

TOWN OF EAST WINDSOR  
Planning and Zoning Commission  
Public Hearing #1457  
July 12, 2005

\*\*\*\*\* Draft Document - subject to Commission approval \*\*\*\*\*

The meeting was called to order at 7:32 1. 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 Rodrigue) and three Alternate Members (Kehoe, Ouellette, and Tyler) were present. Regular Member Saunders was absent. Chairman Guiliano noted Alternate Commissioner Ouellette will sit in on any new hearings/applications this evening. Also present was Town Planner Whitten.

ADDED AGENDA ITEMS: None.

#### RECEIPT OF APPLICATIONS:

1) Application of Benson Enterprises, Inc., for modification of approved Site Plan for Village at Pasco Common for change of second floor use from residential to office use, and add 36' x 24' garage behind Building #11. [B-1 Zone; Map 28, Block 19, Lot 86].

1) Application of Victory Outreach Ministries, Inc. for a Special Use Permit for 44-unit Active Adult Housing development to be located at 329 Scantic Road (Victory Estates). [A-1 Zone; Map 39, Block 34, Lots 60 & 62].

#### LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, June 30, 2005, and Thursday, July 7, 2005, was read by Commissioner Rodrigue:

1) Application of Letourneau Builders for a Special Use Permit for a 54-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street [R-2 Zone; Map 31, Block 40, Lot 17].

2) Application of KF Realty LLC for a Special Use Permit for Planned Residential Development (Farnham Estates) for 8 lots, including Special Use Permit for 2 rear lots, located at 247 Rye Street, owned by Randy A. and Linda L. Moore. [R-3 & A-2 Zones; Map 35, Block 49, Lot 22}

3) Application of M & L Development Corp for a Zone Change from TZ-5 to SDD for property located at 94 South Main Street, owned by Dorothea E. Wilson and John L. & Daniel F. Burnham. [Map 28, Block 5, Lots 46, 47, & 48].

CONTINUED HEARING: Proposed Text Amendment to the Zoning Regulations Section 5.1.17.5 Active Adult Housing Application Consideration to remove the total number of units allowed:

Chairman Guiliano read the Hearing description. He then queried the audience for any new information. LET THE RECORD SHOW Commissioner Gowdy advised the Commission he has read the Minutes from the previous meeting and is familiar with the comments; he is read to vote.

Chairman Guiliano opened discussion to the audience.

Rand Stanley, 87 Rye Street: submitted a list of 26 additional signatures/names who are in opposition to lifting the cap. Commissioner Filipone questioned the reason for submitting the signatures? Mr. Stanley suggested it is to give the Commission information on the number of people who oppose lifting the cap. He indicated he has spoken with approximately 150 people and he has submitted 75 signatures. The people who oppose lifting the cap are asking the Commission to do nothing, to maintain the cap and the open space requirements. Mr. Stanley felt the people in favor of lifting the cap are asking the Commission to choose which type of accident they would prefer to happen, a hit from behind or a hit head on.

Bob Lyke, 80 Rye Street: submitted additional 19 signatures and e-mail requests; the reasons are the same as those submitted previously.

Bob McCormick, 79 Rye Street: at last meeting a lawyer spoke that there was a minimum effect of traffic after the approval of the condominiums, he noted a number of people walk the street and the traffic has increased significantly since the construction of Scantic Glen. It's getting dangerous to walk on Rye Street.

Barbara Smiegel, Melrose: is against lifting the cap, this type of housing is still not a proven thing, there are traffic congestion and taxation issues. She suggested keeping the parameters set currently; the demand for services are increasing.

Elizabeth Simmons: questioned if there was any plan for exits or entrances on Norton Road? Chairman Guiliano indicated the Commission was not speaking of any specific plan during this discussion.

T. Mark Barbieri, 99 Rye Street: reported one of his clients got a letter from the Fire Marshal for the Hazardville Fire District, Jack Flanagan, the letter questioned the activity level for emergency medical assistance due to the construction of Autumn Fields, an Active Adult Housing development located within his district. Mr. Flanagan reported there has not been any increase in the request for medical services since construction of this facility; the number of calls is about the same as any "non-restricted" neighborhood of similar size and development.

Bill Loos, Melrose Road: noted the Town recently went through 4 referendums, during which the services for police and fire departments were cut. He doesn't feel the need for more housing that will increase the demand for services. He suggested keeping the cap at 200 until we get more business to help with taxes. We'll end up with paid fire departments, which will cost millions of dollars; we can't afford that.

Cathy Bilodeau, 343 Scantic Road: this housing is for seniors, no matter what type of housing goes in they will demand services. She reiterated she felt the cap on Active Adult Housing is discriminatory, single family housing will bring in children. We are trying to not say it has to do with any particular cap but the respondents are located in town near proposed projects and she hopes the Board will take that into consideration. She also hoped the Board would accept the Applications that have been submitted, and then review the open space issues, etc. Their project is not in it for the money and if the Board could consider that in your decisions.

Catherine Golliot, 263 Rye Street: read a prepared statement, she noted seniors would not have children going through the school system.

Steve Knibloe, Executive Director of the Housing Authority, resident of East Windsor: in East Windsor if there is a request for medical assistance it requires the response of the ambulance, police and fire departments. He has been listening to the suggestions of the people with regard to the cap, maybe we should eliminate the cap altogether and put this type of housing back in the fold of regular planning and zoning.

Bishop Saunders, Victory Outreach: reported he has come to the Board for direction, which he realizes is good, and he realizes the Board has a difficult decision to make but he felt that when people come before the Board for direction it's important that there is a fairness. Bishop Saunders gave an example of stopping a train; it should be an easy stop. He is asking for fairness from the Board and they have relied on the opinion of the Board and are asking for not lifting the cap altogether but considering those in the pipeline.

