

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

**Public Hearing #1585  
February 22, 2011**

**\*\*\*\*\*Draft Document subject to Commission Review\*\*\*\*\***

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

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members (Gowdy, O'Brien, Ouellette, and Thurz) and one Alternate Member (Mulkern) were present at the beginning of the Meeting. Chairman Ouellette noted Commissioner Devanney would be arriving later in the meeting. All Regular Members would sit in, and vote, on all Items of Business this evening; following in accordance with the service rotation schedule Alternate Member Mulkern would also join the Board regarding discussion and action on all Items of Business until Commissioner Devanney's arrival. Regular Commissioner Devanney arrived at 7:16 p.m. Also present was Town Planner Whitten.

**GUESTS:** Selectmen Simmons; Kathy Pippin, Board of Finance.

**ADDED AGENDA ITEMS:** None.

**APPROVAL OF MINUTES/February 8, 2011:**

**MOTION:** To APPROVE the Minutes of Public Hearing #1584 dated February 8, 2011 as written.

**O'Brien moved/Mulkern seconded/**

**VOTE: In Favor: Unanimous (Gowdy/Mulkern/O'Brien/Ouellette/Thurz)**

**RECEIPT OF APPLICATIONS:** None.

**CONTINUED HEARING: Herb Holden Trucking** – Special Use Permit/Excavation for renewal of earth products removal permit for property located on Wapping Road (Rear), owned by Northern Capital Region Disposal Facility, Inc., [M-1 & A-2 Zones; Map 36, Block 49, Lot 17C] (*Deadline to close hearing 3/15/2011*):

Chairman Ouellette acknowledged receipt of letter dated February 22, 2011 from Jay Ussery, of J. R. Russo & Associates, LLC, requesting a second delay of the opening of the Public Hearing on the subject Application.

**MOTION:** To **POSTPONE OPENING THE HEARING** on the **Application of Herb Holden Trucking for a Special Use Permit/Excavation for renewal of earth products removal permit for property located on Wapping Road (Rear), owned by Northern Capital Region Disposal Facility, Inc., [M-1 & A-2 Zones; Map 36, Block 49, Lot 17C].** The Hearing is postponed until the Commission's regularly scheduled Meeting on **March 8, 2011 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

**Gowdy moved/Thurz seconded/**

**VOTE: In Favor: Unanimous (Gowdy/Mulkern/O'Brien/Ouellette/Thurz)**

**CONTINUED HEARING: 53 Bridge Street LLC** – Special Use Permit to allow renovation of 3 existing residential apartments to 3 larger apartments with 3 to 4 bedrooms each, at 53 Bridge Street. [R-1 Zone; Map 1, Block 8, Lot 6] (*Deadline to close hearing 3/15/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Brian Denno, of Denno Land Surveying; and Keith Merrit, of 53 Bridge Street LLC.

Mr. Denno submitted revised plans for the Commission to review. He noted that in response to concerns raised by the Commission at the previous Meeting they have added 5 additional parking spaces, and a small amount of the gravel area in the back at the southwest quadrant of the building. Mr. Denno reported they have also added landscaping to areas to the west and east of the building, and have provided an Easement to the Town for the sidewalk in front of the building. They are also adding wall-mounted lighting to the sides and back of the building.

Mr. Denno reported they have a sign-off from Town Engineer Norton, but have not heard anything back from Fire Marshal Delvey.

Chairman Ouellette questioned if the wall-mounted lighting would be on timers? Mr. Merrit reported that the one in the parking lot is on a motion sensor. Town Planner Whitten suggested the lighting needs to be full cutoff fixtures so they will not shine on the neighboring properties. The Commission and Applicant agreed to add the lighting requirements to the conditions of approval.

Chairman Ouellette queried how the Commission should handle the lack of the Fire Marshal's response? Town Planner Whitten indicated that Staff has reached out to the Fire Marshal several times; no response has been received. She suggested adding the requirement of the Fire Marshal's sign off as an additional condition of approval as well. Mr. Merrit agreed.

