



**Town of Cromwell
Planning and Zoning Commission**

RECEIVED FOR RE
Sep 04, 2020 10:
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

**REGULAR MEETING
7:00 P.M. TUESDAY SEPTEMBER 15, 2020
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 Application:**
 - a. Application #20-41: Request for Special Permit under Section 3.5.C.4 of the Zoning Regulations to allow for a Contractor's Yard at 150 Sebeth Drive. Total Tree Service is the Applicant and RANDA LLC is the Owner.
 - b. Application #20-44: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to allow for a restaurant with the accessory sales of alcoholic beverages at 134 Berlin Road. Valon Avdimetai is the Applicant and CRS1 LLC is the Owner.
 - c. Application #20-46: Request to modify the Site Plan for Cromwell Villages at 150 Country Squire Drive. Cromwell Village Assoc LLC is the Applicant and the Owner.
 - d. Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboard at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.
 - e. Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.
9. **New Business:**
 - a. Discussion of the Lower Connecticut River Valley Plan of Conservation and Development presented by COG staff.
10. **Commissioner's Comments:**
11. **Approval of Minutes:**

***Minutes sent to you previously**

 - a. January 21, 2020*
 - b. May 5, 2020*
 - d. June 2, 2020
 - e. June 23, 2020
 - f. June 30, 2020
 - d. July 7, 2020
12. **Adjourn:**

| P&Z 2020 Permit Report | | | | | | |
|------------------------|--|-----------------------|--|--------------------------------|-------------------------------------|--|
| Permit# | Name of Applicant | Site Location | Type of Activity | Decision Date | Status | |
| 20-01 | Scannell Properties | 120 County Line Drive | Site Plan Modification | Approved 1/7/2020 | Complete | |
| 20-02 | Greater Hartford Community Foundation | One Golf Club Road | PGA Golf Tournament | Scheduled 3/4/2020 | Complete | |
| 20-03 | John Hagel | 43 Shadow Lane | Create a rear lot | Scheduled 3/17/2020 | Pre-Construction meeting pending | |
| 20-04 | John Hagel | 43 Shadow | Resubdivide into 3 lots | Scheduled 3/17/2020 | Pre-Construction meeting pending | |
| 20-05 | Curtis Weybright | 34 Shunpike Road | Middlesex Habitat for Humanity | Approved by staff 1/28/2020 | Complete | |
| 20-06 | Joseph Moon | 35A Berlin Road | Add patio liquor permit | Approved 2/4/2020 | Complete | |
| 20-07 | Town of Cromwell | 161 Coles Road | Special Permit to allow filling | PH on 4/7/2020 | Approved, work in process | |
| 20-08 | Crown Battery - Site Plan Approval | 50 Sebethe Drive | New signage | Approved 2/4/2020 | Complete | |
| 20-09 | Crown Battery - Use Permit | 50 Sebethe Drive | Distribution Center for Northeast Batteries | Approved by staff 1/31/2020 | Business Open | |

| Permit# | Name of Applicant | Site Location | Type of Activity | Decision Date | Status |
|---------|----------------------|---------------------|---|--------------------------------|-------------------------|
| 20-10 | DFC of Cromwell, LLC | 6 Piney Ridge Road | Erect commercial billboards facing Rt. 9 | Approved 7/7/2020 | Complete |
| 20-11 | Kim Serignese | 2 Willowbrook Plaza | Zerio's enlarged restaurant | Approved by staff 2/20/2020 | Renovations underway |
| 20-12 | Justin Philauong | 199 Shunpike Road | Cut Republic Barbershop & Shave Co. (Use Permit) | Approved by staff 2/24/2020 | Business open |
| 20-13 | Baltazas Contractors | 53 Willowbrook | Staging area for materials and equipment (Use Permit) | Approved 2/24/2020 | Work In Process |
| 20-14 | Baltazas Contractors | 181-183 Coles Road | Staging area for materials and equipment (Use Permit) | Approved 2/24/2020 | Work In Process |
| 20-15 | BSC Services | 50 Berlin Road | Gaylord Healthcare (Use Permit) | Approved by staff 2/26/2020 | Business open |
| 20-16 | Samantha DiFilippo | 28-1 Shunpike Road | Chi Lash Academy | PH on 4/7/2020 | Awaiting opening |
| 20-17 | Arnco Sign | 76 Berlin Road | Signs for Springhill Suites | Approved 3/4/2020 | Complete |
| 20-18 | Benjamin Salerno | 199 Shunpike Road | Karate classes for kids & adults | Approved 3/6/2020 | Awaiting opening |

| Appi# | Name of Applicant | Site Location | Type of Activity | Decision Date | Status |
|-------|-------------------------|-----------------------|--|--------------------------|-----------------------|
| 20-19 | Jeannine Marron | 328 Main Street | Peaceful Chaos Yoga | Approved 3/13/2020 | Business open |
| 20-20 | Rodney Bitgood | 241 & 251 Main Street | Erect commercial billboards facing Rt. 9 | Approved 3/4/2020 | Complete |
| 20-21 | Nancy Hunter | 332B Main Street | Hunter Law Office | Approved 3/25/2020 | Business Open |
| 20-22 | Reed Buuilders, LLC | 19 Pasco Hill rroad | Zone change from Ind to R-25 | App 6/23/20 | Complete |
| 20-23 | Const. Serv of Branford | 674 Main Street | Install pole for Emer. Comm. Equipment | Approved by staff 5/5/20 | Complete |
| 20-24 | Emmet Moore | 42 Berlin Road | Picnic benches outside | App. By staff 5/6/20 | Complete |
| 20-25 | Const. Serv of Branford | 33 Prospect Hill Road | Install pole for Emer. Comm. Equipment | App. By staff 5/12/20 | Awaiting Construction |
| 20-26 | Kemal Cecunjamin | 35 Berlin Road | Café Luna seating | App. By staff 5/15/20 | Complete |
| 20-27 | Brian Bonneau | 546 Main Street | The Well seating | App. By staff 5/15/20 | Complete |
| 20-28 | 70 Commerce Drive LLC | 70 Commerce Drive | Construct two buildings | App. 6/23/20 | Awaiting Construction |
| 20-29 | Kemal Cecuistanis | 35 Berlin Road | Café Luna remodeling | App. 6/23/20 | Complete |
| 20-30 | Edward Alnas | 136 Berlin Road | Pizza Pie seating | App. By Staff 6/15/20 | Complete |