Attorney Antoinette Webster, representing Victory Outreach: whether either lifting the cap or increasing the cap for those in the pipeline, under Section 8.3 of the Statutes you must consider the Plan of Development (POD), and whether you decide to lift the cap or increase it your actions must be consistent with the POD. Attorney Webster submitted a copy of the Statutes; she then read an excerpt stating FOR THE RECORD the reasons for consistency. Attorney Webster suggested one of the 4 strategies for the POD is Active Adult Housing and maintaining diversity. She suggested the regulations provide for that. The POD talks about 25% of the population is 55 or over, if an application comes to you and you do nothing with the cap the applicant couldn't meet the demand for this housing and it would be inconsistent with the core strategy of the POD. Attorney Webster suggested she was not asking for carte blanche for any type of Active Adult Housing to be approved but she felt the Special Use Permit criteria allowed a reasonable need for such housing. She suggested you don't need a number, you have discretion, you don't have to approve it. She noted there are a lot of residents opposing raising the cap, she suggested the way it's written today you can address the adverse impacts, such as impact on property values. Attorney Webster suggested not increasing the cap isn't consistent

with the POD; she requested the Commission increase the cap, which would give you the ability to receive applications in the pipeline. If doesn't mean you have to approve them; you can deny them if you feel there are traffic concerns, etc. You have discretion. If you leave the cap as it is it's inconsistent with the POD, and it is restricting applications that come before you and you won't have the opportunity to see something that might be beneficial.

Dick Harrison, 123 Rye Street: questioned the motives of the Board? Chairman Guiliano noted the Board is not discussing any specific development. Mr. Harrison suggested everyone knows it's the next item down on the agenda. He didn't feel a developer should be able to come in and request more housing.

Rand Stanley, 87 Rye Street: requested to rebut the attorney's comments. He suggested it's not like the applicant were not aware - as conductors of a train you have to stop sometime, and the developers seem to want to go where there are no tracks. These people don't want to stop development, that wouldn't be healthy for the community; they are only asking for you to clarify the open space regulations, which appear muddled. It's not about discrimination. You knew this cap existed when you invested your money and time. Regarding the consistency with the Town's Plan of Conservation and Development adopted last Spring, they are merely advisory recommendations, not statutory. We need to update the PZC regulations, which haven't been updated since 1978. We are not asking to stop the train; we're just asking to stop at the next stop.

Commissioner Filipone noted the regulations are constantly reviewed and revised; they have been revised at least 3 times in the last 10 years. The Commission is trying to patch up the holes, and people keep coming back with new holes.

Paul Anderson, 89 Main Street: suggested we have had numbers submitted - 25% of the population are 50 or over and it's likely to be the case - but it doesn't say if those 25% are interested in purchasing this type of housing. We have a 10 year Plan of Development (POD), we're barely into year one; we have plenty of time to work through it. We don't need too much of one thing; the mix is determined by the market. No matter where you put this number there will be a need for more if someone thinks they can make money. Mr. Anderson suggested he is in favor of keeping the cap the way it is.

Bob Lyke, 80 Rye Street: regarding the core strategies, if it's a guide or not it's a good one, and the town paid thousands of dollars putting it together. He suggested the Commission take time out review all types of developments, and the affects of them. Mr. Lyke read an excerpt regarding Open Space core strategies and incentives.

Bob McCormick, 79 Rye Street: suggested the word fairness has come up repeatedly tonight, the Bishop spoke of it 3 times last week and again tonight, he suggested they differ on the definition. Mr. McCormick suggested that 40 years ago Ledger Starr came in and wanted to build but the commission stood up to him and he only built 4 houses in town, one of which he lives in.

Attorney Antoinette Webster, representing Victory Outreach: regarding Victory Estates - Chairman Guiliano interrupted Attorney Webster, noting the Commission doesn't want to speak of specific projects. Attorney Webster suggested she was responding only with regard to the reference to fairness.

Attorney Webster suggested the amendment regarding lifting the cap speaks only of lifting same, not in reference to open space. She noted she wasn't here at the last meeting but on tonight's agenda it doesn't speak of open space. The cap of 260 started at 200, the number is arbitrary; eliminating the cap, as you have the discretion, could avoid issues arising. If you eliminate the cap the POD may be advisory but it's a reference for you to consider. You looked at it in 2004 and one of the core strategies was to allow Active Adult Housing, another is probably open space but that's an item for another agenda.

Barbara Smiegel, Melrose: doesn't know what the rationale was for setting the cap. Chairman Guiliano indicated the Commission set the cap to see how things would go, and when we get close we'll look at it again. Ms. Smiegel questioned who the market was for those being built, we have an aging population but is it our community these are being sold to? How many are unbuilt? What's the impact on the community? She doesn't know if there is a track record for the Commission to consider increasing the cap or removing it?

Chairman Guiliano questioned Town Planner Whitten how many have been built? Town Planner Whitten and Commissioner Gowdy suggested a maximum of 97 units have been built. Town Planner Whitten suggested Hillside Farms has been completed, Coleman Farms is approximately three-quarters completed. Chairman Guiliano suggested less than 100 have been built, the cap is 260. Are we getting close to that number; Chairman Guiliano replied negatively. Attorney Webster suggested the Commission consider the number already approved. Chairman Guiliano suggested the market could fall out tomorrow and none of these will get built.

Cathy Bilodeau, 343 Scantic Road: even if the cap is removed the Board has the obligation to look at open space, how it affects the town services on a case-by-case basis. The indication that the tax basis wouldn't benefit by an increase of the elderly because the perception is that the elderly came through and voted down the referendums. Active Adult Housing will be providing housing that won't require an increased budget for schools, and if some of these won't get developed the developer could come through for a single family development, which has no cap, we'll see services depleted in a different way other than senior housing. Ms. Bilodeau suggested that is the only Special Use that has a cap on it; she suggested removing the cap and employing some discretion.

Catherine Golliot, 263 Rye Street: has been a resident for 10 years, she feels that developers have pegged East Windsor as a ..... cow.

Bob Lyke, 80 Rye Street: hates to see the Commission faced with all the legalese and, from what he has seen it's to the benefit of the developers and he sees the attorneys getting rich. With regard to the agenda items, he doesn't see anything but removing the number allowed, he doesn't see anything with regard to changing it to a specific number.

