

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

REGULAR Meeting #1767 – October 8, 2019

MEETING MINUTES

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

Regular Meeting #1767 of the Planning and Zoning Commission held on October 8m 2019 was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:34 P. M. by Chairman Ouellette.

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

Alternate Members: Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** Jim Thurz

Alternate Members: Anne Gobin

Also present was Town Planner Ruben Flores-Marzan.

GUESTS: Attorney Peter Alter, of Alter & Pearson, LLC, and Mr.Gary Gianfrancesco AIA, AICP, LEED AP, President of Arconics Architecture, PC; Richard P. Pippin, Jr.; Ray Embury, President of the Meadow Farms Association; Andy Hoffman.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members and two 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. Following in accordance with the service rotation schedule Chairman Ouellette requested Alternate Member Zhigailo to join the Board regarding discussion and action 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.

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Richard P. Pippin, Jr., 37 Woolam Road: Mr. Pippin cited the difficulty for the public to enter the building because of the new door access system. He questioned if this could be considered a public meeting because of the inability to have the doors open for the public. He suggested this information should be referred to whoever was responsible for the installation of the new system.

APPROVAL OF MINUTES/September 24, 2019:

MOTION: To APPROVE the Minutes of Regular Meeting #1766 dated September 24, 2019 as written.

Sullivan moved/Zhigailo seconded/**DISCUSSION:** None.
VOTE: In Favor: Ouellette/Kowalski/Sullivan/Zhigailo
Opposed: No one
Abstained: Moore

RECEIPT OF APPLICATIONS: None.

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.

OLD BUSINESS/Site Visits:

Town Planner Ruben Flores-Marzan updated the Commission on the following pending violations:

- **47 Church Street** – excess cars
- **Prospect Hill Road** – high fence
- **Mason’s Brook** – illegal bed & breakfast
- **368 Scantic Road** - Feral cat business at a mobile home park
- **47 Plantation Road** – illegal body shop

OTHER BUSINESS/A. Informal discussion with Peter Alter about Friendly’s redevelopment:

Attorney Peter Alter, of Alter & Pearson, LLC, and Mr. Gary Gianfrancesco, AIA, AICP, LEED AP, President of Arconics Architecture, PC joined the Commission.

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This informal discussion involves the relocation of the Taco Bell Restaurant to 122 Prospect Hill Road.

Attorney Alter reported they had submitted preliminary drawings to Town Planner Flores-Marzan along with a request for an informal discussion. He noted the plans have changed a bit. Attorney Alter indicated they originally submitted plans showing a 7- car que, which is a requirement of the franchisor; they are presenting tonight a plan reflecting a 10-car que, which is more appropriate for the franchisee.

Attorney Alter indicated this proposal is for a replacement tenant at 122 Prospect Hill Road, the previous location of a Friendly's Restaurant. Friendly's closed this site approximately 2 years ago; Attorney Alter indicated he had been told this was one of the most successful Friendly's locations in the state. The proposal, which is being presented on behalf of Cantina Hospitality LLC, is to relocate the Taco Bell Restaurant down the street to this site.

Attorney Alter reported the Friendly's building is in front of the current property set back, which would be considered a legal non-conforming use. Attorney Alter suggested he understands as long as they replace the existing building with something no closer to the road then they would not need to seek a variance. The building being proposed would contain approximately 2,080 square feet, while the existing Friendly's building is nearly twice as large. Attorney Alter questioned if the Commission would agree if it's permitted to replace the building as long as they don't increase the non-conformance? Attorney Alter advised the Commission they would raze the Friendly's building and construct a new Taco Bell, which would actually be reducing the non-conformity.

Attorney Alter introduced Mr. Gianfrancesco, President of Arconics Architecture, PC.