| Appl# | Name of Applicant | Site Location | Type of Activity | Decision | Status |
|-------|-------------------------|-----------------------------------|---|--------------------------|------------|
| 20-31 | PearlLoika-Garbiel | 199 Shunpike Rod | Dog grooming salon | App. By staff 6/22/20 | Complete |
| 20-32 | D'Amato Construction | 100 Count Line Drive | Material Removal | App. 7/7/20 | Complete |
| 20-33 | Halem Saad | 135 Berlin Road-Cromwell Diner | Permanent Outdoor Seating | App. 7/7/20 | Complete |
| 20-34 | Scannell Properties | 120 County Line Drive | Signs for Amazon Bldg. | App. 7/7/20 | Complete |
| 20-35 | Judd Malin | 77 Berlin Road | Platinum Prep Meals, LLC Retail healthy prepared meals | App. By staff 6/30/20 | Complete |
| 20-36 | Jenna Serrantino | 11 Iron Gate Lane | Home Hair Salon | App. By Staff 6/30/20 | Complete |
| 20-37 | Fontine Construction | 26 Shunpike Road | Dental Arts of Cromwell | App. By staff 7/17/20 | Complete |
| 20-38 | Rusit Cecunianin | 134 Berlin Road | Café Fiore Restaurant | App. By staff 7/22/20 | Complete |
| 20-39 | Mary Tobias | Main Street | Frisbee Parking wedding | App. By staff 7/22/20 | Complete |
| 20-40 | Superior Kitchen & Bath | 199 Shunpike Road | Kitchen & Bath items | App. By staff 8/13/20 | Complete |
| 20-41 | Total Tree Service | 158 Sebeth Drive | Outdoor Storage | | In Process |

Memo

To: Planning and Zoning Commission
From: Stuart B. Popper, AICP
Director of Planning and Development
Date: September 4, 2020
Re: Comments for the September 15, 2020 Special Meeting Agenda

8. New Business: Accept and Schedule New Application:

a. Application #20-41: Request for Special Permit under Section 3.5.C.4 of the Zoning Regulations to allow for a Contractor's Yard at 150 Sebeth Drive. Total Tree Service is the Applicant and RANDA LLC is the Owner. *The 52.62-acre site is located in the Industrial Zone District on the east side of Sebeth Drive. The applicant is proposing to process and store firewood at the northern end of 150 Sebeth Drive. Staff requests that the Commission accept the application and schedule it to be heard at the October 15, 2020 meeting.*

b. Application #20-44: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to allow for a restaurant with the accessory sales of alcoholic beverages at 134 Berlin Road. Valon Avdimetai is the Applicant and CRS1 LLC is the Owner. *The applicant has purchased the former Baci Restaurant and is requesting a special permit to allow for the accessory sales of alcoholic beverages. Staff requests that the Commission accept the application and schedule it to be heard at the October 15, 2020 meeting.*

c. Application #20-46: Request to modify the Site Plan for Cromwell Villages at 150 Country Squire Drive. Cromwell Village Assoc LLC is the Applicant and the Owner. *The 8.76-acre site is located in the PRD Zone District and the applicant is proposing a number of modifications to the approved site plan. Please see attached narrative and plans. Staff requests that the Commission accept the application and consider it at the September 15, 2020 meeting.*

d. Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner. *The site includes 241 Main Street (1.93 acres vacant land) and 251 Main Street (2.23 acres site of former Citgo Station) and is located in the Commercial Billboard Zone District on the west side of Main Street. Staff requests that the Commission accept the application and schedule it to be heard at the October 15, 2020 meeting.*

e. Application #20-48: Request to for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner. *The 8.57acre site is located on the south side of South Street in the Commercial Billboard Zone District. Staff requests that the Commission accept the application and schedule it to be heard at the October 15, 2020 meeting.*

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

Type of Activity: Outdoor Storage
(Per Section 3.5.C.4 of the Cromwell Zoning Regulations)

Street Address: 158 Sebe the Drive Zoning District: _____

Assessor's Parcel ID #: 00384600 Volume/Page: 1606-142

Applicant's Name: Michael Costa/Total Tree Service

Address: 36 Pratt Street, Rocky Hill, CT 06067

Telephone Number (daytime): 860-538-0980

Email Address: totaltree.service@yahoo.com

Property Owner's Name: Randa LLC

Address: Skyview Dr Berlin, CT

Description of Proposed Activity:
outside processing + storage of
firewood

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).

