

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

**Meeting #1621
October 23, 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 7:00 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Devanney, Gowdy, Ouellette, and Sullivan) 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: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dick Pippin, Selectmen; Kathy Pippin, Board of Finance; Jim Richards, Selectman and Executive Director of the East Windsor Chamber of Commerce.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION: No one requested to speak.

APPROVAL OF MINUTES/(October 9, 2012):

MOTION: To APPROVE the Minutes of Regular Meeting #1620 dated October 9, 2012 as written.

DISCUSSION: None.

Devanney moved/Gowdy seconded/

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

RECEIPT OF APPLICATIONS: None.

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 11/1/2012*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Town Engineer Norton, who is also Director of the Public Works Department.

Town Engineer Norton reported that a month ago the Public Hearing was continued pending receipt of the results of the water testing. He noted those results were received today from Mike Caronna of the North Central District Health Department by fax. The tests were conducted by the State of Connecticut Department of Health Laboratory. Town Engineer Norton read the fax, and accompanying letter, FOR THE RECORD. The test results have concluded that “no hydrocarbon compounds were detected in all of the five sample sites tested”.

Town Engineer Norton clarified the tests results provided to him, with a copy to Town Planner Whitten, related to the samples taken near the Public Works Garage. Although the NCDHD had also taken samples of 4 adjacent homeowners those results were sent to the individual residents – which is the normal procedure for testing of private properties, and were not provided to the Town.

Town Engineer Norton indicated recommendations were made to perform 2 tests - they tested for petroleum, which would be found as a result of the storage of the millings, and also for products which would have resulted from making the hot mix asphalt. Both test results came back with non-detectible levels. Chairman Ouellette recalled that previously the Commission heard testimony that millings were previously stored at this site some time ago; if there were pollutants which resulted from that storage those results would have been found. Town Engineer Norton agreed.

Commissioner Zhigailo raised the following questions:

Did the residents receive their reports? Town Engineer Norton didn't know as the results for the private wells were not included in his report which had been faxed this morning. He reiterated that the NCDHD has all the test results.

Mr. Caronna didn't want to attend the meeting this evening? Town Engineer Norton reported he did ask Mr. Caronna to attend the meeting. Chairman Ouellette noted Mr. Caronna did submit his letter which bears his signature, and he is an expert from the NCDHD. Town Engineer Norton reported he did ask for the results for the private wells and Mr. Caronna reported the normal procedure was to provide the results of well testing

to the property owner. Town Planner Whitten clarified that the other wells tested are private residences. Town Engineer Norton reported that anyone can request a test of their well at any time; the results of those private tests are not provided to the Town.

Commissioner Devanney suggested she is more comfortable since the properties were tested and results have been provided by the State.

Chairman Ouellette opened discussion to the public:

Marie Gross, 247 Scantic Road: referenced previous comments regarding previous storage of millings at the Town Garage, she noted she has lived at her property since 1975 and doesn't recall any millings. She cited concern for future contamination. Chairman Ouellette clarified the process by which the Commission will make its decision; he noted it's difficult to predict what will happen in the future. Chairman Ouellette reiterated that Staff had advised the Commission of the previous storage. Town Planner Whitten referenced DEEP's opinion that the material is considered clean fill; if they were concerned the material wouldn't be stored at this location. Commissioner Gowdy questioned that even if the results come back in a way you didn't like how can you prove the results were due to the millings?

Rosemary Raber, Scantic Road: suggested she knew you guys would vote on the millings. She suggested the Commission question themselves if it's worth a future liability? When you cast your vote - it could be a financial consideration; there are a lot of homes involved.

Chairman Ouellette clarified that the Commission wasn't just voting on the millings.

Mrs. Raber questioned if another bunch of millings comes up, can Town Engineer Norton put them in the field? Chairman Ouellette responded negatively, noting millings could only be stored in the area specified.

Gary Salmon, 18 Woolam Road: how long will Town Engineer Norton keep this pile of blight? It seems like we have enough millings for 100 years. Chairman Ouellette suggested the plan is for the material to be used in the next 2 to 3 years. Mr. Salmon felt the Town has a lot of blight, and this is self-inflicted blight. It's in his front yard.

