

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

**REGULAR Meeting #1727 – November 14, 2017**

***MEETING MINUTES***

**\*\*\*\*\*Minutes are not official until approved at a subsequent meeting \*\*\*\*\***

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 p. m. by Chairman Ouellette.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Jim Thurz, and Dick Sullivan.

**Alternate Members:** Frank Gowdy, and Marti Zhigailo.

**ABSENT:**    **Regular Members:** None

**Alternate Members:** None

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance....

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and two Alternate Members were present at the Call to Order. . All Regular Members would sit in, and vote, on all Items of Business this evening; Alternate Members would also join the Board regarding discussion on all Items of Business this evening as well.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:** None.

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

**APPROVAL OF MINUTES/October 10, 2017:**

**MOTION:**    **To APPROVET the Minutes of Regular Meeting #1726 dated October 10, 2017 as written.**

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**Moore moved/Sullivan seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Guy Burns for Modification of approved Site Plan for property located at 32 North Road to allow two existing buildings to be split into individual rental units for businesses and contractors, and added parking behind rear of building [M-1 zone; Map 113, Block 17, Lot 3A]

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE - Herb Holden Trucking, Inc.** – Request for partial release of the restoration bond for the gravel operation located on the west side of Wapping Road. [Map 27, Block 65, Lot 31]:

Town Planner Whitten noted the Town currently holds a bond in the amount of \$73,500 for Herb Holden Trucking for the current gravel operation at Wapping Road. The applicant is requesting a reduction of \$22,000 as the area of excavation has been reduced due to the installation of the solar panels. Should the Commission agree to the bond reduction the Town would continue to hold \$51,500. Town Planner Whitten noted Town Engineer Norton concurs with the requested reduction.

**MOTION: To APPROVE THE RELEASE of \$22,000 of the \$73,500 Restoration Bond, leaving \$51,500 being retained, on Herb Holden Trucking, Inc. for the gravel operation located on the west side of Wapping Road. Map 27, Block 65, Lot 31.**

**Sullivan moved/Kowalski seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)**

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE - Newberry Village** – Request for release of the paving bond for Phase 1, 2 and 3 for the Newberry Village active adult community located at the corner of Newberry Road and Winkler Road. [Map 104, Block 17, Lot 19]:

Town Planner Whitten indicated the bond amounts have gotten convoluted over the years due to the change of phases. The Town currently holds \$99,744, which includes a \$30,000 Wetlands Erosion Control Bond. Town Engineer Norton, under his memo dated 10/25/2017, has recommended the Commission retain \$64,419 to complete items related to the road and the remainder of the project.

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**MOTION:** To APPROVE THE RELEASE of \$35,325 from the \$99,744 Performance Bond, leaving a balance of \$64,419 to be retained.

Sullivan moved/Thurz seconded/DISCUSSION: None.

**VOTE:** In Favor: Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS:** None.

**NEW BUSINESS: Guy Burns** – Modification of approved Site Plan for property located at 32 North Road to allow two existing buildings to be split into individual rental units for businesses and contractors, and added parking behind rear of building [M-1 zone; Map 113, Block 17, Lot 3A] (*Deadline for decision 1/18/2018*)

Chairman Ouellette read the description of this Agenda item. Appearing to discuss this Application was Denise Lord, of Anchor Engineering; Guy Burns, the owner, was available in the audience.

Ms. Lord described the location of the property, 32 North Road, on the south side of North Road/Route 140. The property is located in a Manufacturing Zone; Killam Trucks is the abutting property owner to the west. The property currently contains 2 buildings; the buildings are occupied by manufacturing uses and Kakley Fitness

Ms. Lord indicated the proposal is to divide the existing buildings into smaller units for use by small contractors who have outgrown their home businesses. The Applicant proposes to install overhead/Man doors to provide “at grade access” to the units. Ms. Lord noted the grey area on the plans represents existing parking; they are proposing to add new parking adjacent to the rear building. This additional parking could also be used for outside storage of contractors’ materials. They are also proposing to include drainage improvements, which will include an extension of the existing swale on the east side of the existing parking area. The drainage improvements will include the installation of a catch basin to pick up runoff onto the property from adjacent properties, as well as an underground storage area and an above ground detention basin. Ms. Lord referenced the location of the drainage improvements on the Site Plan. She indicated they have demonstrated decrease/zero net increase in drainage flow.

