

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

**REGULAR Meeting #1736 – April 10, 2018**

***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 6:31 P. M. by Chairman Ouellette.

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

**ABSENT:**    **Regular Members:**    All Regular Members are in attendance.  
                  **Alternate Members:**    Both Alternate members are present this evening.

Also present was Town Planner Whitten.

**GUESTS:**    Richard P. Pippin, Jr., Inland Wetlands and Watercourse Agency; Kathy Pippin, Board of Finance....

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and both Alternate Members were present at the Call to Order. Chairman Ouellette noted 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:**

No Legal Notice this evening.

**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/March 27, 2018:**

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**MOTION:** To ACCEPT the Minutes of Regular Meeting #1735 dated March 27, 2014, with the following amendment:  
Page 2, RECEIPT OF APPLICATIONS, Application #1:  
“Application of WGB, LLC **WSG, LLC** for a Text Amendment of Sec. 814.3.n Earth Excavation – Access Maintenance to delete “one-mile radius” and add “one-half mile radius”.

Moore moved/Kowalski seconded/DISCUSSION: None.

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Marilyn M. Migliore for a Special Use Permit (in accordance with Section 407) to allow an Accessory Apartment at 294 Scantic Road. (A-1 Zone; Map 13, Block 23, Lot 27).
2. Application of Karl & Jayne Reichle for a 2-lot Resubdivision of property located at 33 Morris Road and a Special Use Permit (in accordance with Section 408) to allow one rear lot. (A-1 Zone; Map 17, Block 66, Lot 17).

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS: : Hamlet Homes, represented by Mark O’Neill** – Modification of Approved Subdivision (Harvest View Estates) to eliminate sidewalks for fee in lieu of, and modify infrastructure and grading associated with the water quality basin for property located at the northeast corner of East and Middle Roads. (R-3 zone; Map 50, Block 82, Lot 002) (*Deadline for decision 5/31/2018*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Mark O’Neill, Applicant.

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Chairman Ouellette noted one of the Commissioners had been absent from the previous Meeting but had read the Minutes. He requested Mr. O'Neill to give the Board a summary of his Application.

Mr. O'Neill reported the Application was a two-part request. The first issue was a redesign of the original water quality basin. Since the original Subdivision Approval DEEP now requires treatment of water quality in a natural source; his engineer has submitted a redesign which meets those requirements. Mr. O'Neill referenced the Ellington town line on his Site Plan; he noted the basin will be piped directly into the pond. All stormwater from Middle Road will also go into the pond, as it does now. Run off from East Road will also be brought into this pond.

The second modification is for the removal of all sidewalks on Middle Road. Mr. O'Neill reported the engineering for the sidewalks would make the sidewalks difficult to put in. Mr. O'Neill is also asking for all sidewalks on East Road and Jessie Lane to be removed. Mr. O'Neill noted Jessie Lane is a cul-de-sac; no one walks on sidewalks within subdivisions. Sidewalks in this subdivision would not be contiguous to any other sidewalks in the area; Mr. O'Neill felt no other sidewalks would be constructed in the area in the next 5 to 10 years. The request is to eliminate all sidewalks associated with this Subdivision.

Commissioner Sullivan questioned if East Road would be paved? Mr. O'Neill responded the part he is required to pave would be paved, but he noted he and Town Engineer Norton are discussing the option of installing a binder layer over the entire road, or not paving any of the road. To pave only a portion of the road will cause plowing problems. Mr. O'Neill suggested he feels Town Engineer Norton may agree to the binder layer.

Commissioner Sullivan questioned if any of the land adjacent to this development is owned by the same developer? Referencing an aerial of the area Mr. O'Neill indicated that "this" land is owned by the Archdiocese, which he felt they intended to use for a future cemetery, while two other parcels are owned by Gardner Nurseries and perhaps a land trust.

