

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

Special Meeting #1758 – May 14, 2019

MEETING MINUTES

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

The Meeting was called to order in the Community Room, East Windsor Housing Authority, 1A Park Hill, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

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

Alternate Members: Anne Gobin, and Marti Zhigailo.

ABSENT: **Regular Members:** Tim Moore

Alternate Members: Frank Gowdy

Also present was Town Planner Ruben Flores-Marzan.

GUESTS: Terri Hahn, of LADA, P.C., Land Planners; Miranda Hamidovic/New England Auto & Truck; Dick Pippin, Kathy Pippin,

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 Alternate Member Gobin would also 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/April 23, 2019:

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MOTION: To APPROVE the Revised Minutes of Regular Meeting #1757 dated April 23, 2019 as presented with the following amendments:
Page 2, PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/A. Meadow Farms, request from Jason Ziegler to replace surety bonds with cash bonds, lines 63 and 64: staff ADMINISTRATIVE ASSISTANT, JUDI MOSSO, and Line 78, MOTION: “...Management AND EAST WINDSOR HOUSING, LLC...”

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

VOTE: In Favor: Ouellette/Kowalski/Thurz

Opposed: No one

Abstained: Gobin/Sullivan

RECEIPT OF APPLICATIONS/A. Application from Miranda Hamidovic/A New England Auto & Truck for Site Plan Review for auto sales and repair at 8 South Main Street:

Chairman Ouellette questioned if the Commission would be hearing this Application under **NEW BUSINESS** as well? Town Planner Flores-Marzan reported that initially this proposed use was a variance request a couple of months ago for approval of an automotive repair/dealership at 8 South Main Street. Town Planner Flores-Marzan indicated Ms. Hamidovic is now bringing a Site Plan Application before the PZC, but the use she is proposing requires a Special Use Permit Application. Town Planner Flores-Marzan also noted comments received from Town Engineer Norton indicating the plan is basically a sketch plan showing the existing building and pavement area; the submitted plan lacks grading or drainage information for Town Engineer Norton's review.

Town Planner Flores-Marzan suggested at this point the Commission would receive the application, and review it at the Commission's next meeting when comments may have been received from other departments. Chairman Ouellette questioned if the Commission would be accepting an application for Site Plan Approval, or a Special Use Permit? Town Planner Flores-Marzan reiterated the Planning Office feels this application should come through as a Special Use Permit, while the applicant has applied under a Site Plan Application. Chairman Ouellette noted this is an unusual request for the Commission; the process at this point is acceptance of the application but not discussion of the details of the application.

Ms. Miranda Hamidovic spoke from the audience. She introduced herself as the applicant, noting she has a business in Suffield; this is not a new business. Ms. Hamidovic reported the landlord in Suffield doesn't want to sell the Suffield property to her. If she can't proceed with this application she'll be out of business. Ms. Hamidovic reported she's a resident of East Windsor; the property at 8 South Main Street is the only property she could find to relocate her business. Ms. Hamidovic suggested time is of the

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essence for her. If she could come into this location to start selling under the Site Plan; she doesn't want to be out of business.

Chairman Ouellette questioned Town Planner Flores-Marzan how he preferred to handle this application; would the Commission be considering a Site Plan Application or a Special Use Permit Application? Town Planner Flores-Marzan reiterated the Town's Regulations require a Special Use Application for this proposed business use. Ms. Hamidovic reported the property was originally used for a garage; in 1976 it was purchased by Enfield Small Appliance. When it was Larry's Garage he was able to do business there.

Chairman Ouellette referenced the application presented to the Planning Office is a Site Plan Application. Under the C.G.S. "auto sales and repair" requires a Special Use Permit. Ms. Hamidovic opposed the Special Use Permit requirement if the garage use wasn't abandoned. Commissioner Thurz recalled that when the property was used by Enfield Small Appliance they sealed off the garage doors and did business as small appliance repairs. Chairman Ouellette cited the Commission was unable to hear the Site Plan Application this evening; the Special Use Permit Application process requires holding a Public Hearing. Chairman Ouellette suggested he had not heard anything from Town Planner Flores-Marzan to indicate this application shouldn't come through as a Special Use Permit; he queried the Commissioners for comments.

Commissioner Sullivan questioned if the application was only for "sales" what application would be required? Town Planner Flores-Marzan suggested the sales could come through as a Site Plan review but the explanation of the business is for "sales and repairs". Ms. Hamidovic interjected that was her intent; if that requires a Special Use Permit Application can she start with the sales? Commissioner Gobin questioned if the applicant could amend her application; if she struck out "repairs" would that suffice? Chairman Ouellette suggested that would start the review process and give the other boards time to review the application; if all the comments are addressed the application could be reviewed at the next Commission Meeting. If the application was approved for "sales" she could subsequently apply for "repairs"; Town Planner Flores-Marzan suggested that would be the applicant's prerogative.

