

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

Special Meeting #1753 – February 26, 2019

MEETING MINUTES

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

The Meeting was called to order in the Scout Hall Meeting Room, 28 Abbe Road, East Windsor, CT. at 6:31 P. M. by Chairman Ouellette.

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

Alternate Members: Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** Tim Moore, and Jim Thurz.

Alternate Members: Anne Gobin

Also present was Town Planner Ruben Flores-Marzan, and Assistant Town Planner/Zoning Enforcement Official/Wetlands Agent Matt Tyksinski.

GUESTS: Terri Hahn, of LADA, P.C., Land Planners

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members and two Alternate Members were present at the Call to Order. Chairman Ouellette noted all Regular Members and both Alternate Members would sit in, and vote, on all Items of Business this evening.

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/January 22, 2019:

MOTION: **To ACCEPT the Minutes of Regular Meeting #1752 dated January 22, 2019 as written.**

Kowalski moved/Zhigailo seconded/DISCUSSION: None.

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VOTE: **In Favor: Unanimous (Ouellette/Gowdy/Kowalski/Thurz/Zhigailo)**

RECEIPT OF APPLICATIONS:

1. Application of Steve Dearborn – Application for a Text Amendment to Section 816.1.B.3 Minimum Standards for Composting Wood Chipping Facilities, to change the required landscaped buffer from 100 feet to 25 feet where the property abuts other property in the M-1 Zone.

Assistant Town Planner Tyksinski reported Mr. Dearborn submitted pretty much the same Text Amendment he submitted previously. He has a different person representing him this time. Assistant Town Planner Tyksinski reported that when reading the regulations it states that an applicant must wait 12 months to reapply when a previous application has been denied. Mr. Dearborn had not yet reached the 12 month time period.

Assistant Town Planner Tyksinski reported Mr. Dearborn has withdrawn his application until a later date. Assistant Town Planner Tyksinski advised the Commission he had suggested to Mr. Dearborn's attorney that he appear tonight to discuss the application, but no one is present.

No action taken by the Commission.

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: (1) Smart Growth Grant for Warehouse Point – Update

Terri Hahn, of LADA, P.C., Land Planners, joined the Commission.

Ms. Hahn cited she continues to provide updated information to the Commission for ongoing discussion regarding what issues the Commission hopes to address and what a future plan would encompass. This program will include a Workshop in May which will take public input to see how Warehouse Point residents feel about the future plan. Ms. Hahn is working to submit a final report in December, 2019, which will include detailed information regarding the development of Warehouse Point in the future, and

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development of overall zoning regulations for Warehouse Point which will streetscape design.

Ms. Hahn provided the Commission with several documents to review during the discussion. The documents included:

- **Existing Conditions Maps of the Warehouse Point study area:** This map identifies the existing conditions within the study area.
- **Overall Context Map:** This map defines the limit of the study area, which begins at the Enfield town line and continues west to the Connecticut River. This plan goes to the west side of Route 5 where the drainage system from the old Walmart site takes water from that side of I-91 and discharges into Warehouse Point.

Discussion turned to the impact of the development of the MMCT site on the Warehouse Point area. Ms. Hahn noted that part of the cinema site drains onto I-91 and eventually to Warehouse Point but not onto Bridge Street. If they reroute their drainage away from Warehouse Point to the south it would affect this study.

- **Street Address Information and Parcel Data:** This spreadsheet currently identifies parcels located within the study area by street address. Additional information regarding parcel size, ownership, zoning information is included as well. Additional information, such as uses, soil types, if the location is within a flood zone, have been added to develop a more detailed spreadsheet. Yellow highlighted lines are properties which exist but lack property information in the Assessor's Office.

Ms. Hahn noted that approximately 90% of the properties within the study area were built prior to 1950; several were built prior to 1910. The average lot size is ½ acre. If the Commission considers rezoning they may need to think about combining multiple lots. The Commission generally likes the neighborhood feel of Dean Avenue. Discussion continued regarding the lack of sufficient parking; residents currently park at the Police Station or the Town Hall Annex. Parking is also limited for the nursing home on Spring Street. The existing parking doesn't really work; would allowing on-street parking, or converting the streets to one-way, alleviate the problem?

- **Natural Resources Map:** Ms. Hahn noted this map identifies soil types and wetlands areas. The soil along Bridge Street and Dean and Scott Avenues is type 306 which is a known "urban soil". She referenced a large blue cross-hatched area behind Geissler's Plaza, noting this is a wetlands area which is the beginning of the Blue Ditch. There's a pipe in the back of the plaza which goes under Bridge Street and discharges behind the fire station; DPW recently cleaned that pipe out. Ms. Hahn reported the pipe is technically under water, as sediment has accumulated

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over time and is higher than when Geissler's Plaza was built. The storage capacity in the Blue Ditch is no longer there. Commissioner Sullivan noted that pipe runs through many people's properties. Ms. Hahn suggested the sediment accumulation has occurred over time; it's not really related to anyone filling on their property. She noted the sediment has accumulated in a wetlands area; consideration of methods to remove the sediment – if possible – would be a subject for future discussion.

