

TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Public Hearing #1454 - Regular Meeting May 24, 2005

TOWN OF EAST WINDSOR  
Planning and Zoning Commission

Public Hearing #1454  
May 24, 2005

Draft Document - Subject to Commission Approval

The meeting was called to order at 7:31 P. M. by Vice Chairman Filipone in the Meeting Room of the Town Hall, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Filipone, Gowdy, Rodrigue and Saunders) and three Alternate Members (Kehoe, Ouellette, and Tyler - arrived at 7:34 P. M.) were present. Regular Member Guiliano was absent. Vice Chairman Filipone noted Alternate Commissioner Ouellette will sit in on any new hearings/applications this evening. Also present was Town Planner Whitten.

ADDED AGENDA ITEMS: None.

RECEIPTS OF APPLICATIONS:

- 1) Application of Edward Howell, Warehouse Point Fire District for a Temporary Liquor Permit for annual carnival July 21-23, 2005, at 89 Bridge Street. [B-1 Zone; Map 1, Block 12, Lot 2].

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer Thursday, May 12, 2005, and Thursday, May 19, 2005, was read by Secretary Saunders:

- 1 Application of Housing, LTD LLD for a 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14].
2. Application of Housing, LTD LLC for Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot

Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14].

LEGAL NOTICE (continued):

3. Application of Paul Guarino for a 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52].

OLD BUSINESS: Zuvic Associates - Site Plan Approval to install access road and contractor's storage yard for the stockpiling of gravel and soil for property located on the west side of Wapping Road, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32] (Deadline for decision 6/16/05):

Vice Chairman Filipone read the description of business. Appearing to discuss this Application was Attorney Wayne Gerlt, representing the Applicant, and Tomec Grajewski, the engineer.

Vice Chairman Filipone noted the Commission's receipt of memo dated 5/9/2005 from Attorney Gerlt summarizing the presentation of the Application, the contention that public objections via written correspondence is inappropriate for a site plan application, and denial of the Commission's request that they operate only 15 trucks per day. Vice Chairman Filipone suggested he disagreed with a couple of comments made in the Applicant's memo. He noted Attorney Gerlt had made a comparison to a property on Rye Street with public access through a residential area as being similar; he suggested it is but yet not. The property on Rye Street was a pre-existing building and there was no other possible access, and the road existed already, and it was a regular business with utilities, etc. Attorney Gerlt suggested his comments were well taken; it was an existing business that was expanded.

Vice Chairman Filipone then referenced the letter from Botticello regarding use of the driveway, but no timeframe was mentioned. Town Planner Whitten suggested there is no timeframe on this type of application. Vice Chairman Filipone indicated the letter was general; is that all the Commission needs? Town Planner Whitten suggested that's all the Commission has. Attorney Gerlt indicated there is no intention on the part of Mr. Botticello to revoke use of the road. Vice Chairman Filipone suggested if it's revoked the Applicant is out of business. Attorney Gerlt replied affirmatively.

Commissioner Rodrigue questioned the hours and days of operation; it was tied to the number of loads. Attorney Gerlt suggested they have no objection to that. Vice Chairman Filipone questioned that the Commission had approved Saturday hours for any other applications? Attorney Gerlt suggested the Charbonneau operation can do alternate Saturdays but he needs permission to do it. Town Planner Whitten recalled that the Applicant had agreed to 5 days per week.

Commissioner Gowdy turned discussion to the pipeline, he questioned that it was installed with Federal and State money. Attorney Gerlt indicated he didn't know. Commissioner Gowdy indicated it's hard for him to understand the lack of information. Mr. Grajewski indicated

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they wanted them to tell them the depth at the markers; they don't have that information. Commissioner Gowdy felt that was the biggest thing stopping the Applicant from putting a road in there. Mr. Grajewski suggested they followed this option for 8 to 9 months with the Department of Transportation (DOT) Rail Division from New Haven, then they went to Mr. Botticello. Commissioner Gowdy questioned that they couldn't use the access along the railroad because they didn't know how deep the pipeline was. Mr. Grajewski felt they didn't know the impact of driving in close proximity if the depth wasn't known; that and other information. He suggested they realized after many months there was more and more opposition. Commissioner Gowdy questioned that if they don't know how deep and they are concerned with through traffic and they have a multi-ton railroad going next to it - something doesn't seem right. Mr. Grajewski felt it was the sequence of the installation, first the railroad, then the pipeline going in next to the tracks. Commissioner Gowdy suggested it didn't seem right; Attorney Gerlt suggested they didn't disagree. As an example of DOT's attitude Mr. Grajewski noted they put in concrete blocks at the end to prevent anyone from getting in there.

Commissioner Gowdy questioned that the site will have no lights? Mr. Grajewski replied negatively. Commissioner Gowdy questioned if the truckers need to go to the bathroom? Mr. Grajewski suggested maybe disposable toilets. Commissioner Gowdy questioned what happens if there is an emergency and someone needs utilities - electricity, or water, etc.? Mr. Grajewski suggested it's intended to be a contractor's yard; most of those people should be able to communicate with their main office.

Vice Chairman Filipone returned discussion to the railroad right-of-way; he suggested he didn't think they had exhausted that possibility yet; that would be the best access. Attorney Gerlt suggested they don't have the legal right; they need their permission. He felt that at some time there was a license paid monthly, and someone gave that up. He suggested the owner in 1875 gave up the right to pass; the only way to use that access is with their permission and with whatever conditions they want to put on it. Commissioner Gowdy suggested that if they owned it it couldn't have been landlocked; there has to be some legal way to get in there. Attorney Gerlt suggested they haven't been able to establish that.

Vice Chairman Filipone suggested he had a concern with no utilities at the site; the Commission would require a construction shed and utilities of other similar businesses. He also has concerns that the road isn't wider if they have an emergency; this is really talking about a shared driveway between two pieces of property and the Commission doesn't even allow shared driveways in subdivisions.

OLD BUSINESS: Zuvic Associates - Site Plan Approval to install access road and contractor's storage yard for the stockpiling of gravel and soil for property located on the west side of

Wapping Road, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32] (Deadline for decision 6/16/05) (continued):

Vice Chairman Filipone questioned what was the extent of discussion with the Applicant; what was required? Town Planner Whitten suggested they met many times, and the Applicant said they didn't want to develop the site beyond this proposal. She told them they need to meet regulations requirements, and they discussed what waivers they were asking for. Vice Chairman Filipone suggested they are not asking for any waivers specifically; Town Planner Whitten concurred.

Attorney Gerlt suggested they don't have a right to use the railroad right-of-way; they have pursued that for 9 months. The previous owner paid to use the access, which gives a history of owning the property; there is some history of passage. He suggested this road has been there since the 1960s and many have used it; none of the uses were residential and none of those problems arose.

Vice Chairman Filipone suggested that with regard to the utilities, they are required, and if the Commission approves this application without them it sets a precedent for others coming in. Attorney Gerlt suggested the regulations required that the utilities be shown, and there aren't any to show.

