

**Town of Cromwell  
Planning and Zoning Commission**

**REGULAR MEETING  
7:00 P.M. TUESDAY JANUARY 16, 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. Public Hearing:
  - 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.
9. Commissioner's Comments:
10. Adjourn

RECEIVED FOR FILING  
1/10 2018 at 2:06 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Gloria Prendergast, Asst.*  
TOWN CLERK

<b>P &amp; Z Permits 2017</b>						
<b>Permit#</b>	<b>Name of Applicant</b>	<b>Site Location</b>	<b>Type of Activity</b>	<b>Decision Date</b>	<b>Status</b>	
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 w/in 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 Jasiecki	33 Shadow Lane	Leanto Greenhouse	Approved with conditions 3/21/2017	Complete	
17-09	Edward Alnas	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17-10	Two Men & a truck	70 County Line Drive	Proposed Building	Approved 4/18/17	Withdrawn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17-12	Lisa DiMichele	6 Kirby Road	Caffe Vernazza, Emporium	Withdrawn	Closed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 Novelties	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	Pending
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	Truong 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	



# Memo

**To:** Planning and Zoning Commission  
**From:** Stuart B. Popper, AICP  
Director of Planning and Development  
**Date:** January 10, 2018  
**Re:** Comments for the January 16, 2018 Meeting Agenda

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**8. Public Hearing:**

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.

*Please be advised that the public hearing was closed at the November 21, 2017 meeting. The Commission will have to act on the application at the January 16, 2018 meeting. Attached to the email version of the meeting packet are copies of the minutes from the August 15, 2017; September 19, 2017; October 17, 2017 and November 21, 2017 public hearings. Copies of the draft motions will be emailed out on January 11, 2018.*



17-22

TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Center Point Apartments

Street Address: 186 Shunpike Road, Cromwell, CT

Volume/Page: Map 25/2F

V. 15581 P. 158 PIN #: 11600700

Applicant Name: JPG PARTNERS, LLC

Address: 110 Court Street, Suite 1  
Cromwell, CT 06416

Telephone: 860-632-7090

Email Address: pat@premierbuilding.org (day) \_\_\_\_\_ (evening)

Property Owner Name: Estate of Helen Ewald c/o Sybil Martin, Executrix

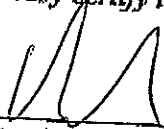
Address: 16 Chatfield Road  
Derby, CT 06418

- Attached:
- (x) Application fee.
  - (X) 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?*
2. *Will this project require an Inland Wetlands Agency permit? if yes, have you obtained it? applied*
3. *Will this project require a DEP Stormwater Management Permit? if yes, have you applied for it?*
4. *Will this Project Require an STC Permit? if yes, have you submitted a copy of the plans to the STC?*
5. *Does the parking comply with the handicapped parking requirements as set forth in current version of the State Building Code?*

(Yes)	(No)
(Yes)	(No)
(Yes)	(No)
(Yes)	(No)
(Yes)	(No)
(Yes)	(No)

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

  
 Applicant Name and Signature  
 JPG Partners, LLC  
 By: Patrick Snow, Member

5/12/17  
 Date

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY AUGUST 15, 2017  
CROMWELL TOWN HALL GYMNASIUM 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

**Present:** Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Richard Waters, Brian Dufresne, Ken Rozich, Kenneth Slade, Nicholas Demetriates (alternate), and David Fitzgerald (alternate)

**Absent:** NONE

**Also Present:** Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Fred Curtin

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:00 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

NONE

**4. Approval of Agenda**

A motion to approve the agenda was made by Michael Cannata and Seconded by Richard Waters. *All in favor; motion passed.*

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Curtin reviewed his August 8, 2017 report. There were no questions from the Commission.

**7. Town Planner Report**

There was no report.

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

- a. Application #17-32: Request for an Erosion and Control Plan for 120 County Line Drive. Arco National Construction is the Applicant and Gardner Nurseries is the Owner.

RECEIVED FOR FILING  
8/22 2017 at 1:14 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Gloria Prendergast, Asst.*  
TOWN CLERK

Michael Cannata made a motion to accept the application and schedule it to be heard on September 5, 2017; Seconded by Paul Cordone. *All in favor; motion passed.*

- b. Application #17-33: Request to Operate a Minor Home-Based Business at 48 South Street. Christopher Panebianco is the Applicant and the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard on September 5, 2017; Seconded by Ken Slade. *All in favor; motion passed.*

#### 10. Public Hearing:

- 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.

Ken Rozich read the public notice aloud. A motion to open the public hearing was made by Michael Cannata; Seconded by Brian Dufresne. *All in favor; motion passed.* Chairman Kelly notified the public in attendance that the hearing would be continued to the September 19, 2017 meeting. Mr. Popper read into the record a Memorandum dated August 15, 2017 from Town Attorney Kari L. Olson which summarized pertinent parts of Connecticut's Affordable Housing Appeals Act.

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, represented the applicant. He began by submitting an affidavit regarding the required signs and that all neighbors within two hundred feet (200') of the property had been provided written notice of the hearing. He stated that the purpose of the Affordable Housing Act was to provide housing for middle income families and that this program was not federally subsidized. Thirty percent (30%) of the units would be set aside for a term of no less than forty years with fifteen percent (15%) rented at 80% of state median income levels and fifteen percent (15%) rented at 60% of state median income levels. The other seventy percent (70%) would be leased at market rates. The units consisted of studio, one-, two-, and three-bedroom apartments. Attorney Landolina summarized Connecticut judicial rulings to state that noncompliance with zoning regulations is not sufficient grounds to deny the application and that denials had to be based on the two standards of health and safety. There needed to be a real significant adverse impact and that the mere possibility of harm was insufficient grounds for denial.

Cromwell's median income was \$89,700.00, so the set aside units would be available to those making approximately \$72,000.00 (80%) or approximately \$54,000.00 (60%). He stated that the Department of Housing's goal is for each town to have ten percent (10%) of their housing stock as affordable housing. If a town had 10%, they could be exempt from additional applications by requesting a moratorium for a period of four years. He stated that Cromwell's current rate is 6.33%. He reviewed some sample calculations as to the projected monthly rental rates, which were submitted for the record, as well as some sample lease provisions. He stated that the provisions

would be enforced by the developer but that the town's fair housing or zoning officer could also ensure compliance and review the financial records at any time.

The project engineer, Christopher Juliano of Juliano Associates, LLC, Wallingford, Connecticut, reviewed the proposed plans. He began by reviewing the location, topography, grading and utility plans. He stated that there were wetlands on the property, but no work was proposed for the wetlands or Upland Review Area and that a wetlands permit had already been obtained. The plan calls for four buildings, comprising ninety-two units in total. Two buildings would be four stories. There would be 136 parking spaces and the town's request for additional handicapped parking could be accommodated. All materials cut from the site would be filled back on site. The project would be serviced by public sewer, water, gas and underground electric service. He also reviewed the stormwater management plan, the erosion control methods and the proposed construction sequence and narrative. The development would occur in stages to limit adverse impacts. He ended his presentation by reviewing the landscaping planting plan.