Ms. Hahn suggested the Commission should review parcels on a case by case basis to confirm that areas identified as wetlands are really wetlands.

- **Flood Limits and Soils, Wetlands, and Flood Limits:** Ms. Hahn reported the *base flood elevation (BFE)* along South Water Street and North Water Street had previously been determined by the vertical datum in place at the time, NGVD29, to be at elevation 34. In 2018, the vertical datum changed to NAVD88 which changed *the base flood elevation to 35*. Today, everything south of the black line is base flood elevation 35. If someone were to construct a new building in that area today under the current Flood Regulations you would want the first floor elevation to be at the base flood elevation plus 1' or elevation 36. Based on the topography provided by the State of Connecticut and used in these maps, South Water Street is at elevation 30.

Ms. Hahn recalled that during Hurricane Irene, which occurred in 2011, the Blue Ditch came up to elevation 30. It didn't cross Bridget Street, but continued on to the east side of South Water Street. The water didn't cross the road but it came into the ballfield at the Water Treatment Plant (WPCA). Ms. Hahn provided a photo of the Water Treatment Plant with water half way up to the top of the garage doors. The WPCA has subsequently made changes to the building to accommodate serious flooding. Commissioner Gowdy felt our current concept of the 100 year flood is false based on climate changes. He cited many areas in the Carolinas where the flood plain has been breached. Ms. Hahn indicated the terminology is slowly changing to reflect the recent increase in likelihood and intensity of storms so that the 500 year storm is currently known at the 0.2% storm while the 100 year storm would be 1%. The frequency of the storms and volume collecting in the wetlands is increasing.

Ms. Hahn noted there are other areas in East Windsor which are flood plains. Changes made to the Flood Plain Regulations to apply to Warehouse Point would also be applicable to those other areas as well.

Commissioner Sullivan noted that whenever you get a major rain event South Water Street and Warehouse Point floods. How can the Town be the responsible entity for fixing that problem when the activity occurs on private property? See additional discussion below.

Referring to the *Existing Land Uses Map*, Ms. Hahn noted the parcels identified in green are institutional uses, such as the churches, the fire station, and the State of Connecticut. She noted a large parcel of land on North Water Street owned by the State; the rest of the land going to Enfield is owned by CL&P. Ms. Hahn suggested the waterfront land on North Water Street is a bit more user-friendly, while the waterfront land on South Water Street is impacted by the steep bank along the Connecticut River. Ms. Hahn noted recent discussion which occurred at the Board of Selectmen's Meeting regarding public use of the river waterfront along South Water Street.

- *Existing Streets and Sidewalks Map:* Ms. Hahn noted the yellow line indicates areas currently containing sidewalks; orange lines identify streets currently allowing on-street parking. Ms. Hahn noted people have a tendency to park on the street along South Water Street and also on Dean Avenue; there are also parking problems on Spring Street. Ms. Hahn noted the main access through Warehouse Point is Bridge Street; secondary connections occur through South Water Street and Pleasant Street to Main Street. Ms. Hahn recalled the Commission had considered what would happen if South Water Street became one way, or became a bike path; would that be good or bad?
- *Existing Parking Plan:* Ms. Hahn noted the Town allows over-flow parking at the corner of Dean Avenue; shared parking occurs at Geissler's Plaza and further down Bridge Street at another commercial property; there's shared parking on Sunday between Bank of America, St. John's Episcopal Church, and the fire house. Heading down South Water Street the athletic fields lack enough parking to use all the fields simultaneously. There's a small waterfront park along the river across from the athletic fields but no crosswalks to provide access from the athletic fields or the Water Treatment Plant. Ms. Hahn referenced the office park on Bridge Street, noting it had been designed for multiple buildings. Only the one building was constructed; there may have been more wetlands on the parcel than the owner anticipated. Maybe a second building would be desirable.
- *Existing Pedestrian Travel:* Ms. Hahn suggested there are not crowds of pedestrian traffic within the Warehouse Point area. The area currently lacks destinations to get people to walk to. The area from Bridge Street to North and South Main Street are flat and comfortable for walking; there are some existing sidewalks in this area. The topography of Bridge Street slopes uphill at Gardner Street; trying to cross under the overpass at Exit 45 to get up another hill to access Route 5 isn't easy. Ms. Hahn suggested the Master Plan/Plan of Conservation and Development (POCD) showed trying to make that area more connectible, ultimately connecting further to Broad Brook. Speeding vehicles limits pedestrian traffic. Referencing the *Existing Pedestrian Travel Plan* Ms. Hahn suggested the green dots are destinations where people tend to walk; the red stars are areas with limitations for walking.

