

TOWN OF EAST WINDSOR
Planning and Zoning Commission
Public Hearing #1456
June 28, 2005

Draft Document - Subject to Commission Approval

The meeting was called to order at 7:34 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 three Regular Members (Filipone, Guiliano, and Rodrigue) and one Alternate Member (Ouellette) were present at the beginning of the meeting; Chairman Guiliano noted Alternate Member Ouellette would be sitting on all applications. Alternate Member Kehoe arrived at 7:42 P. M. raising the number of Alternate Members to two. Regular Members Gowdy and Saunders and Alternate Member Tyler were absent. Also present was Town Planner Whitten.

ADDED AGENDA ITEMS: None.

RECEIPT OF APPLICATIONS:

Chairman Guiliano noted receipt of the following Application:

- 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.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Friday, June 17, 2005, and Friday, June 24, 2005, was read by Commissioner Ouellette:

- 1) Application of Connecticut Restaurant Associates, Inc. DBA Goodfellas for a Special Use Permit/Sale of Alcohol in connection with renovation of restaurant located at 110 Main Street, Broad Brook. [B-1 Zone; Map 37, Block 37, Lot 8A].
- 2) 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.

CONTINUED HEARING: Housing, LTD LLC - 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05), AND, CONTINUED HEARING: Housing, LTD LLC - Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14]. (Deadline to close hearing 6/28/05):

Appearing to discuss these Applications was Jay Ussery, of J. R. Russo & Associates, and John Reveruzzi, the Applicant. Chairman Guiliano announced he would be turning over the Chair of the Meeting to Commissioner Filipone; then acting as Commissioner Guiliano he would be voting on these Applications.

Vice Chairman Filipone noted the Commission would be discussing both Applications simultaneously, but would vote on each Application separately. He then read the descriptions of both Applications.

Vice Chairman Filipone noted receipt of letter from the Connecticut Water Company addressed to Mr. Steele, the letter was submitted by J. R. Russo & Associates. Vice Chairman Filipone READ THE LETTER FOR THE RECORD.

Vice Chairman Filipone questioned Town Planner Whitten if anything new had occurred? Town Planner Whitten noted much discussion had occurred with regard to Open Space. She noted she pulled the map for Coleman Farms.

Chairman Guiliano noted Commissioner Kehoe had arrived (at 7:42 P. M), and that he would be voting on all items under discussion this evening.

Town Planner Whitten continued that when Coleman Farms was approved the Open Space was as this Applicant had interpreted Open Space. Ponds, decks, walks, and vegetated areas adjacent to the units were considered Open Space. Town Planner Whitten suggested this may not be the way the Commission intended Open Space to be considered but it's the way it has been approved. She cited Section 8.a.10.6 - Open Space - she interpreted the requirement to be 50% Open Space separate but in viewing past documents she felt the Open Space has been interpreted as they do with this Application. Town Planner Whitten indicated that she has discussed this with the Applicant, and they do have an Open Space Plan.

Mr. Ussery suggested that based on discussions which occurred at the last meeting they have made revisions to the plans. He felt it was Commissioner Gowdy who suggested they revamp the single family lot lines; Mr. Ussery indicated same on the plot plan. They have lost one lot in the residential section; they are down to 8 lots vs. 9 as shown on the original Application. The 9th lot becomes part of the Active Adult community, which is now 21 acres. Lot 9 is eliminated, Lots 7, 8, and 6 are reconfigured to give as much area as possible to the common interest community. Since some of this is wetlands it includes slopes. They have connected the walking trails to Hillside Farms, and connected the sidewalks. They also added a garden area and water garden.

Vice Chairman Filipone questioned that this didn't change any of the lots in size? Mr. Ussery replied negatively, noting the change in the common interest community reduces the units from 44 to 40; the density has been reduced to below that allowed in the regulation. Commissioner Ouellette felt the Applicant has made a lot of progress since the last meeting.

Commissioner Kehoe questioned the intent of the Open Space Regulation. Town Planner Whitten indicated that in the Active Adult Housing Regulations the Open Space is required to be 50%, but the regulation has one sentence - which she READ FOR THE RECORD. Town Planner Whitten suggested that sentence is sort of counter to saying there is a 50% area of Open Space. She noted she discussed this with the Applicant; it's somewhat like impervious coverage; you can't have more than a specified amount. Town Planner Whitten suggested she looked at previous applications and they were approved with Open Space evenly dispersed among the units and no 50% Open Space (as a chunk of land). In the Special Development District there is an Open Space definition, which she READ FOR THE RECORD. She suggested it really comes down to having 55% non-impervious coverage. It's the only place in the Zoning Regulations that discusses an actual definition, and historically, if there is a definition somewhere in the regulations it's commonly accepted.

Commissioner Guiliano indicated that the original intent of the 50%, this interpretation isn't what the Commission intended. Commissioner Kehoe questioned if the Commission did it wrong before do we have to do it wrong again? Commissioner Rodrigue felt if they could find a definition that allows it; Commissioner Guiliano felt it was still an issue of interpretation. Town Planner Whitten suggested it's the last sentence that makes it confusing; she also feels the intent was to have a larger Open Space area but that's not what was approved in the past. She suggested Coleman Farms is a mix, and Newberry Village gave so much Open Space it isn't a good study case. Vice Chairman Filipone noted the Commission has gone through the regulations with at least 3 planners and there is always a spot that's missed.

Commissioner Ouellette questioned how many acres are now dedicated, the total is 21? Mr. Ussery noted they have added a little over 9 acres, 9.3 acres of Open Space area throughout, without including any of the lot area within the units. Mr. Ussery suggested that the distance between the units in this Application is greater than the distance between units in Coleman Farms and Hillside Farms; this is not as maxed out as it could be. In his professional opinion this meets the regulations.

Vice Chairman Filipone opened discussion to the audience:

Paul Anderson, 89 Main Street: questioned if Mr. Ussery could clarify the amount of acreage in the community and the Open Space? Mr. Ussery suggested it is 21.5 acres of the common interest community and 9 acres for Open Space. Mr. Anderson questioned if the 21 acres includes the single family lots? Mr. Ussery indicated that it did.

