



**Town of Cromwell  
Planning and Zoning Commission**

**REGULAR MEETING  
7:00 P.M. TUESDAY SEPTEMBER 5, 2017  
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:
9. **New Business Accept and Schedule New Application:**
  - a. Application #17-35: Request for a Special Permit under Section 2.10.1.(3) and 2.10.4. of the Zoning Regulations to allow for the parking of a Commercial vehicle and trailer in a R-25 Zone District at 75 Field Road. Jeff DiClemente is the Applicant and the Owner.
  - b. Application #17-36: Request to modify the Site Plan for the Evergreen Active Adult Community by removing a walk way to the woods and a gazebo. Evergreen Home Owners Association is the Applicant and Evergreen TDC Evergreen is the Owner.
10. **New Business:**
  - a. Application #17-32: Request for an Erosion and Control Plan for 120 County Line Drive. Arco National Construction is the Applicant and Gardner Nurseries is the Owner.
  - b. Application #17-33: Request to Operate a Minor Home-Based Business at 48 South Street. Christopher Panebianco is the Applicant and the Owner.
11. **Commissioner's Comments:**
12. **Approval of Minutes:**
  - a. August 1, 2017
  - b. August 15, 2017
13. **Adjourn**

RECEIVED FOR FILING  
8/29/2017 at 9:37AM.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Florida Prendergast, Asst.*  
TOWN CLERK

# Memo

To: Planning & Zoning Commission

From: Fred Curtin

Date: August 28, 2017

Re: August 2017 Activity Report

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75 Field Road: The property owner has submitted a Special Permit application request for the second Commercial Vehicle and the Commercial Trailer.

95 Berlin Road: At this time, this property is in compliance.

617 Main Street: A Notice was sent to the property owner for a line of site issue.

P & Z Permits 2017						
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status	
17-01	Greater Hartford Comm. Foundation	One Golf Club Road	Travelers Championship	Approved with conditions 2/2/17	Event over	
17-02	Town of Cromwell		Amend Section 1.7 of the Zoning Regulations	Approved 3/7/2017		
17-03	Jonathan Gerolami	321/323 Main Street	Recreation games	Approved by ZEO 1/20/2017	Open for Business	
17-04	Sommer Nelson	547 Main Street	VCA Cromwell Animal Hospital- Dog Training classes	Approved by ZEO 1/27/2017	Open for classes	
17-05	Michael Santangelo	17 Jennerifer Lane	Oversized Garage	Approved 3/21/2017	Complete	
17-06	Town of Cromwell - Public Works Dept.	Willowbrook Rd at 372	Roadway reconstruction filling within flood hazard area	Approved 3/21/2017	No Activity	
17-07	Town of Cromwell	Willowbrook Rd. (South end)	Widening & pavement rehabilitation	Approved 3/21/2017	No Activity	
17-08	Stanley Jasiocki	33 Shadow Lane	Leanto Greenhouse	Approved with conditions 3/21/2017	Work in progress	
17-09	Edward Alnas	136 Berlin Road	Pizzapie Restaurant	Approved by ZEO 3/3/2017	Work in progress	

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-10	Two Men & a truck	70 County Line Drive	Proposed Building	Approved 4/18/17	No Activity
17-11	C & G Holdings II, LLC	Lots 6 & 7 Commerce Dr.	Resubdivision	Approved with conditions 6/6/17	
17-12	Lisa DiMichele	6 Kirby Road	Caffe Vernazza, Emporium	Withdrawn	
17-13	Chris Cambareri	Country Squire Drive	Military Simulation	Approved by ZEO 4/17/2017	Event over
17-14	Autumn Lake of Cromwell	385 Main Street	Install new signs	Approved 5/16/2017	Complete
17-15	Keystone Novelties	113 Berlin Road	Temp Fireworks Retail	Approved 5/2/17	Event over
17-16	Kevin Reed	town wide	Amenda reg 3.5.C.4 to add pet day care	Approved 5/16/2017	
17-17	Fire Dept. Michael Terenzio	105 Coles Road	Mother's day flower dales	Approved by ZEO 4/16/17	Event over
17-18	Lisa DiMichele	6 Kirby Road	SP Mod. To install parking spaces	Denied 7/18/2017	
17-19	Paraco Gas	Krauszers/117 Berlin Road	Propane tanks & cage	App/cond 6/6/17	No Activity
17-20	Middlesex Counseling Center	1 Willowbrook Suite 6	Family Counseling	Approved by ZEO 5/15/2017	Open for Business
17-21	Town of Cromwell	Town wide	Amend sections 3.2.3 and Section 3.3.4	Approved 6/6/2017	

Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
17-22	JPG Partners, LLC	186 Shunpike Road	Construct affordable housing development	Scheduled for 8/15	
17-23	JLSurveying	135 Berlin Road	Install additional parking at Cromwell Diner	Approved with conditions 6/20/17	No Activity
17-24	Myhang Phan	542 Main Street	My Hair Salon	Approved by ZEO 5/24/2017	Open for Business
17-25	Carrier Group Inc.	76 Field Road	Change zone R-25 to PRD zone	Approved 8/1/17	
17-26	Stephen Larson	30 New Lane	Fibre Dust tent sale	Approved by staff	No Activity
17-27	HB Nitkin	51 Shunpike Road	Amend site plan	Approved with conditions 7/18/17	No Activity
17-28	Coles Road Brewery	30 New Lane	Operate a Brewery	Tabled	
17-29	Splash Car Wash	23 Shunpike Road	Car Wash pay stations	Approved 7/18/2017	Work in progress
17-30	Kendall Amenta	2 Willowbrook Road	Tanning Salon & Spa	Approved by ZEO 7/3/2017	Open for Business
17-31	Dorothy Williams	200 West Street	Install monument sign	Approved 8/1/17	Open for business
17-32	Arco National Const.	120 County Line Drive	Erosion & Control Plan	Scheduled for 9/5	
17-33	Christopher Panehianco	48 South Street	Home based business	Scheduled for 9/5	



<b>P &amp; Z Permits 2016</b>					
<b>Permit #</b>	<b>Name of Applicant</b>	<b>Site Location</b>	<b>Type of Activity</b>	<b>Decision Date</b>	<b>Status</b>
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.		90% Complete
16-08	Use #16-13 instead				
16-09	Greater Hartford Community Foundation	100 Golf Club Road	Travelers Championship	Approved with conditions 4/19/16	Event over
16-10	Pinewood Landscaping, LLC	302 Main Street	Site Plan Modification	Approved 4/19/16	Sign 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	90% Complete
16-14	Town of Cromwell	41 West Street	Modify Site Plan for Parking Lot Expansion	Approved 4/19/16	Complete
16-15	Luca DiMichele	6 Kirby Road	Barbershop	Approved by ZEO 4/7/16	Complete
16-16	National Sign	4 Sebethe Road	Chili Signage	Approved 5/03/16	Complete
16-17	Dana Woods	11 Applewood Road	Add fill to yard	Approved 5/9/16 by ZEO	Complete
16-18	Keystone Novelties	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	Complete
16-20	Elias DiMichele	6 Kirby Road	Parking lot modification	Approved 7/19/16	Handicapped ramp complete
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	Complete
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	Work in progress
16-25	Town of Cromwell	85 Coles Road	Walking Trail	Approved 6/7/16	Work in progress
16-26	Paraco Gas/S. Taylor	72 West Street	Propane Exchange Program	Withdrawn 6/7/16	Withdrawn



Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
16-27	Maria Ceccacci	76 Berlin Road	Advanced Auto Parts	Approved 7/19/16	No Activity
16-28	P & Z Commission	Zoning Regs.	Amend Sections 7.1A3 (1) (2) and 10.4E.2	Approved 7/19/16	
16-29	Three Sons Realty Pride Corner Farms, Inc.	600 Main Street	Millane Nurseries	Approved 7/19/16	Open for business
16-30	Three Sons Realty Pride Corner Farms, Inc.	600 Main Street	Millane Nurseries	Approved 7/19/16	Open for business
16-31	Mukesh A. Patel	164 West Street	Proposed Bldg. Conversion - Retail Store	Approved with conditions 9/20/16	Work in progress
16-32	WalMart Real Estate Trust	161 Berlin Road	Add seasonal storage trailers in parking lot	Approved with conditions 10/18/16	Event over
16-33	Victor Torza	180 Sebehe Drive	Outside Halloween Party	Approved 10/4/2016	Event over
16-34	Allan Spotts	321R Main Street	Cromwell Rep. Town Committee Headquarters	Approved by ZEO 9/9/16	Event over
16-35	Fibredust Realty LLC	30 New Lane	Site Plan Modification for outdoor storage	Denied 10/4/16	
16-36	Rodnela Realty LLC	241 and 251 Main Street	Amend zoning map	Approved 10/18/16	
16-37	Blue Rhino of New England	207 West Street	Outside storage and sale of propane tanks	Approved 10/18/16	Tanks installed
Permit #	Name of Applicant	Site Location	Type of Activity	Decision Date	Status

