

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

**Meeting #1619
September 25, 2012**

*******Draft Document – Subject to Commission Approval*******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:01 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

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

Also present was Town Planner Whitten.

GUESTS: Denise Menard, First Selectman; Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dick Pippin and Jim Richards, Selectmen; Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, September 13, 2012, and Thursday, September 20, 2012, was read by Chairman Ouellette:

1. Application of the Town of East Windsor for a Special Use Permit for Modification of Regulations per Chapter 302, to allow additional parking spaces for the Town Hall, 11 Rye Street, Broad Brook. [R-1 Zone; Map 78, Block 47, Lot 16].

ADDED AGENDA ITEMS:

Town Planner Whitten requested addition of discussion of the Draft State Plan of Conservation and Development under **NEW BUSINESS**.

PUBLIC PARTICIPATON:

No one requested to speak during Public Participation.

APPROVAL OF MINUTES/September 11, 2012:

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MOTION: To APPROVE the Minutes of Regular Meeting #1618 dated September 11, 2012 as written.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Cellco Partnership dba Verizon Wireless for Site Plan Approval to replace existing telecommunications antennas on existing water tower located at 41 Depot Street, owned by Connecticut Water Company. [B-1 zone; Map 98, Block 44, Lot 35].
2. Application of Ryan Conway (Shamrock Motors) and owner LCC Partnership for a Modification of Site Plan to expand a used car sales and display at 175 South Main Street. [B-1 Zone; Map 32, Block 5, Lots 76 & 76A].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Nothing presented this evening.

CONTINUED PUBLIC HEARINGS: Leonard J. Norton, P.E., Director of Public Works - Special Use Permit for stockpiling of construction materials at Town Public Works Facility, 6 Woolam Road, owned by the Town of East Windsor, for use on Town maintenance/construction projects. [A-1 zone; Map 44, Block 34, Lot 1] (*Deadline to close hearing extended to 9/25/2012*):

Chairman Ouellette read the Hearing description. Appearing to discuss this continuing Application was Town Engineer Len Norton, P. E./Director of Public Works.

Town Engineer Norton opened discussion by presenting a GIS map/A-2 Survey of the Town Garage location. The survey of the property shows the location of various material storage areas, equipment storage areas, the sand/salt shed, separate dumpsters for metal and tires, a trailer box for collection of e-waste (electronic recycling materials), and the Town fuel tank. Town Engineer Norton indicated the survey includes the millings pile as it appeared a couple of weeks ago. The millings pile has now been reduced by the amount of material given to the Towns of Ellington and East Granby.

With regard to the pending water testing, Town Engineer Norton reported that the State lab, which will be testing the water samples, had been closed. The lab has reopened; Mike Caronna of the North Central District Health Department (NCHD),

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intends to test water samples shortly. The wells of 4 residents will be tested – 2 cross the street from the Town Garage, and one residence to the east and one to the south of the Town Garage. Mr. Caronna will contact residents for permission prior to testing the wells.

Town Engineer Norton reported one of the neighbors had dropped off a water sample at the Town Garage. Mr. Caronna will retest this neighbor's well, as there is a chain of custody regarding who collected the sample, who delivered it, and who tested it.

Town Engineer Norton submitted for the record an article entitled "How Green is the Asphalt" which recently appeared in an industry journal. The article summarized the results of research undertaken by the Federal Highway Administration (FHWA) and conducted by the National Asphalt Pavement Association (NAPA) regarding the reuse of recycled asphalt materials during 2009 and 2010. Town Engineer Norton noted the following comments regarding the reuse of reclaimed asphalt pavement (RAP):

- Asphalt green technology is friendly to the environment
- As infrastructure needs grow and funding sources shrink use of RAP saves significant money, thereby becoming an increasingly important source for agencies charged with maintaining infrastructure.
- Over 99% of all RAP is being reused or recycled in highway applications.
- By reducing the need to process virgin binder and aggregates, the industry could avoid 1 million, or more, tons of CO2 emissions with just a slight increase in RAP use.
- In 2010 80 million tons of RAP was reclaimed; 62 million tons, or 77%, went into hot or warm mix. Of the small amount of material not going back into hot or warm mix, all but 0.005 % was recycled into shoulders, base, or other highway uses.