Rand Stanley, 87 Rye Street: questioned if the intent vs. the interpretation of the regulation could be explained to the crowd? Commissioner Guiliano indicated that the

intent was that 50% of the property would go for open space, which was why the Commission allowed the houses to be closer together. Mr. Stanley questioned that with interpretation the town isn't getting the 50%? Commissioner Guiliano replied affirmatively, noting that would be like them calculating the single family homes yards as open space. Mr. Stanley questioned that this would be specific to the Special Permit for the Active Adult community? Vice Chairman Filipone suggested the idea was to create small communities and have a large buffer around them to keep the rural character.

Trevor Brae, 4 Norton Road: questioned if the open space was a common area, or if it was space owned by the property owner? Mr. Reveruzzi suggested the entire property is owned by the common community, you own the inside, the community owns the outside space. Commissioner Guiliano suggested it was like a condominium. Mr. Brae questioned that all the property around is common to the community? He questioned if the planner is including that space in the 50%, and does it extend the 50%? Vice Chairman Filipone suggested they are counting the wetlands, and the areas around the houses, which isn't what the Commission intended. Town Planner Whitten explained the language again. Commissioner Rodrigue felt the developer gave the land in that manner; Commissioner Guiliano suggested that was by their interpretation; Commissioner Rodrigue felt it was by the way it was written. Town Planner Whitten suggested it was by the way it was written in the Special Development District, Section 8.a. Vice Chairman Filipone suggested the SDD Section 8.a could be applied only to that section. Town Planner Whitten concurred, but noted in other towns if there is nothing in the specific regulation you can take that definition. She indicated she was not saying that she liked this regulation, or that it's written in the way the Commission intended but she felt this Application is meeting the regulation as written. Town Planner Whitten thought the Commission needed to overhaul the regulation. Commissioner Rodrigue suggested the developer is now offering a better project; Town Planner Whitten concurred, noting this is a nicer development.

Noreen Farmer, 247 South Water Street: recalled being here when Open Space was being considered a couple of years ago, when someone gave the 50% it was to be for a benefit of East Windsor as a whole. As a resident she can't take advantage of this open space. She questioned if there was a regulation for Open Space that deeded the land to the town? Commissioner Guiliano suggested that in most subdivisions the town gets a fee-in-lieu-of Open Space or the Open Space. If an offered parcel doesn't follow the recommendations of the Plan of Development with regard to Open Space area they would like to get for the town then they take the fee-in-lieu, and anyone can go on that open space property. Ms. Farmer questioned that the thought process has been that if you get a big enough piece of land you would take the land rather than the money? Vice Chairman Filipone suggested if the piece is near the water, etc. Commissioner Guiliano noted that years ago the Commission took parcels of land all over the place but it didn't benefit the town, most weren't together and to find them was difficult; they are not marked well.

Bob Lyke, Rye Street: suggested he is trying to put himself in the Commission's shoes and he wouldn't like to be there. He would like to find a way to not deny, or extend, any

applications until the Commission can shore up the Open Space Regulation. Vice Chairman Filipone suggested that unless an applicant withdraws, or requests an extension, the Commission must go through the Public Hearing and make a decision in a specified time. Mr. Lyke suggested he would then be against this. Commissioner Guiliano indicated the application is applied against the current regulation so the Commission is stuck with what they have.

Mr. Ussery felt they have gone over and above what the regulations requires; it's in keeping with what has been approved on other applications.

Vice Chairman Filipone reviewed the waiver requests. Requesting to speak from the audience Rand Stanley questioned that if the application has come in and has met all the regulations at this point in time why are the waivers necessary? Vice Chairman Filipone indicated the waivers have nothing to do with the percentage being discussed. Mr. Stanley suggested the development is laid out as the regulations require, are the waivers asking to forgive the regulations? Vice Chairman Filipone and Commissioner Guiliano replied affirmatively. Mr. Stanley questioned if the plans meet the regulations why are the waivers requested? Vice Chairman Filipone suggested the plans are designed assuming the waivers will be approved, if not, they would have to resubmit the drawings. Vice Chairman Filipone explained that the waivers are for items in the regulations that the Commission has given waivers on before because in that area of town sidewalks or lighting don't exist; it's not really going against the regulations.

Vice Chairman Filipone queried the audience for additional comments; no one requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of Housing, LTD LLC for a 10-lot subdivision (Meadow Farms) located at 93 Depot Street (including 9 single-family homes and a 44-unit Active Adult Housing complex). Property is owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14].

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

MOTION: To CLOSE the Public Hearing on the Application of Housing, LTD LLC for Site Plan Approval/Special Use Permit for 44-unit Active Adult Housing complex (Meadow Farms) located at 93 Depot Street, owned by Barbara T. Hambach, Trust. [R-2 Zone; Map 20, Block 53, Lot 14].

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

MOTION TO APPROVE OPEN SPACE: the fee in lieu of open space in the amount of \$2,000 per lot for the eight lot subdivision referenced as Meadow Farms for Housing LTD., LLC at 93 Depot Street.

Rodrigue moved/Ouellette seconded:

VOTE: In Favor: Filipone/Kehoe/Ouellette/Rodrigue

Opposed: Guiliano
Abstained: No one

MOTION TO APPROVE the application of Housing LTD, LLC for an eight-lot subdivision on a total parcel of 28.69 acres located on the north side of Depot Street on property owned by Barbara T. Hambach, Trust, presently zoned R-2 as shown on Assessors' Map 20, Block 53 Lot 14. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

- Conditions 1 - 2 on page 3
- Conditions 3 - 19 on page 4
- Conditions 20 - 31 on page 5

Rodrigue moved/

Commissioner Rodrigue WITHDREW his motion

MOTION TO APPROVE WAIVERS for

1. Standard Road Section - Sidewalks on only one side and bituminous cape cod instead of granite to be consistent with other local residential town roads