Commissioner Gowdy suggested these people are trying to make recommendations to the Commission. He noted that when the Commission was doing the Plan of Development he didn't see anyone, now, where there is something of interest to you, you are suggesting that the Commission listen to you, which they will.

Dick Harrison, 123 Rye Street: felt this is for the developers; they are putting these houses on any parcel they can. From what he has seen they won't add to anyone's property values. He's not saying no Active Adult Housing; why not put up 4 units rather than the number proposed? In any town, he doesn't feel the Active Adult Housing is attractive. It's just a misnomer to increase the profit for the developer.

Commissioner Filipone noted the people in those houses are there by choice, and they aren't cheap.

Barbara Saunders: indicated they are here to help the community, they have been here since 1984 and they have been here to help the community.

Bishop Saunders, Victory Outreach Mission: he has spoken with some of the people in some of the developments, including Depot Street, they people in them are very happy. They are not in it for the money, they have been in town for 20 years, everything going out of their proposal will be going back into the town. He felt it will add to the tax money, it will add to the value of the property in that area. He would ask for fairness. If the Commission needs to make changes he doesn't feel it needs to be abrupt.

**MOTION: To TAKE A FIVE-MINUTE BREAK.**

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

The Commission RECESSED at 8:25 P. M. and RECONVENED at 8:35 P. M.

Emory Bemis, 3 Holly Lane: the builder that built his house was in a similar situation and thank God they didn't let him do it, he wanted to put up 100 houses and they didn't let him. There is a piece in the back near the Scantic River for walking and recreational use. Anyone who wants to put that many houses in, what happens to the septic systems, etc. Commissioner Filipone felt the speaker was drifting from the topic of discussion. Mr. Bemis felt you still need the fire department, if it's not safe it's not safe. Commissioner Filipone noted that all applications are reviewed by the Fire Marshal for safety issues, and nothing gets approved without significant review.

Steve Knibloe, Ellsworth Road, also Executive Director of the Housing Authority: felt the need for Active Adult Housing is limited, the real need is affordable housing and assisted living. If you want to do something for East Windsor put in assisted living. He felt 70% aren't East Windsor residents until they move here. And, you've made a point, you aren't near the 250 units.

Tim Dickenson, 225 North Road: is in favor of raising the cap, and if there is no cap for condos and apartments why is there one for Active Adult Housing? Chairman Guiliano noted a number was set so the Commission can determine if it would be good for the town and it would be something that would work. As of now there are 98 - 99 units built and they have a cap of 260; they haven't had a chance to review the developments that have started, never mind the ones coming along. Mr. Dickinson questioned if it was discriminatory for the senior housing? Chairman Guiliano reported if someone 55 wants to build a house they can, this has to do with clustering; if a developer gives 50% open space we will let you build the houses closer together, and it seems now there are problems with the regulations. Commission Gowdy clarified this issue has to do with Active Adult Housing.

Marie Capp, 91 Rye Street: felt you should take a look at what you are doing; don't raise the cap.

Jeff ... Dempsey Road: questioned if there were zoning laws with regard to density? Chairman Guiliano replied affirmatively. Jeff questioned 55 residences on a parcel; he felt it seemed like a lot of houses. Chairman Guiliano reiterated the Commission was not discussing any specific development. Jeff questioned if they would be exempt ... Chairman Guiliano suggested if you met the regulation the Commission has the right to let you do that.

Bob Lyke, 80 Rye Street: the signatures to not lift the cap came from all sections of town. Someone who couldn't be here tonight had a question as to who can buy these units, and how many people can live there? Could someone 55 buy these units and let someone else move in? Commissioner Filipone replied negatively.

**MOTION:** If no new input to **CLOSE THE PUBLIC HEARING** on the Application for a Proposed Text Amendment to the Zoning Regulations Section 5.1.17.5 Active Adult Housing Application Consideration to remove the total number of units allowed:

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

**MOTION:** To **TABLE DISCUSSION** on the Application for a Proposed Text Amendment to the Zoning Regulations Section 5.1.17.5 Active Adult Housing Application Consideration to remove the total number of units allowed because of the long agenda, discussion will continue at the Commission's regularly scheduled Work Session on July 26, 2005, at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

Chairman Guiliano advised the public that the Commission would make a decision at the July 26th Meeting. He noted no input from the audience will be taken, but the audience is welcome to come to the meeting.

**NEW HEARING:** Letourneau Builders - Special Use Permit for a 54-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street [R-2 Zone; Map 31, Block 40, Lot 17]. (Deadline to close hearing 8/16/05:

Chairman Guiliano read the Hearing description. Appearing to discuss this Application was Attorney T. Mark Barbieri, representing Letourneau Builders; also present were Gaetan and Danny Letourneau, the builders; and Sands Aeschliman, of Aeschliman Land Surveying.

Attorney Barbieri noted the proposal was for 57 units have been reduced to 54 units; the parcel is an open field, which runs between Norton Road and Rye Street. He gave a summary of Letourneau Builders, which is a family owned business and has been for 26 years. Gaetan and Danny Letourneau took over the business from their father 7 years ago; they have built over 300 homes in South Windsor, Enfield, Suffield, Ellington, and in East Windsor on Thrall Road, Chamberlain Road, Windsorville Road, Cobblestone Road (among others).

Attorney Barbieri noted they are submitting the following information: 1) The plans being submitted tonight include the revisions made in response to staff comments. 2) A traffic report indicating there will be no significant impact on adjacent roads. 3) Various letters, including: a) North Central Health District (NCHD) supporting the sewer extension along Norton Road which has been approved by the Water Pollution Control Authority (WPCA). He noted that the NCHD indicated the several homeowners have had to replace septic systems along Norton Road, a process that has been expensive and difficult due to soil conditions along portions of Norton Road. The proposed plans will extend the sewer along a gravity feed system. b) letter from CL&P indicating service is available. c) letter from Connecticut Water also indicating that service is available. d) letter from Yankee Gas noting service is available.