16-38	Julie Cranick	199 Shunpike Road	Stretch Fitness	Approved by ZEO 10/7/16	Open for Business
16-39	Sign Pro Inc.	14 Hillside Road	Site Plan Modification for installation of signs	Accepted & Approved 10/18/16	Complete
16-40	Sign Pro Inc.	1000 Corporate Row	Site Plan Modification for installation of signs	Accepted & Approved 10/18/16	Complete
16-41	Joseph Moruizzi	199 Shunpike Road	Energy Zone Fitness	Approved by staff 10/7/16	Open for business
16-42	Bishop's Automotive	140 Berlin Road	Replace signs with LED	Approved 12/6/2016	
16-43	Scovill Landscape	25 Cider Hill Road	Fill - level backyard	Approved by ZEO 11/9/2016	Complete
16-44	Tressan Gengler	588 Main Street	Oversized garage	Approved 12/6/2016	No Activity
16-45	Planning & Zoning Comm.	Industrial Zone District	Section 3.5.C.4 Permit for sale & consumption of alcoholic beverages in ID Zone	Approved 3/7/2017	
16-46	Planning & Zoning Comm.	Industrial Zone District	Section 7.5, 7.5A, 7.5B Location requirements for alcoholic beverages in ID zone	Approved 3/7/2017	
16-47	Planning & Zoning Comm.	Industrial Zone District	Section 3.5.C.4 Special Permit for sales and small engine repairs	Approved 3/21/2017	
16-48	NGA Nguyen	25 Shunpike Road	3,500sf Retail Building	Approved 1/17/17	Work in progress
16-49	NGA Nguyen	25 Shunpike Road	New Building	Approved 1/17/17	Work in progress

# Memo

**To: Planning and Zoning Commission**  
**From: Stuart B. Popper, AICP**  
**Director of Planning and Development**  
**Date: August 29, 2017**  
**Re: Comments for the September 5, 2017 Meeting Agenda**

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

a. Application #17-35: Request for a Special Permit under Section 2.10.1.(3) and 2.10.4. of the Zoning Regulations to allow for the parking of a Commercial vehicle (truck) and trailer in a R-25 Zone District at 75 Field Road. Jeff DiClemente is the Applicant and the Owner. *The .46 acre lot contains an existing single family house. Staff is requesting the Commission accept the application at the September 5, 2017 meeting and schedule it to be heard at a public hearing at the October 3, 2017 meeting.*

b. Application #17-36: Request for a Site Plan Modification for the Evergreen Active Adult Community. The applicant is proposing to remove a walk way to the woods and a gazebo as show on the approved plan. Evergreen Home Owners Association is the Applicant and Evergreen TDC Evergreen is the Owner. *Staff is requesting the Commission accept the application at the September 5, 2017 meeting and consider acting upon it that evening.*

## 10. New Business:

a. Application #17-32: Request for an Erosion and Control Plan for 120 County Line Drive. Arco National Construction is the Applicant and Gardner Nurseries is the Owner. *The 27.88 acre undeveloped site is located in the Industrial Zone District at the west end and south side of County Line Drive. The Applicant is proposing to grade the site for future development.*

b. Application #17-33: Request to Operate a Minor Home-Based Business at 48 South Street. Christopher Panebianco is the Applicant and the Owner. *The .40 acre site is located in the R-15 Zone and contains a single family home. According to the applicant, "The 1636 square foot home will have a 100 square foot office dedicated to "Rick's Guns" with a locked door and safe. We have averaged four (4) sales a year, in which the transfers will happen on site per state and federal regulations. There is no rotating inventory, nor are there any employees. Richard Panebianco is the owner, and I, Christopher Panebianco, am the manager. The estimated traffic is only the averaged four (4) sales a year. In these instances, communications would be over phone or email, and they only time they would be present at the business location would be for the actual transfer and paperwork, per regulations.*

TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
APPLICATION FOR SPECIAL PERMIT

Type of Activity: LANDSCAPING (mowing)  
(Per Section 2.10.1-3 + 2.14 of the Cromwell Zoning Regulations)  
Street Address: 75 Field RD Zoning District: R-25  
Assessor's Parcel ID #: 00008300 Volume/Page: 944/63

Applicant's Name: JEFF DICLEMENTE  
Address: 75 Field RD  
Telephone Number (daytime): 860 982-1737  
Email Address: BROTHERSPROPERTYMAINTENANCE@YAHOO.COM

Property Owner's Name: JEFF DICLEMENTE  
Address: 75 Field RD

Description of Proposed Activity:  
LOOKING TO PARK 2<sup>ND</sup> COMMERCIAL VEHICLES  
AND TRAILER BEHIND 6<sup>FT</sup> FENCE

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)

8-11-17  
(date)

TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL

Name of Project: Evergreen ~~At~~ Site Plan Mod  
Street Address: Willowbrook Rd, Cromwell  
Volume/Page: \_\_\_\_\_ PIN #: \_\_\_\_\_

Applicant Name: Evergreen  
Address: 2 Long Green Ter  
Cromwell Ct 06416

Telephone: 860-541-1795 (day) 316-5481 (evening)

Email Address: Cyndi K Sheffel @earth.net

Property Owner Name: Evergreen Home Owners Ass.  
Address: 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. *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)
- 3. *Will this project require a DEP Stormwater Management Permit if yes, have you applied for it?* (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)
- 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.

[Signature]  
Applicant Name and Signature

8/21/17  
Date

TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION

APPLICATION FOR SITE PLAN APPROVAL (Grading/Erosion Control Plan) only

Name of Project: Scannell

Street Address: 120 County Line Drive

Volume/Page: 49/37 & 77/223 PIN #: 00189500

Applicant Name: ARCO National Construction Attn: Dan Bumberry

Address: 900 N. Rock Hill Rd  
St. Louis, MO 63119

Telephone: 314-963-0715 (day) (evening)

Email Address: dbumberry@arco1.com

Property Owner Name: Gardner's Nurseries, Inc.

Address: P.O. Box 260  
Rocky Hill, CT 06067

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?<br>if yes, have you obtained it?                                  | (Yes) | (No) |
| 3. Will this project require a DEP Stormwater Management Permit?<br>if yes, have you applied for it?                             | (Yes) | (No) |
| 4. Will this Project Require an STC Permit?<br>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? | N/A   | (No) |
- will apply after town approval

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

Daniel Bumberry Daniel Bumberry 8/4/17  
Applicant Name and Signature Date

17-33



**Town of Cromwell  
Planning and Zoning Commission**

**APPLICATION FOR MINOR HOME-BASED BUSINESS**

Name of Applicant: Christopher Panebianco  
 Address: 48 South Street  
 Name of Owner (if different): Richard Panebianco  
 Assessor's PIN # \_\_\_\_\_ Volume/Page: 1  
 Telephone Number of Applicant: 203-464-6490  
 Email Address of Applicant: Christopherpanebianco@gmail.com  
 Description of Proposed Activity:  
Scapes; sign; refurbishing;

"I hereby certify that I have read Section 2.9.B ("Minor Home-Based Business") of the Zoning Regulations and that my proposed activity will comply with these regulations."

[Signature] 8-3-17  
 (applicant's signature) (date)  
[Signature] 8-8-17  
 (owner's signature, if different) (date)

***This IS NOT a Building Permit!***

----- FOR STAFF USE ONLY -----

Zoning Enforcement Officer: ( ) approve ( ) deny

Comments: \_\_\_\_\_

\_\_\_\_\_  
 Signature date

***Per Article 8.3.G.1 of the Zoning Regulations, this Permit shall become invalid if the authorized activity is not commenced within six months after issuance.***

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
SPECIAL MEETING**

*Jean O'Neil*  
TOWN CLERK

**7:00 PM TUESDAY AUGUST 1, 2017**

**ROOM 224 CROMWELL TOWN HALL 41 WEST STREET**

**MINUTES AND RECORD OF VOTES**

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

**Absent:** Brian Dufresne, Ken Rozich, Kenneth Slade and Nicholas Demetriates (alternate)

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

**1. Call To Order**

The meeting was called to order by Chairman Kelly at 7:04 p.m.