Town Engineer Norton indicated he isn't reinventing the wheel; he is doing what everyone else is doing, and everyone is storing it somewhere.

Chairman Ouellette recalled the issues raised by the public and members of the Board.

Aesthetics: The material can't be hidden; there is a growing use within the community and we are allowing others to take some of the material; **Economic feasibility:** it's not economic to put a berm around the millings pile.

Gail Hocutt, 199 Scantic Road: reported she has done research on what we're talking about. She doesn't care about the aesthetics. Her research indicated it depends on how old it is; if it came from roads that has gasoline in it but we don't know. Her research included information from NJ – which raised red flags, to Virginia, Sweden, and Florida – which said it was a minimal hazard. All said the

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piles should be covered. She understands it can't be moved easily. She understands the cost savings. When it's put on the roads there is a sealant on it which is now broken.

Also, if they continue with Route 5, and the permit is approved, could more material be brought here? Chairman Ouellette clarified that if the Site Plan is approved there would be limitations on the size and height of the pile, so the answer is yes, but at some point the pile wouldn't fit on the site. Mrs. Hocutt questioned who measures? Chairman Ouellette indicated it would be the property owner – the Town. Mrs. Hocutt questioned that the salt is covered? Chairman Ouellette replied yes. Mrs. Hocutt suggested they (the millings piles) be covered, and drainage be put in around them to direct the run off.

Rosemary Raber (Scantic Road): indicated she spoke with Jeff Anderson, from the State of Connecticut; he told her the last time the asphalt was taken up on Route 5 was 1994 and 1998, and it was replaced with 2" of material. Mrs. Raber suggested 1994 was 2 years before the Clean Air Act, so she felt we have 2 years of a lot of traffic that was taken up and dumped at Scantic Road. Mrs. Raber suggested the well at the Town Garage is polluted. She is concerned with their wells being polluted; she felt no one will give them a clean bill of health because they would then be liable. She is VERY concerned, as are many families.

Alan Baker, 43 Spring Street: indicated he thought that at a previous meeting a consideration was made for people who were concerned to have their property tested. Town Engineer Norton indicated, to his knowledge, the only person who brought in a water sample were the Hocutts, who are a direct abutter to the south. He reiterated they will be testing the properties of the direct abutters on the other sides of the Town Garage as well. Chairman Ouellette concurred that the offer was made to test wells of other residents at a previous meeting. Mr. Baker felt those residents that are concerned should take the Town up on that offer.

Mr. Baker also suggested installing something on the south side of the pile to slow down the rain water and filter it into the ground rather than going down stream. He noted the natural swale between the Town Garage and the hayfield. He suggested that during earlier testing the sun would have baked the pile like it's on the street, but if it's dug into and there is a rain event the water will flow off the pile. Chairman Ouellette noted a fellow Commissioner made a site visit after a storm and expected to see a film on the water and didn't; Chairman Ouellette noted he also made a site visit. Mr. Baker, speaking as a previous Inland Wetlands Commissioner, suggested the lack of a presence of film doesn't prove there is no pollution. Town Engineer Norton noted receipt of letter from Matthew Reiser, who is an expert, and Robin Newton suggested putting up silt fence. Town Engineer Norton reiterated the experts contention that the millings are clean fill, and also gave the recommendation of installing silt fence. Town Engineer Norton read the letter from Matthew Reiser, CHMM, Compliance Specialist, Environmental

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Compliance Services, Inc.

