



**Town of Cromwell
Planning and Zoning Commission**

**REGULAR MEETING
7:00 P.M. TUESDAY SEPTEMBER 20, 2016
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET**

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Seating of Alternates**
4. **Approval of Agenda**
5. **Public Comments**
6. **Development Compliance Officer Report:**
7. **Town Planner Report:**
8. **New Business: Accept and Schedule New Applications:**
 - a. Section 8-24 Mandatory Referral for the sale of a .22 acre parcel of land located on the north side of Bucks Crossing and the west side of North Road.
 - b. Section 8-24 Mandatory Referral for the replacement of the North Road Extension Bridge over Coles Brook
 - c. Application #16-35: Request for a Site Plan Modification to allow for Outside Storage at 30 New Lane. Fibredust Realty LLC is the Applicant and the Owner.
 - d. Application #16-32: Request to Modify the Special Permit at 161 Berlin Road by adding seasonal storage of trailers in the parking lot. Wal-Mart Real Estate Business Trust is the Applicant and Infinity Cromwell Properties Limited Partnership is the Owner.
 - e. Application #16-33: Request for Temporary Even Permit for Outside Halloween Party at Night at 180 Sebeth Drive. Victor Torza is the Applicant and Ronald and Alvin Ravizza are the Owners.
 - f. Application #16-36: Request to Amend the Zoning Map for 241 and 251 Main Street from Riparian Protection District to Local Business Zone. Rodnella Realty LLC is the Applicant and Owner.
9. **Old Business:**
 - a. Application #16-31: Request for a Site Plan Modification to convert the existing gas station to a convenience store at 164 West Street. Mukesh A. Patel is the Applicant and Sunoco LLC is the Owner.
 - b. Application #09-61: Request for Release of Bond at 72 Berlin Road. Cobblestone Associates LLC, is the Applicant and the Owner.
10. **Approval of Minutes:**
 - a. July 19, 2016
11. **Commissioner's Comments:**
12. **Adjourn**

RECEIVED FOR FILING
9-14 2016 at 11:40A.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Luis Lomaco Jr., Asst.
TOWN CLERK

Memo

To: Planning & Zoning Commission

From: Fred Curtin

Date: September 13, 2016

Re: Activity Report for August

196 Coles Road: A Notice of Violation and a Citation Fine was issued to the owner for failure to maintain Erosion Controls.

57 Timber Hill Road: A Notice of Violation was issued to the owner for failure to maintain Erosion Controls.

195 West Street: A Clothes Bin was dropped off. A Notice was sent to the Store Manager, the bin has been removed.

6 Hammer Head Place: A clothes bin was dropped off. A Notice was sent to the property owner.

Cromwell Commons: The new property owner will be replacing the missing Stop Signs and removing illegal signage.

P & Z Permits 2016					
Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
16-01	Town of Cromwell	9 Capt. James Mann Memorial Drive	Watrous Park Splash Pad	Approved with conditions 1/5/16	Complete
16-02	Frank Acheampong	538 Main Street	Clothing Bin for Non Profit	Withdrawn	Withdrawn
16-03	Meghan Burt	199 Shunpike Road	Next Level Fitness Personal Training	Approved by ZEO 1/25/16	Open for business
16-04	Merritt Construction LLC	136 Berlin Road	Center for Vein Restoration	Approved by ZEO 1/25/16	Complete
16-05	Premier Partners Assoc.	192 Shunpike Road	Subdivision	Approved 4/19/16	
16-06	Applicant did not need to go to P&Z therefore # not used				
16-07	Town of Cromwell	9 Capt. James Mann Memorial Drive	Raymond Place area-improvements to Town Rds.		No Start Date
16-08	Use #16-13 instead				
16-09	Greater Hartford Community Foundation	100 Golf Club Road	Travelers Championship	Approved with conditions 4/19/16	August start date
16-10	Pinewood Landscaping, LLC	302 Main Street	Site Plan Modification	Approved 4/19/16	Sign Base complete
16-11	Christian Plummer Plummer All Season Landscaping	224 Shunpike Road	Landscaping/Retail Sales	Approved 4/19/16	Open for Business
16-12	Michael Salonia Cromwell Fire Department	105 Coles Road	Flower sale for Mother's Day and Christmas Trees	Approved 4/19/16	Event over

Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
16-13	Town of Cromwell	Raymond Place Neighborhood	Roadway and Drainage Improvements	Approved 4/19/16	Out to Bid
16-14	Town of Cromwell	41 West Street	Modify Site Plan for Parking Lot Expansion	Approved 4/19/16	Work in progress
16-15	Luca DiMichele	6 Kirby Road	Barbershop & Emporium	Approved by ZEO 4/7/16	Going to ZBA then P&Z
16-16	National Sign	4 Sebethe Road	Chili Signage	Approved 5/03/16	No Activity
16-17	Dana Woods	11 Applewood Road	Add fill to yard	Approved 5/9/16 by ZEO	Work in progress
16-18	Keystone Novelities	111-113 Berlin Road	Temporary tent for fireworks	Approved by ZEO 6/21/16	Event over
16-19	John Vignone	84 North Road	Garage & shed over 1000 square feet	Approved 6/21/16	No Activity
16-20	Elias DiMichele	6 Kirby Road	Parking lot modification	Approved 7/19/16	Open for business
16-21	Tatiana DeJesus	45 Shunpike Road	Sale of Fireworks	Approved by ZEO 5/24/16	Event over
16-22	Paul Zigmont	138 Coles Road	Construct oversized garage	Approved 7/19/16	Pending
16-23	Paraco Gas	538 Main Street	BBQ - Exchange	Approved 6/21/16	Complete
16-24	Town of Cromwell	Prospect Hill Road	Valor Green Improvements	Approved 6/7/16	No Activity
16-25	Town of Cromwell	85 Coles Road	Walking Trail	Approved 6/7/16	No Activity
16-26	Paraco Gas/S. Taylor	72 West Street	Propane Exchange Program	Withdrawn 6/7/16	Withdrawn

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: OUTSIDE STORAGE

Street Address: 30 NEW LANE, CROMWELL, CT.

Volume/Page: _____ PIN #: _____

Applicant Name: FIBRE DUST LLC.

Address: 30 NEW LANE
CROMWELL, CT 06416.

Telephone: 860-659-4333 (day) 860-218-3511 (evening)

Email Address: product.manager@fiberdust.com.

Property Owner Name: FIBRE DUST REALTY LLC.

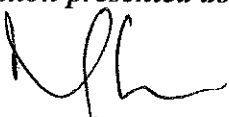
Address: 30 NEW LANE
CROMWELL, CT 06416

Attached:

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

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

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

Fiberdust LLC. 
Applicant Name and Signature
Sam Athlan.

09.09.2016.
Date



Town of Cromwell
Planning and Zoning Commission

APPLICATION FOR SPECIAL PERMIT

Type of Activity: Seasonal outdoor display and sales of merchandise
(Per Section _____ of the Cromwell Zoning Regulations) Trailer storage.
Street Address: 161 Berlin Rd. Zoning District: Highway business.
Parcel ID #: 001 79600 Volume/Page: _____

Applicant: Walmart Real Estate Business Trust
Address: 2001 S. E. 10th Street Bentonville AR 72616-5510
Telephone Number (daytime): 479-204-0440
Email Address: _____

Property Owner: Infinity Cromwell Properties Limited Partnership
Address: 1330 Boylston Street Suite 212 Chestnut Hill MA 02467

Description of Proposed Activity:
Set a site proposed site locations and yearly
time frames for seasonal trailer storage
and seasonal outdoor display and sales of merchandise

"I have read and I am familiar with the Cromwell Zoning Regulations Article 8.7 ("Special Permit Application Procedures"), Article 8.10.G ("Notification of Abutting Property Owners") and Article 8.10.H ("Public Hearing Sign Posting Requirements"). An "Impact Statement" per Section 9.4.A is attached." at garden center

Edward Siech
(Signature of Owner or Designated Agent)
Edward Siech
(printed name of signer)

9-9-16
(date)



Town of Cromwell
Planning and Zoning Commission

APPLICATION FOR
TEMPORARY EVENT PERMIT

Date Submitted: 9/9/16 Zoning District: TND

Location (street name and number): 150 Sebethe Drive

Name of Business (if applicable): Billy Tees

HOURS

Description of Proposed Activity: HALLOWEEN dance party
outside in driving range field after
hours. tent, porta-potty's, hand wash, barricades will
all be provided.

Applicant's Name: VICTOR TORIA

Applicant's Mailing Address: 150 Sebethe Drive Cromwell, CT 06416

Applicant's Email Address: VICTOR.TORIA@gmail.com
916.320.9467

Applicant's Telephone Number: _____
(daytime) (evening)