Chairman Ouellette noted the Commission had not taken action at the previous Meeting as they didn't have a specific motion that addressed the Fee-In-Lieu of sidewalks. Town Planner Whitten referenced her memo dated March 20, 2018 – Revised April 4, 2018 which summarized the cost of installation of sidewalks on East and Middle Road and Jessie Lane at an cost estimated by Town Engineer Norton to be \$68/linear foot (or \$17/square foot), and Fee-In-Lieu for two proposals:

1. Payment of 40% of the installation cost (Fee-In-Lieu) to a Town Sidewalk and Trail Fund; or
2. Installing sidewalks and/or trails elsewhere in East Windsor as determined by the Commission provided that the value of such sidewalks/trails is equal to 50% of the cost of the sidewalks in the proposed development.

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The Commission considered various options for installation of sidewalks (or paths) elsewhere in East Windsor, including:

1. 600 linear feet of sidewalks along Old Ellington Road and continuing in front of the Broad Brook Elementary School
2. Possible continuation down Old Ellington Road in front of the ball fields
3. Possible continuation from Old Ellington Road onto Reservoir Avenue down to the Community Gardens across from East Windsor Park.

Chairman Ouellette continued to poll the Commissioners as they considered sidewalk options; at this point their preferences were:

**Commissioner Moore:** after visiting the East and Middle Road site, and now hearing these options, Commissioner Moore opposed any sidewalks associated with the Harvest View Subdivision.

**Commissioner Gowdy:** questioned if the Board could combine the options – require sidewalks on Jessie Lane but require a Fee-In-Lieu for sidewalks on East and Middle Roads? Commissioner Gowdy felt it was the Town's obligation to provide sidewalks rather than requiring a private developer to do it. Mr. O'Neill questioned if the Town would be required to put the sidewalk installation out to bid, as that could affect the cost of the project and possibly the quality of the work; also someone would need to create the sidewalk plans. Town Planner Whitten suggested that Town Engineer Norton worked with her on the Connectivity Plan; all of the sidewalks being discussed were part of that grant; part of the grant was that Town Engineer Norton would provide the plans.

Discussion continued. Town Planner Whitten suggested that 2,780 linear feet of sidewalks were proposed for the Harvest View Subdivision, while the length of sidewalks created from the school to East Windsor Park would be 2,610 linear feet. Chairman Ouellette clarified that should the 50% Fee-In-Lieu option be chosen the developer would be required to do the work rather than the Town. Mr. O'Neill questioned the legality of the second option due to the difference of the 40% vs the 50% contribution requirement. Town Planner Whitten suggested the regulations have been reviewed by an attorney; if there were legal concerns then the Commission could go with the 40% option. Discussion continued regarding the use of the Fee-In-Lieu funding. Commissioner Gowdy questioned the current balance in the sidewalk fund? Town Planner Whitten estimated between \$15,000 and \$18,000.

**Commissioner Sullivan:** would like to see the Commission consider the 40% Fee-In-Lieu because it gives the Town the ability to affect the most people by installing the sidewalks in front of the school.

**Commissioner Thurz:** felt the Commission should consider requiring sidewalks on Jessie Lane but require the 40% Fee-In-Lieu for the sidewalks on East and Middle Roads and apply that amount to sidewalks in front of the school; he felt the Commission would have future opportunities to install sidewalks to East Windsor Park.

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**Commissioner Kowalski:** cited he thought the Town had collected more money in the sidewalk fund than Town Planner Whitten estimated. He felt this was an opportunity for acquire additional funds to put sidewalks where they would benefit the most people.

**Commissioner Zhigailo:** favored no sidewalks associated with the Harvest View Subdivision.

**Commissioner Moore:** questioned if a path rather than a more costly sidewalk could be installed from Old Ellington Road to East Windsor Park?

Town Planner Whitten clarified that the Fee-In-Lieu would be received by the Town; the use of the funding would be earmarked by the Commission. Discussion continued.

