

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

REGULAR Meeting #1680 – September 8, 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 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Frank Gowdy, Jim Thurz, and Dick Sullivan.

Alternate Members: Michael Kowalski, Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:** Lorry Devanney,

Alternate Members: All Alternate Members were present

Also present was Town Planner Whitten.

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

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Alternate Member Zhigailo was requested to join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE: None

ADDED AGENDA ITEMS: None.

DISCUSSION: LADA's proposed Warehouse Point study for POCD:

Terri Hahn, of LADA, PC, joined the Commission to continue her discussion of development of the Warehouse Point study.

Mrs. Hahn reviewed focus points of the previous meeting, including:

- Defining the limits of the Warehouse Point village area
- Identification and discussion of existing zoning areas and uses

Mrs. Hahn then provided the Commission with aerials of the area as it currently exists. Discussion followed regarding what the Commission envisions for the area – the types of

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businesses and their co-existence with the current residential uses, discussion of shared parking, maintaining the historic architecture when possible, consideration of redefining the zones, impact of Connecticut River within the village district.

Mrs. Hahn provided the Commission with an aerial of the Dean Avenue area to illustrate existing lot sizes, setbacks, impervious area and perceived parcel boundaries. Town Planner Whitten noted the current GIS information doesn't accurately portray property line configurations. Discussion followed regarding how this area, which is representative of several areas within the potential district, will fit into the study.

Mrs. Hahn then referenced various zoning districts, noting the bulk and area requirements of each zone. Discussion continued for some time to identify the existing uses within the potential district.

Chairman Ouellette queried the audience for comments:

Dick Pippin: noted the "triangular jog" which identifies the property line at the intersection of South Water Street and Bridge Street was the property utilized for the previous iron bridge which spanned the Connecticut River.

Mrs. Hahn suggested her next step is to take photos of the existing uses to give the Commission a better visual feel for the area.

Commissioner Thurz noted the potential for development of a discount mall along Old Colony Road in Windsor Locks. Discussion followed regarding that development might impact this area. It was also noted that although Selectman Wawruck is not running for re-election in Windsor Locks plans for redevelopment of the rail corridor continue.

Mrs. Hahn requested that prior to the next meeting the Commissioners drive through the potential village district and identify architectural styles they like.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda.

Kathy Pippin: felt the loss of a valuable member of the Commission would be a huge loss to the Board.

APPROVAL OF MINUTES/August 11, 2015:

MOTION: To APPROVE the Minutes of Regular Meeting #1679 dated August 11, 2015 as written.

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Gowdy moved/Sullivan seconded/

DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Michael Fioretti for administrative Site Plan Approval to allow additional parking next to Sports World Dome at 226 Main Street, East Windsor, Owned by EWD, LLP, (M-1 Zone; Map 91, Block 12, Lot 30).
2. Application of Nick Vamvilis for a Special Use Permit to allow expansion of liquor permit and to allow live music in connection with proposed 2,100 sq. ft. addition to Maine Fish Market Restaurant located at 60 Bridge Street. (B-1 Zone; Map 111, Block 1, Lots 40, 41, & 42).

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE - Bank of Western Massachusetts – Request for a 5-year extension of the Site Plan Approval for the construction of a bank with drive-through and associated improvements at 49 Prospect Hill Road. (*Due to expire on 10/10/2015*)

Town Planner Whitten noted the Applicant has requested an extension of their existing Site Plan Approval which will expire on October 10, 2015. They are trying to sell the property and having an approved Site Plan Permit is advantageous for a sale. She noted the Commission is under no obligation to grant an extension; considerable discussions have been held regarding redevelopment in this area. She reported if the Commission denies the request the Applicant would like to come in to informally discuss the issue.

Chairman Ouellette noted he has no opposition to granting an extension but he noted that conditions in the area have changed substantially since this approval was granted. The area is already heavily congested. In the past the Commission has discussed combining curb cuts and requiring internally connected driveways within future development.

Commissioner Sullivan questioned where 49 Prospect Hill Road was actually located? Town Planner Whitten described it as a parcel which fronts on Prospect Hill Road in front of La Renaissance, and next to Wendy's/

Discussion followed; the consensus of the Commission was to grant a one (1) year extension.