Property Owner's Name: ALVIN RAVIZZA

Property Owner's Address: N/A

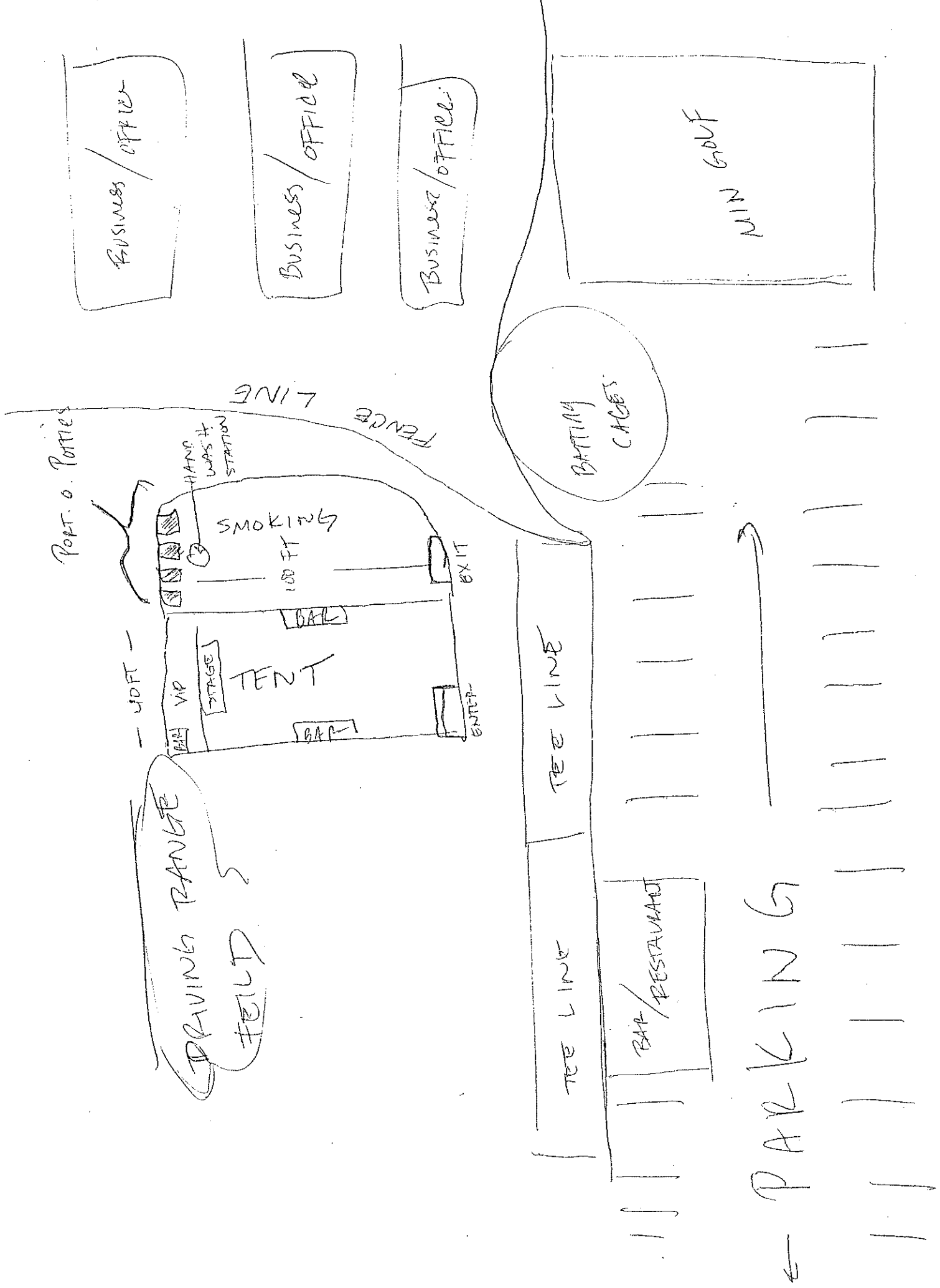
VICTOR TORIA
(circle one: owner applicant agent)

9/9/16
date

[Signature]
(printed name of signer)

9/9/16 Given A Copy of Noise Regulation

9/9/16 Fee PAID -





**Town of Cromwell
Planning and Zoning Commission**

APPLICATION TO AMEND THE ZONING MAP

Property Address: 241 & 251 Main Street PIN 00278500

Current Zone: RPD Proposed Zone: LB

Applicant: Rodnella Realty LLC

Mailing Address: 263 Main Street

Cromwell, CT 06416

Email: _____

Telephone: _____

Owner: Rodnella Realty LLC

Mailing Address: 263 Main Street

Cromwell, CT 06416

Reason for Proposed Change:

Is the property within 500' of an adjoining town? (yes) X (no) _____

Does the property contain streams or wetlands? (yes) X (no) _____

Is the property within the Historic District? (yes) _____ (no) _____

The following shall be submitted with this Application:

- () \$160 application fee;
- () Legal Description of the property (metes and bounds);
- () 3 copies of a map prepared in accordance with Article 8.9 of the Zoning Regulations.

[Signature] 9/14/16
(signature of owner) (date)

[Signature] 9/14/16
(applicant) (date)

TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Proposed Building Conversion- Retail Store
Street Address: 164 West Street
Volume/Page: 1505/34 PIN #: 4196

Applicant Name: Mukesh A. Patel
Address: 812 Stonington Road
Stonington, CT 06378
Telephone: 860-710-6349 (day) 860-710-6349 (evening)
Email Address: mpatel678@yahoo.com

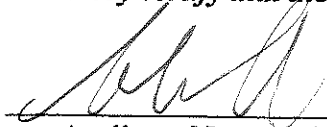
Property Owner Name: Sunoco LLC
Address: c/o KE Andrews & Co.
1900 Dalrock Road, Rowlett, TX 75088

Attached:

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

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

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


Applicant Name and Signature
ROBERT J. SCHUCH, P.E., AGENT

7-21-16
Date

Popper, Stuart

From: Chief Lamontagne
Sent: Friday, July 29, 2016 9:57 AM
To: Popper, Stuart
Subject: 16-31

Stuart,
I have no objections to the application.