**Commissioner Gowdy:** reconsidered his earlier opinion; he now favors eliminating all sidewalks within the Harvest View Subdivision, including Jessie Lane, in favor of requiring the 40% Fee-In-Lieu of all proposed sidewalks.

The Commission reviewed the proposed approval motion as it related to the requested site plan modifications.

**MOTION TO APPROVE.** Application of owner Hamlet Homes, represented by Mark O'Neill requesting a modification of an approved subdivision (Harvest View Estates) to eliminate sidewalks for fee in lieu of, and modify infrastructure and grading associated with the water quality basin for property located at the northeast corner of East and Middle Roads , R-3 zone [Assessors Map 50, Blk. 82 Lot 002 (01 -22)]. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

**Referenced Plans:**

Cover Sheet: Harvest View subdivision, East Road & Middle Road, East Windsor, CT, August, 2008, Rev Sep and Oct 2008, Owner Fred Spielman, Jr. P.O. Box 49, 283 Paris Hill, Paris, ME 04271, Developer, ZP Group, LLC 11 Bassette Lane, West Hartford, CT 06117, prepared by William R. Palmberg & Son, LLC, 264 Hazard, Ave, Enfield, CT 06082, with the following sheets :

2/22	Key Map
3/22	Property Survey
4-8/22	Subdivision Plan
9-13/22	Grading and Utility Plan
14-15/22	Plan and Profile – Jessie Lane
16/22	Plan and Profile – East Road
17/22	Plan and Profile – Drainage Outlet
18/22	Proposed Water Main Extension
19/22	Erosion and Sedimentation Control Plan
20/22	Landscape Plan
21/22	Test Pit Data

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22/22 Detail Sheet  
23A/23 Phasing Plan dated 8/25/08, amended 11/9/15

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**NEW SHEETS 3/20/18**

13/13 *Grading and Utilities Plan, 1"=40' dated 8/25/08, REV 3/16/18*  
1/1 *Water Quality Volume Analysis 1"=60', dated 3/16/18*  
9/23 *Overall Grading & Utilities Plan 1"=60', dated 3/16/18*  
1/1 *Middle Road Sidewalk Plan – As Approved 1" = 20' dated 3/16/18*  
1/1 *Middle Road sidewalk Plan (Alternate Layout)*

**Conditions that must be met prior to signing of mylars:**

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The final mylars shall contain the street numbers assigned by the East Windsor Assessor's Departments and the Map, Block and Lot numbers assigned by the Assessor's Office.
4. 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:**

5. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed mylars, shall be filed with the town clerk by the applicant, or this approval shall be considered null and void unless an extension is granted by the Commission. One set shall be filed in the Planning and Zoning Department.
6. A detailed site plan with sediment and erosion control plan shall be submitted for each lot at the time of application for Zoning Permits.
7. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer and the final amount of said bond shall be determined by the Town Engineer. (This bond covers public improvements, not individual lots.)

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**General Conditions:**

8. This subdivision modification does not change the overall expiration dates. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26c, as amended. The Commission shall require proper bonding be in place prior to the approval of any such extension.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
14. All deeds for public land, and easements shall be submitted at the time the applicant makes application for street acceptance. All deeds shall first be submitted in draft form and approved by the Town Attorney. Final bond release for public improvements shall not be approved until all public improvements are complete, accepted by the Town, and all deeds and maps have been filed on the Land Records.

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

**VOTE:**           **In Favor:**       **Kowalski/Moore/Sullivan**  
                      **Opposed:**       **Ouellette/Thurz**  
                      **Abstained:**   **No one**

**OTHER BUSINESS:**           None.

**CORRESPONDENCE:**       None.

**BUSINESS MEETING/(1) TOD Smart Growth Grant for Warehouse Point:**

Town Planner Whitten noted the paperwork is being submitted to complete this grant; funding should be available in May. She has spoken with LADA regarding continuation of their earlier studies; they hope to hold workshop discussions in June.