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

MOTION TO APPROVE WAIVERS for

2. Section 2.11.1 – Curbs on Depot Street, as no curbs exist on either side

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

MOTION TO APPROVE WAIVERS for

3. Section 6.1.7 Cul-de-sac Length from 800' to 1320', as is consistent with other town cul-de-sacs and private road provides secondary emergency

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

MOTION TO APPROVE the application of Housing, LTD, LLC for a special permit and site plan to allow a 40 unit active adult housing development and associated improvements, on a total parcel of 14.13 acres located at 93 Depot Street , East Windsor, Connecticut, on property owned by Barbara T. Hambach, Trust, presently zoned R-2 as shown on Assessors' Map 20, Block 53, Lot 14. This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:

Referenced Plans:

“Cover Sheet – Meadow Farms, Subdivision and Active Adult Community, Depot Street, East Windsor, Connecticut, Prepared for Housing LTD, LLC, 420 John Fitch Blvd., South Windsor, CT 06074, 860/610-0135 , prepared by J.R. Russo and Associates, 1 Shoham Rod., East Windsor

CT 06088, 860/623-0569, Fax: 860/623-2485, Location Map scale 1" = 400' Maps dated 4-11-05

Including Sheets dated 4/04/04, last revised 4/11/05:

- 2/17 Key Map" scale: 1"= 200'
- 3/17 Existing conditions/Demolition Plan, 1" = 100'
- 4/17 Subdivision Plan, scale 1" = 100'
- 5-7/17 Topographic Plan, scale 1" = 40'
- 8/17 Plan & Profile, Farms Road, Sta. 9 + 20 – 18+50, scale 1" = 40'
- 9/17 Plan & Profile, Farms Road, Sta. 18 + 50 – 23+50, scale 1" = 40'
- 10/17 Plan & Profile, Meadow Road, Sta. 50 + 00 – 57+50, scale 1" = 40'
- 11/17 Plan & Profile, Meadow Road, Sta. 57 + 61 – 45+22, scale 1" = 40'
- 12/17 Plan & Profile, Field Circle, Sta. 80 + 00 – 83+00, scale 1" = 40'
- 13/17 Soil Erosion & Sediment Control Plan, scale 1" = 100'
- 14,15/17 Landscape/Mitigation Plan, scale 1" = 60'
- 16,17/17 Detail Sheet, scale as noted

Conditions that must be met prior to signing of mylars:

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylar copies for signing by the Commission.
2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.)
3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor's Office.
4. 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 mylars.

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

5. The applicant and/or developer shall schedule and attend a pre-construction meeting with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.
6. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission.
7. One copy of the final site plan shall be filed on the land records.
8. A Zoning Permit for site work must be applied for and approved prior to the start of construction. Three sets of the final approved plans shall be submitted at this time.
9. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.

10. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. (Side bond must be in place before any permits will be issued). 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.
11. A bond, suitable to the Town, shall be submitted for all site improvements (road & drainage). The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)
12. A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.
13. A Zoning Permit is required for each building.
14. Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.
15. Additional requirements and procedures may be implemented by the Town Planner.

Conditions that must be met prior to the issuance of any Certificates of Occupancy:

16. Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.
17. Site improvements must be completed up-to and around the individual unit at the time of CO.
18. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
19. Additional bonding may be required by the Planning Department.
20. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records.
21. All inspection fees must be paid.

Conditions which that be met prior to the issuance of any certificates of compliance:

22. Iron pins must be in place at all lot corners and angle points.
23. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.
24. A final as-built mylar of the entire project shall be submitted and signed by the Commission.
25. 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:

26. This special permit/site plan approval shall expire five years from date of approval. Failure to complete all required improvements within that time shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
 27. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
 28. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
 29. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
 30. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
 31. 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.
- Rodrigue moved/Koheo seconded/

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

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3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor's Office.
4. 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 mylars.

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7. One copy of the final site plan shall be filed on the land records.
8. A Zoning Permit for site work must be applied for and approved prior to the start of construction. Three sets of the final approved plans shall be submitted at this time.
9. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.
10. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. (Side bond must be in place before any permits will be issued). 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.
11. A bond, suitable to the Town, shall be submitted for all site improvements (road & drainage). The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)
12. A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an

estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.

13. A Zoning Permit is required for each building.
14. Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.
15. Additional requirements and procedures may be implemented by the Town Planner.

Conditions that must be met prior to the issuance of any Certificates of Occupancy:

16. Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.
17. Site improvements must be completed up-to and around the individual unit at the time of CO.
18. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
19. Additional bonding may be required by the Planning Department.
20. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records.
21. All inspection fees must be paid.

Conditions which that be met prior to the issuance of any certificates of compliance:

22. Iron pins must be in place at all lot corners and angle points.
23. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.
24. A final as-built mylar of the entire project shall be submitted and signed by the Commission.
25. 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:

26. This special permit/site plan approval shall expire five years from date of approval. Failure to complete all required improvements within that time shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
27. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

28. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
29. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
30. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
31. 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.

Rodrigue moved/Kehoe seconded/

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:23 P. M. and RECONVENED at 8:31 P. M.

Vice Chairman Filipone announced that Commissioner Guiliano would now resume as the Chair of the Committee.

NEW HEARING: Connecticut Restaurant Associates, Inc. DBA Goodfellas - Special Use Permit/Sale of Alcohol in connection with renovation of restaurant located at 110 Main Street, Broad Brook. [B-1 Zone; Map 37, Block 37, Lot 8A] (Deadline to close hearing 8/2/05):

Chairman Guiliano read the Hearing description. Appearing to discuss this Application was David Monaco and Diane Leone.

Mr. Monaco introduced himself as the owner of the shopping center; he noted upon taking possession of the shopping center Goodfellas was in dire need of renovation, it was by mutual agreement of Mr. Kuhns and Goodfellas that they leave and go their separate ways. Mr. Monaco indicated he has tried to rent the space. He has been a restaurateur himself. He wants to have seating at the bar; Mr. Monaco submitted a brochure of what they would like the restaurant to look like - oak flooring, mahogany bar, 60 pieces of new restaurant state-of-the-art cooking facilities. Mr. Monaco reported they have gone through the Sewer Department, and the Board of Health gave their blessing, with minor recommendations. Everything is being handmade for the place.

Mr. Monaco suggested it's essential to keep people, and also to allow people to eat at the bar, which would only be open during the food service time. They would have CNN behind the bar. Mr. Monaco suggested they would be willing to close at 10 o'clock on weekdays and 11 o'clock on weekends. He noted they are not increasing the seating area, only renovating the space.

Commissioner Filipone questioned that they would have a tv in the bar? Mr. Monaco replied he is putting in a plasma tv. Chairman Guiliano questioned that he wasn't talking of a sports bar? Mr. Monaco replied negatively, it's for the restaurant. Chairman Guiliano queried that you would have someone coming in alone and wanting to eat at the bar, or waiting and having a cocktail while waiting for a seat. Mr. Monaco concurred. Chairman Guiliano questioned how many people could fit at the bar; Mr. Monaco replied 6 or 7, the other side of the bar would be the service area for the waitresses.

Commissioner Filipone questioned if they would be open 7 days? Mr. Monaco replied negatively, noting they would be closed on Mondays. Chairman Guiliano questioned the hours of operation for Goodfellas? Town Planner Whitten suggested the hours of operation were in the conditions for the previous approval motion, which was in the Commissioner's packet. She noted this is a full service restaurant; a menu must be available at all times. Mr. Monaco suggested that at lunch it will be a slightly different menu. Chairman Guiliano queried that they would have a lunch and dinner menu; Mr. Monaco concurred. Commissioner Rodrigue questioned that they would be open Thursday through Sunday? Mr. Monaco replied affirmatively, unless they wanted to hold a special event on Mondays.

Commissioner Filipone questioned that because of the previous approval this Application has no problems with the church? Town Planner Whitten replied they have a Liquor License, they are only changing the use to a full service bar area. Chairman Guiliano noted the Commission was against the bar at the last application, but any nice restaurant has a bar to sit at. Commissioner Filipone concurred, noting he had no problem with the bar if it's associated with the restaurant and closes when the restaurant is closed. He felt Broad Brook needs it.

Commissioner Kehoe questioned the capacity of the restaurant? Mr. Monaco replied 100 seats in the restaurant, but 67% is the maximum capacity. Commissioner Kehoe questioned if they will still have take out? Mr. Monaco replied affirmatively.

Commissioner Ouellette questioned that the number of parking spaces stays the same as the original Site Plan? Town Planner Whitten concurred, noting it's essentially the same.

Chairman Guiliano noted the Commission was against a bar but he felt the bar proposed before was different. He indicated he is for it but is looking for some way to stipulate that the bar doesn't become more than just seating; he isn't talking about just one more bar stool, he is talking about 30 more stools. Town Planner Whitten questioned if the elevation was changed on the plans; is it possible to put seating there/on the other side? Mr. Monaco replied negatively, noting that was the kitchen.

Chairman Guiliano opened discussion to the audience:

Trevor Brae, 4 Norton Road: will there be a senior menu? Ms. Leone replied affirmatively, also noting there will be a children's menu. Mr. Brae suggested he was all for it.

MOTION: To CLOSE the Public Hearing on the Application of Connecticut Restaurant Associates, Inc. DBA Goodfellas for a Special Use Permit/Sale of Alcohol in connection with renovation of restaurant located at 110 Main Street, Broad Brook. [B-1 Zone; Map 37, Block 37, Lot 8A]

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

MOTION TO APPROVE the application of Connecticut Restaurant Associates, Inc. DBA Goodfellas for a Special Use Permit/Sale of Alcohol in connection with renovation of a restaurant located at 110 Main Street, Broad Brook, B-1 Zone, Assessors Map 37, Block 37, Lot 8A shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this

Conditions of Approval:

1. The Full Liquor License is permitted as accessory and incidental to the restaurant use.
2. By granting a full liquor license the Commission is not permitting a bar and the use must remain as a restaurant.
3. The full restaurant menu must be available at all times alcohol is being served and wait staff service to tables must be available at all times alcohol is being served.
4. The condition of this approval shall be binding upon the applicant, land owners, and their successors and assigns.
5. A copy of the final approved motion shall be filed , by the applicant on the land records.
6. Hours of operation will be Tuesday through Thursday from 11:30 A. M. to 10:00 P. M., and Friday, Saturday and Sunday from 11:30 A.M. to 11:00 P. M., with the possibility for special events on Monday.

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

NEW 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.

Chairman Guiliano reported he personally is against doing this/removing the cap right now. As discussion indicated during the last Active Adult Housing application there is a lot of confusion with the regulation; he felt the Commission needs to straighten that out before taking the cap off. Commissioner Filipone indicated he tended to agree with Chairman Guiliano; perhaps eventually the town shouldn't have a cap. He felt the Commission should maintain the present cap, or increase it slightly, but not remove it entirely.

Discussion followed regarding the wording of the proposed amendment with regard to the sentence: "Recent population estimates indicated that as much as 25% of East Windsor's population is over the age of 50." Town Planner Whitten felt the age of 50 was taken from

Section 5.1.17.5, although active adult housing is generally considered for age 55. Chairman Guiliano suggested he knew the Commission's intent was age 55.

Commissioner Ouellette then referenced the results of a phone survey the Commission had undertaken previously, he noted that three quarters of the residents indicated they were looking for a variety of housing. He also noted that in the year 2020 35% of the population will be 55 and over; he suggested he didn't know if the housing stock is where it needs to be? He suggested removing the cap is consistent with the Plan of Development. Chairman Guiliano suggested he concurred with the results of the survey but felt it was opening a can of worms by taking the cap off. He felt if the regulations weren't clear they need to keep the cap and look more closely at the regulation. With regard to the telephone survey indicating that 35% of the residents will be 55 or over in 2020, he questioned if all those people will be here in 2020? If most of those people are gone there will be a lot of empty houses. Commissioner Ouellette felt it was already at 25%. Chairman Guiliano reiterated he is against removing the cap, but he felt the Commission needs to rewrite the regulations. He felt the Commission was heading for not a good place; he didn't feel it's the time to remove the cap.

