

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

REGULAR Meeting #1678 – July 28, 2015

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 6:32 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, Frank Gowdy, Jim Thurz, and Dick Sullivan.
 Alternate Members: Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:**
 Alternate Members: Michael Kowalski

Also present was Town Planner Whitten, and Assistant Town Planner Newton.

GUESTS: Deputy Selectman Jason Bowsza, Board of Selectmen Liaison to the Planning and Zoning Commission.

ESTABLISHMENT OF QUORUM:

A quorum was established as all Regular Members were present at the Call to Order. Alternate Members Slate and Zhigailo were also present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Monday, July 6, 2015, and Thursday, July 23, 2015, was read by Chairman Ouellette:

Legal Notice, Town of East Windsor, 11 Rye Street, Broad Brook, CT. 06016,
AQUIFER PROTECTION AREA, REGULATION ADOPTION.

In accordance with the provisions of the Connecticut General Statutes (CGS) Section 22a-354p, notice is hereby given that the Town of East Windsor Aquifer Protection Agency (Planning and Zoning Commission) will hold a public hearing at 6:30 p.m. on Tuesday, July 28, 2015, at 11 Rye Street, Broad Brook, CT. 06016.

The Agency will hear comments on its proposed adoption of the Aquifer Protection Area Regulations. At this meeting persons may appear and be heard and written communications may be received regarding the proposed adoption of these Regulations.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

2

Copies of the proposed Regulations are available for inspection at the Town Clerk's Office, the Planning and Development Office (both located at 11 Rye Street, Broad Brook, CT. 06016) and can be found online at www.eastwindsorct.com

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments:

Kathy Pippin: Noted the town is undertaking the demolition of a building on Main Street (Broad Brook), she questioned what board is involved in that action as there is a building on Woolam Road which is an eyesore. Town Planner Whitten directed Mrs. Pippin to the Building Department.

APPROVAL OF MINUTES/July 14, 2015:

Chairman Ouellette noted he will be abstaining from voting on these Minutes as he was not present at the meeting; Commissioner Gowdy indicated he would abstain for the same reason. Discussion followed regarding approval as some of the Commissioners present at that meeting are absent this evening; effectively only three members would be voting on the minutes. Would those three members constitute a quorum.

Deputy First Selectman Bowsza assisted by noting that technically members don't need to be present to approve minutes, but the abstentions would count as a "yes" vote. Deputy First Selectman Bowsza suggested the Commission's quorum is fully seated.

MOTION: To APPROVE the Minutes of Regular Meeting #1677 dated July 14, 2015 as written.

Devanney moved/Sullivan seconded/

DISCUSSION: See discussion above regarding ability to vote.

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

Commissioner Sullivan noted approval of the Minutes of Planning and Zoning Commission Meeting dated June 23, 2015 remain pending as well. Town Planner Whitten indicated those minutes will be added to the Commission's August 11th Regular Meeting.

RECEIPT OF APPLICATIONS: None.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

3

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

Nothing presented this evening.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS – Aquifer Protection Regulations and Map

Assistant Town Planner Newton joined the Commission to present the draft Aquifer Protection Regulations.

Assistant Town Planner Newton reported that these regulations, as presented, need to be adopted verbatim as they are based on the DEEP (Department of Energy and Environmental Protection) model regulations. The process for acceptance of the regulations is review and adoption by this Board, referral back to DEEP so they can be sure the integrity of their regulations has been maintained, and then formal adoption with an effective date by this Board after the DEEP's review.

Assistant Town Planner Newton directed the Commission to page 27, which includes a fee schedule for complicated applications. She and Town Engineer Norton reviewed the proposed fees; this fee schedule would give this Commission the ability to charge an applicant for the cost of hiring outside experts, or an attorney, to review a complicated proposal. Assistant Town Planner Newton noted the fee proposed is an arbitrary number but is similar to a fee schedule used by the Inland Wetland Commission for similar situations.

Assistant Town Planner Newton advised the Board that when the regulations are adopted, reviewed again by the DEEP, and become effective for East Windsor then she must begin a review process of businesses which are currently located and operate within the Aquifer Protection Area. She provided the Commission with various handouts which explain the process. Letters must be sent out to existing businesses currently operating within the Aquifer Protection Area advising them of the need to register with the Planning Office. Uses which are regulated but have no Building Permits associated with the business would be considered prohibited. Existing activities which have Building Permits, and have been active for five years, would be referred back to this Commission for approval of the registration. Letters will be sent to businesses by registered mail. The Commission must act on review/approval of the application within 180 days or the use would be automatically approved. Businesses which do not register will lose the ability to continue that use.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

Assistant Town Planner Newton suggested Applications subject to the Aquifer Protection Regulations would become a consistent Agenda item.

