Michael Cannata **moved** to adjourn the meeting at 8:13 pm, Nicholas Demetriades Nicholas - **seconded** the motion. *All were in favor; the motion passed.*

Respectfully Submitted,



Stuart B. Popper Director of Planning and Development
Acting Recording Clerk

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**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JANUARY 16, 2018
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Joan Ahlgren
TOWN CLERK

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

Absent: John Keithan (alternate)

Also Present: Director of Planning and Development Stuart Popper, 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 David Fitzgerald; Seconded by Brian Dufresne.
All in favor; motion passed.

4. Approval of Agenda

A motion to approve the agenda was made by Michael Cannata and 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. He stated that he would follow up on Application #17-19 to see if the applicant intended to move forward; otherwise he would remove the item from his report.

7. Town Planner Report:

Mr. Popper stated that there would be new applications to accept and schedule at the February 6, 2018 meeting. Chairman Kelly asked about the 403,000 square foot warehouse and Mr. Popper said that the applicant was focusing on site work at this time and would be back with a design plan prior to beginning construction.

8. Old Business:

- a. 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.

Mr. Popper stated that the public hearing had been closed at the November 2017 meeting and the Commission had to render a decision tonight. He stated that he had reviewed the minutes and his notes and, with Attorney Olson, had drafted two motions that were included in the Commission's packet: for an approval with conditions and for a denial with reasons. Attorney Olson said that the motions were guides for discussion.

Michael Cannata made a motion to approve the application with the following conditions:

- A. Applicant shall provide proof that at all times relevant to the pending application it held a valid ownership interest in the property to be developed; and
- B. Applicant shall modify the plan to eliminate any potential for drive-through traffic from Shunpike Road and Court Street; and
- C. Applicant shall provide proof of a CTDOT-approved turning lane on Court Street at the intersection with Shunpike Road; and
- D. Applicant shall provide proof of a CTDOT traffic light with crosswalk signaling at the entrance to the development across Shunpike Road; and
- E. Applicant shall reduce the height of all buildings in the development to forty (40) feet.

The foregoing conditions are necessary to establish applicant's legal standing and to protect substantial interests in public health, safety and the general welfare of the community. The failure to comply with all conditions outweighs the need for affordable housing in Cromwell.

Jeremy Floryan seconded the motion. The motion was opened to discussion. Brian Dufresne asked to amend the last sentence of the motion to read "The failure to comply with all conditions outweighs the need for additional affordable housing in Cromwell." Ken Rozich asked for clarification on the procedure and a short discussion followed. Attorney Olson said that the motion to approve opened the discussion. If the motion fails, the Commission can then vote on the motion to deny, and in doing so, put their reasons for denial on the record to meet their statutory burden.

Nick Demetriades stated that he did not believe the zone was compatible or meant for multistory dwellings as it was a business zone, per the town's Plan of Conservation and Development. He said that the first proposal failed and this was essentially the same design and configuration. He said it was not an appropriate plan for development in terms of traffic and pedestrian safety. He said that the development would have risks for the

people living there and those driving through the area.

Ken Rozich said that he was concerned about safety for the hundreds of people living there at an intersection not meant for pedestrian traffic, as they would be utilizing the businesses across the street. He did not feel that any steps were being taken by the developer to ensure pedestrian safety.

Chris Cambareri said that he was concerned about safety and pedestrian traffic and wanted to deny the application.

Michael Cannata said that he had seen two other yellow blinking lights, similar to what the developer was proposing for the crosswalk, in New Haven and Simsbury. He said that it worked on Simsbury because it was not a high volume crossroad, but in New Haven it did not appear to be creating a safe crossing for pedestrians. He believes that it would create a worse situation for pedestrian safety if used at this development. He noted that all of the facilities would be across the street from the development, with nothing on the same side of the road.

Paul Cordone said that he did not believe that the developer had the town residents' or prospective apartment residents' interests in mind. He felt it was an unhealthy design and that he did not take into consideration the neighbors' concerns. He felt the developer was taking advantage of the state law. He said that the developer refused to reduce the building height even though it would impact the town's emergency resources as additional training and equipment would be needed to service the development. He said that there was no area for children to play and said that the development would serve as a cut through for drivers trying to avoid traffic and the stoplight. He said that the proposed crossing device was not enough to protect pedestrian safety. He feels that this is the wrong spot in town and is not in favor.

David Fitzgerald said that he concurred with his fellow Commission members.

Brian Dufresne said that he was not in favor based on the prior testimony because of health and safety reasons. He said that he could not be involved in its approval.

Jeremy Floryan said that he was not in favor because of the safety concerns over traffic and pedestrians. He said that the development should be in a different location.

Chairman Kelly said that she was not in favor because of traffic concerns. She also said that the development was not aesthetically appealing and offered no amenities, such as a porch or playground. She said that affordable housing residents should not be treated like second class citizens. She pointed out that the previous application proposed less units.

