

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION**

**Meeting #1618  
September 11, 2012**

**\*\*\*\*\*Draft Document – Subject to Commission Review\*\*\*\*\***

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:02 P. M. by Chairman Ouellette.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members (Devanney, Gowdy, Ouellette, Sullivan and Thurz) were present at the beginning of the Meeting; Alternate Member Zhigailo arrived at 7:30. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

Also present was Town Planner Whitten.

**GUESTS:** Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dale Nelson, Selectman; Dick Pippin, Selectman; Kathy Pippin, Board of Finance.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:**

Town Planner Whitten noted the following additional discussion items she would like to present during the **BUSINESS MEETING:**

- Informal discussion with representatives from Walmart regarding redesign of proposed entrance due to issues concerning the State right-of-way.
- Information for the Commission's review regarding Adult Entertainment.

**APPROVAL OF MINUTES/August 14, 2012:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1617 dated August 14, 2012 as presented.

**Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following Application:

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- 1) Application of Leslie Hickey for a Temporary Liquor Permit for wine and beer event for Hal Kresge to be held on Saturday, October 6, 2012 from 4 to 9 p.m. at 149 North Road, owned by Soucy Enterprises. [B-3 Zone; Map 125, Block 16, Lot 27]

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE: Steven Dearborn** – Request from Atty. Bridget C. Gallagher for a one-year extension of the Modification to Site Plan Approval and Special Use Permit for property at 68 Newberry Road. (*Expires on 9/13/2012*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Attorney Louis Flynn, of Brown, Paindiris, and Scott, representing Steve Dearborn. Mr. Dearborn was present in the audience.

LET THE RECORD SHOW Commissioner Gowdy stepped down from service; the Board continued with four Regular Members.

Attorney Flynn reported the Applicant entered into an agreement with the court last month which called for certain things to be done in a certain timeframe. Mr. Dearborn has appeared before the Inland Wetlands Commission, who granted him permission to do modifications to the Site Plan. Attorney Flynn also noted Mr. Dearborn has posted the bond. The agreement calls for Mr. Dearborn to bring the site into compliance by November 21<sup>st</sup>. Mr. Dearborn is to complete, and submit, an As-Built Plan at the completion of the modifications.

Attorney Flynn indicated they had sought a 1 year extension of the Site Plan Approval, which expires on September 13<sup>th</sup>. Staff has recommended that the extension be granted until December 31<sup>st</sup>. Attorney Flynn requested the record reflect that if the site is brought into compliance they would come back at that time to get an extension to run the business.

Attorney Flynn reiterated they are ready to go with the Inland Wetlands Commission, some piles of materials have been moved back to the buffer line. The other pending issue is that there was never a Permit issued, so they will be returning for that.

Chairman Ouellette queried the Commissioners for comments.

Commissioner Sullivan questioned how Staff feels about the proposal? Town Planner Whitten suggested that all the Town has been seeking for many years is compliance. She suggested if they had not received the Court Order she would probably have asked for denial; denial would have required Mr. Dearborn to return with another application which serves no purpose for anyone.

Commissioner Devaney questioned Town Planner Whitten if she is ok with the Court Order? Town Planner Whitten replied affirmatively, noting she has no problem with it.

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Chairman Ouellette noted that during a previous Meeting the issue of bonds had been discussed. Town Planner Whitten noted the Erosion Control Bond has been posted for the Inland Wetlands work; basically all the bonds have been processed. She noted Mr. Dearborn has put in erosion control measures, he has moved back some of the piles.

Town Planner Whitten noted there will be some continuing violations occurring as Mr. Dearborn continues to work through the modifications to the Site Plan. Attorney Flynn concurred, noting some things have been done before Mr. Dearborn came in today. All of the things mentioned by Town Planner Whitten, as well as some of the piles have been moved back and out of an area which had been in question. Town Planner Whitten agreed there has been some progress; the goal since day one has been compliance.

Town Planner Whitten questioned if Attorney Flynn had been referring to the Zoning Permit in his earlier discussion? Attorney Flynn replied affirmatively. Town Planner Whitten noted that has been applied for but all the bonds must be posted and there is a minor revision of one of the bonds pending.

