

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

**Meeting #1625
January 22, 2013**

MEETING MINUTES

********Draft Document Subject to Commission Review/Approval********

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 four Regular Members (Devaney, Gowdy, Ouellette, and Thurz) and one Alternate Members (Zhigailo) were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. He noted Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission (arrived at 7:14 p.m.); Dick Pippin, Selectmen; and Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Amended Legal Notice, which appeared in the Journal Inquirer on Thursday, January 17, 2013, was read by Chairman Ouellette:

1. Application of Lisa Perkins for a Special Use Permit (per Chapter 407) to allow an accessory apartment at 175 Wells Road. [A-1 Zone, Map 85, Block 30, Lot 84].

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items not listed on the Agenda. No one requested to speak.

APPROVAL OF MINUTES/January 8, 2013:

MOTION: To APPROVE the Minutes of Regular Meeting #1654 dated January 8, 2013 as written.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Application:

1. Application of Eric Mance, Tom Rossing and Joe Dealba for a Special Use Permit/Sale of Alcohol (per Chapter 805) to allow a tap room and brewery (known as Broad Brook Brewing Company) at 2 North Road, owned by Sofia's Plazas, LLC. [B-2 Zone; Map 112, Block 17, Lot 1].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: The Settlement at Mason's Brook – Request from Gary S. Merrigan for release of the erosion control bond for the Settlement at Mason's Brook. [Map 52, Block 5, Lo5 47]:

Chairman Ouellette read the description of this Item of Business. He noted receipt of the following documentation: 1) Letter from Gary S. Merrigan requesting release of \$9,000 Erosion Control Bond; and 2) Memo from Wetlands Agent Newton noting she and Town Engineer Norton have inspected the subdivision and recommend release of the Erosion Control Bond as requested.

Town Planner Whitten noted Staff has not experienced any problems with this development.

MOTION: To GRANT the request of Gary S. Merrigan for release of the Erosion Control Bond being held for The Settlement at Mason's Brook. Memo dated 1/7/2013 from Wetlands Agent Robin Newton and Town Engineer Norton indicated both parties agree to the release of the bond as requested.

DISCUSSION: None.

Devanney moved/Zhigailo seconded/VOTE: In Favor: Unanimous

PUBLIC HEARING: Lisa Perkins – Special Use Permit (per Chapter 407) to allow an accessory apartment at 175 Wells Road. [A-1 Zone; Map 85, Block 30, Lot 84] (*Deadline to close hearing 2/26/2013*):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss this Application was Lisa Perkins, owner of the subject property.

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Ms. Perkins indicated she and her boyfriend intend to build the proposed house over the next few years; they are also proposing to include an in-law apartment for whomever of their parents should the need arise in the future. She noted you would enter the dwelling and go down to a theater room; the accessory apartment will be off of the theater room. Town Planner Whitten suggested the area will be a walk-out basement. Commissioner Devanney questioned if any handicapped accessibility is planned? Ms. Perkins suggested they will probably install a chair lift, although the remainder of the home will be handicapped accessible as well.

Commissioner Gowdy questioned if the accessory apartment was necessary now; his concern was if the apartment were to be built soon and remain vacant for several years. Discussion followed regarding the requirements for accessory apartments, including the need for them to be occupied by family members. Chairman Ouellette questioned how the relationship requirement is monitored? Town Planner Whitten noted an affidavit (attesting to the relationship) is filed on the Land Records by the property owner at the time of occupancy.

Chairman Ouellette also noted Staff had requested calculations to indicate that compliance has been met with regard to requirements that the unit is not more than 35% of the total above ground area of the primary dwelling, and that the total square footage of the accessory unit will not exceed 900 square feet. Ms. Perkins submitted documentation of calculations which reflect that the size of the accessory unit will be approximately 634 square feet, and is below the 35% of total above ground area.

Ms. Perkins also submitted an affidavit regarding posting of the Public Hearing sign, and a copy of the abutters' mailing list.

Commissioner Thurz suggested this lot has been vacant for some time; he felt the addition of the proposed dwelling will look beautiful in this neighborhood.

Chairman Ouellette noted this Application is the subject of a Public Hearing; he queried the audience for comments. No one requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Lisa Perkins for a Special Use Permit (per Chapter 407) to allow an accessory apartment at 175 Wells Road. [A-1 Zone; Map 85, Block 30, Lot 84] .

DISCUSSION: None.

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

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MOTION TO APPROVE the Application of owner Lisa Perkins for a Special Use Permit to allow an accessory apartment in accordance with Section 407 of the Zoning regulations at 175 Wells Road, in the A-1 Zone [Map 85, Block 30, Lot 84] This approval is granted subject to conformance with the referenced plans as approved by the Commission and the following conditions:

Referenced Plans:

1/3 Overall Site Plan prepared for Lisa Perkins, Wells Road, East Windsor CT map 85, blk. 30 lot 84, zone A-1, prepared by JR Russo and Assoc., 1 Shoham Rd, East Windsor CT 06088 860/623-0569, Fax 860/623-2485 dated 12/12/11. Last rev 10/11/12

2/3 Septic System Plan

Ao.0 – A3.3 New House Plans prepared by Quisenberry Arcari 318 Main St Farmington, CT 06032 860/677 4594 dated 10/16/12

CONDITIONS:

Conditions that must be met prior to the issuance of any permits

1. North Central District Health Department shall review and approve the plans for the proposed septic system design and well location to insure adequate capacity for the additional occupancy.