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MOTION: To APPROVE the request of Bank of Western Massachusetts for a one (1) year extension of the Site Plan Approval for the construction of a bank with drive-through and associated improvements at 49 Prospect Hill Road. One year extension to expire on October 10, 2016.

Gowdy moved/Zhigailo seconded/

DISCUSSION: None.

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

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE – West River Farms LLC – Request for a 90-day extension for filing mylars for the Special Use Permit for a Planned Residential Development and a 69-lot Subdivision located at 329-341 Scantic Road. (Current mylar deadline date 9/25/2015)

Town Planner Whitten noted the Applicant, West River Farms LLC, is still working on the Conservation Easements and Open Space documents with Scout Hall. They have received their approval from the Water Pollution Control Authority. As they are not yet ready to complete the mylars they are requesting an extension of the filing requirement.

Discussion continued regarding the filing timeframe, as requests for extensions are often requested. Discussion continued regarding regulation requirements vs. statutory requirements.

MOTION: To GRANT A 90 DAY EXTENSION for the for filing mylars for the Special Use Permit for a Planned Residential Development and a 69-lot Subdivision located at 329-341 Scantic Road.

Gowdy moved/Sullivan seconded/

DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS – Latchman Haripaul - Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 zone; Map 88, Block 37, Lot 10-11] **(TO BE CONTINUED)**

Town Planner Whitten noted the Applicant is reapplying to the Zoning Board of Appeals for a re-hearing of the variance request. No action taken on this Application at this time.

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OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: **Michael Fioretti** – Administrative Site Plan Approval to allow additional parking next to Sports Dome at 226 Main Street, East Windsor, owned by EWD, LLP. (*Deadline for decision 11/12/2015*)

Town Planner Whitten noted Four Fathers, owner of the Sports Dome, have now purchased all four parcels comprising this property. The parcel to the front, previously occupied by a carpet company, is not included in this purchase.

While Mr. Fioretti indicates they would be returning to the Commission with a larger master plan for this property they would like to fix the existing parking problem now. Town Planner Whitten indicated the parcel currently contains 120 parking spaces; the Applicant is proposing to install an additional 60 parking spaces for a total of 180 parking spaces on the site. The new parking spaces would be a paved area between the dome and the existing field. They are not proposing any additional landscaping as they need the area around the dome to store snow when they remove it from the dome structure.

Town Planner Whitten noted the 160 parking spaces is below the number required for referral to the State.

Town Engineer Norton has indicated under his memo dated September 8, 2015 that the Applicant investigate the increase in the impervious area on the existing detention basin and storm drainage system.

Chairman Ouellette noted previous discussion had included the request to add a chain link fence between what will now be the additional parking spaces and Interstate I-91. He noted the interstate is 100' away from this additional parking; the State will have no input due to the parking capacity requirements. Chairman Ouellette noted he does NOT see any indication that the chain link fence has been added to the plans before the Commission. Commissioner Thurz concurred with Chairman Ouellette's concern; he noted this location is heavily used and kids are running around the property all the time.

Commissioner Zhigailo questioned the adequacy of the lighting, as only one additional pole is proposed. Commissioner Zhigailo also cited concern for emergency vehicles being able to access the rear of the dome if snow is piled around it. Town Planner Whitten suggested the current configuration is the existing condition. Chairman Ouellette requested referral to the Fire Marshal. Town Planner Whitten noted approval by the Fire Marshal is a requirement of the new permitting process.

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Discussion followed regarding the request for administrative review and approval of the changes. The Commission concurred with the Applicant's request but requested Staff include the following in their review:

- Addition of the chain link fence on the plans at the location 100' from Interstate I-91.
- Review of the adequacy of the existing detention basin to absorb the additional run off from the increased impervious area.
- Lighting adequacy be reviewed and increased if necessary
- Review by the Fire Marshal of the snow storage relative to emergency access around the building.

No motion; consensus of Commission was to allow Administrative Site Plan Approval

BUSINESS MEETING/(1) Aquifer Protection Regulations – Establish Effective Date (9/9/2015):

No motion; consensus of Commission was to make the effective date 9/9/2015.

BUSINESS MEETING/(2) Request for Volunteers for Ad Hoc Committee in Opposition to State Firing Range:

The Commission discussed the appropriateness of any member of a land use board serving on this Commission as they may, in the future, have to hear any application regarding the gun range. No volunteered; Town Planner to advise First Selectman Menard of the Board's decision.