Town Planner Whitten noted the Applicant did go to the Inland Wetlands Commission for a modification/redesign to the retention basin; that change really has nothing to do with the Zoning Permit. The Applicant is also planning to move the farm road back but it will not be within 10' of the property line. Town Planner Whitten questioned if the Commission was comfortable with those changes without a PZC modification; she really didn't see that as a change to the Zoning Permit or the business activity. The retention basin will still carry the same amount of water. Chairman Ouellette questioned if Town Engineer Norton has reviewed that change? Town Planner Whitten replied affirmatively. Chairman Ouellette concurred with Town Planner Whitten's assessment that those activities were not zoning issues.

Town Planner Whitten reiterated there are still violations occurring at the site; the site will be inspected at the time compliance is sought. Commissioner Thurz felt this was a good faith effort for the Town. Town Planner Whitten suggested if at the end of the year there is compliance then the Commission could discuss going further. Chairman Ouellette questioned if the date chosen was a PZC Meeting date? Town Planner Whitten indicated it was an arbitrary selection, and could be changed at the Commission's preference. She noted the As-Built Plan will be submitted prior to that date.

Chairman Ouellette indicated he shared Town Planner Whitten's comments that the goal is to move forward, and he agreed that there was enough going on for the Commission to move forward cautiously.

Chairman Ouellette queried the Commissioners for further comments; no one offered any additional information or questions.

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**MOTION: To APPROVE THE EXTENSION THROUGH DECEMBER 31, 2012 of the Modification to Site Plan Approval and Special Use Permit for property at 68 Newberry Road.**

**Devanney moved/Thurz seconded/**

**VOTE: In Favor: Devanney/Ouellette/Sullivan/Thurz  
Opposed: No one  
Abstained: No one**

**LET THE RECORD SHOW Commissioner Gowdy returned to service on the Board.**

**CONTINUED PUBLIC HEARINGS: Leonard J. Norton, P.E., Director of Public Works** - Special Use Permit for stockpiling of construction materials at Town Public Works Facility, 6 Woolam Road, owned by the Town of East Windsor, for use on Town maintenance/construction projects. [A-1 Zone; Map 44, Block 34, Lot 1] (*Deadline to close hearing extended to 9/11/2012*)

Chairman Ouellette noted this Agenda item won't be heard tonight as the documents requested are not available. The Hearing will be continued to the Commission's September 25<sup>th</sup> Meeting.

**MOTION: To CONTINUE THE PUBLIC HEARING on the Application of Leonard J. Norton, P.E., Director of Public Works for a Special Use Permit for stockpiling of construction materials at Town Public Works Facility, 6 Woolam Road, owned by the Town of East Windsor, for use on Town maintenance/construction projects. [A-1 Zone; Map 44, Block 34, Lot 1]. Application is CONTINUED until the Commission's next regularly scheduled Meeting on September 25, 2012, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

**DISCUSSION: None**

**Devanney moved/Thurz seconded/**

**VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz  
No Opposition/No Abstentions**

**NEW HEARINGS: None.**

**OLD BUSINESS: None.**

**NEW BUSINESS: Eric C. James** - Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen. [M-1 Zone; Map 92, Block 17, Lot 32] (*Deadline for decision 10/18/2012*)

Town Planner Whitten referenced the e-mail received from Mr. Ussery in which he has requested this Item of Business be continued. Mr. Ussery is making plan revisions with regard

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to this Application.