Denise Lamontagne

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

Popper, Stuart

From: Jessica Jones <jjones@cromwellfd.com>
Sent: Tuesday, August 09, 2016 3:36 PM
To: Popper, Stuart
Subject: P&Z Application # 16-31 164 West St (Old Sunoco Station)

Stuart,

The Cromwell Fire District has reviewed Application # 16-31 164 West St (Old Sunoco Station). There are no issues at this time.

Please see the comment from the water department below:

As long as they utilize the existing well the water division has no issues.

Please let me know if you have any questions or concerns.

Thank You,
Jessica L. Jones
Administrative Assistant

Office of the Cromwell Fire Marshal
1 West Street
Cromwell, CT 06416
Phone: 860-635-3188 x 1020
Fax: 860-613-2406
JJones@Cromwellfd.com



Popper, Stuart

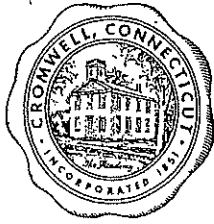
From: Peck, Rich
Sent: Monday, August 08, 2016 10:18 AM
To: Popper, Stuart
Subject: Application #16-31, 164 West Street- Proposed Retail Store

Stuart,

164 West Street will not require CWPCA approval for the proposed change. Currently the building has existing sanitary sewers with the only change to be the elimination/removal of the underground oil/water separator that was previously required because of the service garage.

Sincerely,

Richard A. Peck
Sewer Administrator, CWPCA
Town of Cromwell
860-632-3430
[mail to: rpeck@cromwellct.com](mailto:rpeck@cromwellct.com)



Town of Cromwell

Planning and Zoning Commission

Certified mail 7007 0710 0005 5946 7042

NATHANIEL WHITE BUILDING
41 WEST STREET
CROMWELL, CONNECTICUT 06416

December 14, 2009

Patrick Snow
Cobblestone Associates LLC
110 Court Street
Cromwell, CT 06416

Dear Mr. Snow:

Subject: P&Z Application #09-61: Modification to Approved Site Plan at 72 Berlin Road ("Cobblestone Plaza"). Cobblestone Associates LLC, owner/applicant.

This is to inform you that on December 1, 2009 the Planning and Zoning Commission voted to approve, with conditions, your request to modify the approved site development plan for "Cobblestone Plaza". A legal notice to that effect was published in the Hartford Courant on or about December 8, 2009.

The conditions were as follows:

1. The Applicant shall revise the site plans as necessary to address the comments contained in the email from Town Engineer Joseph Mazurek to Town Planner Craig Minor dated December 1, 2009 (attached);
2. The Applicant shall revise the site plans, submit performance bonds, and submit a construction phasing plan as necessary to address the comments contained in the memo from Town Planner Craig Minor to the Planning and Zoning Commission dated December 1, 2009 (attached);
3. The Applicant shall revise the site plans as necessary to address Items 1-11, 13 and 15 in Commissioner Alice Kelly's list of sixteen items (attached), provided they do not conflict with anything shown on the final set of site plans prepared by the Applicant, and with the following changes/clarifications:

#8: inspections will be conducted by the firm of Dr. Clarence Welti, P.E., P.C. and reports will be prepared by the firm of Dr. Clarence Welti, P.E., P.C. and submitted to the Town Engineer;

#11: the second sentence is deleted, as well as the continuation on Page 2;

#13: the second sentence is deleted:

#15: the first sentence is deleted.

4. The Applicants shall revise the site plans as necessary to address the comments contained in the letter from Country Squire II Condo Association to Chairman Nicholas Demetriades dated December 1, 2009 (attached) and as shown in the "Screening Plan Country Squire II" landscaping sketch revised 12/1/09, and the Applicant shall provide the Town Planner with a copy of the fully-executed agreement between the Applicant and Country Squire II Condo Association regarding the improvements at Country Squire II;
5. The Applicant shall submit a bond to ensure the proper installation of all plant material and all fencing, curbing, and other physical improvements shown in the above-referenced "Screening Plan Country Squire II" at Country Squire II Condo, and to ensure the survival of the plant material for 18 months from the date of planting;
6. The Temporary/Intermediate Above-Ground Detention Basin shown on Sheet IGD-1 dated 11/11/09 is approved, with the following stipulations:
 - a. The Applicant shall post a performance bond in an amount to be approved by the Planning and Zoning Commission for the Underground Storm Water System shown on Sheet GD-1 dated 11/25/09;
 - b. The Underground Storm Water System shall be completed not later than June 30, 2011;
 - c. The Applicant shall revise the site plans for the Above-Ground Detention Basin as necessary to satisfy the Town Engineer.
7. The Applicant shall post a performance bond for the construction of the riprap slope in an amount to be approved by the Planning and Zoning Commission;
8. The Applicant shall post a maintenance bond for the riprap slope in an amount to be approved by the Planning and Zoning Commission, to be in place for a period of five years from the completion date;
9. The Applicant shall retain the firm of Dr. Clarence Welti P.E., P.C. to monitor the construction of the riprap slope and submit periodic reports to the Town Engineer in accordance with the "construction phasing plan" mentioned in the memo from Town Planner Craig Minor to the Planning and Zoning Commission dated December 1, 2009;
10. The Applicant shall retain the firm of Dr. Clarence Welti P.E., P.C. to conduct post-construction inspections of the riprap slope and submit periodic reports to the Town Engineer. The frequency of these inspections and reports shall be: quarterly for the first two years after completion of the riprap slope, and semi-annually for the next three years.