Stephen R. Ulman of Alfred Benesch & Co., of Glastonbury, Connecticut, reviewed his traffic study. He began by reviewing the site layout, speed limits and sight line distances and crash data from the surrounding area. He reviewed the proposed trip generation data for peak morning and afternoon times. He summarized his findings from his January 2017 study and stated that there would be no adverse impact on the service levels of the surrounding roadways.

The public hearing was opened up to public comment.

Peter Hanson of 100 Court Street submitted written comments for the record. He opposed the application, citing the potential impacts on neighboring property values, the aesthetic look of the project, and the increased demand on the school system. He stated that the Plan of Conservation and Development seeks mixed use and business for this portion of the north end of town. He questioned the current housing vacancy rate and requested that existing housing be converted to affordable housing.

Tommy Hyatt, 98 Court Street, opposed the application, stating his opinion that the developer was using the Affordable Housing Act as an attempt to bypass the zoning regulations. He disputed the findings of the traffic study.

Richard Trommer, 15 Evergreen Road, opposed the application, stating his concerns over the amount of traffic and congestion in the vicinity of the traffic signal at Coles Road and Shunpike Road, resulting from the increased development in Rocky Hill.

Dilys McIntyre, 104 Court Street, stated that the development doesn't meet the buffer requirement. She opposed the application as not considering the welfare of the surrounding homes. She asked that, if it was accepted, that a fence that could not be climbed of the maximum allowed height be installed between her property and the development.

Chris Williams spoke on behalf of her mother, 106 Court Street, stating that the project density was too high and she was concerned about traffic and safety. She asked that, if it was accepted, that an attractive fence be installed between her mother's property and the development.

Ken Smith, 34 Elm Road, opposed the application, citing the density, the traffic, and the stress on the school system. He believes there is adequate affordable housing in town and wants a larger traffic study to be performed.

Gabriela Sharon, 4 Sachem Drive, opposed the application, citing concerns regarding the impact on the schools. She questioned whether the school buses would stop on Court Street or enter the development to pick up and drop off children.

Rhonda Papallo, 9 Woodbridge Lane, opposed the application, stating that she disagreed with the traffic study's findings of no adverse impact. She stated that the proposed buildings were unattractive and not progressive. She recounted the adverse impacts brought about by an affordable housing development in Meriden.

Harry McIntyre, 104 Court Street, opposed the project, saying that the four story buildings were out of character of the neighborhood. He stated that he has farm equipment on his property that could be an attractive nuisance and wanted a fence installed that could not be climbed and was of the maximum allowed height.

Matt Zabroski, 25 Sovereign Ridge, stated that a traffic study done in January would not accurately account for foot traffic or traffic resulting from sports being in season. He questioned whether there were any species of concern in the area and how many people would be residing in each unit. He objected to this project but stated he was in favor of affordable housing generally.

Erin Omicioli, 1 West Street Heights, stated concerns for the civil service as the fire department does not have a ladder truck that can reach four stories and the small size of Cromwell's police force.

Pat DePerry of 6 Marshal Lane, opposed the proposed design and size. She expressed concerns over traffic. She stated that rental properties were not included in the calculation of the percent of affordable housing available in town.

Jonathan Rolla, 6 Fennwood Drive, cited the density as his reason for opposing the plan. He was concerned over traffic and the impact on the schools and stated that the daycare on Shunpike was difficult to enter and exit because of the traffic.

James Demetriades, 7 Bonnie Briar, stated that zoning and density concerns could be a substantial factor to consider and cited the negative impacts on traffic and the schools. He stated that he wanted to see a more interactive process between the developer and the neighbors.

Beth Nielsen spoke on behalf of her mother, Katherine Nielsen, 106 Court Street, in opposition. She questioned the demand for this affordable housing, whether there would be residency restrictions, the enforcement process and why there was a hurry to get to the ten percent goal.

A gentleman spoke in opposition, citing the need for more police and firefighters if this project was approved. He stated that he did not want more affordable housing in town. He said that the town needed more housing for those fifty-five years and older.

Donna Brilliant, 91 Court Street, repeated concerns over property values, the exclusion of rental properties in calculating the rate of affordable housing, and the impacts on the schools and traffic. She stated that it was a fair and equitable argument. She pointed out that there were no sidewalks included in the plans.

Pierre Brilliant, 91 Court Street, opposed the application.

Laura Uccello, 6 Lancaster Road, was concerned about the impact on student-teacher ratios and insufficient school supplies and equipment and spoke in opposition.

Al Waters, 86 South Street, opposed the project, citing the impact on traffic.

William Vincenzi, Jr., 14 Sovereign Ridge, opposed the application, citing concerns over traffic, density, and adverse impact on surrounding property values.

Alicia McKernan, 8 Southwood Road, was concerned because the program doesn't give Cromwell residents preferential status in leasing the units.

Curt Anderson, 15 Ridge Road, stated that he wanted the developer to go back to the drawing board on this project.

Melissa Pine, 21 Cider Hill Drive, stated her concerns over the developer's history, referencing the Cider Hill project, in which the town had to complete certain improvements to the roadway. She stated that she did not think that the developer should be allowed to continue to work in town.

Jane Sarnowski, 20 Applewood Road, was also concerned over the past work and the town's relationship with the developer.

Abby Marchinkoski, 17 Bow Lane, opposed the development, referencing lawsuits the developer is or was involved in. She wanted to see a different plan for affordable housing that utilized the existing housing stock.

Diane Wiegert, 75 Geer Street, was concerned over the traffic and wanted to know how it would impact those walking and biking on the street.

Mr. Popper read aloud two letters that he had received. The first was from Giovanna Fortunato, 87 Court Street, regarding a petition she started on change.org that had 578 supporters. She cited the impact on the schools, neighboring home values, and traffic congestion. The second was from Sara Montauti, 16 Scott Lane. She also opposed the development, citing traffic, noise, excessive density, property values, possible tax increases, and concerns over fire safety and policing.

Venita Walker, 17 Scott Lane, stated her concerns over speeding, the impact on aesthetics, and need for more police and issues with exiting and entering traffic to the nearby daycare.

After the public was given an opportunity to speak and be heard, the Commission members were given the opportunity to speak. Chris Cambareri questioned the residential or commercial status of the proposed recreational building, the distance to the abutting neighbors, and the proposed traffic pattern. He stated that he wanted to see sidewalks around the entire project. He said that the affordable housing act was to prevent exclusionary zoning; not to be a loophole for developments that wouldn't ordinarily be allowed. He wanted the performance bond spreadsheet to be submitted for review.

Richard Waters stated that the building design was unattractive and that he had concerns over the traffic impact and the developer's history, citing the issue with Cider Hill Drive.

Jeremy Floryan stated that he was concerned over the accuracy of the traffic study.

Michael Cannata asked about the number of elevators in the buildings, the installation of a sprinkler system, crosswalks, and sidewalks. He stated that he wanted to see a traffic study that had been conducted while school was in session and one that accounted for pedestrians. He asked if this was a major traffic generator that would require a state permit.

Ken Rozich agreed with Michael Cannata's comments regarding the traffic issues. He was concerned with the developer being responsible for compliance. He did not want the town to take on the burden and expense of enforcing the provisions of the act. He asked whether the restrictions ran with the land or could be stripped in foreclosure.