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

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

**4. Approval of Agenda**

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

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

Mr. Curtin was not present at the meeting due to illness. Mr. Popper offered to pass along any questions the members might have, but there were no questions.

**7. Town Planner Report**

Mr. Popper discussed the STEAP grant to improve Cromwell Landing Park by adding in a walkway and handicap accessible pier. He stated that there would be some tree cutting and maintenance in the area adjacent to the river. He stated that there had been a wetlands application that was approved for soil remediation at the northern end of River Road and Wall Street. Some brush would be cut for surveying purposes. He also stated that if the developer goes forward at 120 County Line Drive, then an erosion control plan would be issued, as well as a grading and site plan.



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

- a. Application #17-31: Request for a Site Plan Modification to install a monument sign at 200 West Street. Dorothy Williams is the Applicant and Linh D. Truong and Linda Duong are the Owners.

Mr. Popper stated that the sign complies with the zoning regulations. He was asking the Commission to accept and schedule the application to be heard tonight. He stated that the house is a single family residence that is currently non-conforming as it is in the Highway Business District.

Michael Cannata made a motion to accept and schedule the application to be heard tonight; seconded by Jeremy Floryan. *All in favor; motion passed.*

Dorothy Williams, 360 Berlin Turnpike, Berlin, Connecticut, stated that she planned to operate an astrology, chakra balancing and energy healing business at the site. She would not be living at the property. Chris Cambareri asked if this was an approved use and required a license. Mr. Popper confirmed that it was approved and Ms. Williams stated that no license is necessary. Chairman Kelly asked about the color of the sign. The applicant stated it was red or burgundy. She would be the only employee. Mr. Popper stated that the applicant had been working with the building department and Zoning compliance officer on the handicap ramp, parking and signage.

Michael Cannata made a motion to approve the Application conditioned upon the applicant working with building department staff to complete all required improvements; seconded by Richard Waters; *motion passed.*

**10. New Business:**

- a. Application #15-31: Request for a Site Plan Modification to install a temporary parking lot at 14 Hillside Road. GKN is the Applicant and Buhl Land East V LLS is the Owner.

Mr. Popper stated that the application approved on July 21, 2015 was conditioned upon a four year limit for the use of the temporary parking lot and a two year review and status report being submitted. The Applicant has submitted the required two year review and status report. Mr. Popper stated that he had conducted a site visit and the site was in good condition and all requirements had been met.

Nick Shaw, Plant Engineer for GKN, stated that they were asking for an extension of time to use the parking lot. They wanted to maintain the spots and possibly expand further. They were not planning on making it a permanent lot at this time as the property is only leased and the operation could move in part in the future. Mr. Popper clarified that the applicant was really only asking for an additional three years.

Michael Cannata made a motion to approve the application, Seconded by Chris

- Cambareri. *All in favor; motion passed.*
- b. Application #11-31: Request to release the \$1,200.00 street tree bond (six trees at \$200 per tree) for the Sunset Ridge Subdivision. Reed Builders, LLC was the applicant, John Masserio and Janice Piccoli were the Owners.

Mr. Popper stated that he had conducted a site visit and all six trees had been planted. He asked the Commission to vote to release the bond. Chairman Kelly confirmed that she had visited the site and all six trees were there. Michael Cannata made a motion to approve the request, Seconded by Richard Waters. *All in favor; motion passed.*

#### 11. Public Hearings:

- a. Application #17-25: Request to amend the Zoning Map to create a Planned Residence Development Zone District at 76 Field Road. Carrier Group, Inc. is the Applicant and Larry Webster Associates is the Owner.