Michael Costa
(applicant)

8/19/2020
(date)

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SPECIAL PERMIT

Type of Activity: Restaurant Liquor Permit
(Per Section 7.5 of the Cromwell Zoning Regulations)

Street Address: 134 Berlin Rd Zoning District: H/B

Assessor's Parcel ID #: 00461100 Volume/Page: 1681-48

Applicant's Name: VALON AVDIMEZAJ / CAFE FIORE

Address: 134 BERLIN RD CROMWELL CT-06416

Telephone Number (daytime): 1860/913-9044

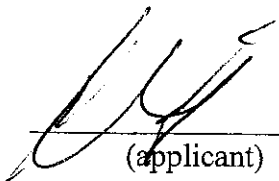
Email Address: Valon@Cafefiorecromwell.com

Property Owner's Name: RUSIT CECUNJANIN

Address: 59 FAWN HILL DR. WESTBROOK CT-06498

Description of Proposed Activity:
Liquor permide Section 7.5

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



(applicant)

8/26/20

(date)

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN MODIFICATION

Name of Project: Planned Multifamily Residential Development
Street Address: 150 Country Suire Drive
Volume/Page: 1486-142 PIN #: 00336000

Applicant Name: Cromwell Village Associates, LLC
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518
Telephone: (203)230-1600 (day) _____ (evening)
Email Address: Markie_f@sbcglobal.net

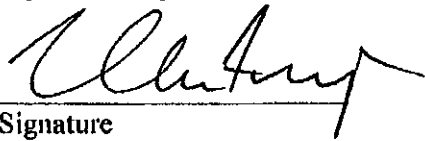
Property Owner Name: Cromwell Village Associates, LLC
Address: 2319 Whitney Avenue, Suite 1A
Hamden, CT 06518

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 if yes, have you obtained it?* Yes No
 Yes No
3. *Will this project require a DEP Stormwater Management Permit if yes, have you applied for it?* Yes No
 Yes No
4. *Will this Project Require an STC Permit if yes, have you submitted a copy of the plans to the STC?* Yes No
 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.

Marc Franzman  9-1-2020
Applicant Name and Signature Date



September 1, 2020

Mr. Stuart Popper, Director of Planning and Development
Town of Cromwell
41 West Street
Cromwell, CT
06416

**RE: Site Plan Modification
Revisions to Cromwell Village Multi-Family Residential Development
150 Country Squire Drive
Cromwell, CT
MMI #2398-07**

Dear Stuart:

As a result of a further construction design considerations and discussions with the Cromwell Fire Department, modifications to the approved site plans have been made which consist of:

1. Communications Pole and Generator Pad
2. Mail Kiosk Footprint and landscaped island configuration
3. Pool Cabana Footprint

I have included the following revised plans, dated May 30, 2018 (Revised September 1, 2020) for your consideration:

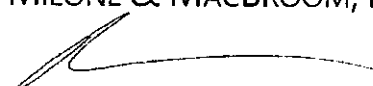
Title Sheet
Sheet LA-1 Site Plan - Layout and Landscaping
Sheet GR-1 Site Plan - Grading
Sheet UT-1 Site Plan - Utilities

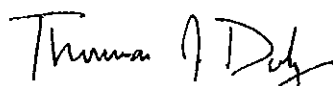
These revisions resulted in minor changes to the zoning data table on the Title Sheet of the revised plans (enclosed). At this time, we are seeking Site Plan Modification approval. Appropriate site plans enclosed. Application and application fee to be provided by others.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

MILONE & MACBROOM, INC.


Rock Emond
Civil Engineer


Thomas J. Daly, PE, Vice President
Senior Project Manager, Civil Engineering

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

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

Street Address: 241 + 251 Main St. Zoning District: CB D

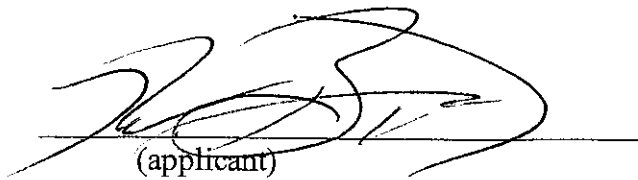
Assessor's Parcel ID #: 00480800 + 00272500 Volume/Page: 1557/316 + 1505/190

Applicant's Name: Rodney Bitgood
Address: 263 Main St. Cromwell, CT 06416
Telephone Number (daytime): 860-613-2355
Email Address: RODNEY@CROMWELLAUTOMOTIVE.COM

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

Description of Proposed Activity:
Request to install digital billboard

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


(applicant)

9-3-2020
(date)

Application# 26-48

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
APPLICATION FOR SPECIAL PERMIT

Type of Activity: Erect Two (2) Digital Billboards
(Per Section 3.6C of the Cromwell Zoning Regulations)
Street Address: 6 Piney Ridge Zoning District: CBD
Assessor's Parcel ID #: 00212500 Volume/Page: 1626/61

Applicant's Name: DFC OF CROMWELL, LLC
Address: 920 S. Colony Rd. Wallingford, Ct 06492
Telephone Number (daytime): (203) 410-7649
Email Address: _____

Property Owner's Name: DFC OF CROMWELL, LLC
Address: 920 S. Colony Rd., Wallingford, Ct 06492

Description of Proposed Activity:
See attached

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

[Signature]
(applicant)

8-26-2020
(date)

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 2, 2020
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, Ken Rozich and Brian Dufresne.

Absent: Paul Cordone, Nicholas Demetriades, John Keithan, Mo Islam, and Kenneth Slade.

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

1. Call to Order:

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

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

None.