Jennifer Prych, 21 Woolam Road: she is concerned with the aesthetics; she drives by this every day, her children play outside, she hates the noise; she feels it's decreasing her property values, she is concerned with the blight and noise, she doesn't want to see it become a long-term storage facility; she doesn't know why anyone would want to move to East Windsor. Ms. Prych indicated she moved to Town 10 years ago and the millings weren't there then.

Marie Gross, Scantic Road: referenced Chairman Ouellette's comment about a 2 year – or maybe longer – timeframe. If more of these millings are available do they have to come before the Commission again?

Town Engineer Norton indicated there will be a pile of millings there as long as they are available for free. They did a repair at Park Hill today and he gave 95% of the millings away to the contractor in exchange for the cost of trucking; he did take 3 truckloads to the Town Garage. If more millings become available he will take them; millings have been stored there before. Town Engineer Norton suggested the Town Garage has been at this location since 1976; if someone moved to Town 10 years ago the Town Garage was already at Woolam Road when they moved in.

Ms. Pyrch, 21 Woolam Road: responded that not all Town Garages are in the middle of residential areas. She doesn't like the noise; she feels the materials that are there are unsightly. Commissioner Gowdy questioned if Ms. Pyrch understood why Town Engineer Norton is taking the millings? Ms. Pyrch didn't respond. Town Engineer Norton reiterated the material is free, and it's needed. He would have preferred that the Town Garage had been built back further but it wasn't, and he can't store this material in the back. Ms. Pyrch restated she passes by it everyday; her children's bus passes by it. Ms. Pyrch felt the millings pile has significantly decreased the value of her house. Ms. Pyrch questioned that East Windsor doesn't have other properties where this could be stored? Chairman Ouellette suggested wherever the pile is located is going to be in someone's back yard. **Mr. Salmon** felt this pile was stored in his front yard. He reported he just had his home reassessed to borrow on it and its value is significantly less today.

Chairman Ouellette questioned if anyone had any new concerns to share with the Commission? No one raised any additional questions/concerns. Chairman Ouellette questioned if the Commission was ready to close the Public Hearing?

Town Planner Whitten requested to speak. She noted she believed the property was purchased in 1961 for the purpose of constructing the Town Garage. The current Town Garage has been located at this property since 1974, and has always been a storage facility. Town Planner Whitten reported this application has never been a question as to the ability to store this material here. **Ms. Pyrch** indicated she thought this was new storage. Town Planner Whitten replied negatively, noting there has never been a question as to what's been stockpiled there; that's what a town garage does, they stockpile their materials as necessary. That's the purpose of the site. Town Planner Whitten indicated she could understand if someone found it aesthetically unpleasant but the purpose of the Town Garage is storage of materials needed to support repairs for the Town.

No one else from the public came forward with additional comments.

MOTION: To CLOSE 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].

DISCUSSION: None.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/Sullivan/Zhigailo

The Commission reviewed specifics of the proposed approval motion, noting property line setbacks and height requirements for the storage stockpiles. Town Planner Whitten clarified that all of these materials listed under the proposed additional conditions can be stored at this Town facility.

MOTION TO APPROVE the Application of Town Engineer/Public Works Director Leonard Norton and owner, Town of East Windsor, for modification to Special Use Permit for stockpiling of construction materials at Town Garage for Town improvements at 6 Woolam Road. Map # 44, Blk. 34, Lot 1, zoned A-1. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

Topographic Survey prepared for Town of East Windsor 6 Woolam Road, East Windsor CT Map 34, Block 34, Lot 1 Zone A-1 prepared by Gary B. LeClair, LLC 55 Gaylord Road, Windsor Locks, CT 06096, 860/627-8200 phone/fax scale 1" = 40' dated 2/20/04

Aerial maps showing location of use areas.

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. Two final full sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department.
4. Special Use Permit shall be filed on the land records in the Town Clerks

Office.

Conditions which must be met prior to certificates of compliance:

5. 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:

6. In accordance with Chapter 900.3.h of the Zoning Regulations, site plan approval shall become null and void in one year from date of approval if the activities have not commenced and the site plan shall be considered disapproved, unless an extension is granted by the Commission. **All improvements must be completed within six years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission
7. A Zoning Permit shall be obtained prior to the commencement of any site work.
8. 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.
9. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
10. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
11. 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.