The Commissioners raised the following questions:

**Commissioner Sullivan:**

**Addition of bathroom facilities to new units:** has the applicant given any thought to providing water and facilities to the new units? Ms. Lord indicated the Applicant would like to add bathrooms and a small office area to each new unit. Commissioner Sullivan questioned if the new bathrooms would be tied into the existing sewer line? Ms. Lord

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replied affirmatively. Town Planner Whitten referenced the Applicant's Capacity Request to the WPCA regarding connection to the existing sewer line.

**Commissioner Thurz:**

**Response to the Town Engineer's comments:** Town Planner Whitten referenced Town Engineer Norton's memo dated 11/14/2017 noting his comments have been adequately addressed.

**Commissioner Kowalski:**

**Uses proposed:** Ms. Lord noted the location in the manufacturing zone which allows manufacturing and storage uses. She noted Kakley Fitness provided a parking analysis during their 2015 approval process. The property currently provides 47 parking spaces; they are adding 13 new spaces to the rear which could also be used for outside storage.

**Any retail uses:** Ms. Lord replied negatively.

**Additional lighting:** Ms. Lord indicated there will be wall mounted lighting on the exterior of the buildings near the doors.

**Commissioner Gowdy:**

**Radius of turn to back parking area/concern for access by large trailer trucks:** Ms. Lord indicated she didn't have the distance available but estimated the distance to be 55+/- feet. She noted they used turning radius templates when constructing the design. She suggested they don't anticipate the use of large trucks; she felt the turning radius was fine. Town Planner Whitten questioned if any 18 wheeled trucks enter at the western property line drive? Ms. Lord referenced a location on the Site plan as being a loading dock. Mr. Burns, speaking from the audience, suggested a tractor trailer would be able to drive through to the loading dock; there is one there now that hasn't moved since he's been there.

**Were any parking spaces removed:** Ms. Lord referenced another location on the Site plan and indicated they took 2 parking spaces from "here" but added 2 "here".

**Commissioner Kowalski:**

**ADA/life safety provisions:** Commissioner Kowalski noted a set of wooden stairs accessing the rear building; he questioned access to the other units. Town Planner Whitten suggested ADA and life safety considerations would be reviewed by the Building Department.

**Any screening for the dumpster pad to the rear:** Ms. Lord referenced a plan detail indicating the dumpster pads would be screened by fencing.

**Chairman Ouellette:**

**Detention basin details:** Chairman Ouellette questioned if the green line on the plans indicated grass around the detention basin? Ms. Lord indicated a location on the Site Plan, and suggested there would be Cape Cod curbing "here". She suggested the basin doesn't fill completely with a 100 year flood. Chairman Ouellette suggested it's

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unconventional to place a detention basin next to the building but it's an existing condition. Town Planner Whitten suggested there were several drainage improvements which were proposed with the original project several years ago which were never installed; a catch basin was later paved over.

Chairman Ouellette questioned the Commissioners for additional questions; no additional comments were raised.

Town Planner Whitten noted regulations currently require a separating distance of 50 feet between storage areas. She suggested adding an additional condition that any outdoor storage must be 50 feet from the property line.

Hearing no requests for discussion Chairman Ouellette called for a motion.

**MOTION TO APPROVE** Request of owner Guy Burns requesting a site plan modification inclusive of uses, parking and storm drainage at property located at 32 North Road in the M-1 zone - Map 113, Blk 17, Lots 003A,

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

**Referenced Plans:**

Cover Sheet – Site Plan Modification of 32 North road, East Windsor CT , prepared for Guy & Jean Burns, location map scale:1"= 1000', Prepared by Anchor Engineering Services , Inc. 41 Sequin Dr. Glastonbury, CT 06033 860/633-8770, Fax 86/ 633-5971, [www.anchorengr.com](http://www.anchorengr.com)

Sheet 1/3 Existing Conditions Plan 1" = 40' dated 10/11/17

Sheet 2/3 Site Plan Modification

Sheet 3/3 Site Plan Modification inclusive of drainage plans

**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. Mylar shall be filed in the

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Planning and Zoning Department.

