

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

REGULAR Meeting #1768 – October 22, 2019

MEETING MINUTES

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

Regular Meeting #1768 of the Planning and Zoning Commission held on October 22, 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), Tim Moore, and Jim Thurz.
 Alternate Members: Anne Gobin, Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** Michael Kowalski, and Dick Sullivan.
 Alternate Members: All Alternate Members were present.

Also present was Town Planner Ruben Flores-Marzan.

GUESTS: Mr. Himanshu Patel; Ray Embury, President, Meadow Farms Homeowners Association, and community members Marc Coleman, Andy Hoffman, and David Macdaid.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members, and three 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 Members Gobin and Gowdy 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. No one requested to speak.

APPROVAL OF MINUTES/October 8, 2019:

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MOTION: To **ACCEPT** the Minutes of Regular Meeting #1767 dated October 8, 2019 as written.

Moore moved/Gowdy seconded/DISCUSSION: None.

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

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

**NEW BUSINESS/A. Informal discussion with Mr. Himanshu Patel re: residential
development:**

Mr. Patel joined the Board. He reported he is the owner of the parcel at 35 North Road. Mr. Patel reported he purchased the property 8 years ago as a gift to his newborn son. Mr. Patel indicated he is now considering doing something with the parcel. He has met with Town Planner Flores-Marzan, Assistant Town Planner Mosso, and First Selectman Maynard to discuss development options. He is presently considering construction of 260 luxury apartments. The bulk of the parcel is located to the rear of the W. B. Mason warehouse. There are three access points along the North Road frontage, the first is between W. B. Mason and the Mardi Gra, the second is to the east of the Connecticut Water Company, and the third is further to the east of the W. B. Mason warehouse across the intersection with Winkler Road and North Road. Mr. Patel has come to this Commission to discuss his plan for the apartments; he understands he must also discuss his plan with the Inland Wetlands Commission as the parcel is impacted by wetlands as well as upland review area.

Mr. Patel noted the parcel is close to Interstate 91, so the location would be good for people working in Hartford and Massachusetts. The parcel is also close to Walmart and other amenities; Mr. Patel feels other businesses will follow the apartments. Mr. Patel provided the Commission with a preliminary site drawing; he is proposing 260 “luxurious” apartments to the rear of the W. B. Mason warehouse. He is proposing access via the access between the Mardi Gra and the W. B. Mason warehouse.

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Commissioner Gowdy questioned if the parcel is connected to the sewer line, and public water? Mr. Patel replied affirmatively to the sewer service; he didn't know the status of the availability of public water.

Commissioner Moore questioned the total acreage of the parcel, and how many acres would be utilized for the apartments? Mr. Patel indicated the total parcel contains 68 acres; he is proposing to use approximately 25 to 30 acres for the construction of the apartments. He is retaining the remaining acreage for future development but has not decided what the use will be at this time. Commissioner Moore questioned if the proposed access is directly across from Shoham Road? Mr. Patel indicated the access is approximately 20 feet from Shoham Road, not too far from the traffic light. Chairman Ouellette questioned if Mr. Patel felt that access point would be a challenge to get people out of the complex safely; he noted Shoham Road is located on the hump of North Road. He noted the driveway for W. B. Mason would be where the traffic for Mr. Patel's project would enter; he questioned that people will be able to get in and out without the traffic light. Chairman Ouellette noted that when the traffic light turns red cars stack up on North Road; he felt cars may have to wait to enter traffic heading left/east. Mr. Patel noted he has a second access near the Mardi Gra – closer to the Water Company; perhaps that would be a better access point for the entrance. Chairman Ouellette suggested the concept is very encouraging, but the driveway access is a challenge. The Commission will be looking at emergency access as well. Mr. Patel reiterated he has the 3 access points on North Road, ranging from 30 feet to 100 feet wide. Chairman Ouellette suggested that under the concept Mr. Patel is proposing the State will never allow you to put in a full access driveway without a traffic light.

Commissioner Moore questioned the location of the wetlands? Is it wetlands soils or is the area actually wet? (See later discussion of wetlands).

Chairman Ouellette questioned if the development goes forward would Mr. Patel continue to own the property, or would a management company oversee the complex? Mr. Patel suggested he would hire an individual to manage the property rather than a management company.

Commissioner Thurz questioned the zoning for the parcel? Town Planner Flores-Marzan suggested the parcel is currently zoned B-3. He suggested Mr. Patel would have to rezone the parcel to develop multi-family residential units; he would also need to amend the density to get the 260 units he is proposing. Town Planner Flores-Marzan indicated Mr. Patel would also need to go before the Inland Wetlands Commission to discuss his proposal. Commissioner Thurz suggested the text amendment would then apply to the entire town; Town Planner Flores-Marzan felt specific language could be applied to the text amendment to limit the location of multi-family developments.