**MOTION:** To CONTINUE the Application of Eric C. James for Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen. [M-1 Zone; Map 92, Block 17, Lot 32]. Application is CONTINUED until the Commission's next regularly scheduled Meeting on September 25, 2012, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**DISCUSSION:** None

Devanney moved/Thurz seconded/

**VOTE:** In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz  
No Opposition/No Abstentions

**OTHER BUSINESS:** Leslie Hickey – Temporary Liquor Permit for wine and beer event for Hal Kresge to be held on Saturday, October 6, 2012 from 4 to 9 p.m. at 149 North Road, owned by Soucy Enterprises. [B-3 zone; Map 125, Block 16, Lot 27]

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Leslie Hickey. Mr. Hickey indicated this is a request for a beer and wine tasting event for the benefit of the Hal Kresge Foundation to be held on October 6<sup>th</sup>. They will be following the same procedures as they have done in the past; they hire a police officer to assist with parking, etc. Commissioner Gowdy questioned the plans for overflow parking? Mr. Hickey indicated they have spaces available in the back; some people from the adjacent Enfield neighborhood walk in.

Town Planner Whitten noted the only real change is they will be using a larger tent this year but it's to be located within the area already set off; it won't be taking up parking space. Mr. Hickey suggested it's really a precaution in case of rain.

LET THE RECORD SHOW Commissioner Zhigailo arrived at 7:30 p.m.

**MOTION TO APPROVE THE Application of Leslie J. Hickey and owner Soucy Enterprises LLC, requesting a temporary liquor permit per Section 805, for property located at 149 North Road, Map 125, Block 16, Lot 27, in the B-2 Zone. Event will be held in the Golden Gavel Tenant space, and parking area on October 6, 2012 from 4:00 to 9:00 p.m.**

**DISCUSSION:** None

Devanney moved/Thurz seconded/

**VOTE:** In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz  
No Opposition/No Abstentions

**BUSINESS MEETING:**

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Town Planner Whitten introduced the following representatives for Walmart, Al Carpenter, project engineer, and Attorney John Knuff. She noted they are having design issues working with the State regarding the proposed entrance to the Super Walmart. Attorney Knuff noted they understood the entrance to the site was an important consideration for the Commission. They would rather have the design feature of the stone wall on their property rather than on State property. They are enhancing the (wall) feature by extending it 196+/- feet longer than originally proposed; they are also adding 200+/- additional plants to the area. This redesign allows Walmart to control the feature. It was felt Staff could approve the modification, but because it was an important issue for the Commission everyone agreed to return for the Commission's input.

Mr. Carpenter noted the previous/approved plan has more of the feature located within the DOT right-of-way, which widens as it goes south on Prospect Hill Road. Utilities and sewer are also located within the right-of-way. They have found it's possible to take the 40' wall onto the Walmart property, extend its length, and also build a small similar stone wall on the opposite side of the driveway entrance. Walmart would prefer that the feature is located within their property.

Chairman Ouellette raised a concern for visibility coming up the curve of the driveway. He noted there are food service facilities across the street; pedestrians may want to cross Route 5 to visit those facilities.

Town Planner Whitten questioned who will maintain the grass in front of the right-of-way? Mr. Carpenter noted that technically the right-of-way is owned by DOT, but often people who live along a right-of-way maintain that area. Town Planner Whitten questioned if Walmart will take over the maintenance of this area; it's a relatively large swarth of area if it's not mowed. Mr. Carpenter noted Walmart has a landscaping plan for each site, and hires a landscaper to maintain the property. He felt Walmart probably would maintain the right-of-way but.....

The consensus of the Commission was agreement with the revised entrance proposal. Town Planner Whitten requested Mr. Carpenter submit a revised mylar; Mr. Carpenter indicated he will submit a revised Landscaping Plan.

**BUSINESS MEETING/(1) Correspondence:**

- Letter from Assistant Town Planner Newton regarding a request for deviation to the time limits specified under the Zoning Regulations for Temporary Business Signs. No discussion occurred at this time.

**BUSINESS MEETING/(2) Staff Reports:**

- Town Planner Whitten noted inclusion in the Commissioner's packets of material regarding the regulation of adult oriented businesses. She has a request in to other planners seeking copies of regulations they may already have in place.
- Chairman Ouellette noted a State Statute was passed last year regarding streetscapes. He noted the Commission currently has regulations which address street widths, etc.; those regulations should be reviewed and discussion held with the Public Works Department.

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**BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:**

- Mylars for the Pepin/Morris Subdivision.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:40 p.m.**

**Gowdy moved/Thurz seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(2266)