11. The Applicant shall apply shotcrete to the ledge behind the CVS building not later than June 20, 2010.

Please submit two paper copies of the final revised plan, for staff review. After the staff has reviewed it for completeness, you will be directed to submit a mylar copy for the Chairman's endorsement, which will be filed with the land records.

Sincerely,



Nicholas Demetriades
Chairman

cc:
Country Squire II Condo Association
Attorney Joseph Williams
ZEO ✓
file

O'Connell, Greta

From: Popper, Stuart
Sent: Wednesday, August 29, 2012 10:58 AM
To: O'Connell, Greta
Subject: Bond Reduction

As requested by the Planning and Zoning Commission at the August 7, 2012 meeting I have reviewed the files for the Cobblestone Plaza Maintenance Bond. The Commission requested that I determine the appropriate amount of the bond to be released. According to the files the Town of Cromwell agreed to hold a bond of \$40,000 in year 1 and \$25,000 in years 2 through 5. Therefore the amount of the bond reduction shall be \$15,000.

Stuart B. Popper, AICP
Town Planner
Town of Cromwell
860-632-3422
Fax 860-632-3477

- a. Application #09-61: Request for Bond Reduction at 60 and 72 Berlin Road Cobblestone Associates LLC Applicant and Owner. (See attached letter from the applicant and memo from Joe Mazurek, Town Engineer).

Mr. Popper read a letter dated July 19, 2012 from Cobblestone Associates, LLC. He also refers to an email dated July 24, 2012 from Joe Mazurek to Mr. Popper. The email states that a \$15,000 bond reduction after the first year and then \$25,000 during the next four years. Mr. Popper said since he was not here during this he would have to yield to Mr. Mazurek's email. Chairman Kelly said that she is looking at the February 1, 2012 minutes and it says that Craig Minor said that \$42,500 was retained and that is what will be held for five years. She said she doesn't see any motions that agree to a bond reduction after one year.

Mr. Snow of Cobblestone, LLC said perhaps it was agreed to at an earlier meeting and that what you are referring to sounds like a summary. He asked if they could look back at the minutes.

Mr. Eisner of Cobblestone LLC said he would like to hear the recollections of Mr. Cannata and Mr. Garafalo. He asked if the research could be done in house so they don't have to come back. Mr. Popper said they can commit to releasing the bond upon verification from Joe Mazurek. Chairman Kelly said it has to be in the minutes somewhere. She then hands out pictures of standing water at Cobblestone and asked if it was working properly.

A **motion** was made by Joseph Garafalo and **seconded** by Tom Madden to accept application #09-61 and to allow Mr. Popper to release the bond once he confirms with Town Engineer Joe Mazurek that the dates are accurate. *All were in favor; the motion was passed.*

- b. New Applications to be accepted and meetings scheduled:

Mr. Popper asked that the Commissioners accept both applications and schedule Public Hearings for them.

- Application #12-32: Request for a Special Permit to allow for existing house to be expanded in a Local Business Zone District at 153 West Street. Orlando Cardenas Applicant and Owner.

Mr. Popper said that this is a residential house in a business district and is a caretaker's quarter. He said a special permit was never granted but now they are modifying it so a special is needed.

A **motion** was made by Joseph Garafalo and **seconded** by Tom Madden to accept application #12-32 and schedule a public hearing for September 4, 2012. *All were in favor; the motion was passed.*

DR. CLARENCE WELTI, P.E., P.C.

GEOTECHNICAL ENGINEERING

227 Williams Street · P.O. Box 397
Glastonbury, CT 06033-0397

(860) 633-4623 / FAX (860) 657-2514

July 14, 2016

Cobblestone Associates, LLC
Attn: Greg Eisen
4 Heritage Drive
Danbury, CT 06811

**Re: Cobblestone Phase II; Inspection of Stone Clad 1.5:1 slope at Rear of Property
on July 13, 2016**

Dear Mr. Eisen:

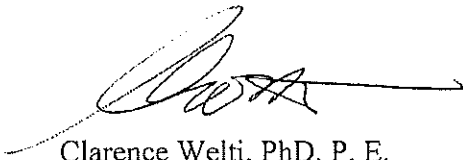
Attached hereto are photos taken of the slope on July 13, 2016.

The observation of the slope at this time did not indicate any significant irregularities in the slope. The photos did not depict measurable changes from prior photos other than possible increased growth of some small trees or brush on the slope.