Discussion followed regarding the process for determination for holding public hearings, the cost and administrative process associated with public hearings (cost of publication of a legal notice twice in a local newspaper, cost of signage notifying the public of the pending public hearing, and referral of an application to the Connecticut Water Company and the DEEP), and the possibility of staff approval to move the process along for businesses

Assistant Town Planner Newton noted the Aquifer Protection Regulations will be listed on the Planning Department's web-page.

Chairman Ouellette queried the audience for comments from the public:

Deputy First Selectman Jason Bowsza, 34 Rye Street: suggested that Chairman Ouellette's comment about doing something to enable approval at the staff level to streamline the process is a fantastic idea.

Town Planner Whitten noted that once these regulations are adopted by this Board, reviewed by DEEP, and are referred back to this Board to become effective they become part of the Zoning Regulations. Reference to the Aquifer Protection Area Regulations will need to be referenced in the next review/revision of the Zoning Regulations.

Chairman Ouellette questioned how the Town would deal with the process if we find it's not working? Assistant Town Planner Newton indicated the regulations would have to be referred back to DEEP and another public hearing would have to be held.

Commissioner Zhigailo questioned if the additional fee was reasonable; she felt residents often felt they were "feed" to death. She questioned that staff is paid to review applications anyway. Assistant Town Planner Newton reiterated this fee would be for complicated applications; Town Planner Whitten noted this fee would apply for applications which require review above and beyond normal review. Assistant Town Planner Newton noted she and Town Engineer Norton started with fees charged by the Town of Bolton; they have actually reduced some of those fees. Discussion continued; Chairman Ouellette noted the regulations and fees have been reviewed by two professionals.

Hearing no further requests for comments Chairman Ouellette called for a motion.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

5

MOTION: To CLOSE the Public Hearing on the Aquifer Protection Regulations and Map.

Devanney moved/Sullivan seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)

MOTION: To ADOPT the Town of East Windsor Aquifer Protection Map and regulations as presented.

Devanney moved/Gowdy seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Eversource Energy Company - Modification of Approved Site Plan to allow construction of a covered parking/storage area and expansion of employee parking and storage yard at 112 Prospect Hill Road, owned by The Rocky River Realty Company. [B-1 & M-1 zones; Map 102, Block 17, Lot C-1] (*Deadline for decision 9/17/2015*):

Chairman Ouellette read the description of this Item of Business.

Appearing to discuss this Application was Thomas J. Bulzak, P. E., L. S. of EcoDesign, LLC. Mr. Bulzak is representing the Applicant, Eversource Energy.

Mr. Bulzak advised the Commission Eversource is undertaking a renovation project at 112 Prospect Hill Road. They are expanding the site by constructing an additional 9,780 square foot covered parking storage area – which he described as a covered canopy with open bays to park vehicles during inclement weather. Additional employee parking will add 39 spaces. Mr. Bulzak reported the total site contains approximately 13.5 acres; the existing building contains 15,900 square feet. The total impervious coverage at the site today is 2.8 acres prior to the proposed renovations; .8 additional acre of impervious coverage will occur due to this application. They are proposing minor drainage improvements for collection of stormwater from the impervious area; they will install minor landscaping around the improvements as well. Most of the work will occur on the southside of the existing facility, and the southwest corner of the site. The work on the southside is in the proximity of an elevated hill, which will require the excavation of approximately 5,000 cubic yards of material. The excavated material will be disposed of offsite after being tested for environmental concerns. Any contaminated materials would be sent to a site in Massachusetts. Mr. Bulzak reported the site presently contains a detention basin which has been classified as a man-made wetlands. They are not

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

6

proposing to reduce, or enlarge, the detention basin but they will be modifying the outlets that move the water out of the basin to mitigate any post-construction run off from the site. Mr. Bulzak suggested the 10 year storm measurement shows a miniscule increase in run off which results from the new, more precise, analysis tools available today. Mr. Bulzak reported that in his opinion the modifications will not create an increase in run off from the site.

Mr. Bulzak referenced Town Engineer Norton's comments noted in his memo of 7/14/2015.

Plan notes: Town Engineer Norton noted that the notes on the plans are confusing ; his recommendation was the notes should be clarified. Mr. Bulzak reported he is working with several other members of the design team. He will address the issue of the notes.

