

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

**REGULAR MEETING #1695 – April 26, 2016**

**MEETING MINUTES**

**\*\*\*\*Draft Document Subject to Commission Review/Approval\*\*\*\***

The Meeting was called to order in the Park Hill Community Room, 1A, Park Hill, Broad Brook, Connecticut at 6:31 p.m. by Vice-Chairman James Thurz.

**PRESENT:**        **Regular Members:**

James Thurz, Richard Sullivan and Michael Kowalski

**Alternate Members:**

Marti Zhigailo

**ABSENT:**        **Regular Members:**

Joseph Ouellette and Lorraine Devanney

**Alternate Members:**

None

**ALSO PRESENT:** Laurie Whitten, Town Planner, Selectman Richard Pippin, Board of Finance Member Kathleen Pippin, Selectman Jason Bowsza, Board of Selectmen liaison to the Planning and Zoning Commission, Dana Christensen, Jack Mannette and others

**I.    ESTABLISHMENT OF QUORUM**

A quorum was established as three Regular Members and one Alternate Member were present. Vice-Chairman Thurz indicated that in accordance with the service rotation schedule Alternate Member Marti Zhigailo was requested to join the Board regarding discussion and action on all Items of Business this evening as well.

**II. LEGAL NOTICE:**

Commissioner Richard Sullivan read into the record the Legal Notice which was published in the *Journal Inquirer* on April 14, 2016 and April 21, 2016. It read as follows:

“The East Windsor Planning and Zoning Commission will hold a regular meeting starting at 6:30 p.m. on Tuesday, April 25, 2016 at the Park Hill Community Hall, 1A Park Hill, Broad Brook, Connecticut, with the following public hearing to be heard:

Application of Dana Christensen for a 1-lot Re-subdivision and Special Use Permit/Rear Lot for property located at 43 Rockville Road, owned by Leonard A. Mulnite Trustee. (R-3 zone, Map 39, Block 64, Lot 21A)

Copies of the above application and plans are on file in the Planning and Development Office. All interested persons may appear and be heard. Dated at East Windsor, Connecticut, this 12<sup>th</sup> day of April, 2016.”

**III. ADDED AGENDA ITEMS:**

None.

**IV. PUBLIC PARTICIPATION:**

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

**V. APPROVAL OF MINUTES – APRIL 12, 2016**

There was an error noted the in the Minutes of April 12, 2016, XIV. Business Meeting, (1) Update on Windsorville/Barber Hill School House – Griffin Road, Paragraph 1, Line 11. The amendment is as follows:

“...open space fund so that won can by a more suitable parcel.”

to

“....open space fund so that town can buy a more suitable parcel for open space.”

There was an error noted the in the Minutes of April 12, 2016, XIV. Business

Meeting, (1) Update on Windsorville/Barber Hill School House – Griffin Road, Paragraph 1, Line 17. The amendment is as follows:

“...must refer to is planning commission and proposed...”

to

“....must refer to its planning commission and proposed...”

**MOTION:** To APPROVE MINUTES OF Regular Meeting #1694 dated April 12, 2016 as amended.  
R. Sullivan moved/M. Kowalski seconded

**VOTE:** In favor: Thurz, Sullivan, Kowalski and Zhigallo  
Opposed: None  
Abstained: None

**MOTION PASSED.**

**VI. RECEIPT OF APPLICATIONS:**

None.

**VII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:**

None.

**VIII. CONTINUED PUBLIC HEARINGS:**

None.

**IX. NEW PUBLIC HEARINGS:**

- **Application of Dana Christensen – 1-lot Re-subdivision and Special Use Permit/Rear Lot for property located at 43 Rockville Road, owned by Leonard A. Mulnite Trustee. (R-3 zone; Map 39, Block 64, Lot 21A) [Deadline to close hearing 05/31/2016]**

Vice-Chairman Thurz commented the 6.03 acres R-3 zoned property is located on the east side of Rockville Road, approximately 1500’ northwest of the intersection of Barber Hill Road. The proposal is to cut out the existing

house lot at No. 43 Rockville, create a rear lot behind the house and leave the remaining property for agricultural purposes. The parcels will be serviced by private septic and water. The property abuts Windsorville pond and contains an irrigation pond. Wetlands has granted an agent decision for the proposed reserve septic for the rear lot to be located within the regulated area.

Ms. Laurie Whitten, Town Planner, indicated the proposal is one lot to be split in three ways, two for houses and the other for agricultural purposes. A memorandum from Ms. Whitten to the Commission dated April 21, 2016 was given to the Commission to assist them with their discussion along with a map of the property in question. There was an inquiry regarding the slope of the property, water runoff and erosion was asked. Mr. Christensen replied that grass has been planted along with some removal of trees. There was a gravel road that lead to a boat launch. Erosion has never been an issue. It was questioned if North Central Health District has been involved regarding the septic and indicated that many entities such as public works, fire department, planning and zoning, wetlands and building departments would have to review this application as well. Mr. Christensen indicates that North Central Health District has already inspected the lot and have done the perk tests. Ms. Whitten remarked the Town referred the application to North Central Health District at the time the application of the zoning permit. Mr. Sullivan inquired if Mr. Leonard Norton, Director of Public Works and Town Engineer has an inspected the property. Ms. Whitten gave a hand written document from Mr. Norton dated April 26, 2016 in regards to 43 Rockville Road for the Commission to review.