Commissioner Ouellette noted he understood this proposal is a permitted use in this zone, but he is not comfortable with the number of trucks; it's a big unknown for him. Attorney Gerlt suggested that doesn't mean you can't put a limit on the number of trucks. Commissioner Gowdy noted they are not agreeing to the number proposed. Attorney Gerlt suggested they can't tell you you can't put a number on the application.

Commissioner Ouellette questioned that the Applicant wasn't showing a waiver for parking? Attorney Gerlt suggested they would ask for no parking area; it's a paved road and the distance from the road, and there is not a density of employees or trucks. This won't be used full time; it's an auxiliary yard. Commissioner Ouellette questioned if they need a waiver, or could that be a staff decision? Attorney Gerlt suggested they worked with the planner and they did everything they were asked to do. Vice Chairman Filipone suggested Town Planner Whitten can advise them. Commissioner Rodrigue suggested if this was a gravel pit like some approved in the past there was an apron or an anti-tracking pad but the Commission has never asked for a building; maybe they had a shed for loaders, etc. He felt this falls in the same category; it's not a manned pit. You can see the shed is for equipment storage; it would be nice to ask for paving but what are you gaining? Commissioner Saunders agreed; the Commission has the ability to put conditions on the operation regarding the operating hours. In this area it's something that can work; he didn't see that this site demands a water hook up,

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etc. Vice Chairman Filipone suggested those things need to be added to the conditions, Commissioners need to advise him what they prefer.

Commissioner Gowdy said they agreed to 5 days/week but the memo presented to the Commission now says they don't want to agree to that requirement. Commissioner Saunders suggested he doesn't know if 15 trucks is reasonable. Commissioner Gowdy suggested 15 trucks is 30 trips/day. There is a concern with truck usage for the operation vs. the construction phase. Commissioner Saunders suggested they are taking a big risk with no right-of-way. Vice Chairman Filipone suggested operating hours of 8:00 A. M. to 5:00 P. M. Monday through Friday. Commissioner Gowdy preferred 15 loads/day. Commissioner Rodrigue suggested at the last meeting hours of operation from 7:00 A. M. to 5:00 P. M. were discussed. Town Planner Whitten recalled that they agreed to Monday to Friday, 7:00 A. M. to 5:00 P. M., no Saturdays or Sundays, and they discussed 15 trips/day. Vice Chairman Filipone suggested there should be no operation on Saturdays, Sundays, or holidays. Commissioner Gowdy noted 15 trips is 30 going in and out in front of someone's house; if they work on an 8 hour day that's one truck every half hour. Commissioner Saunders felt he didn't see that site being used that extensively. Commissioner Gowdy suggested you don't know that; it's conjecture on their part. Attorney Gerlt suggested they were both right; on any given day they may need 30 trips, on another day they might need more. Commissioner Gowdy suggested he would like to see 15 trucks/day; he thought that was what the Applicant had agreed to and now you are asking for 30. Attorney Gerlt replied affirmatively. Commissioner Gowdy suggested that's 60 trips. He stated he is in favor of 15 trips. Commissioner Saunders felt that 15 trips may be too low. Town Planner Whitten questioned if the 30 trips a day is what they need during construction? Vice Chairman Filipone and Commissioner Rodrigue suggested they were really looking for a number of trucks during operation. Town Planner Whitten recalled that during operation they had discussed 15 trucks. Commissioner Gowdy questioned what they anticipate as a timeframe for construction? Mr. Grajewski suggested maybe 6 weeks, and it really depends on who can provide that many concrete blocks. Commissioner Gowdy questioned that for the first 6 weeks there could be many, many trucks? Mr. Grajewski replied affirmatively. Commissioner Gowdy suggested that once operation starts it's 15, or whatever number we agree on; 15 round trips. Attorney Gerlt suggested they would ask for weekly trips. Commissioner Gowdy suggested he understands but you have people living there. Attorney Gerlt suggested most of the trucks would be coming from South Windsor. Commissioner Rodrigue felt 15 trucks is minimal but 30 is too much, somewhere in between. Commissioner Saunders suggested 20; Commissioner Rodrigue concurred with 20; Commissioner Gowdy suggested 15; Commissioner Ouellette suggested he was not comfortable with any number.

**OLD BUSINESS:** Zuvic Associates - Site Plan Approval to install access road and contractor's storage yard for the stockpiling of gravel and soil for property located on the west side of Wapping Road, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32] (Deadline for decision 6/16/05) (continued):

Town Planner Whitten indicated she had discussed traveling over the NORCAP road with David McKegan of DOT; he said as long as they are not using the landfill, or disturbing the cap, use of

the access road wouldn't be a problem. He just wants a copy of the approval motion, and he also wants the gate locked unless a truck is entering or leaving.

Vice Chairman Filipone requested a motion with regard to the number of trucks to be allowed during operation.

MOTION: To LIMIT THE NUMBER OF TRIPS PER DAY TO 15 DURING OPERATION OF ZUVIC ASSOCIATES FOR A CONTRACTOR'S STORAGE YARD FOR THE STOCKPILING OF GRAVEL AND SOIL FOR PROPERTY LOCATED ON THE WEST SIDE OF WAPPING ROAD, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32].

Gowdy moved/Saunders seconded/

VOTE:	In Favor:	Filipone/Gowdy/Rodrigue/Saunders
	Opposed:	Ouellette
	Abstained:	No one

Commissioner Gowdy also wants to be sure staff, or Commission members, can inspect the site and operation. Attorney Gerlt suggested they have no problem with that requirement. Commissioner Gowdy requested that requirement become a condition of approval.

MOTION TO APPROVE the application of Zuvic Associates for Site Plan Amendment Approval for a contractors storage yard with access through the NORCAP facility on property owned by Scott Mitchell and Mitchell Property Group, as shown on Assessor's Map 41, Block 65, Lot 32. M1 Zone. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

- Site Plan showing property of Mitchell Property Group, LLC & Scott W. Mitchell, Et. Al. I, located on the east side of N.Y. N.H. & Hartford Railroad, Lot No 32, Wapping Road, East Windsor CT, prepared by Zuvic Associates, Inc. , 1722 Bartholomew Rd., Middletown CT 860/345-8357, scale 1" = 40', prepared September 21, 2004 sheet 1
- Sheet 2, , dated November 4, 2004, scale 1"=40'
- Miscellaneous Details, prepared November 4, 2004
- Access to Rear Lot #32, dated October 13, 2004, scale 1" = 100'

OLD BUSINESS: Zuvic Associates - Site Plan Approval to install access road and contractor's storage yard for the stockpiling of gravel and soil for property located on the west side of Wapping Road, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32] (Deadline for decision 6/16/05) (continued):

-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 prints and one set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Sets shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
5. A zoning permit will not be issued until such time as the boundary line adjustment with new deeds has been filed on the land records. A copy of the recorded deed shall be submitted to the Planning Office for their records.