4. Approval of Agenda:

Mr. Popper passed out a meeting comments memo and asked the commission to add two items under 8. New Business: Accept and Schedule New Applications:

a. Application #20-28: Request for a Site Plan Approval to construct three buildings at 70 Commerce Drive. 70 Commerce Drive LLC is the Applicant and Henry Vassel is the Owner.

b. Application #20-29: Request for a Site Plan Modification to expand the front deck at Luna Café at 35 Berlin Road. Kemal Cecuistranis is the Applicant and River Grace Plaza LLC is the Owner.

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

5. Public Comments:

There were no comments from the public.

6. Development Compliance Officer Report:

Mr. Driska passed out the updated report to the commission and said he will address any questions or comments.

Mr. Driska added that the project that was previously approved by the commission at the former Nike site is under way. He said currently trees are being cleared and the old buildings are being demolished.

7. Town Planner Report:

Mr. Popper reported that work has been resumed at Starbucks. He said the issues with the soil at the site have been addressed and the detention basin is being moved closer to the former Baci Grill. Mr. Popper said the Amazon building on County Line Drive is moving forward as is the new Marriott hotel. He said the permitting for the temporary outside dining in town is going well and that the Tall Man Ice Cream shop has opened up and is doing very well. Mr. Popper said that the TPC is scheduled to occur but with no spectators on site but it will be broadcast live.

8. New Business: Accept and Schedule New Applications:

a. Application #20-28: Request for a Site Plan Approval to construct three buildings at 70 Commerce Drive. 70 Commerce Drive LLC is the Applicant and Henry Vassel is the Owner.

Michael Cannata made the motion to accept and schedule Application #20-28 for June 23, 2020; Seconded by Brian Dufresne. *All in favor; motion passed.*

b. Application #20-29: Request for a Site Plan Modification to expand the front desk at Luna Café at 35 Berlin Road. Kemal Cecuistranis is the Applicant and River Grace Plaza LLC is the Owner.

Michael Cannata made the motion to accept and schedule Application #20-29 for June 23, 2020; Seconded by Brian Dufresne. *All in favor; motion passed.*

Mr. Popper said he would like to cancel the Planning and Zoning Commission meeting scheduled for June 16, 2020 and reschedule it as a Special meeting for June 23, 2020. Mr. Popper would like to hold public hearings for the following applications on June 23rd:

Application #20-10: Request to Amend the Zoning Map to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Application #20-20: Request to Amend the Zoning Map to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

Mr. Popper explained that the Governor will be issuing new guidelines for public meetings on June 20, 2020 and we will follow whatever those guidelines are.

9. New Business:

There was no new business.

10. Public Hearing:

Ken Rozich read the legal notice into the record.

Michael Cannata made the motion to open the public hearing for Application #20-22; Seconded by Jeremy Floryan. *All in favor; motion passed.*

- a. Application #20-22: Request to Amend the Zoning Map to Change the Zoning District Classification from Industrial to R-25 at 19 Pasco Hill Road. Reed Builders, LLC is the Applicant and the Owner.

Mr. Jim Cassidy Engineer with Hallisey, Pearson & Cassidy at 630 Main Street Cromwell Connecticut presented an overview of the requested zone change from Industrial to R-25 for 19 Pasco Hill Road. He described the size (31,976 square feet) and location (east side of Pasco Hill Road across from Thomas Court) of the site. Mr. Cassidy summarized the history of the zoning of the parcels located west of north road and described the current zoning and existing land uses of those parcels within 500 feet and greater of 19 Pasco Hill Road.

Mr. Cassidy explained that the parcel at 31,976 square feet is too small to be eligible for a zone change to R-40, as it does not meet in that zone's bulk requirements of 40,000 square feet. He noted that public water and sewer are available in the street, so the differentiation between R-40 and R-25 as listed in Section 2.2.A. is not critical.

Mr. Cassidy read Section 2.2.A (3) "*R-40. Purpose: to cover those areas of Cromwell which are largely undeveloped or predominantly rural in character and which are least likely to have access to water and sewer lines.*" He explained that changing the zone from Industrial to R-25 and allowing the parcel to be used for residential purposes will fit in with and be in the best interests of the surrounding neighbors and best protect their property values.

Mr. Cassidy discussed the previous site plan approved for the site in July 2011 for a 2,000 square foot office building which was never built. He noted that a business would create a much higher traffic demand than a single-family house.

Mr. Cassidy showed a proposed site plan for a single-family home utilizing the same driveway access and layout used in the previously approved site plan. He discussed the location of the house and the sight lines for the driveway onto Pasco Hill Road. Mr. Cassidy, He pointed out that there is an underground detention basin on the site and that there is an easement to the town for the maintenance of the basin.

The Commission members discussed the proposed layout for the single-family house, the driveway access and the sight lines.

Mr. Cassidy summarized the reasons for the Zone Change:

- Property is surrounded by all single-family residential uses, except for 5 Pasco Hill Road to the east.
- Orientation towards single family residences along Thomas Court and Robertson Road, rather than towards the industrial use at 5 Pasco Hill Road.
- Wetlands create natural buffer between this property at industrial use at 5 Pasco Hill and force development closer to surrounding residences.
- Location along curve cause for concern for commercial/industrial uses that will generate frequent trips by customers or employees.

The Commission members, staff and Mr. Cassidy discussed the history of zoning in the area, access to the site and the underground detention basin.

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

Michael Cannata made the motion to approve Application #20-22 for the following reasons: This is not spot zoning because although the property is a small area, it is not out of harmony with comprehensive plans. It is a residential use contiguous to other residential uses. It is compatible with the existing neighborhood. This development as single-family residence more protective of the surrounding property values than industrial use; seconded by Chris Cambareri. *All in favor, motion passed.*

11. Commissioner Comments:

None.