Dick Pippin, Woolam Road: also referenced the letter (comment) from DEEP. Mr. Pippin suggested we have 26 miles of this material around town. He doesn't know where the lead is coming from; people are out there spilling gas all the time. Mr. Pippin didn't feel the wells will be affected. Wells in the area go from 96' to over 100' and the area has an underlying layer of clay. Regarding covering the piles, it's labor intensive to handle; maybe with smaller piles but this is such a massive pile. It would also make it difficult to use as the heat is what sets it. The Commission discussed action options. Chairman Ouellette suggested keeping the Public Hearing open to take the information about testing of the 4 wells. Commissioner Thurz concurred; he felt that should satisfy everyone. It was noted the Public Hearing could be closed if preferred, as the NCHD is considered Town staff so their results could still be considered. **Mr. Baker** felt there was a certain amount of responsibility for the public; the offer was made and is still open. Mr. Baker didn't feel the Public Hearing needed to be held open. Town Engineer Norton also noted the public can call the NCHD at any time themselves. Discussion continued regarding action options.

Town Planner Whitten noted that with regard to the proposed Site Plan there are some areas of storage where the piles are just beyond the 50' set back. A buffer needs to be shown on the plan.

Mrs. Hocutt questioned the height? Town Planner Whitten indicated it is 25', which is below the height of the building.

Chairman Ouellette reiterated if the Commission closes the Public Hearing it can accept information from NCHD. The Application would remain on the agenda, and the Application would be rescheduled when information is available.

Selectman Menard: even if the testing is done can we prove pollution was from the millings? The Town does want to know about the problem. Chairman Ouellette suggested if this was an application submitted by a private developer he wouldn't entertain moving forward. Town Engineer Norton suggested the Commission should do what it's comfortable doing. The operation of the Town Garage will continue.

Rosemary Raber, Scantic Road: three meetings ago Town Engineer Norton said he could get a letter from NCHD, she could get 104 people to call for testing, if there's no issue that there are no health issues; the Town will be held liable for it and will be sued. Chairman Ouellette questioned Mrs. Raber if she was an abutting property owner; Mrs. Raber replied negatively. Commissioner Sullivan questioned what would be tested for? Town Engineer Norton suggested the test will include volatile organic compounds. Commissioner Sullivan questioned if the property was farmed 20 years ago? He had his own well tested for EDBs 5 years ago and didn't

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have any and now he does. This millings pile won't show up in this water supply; anything that shows up will be from 20 years ago. Town Engineer Norton suggested there was previous storage of millings at this property, and all the water that comes off the road runs into the swale behind the Town Garage.

Commissioner Zhigailo indicated she didn't see a problem with it. She cited the mention of aesthetics, and the pile being an eyesore, and the effect on property values; if the pile wasn't visible she didn't feel there would be as much of a problem. She questioned if this was the only location the millings could be stored? Town Engineer Norton replied affirmatively. Chairman Ouellette also noted this is the only place with sufficient area for movement of equipment to manage the pile. Commissioner Zhigailo indicated she could see the hardship; Town Engineer Norton's hands are tied. She agreed this is a necessary commodity as much as it might not make people happy. The water issue is another matter; the pollution won't show up in just 2 months, it will show up from other times. Commissioner Zhigailo cited her frustration at the situation.

Jim Richards, 43 Rockville Road: felt wherever we put the Town Garage there will be a problem. He suggested the following measures: 1) installing a tarp to address run off; 2) plant trees to diminish visibility, 3) install some sort of drainage as mentioned by Mr. Baker.

Dick Pippin, Woolam Road: suggested not to listen to Mr. Richards with regard to planting trees; this is a blind intersection in its present state.

Ernie Texiera: the Town Garage site doesn't bother him; the movie theater is another issue.

Chairman Ouellette felt he couldn't support closing the Public Hearing as additional information may be available imminently. He queried his fellow Commissioners. Commissioners Sullivan and Zhigailo preferred to close the Public Hearing; Commissioners Gowdy and Thurz and Chairman Ouellette preferred to keep the Public Hearing open.

It was noted an extension must be granted to continue the Public Hearing. Town Engineer Norton requested the Application be extended as far out as possible as it's difficult to get information from the State. Town Planner Whitten noted the furthest extension would be until November 1, 2012.