Nick Demetriades stated similar concerns to those raised by the Fire Chief in his letter. He also asked for clarification regarding the construction sequence and snow removal.

Chairman Kelly asked the developer to review the zoning regulations regarding multifamily homes to check that he was in compliance and to submit a performance bond spreadsheet and information on building materials. She was concerned over the timing of the traffic study. She also wanted to know what zoning regulations were pertinent to this application and asked Mr. Popper to forward that question to the town attorney.

Michael Cannata made a motion to continue the public hearing until September 19, 2017; Seconded by Paul Cordone. *All in favor; motion passed.*

**11. Commissioner's Comments: NONE**

**12. Approval of Minutes:**

a. August 1, 2017: No action taken.

**13. Adjourn:** A motion to adjourn was made by Michael Cannata; seconded by Paul Cordone. *All in favor; motion passed.* Meeting adjourned at 10 p.m.

Respectfully Submitted,



Julie C. Petrella  
Recording Clerk



**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY SEPTEMBER 19, 2017  
CROMWELL TOWN HALL GYMNASIUM, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

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

**Absent:** Kenneth Slade

**Also Present:** Director of Planning and Development Stuart Popper

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:08 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

A motion to seat Alternate David Fitzgerald was made by Michael Cannata; Seconded by Richard Waters. *All in favor; motion passed.*

**4. Approval of Agenda**

A motion to approve the agenda was made by Michael Cannata and Seconded by Richard Waters. *All in favor; motion passed.*

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Curtin was not present. Mr. Popper said if there were any questions or comments from the Commission, he would pass them along to Mr. Curtin. There were no questions or comments.

**7. Town Planner Report**

Mr. Popper stated that the north side of Frisbee Park, near Route 9, would be subject to some grading and re-seeding. There were be no activity in the wetlands or flood plain, but the Upland Review Area would be affected. There would be an application to the Inland Wetlands and Watercourses Agency regarding the activity.

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

- a. Application #17-42: Request for a Special Permit to install a new Digital Sign Pricing at 164 West Street. National Sign Corp is the Applicant and AN Patel LLC is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard on November 9, 2017; Seconded by Richard Waters. *All in favor; motion passed.*

- b. Application #17-45: Request to Amend the Zoning Map to Change the Zone District from Residence 25 to Planned Residential Development at property located at 150 Country Squire Drive, also known as the Nike Site. Cromwell Village Associates, LLC is the Applicant and Country Squire Site LLC is the Owner.

Chris Cambareri recused himself from acting upon this item.

Michael Cannata made a motion to accept the application and schedule it to be heard on November 9, 2017; Seconded by Brian Dufresne. *All in favor; motion passed* (Chris Cambareri abstained from the vote).

- c. Application #17-46: Request to modify the Site Plan at 6 Kirby Road to add additional parking for a coffee shop. Lisa DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard on October 3, 2017; Seconded by Paul Cordone. *All in favor; motion passed.*

#### 10. Public Hearing:

- 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.

Michael Cannata made a motion to re-open the public hearing; Seconded by Paul Cordone. *All in favor, motion passed.*

Mr. Popper began by stating that a revised site plan, revised traffic study and revised Affordability and Fair Housing Marketing Plan had been received by the Commission tonight. Because the Commission had not had a chance to review the materials, they would not be discussing those items at tonight's meeting. He stated that the public hearing would be continued to October 17, 2017, to be held in the Town Hall gymnasium. The town attorney had not yet responded to the Commission's questions. Mr. Popper stated that the public hearing would be closed on October 17, 2017, unless the applicant agreed to an extension. Once closed, the Commission has sixty-five days to either approve or deny the application.

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, began his presentation by introducing the members of JPG Partners, LLC, and

stating that he was submitting an affidavit regarding the posting of the required sign. He clarified that the subject property was still owned by the estate. Attorney Landolina stated that he had used Attorney Kari Olsen's template to revise the Affordability and Fair Housing Marketing Plan and summarized the exhibits located at the end of the plan. He discussed the sequencing of the construction, namely that the thirty percent (30%) ratio of affordable units to market rate units had to be maintained at all times. Therefore, Building 2 would be built first, with all 28 of the affordable units rented out before Building 1 could obtain a Certificate of Occupancy. The sequencing would be changed on the plans and new plans delivered to the Commission. There was some discussion regarding the sequencing of the site work. Attorney Landolina stated that site work would begin at the same time as the construction of Building 2. Michael Cannata expressed some concerns over site work not being complete and having Building 2, which is furthest from Court Street, being occupied, because residents of Building 2 would be passing through an active construction zone. He believed that such a sequence was detrimental to the health and safety of the residents.

Attorney Landolina next reviewed the rental price worksheets to explain how they were calculated. There was some discussion regarding the impact of the utility allowances and it was clarified that these allowances are not credits to the tenants, but act to lower the lease amount that could be charged. The heating utility is calculated for natural gas. Attorney Landolina explained the "next unit rule". He stated that residents must qualify annually and if their income exceeded the threshold, they must either vacate or pay market rate. The next unit of that type that becomes available would then be offered as affordable. The lease term for the affordable units is therefore one year and the likely lease term for the market rate rentals would also be one year.

Nicholas Demetriades questioned the appearance of the construction entrance and sequencing. Chris Juliano, P.E. and L.S., of Juliano & Associates, stated that the sequencing had to be revised on the plans. He said that all construction activity would enter/exit off of Court Street and that utilities and a binder course of pavement would be completed during construction of Building 2.

Attorney Landolina next began to address the comments and concerns raised during the August 15, 2017 meeting by the Commission members and public. He said that the Cromwell Zoning Regulations did not allow for density bonuses when affordable units are offered at other sites by a developer. He stated that the industrial zone exemption was not applicable because this was not an industrial zone. He said that public welfare is not a stated part of the criteria for considering the application. He acknowledged that the buffer area did not comply with the zoning regulations but that was not sufficient reason to deny the application. Fencing had been added to the plans around the residential perimeter. He said that the density does not impact health and safety as higher densities are allowed by the PRD zone and he referenced the upcoming application for the Nike Site. He stated that the 148 parking spaces were greater than the required amount. The proposed

four story height was also allowed in the PRD zone. Chairman Kelly objected to the comparison of this application to that of PRD zone development.

Attorney Landolina referenced the two handouts submitted to the Commission at tonight's meeting regarding Affordable Housing and its perceived impacts on property values and public schools. He stated that no species of concern had been identified during the wetlands review. The developer was being named as the administrator for the purposes of the application but he was discussing hiring a professional management company with the applicant to act as administrator. Ken Rozich asked about penalties if the program was not administered properly. Attorney Landolina stated that it would be treated as a zoning violation. The issue of stiffer penalties would have to be directed to the town's attorney. Chairman Kelly asked about the date of the studies being submitted regarding property values and the impact on schools.

Next, Attorney Landolina stated that a new traffic study / count was completed last week and a new report submitted. The revised document incorporated the concerns raised by peer review. He said that no events (such as foreclosure) ever serve to void the Affordable Housing designation. To give Cromwell residents preferential treatment in renting the units, equal preferential weight would need to be given to those races and ethnicities least likely to rent the units. He read the pertinent statute to the Commission.