Conditions which must be met prior to certificates of compliance:

6. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
7. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
8. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

OLD BUSINESS: Zuvic Associates - Site Plan Approval to install access road and contractor's storage yard for the stockpiling of gravel and soil for property located on the west side of Wapping Road, owned by Mitchell Property Group & Scott Mitchell. [M-1 Zone; Map 41, Block 65, Lot 32] (Deadline for decision 6/16/05) (continued):

General Conditions:

9. In accordance with Section 13.5.4 of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings 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.
10. A Zoning Permit shall be obtained prior to the commencement of any site work.
11. 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.
12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff, or the Commission members, to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
15. An access agreement must be filed on the town land records prior to obtaining a zoning permit.
16. Hours of operation to be Monday through Friday, 7:00 A. M. to 5:00 P. M., no Saturdays, Sundays, or Holidays.
17. Limit of 15 trucks per day.
18. Site to be cleaned of debris before issuance of Zoning Permit.

Saunders moved/Rodrigue seconded/

VOTE: In Favor: Gowdy/Rodrigue/Saunders  
Opposed: Filipone/Ouellette  
Abstained: No one

Vice Chairman Filipone noted the Commission had received a clarification that no hazardous waste would be permitted; Town Planner Whitten concurred.

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the

intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05):

Vice Chairman Filipone read the Hearing descriptions. Appearing to discuss these Applications was Attorney Capossela, representing the Applicant; Attorney Antoinette Webster; Jay Ussery, and Tim Koons, of J. R. Russo & Associates. Attorney Capossela concurred that both Applications could be heard during the same presentation.

Attorney Capossela noted that they made a full presentation two weeks ago. With regard to the resubdivision into two lots - 18 acres on the east side and the remainder of 117 acres, 89 of which would be deeded as a Conservation area. He hoped the Conservation Easement would satisfy the Open Space requirement for everything, although he agreed he may be reaching to see it approved for 18 acres being retained for future development. Vice Chairman Filipone questioned the easement for the sewer? Attorney Capossela indicated that would be on the other piece. Attorney Capossela referenced Town Planner Whitten's proposals for satisfying the Open Space requirement, he suggested option "c" is ok - Open Space would be the Conservation Easement as proposed.

Attorney Capossela again referenced Town Planner Whitten's memo with regard to staff comments; he noted they discussed item one - the need for cul-de-sacs large enough for fire trucks to maneuver - at the previous meeting. Vice Chairman Filipone noted receipt of letter dated 5/24/2005 faxed from Warehouse Point Fire Marshal Clynch; he READ SAME FOR THE RECORD. The addition of a fire hydrant at the end of the cul-de-sacs is his only concern. Mr. Koons concurred that they will be putting one at the end of Chickadee Court.

Attorney Capossela returned to review of Town Planner Whitten's recommendations. He noted they will provide a Sewer Easement, at no compensation to the Applicant, and the Conservation Easement allows for the Sewer Easement. He noted they are requesting a waiver for installation of sidewalks. Mr. Koons noted that at the last meeting there was discussion of the possibility of connecting the loop with a sidewalk or walking trail; they are proposing to connect partridge Circle, unit 2 and 56, with a stone dust walking trail. He also noted there was discussion of connecting Chickadee Court with Blue Heron Lane; he noted there is a farm road there already. Attorney Capossela indicated there was discussion of connecting Phase IV; Commission members questioned if that could be done along Newberry Road but they didn't want to do that as there are wetlands along Newberry Road and they don't feel it's a good thing to do. The alternative is that there is an old farm road that's partially overgrown. Mr. Koons suggested it might require minimum trimming to keep it open. Attorney Capossela suggested the Commission needs to add a condition to clear out and maintain this area. He questioned the need to return to the Wetlands

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the

intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

Commission for these changes; don't make him do something he can't do. Vice Chairman Filipone questioned that the path is about 500' long; Mr. Koons concurred.

Mr. Koons noted the post office wanted individual mailboxes at each unit, not a bank of boxes. Each house/unit will have an individual mailbox at the edge of the street. He noted there had been discussion at the previous meeting about the mailboxes and trash, he spoke with Jim Donnelley of Waste Management who handles trash removal for East Windsor. He said it wouldn't be a problem with the trucks going down the shared driveways as they are 20' in width and are built to the same standards as a roadway. He suggested in some areas the driver may prefer to back up from the street if the area is tight, but there shouldn't be a problem with people bringing the trash out. Vice Chairman Filipone questioned if there would be five mailboxes in a row or would each person have their own? Attorney Capossela suggested he didn't have an answer for that; he felt that someone doing the project would want to put them all in the same manner so it looks good but they don't have plans for that as yet. Vice Chairman Filipone suggested he is concerned with aesthetics; Attorney Capossela suggested he should stipulate his preference. Vice Chairman Filipone suggested he would leave that as a staff issue.

Attorney Capossela then referenced the notes regarding the airport and the trolley line; he questioned how the trolley line got in there? Vice Chairman Filipone questioned if it was close to the edge of the project; Commissioner Gowdy didn't feel it was a problem. Attorney Capossela felt the issue was the airport. Vice Chairman Filipone and Commissioner Gowdy felt the proximity of the trolley line could be left off the notes.

Returning to review of staff comments Attorney Capossela referenced Town Planner Whitten's note that the Commission needs to decide if the 50% open space requirement has been met by the 75% Conservation Easement, and if the remaining lot will be exempt from future open space requirements? Attorney Capossela suggested they are taking the remaining lot off the table. With regard to the comment that the Applicant must speak with the Connecticut State Traffic Commission to determine if any additional permits are required, Attorney Capossela suggested they will get whatever permits are required.

Town Planner Whitten noted she didn't list the description of the elevations and colors. Attorney Capossela indicated that the architect is from out of town and his wife is ill; he delivered the plans to Attorney Capossela for review by the Commission. Commissioner Gowdy questioned if the plans being reviewed depict the actual color scheme? Attorney Capossela didn't think so. He suggested the two bedroom units with garages contain 1400 to 1600 square feet, with screened in

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the

intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

porches; some have basements, some are walkout. Vice Chairman Filipone questioned if boats, motor homes, etc. would be allowed to be stored in the driveways? Attorney Webster suggested that would be outlined in the condominium documents; generally it's not permitted. Town Planner Whitten noted it's not permitted. Vice Chairman Filipone questioned storage of unregistered vehicles? Town Planner Whitten suggested that's not permitted. Attorney Capossela didn't feel there was any accessory land to put something.

Vice Chairman Filipone questioned what was being considered as the fee-in-lieu-of Open Space? Attorney Capossela suggested they are talking about subdivision of two lots; they want to propose a fee for two lots. Town Planner Whitten suggested the Commission needs to decide if they want to accept the Open Space, or want a fee-in-lieu. Attorney Capossela didn't feel the Commission can impose a fee unless the Applicant proposes one. He felt they are giving a lot of Open Space with the Conservation Easement. Commissioner Gowdy felt the sewer easement is being offered also. Attorney Capossela felt the fee-in-lieu-of Open Space would be inappropriate. Commissioner Saunders felt the sewer easement satisfies the issue.

Vice Chairman Filipone queried the audience for comments on the Application for resubdivision; no one requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of LTP Realty, Inc. c/o Joseph P. Capossela, Esq. for a 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] .

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

Vice Chairman Filipone queried the audience for comments on the Public Hearing for the Special Use Permit; no one requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of LTP Realty, Inc. c/o Joseph P. Capossela, Esq. for a Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21].