ADDITIONAL DISCUSSION:

During a previous Meeting discussion had occurred regarding the status of an abstention regarding a vote made by the Commission. Town Planner Whitten provided the Commission with an explanation promoted via the Robert Rules of Order website. Please see attachment A, Question 6.

It was noted the question had been asked relative to approval of minutes rather than a specific application.

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

Mylars/Plans:

- **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]

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Motions:

- **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]

ADJOURNMENT:

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

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(1962)

ATTACHMENT A
DRAWING &
ZONING 9/8/2015

THE OFFICIAL Robert's Rules of Order Web Site

Frequently Asked Questions

CAUTION:

The answers given here to the questions presented are based upon the rules contained in *Robert's Rules of Order Newly Revised*. These rules are, in effect, *default* rules; that is to say, they govern only if there are no contrary provisions in any federal, state, or other law applicable to the society, or in the society's bylaws, or in any special rules of order that the society has adopted. This fact must always be kept in mind when reading any of the answers given.

These questions are based on queries repeatedly received on the [Question and Answer Forum](#). The material here is derived from Chapter 13 of *Robert's Rules of Order Newly Revised In Brief*.

NAVIGATION

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- ▶ [About the Authors](#)
- ▶ [The Right Book](#)
- ▶ [Robert's Rules of Order Newly Revised In Brief](#)
- ▶ [How Your Organization Can Adopt Robert's Rules](#)
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1. [Is it true that the president can vote only to break a tie?](#)
2. [Can ex-officio members vote, and are they counted in determining whether a quorum is present?](#)
3. [Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?](#)
4. [In determining the result of a vote, what constitutes a majority?](#)
5. [Can we round to the nearest number in computing the result of a vote?](#)
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9. [Isn't it true that a member who has a conflict of interest with respect to a motion cannot vote on the motion?](#)
10. [Should proxy votes be counted?](#)
11. [Must debate on a motion stop immediately as soon as any member calls the question?](#)
12. [Isn't it always in order to move to table a motion to the next meeting?](#)
13. [Can something be defeated by adopting a motion to table it?](#)
14. [How can I get an item on the agenda for a meeting?](#)
15. [Isn't it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete?](#)
16. [If minutes of a previous meeting are corrected, are the corrections entered in the minutes of the meeting at which the corrections were made?](#)
17. [Can votes be taken in an executive session?](#)
18. [Is it possible to withdraw a resignation after it has been submitted?](#)

Can we round to the nearest number in computing the result of a vote? For example, since two thirds of 101 is 67.33..., will 67 affirmative votes out of 101 votes cast meet the requirement of a two-thirds vote?

Answer:

No. The requirement of a two-thirds vote means *at least two thirds*. As a consequence, nothing less will do. If 101 votes are cast, 67 affirmative votes are not at least two thirds. They are less than two thirds, and will not suffice. [[RONR](#) (11th ed.), p. 401.]



**Question 6:
Do abstention votes count?**

Answer:

The phrase “abstention votes” is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an “abstention vote.”

In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members *present*, or a majority or two thirds of the entire membership, an abstention will have the same effect as a “no” vote. Even in such a case, however, an abstention is not a vote and is not counted as a vote. [[RONR](#) (11th ed.), p. 400, ll. 7-12; p. 401, ll. 8-11; p. 403, ll. 13-24; see also p. 66 of [RONRIB](#).]

**Question 7:
What is a vote of no confidence?**

Answer:

The term “vote of no confidence” is not used or defined anywhere in [RONR](#), and there is no mention of any motion for such a vote. However, this does not mean that an assembly cannot adopt a motion, if it wishes, expressing either its confidence or lack of confidence in any of its officers or subordinate boards or committees. Any such motion would simply be a main motion, and would have no effect other than to express the assembly's views concerning the matter. A vote of “no confidence” does not -- as it would in the British Parliament -- remove an officer from office.

**Question 8:
How do you deal with a “friendly amendment”?**

Answer:

On occasion, while a motion is being debated, someone will get up and offer what he or she terms a “friendly amendment” to the motion, the maker of the original motion will “accept” the amendment, and the chair will treat the motion as amended. This is wrong. Once a motion