MOTION: To CONTINUE the Public Hearing on the Application of **Leonard J. Norton, P.E., Director of Public Works for a Special Use Permit for stockpiling of construction materials at Town Public Works Facility, 6 Woolam Road, owned by the Town of East Windsor, for use on Town maintenance/construction projects. [A-1 zone; Map 44, Block 34, Lot 1]. Public Hearing is CONTINUED until the November 1, 2012, at 7:00 p.m.in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

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DISCUSSION: None.

Gowdy moved/Thurz seconded/

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

Chairman Ouellette advised the public the Public Hearing is being kept open; the Application will be extended to November 1, 2012. He suggested the public watch Commission Agendas for scheduling of the Application, or to call the Planning Office.

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:13 p.m. and RECONVENED at 8:23 p.m.

NEW HEARING: Leonard J. Norton, P. E., Director of Public Works – Special Use Permit/Site Plan Review and CGS 8-24 Referral for Modification of Regulations per Chapter 302, to allow additional parking spaces for the Town Hall, 11 Rye Street, Broad Brook. [R-1 zone, Map 78, Block 47, Lot 16] (*deadline for hearing 11/19/12*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Town Engineer Norton, P. E./Director of Public Works.

Town Engineer Norton noted that when there are meetings going on at Town Hall or something is going on across the street at the school it's difficult to get a parking spot in the Town Hall Parking Lot. This proposal will help to alleviate, but not totally take care of that issue. Five additional spaces will be provided in front; 6 additional spaces will be provided in two locations - 3 spaces in the existing location of the dumpster, and 3 spaces in place of the rise to the west of the railroad line - to the rear. Additional parking spaces are limited due to the proximity of the railroad line. Parking in the front will remain one-way angled parking.

Existing pavement will be ripped out, and the area repaved. The tree in the front may have to be removed, but will be replaced; First Selectman Menard noted someone has offered to donate replacement trees.

Chairman Ouellette noted this proposal requires approval of several waivers of Zoning Regulations to move forward. Town Engineer Norton noted the existing parking is nearly twice the amount of allowable impervious coverage, as the parking lot for the school is on Town property. The amount of impervious coverage will increase due to this proposal from 53% to 54.9%. The front yard setback for parking is 25'; the front parking, at a 10' set back, is already closer than the 25'. This proposal would match

what's already there. If they had to move back to 25' there would not be any parking at all.

Chairman Ouellette indicated he had no problem with the proposal. If the Town really wanted to squeeze in more parking additional parallel parking spaces could be fit in to the north of the building but trees would have to be removed. Commissioner Sullivan suggested part of the problem is a good portion of the parking is used by people going to the school while the school parking lot is empty. Town Engineer Norton suggested often people park in the front to attend events at the school. He felt there may also be an agreement with St. Catherine's but people don't want to walk that far. Commissioner Sullivan indicated he would like to see the addition of signage indicating this is parking for the Town Hall only; Town Engineer Norton cited problems with policing the use.

Chairman Ouellette opened discussion to the audience.

Denise Menard: reported as a member of the public and someone who works in Town Hall, she noted it's very difficult to find parking at Town Hall some days. This proposal would be an improvement of a situation which is already pretty bad. Chairman Ouellette indicated he would like to see signs noting "do not enter"; Mrs. Menard indicated she was going to advocate for that also. Commissioner Sullivan felt the proposal was much more practical than what's there already.

Chairman Ouellette questioned if anyone had any problems with the waivers? No one raised any objections.

Chairman Ouellette queried the audience a second time; no one requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of Leonard J. Norton, P. E., Director of Public Works for a Special Use Permit/Site Plan Review and CGS 8-24 Referral for Modification of Regulations per Chapter 302, to allow additional parking spaces for the Town Hall, 11 Rye Street, Broad Brook. [R-1 zone, Map 78, Block 47, Lot 16].

DISCUSSION: None.