Saunders moved/Rodrigue seconded/VOTE: In Favor: Unanimous

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the

intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

MOTION TO APPROVE the application of LTP Realty, Inc. c/o Joseph P. Capossela, Esq. for a 2 lot re-subdivision of property located on the north side of Newberry Road, at the intersection of Winkler Road. [Map 15, Block 17, Lots 19, 20, 21, Zone A-1]. This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

Referenced Plans:

“Resubdivision Plan”, Newberry Village, Newberry Road & Winkler Road, East Windsor CT, Map 15, Block 17, Lot 19, 20 & 21, Zone A-1, owner/applicant LTP Realty Inc., P.O. Box 2275, Marco Island, FL 34146, prepared by J.R. Russo and Associates, 1 Shoham Road, Eat Windsor, CT 06088, 860/623-0569 phone, 860/623-2485 fax, sheet 3 of 25, scale 1” = 200’ dated 5/1/03 last revised 3/10/05.

Conditions which must be met prior to signing of mylars:

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

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

4. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, Sheet 3 of 25, shall be filed with the Town Clerk by the applicant no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed or this approval shall be considered null and void, unless an extension is granted by the Commission. One set of mylars, sheets 3 of 25 shall be filed in the Planning and Zoning Department.

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

5. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.

Conditions which must be met prior to certificates of compliance:

6. Iron pins must be in place at all lot corners and angle points.

7. Final Health District approval of the drinking water supply must be demonstrated.

8. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.

9. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.

10. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted.

11. 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 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:

12. This subdivision approval shall expire (five years from the date of approval). Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended

from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.

13. A Zoning Permit shall be obtained prior to any the commencement of any site work.

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

14.This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.

15.Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.

16.Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.

17.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.

18.Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released

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

MOTION: To APPROVE as a conservation easement as proposed for the 2 lot re-subdivision referenced as LTP Realty, Inc. at Newberry and Winkler Roads.

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

MOTION TO APPROVE the application of Newberry Village East Windsor, LLC. for a special permit and site plan to allow a 92 unit active adult housing development and the associated improvements, on a total parcel of 117.45 acres located on the northwest corner of Newberry Road and Winkler Road, East Windsor, Connecticut, on property owned by LTP Realty Inc., presently zoned A-1 as shown on Assessors' Map 15, Block 17, Lot 19, 20, 21. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

Referenced Plans:

“Cover Sheet –Newberry Village, An Active Adult Housing Community, Newberry Road & Winkler Road, East Windsor, Connecticut, Re-subdivision/Special Permit Application. Prepared for LTP Realty Inc., P.O. Box 2275, Marco Island, FL 34146, prepared by J.R. Russo and Associates, 1 Shoham Rod., East Windsor CT 06088, 860/623-0569, Fax: 860/623-2485, Location Map scale 1” = 400’ Maps dated 5-1-03

Including Sheets last revised 3/10/05:

- 2/25 Key Map” scale: 1”= 200’, dated 05-31-01,
- 3/25 Re-subdivision Plan, scale 1” = 200’,
- 4/25 Resource Area Map, no scale
- 5-9/25 Topographic Plan, scale 1” = 40’
- 10/25 Plan & Profile, Pine Circle, Sta. 10 + 00 – 19+00, scale 1” = 40’
- 11/25 Plan & Profile, Pine Circle, Sta. 19 + 00 – 28+00, scale 1” = 40’
- 12/25 Plan & Profile, Pine Circle, Sta. 28 + 00 – 37+00, scale 1” = 40’
- 13/25 Plan & Profile, Pine Circle, Sta. 37 + 00 – 42+22, scale 1” = 40’
- 14/25 Plan & Profile, Hemlock Court, Sta. 50 + 00 – 54+64, scale 1” = 40’
- 15/25 Plan & Profile, Cedar Lane, Sta. 60 + 00 – 64+53, scale 1” = 40’
- 16-18/25 Landscape/Mitigation Plan, scale 1” = 60’
- 19/25 Landscape/Mitigation Plan Notes, scale 1” = 60’
- 20/25 Soil Erosion & Sediment Control Notes, scale As Noted
- 21-24/25 Detail Sheet, scale As Noted
- 25/25 Typical Unit Landscape Detail

Conditions that must be met prior to signing of mylars:

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylar copies for signing by the Commission.
2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.)
3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor’s Office.

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

4. 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 mylars.

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

5. The applicant and/or developer shall schedule and attend a pre-construction meeting with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.

6. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission.

7. One copy of the final site plan shall be filed on the land records along with the condo documents.

8. A Zoning Permit for site work must be applied for and approved prior to the start of construction. Three sets of the final approved plans shall be submitted at this time.

9. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.

10. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. (Side bond must be in place before any permits will be issued). Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void.

11. A bond, suitable to the Town, shall be submitted for all site improvements (road & drainage). The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)

12. A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.

13. A Zoning Permit is required for each building.

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

14. Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that

minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.

15. Additional requirements and procedures may be implemented by the Town Planner.

Conditions that must be met prior to the issuance of any Certificates of Occupancy:

16. Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.

17. Site improvements must be completed up-to and around the individual unit at the time of CO.

18. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.

19. Additional bonding may be required by the Planning Department.

20. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records.

21. All inspection fees must be paid.

Conditions which that be met prior to the issuance of any certificates of compliance:

22. Iron pins must be in place at all lot corners and angle points.

23. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.

24. A final as-built mylar of the entire project shall be submitted and signed by the Commission.

25. 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 been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

26. This special permit/site plan approval shall expire five years from date of approval. Failure to complete all required improvements within that time shall invalidate the approval. The developer

CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - 2-lot resubdivision of property located on the north side of Newberry Road at the intersection of Winkler Road. [A-1 Zone, Map 15, Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05), AND, CONTINUED HEARINGS: LTP Realty, Inc. c/o Joseph P. Capossela, Esq. - Special Use Permit for active adult housing to be located on the north side of Newberry Road at the intersection of Winkler Road (Newberry Village). [A-1 Zone; Map 15 Block 17, Lots 19, 20 & 21] (Deadline to close hearing 6/14/05) (continued):

General Conditions (continued):

may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.

27. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

28. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.

29. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.

30. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.

31. 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.

32. The plans revised to 03-08-02 need to be approved by the Town Planner and Town Engineer in regards to the previous staff comments.

33. Fire hydrants to be placed at end of Chickadee Court.

34. Walking path to be maintained and cleared of debris and brush and subject to any additional approvals.

35. Mailboxes will be worked out with staff.

36. Notes must be placed on plans and condominium documents that the project is in close proximity to an airport.

37. There will be a connection between buildings 2 and 56 with stone dust path.

38. Use of existing farm road will be used as a connection between Chickadee Court and Blue Heron Lane.

Saunders moved/Rodrigue seconded/VOTE: In Favor: Unanimous

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:45 P. M. and RECONVENED at 8:52 P. M.

NEW HEARINGS: Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); AND, NEW HEARINGS: Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05):

Vice Chairman Filipone read the Hearing description. Appearing to discuss this Application was Jay Ussery, representing East Windsor Housing, and John Reveruzzi, a principal.