Attorney Barbieri noted the Fire Marshal has given his comments to the staff. There will be 2 entrances and 2 exits on Norton Road and Rye Street, which will disperse traffic in different directions. Town Engineer Norton has given his final memo today, with 3 additional items, which they agree they will accomplish; Attorney Barbieri READ THE COMMENTS FOR THE RECORD.

Attorney Barbieri noted that in listening to the comments made during discussion of lifting the cap there may be some confusion as to common interest communities. He submitted an excerpt from the Connecticut Attorney Title Insurance Company which defined the common interest community. He noted it isn't a style of building, it's a form of ownership which is different than that of the single family home. When you contract to buy you contract to agree to rules for a style of living, a management company is hired to enforce these rules, which keeps harmony within the community. They have capital, and they have money, which also allows for better use of the open space and in this project we met the intent of your regulations as you intended them to be.

Attorney Barbieri noted that much of the land is upland, which is contiguous to a small amount of wetlands. While the plan appears busy it conforms to what you want to accomplish with regard to open space. The common interest community has been around since 1830; you own part of the whole.



With regard to the Plan of Development (POD) and the sewer avoidance area, he referenced page 4-14, which talks about what this project deals with. The POD isn't adverse to this type of single family development; Attorney Barbieri READ AN EXCERPT FOR THE RECORD. The Town may want to revise the boundaries in certain circumstances, which Attorney Barbieri felt this project fits.

Attorney Barbieri noted he heard the same comments when condominiums were proposed, and they have proven to be good neighbors. They are common interest communities also; it's a managed form of ownership. The NCHD supported extension of the sewers at the time of the condominiums but there are now a lot of failed systems along Norton Road. They are single family residences, which is consistent with the neighborhood. The prices in the neighborhood are between \$200,000 and \$300,000, these units would be consistent with that. A lot of Rye Street was Starr subdivisions originally and they built one lot deep on the Coleman and Reichle properties. It's a nice residential area; this is compatible with that.

With regard to the letter from the Fire Marshal of the Hazardville Fire District, the letter which was spoken of earlier, if you have an increase in the number of houses you have an increase in something, but this type of housing doesn't create an increase in medical calls.

Attorney Barbieri they reviewed the Special Use criteria required under Section 5.1.7.6. As to reasonable need, the cap is currently set at 260, they are proposing 54 units, if 33 are available then they would be asking for 33 units and for this project to be done in 2 phases. With regard to traffic impact, Attorney Barbieri suggesting they are not adversely impacting the neighborhood; Attorney Barbieri READ AN EXCERPT FOR THE RECORD from the traffic report prepared by DLS Consulting. He noted that someone tonight had said it's difficult to walk on Rye Street; it always has been, but he agreed when you get 10 more of anything it's a significant increase. He noted they have an industrial area behind his house. With regard to minimum adverse impact on the land area, he noted it's true, there are no environmental issues. Everything there, regarding the woodlines, etc., will be left there; there will be walking trails. They don't bring major traffic or negative social impacts; they provide good housing for people as condos - another common interest community- has provided. With regard to property values, he noted his earlier comments on \$200,000 to \$300,000 for an average single family home in the neighborhood. Attorney Barbieri suggested the square footage may be a little bigger than some homes in the neighborhood. He noted the area is an open field now, with very little wetlands; all drainage will be contained on the site. There will be no need for easements. With regard to architectural design, Attorney Barbieri turned discussion over to Gaetan Letourneau.

Mr. Letourneau gave the Commission booklets of the architectural features and finishes. He noted that someone in the audience said that AAH is not the most attractive; Mr. Letourneau noted he agreed, basically. So they took the time to make these more attractive. He noted that every unit will have the same frontage. There are 3 different site plans, with 1300, 1700 and 2000 square footage, which will all fit on the same foundation. The 1700 square foot house will have a loft and spare bedroom upstairs; the 2000 square foot house will have 2 rooms - a loft and a bedroom - upstairs. They have changed the siding as they want to make them more nostalgic. Mr. Letourneau agreed that many of the over 55 are not well thought out but they gave much

thought to the elevations and finishes, and they feel they came up with something more attractive.

Mr. Letourneau also submitted the design for the project sign.

With regard to blending into the area Attorney Barbieri noted that someone said of Depot Street it's an open field with no trees. He recalled what Rye Street looked 25 years ago. To the north and the south no one will be looking at them. The units are set far back from Rye Street; they took out several units going into the road to minimize the visual impact. It's an open field now. It will look better as time goes by, as Scantic Glen does now.

Attorney Barbieri noted that on page 5 of the regulations it states the project must be in compliance with ADA; he noted that this project will be and is designed that way. Mr. Letourneau noted that the circle figure on the plans notes it's handicapped accessible. He noted the Town Planner has said this project meets the requirements and they are submitting the common interest community documents. The density for the project is 3.2 units per acre.

Town Planner Whitten noted she has nothing in writing from the Fire Marshal, but he did like the double entrances.

Attorney Barbieri felt the proposal met all the criteria, and what the Commission has approved before.

Mr. Aeschliman then took the floor, noting the parcel contains 16.3 acres and is located on the west side of Rye Street and the east side of Norton Road. They are proposing one entrance/exit from Rye Street, and one from Norton Road. The proposal is for 52 units. Public sewer will be provided via a gravity feed system 1680' from Old Ellington Road to Norton Road and then 1200' from the fixed main with a pump station in the project. The sewer proposal has been approved by the WPCA and Town Engineer Norton. The proposal is for 3.2 units/acre while the regulations allow for 5 units/acre. Under the regulations they could build 80 units on this parcel, while they are proposing only 52 units. They are in compliance with the open space requirement under the intent it was written. They are proposing a walking trail and landscaping along Rye Street, and within the development, and along Norton Road. Town Planner Whitten suggested enhancements to the landscaping plan and they have put in 2 to 3 benches for the people walking around.