12. Approval of Minutes:

a. April 7, 2020

Michael Cannata made the motion to approve the minutes of April 7, 2020 with the correction of Brian's name on page 3; seconded by Brian Dufresne. *All in favor, motion passed.*

b. January 21, 2020

No action.

c. March 17, 2020

No action.

d. May 5, 2020

No action.

13. Adjourn:

Michael Cannata made the motion to adjourn at 8:10 PM. *All in favor, motion passed.*

Respectfully submitted,

A handwritten signature in cursive script that reads "April Armetta". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

April Armetta
Recording Clerk

RECEIVED FOR RECORD
Aug 14, 2020 09:49A
E. Ann Doyle
TOWN CLERK
CROMWELL, CT

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
SPECIAL MEETING
7:00 PM TUESDAY JUNE 23, 2020
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, and Nicholas Demetriades.

Absent: Paul Cordone, John Keithan, Mo Islam, Ken Rozich, Brian Dufresne, and Kenneth Slade.

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

1. **Call to Order:**
The meeting was called to order by Chairman Kelly at 7:01 PM.
2. **Roll Call:**
The presence of the above members was noted.
3. **Seating of Alternates:**
None.
4. **Approval of Agenda:**
Michael Cannata made the motion to approve the agenda; seconded by Jeremy Floryan.
All in favor, motion passed.
5. **Public Comments:**
There were no comments from the public.
6. **Development Compliance Officer Report:**
Mr. Driska passed out the updated report to the commission and will address any questions or comments.
There were no questions regarding the report.
7. **Town Planner Report:**
Mr. Popper reported that the new Marriott Hotel, as well as the new Amazon building, are expected to open this July. He said that Amazon will be hosting job fairs at the Town Hall. Mr. Popper noted that the Covenant Village project is moving along and the work at the Nike site has begun. There were no questions for Mr. Popper.
8. **New Business: Accept and Schedule New Applications:**

a. Application #20-32: Request to Amend the Site Plan (remove materials from the site) at 100 County Line Drive. D'Amato Construction Company is the Applicant and the Town of Cromwell is the Owner.

Michael Cannata made the motion to accept and schedule Application #20-32 for July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

9. New Business:

a. Application #20-28: Request for a Site Plan Approval to construct three buildings at 70 Commerce Drive. 70 Commerce Drive LLC is the Applicant and Henry Vasel is the Owner.

Mr. Jim Cassidy Engineer with Hallisey, Pearson & Cassidy at 630 Main Street Cromwell Connecticut presented an overview of the site at 70 Commerce Drive and the surrounding properties.

He said that the 8.25 acres site is located in the Industrial Zone at the west of the end of the cul-de-sac on Commerce Drive. Mr. Cassidy said that the applicant is proposing to construct two 1-story 31,500 square foot industrial buildings and one 1-story 4,200 square foot office building and an associated 86-space parking lot on the property. He described the location of the buildings and the parking lot on the site. Mr. Cassidy noted that the buildings will be similar in design to those currently on Commerce Drive. He said lower section of the buildings will be constructed of masonry split-faced blocks and the upper sections constructed of vertical steel siding

Mr. Cassidy explained there is a town owned 50 foot right of way on the west end of Commerce Drive which the applicant has proposed to purchase from the Town of Cromwell. He said the applicant is proposing to build a private driveway in the 50 foot right of way to provide access to 70 Commerce Drive. Mr. Cassidy noted that the applicant has agreed to provide an easement to access the driveway to the abutting property owners at 35 and 40 Commerce Drive.

Mr. Cassidy said the proposed plan had required a permit from the Inland Wetlands and Watercourses Agency (IWWA) for activities within the 100-foot upland review area. He explained that the activities proposed would disturb about an acre of upland review area and included clearing, grading and construction of a retaining wall, portions of the parking lot and the office building. Mr. Cassidy said the application was approved at the IWWA meeting on June 3, 2020.

Mr. Cassidy discussed the utilities at the site showing the locations of the proposed catch basins in the parking lot and the onsite infiltration basins. He explained that there is a sewer manhole at the end of Commerce Drive and because the property slopes slightly away from the road the three buildings will be on individual grinder pumps.

Mr. Cassidy read the comment from Development Compliance Officer Bruce Driska dated 6/12/2020 into the record.

1. The Applicant shall provide a person's name and mobile phone number for 24/7 construction contact.

Mr. Cassidy read the comments from Town Engineer Jon Harriman dated 6/23/2020 into the record:

1. Upon excavation of the infiltration basin, notify the engineering department to confirm soil conditions.
2. Notify engineering department when temporary sediment basin has been converted to permanent infiltration basin for inspection.
3. As-built submission shall confirm that the infiltration basin has been constructed to the minimum volume shown on the plans.
4. An annual report shall be filed with the zoning enforcement officer documenting the stormwater system maintenance activities enumerated in the O&M plan are performed during the prior year by January 31st of every year.

The Commission members, Mr. Cassidy and staff discussed the application and the applicants.

Michael Cannata made the motion to approve Application #20-28 with condition including the comments from Development Compliance Officer Bruce Driska in his memo dated 6/12/2020, and Town Engineer Jon Harriman in his memo dated 6/23/2020. The last condition is that there will be an easement to the abutters to the 50 foot right of way which will be transferred from the Town to this applicant. Seconded by Chris Cambareri. *All in favor; motion passed.*

b. Application #20-29: Request for a Site Plan Modification to expand the front deck at Luna Café at 35 Berlin Road. Kemal Cecunjajin the Applicant and River Grace Plaza LLC is the Owner.