Mr. Ussery reported they have a Subdivision and an Application for Site Plan Approval for Active Adult Housing (AAH) and a Special Use Permit for AAH. He described the property as being on the north side of Depot Street; he suggested page 2 of the plan set is the key set with regard to location. This site is east of the existing Hillside Farms (shown on the plan set as Lot 16) which is an AAH community which they are finishing now. This parcel is just over 28 acres; they are proposing a 10 lot subdivision. Lots 1 - 9 would be single family residential lots; Lot 10 would be 14 acres of AAH which would be a common interest community containing 44 detached units. Mr. Ussery gave a description of surrounding properties on Depot Street. The site will be served by sanitary sewers, water, and gas which will enter through Depot Street, except for the sewer. The sewer comes in through the existing Hillside Farms community; when they laid out the sewer they left a stub at the northwest corner of Lot 16 for future development as recommended by Town staff. Mr. Ussery noted they went back to the Water Pollution Control Authority (WPCA) with regard to using a private sewer main to serve a common interest community and Town road; staff at the WPCA spoke with a staff attorney who didn't feel there was an issue; this use would not require an easement, although one was offered. He indicated they are working out the technicalities with Town Planner Whitten.

Mr. Ussery indicated that with regard to storm drainage this is a site which has been in agricultural use for a number of years, an existing tree line runs along the property line. Currently a small part of the site drains to the east, the watercourse drains to the east and flows to the north under the railroad and into the mill pond in Broad Brook. Another part flows into Hillside Farms and comes through Mill Pond Village and into the mill pond. Another part drains off site and is undermining the railroad and then flows into the mill pond. Water from the field to Hillside Farms will be picked up by a wide grassline swale around the site, which also picks up the area eroding under the railroad; all this goes into a water quality swale which eventually goes into the mill pond. Runoff will be less after development. They are not using a detention basin, but will have a grassline/water quality swale to hold the first 1" of rain fall across the entire site. There will be maintenance easements in favor of the Town of East Windsor.

Mr. Ussery referenced memo from Town Planner Whitten which notes that 50% Open Space is required of an AAH project. Mr. Ussery indicated they are not proposing any Open Space on the

**NEW HEARINGS:** Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); **AND, NEW HEARINGS:** Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05) (continued):

9 lot subdivision. Under a common interest community the density factor allows 5 units per acre, on the 14 acre site they could build 70 units. Mr. Ussery felt that Town Planner Whitten felt the Open Space should be something that provides passive recreation, however, they are building 44 units, and allowing landscaping and green space between units in a development

similar to Hillside Farms. Mr. Ussery then read an excerpt from Section 5.1.17.17 - Open Space; he noted he can understand how Town Planner Whitten can feel that the spirit of the regulation might be different. Mr. Ussery referenced the layout plan, sheet 5 and 6, to illustrate his comments. Mr. Ussery noted that when Mr. Reveruzzi came in with his plan he had a specific number of units in mind; they are proposing more than that number but could actually probably come in with another 2 to 3 units. If the Commission wanted to see something more for Open Space they probably could eliminate a unit here and there and provide a gazebo or gardens, etc.

Vice Chairman Filipone questioned the acreage for the common interest community units? Mr. Ussery noted the parcel contains 14.31 acres, the proposal will utilize 30% impervious coverage and 70% greenspace.

Mr. Ussery indicated that Town Engineer Norton has reviewed the plans; they are presently working out the technicalities with him. This proposal is still before the Inland/Wetlands Commission; some members wanted to walk the site before voting.

Commissioner Ouellette questioned if the existing vegetation line on the east side of Farms Road will remain? Mr. Ussery replied affirmatively, noting the tree line is pretty much along the property line.

Commissioner Gowdy requested clarification that some units are 30' apart in back and 25' apart on the side? Mr. Ussery replied affirmatively. Commissioner Gowdy questioned what the distance was in front? Mr. Ussery replied the minimum is 25'. He noted three units are further apart than those in Hillside Farms. Commissioner Gowdy suggested the units are close in Hillside Farms. Mr. Ussery noted it's a common interest community; there are no lot lines.

Mr. Ussery noted the landscaping plan includes street trees, foundation plantings, and screening plantings between the homes. He described the species of various plantings. There will be site lighting on Farms Road and Meadow Road; they will be 15' poles with lantern style lights; the locations are shown on the plans. Mr. Ussery noted they have not yet shown sight lines on the plans. There will be a 4-way intersection with Skinner Road. Looking back to the 3-way stop at Perri Lane you can see to Perri Lane, then you lose the sight line as the road goes down 350'; to

**NEW HEARINGS:** Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); **AND, NEW HEARINGS:** Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05) (continued):

the west you can see all the way down to the German Club, approximately 500'. Mr. Ussery didn't feel there were any issues with the sight lines; he also noted the speed limit in the proximity of the project is 35 miles per hour. The architectural style is the same as in Hillside Farms, single story ranch units, which contain a master bedroom suite, walk-in closet, master

bath, laundry room, a second bedroom, washer & dryer, living room, dining room, kitchen, two car garage and deck off the rear. An option with the ranch style unit is an area in the garage which could be an increased area for the kitchen. The two bedroom units contain 1,392 square feet, and have full basements. The townhouse unit is a two story unit with a smaller footprint, and is an optional plan; it consists of one master bedroom suite and bath, washer and dryer, kitchen, living room, and dining room, and 2 car garage; all have decks or patios off the back. The first floor contains 900 square feet; the second floor contains 2 more bedrooms, which some people use as an office or den, a vaulted ceiling and balcony above the living room. There is additional storage space in the attic. The second floor contains 630 square feet. All units have divided-light windows, vinyl siding, architectural roofing shingles, and pressure treated wooden decks. Some units at Hillside Farms have one car garages.

Mr. Ussery noted they are requesting the following waivers with the subdivision:

- 1) use of cape cod bituminous curbing rather than granite curbing, which is cost prohibitive.
- 2) to eliminate the curbing along Depot Street as there are no other curbs along Depot Street.
- 3) a waiver of the maximum cul-de-sac length of 800' as Farms Road would become a Town road; they are requesting the waiver to allow an extension which is consistent with other subdivision approvals. They feel the cul-de-sac length is a requirement for emergency vehicles; they have another road, Meadow Road, which would be another access. Farms Road is also being built to a 25' wide standard. Meadow Road and Field Circle are 24' wide bituminous, and have city water; they are proposing to install fire hydrants. Mr. Ussery noted the Fire Marshal has not yet commented on these plans; they also need a memo from the WPCA and some correspondence from the water company.

Mr. Ussery noted the AAH Regulations require a specific number of parking spaces; they have laid out the development to provide a minimum of 4 parking spaces within the driveways, etc. Mail delivery would be the same as Hillside Farms, which are individual boxes out on a post. Mr. Reveruzzi noted they provide a standard post. Mr. Ussery noted trash will be individual pick up for each unit at the curb. Commissioner Rodrigue noted that one side is comprised of residential

NEW HEARINGS: Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); AND, NEW HEARINGS: Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05) (continued):

homes with kids and families, and the other side is the AAH units, but noted they would be using the same road for trash removal; he questioned how that was defined? Mr. Ussery suggested the Town of East Windsor picks up trash at no cost to the residents; this would be the same as Hillside Farms.