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

MOTION TO APPROVE the Application of Len Norton, Public Works Director, and owner Town of East Windsor, for a special use permit requesting a waiver in accordance with Section 302 for modifications as follows: Chapter 801(impervious coverage) increase from nonconforming 53% to 54.9%; Chapter 601.3.h.1 reduction of front yard setback for parking from 25' to (existing) 10'; Site Plan Review/Modification for

additional parking at 11 Rye Street, aka Town Hall [R-1 zone; Map 78, Block 47, Lot 16]

Referenced Plans: Proposed New Parking, East Windsor Town Hall, prepared for Town of East Windsor, 11 Rye Street, East Windsor CT prepared by JR Russo & Associates, LLC, 1 Shoham Rd, East Windsor CT 06088 860/623-0569 fax: 860/623-2485 Scale 1” = 20’, dated 9/6/12

Conditions that must be met prior to signing of mylars:

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
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 mylars.

Conditions that must be met prior to issuance of permits:

3. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed mylars shall be filed in the Planning & Zoning Office and on Town Records by the applicant prior to issuance of any permits.

General Conditions:

- 6 By acceptance of this permit and conditions, the applicant and owner 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.
- 7 This approval shall expire **one year plus 30 days** (to allow for signing and filing of mylars) from the date of approval.

DISCUSSION: Chairman Ouellette questioned if the motion for approval and motions for waivers should be considered separately, or if the motions should be combined. Town Planner Whitten suggested the motion(s) could be framed either way. Commissioner Gowdy continued with the motion as proposed.

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

MOTION TO send a positive referral per CGS 8-24 to the Board of Selectman to approve the proposed expansion of the Town Hall parking lot.

DISCUSSION: None.

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

NEW BUSINESS: Eric C. James – Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen. [M-1 zone; Map 92, Block 17, Lot 32]. (*Deadline for decision 10/18/2012*):

Appearing this evening to discuss this Application was Jay Ussery, of J. R. Russo & Associates, and Eric James, the Applicant.

Mr. Ussery noted the Application is for rental of a portion of the property at 38 Prospect Hill Road, which is located in front of the new Walmart facility. The property is currently occupied by Heavy's Auto, Littco, Racers Performance, and another shop in the basement of the building. In the back of the building is a 6,000 square foot area previously rented by Classic Landscaping. Mr. Ussery noted when he appeared with the Application for Heavy's Auto there was a concern with the traffic congestion at the site; a lot of the bituminous area in front occupied for parking is located within the State right-of-way. Dean Rasmussen, owner of the property, has signed a lease agreement with the State DOT which will become effective 11/1/2012, however, the DOT has indicated it will require several months for the lease to be processed. Since that document hasn't been executed Town Staff has requested a Site Plan modification which reflects the current situation; Mr. Ussery indicated they will return in a few months with another Site Plan revision reflecting the agreement with the State.

At this point they have revised the area to reflect the parking allocated to Classic Landscaping (as indicated by the green line). Employee parking is provided in front, trailer parking was allowed back "here", 7 spaces for customer parking in front. Mr. Ussery indicated they will be able to maintain a 24' wide drive aisle, however, the Fire Marshal has expressed concerns regarding the turning ability of large emergency vehicles. Mr. James would be selling used vehicles; he plans to park some of the vehicles inside the rental space as a showroom. Mr. James has gone to the ZBA to acquire his dealer's license. Mr. Ussery suggested they have a property owner who would like to rent a tenant space; they are looking for direction from the Commission.

Town Planner Whitten noted they are not expecting a decision this evening; the plans were dropped off late last week and she has not had time to review the revisions.

Commissioner Thurz noted that every time the Commission grants approval for a vehicle sales facility people agree to the Site Plan but continue to park vehicles on the grass. Mr. Ussery indicated Town Planner Whitten has noted Staff has had a lot problems with the current tenants. Mr. Ussery indicated they have met with Mr. James and the other tenants and hope to get everyone to sign off on assigned parking so the Zoning Staff doesn't have to police the situation.