- **Existing Stormwater Facilities:** Ms. Hahn reported this map shows the location of all catch basins within the Warehouse Point Study area.
- **Watershed Map:** Ms. Hahn this is a preliminary map being developed which breaks the watersheds into sub-watersheds. This map will give the Commission areas of consideration for future development.
- **Utilities Map:**
 - **Sewer Service Area Map:** This map shows the sewer connections all over the Warehouse Point area. The Water Treatment Plant has plenty of capacity for future connections.
 - **Connecticut Water Company Water Main Connections:** This map shows the water mains existing throughout the Warehouse Point area.

Ms. Hahn reported she's met with various people regarding what the Town is doing for emergency preparedness for flood situations. She cited Chapter 4 of the POCD – Hazard Mitigation and Emergency Management, which discusses primary strategies and long term goals related to future development within flood hazard areas. Ms. Hahn suggested there isn't a lot of information specifically related to Warehouse Point to use as guidance at this point. The East Windsor POCD component of the POCD ties into the CRCOG overall Hazard Management Report.

Ms. Hahn reported that DEEP, the COGS around the state, and the Nature Conservancy have concentrated on the shoreline flooding problems and are collecting data to decide how to deal with it. A similar effort regarding flooding of the Connecticut River will be undertaken in the future.

Commissioner Zhigailo questioned if the flooding has impacted insurance for the people living along North and South Water Streets? Ms. Hahn noted the current Flood Regulations haven't changed to say people couldn't rebuild. One potential remedy is called "Retreat" or "Managed Retreat" which reflects a policy which encourages structures that have been affected by flooding not be allowed or be heavily discouraged from rebuilding. Commissioner Zhigailo noted that when people rebuild on the shore they're forced to rebuilt on stilts, or above a garage, which restricts the shoreline view for other property owners. Ms. Hahn cited East Windsor's Flood Regulations say the first floor must be at *base flood elevation plus 1'*. She noted the Connecticut River study hasn't kicked in yet.

- **Local Preparedness:** Ms. Hahn referenced the photograph handed out earlier of the Water Treatment Plant with water up to the top of the garage door. She

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reported they've welded metal channels on the sides of the door that would be swung over the access to the door which makes the garage a watertight area. They also got a grant to raise the electrical equipment up, but they're still below the flood elevation of 2011 so they're pursuing additional grants.

Ms. Hahn reported the Connecticut Water Company serves all of Warehouse Point except the 5 houses on Holcomb Terrace. Ms. Hahn felt those houses might be on private wells; she's still investigating their situation.

Ms. Hahn referenced a home located at 120 South Water Street at the intersection with Spring Street. Ms. Hahn reported there was a Wetlands and Zoning Application made regarding this property prior to 2008; at that time the base flood elevation was 34 so the elevation of the first floor was set at 35. The homeowners significantly expanded the home at that time. Because of the change in the data the question is if the 35 elevation is the same elevation under the new system. Most renovations are done through the Building Department. In 2008 the Planning and Zoning Commission created the Flood Regulations under Section 8.10; construction must be consistent with current Building Codes, and must use flood resistant materials. Ms. Hahn noted that the Flood Regulations prohibit variances, but that language conflicts with the ability of the Building Inspector to allow variances under other regulations. Ms. Hahn cited there's a similar discussion occurring within the Building Department regarding 144 South Water Street.

- **East Windsor Flood Regulations:** Ms. Hahn noted the current Flood Regulations talk about elevating the buildings; it's ok to build on stilts or above garages. The Regulations reference a *base flood elevation plus 1'* as a requirement for the finished floor elevation.

The Flood Regulations specify restrictions on construction of subdivisions.

Ms. Hahn noted that no applications have come through the PZC under the new Flood Regulations. Much of the Warehouse Point area would be subject to building under these Flood Regulations. She cited that building within the flood plain is expensive, as a homeowner must hire an engineer to establish the base flood elevation and other things. A homeowner can't do an application in a flood plain on their own.

Ms. Hahn requested that the Commissioners read the current Flood Regulations and consider potential changes. She noted DEEP is considering a different option, which is known as "Managed Retreat". She requested the Commission read the recent/newest DEEP model Flood regulations as well.

