

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

REGULAR Meeting #1770 – November 26, 2019

MEETING MINUTES

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

Regular Meeting #1770 of the Planning and Zoning Commission held on November 26, 2019 was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.
 Alternate Members: Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** All Regular Members were present.
 Alternate Members: Anne Gobin

Also present was Town Planner Ruben Flores-Marzan.

GUESTS: Marek Kement, of Anchor Engineering, representing WSG, LLC, Adam Westhaver, of WSG, LLC; Terri Hahn, of LADA, P.C., Land Planners; Carol Arrowsmith, Tim Arrowsmith, Austin Burt, Dick Pippin, Lori Suzik; Alan Baker, Board of Selectmen liaison to the PZC.

ESTABLISHMENT OF QUORUM:

A quorum was established as five 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.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, November 15, 2019, and Thursday, November 21, 2019, was read by Chairman Ouellette:

1. **PZ-2019-09** - Application from WSG, LLC, for Renewal of Special Permit for earth removal at existing earth removal site for property located at 140 Wapping Road, also identified as Assessor Map 017, Block 65, Lot 008-034, Zone District M-1/A-1.

ADDED AGENDA ITEMS:

See **RECEIPT OF APPLICATIONS.**

PUBLIC PARTICIPATION:

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Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda.

Dick Pippin, 37 Woolam Road: Mr. Pippin wanted to wish everyone a happy Thanksgiving.

APPROVAL OF MINUTES/November 12, 2019:

MOTION: To ACCEPT the Minutes of Regular Meeting #11769 dated November 12, 2019 as written.

Moore moved/Sullivan seconded/**DISCUSSION:** None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new Applications:

- Apothecaries Hall Enterprises, LLC and The East Windsor Sportsman Club, Inc. (PZ-2019-10) – Special Permit Renewal for Earth Removal at Apothecaries Hall Road
MBL: 057-49-003, 057-65-001 and 048-65-007, Zone Districts: M-1, R-3, A-1

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS /A. WSG, LLC – Special Use Permit Renewal (PZ-2019-09) for earth excavation at 140 Wapping Road (Map 017, Block 65, Lot 008—34, A-1/M-1 Zone. (65 days: January 16, 2020):

Marek Kement, of Anchor Engineering, representing WSG, LLC, and Adam Westhaver, owner of WSG, LLC, joined the Commission.

Mr. Kement submitted, FOR THE RECORD, the Certificate of Mailing to abutting property owners, and signed affidavit regarding posting of signage posted at the site advertising the Public Hearing.

Mr. Kement reported the Application is for renewal of the Special Use Permit approved last year for earth excavation at 140 Wapping Road. Mr. Kement noted, as part of the

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renewal process, he has submitted the following plan sheets: Sheet 1) Existing Conditions Plan (2018), Sheet 2) Overall Site & Phasing Plan (2018), and Sheet 3) As-Built Site Plan (2019).

Mr. Kement noted the parcel contains 48+/- acres divided by the railroad tracks; the total parcel contains 2 zones - Zones A-1 and M-1. The operation will be split into 4 phases, each containing approximately 7 acres. Phase I includes the access road, scale house, and pond. The Applicant has met all conditions listed on Sheet 1 of the plans; there are no violations at the site. The Applicant is seeking a 3 year permit renewal.

Mr. Kement noted the Applicant had originally asked for a filling operation as well; that portion of the application was withdrawn.

Chairman Ouellette noted reference in the application documentation to discussion of approval through the North Central Health District (NCHD) of an on-site septic system. Mr. Kement suggested they would have needed the NCHD's approval if they had split the property into another lot but the property is one parcel containing 48 acres. He suggested if they had chosen to split out the existing Quonset hut they probably would have needed the NCHD's approval.

Mr. Kement reported the scale house, and gates, are already installed. There had also been some question if outhouses were needed; Mr. Westhaver noted there is a portalet onsite but the NCHD is still on the fence regarding the need for a permit. Town Planner Flores-Marzan indicated he concurred with Mr. Kement; the last communication with the NCHD was on November 7th.

Chairman Ouellette began polling the Commissioners for comments regarding the permit renewal.

Commissioner Zhigailo had no issues at present.

Commissioner Gowdy was ok with the proposal, as it appears to be the same as last time.

Commissioner Kowalski questioned if there was any excavation in Phase I; is any reclamation required? Mr. Westhaver replied negatively.

Commissioner Thurz noted the current Conditions of Approval indicate that no trucks will be coming in from other sites. Mr. Westhaver suggested trucks came in to bring in material to construct the road/access drive. Commissioner Thurz cited that the East Windsor Police Department had said a truck coming from South Windsor to this site dumped a load of material; he questioned that Mr. Westhaver was aware of that incident? Mr. Westhaver indicated they had asked to use the scale at this site; he understood that something locked up on the truck as it pulled into the site and spilled the load on the road.

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Commissioner Thurz suggested the truck was coming in with fill to Mr. Westhaver's site. Mr. Westhaver replied they had asked to use the scale; the scale is State certified and he allowed them to use his scale at a minimal fee of \$5; he understood they were continuing on to the Charbonneau site. Commissioner Thurz wanted Mr. Westhaver to be sure they weren't bringing in material from Hartford; Mr. Westhaver indicated they were not.

Commissioner Moore suggested adding a condition to the renewal permit that the scale shouldn't be used by other parties. He indicated he understands there have been lines of trucks at this site waiting to get in; he cited the complaints from the residents during the original approval regarding the truck traffic and the impact on the road. Mr. Westhaver suggested if they don't use take the trucks from Charbonneau the trucks will go to Route 140. Commissioner Moore felt the larger roads can take the weight of the trucks better. Commissioner Gowdy suggested if Mr. Westhaver shuts down use of his scale the trucks will still go through town.

Commissioner Kowalski noted the existing permit allows 90 trucks per day; he questioned how many trucks use the scale? Mr. Westhaver guesstimated maybe 40 trucks. Commissioner Kowalski noted those 40 trucks cuts into the 90 trucks allowed for Mr. Westhaver's operation. Commissioner Moore reiterated his suggestion to add a condition that the property shouldn't be used for a scale house. He cited if people see trucks going into the property with loads of material it will raise more questions. Mr. Westhaver indicated the trucks were bringing in millings for the road; they'll need to bring in material when construction of the rail spur occurs.

Mr. Westhaver questioned the Town's ability to restrict use of the scale house. Mr. Kement noted the scale house – for use by the applicant for this operation - was a part of the original permit; Mr. Kement also questioned the Town's ability to restrict Mr. Westhaver's income for use of the scale house. Commissioner Gowdy asked Mr. Westhaver if he would be comfortable adding this condition if it made the adjacent homeowners feel better? Mr. Westhaver responded –“ if that's what it takes.” Discussion continued regarding the Commission's ability to add conditions at the permit renewal. Chairman Ouellette noted if there's a legitimate complaint the Zoning Enforcement Officer would deal with the issue.

Commissioner Sullivan requested clarification that the applicant was asking for a 3 year extension? Mr. Westhaver and Mr. Kement replied affirmatively. Commissioner Sullivan noted they haven't started Phase I yet; he felt it would be better to approve a 1 year extension. Commissioner Kowalski suggested they may have asked for a 3 year permit for this application because they just received a 3 year extension for North Road Materials.

Chairman Ouellette queried Town Planner Flores-Marzan for comments. Town Planer Flores-Marzan referenced Condition #24 which cites the operation will not exceed 90 trucks per day, and Condition #21 which indicates that no trees or stumps will be buried

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on the site. He indicated he didn't see a reference to the scale house not being used by a third party as a current Condition of Approval.

Commissioner Zhigailo indicated she felt the scale house is just a luxury; it's an accessory use to the business. Commissioner Zhigailo disagreed with the addition of a condition limiting use of the scale house; she felt the Zoning Enforcement Officer can deal with that. Town Planner Flores-Marzan felt the use of the scale should be dealt with by the State.

Chairman Ouellette questioned if any complaints have been received in the Planning Office? Town Planner Flores-Marzan replied negatively. Commissioner Thurz questioned if DPW (the Department of Public Works) or the Police Department had contacted the Planning Office regarding the dirt being dumped on the road? Town Planner Flores-Marzan indicated the office receives complaints regarding dirt on the road.

Chairman Ouellette opened discussion with Mr. Kement. He noted the permit was approved on November 18, 2018; it's a one year permit and the Commission will be voting after November 18, 2019. Will this be a request for a permit extension; has the permit expired; is there a grandfather option associated with the permit? Mr. Kement indicated they submitted the current application on October 31, 2019; on November 1, 2019 referrals were sent to other departments. He felt the permit rolls over until the Commission takes action.

Chairman Ouellette opened discussion to the audience.

Tim Arrowsmith, 9 Morris Road: Mr. Arrowsmith indicated his questions deal with compliance – how do we know that WSG is in compliance with his permit? What are the procedures? What is the process?

Chairman Ouellette suggested the Town doesn't police the activities of the operation unless they receive complaints. Mr. Arrowsmith indicated he complained in the Summer that trucks were coming into the site at 3 in the morning, and on weekends and Sundays. Town Planner Flores-Marzan indicated he needs the consent of the property owner first; once he gets the complaint in writing he then uses his resources. Mr. Arrowsmith felt the permit review was a waste of time; he felt if the Town can't check the site then the applicant can do anything he wants. Chairman Ouellette cited the Commission produces a document which indicates what the applicant can do. Commissioner Gowdy queried Mr. Arrowsmith for his specific complaint; Mr. Arrowsmith replied that the Commission approved this massive project, but no one checks on it.

Lori Suzik, 15 Morris Road: Mrs. Suzik advised the Commission she called (First Selectman) Bob Maynard about the truck activity in the middle of the night; she then

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spoke with Town Planner Flores-Marzan. Mrs. Suzik questioned if people make complaints and nothing happens then why go through this process? Mrs. Suzik reported the trucks have the cartoon character Marmaduke on the side, they came in Morris Road and she followed them to the site. Mrs. Suzik said she called the Police Department in September and asked that they put up a sign not to use Morris Road but she doubts that you heard from them.

Mrs. Suzik reported she lives in close proximity to the site. She was home in February, compacting was going on at the time; she could feel the vibrations in the house. Mrs. Suzik reported she has crumbling foundation problems; the doors in her house are out of alignment; her life was made miserable because of the vibrations. Mrs. Suzik feels the Arrowsmiths feel the vibrations as well. Mrs. Suzik feels the compacting contributed to her foundation issues; she has had water coming into the basement.

Chairman Ouellette questioned Mrs. Suzik about the level of truck traffic. Mrs. Suzik reported she was out of the home for some time – through October - because of the foundation work.

Carol and Tim Arrowsmith, 9 Morris Road: reported that everything they spoke about and were concerned about last year is happening. There's more dust. There is more truck traffic – there's a new school being built in South Windsor, and new houses, and this, so they can't be sure what's related to this operation. Mrs. Arrowsmith questioned why nothing is in place regarding enforcement capabilities. Mrs. Arrowsmith indicated everything they complained about is happening; it's affecting their ability to use their yard; there's equipment filling something up with material and it's being trucked out for at least a month, which she feels is part of the gravel operation but she can't really tell because she can't trespass either.

Mrs. Arrowsmith also reported that for a couple of weekends there was loud shooting; Mr. Arrowsmith concurred, suggesting there's a shooting range going on at the site. Mrs. Arrowsmith indicated she had a cellphone video. Mrs. Arrowsmith questioned Mr. Westhaver is he has a gun? Mr. Westhaver indicated he doesn't own one. Mrs. Arrowsmith felt the dirt bike activity is further away than the WSG site but the gun shots were repetitive; Mrs. Arrowsmith played the cellphone video.

Commissioner Gowdy questioned how close do the Arrowsmiths live to the gun range? Mr. Arrowsmith indicated they (the gun range) has been there for 40 years; it's not them. Mrs. Arrowsmith indicated they could hear the gun range in the background.

Lori Suzik, 15 Morris Road: Mrs. Suzik indicated she's lived at her property for 35 years.

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Carol and Tim Arrowsmith, 9 Morris Road: Mrs. Arrowsmith felt there was a problem with people carrying notes with permission to use the property. Mr. Arrowsmith said the Police said they won't investigate because they don't want to get shot.

Mr. Westhaver indicated they have gates at the site, and "no trespassing" signs. He's been at the site and he has not seen any shell casings. He indicated they've put up a fence because people try to drive their ATVs around the trees and into the woods. Mr. Westhaver noted they have millions of dollars worth of equipment at the site. He hasn't seen any bullet holes in the equipment. Mr. Westhaver felt they've been doing their due diligence at the site.

Tim Arrowsmith, 9 Morris Road: Mr. Arrowsmith indicated any Board member is welcome to come out during the week.

Commissioner Moore suggested the guns on the video sounds like a 9 millimeter. He suggested people could be walking over the hill from the Holden property; he's heard people are shooting into the gravel pit over there. Commissioner Gowdy suggested if he were the public he'd be here as well, but he felt the residents should be contacting the Police Department. Mr. Arrowsmith felt it was the Commission's job to see that Mr. Westhaver is doing what he should be doing and that's not being done. Discussion followed regarding staff's ability to do site inspections. Mr. Kement referenced Condition of Approval #41 regarding access to the site.

Carol Arrowsmith, 9 Morris Road: Mrs. Arrowsmith suggested that by saying that there's no trucks coming into the property she would like the Commission to clarify that they will not be allowed to have full trucks coming into the site, or coming in and dumping. Chairman Ouellette clarified that the permit is not for a filling operation. Mrs. Arrowsmith felt the permit should have said "no fill" originally; Chairman Ouellette reiterated this permit is for excavation, they can't bring in fill. Mrs. Arrowsmith felt the trucks can go into the site to use the scale and then do whatever; we don't know what they're doing after that.

Tim Arrowsmith, 9 Morris Road: Mr. Arrowsmith indicated he understood that by coming in and using the scale they will be coming in under the 90 trucks per day, he questioned who says there are only 90 trucks per day coming into the site.

Alan Baker, (Board of Selectman Liaison), 340 Rye Street: Selectman Baker questioned if the applicant can produce paperwork to verify the material being brought in. Selectman Baker suggested the paperwork would verify the numbers of trucks using the site per day as well. Regarding the millings, the paperwork should say where the material was coming from. Mr. Kement indicated there are no violations regarding the fill coming into the site; Selectman Baker felt they don't know that. Commissioner Thurz suggested the millings were probably coming in because of a job somewhere

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where a contractor was stripping a road. Selectman Baker suggested the verification paperwork will indicate that; it will work for the benefit of the applicant and the Town.

Mr. Westhaver indicated that (the deposition of the millings) was a one-time incident to construct the roadway to the scale house. Commissioner Thurz noted the applicant shouldn't have been hauling at 3:00 in the morning. Mr. Westhaver indicated people were complaining about the trucks using Morris Road so they told the drivers not to use that road, but they can't control where the trucks come from. Mr. Westhaver suggested they're trying to work with the neighbors; he indicated it won't happen again. Mr. Westhaver reported people shouldn't be shooting on his property; he'll look into it. If he finds shell casings he'll ask the Police Department to look into it.

Alan Baker, (Board of Selectman Liaison), 340 Rye Street: Selectman Baker asked if Mr. Westhaver was bringing in material to make other material. Mr. Westhaver replied negatively, noting the material that was brought in was to construct the road/access way.

Dick Pippin, 37 Woolam Road: Mr. Pippin suggested the timing of bringing the millings probably was when the contractors were working on I-91; they don't do it during the day because they can't close down the roads. Mr. Pippin found the discussion of the truck routes strange. He questioned that people would rather have the trucks come down to Shoham Road to use a scale rather than use one of these roads? He suggested that's been a truck route for years.

Carol Arrowsmith, 9 Morris Road: Mrs. Arrowsmith questioned where Charbonneau had his loads weighed before this scale was built? Chairman Ouellette indicated the Commission doesn't know. Mrs. Arrowsmith didn't know why they had to deal with the trucks because Mr. Westhaver is being a good neighbor to Charbonneau. Commissioner Moore questioned if the scale is easily accessible; Mr. Westhaver replied affirmatively. Commissioner Moore questioned why the truck drivers don't use Exit 37 rather than come down Morris Road. Commissioner Moore felt that as long as Mr. Westhaver is operating under his 90 trucks/day he was operating within the conditions of his permit.

Lori Suzik, 15 Morris Road: Mrs. Suzik questioned if the compacting will go on longer, or is it over? Mr. Westhaver suggested they were compacting to construct the road. Mrs. Suzik indicated she has cracks in her ceilings and the walls. Commissioner Thurz suggested construction of the rail spur will be further away and shouldn't affect the property owners.

Carol and Ted Arrowsmith, 9 Morris Road: Mrs. Arrowsmith recalled that they spoke of working with the railroad originally but the permit specifies only the trucks, she questioned if there are any conditions in the permit related to the rail line? Chairman Ouellette indicated the plan was for the applicant to work with the rail line but that would be regulated by the State; he recalled that the State didn't appear at the previous hearing.

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Commissioner Gowdy felt use of the rail line should reduce the truck traffic. Mr. Arrowsmith indicated they are trying to determine the procedure for compliance. Chairman Ouellette suggested the Zoning Enforcement Officer is part of the Planning Office.

Austin Burt, 43 Graham Road: Mr. Burt cited the original application included a fill operation, which they withdrew, but the residents are concerned with enforcement. Commissioner Gowdy suggested if the Commission felt WSG would cheat on the operation they wouldn't have approved the permit. Selectman Baker felt the people are speaking of enforcement but he felt that really they were concerned with verification. Discussion continued regarding the Commission setting conditions, verification that the conditions are being complied with, and enforcement through the Zoning Enforcement Officer.

Commissioner Sullivan cited that gravel has become a valuable resource in this area of town; he noted 4 pits within the area operated by different companies – Holden, NORCAP, Charbonneau, WSG. Commissioner Sullivan questioned the ability to put the blame all on WSG.

Chairman Ouellette called for new comments; the audience continued to voice their complaints as presented earlier. Discussion continued regarding the presentation of additional information. The residents made no further requests to speak.

MOTION: To CLOSE the Public Hearing on the Application of WSG, LLC_ for a Special Use Permit Renewal (PZ-2019-09) for earth excavation at 140 Wapping Road (Map 017, Block 65, Lot 008—34, A-1/M-1 Zone.

Ouellette moved/Sullivan seconded/

DISCUSSION: Commissioner Gowdy questioned the residents what they would like the Commission to do tonight? Mrs. Arrowsmith indicated they'd like to have someone assure them that the conditions are verified on a regular basis. Mrs. Arrowsmith liked the idea of having paperwork submitted periodically. Mr. Arrowsmith felt if the Commission didn't have information for the past year then there was no point in renewing the permit this evening. Commissioner Gowdy questioned if Mr. Arrowsmith's recommendation was for the Commission not to renew the permit? Mr. Arrowsmith replied negatively, noting he wants someone to verify; Mr. Arrowsmith felt this was a waste of time. Chairman Ouellette noted Town Engineer Norton's memo of November 5, 2019 indicating his findings during a site visit. Chairman Ouellette cited Town Engineer Norton is the independent agent assisting the Commission regarding this application; he noted this document is public information.

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Commissioner Thurz requested that Town Planner Flores-Marzan make a visit to the site. Town Planner Flores-Marzan indicated that was done by Town Engineer Norton, but he will make an independent visit as well.

Mrs. Suzik recalled that a year ago this room was full of people who didn't want this operation and it got approved; she felt it was a travesty.

Chairman Ouellette queried the Commissioners regarding action on this application this evening. He noted staff has not prepared a motion for this evening; the Commission can close the Public Hearing tonight and vote either tonight or at the next meeting. Discussion followed regarding the process going forward; closing the Public Hearing would prohibit accepting additional information from anyone other than staff.

Commissioner Gowdy felt the Commission has heard the public's comments; he felt the Commission could close the Public Hearing. Commissioner Zhigailo felt the people are looking for verification. Commissioner Moore felt the residents are asking for receipts to verify the operation. Commissioner Kowalski questioned if the Commission was treating this applicant differently than other applicants? Chairman Ouellette cited similar concerns; Mr. Kement felt the Commission is setting a bad precedent. Commissioner Sullivan noted the Town Engineer has given the Commission his opinion. Commissioner Thurz questioned if staff does site visits on renewal applications; Mr. Kement suggested permit Condition #41 gives Town Planner Flores-Marzan the teeth he needs. Town Planner Flores-Marzan suggested he isn't qualified to verify engineering standards of earth excavation projects; he felt the Town Engineer is qualified and has made those recommendations. Discussion continued regarding the expectations of the site visit.

Chairman Ouellette suggested the consensus of the Commission was to close the Public Hearing; he requested staff prepare a motion for the Commission's review and vote for the next Commission Meeting.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz)
 Opposed: Moore
 Abstained: No one**

MOTION: To TAKE A FIVE MINUTE BREAK.

Moore moved/Kowalski seconded/

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

The Commission RECESSED at 7:55 p.m.

Chairman Ouellette RECOVERED the Meeting at 8:05 p.m.

NEW BUSINESS/A. Warehouse Point Planning Study Discussion to include Terri Hahn of LADA P. C. Land Planners:

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

Mrs. Hahn advised the Commission she will be meeting with them frequently over the next couple of months. She'll be presenting some potential Site Plans at the next meeting. Mrs. Hahn indicated she's spoken with the owners of Geissler's Plaza; they have some ideas as well. Presentation of Site Plans will include a new Zoning Map, and new Zoning Regulations which will be tied into the final Stormwater Report which ties into impervious coverage.

Mrs. Hahn presented the Commission with the following draft Site Plans:

➤ **2019-2020 Concerns and Opportunities Map:**

Mrs. Hahn suggested this Site Plan identifies the property owners along the Connecticut River; many are single family dwellings. Some properties have homes on the east side of South Water Street and an associated parcel on the west side of the road adjacent to the waterfront. Mrs. Hahn suggested the continuing discussion is how the Town would acquire those properties to begin redevelopment.

Commissioner Thurz noted many people currently use the park across from the athletic field. Commissioner Moore questioned if people could grant access to the Town for properties on the waterfront, and still retain ownership? Mrs. Hahn suggested the property owner could deed the waterfront portion to the Town and retain ownership but the concern becomes a liability issue for either party.

Mrs. Hahn noted the blue highlighted properties are State owned.

Commissioner Moore questioned if there was a potential redesign for Exit 44 off of I-91? Mrs. Hahn cited the ongoing Route 5 Corridor Study, noting CRCOG is looking at that issue.

➤ **Future Use/Density Plan – 11/20/2019 Draft:**

Mrs. Hahn suggested this plan identifies the waterfront properties as being within the flood plain. Potential uses could be recreational, open space, and access to the river. The remaining structures would have to become flood-proof. Current regulations would include a provision that if a property is 25% damaged they would have to be brought up to code to rebuild. Future discussions will consider if such properties should be rebuilt, or eliminated? Mrs. Hahn noted that many of the flood prone properties are historic; preservation is important as they match the architectural style that people preferred when the Commission presented previous workshops. Mrs. Hahn suggested FEMA has a buy-out program for property owners who would consider leaving their homes; often towns/cities participate as well.

Regarding *the area between Spring Street and School Street*, Mrs. Hahn suggested that for properties remaining in residential use within the flood plain they would have to be raised up 8 feet to accommodate rising water. The lower level would then provide parking and storage space with stairs accessing the second/living level. Mrs. Hahn noted many of the existing lots are small. If the Commission were to consider multi-family dwellings the regulations would need to consider minimum lot size. A developer would need to aggregate lots to accommodate the larger structures. The larger structures would then require consideration of a maximum allowable height, and its impact on waterfront view for properties on adjacent streets. These larger buildings would require revision of the maximum amount of impervious coverage, as it would exceed the current limits. New regulations would be specific to this area, which would become a new zone.

Mrs. Hahn referenced *the area highlighted in green, which includes Dean Avenue, Spring Street, North Main Street, and Pleasant Street*. Mrs. Hahn suggested leaving these properties under their current configuration. Many of these properties are currently non-conforming; accommodation for handicapped access could be handled through variances. Mrs. Hahn suggested creating a separate zone for this area.

Mrs. Hahn suggested *the area highlighted in pink includes Bridge Street West*. This area would be enhanced with additional streetscaping – including sidewalks; uses would include residential, retail, offices, residential above retail; parking would be shared and encouraged to the rear of the properties; curb cuts would be limited. Mrs. Hahn suggested some of these properties would fall within the flood plain. These parcels would be handled through private development. The intent is to streamline the development process by eliminating the need for a Zone Change or Special Use Permit; uses would be permitted by the zone designation.

Mrs. Hahn suggested *the area highlighted in teal is Main Street, which includes several historic properties*. The potential uses would include residential, multi-family, institutional, home occupation, professional services; no parking would be allowed in the front yard; additions would have to be architecturally appropriate. The intent would be to maintain the front building/street line. The Commission would make an effort to keep the historic structures.

Mrs. Hahn suggested *the area around School Street and Main Street*, which includes the town property, the box factory, and the nursing home has the potential for a separate zone.