Mr. Aeschliman noted the sight line along Norton Road is in excess of 600' which would allow for a speed of 55 mph; the sight lines along Rye Street are 600' to the south and 509' to the north which would allow a speed of 45 mph while the actual speed limit is 35 mph.

Mr. Aeschliman indicated that all drainage will go into a detention basin in the same direction in which water now flows, there is an existing channel and riprap and the water will go into that same area. There will be a zero increase in run off.

Commissioner Gowdy questioned if there is any common community building? Mr. Aeschliman reported there is none proposed.

Commissioner Ouellette questioned how deep the basin would be? Mr. Aeschilman reported from the top of the berm to the bottom is 6'; it will never get above 5'.

Commissioner Gowdy questioned how they will handle trash and mailboxes? Mr. Letourneau suggested they will both be individual; Mr. Aeschliman suggested the post office wants the mailboxes to be individual boxes.

Attorney Barbieri suggested they have addressed comments 1 through 20 made by Town Planner Whitten in her memo of July 5th; some can't be done until the project is approved.

Mr. Aeschliman referenced the plan, noting 30 units from the north side and 3 from the south side would occur in Phase I. Mr. Letourneau noted that 33 units would bring the total approved AAH units to 260.

Commissioner Ouellette questioned if the roads have been designed with the intention of people cutting through the development? Mr. Aeschliman replied affirmatively. Attorney Barbieri noted he lives in this area and doesn't feel there is an advantage to cutting through.

**MOTION: To TAKE A FIVE MINUTE BREAK.**

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

The Commission RECESSED at 9:30 P. M and RECONVENED at 9:45 P. M.

Attorney Barbieri noted Paul Anderson is chairman of the WPCA, and is present. Mr. Anderson suggested this has nothing to do with being in favor or against the project but they did review the plan and have given conditional approval; there are a few details to be worked out and an agreement to be written between the WPCA and the association with regard to the pump station and the force main - both will be an association liability. Approval of this project, subject to these conditions, is in the WPCA Meeting Minutes.

Commissioner Filipino noted this location is within the Sewer Avoidance Area. Mr. Anderson suggested the Sewer Avoidance Area Map is your (the PZC's) map; the WPCA doesn't work with that. It's not in the POD. It was determined in their May Meeting that decisions with regard to the Sewer Avoidance Area was a PCZ responsibility.

Commissioner Filipone suggested the 50% Open Space buffer isn't what he perceived as a buffer area around the project. When you drive into Depot Street you don't see in the driveways, it's a sheltered community.

With regard to the common interest community, there were problems with Scantic Glen because of the bankruptcy. Attorney Barbieri noted the bankruptcy was the developer. Commissioner Filipone suggested they have an association now in town with no money; they can't fix the roof or shrubbery, etc.

Commissioner Filipone noted the project phases I and II, and the existing cap, if it gets approved, or not, and how that affects the approval? Attorney Barbieri felt the Commission could always approve less.

Commissioner Filipone noted Attorney Barbieri made a nice presentation on Letourneau Builders, and he has seen their work; the last project they approved before the developer walked out the door he said he planned to sell the development rights. He indicated he didn't mean that as a criticism. Chairman Guiliano suggested if this gets approved the plans go with it. Attorney Barbieri suggested whoever builds it must build the plan approved.

Commissioner Filipino noted the proposal calls for 4 parking spaces/unit, any plans for parking in the driveways? Mr. Letourneau suggested some driveways are 35' so they could be parking spaces.

Commissioner Tyler indicated he was looking for a fence around the detention basin.

Commissioner Gowdy questioned if they are proposing a 26' road; Mr. Aeschliman indicated it is 24'. Attorney Barbieri suggested it would be under private ownership.

Chairman Guiliano opened discussion to the public:

Catherine Golliot, 263 Rye Street: questioned the purchase price, and with an over 55 development could the deed holder rent to someone else? Attorney Barbieri indicated that the regulations spell that out; they can't rent them out; they can't sell to a people younger than 55. One person must be aged 55 to buy the units but wife could be younger and if the husband dies the wife can stay there. They can't have a 21 year old son living with them. Town Planner Whitten clarified no one under 21 could live with the parents. Bob Alaimo, speaking from the audience, noted not more than 3 people could live in one unit. Town Planner Whitten noted they can't be purchased for investment.

Cathy Bilodeau: they can't sublet? Attorney Barbieri replied negatively, noting they could in a single family house.

Bob McCormick: referenced the 4 parking spaces, he then questioned what happens when they invite friends over? Can they park on the street? Attorney Barbieri replied negatively, noting they have parking requirements, and the approval doesn't allow it either.

Mike Ternan, 257 Rye Street: cited the comment about no significant impact on traffic with putting 52 units in a small space, he noted they are talking about 100 cars. He felt it will make an impact. Mr. Letourneau suggested that's been addressed in the traffic study; Mr. Aeschliman suggested they can have the traffic engineer attend the next meeting. Attorney Barbieri suggested the traffic study said it wouldn't be detrimental.

Bob Nolan, 78 Rye Street: noted that with regard to the industrial zone, they just had a rental place move in in the back and there are tractor trailers up and down Rye Street all day long.

Attorney Barbieri returned discussion to the purchase price of around \$270,000. Mr. Letourneau suggested it depends on what happens with the cap. People want to downsize and not worry about maintenance, but he hears people can't afford \$300,000. If he could get 52 units the price would be \$15,000 to \$20,000 less than if he got 33 units. They are trying to get \$250,000 for the 1300 square foot unit. Attorney Barbieri noted the prices of these units are then compatible with the prices of single family homes in the neighborhood.

Bill Loos, Melrose Road: when they built Mill Pond Village they were told the same thing, they were for adults, 2 bedrooms, now they are HUD, he has been in there for the fire department and there are 10 to 12 kids in a room. What happens down the road; you can't tell him people won't put 3 to 4 people in a home. Commissioner Filipone noted it's in the documents submitted to the PZC. Mr. Loos questioned for how many years? Commissioner Filipone suggested forever; they can't do anything other than that approved without coming back to the Commission. Chairman Guiliano noted there is no guarantee that 20 years from now there wouldn't be a different Board and they might say that's ok.

Rand Stanley, Rye Street: suggested he knows Mr. Letourneau, they build a fine house, but he would request that they move the driveway down the street across from Attorney Barbieri's house. He questioned if anyone took into consideration that there are 48 one and two family dwellings on Rye Street, and 32 on Omelia Road; that's 80 homes on both streets. Now you are talking 50 homes, that's a 50% increase in density on one small parcel of land. With regard to the septic systems on Norton Road, and the letter by the NCHD, those systems have been fixed. There are no problems, the only problem is getting septic systems on this parcel. He felt the fact that the Nortons have sold to the Letourneaus may indicate there is a problem with the land.

With regard to the Sewer Avoidance Plan, it isn't in the POD; he doesn't know why it wasn't included.

Mr. Stanley suggested he understands that anyone can come in and put forth any type of application they want, and the Letourneaus can put in this one with 33 units in Phase I and Phase II falls under that same plan, with the cap still in place are you considering 33 or 54 or 52 units tonight? Commissioner Filipone noted the Application is for 54 units, Attorney Barbieri noted they have reduced that number to 52. Mr. Stanley questioned what the association fee would be? Commissioner Filipone suggested it doesn't play a part in the Commission's decision.

Beau Maksymik, Scantic Glen: he is in the market to get a new place and he feels the age restriction is discriminatory. If he moves somewhere he doesn't want a house because he doesn't want to mow the lawn, etc.; he feels this type of proposal would be manageable for someone like him, why is there the age restriction? Why not make it available to the average person? Commissioner Filipone suggested he couldn't respond to the age restriction, but if Mr. Maksymik wanted to buy a house and get someone to mow the lawn he could do that. Active Adult Housing is another type of housing we are trying to put in.

Bob Lyke, 80 Rye Street: the development is in his back yard, first he heard they were going to put 14 houses in, then found it was 57, then 54, then 52, maybe Phase I and II. He felt the town should preserve the community asset of a scenic road. Regarding the intrinsic value to sell his

house, they came to you with an application for a number of units, they could have been approved with septic systems for 14 houses, how much do you guys care about me, the wildlife, the sunsets? He felt he won't be able to sell, and he won't be able to stay with the 33 units.

Noting they had other business to discuss the Commission decided to continue this Hearing.

**MOTION:** To CONTINUE THE PUBLIC HEARING on the Application of Letourneau Builders for a Special Use Permit for a 54-unit Active Adult Housing development (Norton Fields) located on the west side of Rye Street [R-2 Zone; Map 31, Block 40, Lot 17] until the Commission's regularly scheduled Work Session on July 26, 2005, at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

**NEW HEARING:** KF Realty LLC - Special Use Permit for Planned Residential Development (Farnham Estates) for 8 lots, including Special Use Permit for 2 rear lots, located at 247 Rye Street, owned by Randy A. and Linda L. Moore [R-3 & A-2 Zones; Map 35, Block 49, Lot 22] (Deadline to close hearing 8/16/05):

Chairman Guiliano read the Hearing description. He noted this Application remains pending in review before the Wetlands Commission, however, this Commission will take some discussion.

Appearing to discuss this Application was Galen Semprebon, of Design Professionals. Mr. Semprebon reported this proposal is for an 8 lot subdivision on 16.88 acres on the east side of Rye Street. The parcel contains an existing home and garage, the proposal is for 8 lots along an 800' cul-de-sac. The parcel is generally wooded, with a slope down to Ketch Brook. They are proposing on-site septic systems, and have received approval from the North Central Heath District (NCHD). They have also addressed the comments made by Town Engineer Norton. Mr. Semprebon reported they are proposing a storm drainage system which drains to a detention basin on the rear, that basin will discharge into the wetlands area.

Mr. Semprebon noted they are applying under the Planned Residential Development Regulations, part of those regulations are the allowance for the request of waivers. For this proposal those waivers will include: 1) the proposal is for an 800' cul-de-sac which will include 2 rear lots, the regulations say the length of the cul-de-sac for rear lots shall not exceed 600'; 2) on front yard set back requirements; 3) they are proposing a shared driveway to service 4 lots; and 4) lot are vs. buildable area. Mr. Semprebon recalled for the Commission that there had been a preliminary discussion on a proposal for 10 lots on a 1600' cul-de-sac, they have revised the proposal by cutting the cul-de-sac back to 800'.

Mr. Semprebon noted they are trying to preserve the existing Farnham Estate, which is an historic building with a number of trees and an older planted area. The development has been laid out to preserve the estate and the Farnham building. Commissioner Filipone questioned that wasn't the entire frontage to be preserved under the preliminary discussion.

Randy Moore stepped forward and introduced himself as the owner of the property. He noted the gardens are in front of the house and court yard, there are a number of large historical trees surrounding the house which are registered with the Connecticut Botanical Society. Mr. Moore indicated he came before the Commission a year ago and was looking for 10 lots, the engineers have cut that back to 7 new houses. Mr. Moore advised the Commission he has gotten a new job in New Hampshire, and has been approached by 3 developers, 2 of which wanted to raze the existing home. This developer has suggested developing around the Benjamin Farnham house; his daughter is looking to buy one of the new lots so he is trying to balance economic issues with preservation of the property. He continues to get letters from people who want to take the trees out.

Stepping forward was Walter Kabala, who is proposing the development. He and his brother Andy own a construction company in South Windsor. They have built the Wheeler Estates, which is very similar to this proposal. He noted he also met with the Commission in March of last year, at that time they were proposing a 10 lot subdivision. Based on the Commission's positive input they have decided to go ahead with the project. The Farnham house was built in 1789, Mr. Kabala noted a photo of the Farnham house is in the Building Department in Town Hall. The house was moved in the 1920s to its current location and modernized with a concrete foundation and was positioned to face the south for solar benefits. The house is positioned backward, you actually enter from the side rather than the front door. Mr. Kabala noted they would correct the approach problem by routing people to the front of the house through the gardens. Visitors would then feel like they will be coming to the front door. The property has many impressive trees which have been listed with the Connecticut Botanical Society. Many of the plantings are overgrown but the development will give them the opportunity to prune, etc.

Mr. Kabala reported this proposal is for a Planned Residential Development (PRD), with much undeveloped space on the sides and the back of the new houses will have restrictions in the deeds so the style of the new houses will be harmonious with the Farnham Estate. They will maintain a separation of the homes and the Farnham Estate; there are wetlands and extensive vegetation which will remain on the parcel and the back. There is a 200' to 300' natural buffer between Ketch Brook and the houses. The house lots are designed to have a southern exposure; the 3 homes near the Farnham Estate will be restricted to a Colonial style of construction to be compatible with the Farnham Estate.

Chairman Guiliano questioned what the outside finish of the homes would be? Mr. Kabala they are considering vinyl siding which is maintenance free.

Mr. Kabala continued, noting the 4 homes in the back can't be seen from the Farnham house, they will probably country style homes with porches and gables.

With regard to the combined driveway, Mr. Kabala noted the regulations allow two houses on rear lots, which would be flag lots. They are proposing a neighborhood association to maintain the shared driveway, water basin, and any other common areas, including the open space, which is nearly 3 1/2 acres, or 20% of the development and would be deeded to the Farnham Estates Association.

Mr. Kabala noted they have applied the PRD Regulations and felt it gives the flexibility for this type of development, and this proposal fits in with the scale of the neighborhood. This proposal raises the bar for other development in town; it's not a cookie cutter development.

Chairman Guiliano noted the need to extend, or adjourn, this Meeting.

MOTION: To EXTEND THIS MEETING UNTIL 11 O'CLOCK.

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

Attorney Cummings, representing the Applicant, noted the association will be created; this proposal combines the best features of a single family subdivision but includes the community management of the common areas, etc. These will be substantial homes of higher prices. There will be deed restrictions, and there will be an association, so if there are any issues with maintenance of the common drives it will be the problem of the association.

Chairman Guiliano advised the audience the Commission would not take public comments tonight; the Public Hearing will remain open. Town Planner Whitten noted that the Wetlands Commission will not be able to act on this application before the Commission's next meeting; the Wetlands Commission's next meeting is August 3rd.

MOTION: To CONTINUE THE PUBLIC HEARING on the Application of KF Realty LLC for a Special Use Permit for Planned Residential Development (Farnham Estates) for 8 lots, including Special Use Permit for 2 rear lots, located at 247 Rye Street, owned by Randy A. and Linda L. Moore [R-3 & A-2 Zones; Map 35, Block 49, Lot 22] until the Commission's regularly scheduled Meeting on August 9, 2005, at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

NEW HEARING: M & L Development Corp - Zone Change from TZ5 to SDD for property located at 94 South Main Street, owned by Dorothea E. Wilson and John L. & Daniel F. Burnham [Map 26, Block 5, Lots 46, 47, & 48]. (Deadline to close hearing 8/16/05):

Chairman Guiliano read the Hearing description. Appearing to discuss this Application was Attorney T. Mark Barbieri, and Jay Ussery, of J. R. Russo & Associates, representing the Applicants. Also present were Gary Lefebvre, and ... Merriman.

Attorney Barbieri suggested the proposal is for a Zone Change for a common interest community for 18 single family units. He suggested this site, located on the west side of Route 5, lends itself to this type of development. The parcel contains 5.6 acres currently zoned TZ5. They are asking for a Zone Change to Special Development District (SDD) for single-family condominium units under a common interest community. The parcel under discussion is actually 2 parcels, #90 and #94 South Main Street; it's a narrow piece of property. Attorney Barbieri suggested there is no other land currently zoned for SDD that is not already developed.



Mr. Ussery suggested the infrastructure is in place, as the site is served by sewer, gas, water, electric to support the proposed 18-unit development.

Attorney Barbieri reported he has a letter from the property owner to the north, Jim Karat, who has no objection to the Zone Change.

Attorney Barbieri noted the proposal has been to the Wetlands Commission; there is only a small amount of wetlands on this parcel.

Chairman Guiliano suggested that since this parcel is near the school he would rather see something like this than a business.

**MOTION:** To CONTINUE THE PUBLIC HEARING on the Application of M & L Development Corp for a Zone Change from TZ5 to SDD for property located at 94 South Main Street, owned by Dorothea E. Wilson and John L. & Daniel F. Burnham [Map 26, Block 5, Lots 46, 47, & 48] until the Commission's regularly scheduled Work Session on July 26, 2005, at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

**NEW BUSINESS:** BT Properties, LLC - Site Plan Approval to allow the construction of a 10,112 square foot commercial building with associated parking and storage for Beebe Landscaping business, for property located at Newberry and Winkler Roads, owned by George W. Bardaglio. [M-1 Zone; Map 15, Block 19, Lot 15]. (Deadline for decision 7/14/2005):

Chairman Guiliano read the description of this item of business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, and the Applicants, Ralph Thomas and Rick Beebe.

Mr. Ussery suggested the issues of concern to the Commission were the following: 1) one entrance for truck traffic on Newberry Road, and signage directing customers to that entrance - he noted that has been noted on the plans; 2) to move the entrance on Newberry Road further from the intersection of Newberry and Winkler Roads - that has been done; and 3) appropriate signage for passenger vehicles only on Winkler Road - that will occur.

Mr. Ussery noted the building is 10,000 square feet and will house Beebe Landscaping. Mr. Ussery noted they don't have enough room in their current facility. They have received Wetlands approval, and have addressed the concerns of Town Engineer Norton.

Chairman Guiliano questioned the hardship for the variance granted on this parcel? Mr. Ussery suggested it was the amount of wetlands, noting that most of the useable land is close to the roadway, and the 100' buffer limited development. They received a 30' variance on the 100' variance.

Commissioner Gowdy questioned if they had provided handicapped parking; Mr. Ussery replied affirmatively.