Commissioner Sullivan questioned how the Town would handle it if the Town had a different plan than DEEP or FEMA; are they the final say regarding management of development in this area? Ms. Hahn suggested DEEP and CRCOG might say the local regulations aren't consistent with the Federal Regulations, which might restrict grants. Currently there is no regulation, or legislation, that says the Town must comply with "Managed Retreat". The current/most recent version of the DEEP model Flood regulation uses a trigger of 50% before the rebuild area is considered as the "substantial rebuild" vs. our Flood Regulations which allows 25%. The current DEEP model Flood regulation allows variances. Use of the current DEEP model regulation would substantially increase the applications requirements.

Commissioner Zhigailo questioned if this could be accomplished by increasing the size of the building lots? Ms. Hahn suggested you would be working with existing non-conforming lots so you can't increase the lot size. You would get many variance requests as you created the situation.

Ms. Hahn noted she'll be sharing this information with the Board of Selectmen, and property owners during the public workshops.

➤ **Current Issues and Opportunities Map:** Ms. Hahn reviewed the following:

- South Water Street at the Water Treatment Plant is elevation 28 under the I-91 overpass. It also appears to be one of the current locations of the homeless population that lives under the bridge overpass.
- We have a catch basin coming in off of North Main Street which goes towards Enfield but discharges back into Warehouse Point. It's the headwater of the Blue Ditch.
- The Board of Selectmen have asked if there is any ability to access the river along the waterfront. Commissioner Kowalski suggested he'd like to see no development on the west side of South Water Street; he would like to investigate some types of passive recreation. Commissioner Sullivan suggested maybe a riverwalk area. Commissioner Kowalski questioned the Town's ability to acquire a grant to purchase the existing homes? Discussion continued regarding the number of property owners involved.

Commissioner Kowalski questioned how far back up Bridge Street would be restricted by the base flood elevation? Ms. Hahn suggested that in the area of Maine Fish, which is outside the flood zone, the sidewalks could be lifted up a bit. Commissioner Sullivan questioned if the homes on Dean Avenue could become commercial downstairs and residential upstairs. Ms. Hahn noted Dean Avenue is completely out of the flood zone. She also noted that many of the homes have

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become two family over the years. Commissioner Kowalski suggested that contributes to the limited parking space on Dean Avenue. Commissioner Sullivan suggested if you purchased some of the buildings then you could create additional parking. Discussion continued regarding the area backing up to the Dean Avenue residences.

Chairman Ouellette questioned what would it get us if you installed a flood wall? Ms. Hahn cited that would be eliminating flood storage area. Chairman Ouellette questioned what would occur if a flood wall was constructed? Ms. Hahn indicated it would take everyone out of the flood plain. Commissioner Sullivan questioned if the Army Corp of Engineers would do that for a small town.

Ms. Hahn noted that during previous discussions the Commission had considered making parking lots, and perhaps another street, behind Maine Fish. The Commission also talked about making South Water Street a bike path, and to increase the public area. Chairman Ouellette questioned if there are opportunities where there's existing recreation today which could be moved to another location and recapture this area for another purpose? Commissioner Gowdy suggested making the west side of South Water Street waterfront or greenway. Discussion continued regarding the Master Plan having a goal of creating bike loops to connect North Road to Broad Brook and Windsorville, and Route 5 to Phelps Road and Stoughton Road. Ms. Hahn noted the need to create a dedicated bike lane on Route 5 when incorporating Route 5 in the bike path. Town Planner Flores-Marzan cited greenways aren't used as much in New England but they could be used for cross-country skiing.

Chairman Ouellette questioned how the east side of South Water Street could be developed? Ms. Hahn suggested structures built on that side would have a water view. Homes could be built on stilts or above garages, with the residential areas constructed over the garages. If you could aggregate lots you could consider condominiums or apartments. Ms. Hahn recalled that during the previous Warehouse Point Study the public had indicated they didn't like anything over 2 stories in height. She noted the trend for apartment buildings is 4 to 5 stories. Discussion continued regarding future development options, such as luxury condos overlooking the water, the casino becoming the draw for the area and its impact on other development, and looking at the water as an asset rather than a problem.

OTHER BUSINESS: None.

CORRESPONDENCE: (1) Connecticut Federation of Planning and Zoning Agencies Annual Conference – Aqua Turf, Thursday, March 28, 2019 - (reservations due by March 26th):

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Chairman Ouellette polled the Commissioners regarding attendance at this conference; all Commissioners present this evening would like to attend. Staff will contact Commissioners Moore, Thurz and Gobin as well.

BUSINESS MEETING/ (1) General Zoning Issue:

No discussion this evening.

BUSINESS MEETING/ (2) Discussion on Aquifer Protection Regulations:

No discussion this evening.

BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions: None.

ADJOURNMENT:

**MOTION: To ADJOURN this Meeting at 8:45 p.m.
Gowdy moved/Zhigailo seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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