Conditions that must be met prior to certificates of compliance

2. All public health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy. When all public health, safety and building code compliance components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance.
3. A notarized affidavit in a form acceptable to the PZC, signed by the owner of one of the one family dwelling affirming the intent that either the principal or accessory dwelling unit is to be occupied by the owner of the premises shall be required. Affidavit shall be filed on the land records. The ZEO may request renewed notarized affidavit at 1 year intervals.

General Conditions

4. A certificate of zoning compliance shall be filed on the land records and will be automatically expire with change of ownership. New owners must apply for a new zoning permit, otherwise the use will be considered abandoned.
5. No additional Mailbox is allowed.
6. No additional entrances may be allowed on any wall plane facing any street.
7. Zoning Permit shall be obtained prior to the commencement of any work.
8. A Building Permit shall be obtained prior to the commencement of any work.

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9. This project shall be constructed and maintained in accordance with the referenced plan. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
10. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
11. The applicant hereby acknowledges concurrence with the provision of §407 of the East Windsor zoning regulations in total and in doing so recognizes the authority of the Zoning Enforcement Officer to order removal and conversion of the accessory apartment as allowed by §407.

DISCUSSION: None.

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

PUBLIC HEARING: Viral S. Shah – Special Use Permit/Sale of Alcohol (per Chapter 805) to allow the sale of beer at American Food Mart located at 148 North Road, owned by Walter E. Bass, Sr. [B-3 Zone; Map 124, Block 24, Lot 16]. (*Letter received from applicant requesting withdrawal of application*):

Chairman Ouellette read the description of this Public Hearing. He also noted receipt of an e-mail requesting withdrawal of this Application.

Town Planner Whitten indicated the reason for the withdrawal is that current regulations do not allow sale of liquor in gas stations.

MOTION: To ACCEPT THE WITHDRAWAL of Viral S. Shah for a Special Use Permit/Sale of Alcohol (per Chapter 805) to allow the sale of beer at American Food Mart located at 148 North Road, owned by Walter E. Bass, Sr. [B-3 Zone; Map 124, Block 24, Lot 16].

DISCUSSION: None.

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

NEW BUSINESS: Melissa Maltese, Park & Recreation Director – 8-24 Referral and Site Plan Approval for scoreboard to be located at the soccer fields behind 28 Abbe Road. [-1 Zone; Map 22, Block 28, Lot 8]:

Chairman Ouellette read the description of this Item of Business.

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Town Planner Whitten reported she will make this presentation on behalf of Mrs. Maltese who is unable to attend this Meeting. Town Planner Whitten indicated this proposal is for the installation of one scoreboard to be located between both soccer fields at 28 Abbe Road. One scoreboard is proposed due to budget constraints.

MOTION TO APPROVE the Site Plan for a 14' x 5.5' scoreboard to be erected between two soccer fields at 28 Abbe Road, Map 11, Block 23, Lot 8 & 10A; AND, MOTION TO RECOMMEND TO THE Board of Selectman to allow the construction of a 14' x 5.5' scoreboard at the soccer fields behind Scout Hall, at 28 Abbe Road.

DISCUSSION: None.

Devanney moved/Zhigailo seconded/VOTE: In Favor: Unanimous

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Discussion – Plan of Conservation & Development 2014:

Town Planner Whitten provided the Commission with copies of a questionnaire sent to residents in 1994, and copies of questions discussed with residents in a phone survey performed by a consultant. She also provided the Commission with a draft list of questions/items to be considered for review during the 2014 Plan of Conservation and Development (POCD). Town Planner Whitten suggested the question of funding for a consultant remains pending via the Capital Improvement Plan. As a preliminary option the Commission has considered offering an online survey via Survey Monkey.

Discussion followed regarding what items proposed in the current POCD have been accomplished, and what items remain pending. Town Planner Whitten indicated funding was not available for several proposals. Commissioner Zhigailo suggested some residents may not be aware of the status of some of the Town's goals. As an example she suggested many people may not be aware of the amount of acreage owned by the Town as Open Space, or where it's located. Town Planner Whitten suggested graphics can be included in the online survey; Chairman Ouellette suggested an electronic link to another source can be included as well.

The Commission suggested the following additional items for consideration:

- Development of a proposed sidewalk plan, perhaps linking existing sidewalks with village centers or other contiguous areas.
- Sign standards
- Elimination of zones which have not experienced their intended use.
- More walking paths
- What's being done with existing Open Space parcels? The Commission requested an inventory of Open Space parcels.

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- Broad Brook Mill remediation.
- Village Center Zoning
- What other uses can be considered for the vacant cinema property?

Selectman Baker suggested he would like to see the online survey include a question to see if people are interested in acquiring more Open Space for a greenway and/or blueway. He noted the increasing success of the annual trail hikes. Commissioner Gowdy would like to see markers installed along existing trails which would assist emergency responders to locate people in need of aid.

Town Planner Whitten provided the Commission with a draft memo to be sent to the Capital Improvement Plan Commission, the Board of Selectmen, and the Board of Finance. She requested members review the draft and refer comments back to her.

BUSINESS MEETING/(2) Discussion – Adult Regulations:

Work on these regulations remains pending.

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

Motion:

- **William Syme/Crop Productions** – Modification of approved site plan for demolition of shed and new construction of 60' x 60' storage shed at 16 Chamberlain Road. (M-1 Zone; Map 57, Block 58, Lot 12).

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:05 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(2183)