Mr. Gianfrancesco reported the new building is about 10 feet back into the shopping center and street footprint at the southernmost wall of the current Friendly's, which would allow the longer ordering que. Taco Bell has about 30 locations in Connecticut. Taco Bell normally requires a 7-car que. They are situating the development within the grassy island. The building footprint contains 2,080 square feet with 21 associated parking spaces, which is a less intense use than a restaurant. Mr. Gianfrancesco presented 3 elevation drawings:

- 1) the drive-thru elevation facing west;
- 2) the dining room elevation facing east, handicapped spaces would be located on this side of the building, dining room contains 600 to 650 square feet.
- 3) elevation inside the shopping center, which includes the signage.

Chairman Ouellette queried the Commissioners for comments:

Commissioner Gowdy:

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Ordering Que: Commissioner Gowdy referenced the site plan proposing the 10-car que; referencing a location on the site plan he questioned what if 5 cars are going out here? Mr. Gianfrancesco reported that the 7-car que is based on the amount of time from when someone reads the order board to the time they grab their bag. Mr. Gianfrancesco cited that their drive-thru would be visible from the road; people may choose to go inside instead. Commissioner Gowdy suggested with the casino coming his past experience is if you say 4 minutes in the que by the time these people order you could have a substantial backup. He questioned if the ordering could be moved?

Commissioner Kowalski:

Location Exchange Or Replacement: Commissioner Kowalski questioned if this location replaces the location down the street? Mr. Gianfrancesco indicated the location down the street would remain a KFC only; it's a very successful restaurant.

Commissioner Zhigailo:

Ordering Que: Commissioner Zhigailo referenced Commissioner Gowdy's question regarding the que behind the order board, she noted people often ask questions.

Traffic Within The Shopping Center: Commissioner Zhigailo also noted the cross-traffic within the shopping center; people often drive through haphazardly without looking for competing traffic. Commissioner Zhigailo referenced the exit from the drive-thru, she questioned the distance from the entrances to the shopping center?

Associated Parking Spaces: Commissioner Zhigailo questioned how many parking spaces within the shopping center would be dedicated to the Taco Bell; where will staff park? Attorney Alter indicated they're doing an analysis of the parking usage within the complex. They're reducing the demand from Friendly's. They need 1 parking space per 100 feet of building coverage so they need 21 spaces under the current regulations. Attorney Alter suggested there doesn't appear to be a shortage of parking within the shopping center currently.

Regulations Related To Set-Back: Commissioner Zhigailo questioned which regulation specifically addresses the property line set back? Town Planner Flores-Marzan suggested Section 303.1(a) and 303.2(a) He noted they're not increasing the non-conformity, they're reducing the size of the building so the footprint is smaller so they can move the building back.

Commissioner Kowalski:

Demolition: Commissioner Kowalski questioned if they would be demolishing the entire building, or keeping one common wall? Commissioner Kowalski felt that changed the regulation being considered.

Commissioner Moore:

Landscaping: Commissioner Moore cited the current shopping center is wide open; are you considering parking islands? Attorney Alter indicated they would submit a full landscaping plan for the area they would be leasing.

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Sidewalks On Route 5: Commissioner Moore questioned if they were considering installing sidewalks on Route 5? Attorney Alter indicated that area is owned by the State. He noted they've not had a lot of success discussing landscaping options with DOT.

Commissioner Sullivan:

Sidewalks: Commissioner Sullivan indicated he was also concerned regarding sidewalks along Route 5.

Building Appearance: Because this building is so noticeable and close to Route 5 Commissioner Sullivan questioned if something better could be done architecturally with the look of the building? He referenced the elevation facing the street, it's just a box; couldn't we do something more inviting, maybe something a little more representative of New England. Mr. Gianfrancesco reported that typically the building footprint remains the same, sometimes they can enhance it with the choice of materials, such as brick. Mr. Gianfrancesco also noted the branding elements/features which they must maintain. Mr. Gianfrancesco indicated he would need to go back to the franchisee to discuss Commissioner Sullivan's concerns.