4. An erosion control bond will be required.

**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. 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 Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

7. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work 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.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. 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.
10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. 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
13. Any outdoor storage must be 50 feet from the property line.

**Moore moved/Sullivan seconded/DISCUSSION: None.**

**VOTE: In Favor:Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)**

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**OLD BUSINESS:** None.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:** None.

**BUSINESS MEETING/(1) Karen Isherwood – Informal Discussion on Multi-family Density and Apartments:**

Joining the Commission was Karen Isherwood, P.E. Ms. Isherwood was present to discuss a potential text amendment to allow a proposal for luxury apartments on parcels not located within the area currently specified under the Multi-Family Development District Regulations. Ms. Isherwood's discussion is two-fold; she hopes to propose a potential text amendment which would expand the parcel locations, and to increase the current regulation density.

Ms. Isherwood represents clients who own parcels which do not meet the current frontage requirements for Multi-Family Development Districts. While a text amendment would not be related to a specific parcel Ms. Isherwood provided a conceptual drawing of a potential complex utilizing her client's properties to give the Commission a visual concept of her proposal and its effect on the surrounding area. The overall site contains 71 acres; 26% of the overall site is wetlands – which could be used to provide the Open Space allocation. Under the current regulations the complex would include 24 buildings, each building containing 10 units

The current Multi-Family Development District Regulations require that parcels must meet various criteria. For apartment developments, the site must contain a minimum of 25 acres and must have frontage on Route 5 or Route 191. As the text amendment would affect development townwide Ms. Isherwood reviewed potential parcels based on various criteria.

**Parcels 25 or more acres located on Route 5 and Route 191:** currently limited to 4 parcels.

**Parcels 25 or more acres including M-1 Zones:** Ms. Isherwood reported that currently 7 parcels would qualify for multi-family development

**Parcels containing 25 or more acres located within a village or non-rural area:** Ms. Isherwood suggested this would open development to 19 parcels, several of which are in Broad Brook and Windsorville.

**Project density:** Ms. Isherwood noted the current regulations allow 2 units/acre, with the potential for a maximum of 4 units/acre based on an allocation of open space and other criteria. Ms. Isherwood suggested her client's proposal would work out to 4.7 units/acre based on the current criteria. Ms. Isherwood suggested she reviewed density for several surrounding towns and found the following:

Windsor Locks –	5 units/acre
Granby	8 units/acre

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Somers	2 units/acre
Suffield	5 units/acre
Stafford	4 or 6 units/acre

Discussion included the following:

**Town Planner Whitten:** questioned the proposed mix of 1 and 2 bedroom apartments considered under this amendment? Ms. Isherwood indicated she hadn't considered changing the current mix ratio.

**Commissioner Sullivan:** would the apartments be one floor or two floor units? Ms. Isherwood indicated the current regulations allow 3 floor buildings.

**Commissioner Thurz:** Noted that while he liked how the Mansions developed many of the parcels identified by Ms. Isherwood are located on the residential side of town; he felt residents might not favor large apartment complexes in the rural areas. Town Planner Whitten recalled East Windsor has been allocated a sewer service area by the State; sewer connections couldn't be brought in over town lines. She noted any large parcels not located within the sewer service area could NOT be considered for MFDD, which would reduce the potential parcels to 7 and eliminate most of the parcels east of the Scantic River.

**Chairman Ouellette:** cited there is the potential for condos within the MFDD. Ms. Isherwood concurred but felt these clients preferred to retain ownership of the development.

Ms. Isherwood returned discussion to density. She would like to propose 5 units/acre based on an average allowed in surrounding towns.

Hearing no further comments from the Commissioners Ms. Isherwood indicated she'll return for additional discussion.

**BUSINESS MEETING/(2) Meeting Schedule for 2018:**

Town Planner Whitten provided the Commission with a proposed meeting schedule for 2018. Meetings continued to be scheduled for the second and fourth Tuesdays, unless otherwise noted.

**MOTION:** To APPROVE the Planning and Zoning Commission Meeting Schedule for 2018, with the following amendment: January, 2018 meeting dates of January 8<sup>th</sup> and 22<sup>nd</sup> are January, 2019 Meeting dates.