It should be noted that most of the rock clad slope has been in place for 66+ months and has clearly endured through all seasons, which have included record early snowfalls and unusual heavy rains.

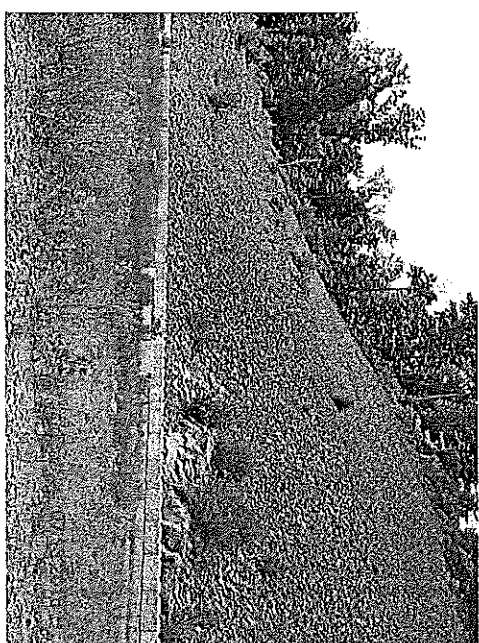
If you have any questions, please call me.

Very truly yours,



Clarence Welti, PhD, P. E.
Pres. Dr. Clarence Welti, P. E., P. C.

Cobblestone Phase 2, Route 372, Cromwell, CT
1.5H:1V Rock Clad Slope
7/13/16





Town of Cromwell Planning and Zoning Commission

REGULAR MEETING
7:00 P.M. TUESDAY JULY 19, 2016
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
Minutes and Record of Votes

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Paul Cordone, David Fitzgerald, Jeremy Floryan, Ken Slade

Absent: Brian Dufresne, Ken Rozich, Rich Waters

Also Present: Director of Planning and Development Stuart Popper, Zoning Compliance Officer Fred Curtin, Town Council Liaison Ed Weners

1. Call to Order

The meeting was called to order by Chairman Kelly at 7:01pm.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to seat Dave Fitzgerald as an alternate. *All were in favor; the motion passed.*

4 Approval of Agenda

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to amend the agenda to move item 8c. to be moved to be discussed after public hearing for item 9b. *All were in favor; the motion passed.*

5. Public Comments - none

6. Development Compliance Officer Report:

Mr. Curtin reviewed his report dated July 11, 2016. He said the Kirby Road violations have been taken care of and they have 6 months to finish up.

Mr. Cambareri asked about temporary signs for the golf tournament since the dates are different

this year. Mr. Curtin said they can be up for one month – 2 weeks prior and 2 weeks after so we are almost there now.

7. Town Planner Report:

Mr. Popper said that the retaining wall behind the sign at the Town Hall will be brownstone to match the building. He said this room does have new technology for presentations but he does not know how to use it yet. Chairman Kelly said she is delighted it is here and she hopes they get the appropriate people trained. Town Council Member Ed Wenners said it also included new microphones and is a better system.

8. New Business:

- a. Application #16-20: Request for a Site Plan Modification to install parking at 6 Kirby Road. Elias DiMichele is the Applicant and Luca & Sons Landscaping LLC is the Owner.

Mr. Popper said the Town Engineer has signed off on his comments requesting changes.

Jack Guilmartin, Surveyor said he was retained by Mr. DiMichele after he received the cease and desist order to stop making parking spaces. He said that Mr. DiMichele hired him to develop a plan. He said the building is a first floor commercial space and the second floor is residential. He said there is no defined area to park for tenants or customers. He said the whole neighborhood is commercial with only 4 ½ residential houses. He said they would like to move tenant spaces separate from business use. They will also pave gravel areas and some additional areas. He said they did go to the Town Council to ask to park in the right of way. Mr. Guilmartin handed out a map of the lot dated July 11, 2016 and said it mimicked two other businesses way of parking. He showed employee parking in the back. He said the commercial use is a barber shop with 2 employees. He said it is a 10,765 square foot lot in a highway business zone right behind the Cromwell Diner.

Mr. Popper said that an alternate proposal was front yard parking but Jon Harriman wanted to avoid backing out into the road. Mr. Guilmartin said there is very little traffic on this road with good site lines. Mr. Popper asked Mr. Guilmartin to describe the signs and said they will have to meet zoning regulations.

Elias DiMichele said there will be a 2 x 10 sign on the north side facing Route 372 on the lower half of the roof. He said he will also propose a sign in front of the house over the entrance door. Mr. Popper said Mr. Curtin would approve this signs based on the zone they are in.

Mr. Popper told the Commissioners that they are proposing 3 spaces in front or 2 spaces with a k turn into a driveway. He asked what they prefer. He said 8 spots would meet the requirement but they are asking for 9.