Chris Juliano, Juliano and Associates, LLC, presented next and summarized the twelve changes contained in his memo dated September 18, 2017. The zoning designation had been changed, internal sidewalks added, parking spaces numbered 148, a six foot vinyl fence and bus stop added, photometric and landscaping plans added, title sheets updated to show revision dates, and a phasing plan and narrative added. The plans could be updated again to address the Fire Chief's request regarding the number and placement of hydrants. Snow removal would be conducted according to best management practices and snow storage would remain on site. The two larger buildings would have sprinklers.

Stephen R. Ulman of Alfred Benesch & Company of Glastonbury, reviewed his memo dated September 19, 2017. The new traffic count was conducted on Friday, September 8, 2017, both in the morning and afternoon. He incorporated some of the comments provided by the peer review, Freeman Company, in its memo dated September 11, 2017. He stated that the main conclusions were the same with all intersections operating at a level of service of "C" or better.

Attorney Landolina presented the architectural materials to the Commission for their review. Chairman Kelly asked for a three dimensional rendering. Attorney Landolina stated that he would review the request with his client. He also consented to extending the public hearing to October 17, 2017 and said he would provide such consent in writing.

Upon the conclusion of the presentation, the Commissioners offered their comments.

Michael Cannata asked if a pedestrian traffic analysis would be conducted. He specifically wants to know about the placement of crosswalks and traffic controls for the health and safety of the residents. Attorney Landolina said that one had not been done and he would discuss the matter with his client.

Nicholas Demetriades expressed concern for the safety of the residents passing through the construction areas and asked about construction traffic entering and exiting Court Street. Mr. Juliano stated that he predicted a three year duration to the project. All infrastructure would be completed first, then the buildings, so smaller equipment and less frequent trips would be required once the first building was occupied. Nicholas Demetriades stated that he wanted to see how those safety risks to the residents would be mitigated.

Chris Cambareri said he was concerned about the Fire Chief's memo which raised the issue of the flammability of the materials used during construction and asked that a safety plan be provided.

David Fitzgerald asked how the bus stop location and the safety of the students at the bus stop would be addressed during construction.

Ken Rozich asked how the affordable units had been chosen and designated and why no three bedroom units would be designated as affordable.

Richard Waters stated that he did not want the construction entrance on Court Street. Mr. Juliano stated that traffic volumes dictate the use of Court Street, not Shunpike Road, for construction. He said that he would review the issue with DOT and the Chief of Police.

Alice Kelly asked the applicant, Patrick Snow, why he had not presented this apartment concept plan as affordable housing when he was first in front of the Commission and why was he doing it now. He stated that he had reviewed his options and this was one of the better options available to him at the present moment.

The public hearing was opened up to public comment.

Peter Hanson, 100 Court Street, stated that he believed that "other matters" referred to welfare, living conditions of the residents, and compatibility with the overall plan of development. He stated that he did not believe that comparisons to the PRD zone are relevant or accurate as the PRD zone regulations require open space and are subject to a Special Permit. He questioned the administration of the plan, what utilities were available to the site and whether the fence was non-climbable as requested.

Caroline Brunetto, 62 Washington Road, spoke against the application, saying that the plan was disorganized and she was concerned with the safety of the proposed residents.

Tommy Hyatt, 98 Court Street, stated that the plans were disorganized. He questioned why construction traffic would be on Court Street because Shunpike Road was too busy, but the applicant was still suggesting that there wouldn't be any significant impact on Shunpike Road when the complex was fully occupied. He did not feel that the traffic impact study was accurate. He was concerned with the lack of a snow removal plan and the possibility of overflow parking on Court Street.

Jackie Hayward, 15 Lancaster Road, spoke against the project, saying that she was concerned over the impact to the school system, especially in light of the state's budget problems. She wanted to focus on developing the vacant business properties in town.

Matt Ruske, 64 Evergreen Road, asked why there wasn't a privacy fence proposed for Shunpike Road.

Dilys McIntyre, 104 Court Street, asked if there was room to address a fire on the backside of the building since it was only thirteen feet from the property line, which was proposed to be fenced. She wanted a taller fence that could not be climbed. She was concerned about possible polluted runoff affecting her well and the lack of elevators in the buildings.

Ray Cioffi, 61 Court Street, said that he had calculated out approximately 240 to 265 residents at the apartments, with approximately 192 to 213 vehicles, since there were no public transportation options available. He did not think that the parking was sufficient. He raised concerns with the lack of recreational areas for children, the flammability of the proposed building materials, and the lack of an OSHA safety plan.

Ronald Bomengen, 5 Riverside Drive, was concerned about fire safety and truck access to the back of the buildings. He questioned the site plan details regarding the dumpster enclosure and said that he had reviewed the drainage report and found some errors. He also took issue with the footing drain connections, the sediment storage, the driveway proximity to the Learning Experience and the number of transformers proposed.

Dmytro Grebenyk was concerned about the lack of schedules, the lacking of planning for the bus stop and snow removal, how the construction sequence would affect marketing the apartments, the health and safety of the residents while construction was ongoing, the lack of a proposed deadline to complete the project, how the project would be supported financially during construction and the limited parking.

Andrea Shaw, 11 Riverpark Drive, was concerned over the developer's previous projects that were not fully completed, the developer's late submission of materials, and the partnership structure of the LLC. She said that even if the proposal was perfect in all elements, could the developer be trusted to properly execute those plans.

Sandra Tate, 6 Horse Run Hill, agreed with the previous speakers. She submitted her concerns in writing to the Planning and Zoning Commission via Mr. Popper. She was concerned with the volunteer fire department's ability to support this development, the project's burden on the taxpayers and the impact on the school system, especially transportation and special education.

Frank Mangene, 12 Sunset Drive, said he felt disrespected by this proposal as there were no clear answers being provided by the applicant.

Melissa Pine, 21 Cider Hill Drive, agreed with Ms. Tate, saying that no firefighters were available to respond to a recent fire call on Coles Road. She said that the schools were already short on classrooms, desks, and books.

Rob McIntyre, 102 Court Street, said that he was the Assistant Chief of EMS in Cromwell and a firefighter, and was speaking from that experience, but not as a representative of the Cromwell Fire Department. He was concerned over the lack of elevators and there being enough room for a ladder truck to park at the back of the buildings. He thought that fire suppression would be impacted by the lack of room on the property.

After all public comments had been heard, the Commissioners continued to discuss the application.

Chairman Kelly asked whether a performance bond spreadsheet had been completed. Attorney Landolina said no as there would be no public improvements and nothing owned or controlled by the Town of Cromwell. He had asked Mr. Popper for direction regarding this requirement. Chairman Kelly also asked about insuring the development against foreclosure. Attorney Landolina stated that he did not believe that to be relevant and was unaware of any court orders against the applicant.

Michael Cannata asked if a pedestrian traffic safety study would be performed, with information about crosswalks and traffic controls. He asked whether this project was a major traffic generator and if a special permit from DOT was needed. He wanted specifics about the elevator sizes and the number proposed for each building. He also wanted a legal definition and clarification as to what "other matters" encompasses.

Brian Dufresne asked how the outstanding concerns and questions could be compiled to ensure that all were answered.