Chairman Ouellette:

Sidewalks: Chairman Ouellette noted he is also concerned with the sidewalk location as it relates to the future widening of Route 5. He suggested the sidewalk location could be within the State right-of-way.

Order Que Drive Aisle: Chairman Ouellette noted the ordering que doesn't allow for two-way traffic. He cited someone could have a disabled vehicle, or someone may want to get out of line, the queuing line is only 12 feet wide; everyone in line is trapped. Mr. Gianfrancesco indicated they tried to prepare a layout that brings the building up to the property line so they could keep the landscaping being proposed. He suggested it's a 5 foot walk in front and maybe 3 feet to the face of the building. Commissioner Gowdy questioned what width Chairman Ouellette was looking for; Chairman Ouellette indicated 15 feet, although he recognized that would be tough to accomplish.

Order Board: Chairman Ouellette indicated he agrees the order board must be strategically located.

Parking Space: Chairman Ouellette questioned if the 21 parking spaces includes employee parking spots? Attorney Alter suggested that was based on the Regulations. He suggested the restaurant has only a 600 square foot dining area, which would leave a dozen parking spaces for employees. Attorney Alter suggested East Windsor's Regulations are a bit more aggressive than other towns regarding parking requirements. Attorney Alter felt when the parking analysis is completed he felt we'll find there is a lot of space in the shopping complex.

Existing Pylon Sign: Chairman Ouellette referenced the existing pylon sign located north of the drive-thru, he questioned if they would be adding to that signage? Mr. Gianfrancesco indicated he understands they would take the spot that was previously used by Friendly's. Chairman Ouellette noted the land where the pylon sign is located is not owned by the plaza owner. Attorney Alter suggested there may be a lease agreement for the sign location.

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Location Appropriateness: Chairman Ouellette agreed having a vacant building doesn't do anything for the Town; he agreed there are opportunities for additional retail; he didn't know if this spot is the right location. It seems you're trying to squeeze the building in. He reiterated there may be issues with the queuing that spills out into the drive aisle within the shopping center which isn't part of your lease with the property owner. Chairman Ouellette questioned what would occur if they couldn't get the extra width for the que drive aisle?

Application Type: Chairman Ouellette questioned what type of application would they be filing? Attorney Alter suggested it would be a Special Use Permit application for the drive-thru and a Site Plan Application for the construction of the building.

Delivery Schedule: Chairman Ouellette questioned what time of day does Taco Bell typically receive deliveries? Mr. Gianfrancesco suggested the food deliveries come late at night; trash is picked up before opening. Chairman Ouellette felt the large delivery trucks will park in the drive area to unload.

Commissioner Zhigailo:

Roof-Top Mechanicals: Commissioner Zhigailo questioned if they would screen the roof-top mechanicals? She noted she's seen some buildings that have constructed an artificial awning and created artificial windows to break up the look of the long wall.

Snow Plowing: Commissioner Zhigailo felt snow plowing will be a problem; she suggested you may find you lose some landscaping to deal with the snow removal.

Cross Walks: Commissioner Zhigailo suggested they should consider cross walks within the shopping center to access the building.

Commissioner Kowalski:

Warehouse Point Study Workshops: Commissioner Kowalski noted the Commission has been engaged in workshops regarding the redevelopment of Warehouse Point, which included architectural renderings for building types; he suggested Attorney Alter and Mr. Gianfrancesco review some of that material for ideas.

Attorney Alter suggested he and Mr. Gianfrancesco will go back and review the Commission's comments; he reviewed a list of items discussed above. Attorney Alter questioned if the Commission was in agreement that they were handling the non-conformity correctly? Chairman Ouellette indicated he was satisfied if Town Planner Flores-Marzan concurred; the consensus of the Commission was affirmative.

Attorney Alter and Mr. Gianfrancesco thanked the Commission for their consideration.