Trench drain: Town Engineer Norton suggested there is no detail for the trench drain shown on the plans. Mr. Bulzak reported that any oil which might be brought into the covered parking area will be addressed by the installation of an oil/water separator which will contain the oil before passing the water to the detention basin. Mr. Bulzak noted they are also proposing to install new catch basins which will treat the quality of the water at the locations identified on the plans. Two (2) foot sump pumps will also be installed in the catch basins to collect sedimentation from the entire area, including the yard. Mr. Bulzak also clarified that the yard will be paved rather than the stone dust shown on the plans as Eversource requires the yards to be paved.

Mr. Bulzak provided the Commission with an illumination plan, noting the details of the illumination will be shown on the final set of plans by the illumination engineer. Commissioner Thurz questioned the size of the poles proposed? Mr. Bulzak indicated they would be 20'. Commissioner Thurz questioned that they are not proposing LED lights? Mr. Bulzak replied negatively, but noted he will review the suggestion with Eversource. Chairman Ouellette requested clarification of the maximum height allowed in the regulations. Town Planner Whitten noted pole heights can be 15' to 25' but the Commission usually recommends 20'.

Town Planner Whitten and Commissioners comments/questions followed:

Plan notes: Town Planner Whitten reiterated the plan notes must be clarified as requested/recommended by Town Engineer Norton. Mr. Bulzak indicated he will rectify the notes.

Trench drain: Town Planner Whitten again referenced Town Engineer Norton's comments regarding showing the trench drain on the plans. Mr. Bulzak suggested he didn't want to step on the architect's work but the final plans will show the trench drain. off. In his professional

Crushed stone on 6" curve: Town Planner Whitten suggested Town Engineer Norton has suggested that this proposal exceeds the pre-construction event. Mr. Bulzak reiterated he feels the improved analysis available today shows they will be staying within the status quo. He suggested the intention is to follow the regulations and to not increase run opinion Mr. Bulzak felt the modifications will

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

7

remain status quo and not increase the flow. He indicated the wetlands perform properly now.

Storage canopy/height/visibility: Chairman Ouellette questioned the potential height of the covered bays. Mr. Bulzak suggested they will be 17' 10" from the surface of the ground. Chairman Ouellette questioned if this structure would be visible from the street? Mr. Bulzak replied it would not be visible from Route 5 because of the hill, but it will be visible from the gate. They plan to match the façade of this structure to the façade of the existing building. Commissioner Thurz questioned that the sides of this new structure would be open? Town Planner Whitten clarified that there are only bays on the north side. Mr. Bulzak reported they are calling it a "canopy" but it will be a 3-sided building without doors.

Chain link fence: Chairman Ouellette questioned the purpose of the fence? Mr. Bulzak reported the fence is for safety and security.

5,000 cubic yards of excavation: Chairman Ouellette questioned the length of time anticipated to haul the material away? Mr. Bulzak reported Eversource has an aggressive schedule for this renovation; they want the improvements done by the end of November. They have recently received approval for their Inland Wetlands Permit. They will be building the employees parking first because of problems with the existing parking. They are also consolidating employees from other locations. Then they will be doing the covered parking.

Depth of detention basin: Commissioner Gowdy questioned if the detention basin would be fenced in? Mr. Bulzak replied negatively, noting it is a low basin with 2:1 slopes on the sides. It will be 6' deep.

Excavation specifics: Chairman Ouellette questioned a quesstimate on the number of trucks that would be involved in the excavation? Mr. Bulzak suggested 4 months was adequate time for them to complete another location. Chairman Ouellette questioned if they could anticipate a truck an hour or a truck a minute? Mr. Bulzak reported the materials will be tested on site for environmental conditions; if it's clean the contractor will find a new home for it. If it's contaminated it will be disposed of off site. Commissioner Devanney questioned if Mr. Bulzak didn't know the direction in which the excavated soil will be moved? Mr. Bulzak replied negatively, noting that would be left to the contractor. Commissioner Devanney questioned that the material could stay in town? Mr. Bulzak replied affirmatively.

Floor drains in canopy: Commissioner Thurz reiterated they will be cutting into the hill and putting up a concrete walled structure; are you installing any floor drains in the canopy? Mr. Bulzak suggested the oil/water separator will be the only device which takes the water from the trench drain which will be in the floor of the building. Mr. Bulzak clarified that the floor will be concrete inside the building but will be asphalt outside.

Storage of transformers: Commissioner Thurz questioned if transformers would be stored at this site? Mr. Bulzak replied affirmatively.

Site visibility from adjacent neighborhoods: Commissioner Sullivan questioned if the finished project will be visible from Cricket Road or Prospect Hill Road? Mr. Bulzak

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

8

didn't feel it will be visible from Prospect Hill Road because of the hill; the area from Cricket Road down is natural vegetation. It may be visible at some times.