Town Planner Whitten raised the following questions:

- **Display spaces:** How will Mr. James be able to operate with just 6 visible spaces?. Mr. Ussery suggested this would be a small operation; he felt it would be doable. If Mr. James becomes successful he'll have to move. Mr. Ussery agreed there was no place to put more cars on the lawn.
- **Signage:** Mr. James can only have signage on his rental space, which is in the back corner. Mr. James suggested perhaps he can be added to the sign at the beginning of Newberry Road which lists neighboring businesses. Town Planner Whitten clarified Mr. James could be added to the sign but the sign can't be made any larger. Mr. Ussery suggested perhaps the building could have unified signage; Town Planner Whitten noted that request must come from the property owner.
- **Display parking for Racers:** It was her recollection that Racers wasn't allotted any parking in front of the building because their business was online. She questioned that the 7 spaces in front would be customer parking, not display? Mr. Ussery replied yes; he felt they did some repair work so perhaps the spaces were used for customer parking.

Mr. Ussery felt this was an interim plan.

Chairman Ouellette raised the following questions:

- **Curb cut on Newberry Road:** Any possibility of closing that curb cut towards Route 5? That area would provide 5 more spaces. The concerns of the Fire Marshal must still be considered.
- **DOT lease agreement:** Is it a lease, or a re-lease? Mr. Ussery indicated it is a lease. Chairman Ouellette indicated the State can terminate that lease at any time, so the parking on the State property would be abandoned and the Applicant would no longer have an approved Site Plan. What would Mr. James do then? Mr. Ussery indicated there is some widening going on in this area although it doesn't effect this property. Mr. Ussery didn't feel there is much room for more development with regard to traffic and change of use in this area.

Chairman Ouellette queried the Commissioners for questions; no one raised any further comments. Chairman Ouellette indicated they had not heard any negative comments, but he felt there were things that require tweaking. Mr. Ussery indicated it has taken the State a year to get to this point with regard to the lease, and they are still talking a number of months before completion. Town Planner Whitten felt the lease would not be available; this would be the plan the Applicant would return with.

MOTION: **To CONTINUE the Application of Eric C. James for Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen. [M-1 zone; Map 92, Block 17, Lot 32]. Application is CONTINUED until the November 1, 2012, at 7:00 p.m.in the Town Hall Meeting Room, 11 Rye**

Street, Broad Brook, CT.

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

NEW BUSINESS: Cellco Partnership dba Verizon Wireless – Site Plan Approval to replace existing telecommunications antennas on existing water tower located at 41 Depot Street, owned by Connecticut Water Company. [B-1 zone; Map 98, Block 44, Lot 35]. (*deadline for decision 11/17/12[should be 11/29/2012]*):

Chairman Ouellette read the description of this Item of Business. Town Planner Whitten noted the date for the deadline for decision is 11/29 rather than 11/17/2012.

Appearing to discuss this Application was Attorney Kenneth Baldwin. Attorney Baldwin noted that Verizon continues to enhance their network throughout the State. There are currently 12 antennae on this Depot Street location. They will be replacing the 12 existing antennae and add 6 new antennae behind the existing antennae. The antennae will be the same general height. Everything on the ground will remain the same. Attorney Baldwin suggested the work will probably be done on a Saturday evening to cut down on the downtime.

Commissioner Zhigailo indicated she had heard comments regarding health issues arising from certain frequencies. Attorney Baldwin indicated there will be nothing new regarding the frequencies being used. Health issues are regulated by the FCC; standards have been created which all carriers must adhere to.

Chairman Ouellette queried the Commissioners for questions; no one raised any additional concerns.

MOTION TO APPROVE the Application of Cellco Partnership dba as Verizon Wireless, and owner Connecticut Water Company, requesting a site plan modification for wireless communications antennas per Chapter 804, to be located on existing water tank, located at 41 Depot Street, East Windsor, CT. [Assessors Map 98, block 44, Lot 35] B-1 and R-2 zone.