Attorney Landolina stated that the issues of fire safety and drainage would be addressed at the next hearing. Paul Cordone asked if the plans could be reviewed by an independent third party at the applicant's expense. Attorney Landolina stated that the town's engineer, Mr. Jon Harriman, had already reviewed the plans. He was unaware of any town ordinance that would authorize Mr. Cordone's request and such a question should be directed to the town attorney. Mr. Popper said that he would review the town ordinances to see if any are applicable. Mr. Popper said that he would ask Attorney Olsen to be present at the next hearing.

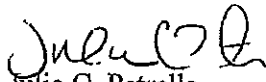
Chairman Kelly asked that all information be submitted to Mr. Popper at least one week in advance so that it could be distributed to the Commission members prior to the meeting. She felt it was inappropriate to receive documents and plans last minute.

Mr. Ulman said that this project was not a major traffic generator. If more than 200 parking spaces are required, then the project would be a major traffic generator. They will need an encroachment permit from DOT. Mr. Juliano read a portion of the Fire Chief's memo dated July 12, 2017, stating that the access around the building perimeter is adequate.

Michael Cannata made a motion to continue the public hearing; Seconded by Richard Waters. *All in favor; motion passed.*

11. **Commissioner's Comments:** Michael Cannata asked that a list of questions be compiled and addressed before the next hearing.
12. **Approval of Minutes:**
  - a. September 5, 2017: A motion to accept the minutes as presented was made by Michael Cannata; Seconded by Brian Dufresne. *All in favor; motion passed.*
13. **Adjourn:** A motion to adjourn was made by Michael Cannata; seconded by Chris Cambareri. *All in favor; motion passed.* Meeting adjourned at 10:08 p.m.

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk



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**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY OCTOBER 17, 2017  
CROMWELL TOWN HALL GYMNASIUM, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

*Glenn Prendergast*  
TOWN CLERK

**Present:** Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Jeremy Floryan, Paul Cordone, Richard Waters, David Fitzgerald (alternate) and Nicholas Demetriades (alternate)

**Absent:** Kenneth Slade, Ken Rozich, Brian Dufresne

**Also Present:** Director of Planning and Development Stuart Popper

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:05 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

A motion to seat Alternates David Fitzgerald and Nicholas Demetriades was made by Michael Cannata; Seconded by Paul Cordone. *All in favor; motion passed.*

**4. Approval of Agenda**

A motion to approve the agenda was made by Michael Cannata and Seconded by Jeremy Floryan. *All in favor; motion passed.*

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Curtin was not present and there was no report.

**7. Town Planner Report**

There was no report.

**8. Public Hearing:**

- 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.

Michael Cannata made a motion to re-open the public hearing; Seconded by Paul Cordone. *All in favor, motion passed.*

Chairman Kelly began by reviewing the time limits and other rules for public comment and requested that the public not audibly react to comments by any of the speakers.

Mr. Popper reviewed his comments memo to the Commission and told the public that he would read any written comments that they wished to submit. He reviewed the numerous memos included in the Commission's packet, namely from himself, the town engineer, and town attorney. He said that he had received the revised bond estimate from Mr. Juliano, which was being reviewed by Mr. Harriman, and had received the updated peer review traffic study from Freeman Companies. He told the public that all of the plans and materials were available for inspection in the Town Planning office.

Chairman Kelly informed the audience that tonight was the last night for public comment as the public hearing will be closed in November. Attorney Landolina agreed to extend the public hearing until the November 21, 2017 meeting.

Richard Waters asked why the town attorney was not present and Chairman Kelly replied that she did not know the reason, only that Attorney Olsen would attend the November 21, 2017 meeting. Mr. Popper stated that Attorney Olsen had provided written responses to the Commission's questions so he had asked her to attend the next meeting to assist the Commission in their deliberations, rather than tonight's meeting. Richard Waters restated his concerns over the town attorney's absence.

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, began his presentation by introducing the applicant, the project engineer and the traffic engineer. He said that he submitted an affidavit regarding the posting of the required sign.

Chris Juliano, Juliano and Associates, LLC, began his presentation by reviewing his October 9, 2017 correspondence in which he noted the updates to the plans. He had revised the storm drainage calculations to use the NOAA Atlas 14 precipitation frequencies, despite their use not being required by the Town of Cromwell. In doing so, he also had to revise the heights of the underground galley drainage system and the low flow orifice. He reviewed the changes to the proposed fencing, which would be shortened on the easterly side and added along the boundary line at 190 Shunpike Road. He proposed a six foot vinyl privacy fence. He said that six feet is the maximum size allowed by the regulations but he would agree to a higher fence if required by the Commission. Any six foot fence could still be climbed and he did not think that the inclusion of barbed or razor wire was appropriate for this development. He had submitted the revised bond estimate to the town engineer. He believed that 98% of the runoff would be caught and not impact the neighbor's well, but he was proposing to provide an extension of the water main and an

easement, should the neighbor wish to utilize public water. He said that he had revised the dumpster and pad detail. Mr. Juliano stated that the transformers on the plans were there to show the likely locations and that Eversource does not conduct a final design until the project receives all required approvals. He also said that he had updated the title sheet and submitted a snow removal plan with modified curbs and designated storage areas.

Mr. Juliano next reviewed the Construction Sequence Narrative dated October 2, 2017. He proposed a five phase sequence in which utilities, driveways and parking lots were constructed to a binder course, then Building 1 was constructed, then the Community Building and parking areas were constructed, then Apartment Building 2, and then finally the construction of Apartment Buildings 3 and 4. The sequence proposed installing construction barriers, such as Jersey barriers, across the construction entrance to separate the residents of the completed buildings from the continuing construction, in response to the Commission's concerns over the safety of the proposed residents. He said that the revised sequence addresses the affordability plan as well.

Jeremy Floryan asked Mr. Juliano why he felt that he was bound by the zoning regulations for the fencing and Mr. Juliano said that he was trying to comply where he could, but it was up to the Commission to establish the height of the fence. Jeremy Floryan then asked why not reduce the building heights to three stories and Mr. Juliano deferred that question to the applicant and/or his attorney.

Stephen R. Ulman of Alfred Benesch & Company of Glastonbury, reviewed his memo dated September 19, 2017, and the peer review response from Freeman Companies dated October 3, 2017. He referenced the finding from Freeman Companies that his report was found to adequately address the comments they had presented and reasonably evaluated the project's potential impacts. He stated that he could possibly fit in a one hundred foot turning lane fully within the right of way on Court Street.

Mr. Ulman stated that he did not have a template for conducting a pedestrian traffic study. He had taken a count during the morning and afternoon peak hours at Shunpike Road/Coles Road, 181 Shunpike Road and Shunpike Road/Court Street. He said that the paved shoulder along Route 3 and the traffic signals and pedestrian pushbuttons were sufficient in giving pedestrians time to cross the intersections. He did not believe that additional measures were necessary. He said that the sightlines in excess of 550 feet were adequate, that none of the crash data available involved pedestrians and because there was no mass transit available in the area, it was unlikely that there would be more pedestrians as a result of this development.