Chairman Ouellette queried the audience for comments; no one requested to speak.

Town Planner Whitten reported the improvements which have been made to the Site Plan are good; they have added a little more parking and the landscaping as requested. Chainman Ouellette concurred, suggesting they have done as much as they can with the site.

**MOTION: To CLOSE the Public Hearing on the Application of : 53 Bridge Street LLC for a Special Use Permit to allow renovation of 3 existing residential apartments to 3 larger apartments with 3 to 4 bedrooms each, at 53 Bridge Street. [R-1 Zone; Map 1, Block 8, Lot 6].**

**Gowdy moved/Mulkern seconded/  
VOTE: In Favor: Unanimous (Gowdy/Mulkern/O'Brien/Ouellette/Thurz)**

**MOTION TO APPROVE the Application of owner 53 Bridge Street LLC, represented by Keith Merrit, for a Special Use Permit to allow 3 apartments in an existing building in the R-1 Zone at 53 Bridge Street. Map 01, Blk 08, Lot 006. Said permit is subject to the following conditions:**

---

**CONDITIONS OF APPROVAL:**

**Referenced Plans:**

Site Plan prepared for 53 Bridge Street, LLC, East Windsor CT, scale 1"=20', dated 1/19/11 prepared by Denno Land Surveying & consulting, LLC, 3 Tunxis Rd, Ste 210 Tariffville, CT 06081

Floor plan, no scale, date, overall stamp

**-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 and one set of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set must be filed on the land records. One set must be filed in the Planning and Zoning Department.

**Conditions which must be met prior to certificates of compliance:**

4. 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:**

5. In accordance with chapter 900.3.h 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.
6. A Zoning Permit shall be obtained prior to the commencement of any site work.
7. 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.
8. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
9. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
10. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
11. Cars may not at any time be parked in landscaped areas, unless approved as such on the site plan.
12. All required landscaping shall be adequately maintained.

**Additional Conditions**

13. **Lighting shall be full cut per Regulations and details shall be shown on the plans.**
14. **Fire Marshal shall be required to sign off on Building Permit.**

**Gowdy moved/O'Brien seconded/**

**VOTE: In Favor: Unanimous (Gowdy/Mulkern/O'Brien/Ouellette/Thurz)**

LET THE RECORD SHOW Commissioner Devanney arrived at 7:16 p.m.

**BUSINESS MEETING/(1) Informal Discussion on tentative HIFZ at 44-54  
Prospect Hill Road:**

Chairman Ouellette welcomed the following individuals to the discussion: Attorney Thomas Fahey; Eric Spungin, Bob Oris, and Bob Roscoe, partners in KROS East Windsor, LLC; Darin Overton, Engineer, and Nicholas Fomenko, Engineer, of Milone and MacBroom.

Attorney Fahey gave a brief history of the establishment of the HIFZ (Highway Interchange Floating Zone), which was enacted to take advantage of the highway interchange exits 45 and 44 of Route I-91. Previously Attorney Fahey came before the Commission with Mr. Spungin and Mr. Oris with another property for which they were promoting the HIFZ; if they could convince the Commission that they could satisfy the health, safety, and welfare of the community then the HIFZ could be utilized to develop properties near the highway interchanges.

Attorney Fahey noted the HIFZ was adopted in 2002 via a Text Amendment for properties from Exit 44 and north to Exit 45 at Route 140; the HIFZ was later expanded to include properties 600' west and east of the Route 140 intersection, and 600' north on Route 5 towards Enfield. The HIFZ sits in the Commission's Regulations until someone asks for this overlay zone to be applied to their property. The metrics of the HIFZ produces flexibility for development.