Commissioner Kowalski questioned that in a B-2 Zone normally this would be allowed? Town Planner Flores-Marzan replied affirmatively. Discussion followed regarding the ZBA variance for a B-2 use in a B-1 Zone, how that relates to the application to be submitted before the PZC, and the Enfield Small Appliance use occurring after the Larry's Auto use. Chairman Ouellette noted the Commission doesn't have the ability to revise the regulations. He suggested the Commission consider accepting the application for "auto sales only" while striking the reference to "repairs"; the applicant can return at the next meeting to discuss the Site Plan Application for sales. In the meantime the applicant and the Planning staff can work to move forward with the application. Commissioner Kowalski noted even under the Site Plan Application the application lacks

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information regarding site lighting, dumpster locations, and drainage. Chainman Ouellette suggested the Commissioners send Town Planner Flores-Marzan their comments and concerns.

MOTION: To RECEIVE the Application of Miranda Hamidovic/A New England Auto & Truck for Site Plan Review for auto sales and striking all reference to auto repair at 8 South Main Street.

Gobin moved/Sullivan seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Ouellette/Gobin/Kowalski/Sullivan/Thurz)
(No one opposed/No abstentions)

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/ Terri Hahn from LADA Land Planners to discuss Warehouse Point public workshop:

Terri Hahn, of LADA, P.C., Land Planners, joined the Commission. Ms. Hahn had provided the Commissioners with a summary binder of the report; the larger copy of the study is available in the Planning Office.

Ms. Hahn reported this is the study for the stormwater and Warehouse Point redevelopment grant and how the increase in impervious coverage will impact future development. The report looks at what happens in the Blue Ditch, and what impact that would have on the future development of Warehouse Point. Ms. Hahn indicated the study has three parts: 1) Existing Conditions, 2) Public input regarding the future development, and 3) the Final workshop and filing of the final report.

Ms. Hahn indicated the project began in the Summer of 2018 with many meetings to consider the existing conditions within Warehouse Point, including pedestrian travel and parking issues. That information was used to generate the data to do the stormwater model for the Blue Ditch. The next piece of the report led to the development of the existing conditions within the Blue Ditch as it runs from the back of Geissler's and crosses Bridge Street, School Street, Spring Street, Holcomb Terrace, and Main Street to the back of the recreation fields and the WPCA plant on South Water Street and continues on under I-91 to an open area identified by Ms. Hahn on her map, and then out to the Connecticut River.

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Ms. Hahn noted that several parcels on the east side of South Water Street also own parcels on the west side; the parcels are vacant but not abandoned. Ms. Hahn recalled that there had been some discussion of how to expand use of the riverfront; that consideration is now more difficult because of the ownership of the riverfront properties.

Ms. Hahn also referenced the property on Gardner Street (Albert J. Solnit Childrens Center – North Campus) which is owned by the State of Connecticut.

Ms. Hahn suggested there's an offset regarding what happens in Warehouse Point and the river. When developing stormwater calculations you would usually predict conditions for a 10 year storm, but for this study they went up to a 50 year storm for the stormwater modeling. Ms. Hahn noted that on the other side of Geissler's there's a wetlands which functions as a pond. The culvert from Bridge Street is always under water because of sediment accumulation. Ms. Hahn noted that in many cases the level of the river doesn't relate to the local rain event. Ms. Hahn suggested the stormwater calculations indicate that the Warehouse Point stormwater peak is 8 to 12 hours after a rain event. Upstream conditions affect the Connecticut River more than a local rain event. She suggested that the December 23rd rain event of over 2 inches, which included snow melt from north of Warehouse Point, created one of the highest flood events for the Connecticut River. During 2011 the river level hit elevation 30, which is equal to the height of the road at South Water Street. The water came up to the road, and the back water came in behind the athletic fields and covered approximately 5 inches of the WPCA plant door. Ms. Hahn suggested we have no control over the conditions of the Connecticut River.

Ms. Hahn suggested that the information developed by the stormwater report, and the effect of impervious coverage within the Warehouse Point area, will help the Commission develop regulations.

Ms. Hahn reported that Town Engineer Norton has someone working on a study of the culverts to see if they should be bigger. That information will be integrated into Ms. Hahn's report. She suggested she's trying to find the impervious coverage number – is it 30%, 50%, or what – to allow water quality treatment.

Ms. Hahn referenced Map #2.2 – Amenities & Development Opportunities. She suggested we know the casino is coming, and the train station in Windsor Locks, so that puts more pressure on the Warehouse Point neighborhood. But we know we have these stormwater and flooding issues which affect Warehouse Point so we need to write regulations specific to that area. Ms. Hahn suggested the properties on South Water Street, between Spring and Bridge, might be redeveloped as buildings constructed on stilts, with patios facing the river; it would be development that no one else has.

Chairman Ouellette referenced the Amenities & Development Opportunities Map, he questioned why the map doesn't show a radius of a mile while still staying within the

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Warehouse Point area? Ms. Hahn indicated the radii shown reflect the distances people are willing to walk.

Commissioner Sullivan questioned that to accomplish anything wouldn't the Town have to consider eminent domain? Ms. Hahn suggested eminent domain is related to specific purposes, but there may be programs through FEMA which are voluntary. She noted the properties on either side of the location of the proposed round-about are State owned already. Discussion turned to the status of renovations at the former Montgomery Mill in Windsor Locks.