A lengthy discussion was held. Vice-Chairman Thurz went through each staff comment which was listed on the memorandum from Ms. Whitten and used a copy of the map plan to review those comments. One change made to those comments was the Agricultural buffers as the subject property is partially surrounded by farm land. It was proposed to have a 100 foot agricultural buffer on both sides; but after the discussion it was decided a 50 foot agricultural buffer will be required on both sides.

It was asked if anyone from the audience wanted to speak as this is a public hearing. No one responded.

**MOTION:** To close the public hearing on the application of Dana Christensen and owner Lenny Mulnite of Mulnite Farms, requesting a 1 lot re-subdivision and special use permit for 1 rear lot located at 43 Rockville Road. Map 38, Block 64, Lot 021a in the R-3 Zone.  
M. Kowalski moved/M. Zhigallo seconded

**VOTE:** In favor: Thurz, Sullivan, Kowalski and Zhigallo  
Opposed: None  
Abstained: None

**MOTION PASSED.**

**MOTION:** To approve waivers for sidewalks (Section 6-3), as none exist in the area. Application shall be subject to fee in lieu of sidewalks per Section 6.3.5 of the subdivision regulations. Street Lights (Section 6.5) as none exist in the area and no new roads.  
R. Sullivan moved/M. Kowalski seconded

**VOTE:** In favor: Thurz, Sullivan, Kowalski and Zhigallo  
Opposed: None  
Abstained: None

**MOTION PASSED.**

**MOTION:** To approve the application of Dana Christensen, and owner Lenny Mulnite of Mulnite Farms, requesting a 1 lot re-subdivision and special use permit for 1 rear lot located at 43 of Rockville Road. Map 39, Block 64, Lot 021A in the R-3 zone. This approve is granted subject to conformance with the referenced plans and the following conditions of approval:

**Conditions which 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. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. Landscaping details shall be shown on the plans, calling out the number, caliper and spacing of trees.
3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.

4. Addresses for each parcel must be placed on the respective lot on the plans. Addresses are assigned by the Tax Assessor.

**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 fixed line mylars, shall be filed with the Town Clerk by the applicant no later than 90 days after the decision or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, shall be filed in the Planning and Zoning Department.
6. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
7. Deeds for any conservation easements and/or drainage easement must be approved by the Town and filed on the land records prior to any permits being issued. It is best if these are filed with the mylars.

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

8. Iron pins must be in place at all lot corners and angle points.
9. Any driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.

10. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
11. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
12. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted.
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 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:**

14. This subdivision approval shall expire (five years from the date of approval). Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time at least one month in advance of the expiration date to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.
15. A Zoning Permit shall be obtained prior to any the commencement of any site work.
16. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in

lesser impacts may be allowed subject to staff review and approval.

17. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
18. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
19. 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.
20. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

**Additional requirements:**

The proposed parcels appear meet the minimum requirements for the R-3 zone.

A zoning table showing acreages and bulk and area for original and proposed parcels needs to be added to the plans.

Acreage data for the existing house lot has not been provided.

Flood data should be shown on the site plan.

Wetlands 150' regulated area from the irrigation pond should be shown on the plans.

A large barn exists on the remaining agricultural parcel. This needs to be shown on the plans to clarify compliance with setbacks.



Buffer trees are proposed along the drive and the rear of the proposed existing house lot.

Waivers should be sought for sidewalks and street lights, or show on proposed plans with details.

A positive memo has been submitted from NCHD and Wetlands.

Agricultural Buffers (Section 2.17). The subject property is partially surrounded by farm land. A 50 foot agricultural buffer is required for the new rear lot to the south and perhaps to the east. This buffer and a note referencing agricultural uses needs to be added to the plans.

Along with recommendations of Mr. Len Norton dated April 26, 2016.

R. Sullivan moved/M. Kowalski seconded

<b>VOTE:</b>	In favor:	Thurz, Sullivan, Kowalski and Zhigallo
	Opposed:	None
	Abstained:	None

**MOTION PASSED.**

**X. NEW BUSINESS:**

- **Horizon View Estates, LLC – Modification for Phasing and request for extension of approved 22-lot subdivision (Harvest View Estates) located at East Road and Middle Road. (R-3 zone; Map 50, Block 82, Lot 2) [Deadline for decision 06/16/2016]**

A representative from William R. Palmberg and Son, LLC, land surveyors addressed the Commission. He indicated that in January of 2009, a 22 lot subdivision was approved for the 25 acre R-3 zoned property located at the northeast intersection of Middle and East Roads. The eastern most property line is the Town line between Ellington and East Windsor. The parcel is a farm field, with one existing lost cut out. Wetlands do not exist on the parcel, however, drainage with lad to a pond off site, located in the Town of Ellington. The Inland Wetlands and Watercourses Commission of Ellington will review the application for any impacts.