Michael Cannata objected to Mr. Ulman's findings by saying that he had analyzed the current conditions, not what was projected, when there could be an additional 200 to 300 potential pedestrians. He said that the surrounding areas offered numerous services which the apartments residents would likely walk to, such as

restaurants and bars. Those pedestrians would have to cross two to three lanes of traffic, including the turning/bypass lane along Route 3. He did not feel that Mr. Ulman's study addressed his concerns over the health and safety of those prospective pedestrians. Mr. Ulman disagreed on the projected number of pedestrians, saying that this project would not generate such large numbers and repeated his conclusions that the present traffic controls are sufficient. Michael Cannata stated that the plans did not include additional crosswalks or signaling.

Chairman Kelly said that the photographs included in the report do not accurately represent the traffic conditions along those roads and offered her own photographs for review. Mr. Ulman stated that the photographs were to show the road geometry only. He said that the development would generate far less traffic than the Commission was suggesting. His study uses peak times for measurements, as not all cars travel during those periods. Jeremy Floryan stated that there would be more pedestrians then, based on Mr. Ulman's conclusions of so few vehicle trips. Mr. Ulman stated that his study utilized current figures provided for low rise suburban developments, but there was no distinction between developments along bus routes and those not. Attorney Landolina asked Mr. Ulman if his study was done in accordance with all professional standards, to which he said yes.

Attorney Landolina reviewed the contents of his October 10, 2017, correspondence addressed to the Commission. He stated that he had submitted data showing that property values would not be affected, and that concern over property values wasn't a criterion that could be considered, nor were the aesthetics of the development, the impact on the schools, or "welfare". He stated that it was estimated that the development would bring an additional sixteen students to the school system and that the revised plans included an area for them to wait for the bus.

Attorney Landolina said that the traffic study concluded that the roadways could handle the additional load at an acceptable level of service, that the proposed buffers were adequate and not a reason for denial, that the higher density is not a sufficient reason for denial, and that only housing that is either deed or rent restricted is counted as affordable housing under Connecticut law. He stated that no species of special concern were found on the property, that the developer would comply with all codes and recommendations made by the Fire Chief regarding sprinklers, elevator sizes sufficient to accommodate a stretcher, and pressurized stairwells. He said that the Fire Chief's letter did not address the height of the building as being a concern. The distances around the building were sufficient to accommodate a ladder truck and the "wings" of the buildings had been redesigned. He said that he did not receive any negative correspondence from the Police Chief, that there would be 29 affordable units spread out among the apartments, that it was up to the Commission as to whether to allow for preferential treatment for Cromwell residents, and that the Town could enforce the affordability restrictions.

Attorney Landolina said that the developer's history was irrelevant and that he would agree to bond all improvements as required. The requested pedestrian

accommodations could only be installed on Court Street as a town road and not on Shunpike Road. Mr. Ulman stated that this project was not required to go to the Office of the State Traffic Administration but would be reviewed by the district regarding the encroachment permit. Attorney Landolina repeated that they would install a fence of a height requested by the Commission. He said that the community building would be for the apartment residents, that sidewalks had been included on the plans, a bond estimate spreadsheet had been submitted and that building samples had been submitted for the Commission's review. Language terminating the affordability restrictions had been deleted, the construction sequence revised, and a snow removal plan submitted.

Attorney Landolina said that compliance with Section 6.8 of the Zoning Regulations was not required and that the buildings would remain at four stories to keep the project economically viable. He deferred to the town attorney to advise what "other matters" could be considered, said that one three bedroom apartment was now affordable, that the construction entrance had been moved to Shunpike Road, that foreclosure would not terminate the affordability restriction, and that this project was not a major traffic generator. He said that the time limits necessitated an end to further peer review studies, that the parking outlay was per the existing Zoning Regulations for a PRD zone, that the issue of the neighbor's well had been addressed, that no additional recreational areas were proposed beyond the two lawn areas, that all contractors would comply with OSHA safety standards, that the LLC structure was irrelevant, that the tax impact was not a criterion to be considered, and that he believed that the applicant had been fully transparent in his presentations at these hearings.

The public hearing was opened up to public comment.

Tommy Hyatt, 98 Court Street, stated that the applicant had said earlier that there was too much traffic on Shunpike Road to use it as the construction entrance, but now had revised his plans to do just that. He did not think that the traffic study was sufficient in its duration, nor did he believe it to be accurate. He felt that the history of the developer put the public safety at risk and that the attendance at these meetings demonstrates an overwhelming negative response and that this project is of substantial public interest.

Peter Hanson, 100 Court Street, stated that the Commission had more discretionary power than the applicant's attorney was suggesting. He stated that he did not believe that comparisons to the PRD zone are relevant or accurate as the PRD zone regulations are subject to a Special Permit. He said that if the application was accepted, that contingencies regarding pedestrian safety, overflow parking, and sidewalks should be put into place. He was concerned over the possibility of the developer abandoning the project prior to completion. He also questioned the use of the affordable housing laws when the developer was already concerned about making sure that this project was economically viable. He felt that the developer was just trying to avoid having to comply with the requirements of a special permit.

Dilys McIntyre, 104 Court Street, agreed with the previous two speakers. She said that she had spoken with State Senator Paul Doyle regarding the project. She expressed safety concerns over the proximity to the wetlands and ravine and said that she wanted a ten foot fence along her property line.

Beth Johnson, 65 Court Street, asked if there would other places where this project could be located. She was concerned over the public safety, especially that of children, because of the traffic on Court Street.

Diane Uccello, 21 Reiman Drive, asked what benefit this project brings to Cromwell. She expressed concerns over the developer's reputation and history and said that he had previously negatively impacted the lives of Cromwell residents. She felt that the town does its share and cited the number of students at or below the poverty level. She wanted the developer to acknowledge the people whose lives he was impacting.

Ronald Bomengen, 5 Riverside Drive, said that he did not believe the latest drainage calculations to be accurate. He was concerned over the apartment complex being used as a cut through if traffic backed up along Court Street and Shunpike Road. He also pointed out that the driveway wasn't aligned with the driveway across from it and thought that the state may comment on that.

Dmytro Grebenyk, 202 Coles Road, questioned the traffic report findings and wanted clarification on wait times and the allotment for parking. He questioned the conclusion that there would not be more pedestrian traffic when the proposed development was across from restaurants and bars and other establishments. He wanted to ensure that the drainage system was built properly.

Amanda Chiappetta, 59 Geer Street, asked how this would affect the property values of the surrounding homes.

Deborah Bradley, 93 Court Street, said that she had a lot of difficulty pulling out of her driveway because of the traffic on Court Street. She said that class sizes are getting bigger, not shrinking, and is concerned over the validity of the studies being presented by the applicant.

Rob McIntyre, 102 Court Street, said that he was the Assistant Chief of EMS in Cromwell and a firefighter, and was speaking from that experience, but not as a representative of the Cromwell Fire Department. He said that the Chief's job is to make recommendations regarding safety, not to support or oppose a particular development. He did not believe that there was total aerial coverage for firefighting and was concerned that if additional equipment was needed, it would fall on the town to provide it.

Dilys McIntyre, 104 Court Street, said that she wanted the fencing installed prior to construction. She also said that the parcel is zoned local business and that it should be developed that way as it is the only one in the northern tier.