**Sullivan moved/Kowalski seconded/DISCUSSION:** None.

**VOTE:** In Favor:Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)

**BUSINESS MEETING/(3) Election of Officers:**

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Chairman Ouellette asked if any members would like to volunteer for any of the officer positions? Commissioners favored the current slate of officers.

**Commissioner Thurz nominated the current slate of officers; Commissioner Kowalski seconded the nomination.**

**MOTION: To APPROVE the current slate of officers – Joe Ouellette, Chairman, Dick Sullivan, Vice Chairman, and Tim Moore, Secretary – as officers for 2018 – 2019.**

**Sullivan moved/Kowalski seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Ouellette/Sullivan/Thurz)**

**BUSINESS MEETING/(4) Discussion on HIFZ:**

Town Planner Whitten provided the Commission with another discussion draft of regulation revisions; she also provided the Commission with three maps: 1) Planimetric layer incorporating the proposed HIZ south past Exit 44 of I-91 and west of the highway into the Warehouse Point village area; 2) an aerial of the proposed HIZ; and 3) a Planimetric layer highlighting gas stations as a permitted use around the highway interchanges.

The Commission reviewed the proposed draft regulations as follows:

**500.5 – HIGHWAY INTERCHANGE FLOATING ZONE (HIFZ):** The Commission felt the HIFZ should become the primary zone with its permitted uses and should no longer be a floating zone. The Commission also felt industrial uses should be encouraged elsewhere, such as the current industrial park and along Route 140.

**501 – BULK & AREA REQUIREMENTS – BUSINESS & INDUSTRIAL DISTRICTS:** The Commission felt Minimum Lot Requirements for acreage should be increased to 1 or 2 acres ; they would like to see properties tie into one another and to encourage cross-parcel access to promote connectivity when possible.

**502 – PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS:**

**Office and General Professional** – add medical and dental labs.

**General Industrial Uses** –remove light and heavy manufacturing; remove Research & Experimental Laboratories; remove Warehousing and Distribution.

**Automotive Uses** – discussion continuing regarding Automotive Filling or Re-Energizing Stations; Commission considering separation distance or allowing only at Exit 44 as Exit 45 currently has several existing stations.

**Other Uses:** remove additional drive-through facilities, existing uses would be grandfathered; remove Dog uses; Residential – see footnote 13 regarding association with mixed use developments and inclusion of affordable housing ratio.

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**503 PERMITTED ACCESSORY USES:** remove Outdoor Merchandise Display and Outdoor Storage.

**504.2A – PROHIBITED USES:** Town Planner Whitten to research further.

**504.4 CONSOLIDATED PARCELS:** Discussion continuing regarding amount of impervious coverage.

**504.5 - SITE APPEARANCE REQUIREMENTS:** Discussion regarding building height requirement continues, consider inclusion of FAA requirements due to proximity of Skylark Airport; consider reversing parking ratio for compact vs. standard vehicles.

**504.5 – SIGNAGE REQUIREMENTS:** Discussion continuing regarding digital and LED signage.

**504.7 – APPLICATION PROCEDURES & REQUIREMENTS:** delete sub-section “b”; see new language for sub-section “c”.

**504.8 – GENERAL DEVELOPMENT PLAN (GDP):** minor changes to sub-section “i” regarding buffers and open space, consider “green space”, landscaping, and/or “pedestrian plaza” instead of open space.

**504.9 – ACTION ON GDP:** Allowing permitted uses eliminates the requirement for a Special Use Permit/Public Hearing, all applications now subject to Site Plan Review/Approval.

Commissioner Sullivan questioned if anything in this proposal conflicts with the POCD; Town Planner Whitten to review.

Commissioner Kowalski questioned if any consideration is being given to parcels adjacent to this zone? Town Planner Whitten suggested the Commission should require a buffer between residential and commercial properties.

The Commission requested additional information regarding the ability to include waiver provisions in this zone, and a potential timeline for approval of this amendment.

**BUSINESS MEETING/(5) Discussion on Aquifer Protection Regulations:**

No discussion this evening.

**BUSINESS MEETING/(6) General Discussion of Planning Issues:**

Town Planner Whitten suggested the Commission needs to consider revision of sign regulations soon.

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**BUSINESS MEETING/(7) Signing of Mylars/Plans, Motions:**

Nothing presented this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:26 p.m.**

**Sullivan moved/Moore seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission