

**TOWN OF EAST WINDSOR
Planning and Zoning Commission**

**Public Hearing #1459
August 9, 2005**

*******Draft Document - Subject to Commission Approval*******

The meeting was called to order at 7:32 P. M. by Chairman Guiliano in the Meeting Room of the Town Hall, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Filipone, Gowdy, Guiliano, and Saunders) and one Alternate Member (Ouellette) were present. Regular Member Rodrigue and Alternate Members Kehoe and Tyler were absent. Chairman Guiliano noted Alternate Commissioner Ouellette will sit in on any new hearings/applications this evening. Also present was Town Planner Whitten.

Chairman Guiliano advised the audience that the Commission would not be hearing the Application for Farnham Estates this evening as the Application remains pending before the Inland/Wetlands Commission.

ADDED AGENDA ITEMS:

Town Planner Whitten suggested the Commission has received a request to hear an Application for Anna S. Maslak/NORCAP/Botticelli for an extension; they would like the Application to be heard this evening. Chairman Guiliano suggested the Application be heard at another meeting as the Commission has a full Agenda as posted.

RECEIPT OF APPLICATIONS:

Chairman Guiliano noted receipt of the following Applications:

- 1) Application of Arturo Therecka for a Special Use Permit/Sale of Alcohol to allow the sale of beer and wine at pizza restaurant located at 140 South Main Street, owned by Joseph F. and Linda Roberts. [B-2 Zone; Map 33, Block 5, Lot 63A].
- 2) Application of Myers Nursery, Inc. for a 1-lot subdivision and Special Use Permit for 1 rear lot located on the west side of East Road. [A-1 Zone; Map 10, Block 53, Lot 2].
- 3) Application of Nextel Communications for Site Plan Approval for 12' x 20'

equipment shelter and 12 antennas to be mounted on existing water tank located at 104 Prospect Hill Road, owned by CT. Water Company. [M-1 Zone; Map 5, Block 17, Lot 38].

4) Application of Jim Silva for Site Plan Approval to allow construction of a 2,080 square foot building (Dunkin Donuts) and parking lot located at 17 North Road, owned by Nicholas P. Lata. [B-1 Zone; Map 2, Block 16, Lot 16C].

LEGAL NOTICE:

The Legal Notice, which appeared in the Journal Inquirer on Thursday, July 28, 2005 and Thursday, August 4, 2005, was read by Secretary Saunders:

1) Application of Four Fathers, Inc., dba Sports World for a Text Amendment to Section 8.1.5 *Alcoholic Beverages*, to allow Cafe' Permits in an M-1 Zone when incidental to the operation of a sports arena, recreational club, catering establishment, hotel or motel.

PERFORMANCE BONDS - ACTIONS; PERMIT EXTENSIONS: J. R. Russo & Associates - Request for one-year extension of the Site Plan Approval for 137 Prospect Hill Road (approved 9/28/04):

Chairman Guiliano read the description of the item of business, and noted receipt of letter dated July 14, 2005 from James Ussery requesting an extension of the site plan approval for one year. Chairman Guiliano queried Mr. Ussery on the reason. Mr. Ussery indicated he understood from speaking with the owner they are still negotiating with the anchor tenant - Starbucks - and are not ready to proceed.

MOTION TO APPROVE application of 137 & 137A Prospect Hill, LLC for a one year extension for the commencement of construction at 137 & 137A Prospect Hill Road for Site Plan Approval of a one story, 8700 square foot retail/office building with a a drive through and associated parking and site improvements, on property zoned B-2, as shown on Assessor's Map 2, Block 4, Lots 28 & 28A. One year extension to expire on September 28, 2006.

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

CONTINUED HEARINGS: Letourneau Builders - Special Use Permit for a 14-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street. [R-2; Map 31, Block 40, Lot 17]. (*Deadline to close hearing 8/16/05*):

Chairman Guiliano read the Hearing description. He also noted that the Minutes of July 26, 2005 included a motion that this Hearing was closed, which is not true. The Minutes will be corrected; public comment will be taken later in the Hearing.

Chairman Guiliano noted Commissioner Saunders would not be sitting in on this Hearing.

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3

Appearing to discuss this Application was Attorney T. Mark Barbieri, representing the Applicants, Gaetan and Daniel Letourneau (who were also present), Sandy Aeschilman, of Aeschilman Land Survey; David Speer, of DLS Consulting; and Chris Burke, real estate appraiser.

Attorney Barbieri noted that since the Applicant has withdrawn Phase II of this project they have now prepared plans showing just Phase I; it's the same plan submitted earlier with Phase II removed. There are no changes in the engineering or any other aspects of the project.

Attorney Barbieri also noted discussion left off with 6 or 7 concerns of the public, including traffic and speeding, which raised questions about the study, also what were the long term values, and what were the open space calculations made for this type of project. It was also noted that Scantic Glen took 25 years, and they are now developing Norton Fields which is a separate development. Attorney Barbieri suggested that Scantic Glen did have a Phase V but it wasn't contemplated to be developed.

Attorney Barbieri also noted someone else suggested Active Adult Housing (AAH) is social engineering and the build out time on numerous other projects in town that are not finished yet, but it's not uncommon for this type of project to take 2 to 4 years from application to build out.

Attorney Barber called on Chris Burke to discuss some of those issues. Mr. Burke noted he is from Suffield, and is a Licensed Real Estate Appraiser. He noted some of the questions raised were was there a need for this type of project, and was he influenced by the applicant and the fee paid? To answer those questions he asked Carol Madore, Assessor for East Windsor, if she has had any reductions in taxation with AAH in the neighborhood? Were there any tax appeals by neighbors of these type of projects? Ms. Madore had replied negatively, noting there had never been a reduction in assessment from this type of project being approved, or condominiums approved in the area. Mr. Burke noted he questioned if properties are taxed differently because of these projects; Ms. Madore replied no. Mr. Burke noted he advised Ms. Madore why he was asking those questions. He further asked if these type of projects adversely impact a neighbor? Ms. Madore didn't feel that they would adversely impact the neighborhood. Mr. Burke suggested these responses were the professional opinion of your Town Assessor.

Commissioner Filipone felt that was a short term opinion. Mr. Burke suggested Scantic Glen has been there for some time and is still viable. He felt that whether it was an AAH project, or condominiums, the market is for similar buyers. Whether it's an Over 55 project or not they all want a small house and no maintenance.

Mr. Burke noted he also asked Assessors for Enfield, Granby, and Suffield if construction of condos or AAH adversely impacted neighbors; most looked at him like he was asking a silly question.

With regard to the question is there a need for this type of housing, there are 2 projects under construction - Hillside Farms contained 44 units and took 2 1/2 years to sell out. The demand for

this type of housing is strong and they have some reservations for the next phase of that project. Mr. Burke noted he also spoke with Ben Castonguay, who is marketing Coleman Farms; the project has been under construction for 1 1/2 years, they have closed on 16 units and have deposits on another 14 units. The demand is strong. He also spoke with Donna Blanchett, who is marketing Bramble Ridge in Suffield; that project contains 44 units and has been under construction for 3 years; 17 of those units are under deposit and she can't keep up with the demand. Mr. Burke felt the market is drawing from buyers from all geographic areas; this market is needed by people coming from other towns because they want to scale back. Mr. Burke suggested the demand has been steady, strong, and there have been no problems from this type of development.

Attorney Barbieri then questioned David Speer, the traffic engineer, isn't it true that the Plan of Conservation and Development (POD) outlines Rye Street as a major traffic collector? Mr. Speer handed out a map from the 2004 POD. He noted that roads are identified by their use; major arterial roads are designed to transport cars between cities, major collector roads are in the middle bringing traffic to the arterials. AAH is a low traffic generator; this type of road, as it was designed with a single access roadway from each road, is well suited to bring traffic to the collector. Any indication that this is a minor local road that can't take the traffic isn't so.

With regard to the comments about the speeding, Mr. Speer indicated they did measure the 85th percentile. When you do a study there is some traffic feeding into to and some local traffic. You are introducing an intersection into the road where none exists at present and that will slow traffic down. The speeds are adequate for now but this age restricted development will slow people down.

Attorney Barbieri referenced comments made by the public and the Commission, noting Mr. Letourneau has worked on an enhanced landscape plan, taking into consideration the people across the way. If this were developed into a single family houses that would be 30 dwellings which would be 30' high and there would be no buffer. This proposed buffer would surpass anything from that type of project. Gaetan Letourneau indicated the buffer along Rye Street will include trees which are 6' to 10' in height which will be on top of a berm, and they will be close together. He noted they brought in an elevation drawing to show people what it would look like. They had also added a buffer on Norton Road, which would be the same schedule. Attorney Barbieri questioned the height of the buffer? Gaetan Letourneau indicated it would be a 2' berm with 6' to 10' trees, which would be 12' to start out with.

Mr. Aeschliman suggested that this project, with 33 units, will be providing 68% Open space on the site, while the original submission had 50.8% Open Space; with this plan you are getting 18% more Open Space using it the way the Commission would like to see Open Space calculated, not in between or around the units or the decks. Attorney Barbieri questioned how the Open Space was calculated? Mr. Aeschliman suggested when proposing the 50% Open Space it was calculated on everything behind the buildings but nothing between or in front of the buildings when they were proposing 54 units; now with the 33 units the Open Space is calculated the same way. Town Planner Whitten questioned if, with the 68%, will it all be dedicated as Open Space? Attorney Barbieri suggested that would be up to the Board. When Mr.

Letourneau turns over his ownership to the common interest community they could hire someone to do something but that usually doesn't happen. Attorney Barbieri suggested the Open Space is considered living enhancements and Open Space. Mr. Aeschliman referenced the map/sketch of the 54 units, noting where the new plan is proposed. He noted how much of the Open Space is on the southerly side to have as much contiguous with the wetlands off site. Mr. Aeschliman also noted that only a portion of the wetlands can be counted as Open Space, and they are only taking that much that is allowed. Gaetan Letourneau suggested they can take 50% of the wetlands as Open space. Commissioner Gowdy questioned if you don't include Phase II as part of the Open Space what percentage is left for the 33 proposed units? Mr. Aeschliman suggested 68% of the property will be Open Space, but they are using only 50% of the wetlands in that calculation. Commissioner Gowdy questioned if they got approval for 33 units, and saying you have 68%, and if the cap comes off and you come back would you want the Commission to approve part of that 68% for the next phase? Gaetan Letourneau replied affirmatively, but noted there is no Phase II. Chairman Guiliano felt the Commission shouldn't be asking about Phase II, it is only judging these 33 units. Attorney Barbieri suggested with the present calculation, even if they had two phases, we've met with the intention of your Open Space. If we used it as you have it, or if used the other open space in question - the space between the house, etc., - we still meet your requirements. It might not look like you want it but we still meet it. Gaetan Letourneau indicated he understands when you change the regulations it's more than likely we won't get a Phase II.

Attorney Barbieri suggested he doesn't think this project is a bad thing; high density on an appropriate piece of property isn't a bad thing. Commissioner Gowdy questioned what would be the density on this with 33 units? Town Planner Whitten felt it was about 2; Mr. Aeschliman concurred that it was 2.02 units.

Attorney Barbieri suggested he would like to reserve time for a summarization at the end, and he has one more hand out.

Town Planner Whitten questioned what was the proposed ownership for the dedicated Open Space? Attorney Barbieri suggested it would be to the association. Town Planner Whitten questioned if it could be to the Town? Attorney Barbieri suggested it could be.

Town Planner Whitten noted FOR THE RECORD a petition was dropped off this afternoon with regard to this Application and any Special Use Permit. Chairman Guiliano READ THE PETITION FOR THE RECORD, noting it contained 3 signatures.

Chairman Guiliano opened discussion to the public, noting he would like to hear from new speakers first.

John Naroda, 10 Sharon Lane: noted he has children, he looks at the project as being a good way to bring in new tax dollars. The town has problems with passing budgets. He doesn't look at this as AAH. With regard to the speeding, he hasn't heard of many incidents of people over 50 speeding.

Charles Matteson, Omelia Road: is concerned they are proposing to put 33 homes on 16 acres, this is in an R-2 Zone which requires 25,000 square foot lots. The increase in one and two family homes, if you don't think it will not have impact on the neighborhood you're out of your minds. He has traffic from 7 in the morning and 7 at night and it will increase. 90% of these people will be heading to Route 5 and Route 91; he doesn't see where this will benefit our neighborhood at all. He sees property values dropping. It's sticking a cluster of elderly homes in a rural neighborhood which has mainly been farming and agriculture and most people like to keep it that way. We'll have problems with traffic and children are on the roads and you are adding more traffic. He doesn't see the benefit.

Mike Dzen, 33 Norton Road: he lives 600' to 800' from where they are proposing this, he doesn't know if anything has been addressed about the buffer. Since he has owned the property he has made it more agricultural. He hasn't been approached by the Town or the developer regarding the impact. Chairman Guiliano noted this Application isn't a Zone Change, notifications are only sent to abutters on Zone Change Applications.

Commissioner Gowdy suggested if this parcel is in an R-2 zone it has a density factor of 5, on 16 acres he could put in 24 units while they are proposing 33 units with a density factor of .5 Mr. Dzen felt there is a big difference between 24 and 33 and it will impact the neighborhood, it's a big impact.

Ellen Durko, 50 Highland Avenue: likes the town for it's rural character, East Windsor and East Hartford are almost interchangeable, Suffield as kept out Taco Bell, etc. Is this what you want for the town, developing, developing, developing? It's already lost it's rural character.

Tom Librizzi, 24 Norton Road: he agrees change is happening but it comes down to how that happens, and the Commission needs to look at what's best for the town and not the economic benefit of the developer. He felt this is not appropriate for this area, it's a residential area, agriculture is diminishing for various reasons, what should take it's place? Some other type of development or something else which is allowable - single family homes are appropriate.

With regard to traffic, Mr. Librizzi questioned if it addressed Norton Road? Chairman Guiliano suggested it just referenced Rye Street. Mr. Librizzi suggested he purchased his home in '86, they were developing residential homes and that was good. Holly Lane was put in behind him, it's a good type of development, he has no objection to that, it blends in with the neighborhood. He felt that type of development was appropriate. He realizes Scantic Glen and Norton Glen are at the corner of Norton Road, but there is a point when if you don't like it, he feels it's more appropriate to develop single family homes on that lot.

Chairman Guiliano continued to ask for comments from first time speakers before acknowledging those who have commented at previous Hearings.

Christine Pozniack, 32 Norton Road: has lived in East Windsor for 3 years, is concerned about these units not being sold, she's not sure if that has been discussed, it's been mentioned there are units in South Windsor, Enfield already and in East Windsor and she's not sure the

market will hold. To have this many in such a small area, and she also has young sons and has heard that traffic is unbelievable, and she agrees, at 9 at night she hears the traffic on Norton Road. She can't imagine it will get any better, and she doesn't mean to insult the traffic engineer but she can't believe it won't add more traffic and people 55 will leave their house only twice a day.

Steve Dearborn: owns the commercial land across from this parcel, there are many commercial vehicles that Mark (Attorney Barbieri) didn't mention, Herb Holden's crushing plant and the Fertilizer Plant and his industrial park, there are many commercial vehicles using the road. You will have all these people from the cluster housing coming out on this road and it isn't good to mix, they won't be working, they will be disturbed by the commercial vehicles, the police and town hall will get calls, he feels single family homes is more appropriate, the original plan was for 13 houses. Chairman Guiliano noted the Commission knows nothing about any plan for 13 houses and it's not what the Commission is discussing. The Commission doesn't know about houses, only these units. Mr. Dearborn questioned that he couldn't talk about single family homes? Chairman Guiliano clarified/reiterated that the Commission has never seen plans for single family houses on this property. Mr. Dearborn suggested the reason they are going for this is they wouldn't make money on running a septic line for 13 houses; can someone say yes or no???????? Chairman Guiliano reiterated the Commission had no knowledge of a plan for single family residences. Commissioner Filipone suggested the Applicant's are businessmen just like Mr. Dearborn, they have the right to apply for this type of project. Mr. Dearborn indicated he has no objection to single family homes but he doesn't want elderly housing, single family houses would fit in with that type of house, plus all the traffic, mixing these with commercial traffic.

Commissioner Gowdy suggested if they built on that property, which is zoned R-2, they are permitted by Zoning Regulations to put up 25 houses, as compared to what they are proposing for the 33 units. Commissioner Gowdy indicated he isn't advocating for this project but 24 houses with the current truck traffic, and kids on the road, could be worse. Mr. Dearborn again questioned what about the 13 houses? Commissioner Gowdy reiterated the Commission doesn't know about 13 houses; he questioned Mr. Dearborn where he got that information? No response was given.

Brenda Quesnel, 13 Highland Avenue: agrees with Mr. Librizzi, she has nothing against elderly housing, many are going up, she and her husband put on an addition knowing they won't want to go upstairs. What will happen to these in the future? What will they turn into? Commissioner Gowdy suggested this is one of the reasons the Commission is proposing the moratorium, to find out what will happen. All indications from the experts are that these are being sold faster than they are being built. Ms. Quesnel responded - today. She suggested you need to look at the future. She understands you have discretion and you understand your intent, but the law is open to interpretation.

With regard to demand, Gaetan Letourneau referenced the POD, page A-5, noting the consultant's predict that in 2020 80% of the population will be between the ages of 55 to 64. With 260 units allowed that doesn't even equate to 50% of the housing stock in town will be

available; you will only get more demand.

Tom Librizzi, 24 Norton Road: felt it wasn't an issue of demand, it comes down to location, this should be at another spot more appropriate, he doesn't understand why the demand for this housing is appropriate here.

Chuck Matteson, Omelia Road: given that we have Scantic Glen and other units, and we have 94 or 97 units out of 200 and will add another 33 units to this town, do we want to turn the town into a retirement community? He has kids that will be going to school for 15 years and if we had elderly housing, we can't pass budgets now, what will happen in 5 years, he'll have to move his kids to a private school system because people wouldn't want their taxes to go up. Taxes go up because there is a need for it, taxes are not as high as most, still have to pass the budget and to add all these cluster houses is another cluster of people that will vote in one direction.

MOTION TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED the meeting at 8:32 P. M. and RECONVENED the meeting at 8:40 P.M.

Dean Welti, 56 Norton Road: his main concern isn't the value of his home or the traffic on Norton Road, it's the neighborhood; they have many young families and children and he feels the project contradicts the neighborhood, 55 and over doesn't belong next to a family neighborhood with his kids screaming.

Betty Nashet, 46 Stoughton Road: is a second generation citizen of East Windsor. She questioned if they will have to pay for sewers at this location? Chairman Guiliano indicated the sewers will be brought in and the builder will be paying for the sewers. Ms. Nashet questioned if this area is on city water? Chairman Guiliano replied affirmatively. Ms. Nashet indicated she is opposed because of the increase in population; we don't need to increase the population. Enfield and East Hartford are crowded and there is so much pollution, although it isn't as bad in East Windsor. If you push these things in you will have pollution..

With regard to the traffic she doesn't see anyone from Stoughton Road and Scantic Road and those are the main roads to Route 5 and that's where these people will go when they drive. This is great for the builder, there isn't enough senior citizens who can afford these and they will become subsidized housing. She is opposed.

Mary Lasbury, Skinner Road: indicated she is a senior who they are aiming these at, no one asked her about them. When someone said the traffic wouldn't be bad because they won't be going out more than once or twice a week you don't live in this world. Chairman Guiliano clarified the statement was that they tend to go out once or twice a day. Ms. Lasbury felt many seniors won't be able to live there, it doesn't sound like something we need. We are losing

beautiful country. (APPLAUSE FROM THE AUDIENCE).

Lauren Harney, 22 Norton Road: is opposed to it, she doesn't see why it should be on Norton Road, it would be ok on Newberry Road, why should it be built in her neighborhood? Ms. Harney indicated she loves to walk and takes her dogs with her and she must drive some distance to another area where there is a cul-de-sac. Wildlife has dropped. She can't picture 55, they will want to walk on Rye Street and Norton Road and they will be killed. She knows there are elderly people who walk everyday. Find a different spot and put it there and everyone will be much happier.

Anne Duffy, 63 Rye Street: Rye Street, from the church to here, is already housing for the elderly, they will be moving out and there will be plenty of housing in that area available in the future.

Rand Stanley, 87 Rye Street: is an abutter to the proposed property and a tax payer and a neighbor. His attorney couldn't be with him tonight but he has some questions for the Commission.

Have any and all members present or not present reviewed the minutes or tapes? Chairman Guiliano indicated that any members voting tonight have been present at all the meetings.

Mr. Stanley indicated he has been in construction for 30 years and is a licensed Building Official in Connecticut, he would like to present to the Commission a handout with regard to Special Use criteria. Mr. Stanley indicated he does support denial of Norton Farms.

Mr. Stanley read much of his comments from a prepared statement. Following are a summarization of those comments.

With regard to Section 5.1.17 of the Zoning Regulations relative to neighborhood and traffic Mr. Stanley cited excerpts from the Planning and Zoning Commission (PZC) Minutes of July 26, 2005 which indicated that 14 residents opposed the proposal, 16 neighborhoods were represented, and over 100 signatures have been submitted in opposition to the project from 16 neighborhoods.

With regard to Mark's (Attorney Barbieri's) comments in the Minutes that he didn't see a problem with the project other than the residents didn't want it across from their house, Mr. Stanley indicated he is ON RECORD he doesn't want the project, but 16 other neighborhoods don't want it either.

Mr. Stanley noted he is not representing anyone other than himself and his family.

With regard to Section 5.1.1.7.6(a) relative to reasonable need, Mr. Stanley again referenced the Minutes of July 26, 2005; he questioned the answers submitted. Mr. Stanley suggested Subsections (b) and (c) don't apply to this project. Mr. Stanley suggested sub-section (d) refers to traffic impact, he suggested incomplete data was presented that didn't reflect actual impact.

He suggested school is not in session now and that would have a different affect on traffic.

With regard to the comments that people over 55 would not be working he cited a quote from Money Magazine that indicates "the average age of retirees is 71 years of age". Mr. Stanley suggested if he had a \$300,000 mortgage he would be working also.

With regard to Subsection (e) which references the adverse affects on the land uses in the area, Mr. Stanley suggested the applicant's experts feel there is no adverse impact, but he hasn't seen any environmental impact information provided.

Regarding Subsection (f) relative to property values, Mr. Stanley felt there isn't any conclusive information provided, and the experts testimony is conflicting. He suggested Chris Burke, the appraiser, suggested there was no adverse impact on surrounding neighborhoods due to age restricted projects, while Davie Speers, the traffic engineer, cited there is little data available for age restricted housing, but they used data from congregate housing. Mr. Stanley suggested there was a big difference between congregate housing and Active Adult Housing (AAH). He questioned if enough traffic information had been provided, and if the information presented is conflicting.

Mr. Stanley also felt Attorney Barbieri's comments that the neighborhoods on Rye Street and Norton Road will not be unduly affected by this proposal; he disagrees with Attorney Barbieri's comments.

With regard to Subsection (g) Mr. Stanley feels the impact from this development will affect the drainage on this site. He questioned if the information as engineered on 55 homes is representative of the drainage for the current 33 units? Mr. Stanley felt an independent engineer study be undertaken to be sure the drainage system is adequate and not over-engineered.

With regard to Subsection (h) relative to environmental impact, Mr. Stanley felt it goes beyond wetlands impact. He felt the attorney for the applicant hasn't offered any data to support their claim that there is no environmental impact. Mr. Stanley felt the Commission should require an environmental impact study for this application, and all Special Use Permit Applications.

With regard to Subsection (I) relative to the need for the proposal to be consistent with the goals of the Plan of Development (POD) Mr. Stanley questioned how the proposal could be consistent if Rye Street is being recommended for scenic road status?

With regard to Subsection (j) relative to housing needs for senior housing, Mr. Stanley questioned how this development helps meet the senior housing needs in East Windsor specifically.

Regarding Subsection (k) relative to handicapped access Mr. Stanley questioned if this development has been designed for handicapped access? He questioned that there is no sidewalk design on the plans as required, and questioned if the town accepts any liability for injury if residents walk in the street because the sidewalks have been waived?

With regard to Subsection (l) relative to architectural design Mr. Stanley felt cluster housing at this locale doesn't blend in with the neighborhood of Rye Street and Norton Road. Mr. Stanley then referenced Section 5.1.17.10(f) suggested the greatest extent possible is subjective and arbitrary.

With regard to Subsection (m) Mr. Stanley suggested he will address this criteria in his closing comments.

With regard to Section 5.1.17.13(a) Mr. Stanley questioned where on the site plan are the sidewalks as required?

With regard to Section 5.1.17.13(b) Mr. Stanley READ FOR THE RECORD his comments regarding installation of the sewer laterals.

With regard to Section 5.1.17.14 relative to handicapped access, Mr. Stanley further referenced Section 5.1.17.9(g) Mr. Stanley READ FOR THE RECORD his comments regarding handicapped access. Mr. Stanley felt an individual of any age can live in these units; he questioned if we're going to put them out in the street without sidewalks? He questioned who insures this regulation is complied with, the Commission, the Fire Marshal, or is it done by the site plan?

With regard to Section 5.1.17.19 relative to the landscape plan, Mr. Stanley felt the proposed plan doesn't fit in with Norton Road or Rye Street, it only hides the project, it draws attention to what you're attempting to screen.

In closing Mr. Stanley cited the Commission's proposal for a moratorium as a reason for denial of this Application. He suggested he has reviewed the regulations and feels he has given the Commission reasons for denial.

Commissioner Gowdy referred back to Mr. Stanley's comments relative to Section 5.1.17.6, he questioned if Mr. Stanley had any supporting evidence relative to his comments regarding property values which contradicts the comments the Commission has heard? Mr. Stanley referenced the Minutes of July 26, 2005, he read an excerpt FOR THE RECORD. Mr. Stanley felt there is a reason he only found so few sales, there are no AAH facilities that will cite adverse impact, he felt any information Chris Burke got from the East Windsor and Enfield Assessors should be supported by documentation. Commissioner Gowdy questioned if Mr. Stanley had any support information that there is a negative impact which will reduce the property values? Mr. Stanley replied no.

Commissioner Gowdy questioned under Section 5.1.17.6(f) does Mr. Stanley have any supporting evidence, or reference to that information, that the use is new and data is not available? Mr. Stanley suggested the comments are in the Minutes of July 26, 2005 and read excerpts FOR THE RECORD. Commissioner Gowdy continued that his question is if the Commission has to make a decision he needs some supporting evidence that what they are

saying isn't true, the Commission can only agree with those professional people otherwise. Commissioner Gowdy questioned if under Subsection (g) should the Commission question the Town Engineer's expertise? Mr. Stanley suggested that the engineering for 33 homes isn't necessarily applicable as the same information as submitted for the 54 homes. Commissioner Gowdy questioned if Mr. Stanley contended that an independent engineering study should be undertaken? He suggested it appeared that Mr. Stanley disagreed with the information presented. Mr. Stanley suggested the information proposed was for 54 vs. 33 homes; he questioned if the Applicant had proposed a study for the 33 homes? Commissioner Gowdy questioned if Mr. Stanley thought the project was over-engineered? Mr. Stanley replied yes. Commissioner Gowdy questioned if he thought that was bad? Mr. Stanley suggested you have wetlands below and it's been his experience that over-engineering is as bad as under-engineering. Commissioner Gowdy questioned if Mr. Stanley would like to see them take something away? Mr. Stanley suggested they have gone from 54 to 33 homes, a lot of that has changed. Chairman Guiliano noted the Commission isn't expert on the engineering either and it's up to the Town Engineer to review the applications and advise the Commission. Mr. Stanley suggested that was ok with him.

Bob McCormick, 79 Rye Street: with regard to Rye Street already having old folks there are 46 houses between here and Norton Road and he has lived here over 40 years and he knows at least 31 houses over 55, maybe more - that's 67%, and if you add 33 more it will be 85% over 55. It's very unusual, maybe it belongs some place else. This is the opposite of diversity, it's a concentration of one demographic type.

Also, the area along the south end will be suitable for animals, he has walked the area for 40 years, they come through the 50' right-of-way near his house and along Bob Lyke's house, they all go to the 200 acre wildlife area north of Norton Road and also along the railroad tracks, and if they are blocked off it will be bad for the animals. If they could slide the picture down and give 150' access. He cited seeing deer trying to get up the steep lawn in front of the log cabin. Commissioner Gowdy questioned that's the south side? Mr. McCormick replied yes. There are houses on the south end of Norton Road and Rye Street and the industrial park goes along behind Rand Stanley's house and the animals can't get through.

Regarding the berm, he doesn't want to see a berm, he has seen them in front of storage units and it will feel like he will be living in a ditch, and the animals can't get through.

With regard to the property values, the view from his house is nice now. He quoted from the website for Coleman Farms, which put a value on the sunset, etc. These are being taken away from him. He will have a difficult time selling his house if it's pointed to a berm rather than a sunset.

MOTION TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED the meeting at 9:25 P. M. and RECONVENED the meeting at

9:31 P. M.

Elyse Spielberg, 244 Rye Street: there will be a new development on Rye Street and Dempsey Road, when they did this traffic study were those homes taken into consideration?

Bob Lyke, 80 Rye Street: reported he has a third set of signatures that are different than the other two and they support you not approving any type of project on this property that requires a Special Use Permit.

Mr. Lyke referenced the Commission's comments that it hadn't heard of a proposal for 13 houses but he and his neighbor had. Chairman Guiliano reiterated the Commission has not seen that plan and will not discuss that plan.

Mr. Lyke suggested he isn't against Active Adult Housing (AAH) or a housing project on this land near him. He submitted the list of new signatures.

Mr. Lyke suggested with regard to demographics the median age of East Windsor residents is 40, 15% of the population (men and women) is 65 and over, 18% is age 50 to 64, and 39% is age 25 to 49. Mr. Lyke submitted an excerpt from the 2004 POD citing who's job it is to protect scenic roads, it's a combination of the Planning and Zoning Commission, Historical Commission, and Conservation Commission with assistance/input from the Public Works Department. Mr. Lyke noted the POD cites 6 roads designated for preliminary scenic road candidates, one of them is Rye Street. Mr. Lyke also submitted a map of the Sewer Avoidance Area, which he cited is an excerpt from the POD. He noted the map excludes Broad Brook, which is already sewerred. Mr. Lyke felt the location of this Application for AAH, which he has marked with an "x", lies within an aquifer protection area, a conservation area, and the sewer avoidance area. He felt he has provided the Commission with information which supports denial of the proposed Application.

Mike Dzen, 33 Norton Road: wished to address property values, he has 8 acres which abuts this property, he plans to sell his acreage as one parcel for a single family house. Will someone buy that looking at the back yards of 33 units vs. single family dwellings?

Ellen Durko, 50 Highland Avenue: questioned if the Commission takes into consideration public input? Chairman Guiliano replied affirmatively, noting it's a Public Hearing. Ms. Durko questioned if the public's opinion weighs heavily on the Commission's decision? Chairman Guiliano indicated he can't speak for his fellow Commissioners or the Commission, but if the question is if there is a regulation saying if a bunch of people coming out in opposition of a project should it be denied the answer is no. Commissioner Gowdy cited the Commission has a list of AAH requirements that it considers when reviewing an Application, he READ ITEMS A THROUGH K FOR THE RECORD

Randy Riggott, 294 Wells Road: suggested the reference in previous comments to the Applicant must show a need for the residents of East Windsor, what you read,..... Commissioner Gowdy suggested there is a reasonable need within the town, not specifically for

residents of East Windsor. Mr. Riggott felt he hadn't met any of the elderly from town that sell their homes to move into these. Chairman Guiliano felt many sales are for people from other towns. Mr. Riggott suggested people are attracted to town because of the rural character and the single family homes. He indicated he didn't like Special Use Permits because when he built his home he had to go through a lot. Chairman Guiliano suggested that was for a regular subdivision, it isn't a Public Hearing and the Commission doesn't take public input. Mr. Riggott indicated that 30 years ago another subdivision was built, it's an eyesore. He cited if 97 units have been built, how have these units affected the traffic, etc. before building more.

Mary Catino, 40 Rye Street: feels we have attracted many fine people and we have heard many speak tonight and she is opposed to this type of development in the Rye Street Norton Road triangle. Let's consider family developments, we will have to bus children to school if we let the elderly live in this area.

Attorney Barbieri: suggested Rand Stanley says he is speaking as a resident but not as an expert, he is confused by that. He said he was speaking as a resident but he confuses us with his background, so he isn't sure how he spoke and, he doesn't know, it may cause a conflict but he will take him at his word that's he's speaking as a resident and not as a building inspector.

With regard to the scenic road status Attorney Barbieri suggested Rye Street is but maybe not up their way. He questioned the definition. Does Southern Auto Auction look better under the landscaping plans and regulations than it did prior to that, and also Scantic Glen, is it better than it was as a tobacco field? He supposed it's in the eye of the beholder; this parcel had plastic on it for the last 5 years.

With regard to the waivers for the sidewalks and the curbing, there are no sidewalks along Rye Street, and they are providing a walking trail and the regulations allow either and the walking trail seemed to be preferred.

With regard to the comments concerning clustering that's what this is and that's what the Commission intended, the proposed plan looks pretty much like the example in the POD. He referenced Page 3.6 of the POD noting the concept is pretty much like their proposal. One of the action items was to strengthen the concept for conservation subdivisions. The assumption is there is a need in town because you made the regulations, and there are 33 units remaining in your cap and we come within that.

Regarding the design criteria, Gaetan Letourneau's comments that the sizes range from 1300 to 2000 square feet, that's what you see in the neighborhood, some of the houses in the neighborhood are as close as this and some are further away. A lot were built by Starr. Riding back and forth every day, Bob Lyke may be able to see this from his second floor but not on the first floor because his house is in a hole. Rand Stanley has it full head on.

Regarding the comment that if you only had single family residences you could see the sunset Attorney Barbieri felt it will also be pretty with this here. You have the landscape requirements and they have met them, and even enhanced them.

With regard to handicapped access it's there and they have complied with the regulation; it's on the map and is shown on the plans with the circular icon. Chairman Guiliano questioned what percentage would be handicapped? Gaetan Letourneau suggested every unit is handicapped accessible. Chairman Guiliano questioned what about getting in and out? Gaetan Letourneau noted as the Commission approved other developments they would come in as the units are purchased.

Regarding the evidence presented by his people Attorney Barbieri suggested they have presented their credentials and have provided a traffic study which was done during the school year. Attorney Barbieri questioned if it took into consideration the 30 lot subdivision down the road? David Speer, the traffic engineer, indicated that they contact the Planning Department as part of the traffic study; they question if any other projects were recently approved? That would be shown in the numbers. They did the study in April and were told there were two small subdivisions which were not put in the study because of their size but they could put them into the study and it wouldn't change the results. Attorney Barbieri suggested this is 33 houses, and you have 32 approved up the street, they have considered balance in the neighborhood. You have just about every kind of housing in the bigger neighborhood except for Active Adult Housing. Since the POD talks about diversity of housing then this seems to fit and also because they need this balances without the negative effect of the industrial zone behind some of the houses, and it's producing heavy duty truck traffic as testified by the owner. Speaking as a resident he would like to see a solidly residential neighborhood. This project balances the neighborhood and if these people can't see that - Rand Stanley supported Dearborn when he came in for his project, he doesn't know where he is coming from with his comments, does he want residential or industrial? There are other industrial properties that could be developed and there are other ways in and out, this balances out the neighborhood. The wildlife goes all along there, there's a lot of open land to the west of Norton Road; the area on Rye Street has already been sectionalized. They are crossing the area.

Regarding the letter from Bob Lyke, Attorney Barbieri questioned the date, as he hadn't seen a copy. Chairman Guiliano noted it was dated August 9th, and is a section from the POD. Attorney Barbieri reviewed the copy provided for the Commission.

Attorney Barbieri suggested if they had done the engineering for 51 or 52 units, and have now reduced it by 19 units that infrastructure can handle the drainage that leaves the site. If they are basing their comments on it being too big..... Mr. Aeschliman noted the detention pond is sized for 52 units, it will be oversized for 33 units but in a 50 - 100 year storm there will be 2' of water less, and they are changing the outfall. It would still have the same zero increase. Attorney Barbieri felt it was common to revise those things during construction. He questioned Mr. Aeschliman if he saw any adverse impact for the 33 units? Mr. Aeschliman indicated they will adjust the size of the outflow; everything else would stay the same. Attorney Barbieri questioned if they would use less sewers? Mr. Aeschliman replied affirmatively. Attorney Barbieri questioned how that could be adverse?

Commissioner Filipone questioned who would pay for the stems for the laterals for the

individual houses along Norton Road? Commissioner Gowdy suggested the builder is providing the sewers. Gaetan Letourneau suggested that even if the homeowners didn't want to hook up it wouldn't cost the town anything. Attorney Barbieri noted the plan presented has the builder paying for the sewer and extending it from the area where it was expanded in 2003. Mr. Aeschliman noted they have not yet designed the laterals, the WPCA hasn't yet asked for that, and that is common.

Mr. Speer, the traffic engineer, referenced Mr. Stanley's comments regarding a conflict of the traffic study and the appraisal information regarding this being a relatively new use. Mr. Speer clarified that his study was not based on congregate care housing, their study was based on similar 55 and over detached homes. Attorney Barbieri felt this project must have been the pivotal point for lots of development. He noted Rye Street has had 3 projects recently that are impacting it and that would make the street come together with some concerns. He doesn't feel they are getting hit with something the rest of the town isn't seeing, he feels this project comes close to what the POD recommends - development from the town center out; it balances the industrial. He suggested Bob Lyke said he lives in a residential area but he is concerned with industrial/commercial development. He felt they are confusing this project with the bigger point of maybe it's time for a time out. The Commission chose not to raise the cap at present because you want to revise the regulations so that reduces this project; they withdrew Phase II and it's a good chance to fine tune and discuss the cluster projects. Attorney Barbieri suggested you have three groups of people, some of the people way down on Rye Street who have the impact of the Farnham Estates project, people who are interested in taking a time out, and maybe some people who don't want anything because they have theirs. Attorney Barbieri doesn't feel developers are bad guys, we all loved doing something new at sometime, it's a real good day the first day you move into your new house. People will have a chance for more input on Farnham Estates and the moratorium.

If you approve this project, Attorney Barbieri suggested, you will add 5 things to the town, you are expanding sewer systems to residents who may soon need it, the town will gain more tax dollars for less services (kids in school vs. old people), it balances out the other development down the road which will bring kids and this will balance the \$8,000 - \$9,000 per kid for education, this development is desirable for an aging population (the POD is only a year old and it predicts that one third of this town will be 64 - 65 by 2002), and the project is compatible with the intent of the Zoning Regulations and the POD. Attorney Barbieri suggested the cost to the town will be negligible, they are putting in sewers and water and they will have an association to manage the project.