Stuart Epstein, 9 Fern Street, said he was concerned over the safety of traffic along Court Street, with other bad elements that might follow this development, and with the possible noise, light and fire safety. He felt that the developer should be held accountable for his past projects.

Mr. Popper read into the record a letter from Donna Brilliant and Pierre Brilliant, 91 Court Street, regarding their concerns over wastewater, traffic, fire safety and the safety of the tenants. They wanted the town to petition the state for a moratorium on these types of applications so they could have time to identify appropriate locations and developers.

Marisol Bonacquisto, 7 Patricia Lane, said that the developer's history is relevant and that he has a demonstrated record of not paying contractors and vendors, of not maintaining his properties, of shoddy workmanship, and ensuing lawsuits. She felt that the traffic study and parking allotment were both insufficient, that his data on the school impact was outdated. She wanted him banned from doing work in town and asked why the town manager, mayor and attorney were not present. She wanted development that helped the town, such as a senior center, recreation center, schools, and businesses.

After all public comments had been heard, the Commissioners continued to discuss the application.

Richard Waters wanted to know where the Affordable Housing statistics came from. Chairman Kelly wanted to review the materials. She wanted to know why the proposed aesthetics of this project are so vastly different from his previous application for luxury apartments. She felt that this "two tier" approach could be the "other matters" referenced in the regulation. She also referenced an interview with Evonne Klein, Commissioner of Connecticut's Department of Housing, that the intent of the regulation is to combat exclusionary zoning and not to force the acceptance of projects that were previously denied. She said that the PRD regulations were to allow flexible housing that fits in with the surrounding neighborhoods.

Michael Cannata asked for confirmation that a turning lane would be added to Court Street and that a fence would be constructed during Phase 1. He said that he was concerned with the use of a Jersey barrier and that plan should be reviewed with the Fire and Police Departments because of its affect on the public health and safety. He wanted confirmation of a children's bus stop and additional recreational areas, such as a playground. He was concerned about the use of the complex as a cut through. He also stated that he had quickly identified several companies that specialize in pedestrian analyses.

Attorney Landolina said that the Department of Housing provides the percentages of affordable housing per town, based on a number of factors. He said that he wasn't involved in the previous application and therefore could not discuss the aesthetics. He thought that they could accommodate the turning lane wholly within the right of way and that a ten foot fence could be installed prior to construction. He said that he would look into the safety concerns raised by the placement of the Jersey barriers, the pedestrian traffic study and how to address the possibility of the cut through via stop signs and speed bumps. He said that there was a bus shelter provided and he would review the possibility of additional recreational areas with his client.

Richard Waters stated that a ten foot fence next to a four story building would not add much in terms of privacy.

Attorney Landolina agreed to an extension of the public hearing to November 21, 2017, which he submitted in writing to Mr. Popper. He said that he could not grant any additional extensions beyond that and once the hearing was closed, the Commission had sixty five days to render a decision.

Michael Cannata made a motion to continue the public hearing; Seconded by Paul Cordone. *All in favor; motion passed.*


**9. Commissioner's Comments: None**

**10. Approval of Minutes:**

a. October 3, 2017: A motion to accept the minutes as presented was made by Michael Cannata; Seconded by Jeremy Floryan. *All in favor; motion passed (Paul Cordone abstained).*

**11. Adjourn:** A motion to adjourn was made by Michael Cannata; seconded by Paul Cordone. *All in favor; motion passed.* Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk



**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM TUESDAY NOVEMBER 21, 2017  
CROMWELL TOWN HALL GYMNASIUM, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

*Jean Alliquie*  
TOWN CLERK

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

**Absent:** Kenneth Slade

**Also Present:** Director of Planning and Development Stuart Popper and Zoning Enforcement Office Bruce Driska and Town Attorney Kari Olson.

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:08 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

A motion to seat Alternate David Fitzgerald was made by Michael Cannata; Seconded by Ken Rozich. *All in favor; motion passed.*

**4. Approval of Agenda**

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

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Driska presented his report. Nicholas Demetriades asked about the status of the Willowbrook Road project. Brian Dufresne asked what was the status of the project for the winter will they be working or will it be shut down. Chairman Kelly described the work taking place in front her house on Willowbrook Road. Mr. Popper said he would ask the Town Engineer to summarize the status of the project and have that information for the next meeting.

**7. Town Planner Report**

Mr. Popper summarized his report to the Economic Development Commission.

**8. Public Hearing:**

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.

Michael Cannata made a motion to re-open the public hearing; Seconded by Ken Rozich. *All in favor, motion passed.*

Attorney Carl Landolina of Fahey and Landolina in South Windsor, Connecticut, began his presentation by introducing Pat Snow and Andreas Hadji are the members of JPG Partners, LLC, (the Applicant) Chris Juliano, P.E. and L.S., of Juliano & Associates (the engineer) and Stephen R. Ulman of Alfred Benesch & Company of Glastonbury (the traffic engineer). Attorney Landolina asked Chris Juliano to address the Commission regarding the most recent changes to the plans.

Mr. Juliano summarized the changes that have been made to the onsite drawings based upon the latest revision. He said the reason for the revision was the November 14, 2017 letter from the Fire Marshall in which he requested a 26' wide fire lane along one side of each four-story building. Mr. Juliano said to accommodate this request, we revised the site driveway from 24' to 26' from Court Street to Shunpike Road. He noted that because of this change some minor revisions were made to the location of catch basins, light poles, sidewalks and landscaping. He also noted that it results in an increase in impervious area of approximately 1,525 square feet. Mr. Juliano said this increase in impervious surface has no negative impact upon the drainage system simply since there was additional capacity within the system.

He explained that a second set of drawings (3 sheets) has also been submitted. These drawings detail the proposed offsite improvements and pedestrian traffic safety. The first sheet is the applicant's proposed improvements to provide a turning lane at the intersection of Court Street and Shunpike Road. The applicant has also proposed a sidewalk along the southerly side of Court Street up to the existing pedestrian push button pedestal on Shunpike Road. The final part of this proposed plan incorporates the rebuilding of a portion of the existing sidewalk on Shunpike Road to comply with ADA requirements.

Mr. Juliano explained that the second sheet is an alternative plan based upon staff comments. As directed we moved the sidewalk to the north side of Court Street and proposed the relocation of the existing pedestrian pedestal. Similar to the first plan, a portion of the existing sidewalk along Shunpike Road would need to be rebuild for ADA compliance.

He said third and final plan was created based upon comments of our traffic engineer and a desire to reduce the cost of the offsite improvements due to the reconstruction of a portion of the existing sidewalk along the westerly side of Shunpike Road. In this scenario, the applicant would install Rectangular Rapid Flash Beacons (RRFB) devices at the projects Shunpike Road driveway entrance and across Shunpike Road as depicted on the plans.

RRFBs are user-actuated amber LEDs that supplement warning signs at unsignalized intersections or mid-block crosswalks. Additionally, the applicant would install additional sidewalk along Court Street and Shunpike Road to connect the sidewalks along the project's two frontages. This would allow pedestrians from outside the project limits to access the RRFB devices without having to walk through the project site.

Mr. Juliano closed by saying that whichever plan the Commission decides to make part of the approval, the final decision regarding the pedestrian crossing of Shunpike Road will be up to the Connecticut Department of Transportation.