Andy Hoffman, speaking from the audience, asked if he and Mr. Embury could speak as Public Participation; they thought the meeting started at 7:00 p.m. Chairman Ouellette queried the Commission for their opinion; the Commission agreed to listen.

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Ray Embury, 14 Acorn Drive, President of the Meadow Farms Association: Mr. Embury reported that in 2007 Jason Ziegler started the Meadow Farms project; in 2012 construction stopped after 18 units were built. The initial paving of Acorn Drive and Field Circle was performed, which left an exposed surface and storm drains. As time has gone on the road has deteriorated, and the Meadow Farms Association has spent their money on road repairs. Gaetan (Letourneau), who is a wonderful builder, has constructed 8 homes which will be sold before the end of the year. Mr. Embury indicated the Meadow Farms Association felt they have done everything they've been asked to do. They have discussed this issue with Town Planner Flores-Marzan; they understand the Town wants the heavy equipment out of the project before you install the final road layer.

Mr. Embury indicated the Meadow Farms homeowners would like to know where the Town stands with Jason Ziegler? Mr. Embury indicated he and Mr. Hoffman have been working with Town Planner Flores-Marzan; he questioned what the Commission can do with Jason Ziegler? The Association would like to see the Town pull Jason Ziegler's bond and complete the work and get the road done. Mr. Embury indicated he's surprised Jason Ziegler doesn't want to finish the work and get out of this project. He sold the remaining 8 lots to Mr. Letourneau, who is finishing the common-interest area. They need the Town's support ; if a punch-list was done the Association would like to have a copy at the appropriate time.

Andy Hoffman, 6 Acorn Drive: Mr. Hoffman indicated there are 2 major issues outstanding: 1) the completion of the roads, and 2) the swale, which is a conduit into the retention pond, requires additional work. They started with former Town Planner Laurie Whitten some time ago; she told them there was bond money of over \$300,000 remaining at that time. In the interim some of the bond money has been given back to Jason Ziegler. He has been difficult to deal with, and unresponsive to the Association's requests. Mr. Hoffman felt it will require the Town's support to get this done; they're looking for a plan to do this. The roadbed is 12 years old and is cracking; the Association repaired an area at the front entrance; it's beyond the residents' ability financially to complete the work. Town Engineer Norton acquired an estimate from Galasso to mill the existing surface, install a new sub-layer, and then install the final surface; Mr. Hoffman believes Town Engineer Norton feels the road can be completed for \$176,000. Mr. Hoffman explained an alternate process of patching the existing cracks of the existing surface; he noted his experience with a similar project for roads at St. Catherine Cemetery, which required re-doing every 3 years. Mr. Hoffman suggested the reapplication of the crack sealing isn't something a 24 unit community can do every 3 years. Mr. Hoffman felt it was the Town's responsibility to get a new road installed which doesn't break up consistently and become a problem for the community. Town Engineer Norton had originally felt the road could have been installed this year but we're running out of time; the timing for the road installation should now be anticipated for early Spring, 2020.

Mr. Hoffman suggested the Association feels there are 4 issues:

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- Require Jason Ziegler to submit a completion plan
- Require Jason Ziegler to submit a schedule to complete the work
- Insist that Jason Ziegler complete the road work or call the bond
- Get someone else to complete the outstanding work

Mr. Hoffman indicated he understood Town Engineer Norton provided a punch-list of 12 items to the Town; the Association has not seen that document. Jason Ziegler owes the Town the completion of the work, or the Town should call his bond. Mr. Hoffman noted some of the bond money has been returned to Mr. Ziegler; he questions that enough remains to cover the \$176,000 anticipated for the road repair.

Mr. Embury reported the second coat has been installed on Farms Road; cracks are already running diagonally across the road. If you allow Jason Ziegler to complete Acorn Drive in the same manner you'll have the same problem.

Chairman Ouellette requested Town Planner Flores-Marzan to update the Commission.