Mr. Ussery suggested they are looking for the Commission's feedback with regard to the Open space; he questioned if the Commission wants to see sketches for a gazebo? Commissioner Gowdy questioned where they would put the gazebo? Mr. Ussery suggested they would eliminate some of the units. Vice Chairman Filipone suggested the plan looks like a subdivision but it's called AAH, which allows more units.

Commissioner Gowdy questioned if the walking path had been installed for Hillside Farms? Mr. Ussery replied affirmatively, noting it's a stone dust path. Town Planner Whitten questioned if that path could be connected to this subdivision? Mr. Reveruzzi suggested they are exploring that.

Vice Chairman Filipone suggested the Open Space appears to be there but it turns out to be people's back yards. Mr. Ussery noted the buildings could be closer than they are proposing, and they are creating a development with the same number of buildings, and they are creating an area of Open space. He noted that Hillside Farms meets the regulations but personally he felt they were too close together; this development is spaced out more and yet you get the number of units desired. It is in excess of the minimum requirements but he understands what Town Planner Whitten is saying in her memo.

Town Planner Whitten noted that section 5.1.17.16 indicates you can't exceed 50% impervious coverage, while section 5.1.17.17 cites a minimum requirement of 50% open space. She suggested they are two separate parts of the regulations but she felt you are combining them. She cited the Commission just reviewed Newberry Village, and she doesn't know how these are different. She felt that Hillside wasn't developed with that mass of 50% open space. Vice Chairman Filipone suggested he didn't think Hillside Farms was what the Commission had in mind when they made the regulations, although it may meet the regulations. Commissioner Gowdy suggested it's a good concept but the units seem to be so closely packed in; it isn't appealing to him. The houses are nice and it's well laid out and the houses are well built, and you meet the regulations.

**NEW HEARINGS:** Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); **AND, NEW HEARINGS:** Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05) (continued):

Commissioner Tyler felt the back yards were more useable open space than a gazebo at the end of the subdivision. Commissioner Gowdy felt Lot 8 has a very steep back yard; he questioned how

big is the lot, excluding the steep area? Town Planner Whitten suggested it's a large lot but it's also where the water quality basin is located. Mr. Ussery suggested it's 90,000 square feet,

excluding the slopes; it's about 2 acres of flat area. Commissioner Gowdy questioned if it would be one of the single family residential lots? Mr. Ussery replied affirmatively. Commissioner Gowdy questioned how many units would be eliminated if they had to meet the 50% open space requirement? Mr. Ussery suggested if they needed to meet a mass of 50% they would need to give 7 acres. He felt the regulation doesn't work; if you can have 5 units/acre and then need to give 50% open space; the two things don't correlate. Vice Chairman Filipone suggested the number may be wrong but the idea was to allow greater density to make it its own community, but these are just more houses. Commissioner Gowdy questioned taking away Lot 8; it's a good sized lot. Mr. Ussery suggested he would eliminate Lot 9 and incorporate some of Lot 8 to make an area next to the AAH and he could create a walking path and a gazebo, etc. Town Planner Whitten requested a presentation of options for the next meeting. Mr. Reveruzzi indicated that one of the things you see in AAH is the people like the sense of community; they want to be independent in their own living unit but they like the proximity of neighbors. In Hillside Farms they have some elderly women who like having male neighbors next door. If you spread everything out you get away from the concept of AAH. Town Planner Whitten suggested that if you look at the numbers it doesn't work that way. She would like to see something a lot different, not necessarily a mass set aside but she agrees with the Commission; this is a floating sea of houses.

Commissioner Ouellette questioned why the single family houses were chosen as part of this development? Mr. Reveruzzi suggested the reason was to couple the 9 lot subdivision with the AAH but he was concerned with the marketplace. He could have tried to put more units in but he doesn't like to overbuild a site. He prefers to go with fewer units and they then come at a higher price. Mr. Ussery suggested this type of development was the type of mixed use development that Don Poland wanted to see come through. Commissioner Ouellette questioned if it's been done in any surrounding communities? Town Planner Whitten didn't think so. Speaking from the audience Gaeton Letourneau reported that it's been done in Enfield, 3 Taylor Road is backed up to 77 AAH units.

Vice Chairman Filipone queried the audience for comments; no one else requested to speak.

**NEW HEARINGS:** Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05); **AND, NEW HEARINGS:** Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] (Deadline to close hearing 6/28/05) (continued):

**MOTION:** To CONTINUE the Application of Housing, LTD LLC for a 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] until the Commission's regularly scheduled meeting on June 14, 2005 at

7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, Connecticut.

Saunders moved/Rodrigue seconded/VOTE: In Favor: Unanimous

MOTION: To CONTINUE the Application of Housing, LTD LLC for Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14] until the Commission's regularly scheduled meeting on June 14, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, Connecticut.

Saunders moved/Rodrigue seconded/VOTE: In Favor: Unanimous

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 9:54 P. M. and RECONVENED at 10:03 P. M.

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05):

Vice Chairman Filipone read the Hearing description. Appearing to discuss this Application was Marek Kement, of Sanderson & Washburn, and the Applicant, Paul Guarino.

Mr. Kement noted the proposal is for a 3 lot subdivision on the east side of Tromley Road; the parcel contains 6 1/2 acres and is located in an A-1 Zone. Each lot will be approximately 1 acre. They are served by water; they have a letter from the North Central Health District (NCHD) for wells. Town Engineer Norton is in agreement with the proposal. Mr. Kement reported that they originally came in with a 4 lot subdivision - 3 frontage lots and 1 rear lot - but they had problems

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05) (continued):

when going through the Inland/Wetlands Commission, so they are eliminating the rear lot and now are coming through with the 3 lot subdivision. There is an existing house on Lot 1; there will be new houses on Lots 2 and 3. They are asking for a waiver on street lights as they are not proposing any new roads; they are also asking for a waiver on sidewalks as there are no other sidewalks in the area. Mr. Kement reported this is a standard type subdivision. Referencing his plan Mr. Kement noted that the dark green area is a wooded tree line; the light green is the open field. Commissioner Tyler questioned that it appears that property lines appear in the dark green area? Mr. Kement concurred that the lot lines extend to the rear wooded area; the remaining area is noted to not be a building lot.

Commissioner Gowdy questioned that there was no sight line problem? Mr. Kement replied negatively, noting Town Engineer Norton also had that concern but there is no problem.

Commissioner Ouellette questioned if the existing path is used? Mr. Kement noted it's access to the Field trials; although it's overgrown it's apparently heavily used. Commissioner Ouellette questioned if there was vegetation along there? Mr. Kement noted it's all wooded.

Mr. Kement reported they are offering \$2,000 as a fee-in-lieu of Open Space.

Vice Chairman Filipone opened discussion to the audience.

Marie DeSouza, 10 Rice Road: questioned that there would be an empty space near the tree line? Mr. Kement noted they will be retaining it but it will not be used as a building lot. Town Planner Whitten noted it could be sold to another person.

Joanne Maggio, 133 Tromley Road: Could someone buy that farm road to transfer horses? The guy across the street wants to use that property and wants to buy it to take his horses across the street; that should be ok? Town Planner Whitten noted it's zoned A-1, which is geared toward agriculture. Mr. Kement noted it also could be sold to the adjacent property owner. Town Planner Whitten suggested it could be sold to anyone, but it can't be built on.

MOTION: To CLOSE the Public Hearing on the Application of Paul Guarino for a 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52]

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

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05) (continued):

MOTION TO APPROVE WAIVERS in accordance with Section 8-26 of the Connecticut General Statutes and Section 2.15 of the East Windsor Subdivision Regulations for the 4 lot resubdivision for Paul Guarino

1. A waiver of section 6.3 requiring sidewalks as there are no sidewalks in the area.
2. A waiver of Section 6.5 requiring street lights as there are no new roads proposed

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

MOTION TO APPROVE OPEN SPACE as a the fee in lieu of open space in the amount of \$2,000 per lot as proposed for the 3 lot re-subdivision referenced as Subdivision for Paul Guarino at 127 Tromley Road.

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

MOTION TO APPROVE the application of Paul Guarino for a 4-lot re-subdivision on a total parcel of 6.52 acres located on east side of Tromley Road, on property owned by the applicant, presently zoned A-1 as shown on Assessors' Map 29 Block 19 Lot 52. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

Referenced Plans:

Sheet 1 of 2 - Subdivision Plan –prepared for Homes by Guarino, 127 Tromley Road, East Windsor CT, scale 1" = 40', dated February 4, 2004, Zone A-1, prepared by Sanderson & Washburn, P.O. Box 55, 15 Main Street, Tariffville, CT 06081, 860/658-2307, 860/651-7157

Sheet 2 & 2 Site Development Plan, dated Feb. 4, 2004, last rev. April 5, 2005

Conditions that must be met prior to signing of mylars:

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The final mylars shall contain the street numbers assigned by the East Windsor Assessor's Departments and the Map, Block and Lot numbers assigned by the Assessor's Office.
4. Should farming be proposed for the remaining parcel, "right-to-farm" notations should be placed on mylars.

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05) (continued):

5. Lot 4 shall be depicted on plans as a non building lot.
6. Based on the open space option required by the Commission, the applicant, as directed by staff, shall provide the required open space notations to be added to the final mylars to be signed by the Commission.
7. 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 mylars.

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

8. The lots shall comply with the requirements of the North Central District Health Department requirements for on-site septic systems.

9. When conservation and drainage easements exist, the deeds must be approved by the Town and filed on the Land Records prior to any permits being issued. For Conservation Easements, all markers shall be installed in accordance with the easement requirements prior to the issuance of any permits.
10. Conservation Easement markers shall be installed along the actual conservation boundary. Said markers shall be installed every 50 feet on 4" x 4" pressure treated posts, set in concrete (markers are available in the Planning Department)
11. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed mylars, Sheets 1,2,&3, shall be filed with the town clerk by the applicant, no later than 90 days from publication of decision or this approval shall be considered null and void unless an extension is granted by the Commission. One set, sheets 1-7 of 7, shall be filed in the Planning and Zoning Department.
12. A detailed sediment and erosion control plan shall be submitted for each lot at the time of application for Zoning Permits. In addition, a minimum \$1,200 E &S (cash) bond shall be submitted for each lot.
13. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer and the final amount of said bond shall be determined by the Town Engineer. (This bond covers public improvements, not individual lots.)

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05) (continued):

14. A bond, suitable to the Town, shall be submitted for all public improvements. The applicant's engineer shall submit an estimated cost of the public improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer.

Conditions which must be met prior to certificates of compliance:

15. Iron pins must be in place at all lot corners and angle points.
16. Final Health District approval of the drinking water supply must be demonstrated.
17. Each driveway must have a 15' paved apron or a bond for such submitted.
18. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
19. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
20. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
21. 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 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:

22. All deeds for public land and easements shall be submitted at the time the applicant makes application for street acceptance. All deeds shall first be submitted in draft form and approved by the Town Attorney. Final bond release for public improvements shall not be approved until all public improvements are complete, accepted by the Town, and all deeds and maps have been filed on the Land Records.

23. Three copies of a final as-built map, for all public improvements, shall be submitted to the Planning and Zoning Department, along with an application for street acceptance. Once approved by the Town Planner and Town Engineer, and provided that all other requirements are met, the application will be scheduled for acceptance by the Board of Selectmen and Town Meeting. Two mylar copies of the final as-built mapping are required after acceptance. One copy filed in the Planning Department and the other on the Land Records.

24. This subdivision approval shall expire five years from date of approval. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from

NEW HEARINGS: Paul Guarino - 3-lot resubdivision of property located at 127 Tromley Road. [A-1 Zone; Map 29, Block 19, Lot 52] (Deadline to close hearing 6/28/05) (continued):

the Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26c, as amended. The Commission shall require proper bonding be in place prior to the approval of any such extension.

25. A Zoning Permit shall be obtained prior to the commencement of any site work.

26. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

27. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.

28. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

29. 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.

30. Should the property transfer ownership prior to completion of all required work, or before a certificate of completeness is issued, the new owner must [place new bonds in their name, at which time the original bond may be released.

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

NEW BUSINESS: Timothy Richard - Site Plan Approval for landscaping and gardening contractor yard at 46 Newberry Road. [M-1 Zone; Map 15, Block 19, Lot 3]. (Deadline for decision 7/14/05):

Vice Chairman Filipone read the description of this item of business. Appearing to discuss this Application was Timothy Richard, and Gay Richard.

Timothy Richard reported this parcel has been farmed since the family moved there in 1962; there was an issue with the storage containers and cloth tents on the property, which is why he has submitted this Application. He said the tents have been there since September, 2001; he has now moved everything 60' from the building line. Gay Richard suggested the tents didn't appear to be permanent so it didn't enter their mind to be concerned about the street line. Tim Richard reported he has landscape equipment and operates that business from the property, and there is a residence there as well.

Commissioner Gowdy questioned that the situation was non-conforming, and you're trying to make it conforming? Tim Richard replied affirmatively. Town Planner Whitten indicated they had

NEW BUSINESS: Timothy Richard - Site Plan Approval for landscaping and gardening contractor yard at 46 Newberry Road. [M-1 Zone; Map 15, Block 19, Lot 3]. (Deadline for decision 7/14/05)(continued):

complaints about the operation; it's in an industrial zone and they didn't have permission for the landscaping business, but it has been there. Vice Chairman Filipone questioned if they would have customers at the property? Tim Richard indicated they would have a small stand to sell vegetables. Vice Chairman Filipone questioned if someone came in where would they park? Gay Richard reported that the school bus comes in the yard and turns around. Tim Richard reported he has some storage things which will be moved back; that was the biggest complaint. Vice Chairman Filipone questioned that the residence would remain, and the business would be operated out of the residence? Tim Richards replied affirmatively. Commissioner Tyler felt the Applicant was trying to run a farm; it's an A-1 Zone. Town Planner Whitten clarified that the location is within an M-1 Zone, which doesn't allow farming. Commissioner Tyler questioned how long they have farmed? Gay Richard reported it was really a farm before zoning.