A vote was held; all were opposed. *Motion failed unanimously.*

Michael Cannata made a motion to deny the application for the following reasons:

- A. The application is incomplete. Applicant has failed to provide any evidence of its legal standing to submit and pursue the application. Despite request from the Town Planner, the applicant never submitted any proof it had the right to pursue the application in question, i.e. a letter from Sybil C. Martin, Executrix of the Estate of Helen M Ewald authorizing JGP Partners LLC to pursue approval from the commissions for the proposed development of the property or a valid option to buy the property which it currently does not own.
- B. The Commission also votes to deny the application based upon the failure of the applicant to adequately address public health and safety concerns, especially of the new residents of the proposed development. These concerns, as outlined below, outweigh the need for affordable housing in Cromwell.
1. The Commission is of the opinion that there will be more pedestrians as a result of the proposed development's ninety two (92): studio, 1, 2 and 3 bedroom units. These new residents will likely be pedestrians when they frequent the businesses directly across Shunpike Road. These businesses include a daycare facility, a doctor's office, a pediatric physical therapist, a hair salon, a bar, two restaurants and two gyms. The applicant has failed to provide adequate safeguards to prevent pedestrians from crossing Shunpike Road, an extremely busy and fast-paced route from the most direct and unsafe path from the proposed development driveway on Shunpike Road.
 2. The other major pedestrian and vehicular traffic safety issue that the applicant did not address is the use of the private driveway through the development as a cut through to avoid the busy intersection traffic and delays at the light at the intersection of Court Street and Shunpike Road. In most cases cut through traffic usually does not follow posted speed limits and stop signs in their rush to beat the traffic and the light. Cut through drivers pay little attention to existing pedestrian and vehicular traffic thus creating dangerous and hazardous conditions to the proposed development's pedestrian and vehicular traffic.
 3. The applicant has proposed to install an additional west bound right turn lane onto Shunpike Road from Court Street. The construction of this turning lane will require the approval by the CT DOT. The construction of the turning lane is required to mitigate the traffic impact of this development. At this time the turning lane has not been approved. If the turning lane is not approved and constructed it will further deteriorate an already dangerous traffic condition.
- C. The proposed building height exceeds the height limits for the zone and substantially undermines the comprehensive plan for protecting the general welfare of the community, it being situated directly next to small residential homes. Compliance with the height restriction of this zone outweighs the need for affordable housing especially where, as here, applicant has refused to amend the plan and has provided no evidence that it could

not modify the plan to comport with the zoning height restriction without creating a substantial adverse impact on the affordability of the units.

Paul Cordone seconded the motion.

Brian Dufresne moved to amend the motion to change Paragraph B to read: These concerns, as outlined below, outweigh the need for additional affordable housing in Cromwell. Jeremy Floryan seconded this motion.

Michael Cannata said that, if this denial is subject to a lawsuit, he hoped the judge would see that this application was an attempt to get around the town regulations via the affordable housing statutes. He hoped a judge would see the true legislative intent of the affordable housing regulations. Chris Cambareri said that the intent of the affordable housing act was to combat exclusionary zoning and not to allow developers a way around zoning regulations. He said that the judge had found that the first application that was denied, if approved, could have caused a decrease in the abutting neighbors' property values, and the same could be said for this application.

Attorney Olson asked each member to confirm their reasons for denying the application.

Michael Cannata said that he was denying the application for the reasons he stated previously and as not being right for Cromwell. Jeremy Floryan said that he was concerned over pedestrian safety and traffic. Chris Cambareri said that he was voting against it for the reasons previously discussed. Brian Dufresne concurred, saying that it was not the right place and unsafe. Nick Demetriades said that he was against it for the reasons previously given by both himself and his fellow Commission members. He said it was not an appropriate site and that the town was willing to work with developers to find appropriate sites for Affordable Housing. David Fitzgerald said he was against it because of public safety. Paul Cordone said that he was against it for the comments previously stated by himself, the town residents and the Commission. Ken Rozich said he wanted to deny the application because of public safety for the drivers and residents. Chairman Kelly said that she was against the application because of what she and the other Commissioners said regarding public safety and this not being the right location.

Attorney Olson asked the Commission if they were ok with the reasons listed in the motion and if that was their collective statement of reasons. Michael Cannata said that he agreed with all the comments made and read into the record; all other Commissions agreed with the listed items and Commissioner comments.

A vote was held. *All in favor; motion to deny the application passed unanimously.*

9. Commissioner's Comments: There were no comments.

10. Adjourn: A motion to adjourn was made by Michael Cannata; Seconded by Paul Cordone. Meeting adjourned at 7:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julie C. Petrella". The signature is fluid and cursive, with a large initial "J" and a distinct "C" and "P".

Julie C. Petrella
Recording Clerk