Commissioner Filipone noted they had just approved one application for Active Adult Housing, they already have another application for 57 units and another one for 44 units - with those applied for and those under discussion the Commission would need 320 units for the new cap number, an alternative would be to raise the cap to those submitted and review the regulation. Commissioner Rodrigue noted that the only town with a cap is South Windsor; Town Planner Whitten noted that number has not changed. Commissioner Rodrigue felt the number of units is restricted by the land available for these projects. Chairman Guiliano noted that at the rate they are gouging the regulation the town will have a lot of houses in a small area. Commissioner Filipone noted that with the pending applications the developers are willing to put sewers in. Chairman Guiliano suggested to take the cap off because of the sewer availability is not a good idea.

Commissioner Ouellette questioned what the rationale was for the cap number; when you started it was 200, then you raised it to 260? Commissioner Filipone noted that at that time there was no history of how the projects would go. Commissioner Ouellette questioned what had the Commission learned; now there is a market for this? Chairman Guiliano suggested he is worried about what will happen to all these units in 20 years? You will have all these 900 square foot homes next to each other, maybe there won't be as many people wanting to move into them. There will be a lot of little houses in town that we may have to sell for less. Chairman Guiliano felt the Commission really shouldn't remove the cap now. Commissioner Filipone felt they should fix the regulation first. Chairman Guiliano felt that after the Commission cleaned up the regulations there should still be a cap; just letting it go for the sake of what's needed now; he felt you need to think about the future. Commissioner Rodrigue noted there are applications now; the Commission would be shortening the current cap. Chairman Guiliano felt they would have to be adjusted; they can say the cap is 260 and that's it. Why not make adjustments for the townspeople, not just the builders. Commissioner Ouellette referenced the phone survey again, noting that 75% of the residents want diversity in housing; 52% felt there is not enough housing for older people. Chairman Guiliano questioned if that was affordable housing or housing for the older population? Commissioners Rodrigue and Ouellette suggested the survey didn't define it.

Chairman Guiliano opened discussion to the audience:

Trevor Brae, 4 Norton Road: reported he is in agreement with the chairman, the cap is an element of control and the Commission is in possession of all factors and can make decisions with knowledge of what's happening.

Paul Anderson, 89 Main Street: to control the number of units is to give you breathing room so you can step back and look. You've increased it to 260 but you don't have 200 built and occupied; it seems premature to be playing with the number and taking the number out is downright scary. You need time to look at the impact. Chairman Guiliano suggested for the Commission to see if 260 houses get sold; we don't know. The Commission could approve all these projects; they could go under, the bottom could fall out. Mr. Anderson suggested the town is a community of residents; the decision should be made on what's best for the existing residents, not for potential residents. The people who live here, the primary consideration is the existing community that lives here. It's a special permit, if you don't see the benefit then don't approve it. Diversity says not to have a huge constitution of anything. Mr. Anderson felt that if you build Active Adult Housing in quantity it's unfair for the people who live here, you are moving in people that fit the requirements, it just increases the population and can unbalance the population. If the number gets out of control, you need to look at the people we have.

With regard to the Plan of Development (POD) Section 5.6 lists the core strategies by the highest priorities, Section 3.10 indicates that "East Windsor should not need to plan for additional multi-family housing unless a significant housing need is identified to benefit the community, such as housing to meet the unique needs of an aging population as discussed below", Mr. Anderson suggested the key is to continue to monitor, not just give it away. He felt it doesn't mean we should hold to a specific number; it isn't in the Town's best interest for people to come in and make money building a project.

Mr. Anderson suggested he is in favor of keeping it the way it is, possibly adjust the number based on something else than the number of people who said "I'll do it." If people don't buy they will mark them down to get rid of them.

Cathy Bilodue, Scantic Road: cited there are statements being made that some of the projects are being done to make the developer rich, but their Victory Estates is for the people who are in the church community, not just to make money. Regarding the statements about the concern in 20 years there are reports that the senior population will be increasing. Also, East Windsor has had three referendums and budget failures and she felt all are aware that the school department takes a large chunk of the budget but if you are increasing the population of the seniors then you are not using that land for an increase in children. Ms. Bilodue felt this type of housing is overall beneficial to offset that

land for use as single-family homes. She noted there is no cap on the number of single-family homes and felt that could be discriminatory. Ms. Bilodue indicated she could understand the Commission's concern about open area and she understands that you want to clarify that but to not look at the cap tonight when you have two more properties, do they have an impact on that open space if they have that 50% open space? The Board shouldn't mix apples and oranges. Commissioner Filipone clarified that the as it stands the Commission has one application pending and there have been discussions for more, but tomorrow there could be 10 more applications coming in. Ms. Bilodue felt the Board should work on the cap, and then look at what you need to do with open area, and not combine the two and not stall a project that may not have an open space issue.

Chairman Guiliano felt the problem isn't only in the language of the regulation, it's also how the Commission started this in the first place. The Commission wanted to build 200 units and then evaluate those to see if the town needs another 60. Those 200 aren't even built yet. He cited he is 55 but he wants to stay where he is. He feels the town will have more people from the outside and he agrees with Paul Anderson, we should take care of the people in East Windsor first.

Ms. Bilodue reported she is in favor of removing the cap, or increasing it.

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 9:20 P. M. and RECONVENED at 9:25 P. M.

Chairman Guiliano noted receipt of e-mail from Elizabeth Burns, who is in favor of keeping the cap. Commissioner Filipone noted, that for those that don't know Betsy she is Elizabeth Burns, East Windsor Services Coordinator. He summarized that her e-mail indicates that these increased units of Active Adult Housing are putting a strain and more work on her department; the issue should be evaluated, and she is against removing the cap.

Public comment (continued):

Kevin Saunders, 333 Scantic Road: suggested the issue he is hearing is to better the community, he cited he is only 18 and has seniors in his life. He feels it will benefit us all in the surrounding community if this project will be built. The people who are important in his life are over 55; his grandfather is here tonight, they have changed him by what they have told him. He feels the church project will impact the kids whether the seniors will come from here or not. He doesn't feel these are coming in for money; he knows what's in his grandfather's heart. They have gone through so much. Mr. Saunders feels he is speaking for all youth of East Windsor, the seniors will all need somewhere to live. The youth can be impacted so much.