Additional Conditions:

12. Setback for stockpiles shall be 50' from any property line.
13. Setback for Soil Stockpiles shall be 100'
14. Maximum height of any pile should be 25'
15. Materials to be stored include road sands, millings, brush, etc
16. No processing of materials is permitted on the site.

DISCUSSION: Commissioner Zhigailo reported she is ready to vote, with the stipulation that if there is any way Town Engineer Norton can get giant trees for

screening. She indicated she understands, it's like moving into town with a stinky farm next door and there is a right-to-farm ordinance; she sympathizes with the neighbors. But, there isn't a problem with the water, the DEEP has put its stamp of approval on this material as being clean material; this is material that will be used and we are saving dollars. Commissioner Zhigailo hoped the pile could be used soon. Commissioner Zhigailo reported it's not that she doesn't hear the people, but she doesn't know what the town can do; she does understand and hears the people's concerns and the mention of visual blight. Commissioner Zhigailo suggested she is sorry but doesn't know where else the town can go with it.

Chairman Ouellette queried the other Commissioners for comments; no one else requested to speak during the motion discussion.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/Sullivan/Zhigailo

OLD BUSINESS: None.

NEW BUSINESS: None.

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Discussion – Temporary Signs:

Town Planner Whitten recalled for the Commission that the current Temporary Sign Regulation calls for an annual renewal. Robin Newton, who is the enforcement officer, has put together a report which summarizes the status of temporary sign permits vs. violation letters, and outlines the violation process and its associated cost.

Year	Temporary sign permits issued	# Of violations per sweep	# of sweeps per year	Annual cost
2010	3	17 – 32	4	\$559.10
2011	2	20 – 38	6	\$708.00
2012	5	15 – 37	3 to date	\$495.30

Town Planner Whitten noted \$500 is half of the Planning Department's annual postage budget. Letters must be sent to the tenant and property owner; the process required under the Connecticut General Statutes and the Zoning Regulations is one certified letter and one regular mail letter must be sent to each individual involved. Many of the certified mail letters are returned to the Town as the addressee refuses the letter. Town Planner Whitten read the Violation Letter, which includes attachments of the Temporary Sign Regulation and the Temporary Sign Application.

Town Planner Whitten suggested Staff is finding the Temporary Sign Regulation is not working.

Discussion followed regarding the effect of the regulation as a goal for businesses to acquire the Temporary Sign Permits. Chairman Ouellette suggested enforcement is part of the ZEO's job regardless of whether the regulation is in place or not. Town Planner Whitten cited the cost, and time spent on the process; she noted the ZEO is also the Inland/Wetlands Officer and Assistant Planner. Enforcement of this regulation takes up a significant amount of Staff time.

Selectman James Richards, of 43 Rockville Road, requested to speak as Executive Director of the East Windsor Chamber of Commerce. Mr. Richards suggested the Temporary Sign Regulation has nothing to do with the Violation process. He felt if we have this many violations they/the businesses shouldn't be allowed to use temporary signs. He suggested that under the regulations A-frame signs are illegal unless a business acquires the Temporary Sign Permit; he felt one issue is a violation of the regulations while the other is the Temporary Sign Permit process. Mr. Richards noted there is a fine of \$150/day; he questioned why that fine isn't being collected? Mr. Richards felt the law is ok; if the businesses violate it they should be fined. Commissioner Gowdy suggested the Town must pay a lawyer \$250/hour to collect the \$150 violation fine; he suggested the Town's legal budget would be used up in a short time. Mr. Richards questioned if the Commission was saying if they didn't have the Temporary Sig Regulation they wouldn't be doing enforcement? Mr. Richards suggested he is in agreement with the Violation/Enforcement process. He indicated he has been pro-active with advisement to the businesses of the need to comply with the Temporary Sign Regulations.

Town Planner Whitten suggested part of the reason the office is delaying the enforcement is the office is trying to be business-friendly and not making them pay the \$150 fine.

Commissioner Sullivan questioned the revenue realizes vs. the cost? Town Planner Whitten suggested for the year 2012 \$350 was collected in revenue for the 5 Temporary Sign Permits vs. \$500 spent on postage for the violation notifications.