Commissioner Gobin had no questions at this conceptual stage.

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Commissioner Gowdy indicated he liked the concept for the residential units, although he has concern for amending the regulations for a specific project, and how that would affect the whole town.

Commissioner Moore suggested the parcel looks pretty wet. Mr. Patel replied negatively; he suggested it's dry; he doesn't see water. Commissioner Moore questioned if the parcel contained a stream? Mr. Patel reiterated he doesn't see water.

Chairman Ouellette suggested the project is encouraging; he suggested Mr. Patel might want to have his engineer consider the location of the buildings in relation to the wetlands. Chairman Ouellette reiterated access is going to be an issue. Also if the density becomes 9 or 10 units per acre, he has difficulty visualizing that. Mr. Patel suggested with this location the apartments won't bother the centers of town.

Chairman Ouellette questioned Mr. Patel's perception of "luxurious", is it the look of the complex, the layout of the apartments, the amenities within the complex? Mr. Patel suggested it would be a visual concept, higher buildings which would allow more windows and light within the apartments, the (first floor) units include attached garages which makes people feel like they're living in a house. Chairman Ouellette questioned who would be Mr. Patel's ideal occupant? Is it young professionals, couples, 2 income residents? Mr. Patel felt all of those occupants would apply.

Commissioner Thurz questioned the square footage of the apartments. Mr. Patel suggested approximately 900 square feet, with open floor plans but with a defined living and dining area. Commissioner Thurz referenced the Mansions further east on North Road; he suggested they're luxury apartments containing 1200 to 1300 square feet. Mr. Patel felt bigger doesn't make the apartment luxurious, it's how you build it. Commissioner Thurz noted the square footage often equates to the price of the unit; Mr. Patel disagreed.

Chairman Ouellette indicated he was encouraged by Mr. Patel's creativity and enthusiasm. Commissioner Moore would like to see comparable projects when Mr. Patel returns. Commissioner Gobin would like to see architectural renderings. Mr. Patel indicated he has prepared this concept plan himself, he then offered the Commission other views on his computer as the Commission gathered around the table. Multiple discussions continued for several minutes.

Commissioner Zhigailo suggested the wetlands are an issue; Mr. Patel suggested there's no water in the wetlands; people in the apartment complex will be able to walk along the trail he's proposed. She also noted she has been to W. B. Mason's to buy supplies; it's difficult to get out of that driveway; people come up over the rise quickly when the light is green on North Road. Commissioner Moore suggested perhaps the State could make the access a 4 way stop; Chairman Ouellette suggested the State doesn't do something like that to benefit a private developer; it must benefit the public.

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Chairman Ouellette questioned if Mr. Patel would include a clubhouse within the complex? Mr. Patel suggested he would rather give the tenants a better apartment and better living conditions; a clubhouse would also increase liability concerns. Commissioner Moore referenced Deer Valley apartments in Ellington, noting they have many amenities which moves it from being an apartment to luxury living. Commissioner Thurz suggested millennials don't want to buy a house; they'd rather live in an apartment. Chairman Ouellette recalled that in the past construction of apartments has had a negative connotation; people remember that; that's why he asked for a definition of "luxurious". Mr. Patel reiterated the inclusion of garages, which provides residents with more storage space – also closets; he felt those were important. If people are looking for other things he could add them later.

Chairman Ouellette suggested he hasn't heard anything negative during this discussion. He suggested Mr. Patel and his engineer meet with Town Planner Flores-Marzan to draft language for a proposed regulation revision.

Mr. Patel thanked the Commission for their time.

OLD BUSINESS/A. Site Visits:

Town Planner Flores-Marzan indicated he and Assistant Town Planner Mosso will be heading out to follow up on 9 properties; the issues range from pools without permits to other things neighbors notice and report to the Planning Office. They are considering using Marshals to deliver written notices on 3 of the properties as the owners have refused to accept the violation letters. Town Planner Flores-Marzan indicated they are limited regarding the scope of the process but they intend to exercise whatever power is available to them.

OLD BUSINESS/B. Meadow Farms updates:

Present in the audience were Ray Embury, President, Meadow Farms Homeowners Association, and community members Marc Coleman, Andy Hoffman, and David Macdaid.

Town Planner Flores-Marzan reported that at a previous meeting a request had been made for a compilation of the back and forth discussion which has occurred regarding this issue. He suggested staff has prepared that document, which has been provided for the Commission and the residents from Meadow Farms tonight.