Mr. Popper said the applicant is not present this evening and he would present the application. Mr. Popper explained the Luna Café restaurant is located in the River Grace Plaza and the applicant is proposing to expand the sidewalk area in front of the restaurant to provide additional area for outside dining with 6 tables and 4 seats each. He said that the existing sidewalk is 5 feet 3 inches wide and the new sidewalk area will be 8 feet 11 inches wide. Mr. Popper said the area to be widened is 47 feet long. He pointed out that no parking will be lost to this modification.

Michael Cannata made the motion to accept Application #20-29 on the condition that we receive a letter of approval from the owner granting permission for this project; seconded by Chris Cambareri. *All in favor; motion passed.*

10. Public Hearing:

Chairman Alice Kelly read the legal notice into the record.

Michael Cannata made the motion to open the public hearing for Application #20-10; seconded by Nicholas Demetriades. *All in favor; motion passed.*

a. Application #20-10: Request to Amend the Zoning Map to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Attorney Dennis Ceveviva said the applicant is proposing to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD). He said that the 8.57-acre site is located on the south side of South Street in the Residential Zone District. He noted that the site contains three existing homes: one single family home and two multifamily homes.

Attorney Ceveviva explained that based upon the Governor's Executive Order No 71 19 f. the applicant was not required to notify the abutting property owners of the public hearing. He then read the executive order into the record:

Any Covered Law requiring direct or personal notice by mail from a municipality, agency or applicant to any other person, agency, municipal clerk (including any town, city, borough, or district clerk), municipality, utility company or water company regarding the filing or pendency of any petition, application, or other proposal is suspended and modified to allow said notice requirement to be satisfied by electronic mail notification, if electronic mailing addresses are known or reasonably available for the party to be noticed, provided the same deadline for publication of the electronic notice is met; provided that if electronic mailing addresses are not known or reasonably available, said notice requirement is satisfied by: (i) the posting of a physical, weatherproof sign of at least two feet by three feet in area, in a prominent location on the parcel of land which is the subject of any petition, application, or proposal, specifying the existence of such petition, application, or proposal, and information regarding the date, time, and location of any hearings (including remote access details) related thereto, provided that such sign shall be posted for the duration of the period for which notice is otherwise required by the Covered Laws; or (ii) the mailing of letters (via regular U.S. mail) to addressees provided by a municipality or agency, or agent thereof, where the noticing party has relied in good faith on the accuracy and completion of said list of addressees.

Attorney Ceneviva reported that the sign for the public hearing was posted on the morning of June 8th.

Attorney Ceneviva presented background information on the new CBD zone district and noted the only uses permitted were digital billboards. He described the site in general and the specific location of the two pairs of billboards on the property all of which face Route 9. Attorney Ceneviva described how the billboards are operated and maintained from an off-site facility.

her concerns about this issue. Chairman Kelly and Attorney Ceneviva discussed the legal definition of “Spot Zoning”.

The Commission members discussed the idea of conducting a site walk of the property. The Commission members suggested that the applicant may wish to use a balloon or a crane truck to demonstrate how tall the billboard will be (50 feet).

The Commission scheduled the site walk for Tuesday, June 30th at 5:30 PM. The public is invited to attend on the condition that no questions or comments are made, and that everyone practices social distancing.

Michael Cannata made the motion to continue the Public Hearing until July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

b. Application #20-20: Request to Amend the Zoning Map to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

Attorney Richard Carella of Updike, Kelly & Spellacy, P.C, presented the proposed Zone change application for 241 and 251 Main Street. Attorney Carella said that the sign was posted on June 9, 2020 and the abutting property owners notified at the same time.

Attorney Carella described the site of the proposed Zone Change which includes 241 Main Street (1.93 acres vacant land) and 251 Main Street (2.23 acres and the site of former Citgo Station). He explained that the properties are located on the west side of Main Street in the Local Business Zone District. Attorney Carella said the applicant is proposing to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) to accommodate the installation of a digital billboard.

Attorney Carella said this location is surrounded by commercial and industrial zones. He said that this property can accommodate only a single billboard. Attorney Carella said the land behind the old Citgo building is wetlands, so the area that the billboard can be put on is limited.

Mr. Popper raised a question as to whether or not all of the two sites were needed to accommodate the billboard. He suggested the applicant go back and redesign the Zone District plan to see if the old Citgo station portion of the property could remain in the LB Zone District while the portion of the property along Route 9 could be rezoned to the CBD Zone District. Attorney Carella agreed.

The Commission discussed the idea of conducting a site walk for this location and determined that it was not necessary.

Michael Cannata made the motion to continue the Public Hearing until July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

11. Commissioner Comments:

None.

12. Approval of Minutes:

a. January 21, 2020

No action.

b. March 17, 2020

Michael Cannata made the motion to approve the minutes of March 17th; seconded by Jeremy Floryan. *All in favor, motion passed.*

c. May 5, 2020

No action.

d. June 2, 2020

No action.

13. Adjourn:

Michael Cannata made the motion to adjourn at 9:30 PM. *All in favor, motion passed.*

Respectfully submitted,



April Armetta
Recording Clerk

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
SITE WALK
5:30 PM TUESDAY JUNE 30, 2020
6 PINEY RIDGE ROAD
MINUTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Nicholas Demetriades, Brian Dufresne and Jeremy Floryan

Absent: Paul Cordone, John Keithan, Mo Islam, Ken Rozich, and Kenneth Slade.