Town Planner Whitten queried the Commission for direction; do they want to go forward with the regulation for another year? She suggested the businesses need to step up and comply with the regulation. Town Planner Whitten questioned Mr. Richards if he wanted the Planning Office to enforce the sign violations? Mr. Richards replied he wants enforcement of an Inland/Wetlands violation, Zoning Violation, anything. Town Planner Whitten cautioned Mr. Richards to be careful what you ask for; she suggested if you want enforcement you'll hear negatively from the people.

Commissioner Sullivan felt the Commission has a regulation that isn't working. Chairman Ouellette suggested the converse would be to allow everything; he felt past discussion indicated no one wants that. Selectman Baker questioned if the process must be done by the ZEO; could it be contracted out? Town Planner Whitten reiterated the

Planning Office has one person performing 3 tasks; she can't devote her entire time to enforcement of sign violations. Selectman Pippin suggested the signs should be picked up, and the violator should have to come in to retrieve them. Town Planner Whitten doubted that the Town had the ability to pick up the sign, which is private property, unless they are in the right-of-way.

Chairman Ouellette questioned what the Town could do to make the public aware of the regulation? He suggested advertising in the newspapers, or adding an advisement bullet on the Town website. Chairman Ouellette recalled that the Commission heard last year that the permit fee was detrimental to compliance, yet the fee has been reduced and only 2 more permits have been applied for.

Based on discussion Town Planner Whitten indicated her recommendation would be to continue the regulation for another year. She suggested the Commission consider tweaking the language as some businesses have said they would like to use their time all at once rather than have shorter periods of display separated by a waiting period for a second display period. Town Planner Whitten also clarified that she is hearing a preference for more enforcement. She will prepare a draft regulation revision and schedule a Public Hearing on the change.

BUSINESS MEETING/(2) Discussion – Adult Regulations:

Town Planner Whitten submitted for the Commission's review a map which reflects a 1,000 foot distance from churches, schools, etc. within industrial zones. The zone is not being changed, but the Commission is considering changing the radius of adjacent businesses.

BUSINESS MEETING/(3) Discussion – POCD 2014 Update

Town Planner Whitten offered the Commission a packet of material regarding the current Plan of Conservation and Development (POCD). She noted she is once again asking, under the Capital Improvement Plan (CIP), for funding for a consultant to assist the Commission – and the Town – achieve the mandate for revision of the POCD in 2014. She noted she has asked for a \$20,000 allocation for each of the past 4 years; no funding has been provided to date. Town Planner Whitten noted if the Town fails to update its POCD no State funding can be expected for local projects.

The packet includes excerpts from the current POCD, noting goals accomplished – such as the Route 140 sewer expansion, development of the the Multi-Family Development District Regulations, the farm-friendly Regulations, and the Right-To-Farm Ordinance. The packet also includes potential new goals – low impact development standards, promote green technology, Village District designation and design, development of bike routes, new street design guidelines, re-evaluate residential standards, promotion of rivers and open space connectivity, and promotion of transit oriented development in the Warehouse Point section.

Chairman Ouellette questioned if any strategy is being developed for properties the Town is considering for preservation? Town Planner Whitten indicated the Conservation Commission is charged with reviewing land for preservation. The status of their goals and considerations remains in progress.

BUSINESS MEETING/(4) Staff Reports:

Town Planner Whitten reported development of the new Walmart site has begun. Proposed construction included a smaller retaining wall to be built within the larger retaining wall located at the rear of the site. Staff recently approved a field change to eliminate the smaller wall.

BUSINESS MEETING/(5) Signing of Mylars/Plans, Motions:

Motions:

- **Boyer Carpentry & Remodeling, LLC** – Site Plan Approval to allow construction of a 480 square foot addition and convert 12' x 12' deck to office space on property located at 115 Bridge Street, owned by Maly Phimvongsa & Steven R. Boyer. Boyer – 115 Bridge Street
- **Eric C. James** – Modification of Approved Site Plan for used car sales at 38 Prospect Hill Road, owned by Dean Rasmussen.
- **Ryan Conway, Shamrock Motors** – Modification of Site Plan to expand a used car sales and display at 186 South Main Street, owned by LCC Partnership.
- **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.
- **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.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:45 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3857)