Rand Stanley, 87 Rye Street: Mr. Stanley submitted a petition containing 34 to 35 signatures from people who are opposed to lifting the cap. The cap was put in place for a reason. He started this journey about six weeks ago and then it was a personal issue, it isn't any longer, it's now a policy issue for the community. If you maintain the cap it will keep it clear to every developer coming through. We have a cap of 260 and less than half have broken ground. If this is such a vital market why is that so? Why not allow the Commission to grandfather the regulations so they are not open to misinterpretation. Mr. Stanley noted he has read minutes and comments made; when did the real estate market set the precedent for this community? When he started it was a personal issue; his eyes were opened wide. He has spoken with the Town Planner. A wise man told him a good deal was when each person walked away a little dissatisfied, and he didn't see that happen with the last application. Mr. Stanley reported he is opposed to lifting the cap at this time, maybe not in the future but at this time.

Bob McCormick, 79 Rye Street: is opposed to lifting the cap, leave the cap because there would be a large number of people voting who aren't interested in the school population.

Bishop Saunders, 331 Scantic Road: he has heard comments about out of town developers, he reported what they want to do is not out of town, they have been a part of the town for over 20 years have been improving the town. He thinks a big issue is people don't know what will happen to them in 20 years. You approved a business tonight that's just down the street and has changed two or three times; you can't make decisions on what's going to happen in 20 years.

Chairman Guiliano reported he would like to clarify the comment about being discriminatory for over 55 projects, if you want to do a development by the standard regulations and you want to put 55 and over on it do it, this 55 and over and putting houses closer together is different. The Commission is not being discriminatory against 55 and over.

Bishop Saunders, 331 Scantic Road: If you put a cap on 55 and over, you didn't want them moving into town, they have people who are part of their church you are looking for a house and are looking at their own, if you don't take the cap off at least consider, if anything, shooting it down now before they put more money into it. At least consider raising the cap to accommodate what's in the works now and what has been brought before the Board. With regard to the church, what they want to do in that area, they have plenty of space; at least consider raising the cap.

Bob Lyke, 80 Rye Street: reported he has been angsty over a question asked by the Charter Study Commission; Mr. Lyke submitted handwritten comments, noting his intent is to help with the questions that are troubling the Charter Commission regarding development and potential litigation. Mr. Lyke reported he is here to volunteer to help.

Mr. Lyke cited the first question concerning how to best deal with significant development pressures the community faces? He noted comments made by Linda Roberts, as presented in the Journal Inquirer, suggesting that one of the real considerations is the push for active over 55 year olds; First Selectwoman Roberts then said there was nothing the town could do about that. Mr. Lyke also noted the JI didn't really mention that the residents concern was actually for affordable housing for people who have been residents, and taxpayers, for a number of years. He cited the Commission is faced not only with the over 55 Active Adult Housing regulations and all the interpretations of that, such as affordable housing. Mr. Lyke noted that the signatures that Mr. Stanley submitted were people he talked to also, and all are concerned with the same issues you (the Board) are. There are others issues you have to face, such as the sewer avoidance area. He suggested the Board is getting a lot of pressure from many people, and the pay rate isn't that much.

Mr. Lyke raised the second question brought forth at the Charter Commission - how do we minimize the risk to the taxpayer of costly litigation? Mr. Lyke noted he has been on the Board of Selectmen, and has served on a previous Charter Commission; he suggested that all applications that come before the Board should conform to the regulations and if they do they should be approved, and if they don't they should be denied. Your (the Commission's) job is full just with the planning duties. Mr. Lyke felt the Commission should keep the cap where it is and see how it impacts the economic development and how it impacts the properties in town.

Christine Schwartz, 15 Norton Road: suggested seniors aren't just a free tax base, there are the cost of the senior centers, if you have a lot of seniors you are just switching the focus of the tax base. Each time an application comes through the Commission should question how will this help the residents of East Windsor. Ms. Schwartz felt the cap should remain where it is, maybe the Commission should do another phone survey; she felt to remove the cap is irresponsible. You must look at each development.

Shelley McDougel, 14 Woolam Road: hopes you approve removing the cap.

Noreen Farmer, 247 South Water Street: would like the cap to remain, she agrees with the majority of what she has heard, but she doesn't know if it should stay forever, the Commission must try to look down the road. Ms. Farmer noted she participated in the phone survey and took that in the context that we need more senior housing such as the housing authority provides. She noted she was present when the cap was set and left the meeting feeling that was the right thing; then you could evaluate; are the people who are buying the housing East Windsor residents?

With regard to the demographics, 25% are over 50, but 9% are over 70, and she doesn't feel those are the ones buying these houses. Ms. Farmer felt the

Commission needs to consider/review the open space and what's being taken. She would ask that the Commission maintain the cap.

T. Mark Barbieri, 99 Rye Street: suggested a similar situation existed in the late 70s and early 80s with the proposal for condominiums, and you had sewer issues and put caps on that development, and the condos came in and were an unknown entity at that time. A regulation came in and because there was a pent up demand then there was a floodgate of development and the Commission set a subsequent cap. And then you found the condos weren't so bad, and didn't create the traffic problems everyone said they would, and they didn't put the burden on the town services. This is one of the best meetings he has attended about an issue that is emotional but there has been good discussion. He doesn't feel the need to take the cap off and let it soar but to not keep it too low. This is not a bad type of housing; it takes a couple of years to take off and then takes 6 months to build; it hasn't been around that long. There was nothing wrong with the condos. Chairman Guiliano felt the Commission isn't slowing things down by leaving the cap at 260, the number of units hasn't even gotten there yet.

Tim Dickens, North Road: is in favor of raising the cap, he felt it will bring more into the community. He cited the senior housing in South Windsor and it's nice. He felt the project on Scantic Road would look nice with the houses. He questioned if the Commission kept the cap how long would it be before they could raise the cap again? Chairman Guiliano suggested getting close to the existing cap and then go from there. He questioned if it even warrants moving the cap, the Commission is only moving the cap for the builders and the applications that are coming through. He suggested keeping the cap they have and then re-evaluating the situation.

Elizabeth Burns: suggested many issues have been addressed as senior issues, here are many types of housing, there is congregate housing and affordable housing for seniors, there are many issues that confronts her office that are dealing with people much older than 55. Ms. Burns noted that some of the people living in the Active Adult Housing complexes are utilizing the services of her office, and the ambulance association, and the police, and the town really needs an elderly outreach person for the people who currently live in the community. This is not a simplistic issue. Before the Commission removes the cap look at the services that may be needed.

Ed O'Brien: cited he squared off with Mr. Barbieri regarding the condo issue, he thought his world was going to end as his house is across the street from Scantic Glen. You're the Planning and Zoning Commission; just do what your supposed to do - plan.

Rand Stanley, 87 Rye Street: questioned if the applicant was aware there was a cap in place and did they file an application with knowledge of that situation? Chairman Guiliano replied affirmatively. Commissioner Filipone noted that there

is one application filed, and Bishop Saunders came in several times for discussion.

Cathy Bilodeau, Scantic Road: agrees with the Commission on the open area concern, she implored the Commission to at least consider an application before you with regard to open area, and that under the regulations you allow the project to go forward and increase the cap to allow that. Ms. Bilodeau questioned if there was a cap on apartments and condos? Town Planner Whitten replied negatively. Ms. Bilodeau felt that was discriminatory, Active Adult Housing has a cap - what's more desirable? Maybe the Commission is making a mistake with one cap and not the other.

Christine Schwartz, 15 Norton Road: questioned why the cap was put in for Active Adult Housing and not apartments? Chairman Guiliano suggested it's more of a cluster type of housing and was why the Commission wanted to give the developer some incentive for building in the clusters, but the Commission also wanted 50% open space - without considering the decks and space between the dwellings.

Cathy Bilodeau, Scantic Road: the Victory project will have plenty of open space. Chairman Guiliano indicated he didn't want to focus on specific projects. Ms. Bilodeau suggested it has been tonight and it's not just her. She suggested the open area issue is different than the cap, to jeopardize the people with pending projects and they have been told to go forward. Chairman Guiliano suggested the project you are talking about has been in the works for quite awhile and others jumped in before them.

Bishop Saunders: suggested that's why they came the first time, he felt if it had been no they would have walked out. They have been before the Commission three times and met with the planner three times and have spent a lot of money, he would ask the Commission to be fair. There must be some way to say there should be no more applications beyond the 328 units. If they don't meet the regulations then there should be some way to turn them down.

Bob Lyke, 80 Rye Street: questioned how many units are proposed for Norton Farms? Town Planner Whitten indicated the application says 54 units. Mr. Lyke then suggested they are 24 units short? Town Planner Whitten suggested 25.

Cathy Bilodeau, Scantic Road: questioned does the Board have the ability to make a decision on the cap based on the material submitted by the planner? Chairman Guiliano noted the Commission approved Meadow Farms; Town Planner Whitten noted that was the application approved tonight. Chairman Guiliano noted Norton Fields is a pending application; he questioned if the Commission has received an application for Victory Estates? Town Planner Whitten replied negatively, noting there has been lengthy discussion. Chairman Guiliano suggested that the problem is that if the Commission raises the cap to

328 tonight the next morning the planner could get an application that's totally in order and if they get ahead of Victory Estates that application could eat up the new cap. Ms. Bilodeau questioned can the Board approve a new cap based on these people? Chairman Guiliano replied negatively, noting they can approve a cap but not on a specific project.

Rand Stanley, 87 Rye Street: what is the proposed amendment tonight? Chairman Guiliano suggested the change is to take the cap off. Mr. Stanley questioned that is what the Board will vote on, removing the cap or keeping it in place, not fiddling with the number? Chairman Guiliano suggested they can change the number. Town Planner Whitten clarified that the Commission can keep the cap as is, remove it, or set a different cap.

Bob Lyke, 80 Rye Street: what is the caveat with regard to CRCOG requirements? Chairman Guiliano suggested CRCOG reviews what the Commission does. Mr. Lyke questioned if they have acted on removing the cap or keeping it the same? Chairman Guiliano reported the Commission sends CRCOG a memo; Town Planner Whitten noted memo from CRCOG dated June 17, 2005. The comments are as follows: "The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. While the staff of the Regional Planning Commission has raised concerns in other referral comments about towns over-relying on Active Adult Housing, that is not the intent of this amendment. The understood goal for amendment is to remove a housing cap because it interferes with the functioning of the housing market." Town Planner Whitten noted that the text amendment must be sent to CRCOG by Statutory requirements.

Chairman Guiliano suggested the Commission prefers to table action until the July 12th Meeting, and will leave the Public Hearing open; the Commission needs time to absorb the information received.

MOTION: To TABLE 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 until the Commission's regularly scheduled meeting to be held July 12, 2005 at 7:30 P. M. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. 06016.

MOTION: TO EXTEND THIS MEETING TO 11 O'CLOCK.

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

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED the Meeting at 10:30 P. M. and RECONVENED at 10:32 P. M.

NEW BUSINESS: Peter G. Alberici - Site Plan Approval for automobile dealership (A.C.I.) located at 22 Thompson Road, owned by James J. Gessay & Robert A. Ludwig. [M-1 Zone; Map 15, Block 19, Lot 111B] (Deadline for decision 8/18/05):

Chairman Guiliano read the description of this item of business. Appearing was Jay Ussery, of J. R. Russo & Associates, representing A.C.I. Mr. Ussery noted the Application is for Site Plan Approval for 22 Thompson Road for a wholesale car dealership. The shaded area on the site plan is the area to be leased to ACI; the cross-hatched area is to be the parking. The location is opposite from La Notte Restaurant, parking of the vehicles will be to the rear of the building. This use has grown out of Southern Auto Auction; it sells cars to other dealers. The application is almost identical to those recently approved for 81 South Main Street. No site work, no drainage, no paving, nor any building additions will be done as a result of this application.