**BUSINESS MEETING/(3) ) Discussion on Aquifer Protection Regulations:**

No discussion this evening.

**BUSINESS MEETING/(4) General Discussion of Planning Issues – Signage and Digital Signs:**

**PLANNING ISSUES:**

- Town Planner Whitten reported Staff has recently met with MMCT representatives regarding application requirements. It's anticipated a presentation will be available in June; Staff is seeking alternative meeting locations to accommodate a large crowd.
- Chairman Ouellette reported CRCOG and DOT recently held a kick-off meeting of stakeholders involved with the Route 5 Corridor Study. He is a member of the Advisory Committee. Chairman Ouellette reported data collection, including traffic counts, vehicle speeds, and accident history, will begin next week. The data collection firm will come up with information regarding existing conditions and will then meet with the Advisory Committee again. They will be establishing a baseline of where the issues exist. Chairman Ouellette noted that when they look at future conditions they will look at a scenario that will include the casino as well. He noted that this study was begun before the casino was approved.

**SIGNAGE AND DIGITAL SIGNS:**

Staff provided the Commission with various handouts including model regulatory guidelines regarding area of signage and measurements, and illustrative information to assess signage impact.

Town Planner Whitten reported that none of the municipalities in Connecticut have created regulations to address the Federal Court case. She also noted there is continuing interest in the creation of regulations to allow digital signage within East Windsor, particularly on municipal buildings. Discussion continued regarding separation of building identification signage and message area, measurements applicable to building identification signage vs. size of area for digital "character space"/message, specifications for base material when considering free-standing signage, location of permanent free-standing signage in relation to set-back distance from property lines, concern for compromising sightline visibility due to location and/or height, and other related issues.

The Commission discussed applicable buildings; they felt the Fire Departments, the Libraries, and the Park and Recreation locations should be included. The Commission considered if digital signs should be building mounted, or free-standing. They felt the



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building identification signage for municipal buildings would be traditional signage, with supplemental digital signage presenting changing information. With regarding to the size of lettering, Chairman Ouellette suggested the standard is 1 inch letter for every mile per hour of the applicable speed limit; as an example on a street with a 40 mile per hour speed limit the message should be presented in 4 inch lettering. The Commission considered that building mounted digital signage might be appropriate in the Industrial Park.

At this point the Commission prefers that the maximum area of digital signage would be 32 square feet, with 4 inch lettering; maximum height, including base, would be 15 feet with a 10 foot set back from the property line. The Commission preferred that requests for digital signage come through under a Site Plan Review Application. New signage requests for municipal buildings would be passed on to the Board of Selectmen under an 8-24 Referral for final approval.

Chairman Ouellette requested Town Planner Whitten to prepare draft regulations for the Commission's review. The Regulation Approval process was discussed; regulations will be referred to CRCOG, a public hearing will be held to take public input prior to Commission approval.

**BUSINESS MEETING/(2) Zoning Compliance Issues:**

- Chairman Ouellette noted that a couple of weeks ago the Commission heard a neighbor's complaint regarding a property on Mahoney Road; he questioned the status of the situation? Town Planner Whitten noted the Town is working towards initiating the Appeal process; she cited the recent appointment of a Hearing Officer. Town Planner Whitten reported a letter will be going out to the property owners shortly.
- Regarding 20 Margaret Drive, Town Planner Whitten reported the office is being told the property owner continues to receive deliveries via trailer trucks; the deliveries are now occurring at 6:00 a.m. which makes investigating the issue difficult. She noted Staff has asked the Board of Finance to hire a full-time Blight/Zoning Enforcement employee to handle this workload. She cited the need for consistency when handling the violation issues; the process is time consuming.

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

**MOTIONS:** None.

**MYLARS/PLANS:** None.

**ADJOURNMENT:**

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**MOTION: To ADJOURN this Meeting at 8:00 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