Attorney Fahey advised the Commission KROS East Windsor will be filing an Application for a change of zone for the HIFZ for the parcels located at 44 and 54 Prospect Hill Road across the road from Wendy's. Attorney Fahey reviewed the specifics of the filing process outlined in Section 504.8 (of the Zoning Regulations), which include the Pre-Application Conference being held this evening. He noted this discussion gives the developer the opportunity to discuss the conceptual aspects of the development and present a conceptual plan to the Commission. This discussion is neither a denial nor an approval of the proposal. Attorney Fahey cited Section 900.5 of the Zoning Regulations, which outlines the process of the Concept Plan Application, which begins with the informal discussion that facilitates the identification of the aspects of the goal of the project before the applicant files a formal Site Plan. Attorney Fahey summarized additional requirements of the HIFZ process, including the formal application for enacting the HIFZ on the proposed parcel, the submission of the General Development Plan under the Special Use Permit process which shows the proposed use, traffic impacts, the building footprint, and the major components of the application, and finally the Public Hearing which includes submission of reports and other information relative to the proposal. Attorney Fahey recalled the process is the same as was followed

for the application and subsequent approval for the Wendy's site. Attorney Fahey introduced Darin Overton, an engineer for the project, who gave an overview of the proposal.

Mr. Overton reported that the proposal includes two properties, 44 Prospect Hill Road which is currently developed with the Eddie's Ice Cream facility, and 54 Prospect Hill Road, which is currently undeveloped. 44 Prospect Hill Road is currently zoned M-1, while 54 Prospect Hill Road is zoned B-2. The combined parcels front on Prospect Hill Road as well as Newberry Road. The proposal is for a 190,000 square foot building intended for retail use; the parking ratio for the development is 4 spaces per 1,000 square feet of building footprint. The main access for the parcel will be located on Prospect Hill Road/Route 5 across from the Wendy's entrance; a second access will be provided via Newberry Road. Truck access will be provided to the back of the building via Newberry Road as well. They have met with the STC (State Traffic Commission) and have determined an STC Certificate will be required. The property will be served by public water and sewer. Mr. Overton reported the supervisor of the WPCA (Water Pollution Control Authority) has granted administrative approval for the sewer connection; they believe the best place for the sewer connection will be at Newberry Road. They have also met with the Town Engineer regarding the stormwater design; Town Engineer Norton has required a zero increase in run off. In response they propose to install 2 water quality basins at the southeast corner of the parcel and a larger one at Newberry Road. Mr. Overton reported they are proposing the installation of 2 new traffic lights, one at the Wendy's location and another on Newberry Road.

Mr. Oris indicated the project has been in the works for a couple of years and they have been working with Staff to make sure they have input on the project. There are wetlands on the Prospect Hill Road parcels which they propose to fill in. Eric Spungin will be meeting with the Inland/Wetlands Commission next Wednesday, at which time he will be speaking of the Kogut Farms mitigation project which relates to the filling on the Prospect Hill Road parcels.

Commissioner O'Brien questioned if the Eddie's building would be coming down? Mr. Overton replied affirmatively. Commissioner Devaney questioned that they already have options to purchase the subject parcels? Mr. Spungin reported they have been working on the acquisitions for some time. Commissioner O'Brien questioned what type of tenant do the developers hope to attract? Town Planner Whitten suggested the use will be retail.

Town Planner Whitten noted the highway line is set back a bit (on Route 5), and there is some existing landscaping on Prospect Hill Road. She questioned if that landscaping will remain, or will there be a grading easement? Mr. Overton suggested there seems to be fill along the frontage, and the existing vegetation isn't that good. Town Planner Whitten questioned if the State would allow replanting of that vegetation? Mr. Spungin reported he didn't know.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Public Hearing #1585 –February 22, 2011**

7

Town Planner Whitten questioned why access was being proposed on the south end of the parcels vs. further north to get a little more distance between the lights on Prospect Hill Road? She questioned if a light could be proposed at the LaRenaissance parcel? Mr. Overton and Mr. Spungin suggested there were grade issues at that point. Mr. Oris concurred, suggesting that area wasn't conducive to access.

Chairman Ouellette questioned if there was any potential for pad sites – to allow retail with restaurants? Mr. Spungin felt it was unlikely to have pad sites on this site but they do have areas available at Wendy's, and there is also a pad site in front of the parcel across the street.

Chairman Ouellette suggested something the Commission liked about the HIFZ was the possibility of internal connecting driveways. This proposal includes curb cuts on Newberry Road and Route 5/Prospect Hill Road; are there any thoughts on combining curb cuts? Mr. Spungin jokingly suggested some people on Newberry Road are already using curb cuts that really aren't there, but they haven't yet looked at consolidation. Nick Fomenko suggested if a parcel has its own access then the internal connections would only be for convenience, but if the internal connections are to access other tenants then that parcel must be included in the STC so people don't like to combine access. Chairman Ouellette suggested it only requires the owner to sign off on the combined access.

Chairman Ouellette questioned what would someone coming down the road be looking at? Mr. Overton suggested that, based on the grades, someone would be looking into the upper portion of the site; the flat area of the site – the parking – will be elevated. The proposed access will be low. They are considering adding landscaping berms at Prospect Hill Road. Mr. Overton indicated there will be some issues with work occurring in the right-of-way; he doesn't know if there are any plans for widening Route 5.

Chairman Ouellette suggested he would prefer not to see the utilities and mechanicals on the roof; is there any way to screen that equipment, or maybe they won't be seen at all. Mr. Overton suggested they are looking at adding a denser buffer. Mr. Oris suggested the Wood Group building would screen the side of the proposed building. Town Planner Whitten questioned what would be seen from Newberry Road? Mr. Overton suggested the building would be set above the road. Town Planner Whitten questioned if there is any plan for landscaping at the eastern property line behind the building? Mr. Overton indicated there will be a retaining wall and they are proposing to leave a green space.

Chairman Ouellette suggested there are access issues on Route 5. He suggested the developers look at the contours along Route 5; he realized there is a grade on Prospect Hill Road. He suggested the general rule of thumb is not to have a second light within 500' of another one. You would need to manage the queuing within the 500' to make it work; he felt there would need to be 2 lanes heading north in front of Wendy's. Commissioner O'Brien questioned if the parcel across the street gets developed could

that be tied into Wendy's for access? Mr. Oris noted the grade drops off between the 2 parcels, but the parcel across the street could be tied into the LaRenaissance parcel.

The Commissioners indicated they liked the proposal before them; Chairman Ouellette concurred, noting this is an exciting project.

Attorney Fahey questioned if Chairman Ouellette's suggestion was to have the light further north on Route 5? Chairman Ouellette suggested he felt the light at Wendy's will be too close to the light at the Newberry Road and the I-91 interchange. The northbound traffic currently doesn't stop but if you put a light at Wendy's then you will have queuing because of people turning in. Commissioner O'Brien suggesting that even now there is traffic backing up because it's so narrow going north. Chairman Ouellette questioned if the developers would expect people to come in from Route 5; he questioned where the front door entrance was proposed? Mr. Fomenko indicated they are expecting a 50/50 split; traffic is like water, if people find the Newberry Road access is easier they will use that entrance. Chairman Ouellette indicated he traveled Route 5 and Newberry Road twice a day; coming off the I-91 ramp is tricky, you need to know which lane you should be in. He suggested he anticipates a lot of confusion with a large retail facility with that much more access. People expect the main entrance to be on the main road. Attorney Fahey felt after people have been there once or twice people will know the access is easier on Newberry Road. Commissioner Thurz noted traffic from Lincoln Tech currently backs up at the light. Commissioner O'Brien suggested if the intent was to split the access then maybe not being able to make a left turn onto Route 5 would direct people to go out through Newberry Road and then straight out to the highway.

Mr. Oris suggested all these issues are valid points, and they will address them as much as they can but they must leave it marketable for the tenants. They will do all they can to mitigate the traffic concerns. Chairman Ouellette noted the local traffic authority is Chief DeMarco; it might be good to get his input. Attorney Fahey indicated they will contact Chief DeMarco and submit his input when they return to the Commission.

Chairman Ouellette questioned if they expect any resistance from any of the neighbors? Attorney Fahey suggested they haven't experienced any resistance before. It's a perfect spot; any new traffic will come on and off the highway and the local traffic is already on the road. The HIFZ is successful because it takes advantage of the interchanges.

**BUSINESS MEETING/(2) 8-24 Referral for water quality improvements at Kogut Farms:**

Town Planner Whitten reported that due to the filling of wetlands on the project just discussed with the Commission the developer is proposing offsite mitigation. They are proposing to install water quality measures on the Kogut property to cleanse the water before it flows into East Windsor Park. Mr. Overton reported there is not an area on Prospect Hill Road that needs mitigation so the Town suggested the Kogut property as a possible mitigation project. Currently there is no drainage system along Reservoir

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Public Hearing #1585 –February 22, 2011**

9

Avenue; sedimentation from the street goes into the stream which feeds the park. They are proposing to add vegetated storm water quality traps to filter the run off from the roadway. There is also an old farm dump on the property which would be cleaned up. The parcel also includes row crops from which residual fertilizers run off into the stream. The farm fields go up to the wood line; they are proposing to create a vegetated buffer to take out algae bloom. Mr. Overton reported the proposal has been reviewed with Town Staff. Mr. Spungin noted they held informal discussions with the Inland/Wetlands Commission which is very receptive to this proposal.

Chairman Ouellette questioned if the Kogut property were developed in the future the berms proposed could be removed easily; these improvements wouldn't be permanent? Mr. Overton and Mr. Spungin replied affirmatively. Commissioner Devanney questioned if the developer, or the Town, came up with this project? Mr. Spungin indicated they appeared before the Inland/Wetlands Commission to ask what projects would be good for mitigation and they focused on this area; the proposal has been well received. Mr. Oris suggested this is a project where you get a lot of benefit as there are existing problems with the current swimming hole. Commissioner Mulkern reported he works with an organization that has brought their kids to the park and sometimes they couldn't swim because of the algae; now they take the kids to South Windsor. Town Planner Whitten noted the Broad Brook Watershed Commission is also proposing suggestions for other areas on the reservoir; this project ties into those projects as well. She indicated the Board of Selectmen have seen this project informally and seem to be on board with the proposal.

**MOTION: TO MAKE A POSITIVE REFERRAL per CGS 8-24, AND RECOMMEND TO THE EAST WINDSOR BOARD OF SELECTMEN to APPROVE the water quality improvements on the Town property known as the "Kogut" piece located between Reservoir and Chamberlain Roads.**

**Gowdy moved/Devanney seconded/**

**VOTE: In Favor: Unanimous (Devanney/Gowdy/O'Brien/Ouellette/Thurz)**

**MOTION: TO TAKE A FIVE MINUTE BREAK.**

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

The Commission RECESSED at 8:10 p.m. and RECONVENED at 8:13 p.m.

**BUSINESS MEETING/(3) Incentive Housing Zone:**

Town Planner Whitten provided the Commission with a copy of e-mail from Governor Malloy regarding funding availability for workforce housing.

**BUSINESS MEETING/(4) Farm Regulations:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Public Hearing #1585 –February 22, 2011**

10

The Commission reviewed the current draft and made minor changes.

**BUSINESS MEETING/(5) Route 140 Sewers:** Tabled.

**BUSINESS MEETING/(6) Correspondence:** None.

**BUSINESS MEETING/(7) Staff Reports:** None.

**SIGNING OF MYLARS/PLANS, MOTIONS:**

- Armster Lumber Company

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:30 p.m.**

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

Respectfully submitted,

---

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(3810)