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

1. Call to Order

The meeting was called to order by Chairman Kelly at 5:31 PM.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates:

None.

4. Site Walk

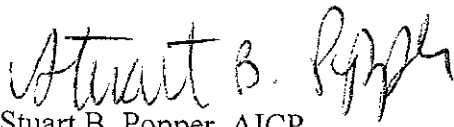
a. Application #20-10: Request to Amend the Zoning Map to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.


Attorney Dennis Ceneviva and the applicant and owner Mr. Dominick DeMartino led a walk of the site. They explained that poles were installed to indicate the locations of the proposed billboards and balloons were attached to the poles to indicate the height of the billboards.

4. Adjourn:

Michael Cannata made the motion to adjourn at 6:00 PM. *All in favor, motion passed.*

Respectfully submitted,


Stuart B. Popper, AICP
Acting Recording Clerk

RECEIVED FOR RECORD
AUG 21, 2020 08:39A
JoAnn Doyle
TOWN CLERK
CROMWELL, CT 

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JULY 7, 2020
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, John Keithan, Ken Rozich, Nicholas Demetriades and Brian Dufresne.

Absent: Paul Cordone, Mo Islam, and Kenneth Slade.

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

1. Call to Order:

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

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

Mike Cannatta made the motion to seat John Keithan; Seconded by Chris Cambareri. *All in favor; motion passed.*

4. Approval of Agenda:

Mr. Popper passed out a meeting comments memo and asked the commission to add one item under 8. New Business: Accept and Schedule New Applications:

a. Application #20-32: Request to Amend the Site Plan (remove materials from the site) at 100 County Line Drive. D'Amato Construction Company is the Applicant and the Town of Cromwell is the Owner.

Michael Cannata made the motion to approve the agenda as amended; Seconded by Chris Cambareri. *All in favor; motion passed.*

5. Public Comments:

There were no comments from the public.

6. Development Compliance Officer Report:

Mr. Driska passed out the updated report to the commission and said he will address any questions or comments.

7. Town Planner Report:

Mr. Popper reported that work is continuing at all the major projects in town including: Starbucks on Berlin Road, the Amazon building on County Line Drive, Arbor Meadows on Field Road and the Marriott hotel on the Berlin Road.

8. New Business: Accept and Schedule New Application:

a. Application 20-32: Request to Remove Materials under Section 6.1 of the Zoning Regulations at 100 County Line Drive. D'Amato Construction is the Applicant and the Town of Cromwell is the Owner.

Mr. Popper asked the Commission to accept and schedule the application to be heard this evening.

Michael Cannata made a motion to approve the accept and schedule Application #20-32; seconded by Chris Cambareri; *All in favor; motion passed.*

9. New Business:

a. Application #20-33: Request to Amend the Site Plan (add outside seating) at the Cromwell Diner at 135 Berlin Road. Halem Saad is the Applicant and Sadd Associates are the Owners.

Mr. Popper said he would present the Application on behalf of the Applicant. He explained that the applicant would like to install seven or less picnic tables on the grass area north of the existing parking lot as shown on the submitted plan. Mr. Popper explained that there would be no outside service these tables are only for customers who wish to order take-out food and then consume it at the picnic tables. The Commission members and staff discussed access to the tables.

Michael Cannata made a motion to approve Application #20-33 for seven or less picnic tables; seconded by Brian Dufresne. *All in favor; motion passed.*

b. Application #20-34: Request to Amend the Site Plan (add outside generator and sign at 120 County Line Drive. Scannell Properties #315 LLC is the Applicant and the Owner.

David Gagne, Civil Engineer with Langan Engineering presented the application. Mr. Gagne indicated on the plans the location and size of the outside generator, the fuel tank and the new signs. The Commission members, staff and Mr. Gagne discussed the modifications. Mr. Popper indicated that the signs had been modified to meet the requirements of the Zoning Regulations.

Michael Cannata made a motion to approve Application #20-34; seconded by Chris Cambareri. *All in favor; motion passed.*

c. Application #20-32: Request to Amend the Site Plan (remove materials from the site) at 100 County Line Drive. D'Amato Construction Company is the Applicant and the Town of Cromwell is the Owner.

Mr. Popper explained that the original approved site plan did not call for the removal of any materials. The Applicant is proposing to remove about 1,700 yards of top soil under Section 6.1 of the Zoning Regulations. He noted that the removal of the top soil can be in conjunction with the approved site plan if the removal is approved by the Commission. It was suggested by the Commission that the top soil be considered for use at the Coles Road filling site.

Mr. Popper noted that the only staff comment was Town Engineer Jon Harriman's comment from his memo dated July 6, 2020. Mr. Harriman stated "The Town and the design/builder must come to an understanding or agreement in regards to the surplus topsoil".

Michael Cannata made a motion to approve the Application #20-32 with the condition contained in Town Engineer Jon Harriman's memo dated July 6, 2020 and with the suggestion that the top soil be considered for use at the Coles Road filling site; seconded by Jeremy Floryan. *All in favor, motion passed.*

10. Public Hearing:

a. Application #20-10: Request to Amend the Zoning Map to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Michael Cannata made a motion to re-open the Public Hearing; seconded by Nicholas Demetriades. *All in favor, motion passed.*

Attorney Dennis Ceneviva said he was here this evening with Mr. DeMartino the applicant and the owner and Mr. Wayne Violet of BL Companies. Attorney Ceneviva discussed the history of the site and the improvements that have been made to the existing buildings by the owner. Attorney Ceneviva summarized the information presented at the previous public hearing. He described the location and current uses at the site and the location and uses of the surrounding properties. Attorney Ceneviva described the locations of the 14 feet high and 48 feet wide proposed billboards. He noted the locations and heights of the billboards were demonstrated at the site walk on Tuesday June 30, 2020.