Attorney Barbieri suggested development from the town center out is the highest and best use of this property. The POD was approved by the town after 18 months of work shops that were supported by the residents; the POD considered Active Adult Housing as a very desirable form of housing.

Attorney Barbieri noted all staff engineering comments have been included by the Applicant on the plans, they have also provided an enhanced landscape plan and a revised Statement of the Applicant.

Attorney Barbieri also noted that Commissioner Ouellette had said the comments made in the traffic study were consistent with his understanding. The Applicant will be submitting an aerial photo to aid the Commission in their deliberations.

Attorney Barbieri suggested that in the early 80s Old Ellington Road had many failed septic systems, what will happen to the value of the houses? Scantic Glen went up. There have been failed systems along Rye Street and Norton Road. The planner checked file documentation and gave two reports with regard to the Sewer Avoidance Area, one indicating that the Sewer Avoidance Area includes everything on the east side of the Scantic River except Broad Brook which was already sewered, all just thrown in. Attorney Barbieri suggested maybe there was no expert input, the WPCA thought it would be all septic systems, he doesn't feel there were any specific guidelines with regard to soils, or the future development needs of the POD.

With regard to this site, Attorney Barbieri suggested there were 68 deep hole tests performed; Mr. Aeschliman concurred. That information was submitted to the NCHD, which supports the extension of the sewers. Scantic Glen and Norton Glen are in the Sewer Avoidance Area, the sewer can't be extended much further without many pump stations. The POD speaks of the Sewer Avoidance Area but there is no map in that document; Attorney Barbieri READ FOR THE RECORD an excerpt from the POD which recommended expansion of the wastewater plant for such kinds of housing as Active Adult. Attorney Barbieri noted the Applicant is extending the sewer at no cost to the town.

MOTION TO EXTEND THE MEETING UNTIL 11 O'CLOCK.

Gowdy moved/Saunders seconded/VOTE: Unanimous

Commissioner Ouellette noted receipt of a plan which was hand delivered which was not part of the original plan set, this plan sheet has raised questions for him on the sight line distances on Norton Road looking south where there is a huge dip in the road. Commissioner Ouellette suggested an oncoming car is the same height as the dip in the road and is lost in the dip as it approaches, he questioned what is the proper sight distance to be able to see the oncoming car? Commissioner Ouellette indicated he's heard testimony that at 50 miles per hour you need 500'. He questioned Rye Street looking north, he felt you need more than 500' for these speeds. Mr. Aeschliman suggested the sight line distance is 15' back and he got that information from DOT. Commissioner Ouellette questioned if Town Engineer Norton had reviewed/approved this plan? Town Planner Whitten suggested he had verbally agreed with the plans. Discussion continued regarding the speed limits presented and the associated sight lines. Commissioner Ouellette requested input from Town Engineer Norton regarding this issue. Town Planner Whitten noted that when this Application was going through the Wetlands Hearing Town Engineer Norton had recommended that sight distances be shown on the plans for the intersections on the two roads. Chairman Guiliano concurred that Town Engineer Norton review that data again.

Town Planner Whitten suggested the Commission would need to keep the Public Hearing open so they can take comments from the Applicant and their staff with regard to sight line distances

and traffic. The Applicant must offer an extension of the time on the Public Hearing.

MOTION TO ACCEPT the Applicant's request for an EXTENSION of the Application Letourneau Builders for a Special Use Permit for a 14-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street. [R-2; Map 31, Block 40, Lot 17] to the Commission's meeting on September 13, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. THE ONLY INFORMATION THAT WILL BE DISCUSSED WILL BE THE SIGHT LINE DISTANCE.

Gowdy moved/Filipone seconded/

**VOTE: In Favor: Filipone/Gowdy/Guiliano/Ouellette
Opposed: No one
Abstained: Saunders**

MOTION TO CONTINUE the Public Hearing on the Application Letourneau Builders for a Special Use Permit for a 14-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street. [R-2; Map 31, Block 40, Lot 17] to the Commission's meeting on September 13, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. THE ONLY INFORMATION THAT WILL BE DISCUSSED WILL BE THE SIGHT LINE DISTANCE.

Gowdy moved/Filipone seconded/

**VOTE: In Favor: Filipone/Gowdy/Guiliano/Ouellette
Opposed: No one
Abstained: Saunders**

LET THE RECORD SHOW Commissioner Saunders returned to service on the Board.

NEW HEARING: Four Fathers, Inc., dba Sports World - Text Amendment to Section 8.1.5 *Alcoholic Beverages*, to allow Cafe' Permits in an M-1 Zone when incidental to the operation of a sports arena, recreational club, catering establishment, hotel or motel. (deadline to close hearing 9/13/05):

Chairman Guiliano read the Hearing description. Appearing to discuss this Application was Mike Chechette and Mike Murature representing the Four Fathers. Mr. Chechette suggested they are requesting a Zone Change to allow alcohol to be served in the Sports World facility. They are finding that for every one person who has heard of their facility there are five more that haven't, which is bad from a business standpoint. Facilities of this type are well received; they feel serving alcohol will be beneficial to the business.

Chairman Guiliano questioned how they intend to rectify the parking problem that currently exists at the facility? Mr. Chechette suggested they will be expanding and adding parking spaces around the dome, maybe eliminating a court, or perhaps purchasing more property if it becomes available.

Commissioner Filipone questioned that wasn't this Application presented as a soccer facility for kids, it's an indoor sports facility for soccer, baseball, football for adults. Mr. Chechette suggested they have youth programs and then run adult leagues, he gave examples of the adult leagues who use this facility. He indicated they have a large group of retirees who come out and fly their airplanes and they have had corporate rentals looking to serve alcohol. He suggested they are looking to stay competitive, citing the Oakwood in Glastonbury and the SportsPlex in Branford both serve alcohol.

Chairman Guiliano questioned how, and where, the alcohol would be served? Mr. Chechette suggested that the area which is presently the office would be designated as the serving facility, they are looking to capture the people who come in and watch their child. There are large groups of women and large groups from Hartford who are looking for alcohol. This would not be a place where people will sit for 3 or 4 hours drinking alcohol, they don't want to compete with bars and don't want to have that atmosphere. They have had no complaints with the facility. Chairman Guiliano questioned how would you separate the 7 or 8 year olds from the adults? Mr. Chechette suggested they would designate an area for alcohol which would be separate from the dome and would serve the alcohol in the hard building, it would not be served in the field. Chairman Guiliano indicated it's such a small area when you come in and there is such a large exchange of kids every 55 minutes, he doesn't know how you can separate the adults having a beverage and all the kids switching their time. Mr. Murature suggested they could section off the lower end for the serving section.