Mr. Cannata said he is not a fan of backing into the street but it is probably least invasive here. Mr. DiMichele said that extra spot would be of use. Mr. Cannata said than we can approve 3.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-20 and allowing 3 stalls in front as one option presented as long as rest of Town Engineers concerns are met. *All were in favor; the motion passed.*

b. Application # 16-27 Request to modify the Site Plan by installing an Advanced Auto Parts store at 76 Berlin Road (aka Cobblestone Plaza). Catapano Engineering & Architecture P.C. is the Applicant and Cobblestone Associates LLC is the Owner.

Mr. Popper said there is a memo dated July 19, 2016 with some concerns which the applicant has no problems addressing. He said I think you will be pleased with this application.

James Galella of Catapano Engineering said this is a 9 ½ acre complex with 1200 feet of frontage. He said there is a steep slope. He also said there are 4 acres that are unusable and 2 acres unoccupied.

Mr. Galella handed out the site plan and said there is an existing underground storm water detention system in front of CVS and one in front of the proposed Advanced Auto site. He said they are proposing a 7,000 square foot building with the hours of Monday – Saturday 7:30am – 9:00pm and Sunday from 8:00am – 7:00pm. He said they are proposing 42 parking spaces which are the requirement and the site plan does meet zoning requirements. He said there would be 8 area lights and 14 wall mounted lights. He said he can shield the lighting but didn't think these would bother anyone. He said they will mimic the landscaping of CVS and Liberty Bank so they are asking for a waiver to the landscape architect. Mr. Galella explained the architect design and the proposed building sign. He said they would be separate channel letters. He also said they would have an insert in the Cobblestone plaza sign. He also explained the curbing.

Mr. Popper said they are very pleased with the building and they have been very cooperative. He said the building will match the CVS and Liberty building so we are very pleased. He asked Mr. Galella to talk about the color of the sign and the brick banner on the building. He also asked them to discuss the fence behind the stores and the jersey barriers.

Mr. Galella said we would plan to remove the jersey barrier. Mr. Cannata said that is part of the original site plan and should not be removed.

Mr. Popper said that Mr. Welty is going out to the site in August and I will make that inquiry and ask him for a formal comment.

There was a discussion on the exit and entrance. Chairman Kelly asked if the dumpster will be enclosed and Mr. Galella said yes.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to grant a waiver to require a landscape architect for application 16-27. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-27 as shown on plans dated July 7, 2016 with the conditions set forth in memos dated July 19, 2016 from Fred Curtin, Stuart Popper and Chief of Police. *All were in favor; the motion passed.*

c. Application #16-30: Request for a Site Plan modification to install hoop houses and grade to install a landscape berm at 600 Main Street. Three Sons Realty LLC (dba Prides Corners Farm, Inc.) is the Applicant and Millane Nurseries in the Owner.

Approved after application 16-29 was heard at a public hearing.

d. Application #07-23: Pond View Subdivision Request for Release of Letter of Credit for \$106,617.55. T&M Building Company Inc. is the Applicant and the Owner.

Mr. Popper said both roads have been accepted as Town roads.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to release the letter of credit in the amount of \$106,617.55 to T&M building company. *All were in favor; the motion passed.*

e. Application #10-44: 196 Coles Road Resubdivision. Request to Release a portion of the \$2,800 bond. JWV Associates is the Applicant and Owner.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to release \$1,000 to JWV Associates. *All were in favor; the motion passed.*

9. Public Hearing:

a. Application #16-22: Request for a Special Permit to allow for the construction of more than 1000 square feet of garage space at 134 Coles Road. Paul S. Zigmont is the Applicant and the Owner.

Mr. Cordone reads the public hearing dated June 30, 2016.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to open the public hearing for application 16-22. *All were in favor; the motion passed.*

Attorney Kristen Lynn of 630 Main Street said she wanted to clarify the address is 136 Coles Road not 134 as the agenda reads. She said the signs have been posted and handed Mr. Popper the affidavit and said the neighbors have been notified. Attorney Lynn said that Attorney Petrella requested a waiver of the site plan requirement in a letter to the Commissioners dated May 25, 2016. She said they are proposing a garage that is 1140 square feet and showed the property on a map. She said the set-back requirements are met and handed out photos showing the vegetation around the property. She said the purpose of the garage is to store antiques and collectibles. She said this would enable Mr. Zigmont to consolidate storage bins and he has already removed one shed from the property. She said this garage is solely for personal use and there will not be any

business activity in the garage. She said another shed does exist on the property and that will remain. Attorney Lynn showed that shed on the map.

Paul Zigmont said the shed will stay and is repaired. He said the garage will be behind the fence. He said he would access the garage within the existing driveway.

Mr. Popper said this is a large lot and they don't have to worry about coverage ratio. He said it is up to Commission if you want him to remove existing sheds since this is a special permit. He said the garage would require a building permit.