Mr. Popper informed the public in attendance that this was a two step process, with only the zone change being decided at this time. If approved, there would be a separate hearing on the site plan and special permit application. He also stated that if the concept plan was approved for 75 houses, the number would then be set and could not be increased. All design details would be discussed at the later hearings. Michael Cannata made a motion to open the public hearing; seconded by Paul Cordone. *All in favor; motion passed.*

Joan Molloy, of Loughlin Fitzgerald, in Wallingford, Connecticut, represented the applicant. She stated that this was a zone change application for the 50 acre parcel from R25 to PRD. She stated that the property could be developed as a traditional subdivision. She stated that she had submitted summary information regarding the waivers being requested. Attorney Molloy next reviewed the revised emergency access, which consisted of the existing right of way with an additional two connections so that most homes could then be accessed two ways. She stated that the traffic engineer would provide updated information at the hearing on the site plan and special permit. She stated that a licensed environmental professional was here to discuss the remediation process. She discussed the "house lot", which would be restricted in its development and accessed only through a private drive through the proposed subdivision.

Scott Bristol, LEP, of Milone and MacBroom, stated that he was licensed by the state of Connecticut to access and clean up affected parcels. The subject property was used for agriculture, and dieldrin was a commonly used pesticide likely to be present. He stated that the chemical stays in the soil and doesn't wash out. He said that the state guidance for the past two years has been to manage the soil onsite by blending it with deeper soils and also removing one to two feet, creating berms, and capping them with clean topsoil. He stated that the previous owner had sampled the soil in 2011 and meet with the DEP in 2012 to discuss the process of relocating and capping the soil. Mr. Bristol stated that there would be dust controls and erosion and

sedimentation controls. At the end, the soil would be sampled to ensure success. Richard Waters asked about test bores and when the usage of dieldrin was phased out. Mr. Bristol stated that he hadn't conducted any test bores and did not know when the pesticide was last used. Using DEEP criteria, they would remove all soils that exceed acceptable levels. Mr. Bristol stated that there would be no regulated waste. He also stated that the developer is the one to bring in the fill material and to complete the grading. As the LEP, he will sample the fill to ensure it is clean, will provide the sequence for work and confirm the grading plan. Mr. Popper reminded the Commission that this type of remediation is heavily regulated by the DEEP.

The hearing was opened up to public comment. Chris Rasmussen of 16 Glenwood Terrace, stated that he had reviewed the Town's Plan of Conservation and Development and that he did not believe that higher end developments were wanted or needed. He did not believe that the occupancy rates cited by the applicant warrant further development. Nicholas Armata of Milone & MacBroom, clarified that these were single family home owner-occupied occupancy rates.

Michael Camilleri, 14 Centerwood Drive, reiterated his suggestion that the remaining acreage could have a deed restriction that gives the town power to veto development. He further stated that he hoped the traffic study information would be made available electronically. He also stated that he supported the application.

Julie Schmidt of 54 Field Road stated that she was concerned over the possible traffic and safety. She stated that people often bike and walk along that area of Field Road. She wanted there to be a stop sign along Field Road to make the intersection at Field Road and Greendale Road a three-way stop.

Rich Rogozinski, 5 Rivercove Drive, asked how many lots there would be if it was developed as a R-25 zone.

Dick Coughlin, 19 Glenwood Drive, stated that he was concerned about Agent Orange in the soil. He also stated that there was a large shrub near that part of Field Road that blocks the view.

Nick DiBattista of 71 Field Road, voiced concerns about the narrowness of Field Road, especially during the winter snowplowing season. He is concerned about possible accidents during the winter and drivers pulling out and ending up on his front lawn. Mr. Popper stated the he would talk with the town engineer and highway department regarding the width of the road, especially after plowing.

Mark Benedetto, 30 Field Road, was concerned over the amount of construction related traffic, such as concrete trucks. Chairman Kelly stated that that was a detail to be dealt with during the site plan or special permit application.

Eric Montas, 98 Field Road, asked if the information could be made available via electronic dropboxes. Mr. Popper stated that that type of technology was not

available at this time and not something that the Commission could order.

Mary Tobias, 61 Field Road, asked how the number of houses was determined. Mr. Popper stated that it is up to the Commission to approve or disapprove the concept plan. The number was proposed by the developer in the concept plan.

Attorney Molloy stated that 72 to 100 lots were possible in a traditional subdivision. She stated that the number of lots proposed was similar to that of nearby developments and it was possible that the final number could be less than the 75 proposed.

Michael Cannata wanted confirmation that a broad spectrum of pesticides would be tested for and remediated, not just dieldrin.