This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions:

Referenced Plans:

- T-1 Title Sheet with location map – Cellco Partnership dba Verizon wireless, wireless communications facility, East Windsor, North, 41 Depot Street. East Windsor (Broad Brook) CT, prepared by CENTEK Engineering 63-2 North Branford Rd, Branford CTR 06405 203/488-0580 203/488-8587 fax, www.CentekEng.com dated 8/31/12, rev 9/7/12

Z-1	Site Plan
Z-2	Compound Plan and South Elevation Equipment & Compound Plan
Z-3	Antenna Configurations

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. One set of mylars 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 structural plans shall be submitted for signature.)
3. 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:

4. A Zoning Permit for site work, inclusive of sheds/cabinets, must be applied for and approved prior to the start of construction. Two sets of the final approved plans shall be submitted at this time.
5. 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.
6. Additional requirements and procedures may be implemented by the Town Planner.

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

7. Site improvements must be completed or bonding in place.
8. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
9. Additional bonding may be required by the Planning Department.
10. All state inspection fees must be paid.

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

11. A paper copy of the final as-built survey showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as spot grades shall be submitted and approved by the Town Planner.
12. A final as-built mylar shall be submitted and signed by the Commission.

13. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

14. This 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 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.
15. 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.
16. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
17. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
18. 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.

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

BUSINESS MEETING/(1) Correspondence: Request from Capital Development for an informal discussion regarding the re-development of 115 Main Street, Broad Brook.

Mr. Patrick O’Leary joined the Board. Mr. O’Leary reported he represents Capital Development, who develops Dollar General sites. Three other sites are being developed in Connecticut presently. Mr. O’Leary clarified that Dollar General sites are somewhat like Bradley’s on steroids; there is not as much variety of products but they are available for reasonable prices; they are not dollar stores where everything is sold for \$1.

Mr. O’Leary noted the site under consideration is 115 Main Street (Broad Brook) which had previously been the radiator shop, and before that a gas station. Under the proposed development they would use the existing building, which is a bit tired; they would remove the front of the building, which was added in the 1980s, and add a 1700 square foot addition in the rear. The parking lot would be repaved; traffic would be channelized through one curb cut. Minimum parking spaces would be provided in front of the facility; additional parking would be available in a lot to the rear. They are showing 35

parking spaces, which meet Dollar General requirements, but not current Zoning Regulations. Mr. O’Leary indicated the area is currently green space; they would like to reserve the area for future parking. Space is also need in back for tractor trailers to turn around; they have no intention for other use of that land. The drainage system currently ties into the State system in the road. They would like to improve the drainage from an environmental standpoint, and may catch roof runoff and infiltrate it back into the ground. They would close the curb cut to the north and add to the drainage system.

The Commissioners raised the following questions:

- **Underlying Zone:** Determined to be B-1, retail use permitted. Mr. O’Leary estimated the size of the building to be 10,000+/-feet.
- **Hours of Operation:** Mr. O’Leary felt in this community it would be 8:00 a.m. to 8:00 p.m.; they sometimes curtail the hours to match the community environment.
- **Improvement to façade of building:** Mr. O’Leary indicated they do have a prototype building; he referenced another site going up on Route 5 in East Hartford. Commissioner Zhigailo suggested the current building is too industrial for downtown. Town Planner Whitten discussed a preference for improving the center of town; discussion followed regarding the addition of possible architectural features.
- **Site Lighting:** Mr. O’Leary suggested one or 2 two lunares in the parking lot; mounted fixtures on the building; treatment of the back area would depend on the decision regarding the deferred parking. Discussion included note of the proximity of residences nearby.

Chairman Ouellette suggested the Commission would like to see enhanced landscaping, and affordable architectural features – village style creatively without breaking the budget.

BUSINESS MEETING/(3) Staff Reports: Discussion on Adult Regulations:

- Town Planner Whitten offered the Commission a draft of Adult entertainment regulations for review.
- The State Plan of Conservation and Development (SPOCD) now reflects the current Sewer Service Area for East Windsor. Town Planner Whitten has until 10/5/2012 to make changes; Commissioners were asked to e-mail her or stop in with comments as the next Commission Meeting is after the revision date.

SIGNING OF MYLARS/MOTIONS:

Mylars:

- Verizon

Motions:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Meeting #1619 – September 25, 2012**

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- Dearborn/68 Newberry Road Enterprises
- Leslie Hickey

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:16 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(6114)