Returning to *Bridge Street Mrs. Hahn referenced a large area highlighted in green*. This area includes Geissler's, the Children's Home, and the site of the

previously approved Lowe's development which is currently farmland. Potential uses would be residential, offices, medical offices, retail, bakeries/coffee shops, retail with outdoor settings, and possibly multi-family. Mrs. Hahn suggested the issue in this area is to maintain the street line and the "farmhouse" style of the existing architecture. No parking would be allowed in the front yards; sidewalks would be extended up from Geissler's Plaza; no structures would be allowed in the wetlands. Chairman Ouellette questioned if institutional uses had been taken off the table? Mrs. Hahn replied negatively, noting the Commission had been considering a Town Hall or public offices down the road should the State relinquish use of the Children's Place. Discussion followed regarding the reduction in revenue by converting the Children's Place to a municipal use. The Commission considered the ability to sell the current Town Hall Annex property to offset the loss of revenue due to the municipal complex.

➤ **Proposed Zoning Map – 11/20/2019 Draft:**

Mrs. Hahn referenced the various proposals for new zones specific to use of properties located within the flood zone, and new commercial zones. Chairman Ouellette questioned if any consideration is being given to tiering the construction from the river back towards I-91 or Route 5. Commissioner Kowalski suggested the river could be used as the baseline; the Commission could then allow increased height based on specified distances back from the river. Mrs. Hahn felt the Commission would need to create smaller zones within the overall Warehouse Point area to accommodate the tiered buildings.

Chairman Ouellette noted the area previously approved for the Lowe's development continues to be utilized for farming; he questioned if the agricultural uses would continue to be allowed. Mrs. Hahn suggested that decision would be the Commission's prerogative.

Alan Baker, (Board of Selectmen liaison), 340 Rye Street: Selectman Baker questioned if the study takes into consideration existing sewer capacity? Mrs. Hahn noted that all of the properties within this study area, with the exception of single family homes on Holcomb Terrace, fall within the sewer service area. She noted the WPCA (Water Pollution Control Authority) capacity is much higher than the current usage; discussions with the WPCA found they feel they have enough capacity to accommodate these development changes.

Selectman Baker suggested that when he lived in Warehouse Point he liked the ability to walk to Geissler's Plaza and Maine Fish Market; he questioned if this development would extend to Roberto's Restaurant on Route 5? Mrs. Hahn indicated this study doesn't extend to Route 5/South Main Street. She noted the POCD (Plan of Conservation

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and Development) goal of connecting to Broad Brook. Mrs. Hahn felt the current Route 5 Corridor Study is looking at the intersections and options for pedestrians.

For the next meeting, Mrs. Hahn requested the Commission consider what recommendations and goals they would like to see for this area, and how those uses would relate to bulk and area requirements.

Chairman Ouellette suggested that for this concept to work and to achieve buy-in from the public the development process should be achieved through the Site Plan process rather than the Special Use Permit process. To achieve that goal the Commission needs to be specific when developing the new zones.

Commissioner Moore questioned if the Commission could start to set architectural requirements within the zones? Mrs. Hahn indicated that the State doesn't allow commissions to set architectural standards, but the Commission could create the Warehouse Point area as a Village District, which in turn would require a Village District committee to oversee guidelines. Mrs. Hahn noted that would create another layer of review for the developer; she suggested the intent would be to give the developer guidelines and suggestions through the regulations.

Chairman Ouellette questioned Mrs. Hahn's timeline going forward. Mrs. Hahn indicated she'll be submitting her final report early in 2020; she needs to meet with the Board of Selectmen as well.

OLD BUSINESS/A. Site Visits:

Town Planner Flores-Marzan reported the office is working on 8 properties regarding violations; 3 of those properties required the services of a Marshal as the property owners refused to pick up the certified letters. The 3 properties requiring service were: 47 Church Street, 34 Harrington Road, and 47 Plantation Road. Town Planner Flores-Marzan reported one issue may be a civil matter; 2 are working towards compliance, and 1 has expressed his intent to come in for a permit.

Discussion followed regarding the timeframe of the violation process.

OTHER BUSINESS: None.

CORRESPONDENCE: Nothing presented.

BUSINESS MEETING/A. General Zoning Issues: Nothing presented.

BUSINESS MEETING/B. Signing of Mylars/Plans, Motions: Nothing presented.

ADJOURNMENT:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1770 – November 26, 2019
MEETING MINUTES**

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MOTION: To ADJOURN this Meeting at 9:25 p.m.

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

Respectfully submitted,

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