In November of 2012, the applicant requested a nine year extension which was granted. As the projects fall s under PA 11-05, they are requesting a full

14 year extension as provided for through the act. This would bring the extension to January 27, 2023.

In addition, the applicant is seeking to phase the developments of the 22 lots. Phase One will include three frontage lots on Middle Road. Phase Two will include five frontage lots on East Road. Phase Three will include the remaining 14 lots along the new proposed road.

A lengthy discussion was held.

**MOTION:** To approve the extension to a total of fourteen years from date of approval per PA 11-05. Said expiration date will be January 27, 2023.  
M. Kowalski moved/R. Sullivan seconded

**VOTE:** In favor: Thurz, Sullivan, Kowalski and Zhigallo  
Opposed: None  
Abstained: None

**MOTION PASSED.**

**MOTION:** To approve the proposed phasing plan with three phases, to be filed on the land records dated 08/25/08 and 11/09/15. Amended conditions of approval from original subdivision approval are as follows:

**Conditions which 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. A \$2,000 fee per lot, payable to the Town Treasurer, is not paid prior to the filing of the final mylars, the mylars shall contain a clearly visible notation for each applicable lot stating, "Any sale or transfer of this property within five (5) years of the original (re)subdivision approval to a person not exempt under section 7.10 of East Windsor's Subdivision Regulations

shall result in the liability of payment (\$2,000) to the Town of East Windsor for the total fee as defined in Section 7.6 of East Windsor's Subdivision Regulations".

4. Landscaping details shall be shown on the plans.
5. Light post location and detail shall be shown on the plans – if required
6. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this 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:**

7. Two sets of final mylars for SHEET 23A of 23, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant **no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, shall be filed in the Planning and Zoning Department. One paper copy of the Phasing Plan shall be submitted to the Town Assessor
8. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
9. A cash (escrow) or passbook bond shall be submitted for erosion and sedimentation (E & S) control maintenance, site restoration, and roadway construction **during the construction of each phase of the project.** Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within 5 days or this permit shall be rendered null and void. The applicant's engineer shall prepare an estimated cost of

the E & S controls for review by the Town Engineer.  
The final amount of said bonds shall be determined by  
the Town Engineer.

10. Deeds for conservation easements and drainage easement must be approved by the Town and filed on the land records prior to any permits being issued. It is best if these are filed with the mylars.
11. Any or all buildings, collapsed barns etc. must be removed prior to obtaining a zoning permit.

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

12. Iron pins must be in place at all lot corners and angle points.
13. Final Health District approval of the drinking water supply must be demonstrated.
14. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
15. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
16. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
17. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted.
18. 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:**

19. This subdivision approval shall expire (**FOURTEEN years from the date of approval January 27 2009 +14 = January 27, 2023**). Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time at least one month in advance of the expiration date to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.
20. Bonding for the proposed roadway shall be determined per PA 11-79 at time of construction.
21. A Zoning Permit shall be obtained prior to any the commencement of any site work.
22. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
23. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
24. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
25. 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.

26. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

27. Sidewalks will be installed along the south side of Jessie Lane, and southward along the east side of East road to the intersection with Middle Road.

M. Kowalski moved/M. Zhigallo seconded

<b>VOTE:</b>	In favor:	Thurz, Sullivan, Kowalski and Zhigallo
	Opposed:	None
	Abstained:	None

**MOTION PASSED.**

**XI. OLD BUSINESS:**

None.

**XII. OTHER BUSINESS:**

None.

**XIII. CORRESPONDENCE:**

None.

**XIV. BUSINESS MEETING:**

**(1) Final Review of Warehouse Point Study**

Ms. Whitten gave to the Commission a document entitled “Other Recommendations” along with a map. She wanted all of the Commissioners to review the map and make sure there are no errors. She told the Commissioners they had homework to do and it would have been scheduled to be discussed and voted on at the May 10, 2016 regular meeting; however, the Chairman Joseph Ouellette will not be able to attend that meeting. She would like to have his input on this before the final vote. It was the general consensus of the Commission that they would like to have his input as well.

**(2) Review of Plan of Conservation and Development (POCD)**

Ms. Whitten indicated that the plan is due on July 1, 2016; however, due to the the plan not being approved by this Board until the meeting of May 24, 2016, she is not hopeful that this will be ready to be submitted by July 1, 2016. She explained the process for approval to the Commission.

**(3) Signing of Mylers/Plans, Motions**

Not discussed at this meeting.

**XV. ADJOURNMENT:**

**MOTION:** To ADJOURN the Planning and Zoning Commission Regular Meeting of April 26, 2016 at 7:24 p.m.  
R. Sullivan moved/M. Kowalski seconded

**VOTE:** In favor: Thurz, Sullivan, Kowalski and Zhigallo  
Opposed: None  
Abstained: Ouellette

**MOTION PASSED.**

Respectfully Submitted,

Denise M. Piotrowicz  
Substitute Recording Secretary