Tim Richard submitted a signed/sealed copy of the plan.

MOTION TO APPROVE the application of owner Timothy Richards for Site Plan Approval of a landscaping/contractors storage yard at 46 Newberry Road, East Windsor, Connecticut, on property , presently zoned M-1 as shown on Assessors' Map 15 Block 19 Lot 3. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

- "Site Plan, Property of Susan Niemitz, Christopher Richard, Teresa Richard, Margaret Warren, Deborah Booher, Timothy Richard, Andre Richard, Hope Petersen, 46 Newberry Road, East Windsor, CT. 06088" as prepared by G. F. Richard, LS, scale: 1"=50', dated April 2005, sheet 1 of 1.

- "Detail Sheet", sheet 2 of 2.

-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. Both sets shall be filed in the Planning and Zoning Department.

NEW BUSINESS: Timothy Richard - Site Plan Approval for landscaping and gardening contractor yard at 46 Newberry Road. [M-1 Zone; Map 15, Block 19, Lot 3]. (Deadline for decision 7/14/05)(continued):

4. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

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. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.

NEW BUSINESS: Timothy Richard - Site Plan Approval (continued):

7. 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 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:

8. In accordance with Section 13.5.4 of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings 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.

9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. 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.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

NEW BUSINESS: Timothy Richard - Site Plan Approval for landscaping and gardening contractor yard at 46 Newberry Road. [M-1 Zone; Map 15, Block 19, Lot 3]. (Deadline for decision 7/14/05)(continued):

13. 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
14. Lighting shall be with fixtures not to exceed 12 feet in height, downlit with full cut off.
15. All required landscaping shall be adequately maintained .

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

BUSINESS MEETING/(1) Discussion on cap for Active Adult Housing:

Town Planner Whitten submitted to the Commission a quick study chart of similar regulations for surrounding towns which had regulations online; it's a quick synopsis of the AAH Regulations. She noted that very few towns have a cap on the total number of units; only South Windsor, which lists a cap of 250 units. She indicated that many towns have a cap per project, which keeps the overall density down and doesn't allow AAH developments in agricultural areas, which goes against the grain of the neighborhood. Some towns set a minimum acreage for AAH projects but the average is 8 to 10 acres. Town Planner Whitten referenced the first page of her submission, noting she has made several recommendations to the Commission. She would recommend removing the total cap but set a cap per project.

Commissioner Tyler questioned if there was a consideration to set a lower per acre cap; he feels 8 units/acre is too much. Town Planner Whitten noted East Windsor only allows 5 units per

acre; Commissioner Tyler felt that was still too high. Town Planner Whitten cited Hillside Farms, she suggested that could be 3 units per acre with a density bonus, v. 5 units per acre if 10% of the units are affordable; open space should be set aside or there should be exemplary environmental preservation associated with the project. Town Planner Whitten also noted the open space allocation made with the Newberry Village development.

Commissioner Gowdy questioned what an affordable unit meant? Town Planner Whitten suggested State Statutes set the value at 80% of the median income for the town. The unit must be sold to someone for 80% of the income level, not 80% of the price of the house.

Town Planner Whitten noted that some towns also require a market analysis be provided with the Application; some require density calculations be added to the plan.

Commissioner Rodrigue didn't feel the cap meant anything. Vice Chairman Filipone agreed, but felt the Commission needed something. Commissioner Tyler suggested deleting the cap, go with 3 units per acre, people will do the market analysis before putting money into the project. Commissioner Tyler indicated he liked the density calculations submitted on the plans, and liked

BUSINESS MEETING/(1) Discussion on cap for Active Adult Housing (continued):

the buffer with the waiver option. Vice Chairman Filipone suggested he agreed with Town Planner Whitten's recommendations, all but number four - requiring a market analysis with each application. Town Planner Whitten noted that 3 units per acre is higher than any allowable residential zoning. Vice Chairman Filipone requested a draft amendment.

Vice Chairman Filipone opened discussion to the audience:

Gaeton Latourneau, Enfield: With regard to the inclusion of affordable units, especially with people over 55, if we go down to 3 units per acre they need to put the units closer to make it affordable. He hears people saying AAH is too expensive. With regard to Hillside, they may be close together but they sold quickly.

Cheryl Alaimo: They started at \$189,000 and the highest was \$227,000; it was the reason Hillside sold so quickly. She noted she closed on 37 units in 2 years. The residents love Hillside; they don't feel the units are too close.

Commissioner Saunders felt 3 units per acre was difficult for the developer to make the numbers work. He liked Town Planner Whitten's recommendation to set a cap on the development. Commissioner Gowdy cited 8 acres with 5 units; he questioned how about 10 acres with 5 units? Town Planner Whitten suggested she is looking for direction.

Attorney Mark Barbieri: suggested people are spoiled in East Windsor with regard to density. In Ohio they have millions of units - \$700,000 to \$800,000 homes on less than one quarter acres lots. He felt the older people like the security of being closer but also like the separate units. It's not a subdivision; it's a planned residential development. Density is the only way to keep the price affordable.

Commissioner Gowdy suggested this is the reason he would not like to live in Enfield. With three houses 18' apart you now have three houses burning. Commissioner Saunders felt the first time home buyer would buy the units in Enfield.

Robert Alaimo: Hillside Farms was maxed out. The worse case scenario is 5 units per acre; cutting the price increases the price per unit. The ones that are affordably priced are the ones selling.

Gaeton Latourneau: The price of materials have gone up 20% in a year. He sold a house last year for \$305,000, and would have to sell that same house this year for \$365,00 and would not be making any more money.

Town Planner Whitten questioned the developers for a density number? Gaeton Latourneau suggested every parcel is different. Robert Alaimo suggested half of the town

**BUSINESS MEETING/(1) Discussion on cap for Active Adult Housing (continued):**

has utilities and that's where you need to put these projects; wetlands can take up to 50% of the density.

The Commission decided to delete the total cap for the town; Commissioner Gowdy requested that density be further investigated, with maybe a cap on each project, and that details be provided with regard to affordable units.

Town Planner Whitten noted there are two projects pending that will exceed the cap, and the Commission needs to do a text amendment. Commissioner Gowdy suggested drafting a text amendment to get rid of the cap. Town Planner Whitten indicated the Commission won't be able to approve both applications. The Commission requested that Town Planner Whitten proceed with a text amendment to eliminate the cap, and to investigate the other issues.

**BUSINESS MEETING/(2) Correspondence:**

Vice Chairman Filipone noted receipt of a brochure on a seminar entitled "Advanced Zoning and Land Use in Connecticut", for a cost of \$339.

**BUSINESS MEETING/(3) Staff Reports:**

Town Planner Whitten noted there is a sign erected at 40 Harrington Road which says there is an application pending for a liquor license. She felt the person living there has applied for a liquor license in South Windsor but has put the sign on his property on Harrington Road.

**APPROVAL OF MINUTES:**

MOTION: To APPROVE the Minutes of Public Hearing #1452 dated April 26, 2006 as written.

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

SIGNING OF MYLARS/PLANS: None.

ADJOURNMENT:

MOTION: To ADJOURN this meeting at 10:53 P. M.

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