Michael Cannata questioned the location of a red line depicted on the map presented and asked whose authority was needed to cut trees along the property line abutting a state highway.

Attorney Ceneviva stated the red line was the property line, and the Connecticut Department of Transportation will have to be notified and a permit obtained to provide the tree cutting authorization.

The Commission members and Attorney Ceneviva discussed the nature and purpose of advertising on the billboards.

Chairman Kelly discussed the definition of "Spot Zoning". She quoted a number of legal documents including Judge Fuller's decision regarding "Spot Zoning" in Connecticut. Chairman Kelly presented more information pertaining to the definition and stated that this effort to create a Commercial Billboard District in the middle of Residential 15 Zone District was "Spot Zoning".

Chairman Kelly and various Commission members and Attorney Ceneviva had a discussion regarding the definition of "Spot Zoning".

Chairman Kelly quoted various sections of the 2007 Town of Cromwell Plan of Conservation and Development and challenged whether or not the proposed zone change was in conformance with the POCD.

Chairman Kelly asked if there were any members of the public that wished to address the Commission.

Mr. James Woodrow of 47 South Street spoke in support of the application.

Ms. Laura Creger Hall of 37 River Road spoke against the application and read into the record a petition against the billboards signed by residents of Main Street, River Road, Pleasant Street, South Street and Wall Street.

Mr. Tom Bollard of 45 South Street spoke against the application.

Mr. Popper read a letter of support from Silvia Marino of 12 Piney Ridge Road into the record.

Mr. Popper read letters addressed to Council member James Demetriades against the application from Christopher Edelbaum and Todd Farris into the record.

Mr. Popper read a letter from Council member James Demetriades of 272 Skyview Drive against the application into the record.

Nicholas Demetriades expressed his concern regarding the precedent of changing a residential zone district to a commercial zone district in the middle of a residential neighborhood. Jeremy Floryan said he agreed with the concern regarding the setting of such a precedent.

The Commission continued their discussion of the issue of "Spot Zoning" and the impact of the application on the neighborhood. Michael Cannata, Chris Cambareri and Ken Rozich said it was not "Spot Zoning".

Michael Cannata made motion to close the public hearing, seconded Jeremy Floryan. *All in favor, motion passed.*

The Commission members continued to discuss the various aspects of the application. This included the issue of the site, the location of the billboards, the issue of Spot Zoning, compliance with the POCD and the impact of LED lights.

Michael Cannata made motion to approve the application, seconded by Nicholas Demetriades.

Michael Cannata, Chris Cambarari, Brian Dufresne and John Keithan voted in favor. Alice Kelly, Nicholas Demetriades and Jeremy Floryan voted against. Ken Rozich abstained. *Four members voted for and three members voted against the motion passed.*

b. Application #20-20: Request to Amend the Zoning Map to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

A motion was made to re-open the Public Hearing by Michael Cannata, seconded by Nicholas Demetriades. *All in favor, motion passed.*

Attorney Richard Carella said he was here this evening with Mr. Rodney Bitgood the applicant and the owner of the property to present the application. He presented an overview of the site and the surrounding properties. Attorney Carella explained that at the previous meeting it was pointed out that it may be better to limit the area of the proposed Zone Change to the Commercial Billboard District Zone to the land adjacent to Route 9. He explained that this would enable the owner to preserve the site of the former Citgo station for other future development allowed in the Local Business Zone District.

Attorney Carella said Mr. Bitgood agreed and as a result we have changed the area to be rezoned as shown on the Exhibit A submitted this evening. He explained that the all of 241 Main Street would be rezoned to the CBD Zone District. Attorney Carella pointed out only the westerly half of 251 would be rezoned and easterly half containing the former Citgo station would remain in the Local Business Zone District.

Chairman Kelly asked if there were any members of the public that wished to address the Commission.

Ms. Laura Creger Hall of 37 River Road spoke against the application.

Michael Cannata made motion to close the public hearing, seconded by Jeremy Floryan. *All were in favor, motion passed.*

The Commission members discussed this location versus the location at Piney Ridge. Some members voiced the opinion that this was a more appropriate location given the fact that the site is already in a business zone district. They noted for that reason they had had no problem voting in favor of this application.

Michael Cannata made a motion to approve to approve the application with the changes submitted this evening, seconded by Jeremy Floryan. *All in favor the motion passed.*
Ken Rozich abstained.

11. **Commissioner Comments:**
None.

12. **Approval of Minutes:**

a. April 7, 2020

Michael Cannata made the motion to approve the minutes of April 7, 2020 with the correction of Brian's name on page 3; seconded by Brian Dufresne. *All in favor, motion passed.*

b. January 21, 2020

No action.

c. March 17, 2020

No action.

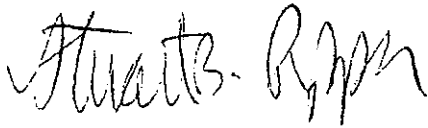
d. May 5, 2020

No action.

13. **Adjourn:**

Michael Cannata made the motion to adjourn at 8:10 PM. *All in favor, motion passed.*

Respectfully submitted,



Stuart B. Popper .
Acting Recording Clerk