The Commission members and Mr. Juliano discussed the proposed alternative locations for the sidewalks and the pros and cons of the each.

Attorney Landolina asked Stephen R. Ulman of Alfred Benesch & Company of Glastonbury (the traffic engineer) to address the Commission regarding the installation of the Rectangular Rapid Flash Beacons (RRFB) devices. Mr. Ulman said that the plans call for installing the Rectangular Rapid Flash Beacons (RRFB) devices at the projects Shunpike Road driveway entrance and across Shunpike Road as depicted on the plans.

Mr. Ulman explained how the RRFB's work and discussed current locations with RRFB's in operation in Connecticut today. The Commission members and Mr. Ulman discussed the pros and cons of the RRFB's and how those apply to the proposed location on Shunpike Road.

The Commission members and Mr. Juliano and Mr. Ulman discussed the addition of the proposed turning lane at the intersection of Court Street and Shunpike Road. Mr. Cannata asked about the stacking capacity of the turning lane. Mr. Ulman said there was room for four to five vehicles. Mr. Cannata asked if that was enough room and Mr. Ulman said yes.

Chairman Kelly opened the meeting up to those members of the public who wished to address the Commission regarding this application.

Mr. Peter Hanson, 100 Court Street, spoke against the project saying as a follow up to previous comments that I have made regarding the limits of the Commission's authority under Section 8-30G. He said he believes that the Special Permit standards of the Zoning Regulations do apply and he summarized the standards. Mr. Hanson criticized the RRFB design and said he was very concerned about the dangerous conditions the RRFB may create on Shunpike Road.

Tommy Hyatt, 98 Court Street, spoke against the project stating that he has concerns about the site plan and that there is not enough parking. He said the traffic plan and the reality that the development will cause motor vehicle injuries and fatalities. Mr. Hyatt continued noting that the developer has disregard for the law. He closed by saying that the project was not worth it not by a long shot.

Caroline Cannito 3 Black Haw Drive, spoke against the project saying she is a resident and

educator and former member of the PZC. She said that the application will have a negative impact on the safety of children in the area.

Gautum Anne of 5 Thomas Court, spoke against the project, saying that it was a flawed plan and not a good plan and asked the PZC to please deny it.

Dilys McIntyre, 104 Court Street, spoke against the project saying that the proposed four story building was out of character with the neighborhood. She said that we need to preserve the LB Zone District for commercial development for the neighborhood. Ms. McIntyre noted that the traffic in the area is getting worse and said the developer is taking advantage of Section 8-30g.

Ray Cioffi, 61 Court Street, spoke against the project saying said that the intent of the Affordable Housing Regulations were to battle exclusionary zoning regulations. He said there are no exclusionary zoning regulations here in Cromwell. Mr. Cioffi noted the issue Rocky Hill is facing with the number of multi-family units.

Rich Waters 84 South Street, spoke against the project quoting the philosophy of the Zoning Regulation, "to protect the public health, safety and welfare, to maintain and enhance community character and to improve the economic value of property and general welfare of residents". He said this application will do none of these and should be denied.

Keith Nargi of 4 Thomas Court, spoke against the project saying said that he was very concerned about the impact of Section 8 housing and the traffic on Shunpike Road.

Tim Gorton of 2 Thomas Court, spoke against the project saying said that he was very concerned about the traffic on Shunpike Road and Court Street and the issue of safety.

Tamberly Gorton of 2 Thomas Court, spoke against the project saying said that she was an educator and very concerned about the impact on the education in the town and the safety of children in the area and traffic on Shunpike Road and Court Street.

Beth Johnson of 65 Court Street, spoke against the project saying said that she was very concerned about the safety of children in the area given the traffic on Shunpike Road and Court Street.

Dilys McIntyre, 104 Court Street, spoke against the project saying that the fire house is very nearby on Geer Street and that the proposed development could have a negative impact on emergency vehicle access to and through the neighborhood.

Caroline Brunetto 62 Washington Road, spoke against the project saying that she rides her bicycle on Court Street and many others walk and ride on Court Street. She said many of those walking and riding are elderly what about their safety?

Al Waters 86 South Street, welcomed Mr. Driska to Cromwell. He spoke against the project saying he is very concerned about the building materials. He asked are they quality

materials and will they meet today's safety standards?

Mr. Peter Hanson, 100 Court Street, asked if there was a gas line in the area.  
Mr. Chris Juliano said yes.

Chairman Kelly asked about the color of the buildings and the building materials and the roof. Mr. Pat Snow said the building will have light colored vinyl siding and light colored stucco and the roof will be black.

The Commission members and Mr. Juliano discussed access to the site during construction and the use of jersey barriers and their impact on emergency vehicle access.

Attorney Landolina addressed the Commission saying that there have been four public meetings and lots of back and forth. He summarized the review process and said according to our traffic engineer and to the peer review conducted by the town's traffic consultant there is no adverse impact to traffic. He said the application complies with all the requirements of Section 8-30g and the it is up to the PZC to decide based upon all the information submitted. Attorney Landolina stated that it is a good project for the town.

Michael Cannata asked if the two members of the applicant's LLC were present and Attorney Landolina said Pat Snow and Andreas Hadji are both present.

Chairman Kelly noted that the 10% goal of percentage of affordable housing in a community is not a law. Attorney Landolina agreed saying it is a goal and he noted that a community can apply for a moratorium after the 10% goal is reached.

Chris Cambareri noted that there is no exclusionary zoning in Cromwell.

Ray Cioffi, 61 Court Street, spoke against the project saying said there have been pedestrian accidents on Shunpike Road.

Mr. Popper noted that the Commission will have 65 days to make a decision once the public hearing is closed. He explained that if the Commission uses the whole 65 days to deliberate a decision would have to be made at the January 16, 2018 meeting.

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

#### **11. Commissioner's Comments:**

Nicholas Demetriades said he would like the Town Attorney to discuss the issue of conflict of interest and when a Commissioner should recuse himself or herself. He noted that he was an abutting land owner and had concerns about a development and wondered what options he had.

Attorney Olson noted that the question of conflict of interest for Commission members was

covered by Sections 8-11 and 8-21 of the Connecticut General State Statutes. She discussed the ethics of a conflict of interest and asked whether you can render a fair decision when there is a perceived conflict of interest. The Commission members and Attorney Olson discussed what questions could be asked and what steps the Commission member could take. Attorney Olson reminded the Commission members the steps to take to make sure they are eligible to vote on the application. She noted that alternates can only vote if they were seated for all the meetings.

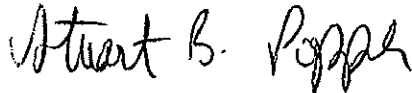
The Commission members discussed the update of the POCD and Chairman Kelly noted the need for Affordable Housing Plan.

**12. Approval of Minutes:**

a. November 9, 2017: A motion to accept the minutes as presented was made by Michael Cannata; Seconded by Ken Rozich. *All in favor; motion passed.*

**13. Adjourn:** A motion to adjourn was made by Michael Cannata; seconded by Ken Rozich. *All in favor; motion passed.* Meeting adjourned at 9:38 p.m.

Respectfully Submitted,



Stuart B. Popper  
Acting Recording Clerk