Chairman Kelly asked if any members of the public wanted to speak regarding application 16-22. No one came forward.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to close the public hearing for application 16-22. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to grant a waiver for a site plan requirement and survey. *All were in favor; the motion passed.*

Chairman Kelly said she would like the shed to be removed when the new garage is up. Mr. Cannata said that no neighbors came tonight so this is not an issue for him.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-22. *All were in favor; the motion passed.*

b. Application #16-29: Request to Re-subdivide 600 Main Street into 2 lots. Prides Corners Farms, Inc. and Garden's Dream Farm, LLC are the Applicants and Millane Nurseries in the Owner.

A recess was called at 8:20pm and the meeting was called back to order by Chairman Kelly at 8:25pm.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to open the public hearing for application 16-29. *All were in favor; the motion passed.*

Kevin Johnson submitted the certificate of mailings and said the sign had been posted. He said this is property of Millane Nurseries which they are in the process of selling and they have 2 buyers. He said they are looking to subdivide into 2 lots. The smaller lot would be Garden Dream and the bigger lot would be Pride Corners Farm. He said 604 Main Street is not part of this application. He said they are proposing an easement for a shared driveway. He said there is a large gully so they would remove trees, re-grade and fill in the low depression areas to construct hoop houses. He showed pictures of hoop houses and explained the drainage system.

Mr. Popper said this is a pretty straight forward large site. He said the larger lot is 30 acres to the

South and will be nurseries and buildings. The smaller lot to the North will be retail. He said the nature of use hasn't changed. He said use of farm is permitted in the R-25 zone. He said the public hearing is only for the re-subdivision of property not for application 16-30 and the hoop houses and landscape berm.

Chairman Kelly asked for any members of the public who wanted to speak regarding application 16-29.

Patty Turner, 4 Marlin Heights asked if she will see the hoop houses.

Mr. Johnson said no, she will not.

Dick Coughlin, 19 Glenwood Terrace asked them to show the audience the hoop houses. Mr. Johnson did so.

Mr. Coughlin asked how many times the property has been subdivided. Mr. Popper said there is no limit on how many times you can subdivide as long as each piece meets zoning requirements.

Mike Cornett, 599 Main Street asked about truck traffic bringing fill to the property.

Mr. Johnson said that there won't be any fill materials coming in or leaving. He said the nursery operations will be built with on-site materials.

Mr. Cornett asked if wholesale operations will continue like they do now.

Mark Slew, Pride Corners Farms said that they will receive deliveries from out of state and from their Lebanon, CT location. He said it will be seasonal and during normal business hours of 7:00am – 5:00pm.

Mr. Cornett said that trucks idle overnight with deliveries. Mr. Slew said they will work hard to reduce that issue and will try to keep people happy.

Michael Millane, 34 Field Road said they don't plan on using Field Road since he will sell that to someone other than Pride's Corner. He said they will expect fewer deliveries from the West Coast.

A **motion** was made by Michael Cannata and **seconded** by Paul Cordone to close the public hearing for application 16-29. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-29. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-30. *All were in favor; the motion passed.*

Mr. Popper thanked the Millane's for everything and he welcomed Garden's Dream and Pride's Corner.

c. Application # 16-28 Request to Amend Section 7.1.A.3 (1) (2) Non-Conforming Use and Structures and Section 10.4.E.2 Variance Procedures of the Zoning Regulations. The Town of Cromwell Planning and Zoning Commission is the Applicant.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to open the public hearing for application 16-28. *All were in favor; the motion passed.*

Mr. Popper said this came about from the Knights of Columbus application on Main Street. He said he has discussed with the Town Attorney that no other business can go in there or in any other business in a residential zone. He said there are a number of non-conforming businesses in a residential zone. He said only the exact same non-conforming use can go in. He said that just because someone applies for a variance doesn't mean they will get it. He said the Attorney agreed with this and CROG was notified. Mr. Popper reads the River Cog comments from July 12, 2016 which said this had no significant impacts. He said another example would be Cromwell Concrete.

Chairman Kelly said that variances should be granted very sparingly and the State of CT courts say this. There was a discussion on variances that come up most frequently. Mr. Popper said we can go back and fine tune the regulations. He said we have made many houses non-conforming. Mr. Popper said these applications would still need a change of use permit so we would still need to approve them. Mr. Popper said we can always continue the public hearing so we can ask the Town Attorney for any restrictions that could protect any surrounding uses.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to close the public hearing for application 16-28. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to approve application 16-28 by amending Section 7.1.A.3 (1) (2) Non-Conforming Use and Structures and Section 10.4.E.2. *All were in favor; the motion passed.*

10. Approval of Minutes:

a. June 21, 2016

A **motion** was made by Michael Cannata and **seconded** by Dave Fitzgerald to approve the minutes of June 21. *All were in favor; Paul Cordone abstained; the motion passed.*

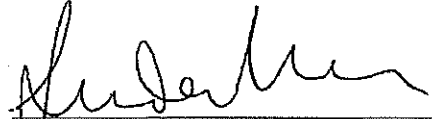
11. Commissioner's Comments:

12. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 9:17pm. *All*

were in favor; the motion passed.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Linda Imme", written over a horizontal line.

Linda Imme
Recording Clerk