Town Planner Flores-Marzan reported he has spoken to Attorney Dianne Whitney to see if he can start putting together a paper trail to pursue the legal route to call the bond so the Town can have access to the money held for this project. Town Planner Flores-Marzan reiterated Jason Ziegler has not responded to efforts to contact him regarding his intent to complete this work. Chairman Ouellette suggested under the best situation

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Jason Ziegler will come through and complete the work himself, and then there will be no expense to

the Town. Town Planner Flores-Marzan suggested this is his first experience of a developer pulling out of a project.

Mr. Ray Embury, President of the Meadow Farms Homeowners Association,

requested to speak. Mr. Embury reported when Jason Ziegler sold the remaining lots to Gaetan Letourneau he understood Mr. Letourneau would finish the common area, which is the work he's doing now. Mr. Embury reported the landscape plan approved 12 years ago has dramatically changed over that time; trees have fallen down or become overgrown. The original landscape plan called for planting 54 white pines. Mr. Embury indicated he and Mr. Letourneau have discussed the work he's doing on the common area, and Mr. Letourneau has noted it's his responsibility to follow the original plan. Originally, Jason Ziegler was to build a gazebo in the common area; the association made a deal with him to replace the gazebo with benches as the association didn't want to deal with the maintenance of the gazebo, and were concerned that people from outside the community might find it an attractive place to congregate. Mr. Embury noted he has also written the Commission a letter to come in to discuss changing the original plan to replace the white pines, which get out of control, with arborvitae. Mr. Embury also cited concern that if Jason Ziegler finishes the project he'll do it as cheaply as he can and the association will have to replace the road and other work in a short time. He cited they understand they have ownership of the road when Jason Ziegler is done.

Andy Hoffman, 6 Acorn Drive: Mr. Hoffman cited the summary is a good history of what's gone on but the important thing is to establish a plan, provide it to Jason Ziegler, and see how he plans to complete the work. Mr. Hoffman cited he understands Town Planner Flores-Marzan's plan to involve legal counsel but he would like to see the Commission establish a plan for Jason Ziegler by the November PZC Meeting. Mr. Hoffman suggested we need to get dates from Jason Ziegler for when he'll work on the detention pond and road. He noted Town Engineer Norton has advised him that Farms Road is already deteriorating; Mr. Hoffman suggested that as a community of 28 homes they can't financially resurface what Jason Ziegler does in a shoddy manner, which seems to be the history of his work. Mr. Hoffman asked if Town Planner Flores-Marzan could provide the residents with a 6 point plan at the Commission's November Meeting. Chairman Ouellette suggested he felt Town Planner Flores-Marzan has a plan developed; it's just not a written process. Commissioner Moore suggested Mr. Hoffman write up a short list of work he feels the association is anticipating to be completed, and confer with Town Planner Flores-Marzan.

Commissioner Zhigailo cited the need for independent inspection if Jason Ziegler completes the work; Town Planner Flores-Marzan indicated it's his understanding that Town Engineer Norton will work with an independent engineering firm to inspect the work completed.

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Discussion continued regarding the estimated cost of completing the road as suggested by Galasso, a contractor with whom Town Engineer Norton has consulted, the current bond

amount retained by the Town, and what balance remains for completion of the work on the detention pond. Mr. Embury questioned the Town's responsibility to contribute to the cost of completion of the work if the current bond isn't sufficient; Chairman Ouellette cited he understood the residents' concern but felt Town Planner Flores-Marzan was working towards resolution. Town Planner Flores-Marzan suggested the plan has been established to get a response from Jason Ziegler that's legally defensible

Mr. Embury thanked staff for preparing the meeting summary, as it gives the association a history to work from.

OTHER BUSINESS/A. Discussion re: possible Town acquisition of parcel on South Water Street (Assessor's ID #101-05-016):

Town Planner Flores-Marzan referenced the captioned parcel, which is located on South Water Street. The parcel is on the river side of South Water Street and is within a short distance of a couple of parcels already owned by the Town. He noted the Tax Collector was aware of the Warehouse Point Study and the Commission's intent to acquire more public land. This parcel may become part of a tax sale. The consensus of the Commission was for Town Planner Flores-Marzan to continue communication with the Tax Collector regarding this parcel.

CORRESPONDENCE: None.

BUSINESS MEETING/A. General Zoning Issues:

Chairman Ouellette noted the Commission will postpone election of officers as all Regular Members must be in attendance for election.

He also noted the Commission reviews the bylaws annually; he questioned if the Commissioners would prefer to move the meetings to a 7:00 p.m. Call to Order as it's been suggested that might increase public participation. The consensus of the Commission was to retain the 6:30 p.m. Call to Order. Bylaws will be reviewed at a future meeting.

BUSINESS MEETING/B. Signing of Mylars/Plans, Motions:

Nothing presented for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:20 p.m.

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

Respectfully submitted,

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