Stainless steel bolts (at erosion controls): Commissioner Slate noted these plans don't show the stainless steel bolts agreed to at the Inland Wetlands Meeting. Mr. Bulzak confirmed they agreed to use the stainless steel bolts; he didn't want to reprint the plans at this point. Chairman Ouellette indicated the stainless steel bolts must be shown on the final plans; staff will be looking for the changes. Town Planner Whitten concurred.

Outlet with riprap at southeast corner/velocity: Town Planner Whitten questioned what the water would do at that point? Mr. Bulzak suggested the area will be graded to direct the water to the detention basin. The path might be different but it will go the same way as it will go into a swale. They are proposing 1 ¼" stone at the bend which will direct the water around and will prevent erosion. Town Planner Whitten questioned that the velocity will be contained? Mr. Bulzak replied affirmatively.

Potential for site expansion: Chairman Ouellette questioned if the site offered the potential for additional expansion? Town Planner Whitten noted the site is very large. Mr. Bulzak suggested the terrain would make expansion difficult. He suggested this site has been identified by Eversource as a work center for which employees will be brought from other sites. Eversource is committed to staying in East Windsor.

Hearing no additional requests for comments Chairman Ouellette called for a motion.

MOTION TO APPROVE the Application of owner Rocky River Realty Co, and Applicant Eversource Energy Company requesting a site plan modification to construct a covered parking /storage area, and expansion of employee parking and storage yard at 112 Prospect Hill Road in the B1 and M1 Zone - Map 102, Blk 17, Lot C-01. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

Cover Sheet – East Windsor Service Center – Canopy, 112 Prospect Hill Rd, East Windsor CT, Client : Eversource prepared by Tecton Architects, Hartford Ct Westerly RI 860/ 548-0802, www.tectonarchitects.com and Eco Design, LLC for Sargis Associates, Inc., 1800 Silas Deane Hwy #220, Rocky Hill CT 06067, Phone 860/563-6825 dated 6/24/15 Project # NU30AR.

C2.200 – Boundary and Topographic Survey 1" = 40'

C2.201 - Proposed Project Notes

C2.202 – Proposed Site Plan 1" = 40'

C2.203 – Proposed Site Layout Plan 1" = 20'

C2.204 – Proposed Grading and E&S Plan 1" = 40'

C2.205 – Proposed Drainage Details 1 of 2

C2.206 - Proposed Drainage Details 2 of 2

C2.207 – Misc. Details 1 of 1

L2.201 – Landscape Plan & Site Details

L2.202 – Site Lighting Calculation – Electrical

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

9

L3.201 – Exterior Elevations

-Conditions which must be met prior to signing of mylars:

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

Conditions which must be met prior to the issuance of any permits:

3. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
4. An erosion and sedimentation control bond must be submitted for all site activities.

Conditions which must be met prior to certificates of compliance:

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted
6. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

7. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

10

10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. 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

Devanney moved/Gowdy seconded/

DISCUSSION: It was noted the stainless steel bolts will be noted on the plans for the Planning Department. Mr. Bulzak noted additional conditions were added to the Inland Wetlands approval as well.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/Thurz seconded/VOTE: Unanimous

The Commission RECESSED at 7:50 p.m. and RECONVENED at 7:56 p.m.

BUSINESS MEETING/(1) Discussion on LADA's proposed Warehouse Point study for POCD:

The Commission discussed the three study/workshop options proposed by Mrs. Hahn at the previous Meeting. It was noted public input is crucial, but public involvement is difficult to accomplish. Town Planner Whitten suggested directing focused mailings to businesses to encourage their involvement as well. The Commission decided on option 1, which appears to encourage the most public involvement. Future meetings may be held in locations within the Warehouse Point area. Town Planner Whitten will request Mrs. Hahn to attend the August 11th Commission Meeting.

Town Planner Whitten queried the Commission for a definition/clarification for an auto detailing establishment. Discussion followed regarding the process involved. It was determined that auto detailing falls under service establishments.

Chairman Ouellette noted pending issues for review by this Board are bonding processes, and revisiting standard conditions. Town Planner Whitten indicated she will work them into future agendas while continuing work on the POCD revision.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1678 – July 28, 2015
MEETING MINUTES**

11

Commissioner Gowdy cited his concern for the approval of the Youth Center at the Main Street, Broad Brook location; he questioned if other locations – such as Scout Hall – were considered. He suggested the concept is a great idea; he cited concern for the proximity to the bar next door. Discussion continued.

BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions:

None presented.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:15 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3822