Attorney Molloy summarized her argument that the application met the standards set forth in 8.9.D of the Zoning Regulations for a PRD in that water and sewer were available, that no municipalities or regional planning groups had objected, that it was consistent with the POCD, that residential use was permitted and maintained, that it was consistent with the residential neighborhoods nearby, and that the anticipated impacts were all the same as if it had been developed as an R-25. She stated that all requirements would be complied with at the time of the site plan / special permit application, that the development did not impact natural resources, that it would not impact the level of service as far as traffic capacity, and did not endanger safety, health or welfare of the surrounding community.

Attorney Molloy reviewed the six requested waivers as set forth in her letter dated June 12, 2017.

She stated that the soil will be managed in compliance with DEEP. The revised Fiscal Impact Analysis will be provided at the Special Permit hearing.

There was a brief discussion among the Commission member, Mr. Popper, Mr. Camilleri and Attorney Molloy about the appropriateness of including a development restriction affecting the remaining acreage at tonight's hearing as it only affects the 50 acre piece and because the remaining acreage is essentially landlocked and does not have the required 50 feet of frontage along a town road. Attorney Molloy stated that the HOA will control the right of way, that all development proposals would need to go in front of a land use board, and that she is not comfortable having the town being part of a private agreement at this time. She is asking that the issue be addressed at the special permit hearing instead. Chairman Kelly agreed that the present application was only for the 50 acres and not the other land.

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

Michael Cannata made a motion to approve the six requested waivers:

1. 9.4.B.2 Requirement that the Municipal Fiscal Impact statement be prepared by a professional real estate economic analyst. Report prepared by an AICP certified planner. Applicant does not seek to change use from the current approved use – residential homes.
2. 9.4.B.4(2) Design and shading of proposed lighting
3. 9.4.B.4(3) Design and layout of parking and its feasibility and safety for use by public
4. 9.4.B.4(4) Capacity of the wastewater, water and other utility systems proposed to be built and used by the project. Applicant has provided confirmation municipal systems will be able to serve the proposed development
5. 9.4.B.5. Cultural, aesthetic or heritage – not applicable to the site.
6. 9.4.B.6. Natural resources – not applicable as views or view shed, no wetlands on the site, no endangered or critical plant species or woodland habitats, and no endangered or critical animals or natural habitats. Site is a former plant nursery. Soil management will be in compliance with DEEP guidance policies.

The motion was seconded by Paul Cordone. All favor except Richard Waters.  
*Motion passed.*

Michael Cannata made a motion to approve the application; seconded by Paul Cordone. All in favor except Richard Waters. *Motion passed.*

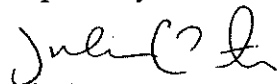
**12. Commissioner's Comments: NONE**

**13. Approval of Minutes:**

a. July 18, 2017: A motion to approve the minutes was made by Michael Cannata; Seconded by Paul Cordone. *All in favor; motion passed.*

**14. Adjourn:** a motion to adjourn was made by Michael Cannata; seconded by Paul Cordone. *All in favor; motion passed.* Meeting adjourned at 8:53 p.m.

Respectfully Submitted,

  
Julie C. Petrella  
Recording Clerk

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

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

**Absent:** NONE

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

**1. Call To Order**

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

**2. Roll Call**

The presence of the above members was noted.

**3. Seating of Alternates**

NONE

**4. Approval of Agenda**

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

**5. Public Comments**

There were no public comments at this time.

**6. Development Compliance Officer Report**

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

**7. Town Planner Report**

There was no report.

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

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

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

*Gloria Prendergast, Asst.*  
TOWN CLERK

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

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

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

#### **10. Public Hearing:**

- a. Application #17-22: Request for Site Plan Approval for Center Point Apartments (an Affordable Housing Application) at 186 Shunpike Road. JPG Partners, Inc. is the Applicant and the Estate of Helen M. Ewald c/o Sybil C. Martin Executrix is the Owner.

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

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

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

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

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

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

The public hearing was opened up to public comment.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Pierre Brilliant, 91 Court Street, opposed the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**12. Approval of Minutes:**

a. August 1, 2017: No action taken.

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

Respectfully Submitted,



Julie C. Petrella  
Recording Clerk