Chairman Guiliano questioned the hours of operation? Mr. Thomas indicated they would be 7:00 A. M. to 7:00 P. M. Monday through Friday.

Commissioner Ouellette questioned the rationale for the driveway on Newberry Road? Mr. Ussery suggested there were two single family homes on Winkler Road near this parcel, they didn't want trucks entering across from those dwellings. There will be signage for truck traffic, and another directional sign. Commissioner Filipone noted the Commission had discussed its preference for the building address to be on Newberry Road. Mr. Thomas suggested they have requested Newberry Road and feel that can be accomplished.

Chairman Guiliano noted the hours of operation need to be added to the approval conditions. Commissioner Tyler noted that they would be stockpiling stone, etc., he questioned if that will come in both entrances? Mr. Ussery suggested that would come in the Newberry Road entrance.

Commissioner Kehoe noted they also do snow plowing, and noted the residences are closer to the office area; he questioned if they would use the parking area for snow plowing? Mr. Ussery suggested the type of operation they have is condominium sites; most of the people take their vehicles home. Commissioner Kehoe questioned the stockpiling of salt or sand? Mr. Ussery suggested they get it elsewhere; it's an environmental issued.

MOTION TO APPROVE the application of BT Properties, LLC requesting a site plan approval for construction of a 10, 112 sq. ft. building and associated parking and storage at property located at the southwest corner of Newberry Road and Winkler Road. M-1 Zone, Map 15, Block 19 Lot 15. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

- Cover Sheet – Sheet 1 of 7 –BT Properties, LLC, Newberry Road & Winkler Road, East Windsor, CT, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088. (860) 623-0569, Fax (860) 623-2485 Scale 1" = 40', Dated 06-23-05

- Set Includes:
- 2/7 - Boundary Survey
- 3&4/7 -Site Plan
- 5/7 -Erosion and Sediment Notes
- 6&7/7 - Detail Sheet
- 1/1 -Landscape Plan
- 1/1 -Architectural Elevation and Floor Plan

-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 that must be met prior to the issuance of any permits:

4. One 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.
16. Hours of operation will be Monday through Friday, 7:00 A. M. to 7:00 P. M.
17. The address of this business will be Newberry Road.
18. Truck access will be from Newberry Road only.

Gowdy moved/Filipone seconded/

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

MOTION: To EXTEND THIS MEETING UNTIL 11:10 P. M.

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

NEW BUSINESS: Benson Enterprises, Inc. - Modification of approved Site Plan for Village at Pasco Common for change of second floor use from residential to office use; and add 36. x 24' garage behind Building #11. [B-1 Zone; Map 28, Block 19, Lot 96]. (Deadline for decision 9/15/05):

Chairman Guiliano read the description of this item of business. Appearing to discuss this Application was Paul Benson, of Benson Enterprises, Inc.

Mr. Benson referenced a map of Pasco Commons, noting the building in green was requested to be used for business, both upstairs and down. Commissioner Filipone questioned that he thought they were supposed to be residential above the businesses. Town Planner Whitten replied, not actually, Phase II were a mix of business and residential, and the last phase was specific as to residences on the second floor. Mr. Benson reviewed the mix of commercial/residential in the presently occupied buildings.

He noted he started with a business campus concept. The tenant in this building, PrimeAmerica, has grown and they want to relocate. There is enough parking to accommodate them, he has 67

parking spaces where 53 are required. Mr. Benson noted he would like to do more projects like this in town.

Chairman Guiliano queried if any of the people in this area are under the impression that it should be residential upstairs, and purchased their units with that understanding? Mr. Benson noted all these units are owned by Benson Enterprises. He noted that the town realized \$411,000 in sewer and permit fees in the first year, and the project provides \$137,000 to \$150,000 per year in income to the town.

Commissioner Rodrigue questioned the need for the garage being added? Mr. Benson indicated that some of the businesses have trucks, etc. Commissioner Rodrigue questioned that he wouldn't be using that number 11 as a rental garage? Mr. Benson indicated he didn't see it as an isolated rental use.

MOTION TO APPROVE the application of Benson Enterprises, Inc. (Paul Benson) for Amendment to Site Plan Approval to allow office space over office space in building #27 and an accessory garage structure near building #11 at Pasco Common, South Main Street, East Windsor, Connecticut. Property owned by Benson Enterprises, Inc. zoned B-2 as shown on Assessors' Map 28, Block 19, Lot 96. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

Referenced Plans:

"Parking Layout" Prepared for Benson Enterprises, Inc., Parcel "C", South Main Street, (Conn Rte 5), East Windsor, CT". (Scale: 1" = 40"). Prepared by Gary B. LeClair, Licensed Land Surveyor, 36 Suffield St., Ste 2, Windsor Locks, CT 06096. Dated 9/20/04 and revised to 5/9/05. Sheet 1 of 1.

Conditions that must be met prior to signing of mylars:

1. Final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, landowners, 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 that must be met prior to the issuance of any permits:

3. One full set of paper plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning & Development Department.
4. A Zoning Permit shall be obtained prior to the commencement of any site work.

Conditions that must be met prior to Certificates of Zoning Compliance:

5. Final as-built survey (paper copy) showing all structures, pins, driveways, parking, improvements, and final floor elevations as well as spot grades shall be submitted for acceptance.
6. After the final as-built is approved, the applicant shall submit a final as-built mylar to the Planning & Zoning Department. No Certificate of Occupancy shall be issued until said mylar is received.

7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety 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:

8. In accordance with Section 13.5.4 of the Zoning Regulations, an approved site plan 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. Failure to meet these requirements shall make the approved site plan null and void, unless an extension is granted by the Commission.

9. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plan that result in lesser impacts may be allowed subject to staff review and approval.

10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

12. 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.

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

APPROVAL OF MINUTES:

MOTION: To APPROVE Public Hearing #1456 dated June 28, 2005 as written.

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

MOTION: To EXTEND THIS MEETING UNTIL 11:15 P. M.

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

ADJOURNMENT:

MOTION: To ADJOURN THIS MEETING AT 11:13 P. M.

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