Town Planner Flores-Marzan reported Jason Ziegler converted his surety bond for a cash bond. Treasurer O'Toole has said he can lock up those funds which would require both the Town and Jason Ziegler's signature to release those funds. The Planning Office has been reaching out to Jason Ziegler but he has not responded; the last resort is to call the bond following the process outlined under the Connecticut General Statutes. The Planning Office will reach out to the Town Attorney for assistance. Chairman Ouellette questioned the timetable for this next step? Town Planner Flores-Marzan indicated they will be meeting with the Town Attorney next week to review the plans and documents; he'll work on a letter for the Commission to review. Commissioner Sullivan questioned what will happen if Jason Ziegler refuses to finish the work? Town Planner Flores-Marzan indicated he would enlist the assistance of the Town Attorney.

Chairman Ouellette cited Jason Ziegler made a compelling argument when he requested the swap of the surety bond for the cash bond; he questioned if there had perhaps been a motive behind the request. Mr. Hoffman reported when he moved into the Meadow Farms community Jason Ziegler had sold his lot to Paul Benson, who completed his home. The lot next door was foreclosed on by Kelly Fradet; the lot on the other side was sold to another developer who had great difficulty completing and selling that home. Then the final lots were sold to Gaetan Letourneau. In the meantime Jason Ziegler has been a shadow.

Mr. Embury requested documentation of the bond release; Chairman Ouellette indicated staff can provide a copy of the meeting minutes. Mr. Hoffman asked if this item could remain on the agenda for review once a month; Chairman Ouellette suggested Town Planner Flores-Marzan could provide the Commission with a progress report citing milestones completed. Mr. Embury and Mr. Hoffman cited their appreciation for the Commission's and Town Planner Flores-Marzan's assistance.

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BUSINESS MEETING/(1) General Zoning Issues:

Chairman Ouellette reported he and Town Planner Flores-Marzan attended a meeting today with CRCOG on the **Route 5 Study**; he has a hard copy of the Powerpoint presentation for the Commission. CRCOG has done forecasting on traffic through 2040, and are working on a capacity study. They have also discussed some options to mitigate the traffic, such as adding a second southbound lane from the I-91 ramp to the high school, and developing a left lane as needed, adding new traffic light equipment and cameras and pedestrian sidewalks. They're also discussing transit opportunities with Bradley Airport, and perhaps a Town owned transit bus like the Magic Carpet in Enfield. Chairman Ouellette suggested they're not interested in competing with the rail project in Windsor Locks. He noted the Commission had discussed a bike path and bike amenities along South Water Street but CRCOG's idea was to continue that along the river bank and come out near the South Windsor town line. If the bike path follows Route 5 it would need to be separated from other traffic.

Chairman Ouellette indicated the Town had asked CRCOG to do this corridor study from Enfield to South Windsor; they will be holding public meetings in November to share this information. The study group will be meeting again in late December.

Town Planner Flores-Marzan reported he has been contacted by four developers interested in building upscale, multi-family complexes in the last month; they are mostly interested in areas within a quarter mile of Route 140 and Route 5. He indicated there's an appetite for land close to the airport and the interstate. He suggested the Commission review the multi-family regulations as they relate to density. Discussion continued regarding the impact on the school system and other services. Town Planner Flores-Marzan suggested residential development brings in people who then support the local businesses. Commissioner Gowdy questioned if there's been any interest in industrial development? Town Planner Flores-Marzan suggested Route 140 is impacted by significant wetlands and lacks the infrastructure to support industrial uses.

The Commission requested copies of the Bylaws in the November packet for review in December.

BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions: sign mylars for Windbrook Homes subdivision.

BUSINESS MEETING/(3) Meeting Schedule for 2020:

MOTION: To APPROVE the Planning and Zoning Commission 2020 Meeting dates as written.

Sullivan moved/Moore seconded/DISCUSSION: None.

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

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:09 p.m.

Moore moved/Kowalski seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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