Chairman Guiliano suggested the Applicants are asking to change the regulations but you are not being specific about your establishment, the Commission needs to see a plan of where the alcohol will be served and where the tables will be. Town Planner Whitten suggested they can't come in with a plan until the text amendment is approved. Chairman Guiliano and Commissioner Filipone suggested this is a text amendment specific to all M-1 Zones; Town Planner Whitten noted it's be Special Use Permit. Commissioner Filipone reiterated their concern is that it encompasses all M-1 Zones in East Windsor. Town Planner Whitten suggested that the Commission hears Special Use Permit Applications for all liquor permits and this is in an M-1 Zone if it's incidental to the uses listed. Commissioner Filipone was concerned with the association of alcohol and the sports events, he questioned that a guy can't sit down for an hour and not have a drink? Mr. Murature agreed that they could but they are trying to give people the option. Town Planner Whitten indicated that if the text amendment was approved the Applicant would have to come back with a Site Plan. Commissioner Gowdy indicated he didn't have a problem with the text amendment, every case is specific to the business and if this were approved they will have to come in with a Site Plan.

MOTION TO EXTEND THE MEETING 15 MINUTES.

Gowdy moved/Saunders seconded/VOTE: Unanimous

Commissioner Gowdy continued, noting the Commission has much latitude with a Special Use Permit Application. Commissioner Saunders felt the Commission would be opening up a can of worms, he agreed with Commissioner Filipone that sports and alcohol shouldn't be mixed, he

wouldn't want to see his kids in that atmosphere. Commissioner Gowdy felt that because it's proposed for a sports facility shouldn't be the Commission's concern, it's really a text amendment. Should we change the text to include sports, etc.? Commissioner Filipone didn't feel it's something the Commission should jump into. Commissioner Gowdy suggested when the Commission did the regulations this type of facility wasn't available and now they are. Commissioner Ouellette suggested he can verify that the Glastonbury facility has one, it's under the stairs so they have more control. Chairman Guiliano questioned if this is something the Commission should consider when they rewrite the regulations? Commissioner Saunders felt that was a good suggestion as the Commission is talking of bringing all the regulations up for review. Commissioner Gowdy indicated he was ready to vote tonight. Town Planner Whitten questioned what the Commissioners would be looking to find, what's is different than what's being presented, what would you like to see that would help you decide? Commissioner Saunders would like to see information from the Glastonbury facility, is there a regulation attached to it? Do they have to be a certain distance from playing fields, kids and alcohol don't mix. And, Commissioner Saunders noted, this facility has residences around it. Town Planner Whitten suggested the Commission table this Application and she'll put a request out on the planners' server.

Comissioner Filipone indicated he would like to visit the facility. Commissioner Saunders questioned if liquor was sold at the ice skating facility in South Windsor? Chairman Guiliano suggested tabling this Application until more research could be done on similar regulations and similar facilities.

MOTION TO ACCEPT the request for extension of the Application of Four Fathers, Inc., dba Sports World for a Text Amendment to Section 8.1.5 *Alcoholic Beverages*, to allow Cafe' Permits in an M-1 Zone when incidental to the operation of a sports arena, recreational club, catering establishment, hotel or motel to the Commission's Commission's meeting on September 27, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

TO TABLE the Public Hearing on the Application of Four Fathers, Inc., dba Sports World for a Text Amendment to Section 8.1.5 *Alcoholic Beverages*, to allow Cafe' Permits in an M-1 Zone when incidental to the operation of a sports arena, recreational club, catering establishment, hotel or motel to the Commission's Commission's meeting on September 27, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

NEW BUSINESS: Sleepy's Mattress Company - Modification of Approved Site Plan to add 30' x 42.5' and 9.5' x 21.75' additions located at 4 Craftsman Road, owned by Craftsman Realty, LLC. [M-1 Zone; Map 15, Block 19, Lot 111A] (*Deadline for decision 9/29/05*):

Chairman Guiliano read the description of this item of business. Appearing to discuss this

Application was Jay Ussery, of J. R. Russo & Associates, and Tom Gioiella, Facilities Manager for Sleepy's.

Mr. Ussery suggested the proposal is for an Application for Site Plan Modification to allow 2 single extensions to the existing warehouse. The original approval was for a 40,000 square foot addition to the rear, they have modified the interior floor plan and created a mezzanine area, and to access that they will need an east side addition for an elevator. On the west side is the emergency access. There is no change in drainage, or run off.

Commissioner Filipone questioned if there was any additional parking being provided? Mr. Ussery suggested the existing office space in front is being converted to a mock showroom for training, etc., and they are moving the support staff to the mezzanine in back. There is no change in the number of employees, so there is no need for additional parking. They have 30 employees and they have 56 parking spaces.

MOTION TO APPROVE the application of Sleepy's Mattress Company for Site Plan Modification to add a 207 sq. ft. two story stairwell addition and a 1,270 sq. ft. two story office/guardhouse addition to a previously approved 39930 sq. ft. addition at 4 Craftsman Road, on property zoned M-1, as shown on Assessor's Map 15, Block 19, Lot 111A. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

- • **Sheet 1 of 5 – Cover Sheet** - "Sleepy's Mattress Company, 4 Craftsman Road, East Windsor, CT, property of Craftsman Realty, LLC, 175 Central Ave. South, Bethpage, NY, 11714-4940, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088. (860) 623-0569, Fax (860) 623-2485 Scale 1" = 40', Revised date 4/14/05
- • **Set Includes:**
- • Sheet 2 of 5, Site Plan, last revised 7/14/05, scale 1" = 40'
- • Sheet 3 of 5, Soil Erosion & Sediment Control Notes
- • Sheet 4+5 of 5, Detail Sheet.

-Conditions which must be met prior to signing of mylars:

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

Conditions which must be met prior to the issuance of any permits:

4. One full set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
6. A zoning permit shall be obtained prior to the commencement of any site work

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

10. In accordance with Section 13.5.4 of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
15. All landscaping shall be maintained.

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

BUSINESS MEETING/(1) Correspondence: None

BUSINESS MEETING/(2) Staff Reports: None

APPROVAL OF MINUTES:

MOTION TO APPROVE the Minutes of Public Hearing #1458 dated July 26, 2005 as amended.

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

SIGNING OF MYLARS/PLANS: None

ADJOURNMENT:

MOTION TO ADJOURN this Meeting at 11:20 P. M.

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