Ms. Hahn cited that in addition to the stormwater study they've made observations about Warehouse Point, which include:

- To make future development work it must include shared parking arrangements.
- Depending on the level of development consideration should be given to the inclusion of a municipal lot.
- Include additional parking on South Water Street to connect trails.
- When the athletic fields are used to capacity there isn't enough parking; does that situation require moving the athletic fields?
- Consider extending sidewalks on Bridge Street, Main Street, and South Water Street. Ms. Hahn noted information regarding extending the sidewalks has been referred to the Route 5 Study group. Chairman Ouellette noted he's a member of that group; his understanding is that they want to push sidewalks away from that area. Ms. Hahn suggested if you don't have them no one can use them, but if the sidewalks are there people will use them. She suggested the sidewalks should be set up in a series of loops. Ms. Hahn felt the idea of the Route 5 Study group makes sense south of South Water Street but she felt the sidewalks are worth fighting for in Warehouse Point.
- Regarding use of the riverfront Ms. Hahn suggested that concept presents challenges due to the steepness of the grade at the river on South Water Street.
- Regarding consideration of increasing flood capacity at the road crossings, Ms. Hahn gave as an example some trees have fallen into the Blue Ditch from private properties, which holds the water back. The study should consider access to the Blue Ditch via easements.
- On South Water Street, there are a couple of properties at School Street and Spring Street where the water gets stuck in the back yards; consideration should be given to adding catch basins to those properties.
- The Town should investigate the ability to become proactive working with FEMA to purchase flood prone properties. Ms. Hahn suggested that would require willing property owners and cooperation of the Board of Selectmen.

What's next? Ms. Hahn questioned if the Commission was comfortable with the Existing Conditions Report, or is more work required? The consensus of the Commission was they are ok with the report presented.

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Ms. Hahn reported she will hold two workshops for public input, one within a month or so and the second in the Fall. The workshops will be held in a location specific to Warehouse Point. Discussion followed regarding the focus of the presentation. The Commission suggested additional discussion should include optional forms of transit within the Warehouse Point area; they felt people will want to travel from the train station to the casino but the distance is too far to walk. Discussion continued regarding trolleys similar to those used in San Francisco and other cities, which would encourage stops along the way to use the restaurants and shops. Commissioner Gobin noted East Windsor has the benefit of a beautiful river corridor; there's potential there.

OLD BUSINESS: None.

OTHER BUSINESS: None.

CORRESPONDENCE/A. Letter from R. Embury, President of Meadow Farms Association re: unfinished work at Meadow Farms:

Town Planner Flores-Marzan noted the Planning Office had received a letter from Ray Embury, President of the Meadow Farms Association; Mr. Embury has requested the Planning Office provide written confirmation of the bond amount being held, and that Town Engineer Norton confirm that the amount is sufficient to complete the paving of the road within the community and complete the drainage swale.

Town Planner Flores-Marzan also noted the Commission had previously agreed that Jason Ziegler be allowed to convert a surety bond to a cash bond. Mr. Ziegler has provided the Planning Department with a check in the amount of \$162,000; another \$14,000 is being held by the Town regarding this development. The current bonds being retained for Meadow Farms is \$176,000.

Town Planner Flores-Marzan suggested the Planning Office needs to contact Town Engineer Norton to question if he's still comfortable that the amount being retained is sufficient funding, and is that amount related to the road paving only, or does it also include work on the drainage swale?

Commissioner Kowalski questioned if there were any other outstanding issues related to this development that might be covered under these bonds? Town Planner Flores-Marzan felt the issues referenced were the outstanding issues. Commissioner Kowalski suggested that normally the developer is given the opportunity to do the work themselves as they may be able to do it cheaper than the bond estimates. Discussion followed regarding Mr. Ziegler's intentions related to his continued involvement in the Meadow Farms development. Commissioner Kowalski recalled Mr. Ziegler had advised the Commission that he wanted to get financing on this development; Chairman Ouellette suggested Mr. Ziegler had said he sold the development rights on the final 7 lots to

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another developer. Commissioner Thurz felt completion of the conditions of the approval for the Meadow Farms development are on Mr. Ziegler.

The Commission requested Town Planner Flores-Marzan contact Mr. Ziegler regarding his intention to complete the road paving and drainage swale work. Town Planner Flores-Marzan will also contact Town Engineer Norton regarding the adequacy of the bond amount and to clarify if the bond being retained is for road paving and completion of the drainage swale.

BUSINESS MEETING/A. General Zoning Issues:

Town Planner Flores-Marzan advised the Commission Assistant Town Planner Tyksinski will be leaving his position mid-June to pursue his interest in transportation planning.

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

Mylars:

Park Hill Site Plan Modification:

- Plans lacked a signature stamp; Chairman Ouellette and Commissioner Thurz will visit the Planning Office to sign these plans when the plans are ready for signature.

Motions:

- None presented this evening.

ADJOURNMENT:

**MOTION: To ADJOURN this Meeting at 8:16 p.m.
Sullivan moved/Kowalski seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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