Commissioner Rodrigue questioned how many cars would they be looking to park? Mr. Ussery indicated the owner hasn't said but he felt it couldn't be more than 15 cars as that's the only space he has, the other spaces are other tenants. Commissioner Filipone questioned if there would be other employees? Mr. Ussery indicated they need a mechanic. Commissioner Filipone questioned if the site plan needs to show handicapped parking? Mr. Ussery indicated that they could.

Chairman Guiliano suggested that the other tenants in the building would probably stop this tenant from spreading; Mr. Ussery concurred. Chairman Guiliano questioned that they won't have cars parked on the grass? Mr. Ussery replied negatively. Chairman Guiliano questioned that they wouldn't be installing any additional lighting? Mr. Ussery replied negatively.

Chairman Guiliano questioned Town Planner Whitten if she had any problems with this Application? Town Planner Whitten replied negatively, noting approval is just a formality.

Commissioner Kehoe questioned that they would not park cars on the front lawn? Mr. Ussery replied negatively; Chairman Guiliano suggested he felt the other tenants wouldn't allow that. Commissioner Rodrigue questioned that they will be taking the back parking area? Mr. Ussery replied affirmatively. Chairman Guiliano noted there is no fire lane shown on the plans; Commissioner Filipone noted the handicapped parking space is not shown on the plans either. Chairman Guiliano suggested adding these requirements as conditions.

MOTION TO APPROVE the application of Application of Peter Alberici for Site Plan Approval for an auto wholesaler dealership to be located at 22 Thompson Road, M-1 Zone, Assessor's Map 15, Block 19, Lot 111B. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

- Sheet 1 of 1 : Site Plan prepared for A. C. I., 22 Thompson Road, East Windsor, CT. Map 15, Blk 19, Lot 111B, Zone M-1, prepared by J. R. Russo and Assoc., 1 Shoham Road, East Windsor, CT. 06088 860/623-0569, Fax 960/623-2485, scale 1" = 40', dated 4/15/05.

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

1. All 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, 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:

3. One set of final plans and one set of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.

General Conditions:

4. 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.
5. A Zoning Permit shall be obtained prior to the commencement of any site work.
6. 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.
7. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
8. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
9. 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
10. Cars may not at anytime be parked in landscaped areas, unless approved as such on the site plan.
11. All required landscaping shall be adequately maintained.

12. Plans to include space(s) for handicapped parking.
13. Fire lane to be shown on plans.
14. Parking only to be on designated parking area on the plans.

DISCUSSION: Chairman Guiliano questioned if there were specific hours of operation for the industrial park? Town Planner Whitten suggested this location is within an industrial zone; they generally have different shifts.

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

NEW BUSINESS: Eastern Power Sports - Site Plan Approval for a used car dealer license located at 191 South Main Street, owned by LCC Partnership and Southern Auto Sales, Inc. [B-1 & A-1 Zones; Map 34, Block 22, Lots 1,2,3, & 4] (Deadline for decision 8/18/05):

Chairman Guiliano read the description of this item of business. Appearing to discuss this Application was Attorney T. Mark Barbieri, and Jay Ussery, of J. R. Russo & Associates.

Mr. Ussery noted the Application is for a Site Plan for a dealership at 191 South Main Street, the site of the old Railroad Salvage store which has been purchased by Southern Auto Auction. This dealership sells snowmobiles, quads, jet skis, etc. Chairman Guiliano questioned if this was an auction process? Mr. Ussery replied affirmatively. He noted the Motor Vehicle people told them (the dealer) they didn't need a license but then they were sent to the Zoning Board of Appeals for a license and were sent back to this Board. There are no proposed changes to the building; everything will be inside. Most of the vehicles, with the exception of the larger motor homes, etc., are stored inside the building.

Commissioner Filipone questioned if there would be any repairing, or testing; he was thinking of noise. Mr. Ussery suggested there are minor repairs inside the building; they can start the machines and motorcycles but not drive them around. They are inside; there are no noise issues. They have done some renovations inside to accommodate this use, such as installing office space, service bays; oil/water separators have been installed.

Chairman Guiliano questioned that this operation was already going on? Mr. Ussery replied affirmatively, but the Motor Vehicle people told them they needed a separate license so they are back. Commissioner Filipone questioned how long has it been in operation? Mr. Ussery suggested maybe a year; they were doing this at 161 South Main Street after the regular auctions but this is a large market so they moved it to this building. Attorney Barbieri noted they also have other specialty auctions, such as antique cars.

Chairman Guiliano questioned that they would not be storing outside the building? Attorney Barbieri replied only RVs/motor homes. Commissioner Filipone questioned the storage of box trucks at this location? Attorney Barbieri suggested they go through the regular auction.

Commissioner Ouellette questioned what was the traffic for this operation? Mr. Ussery noted it's a once a week but on a different day. Chairman Guiliano suggested it's probably seasonal; Mr. Ussery concurred, noting snowmobiles are auctioned in December, quads are auctioned more often. Attorney Barbieri noted you don't see the same number of cars in the holding areas because they have changed the flow of the traffic pattern and the cars are moving through more quickly.

MOTION TO APPROVE the application of Application of Eastern Power Sports, and owner LLC Partnership & Southern Auto Sales, Inc. for Site Plan Approval for an auto retail dealership to be located at 191 South main Street, B-2/Z-1 Zone, Assessor's Map 34, Block 33, Lot 1,2,3, & 4. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

- Sheet 1 of 1 : Site Plan prepared for Eastern Power Sports, 191 South Main Street, East Windsor CT Map 34, Blk 22, Lot 1,2,3,&4, zone B-2/A-1, prepared by JR Russo and Assoc. 1 Shoham Road, East Windsor, CT 06088 860/623-0569, Fax 860/623-2485, scale 1" = 40', dated 5/11/05

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

1. All 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, 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:

3. One set of final plans and one set of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.

General Conditions:

4. 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.
5. A Zoning Permit shall be obtained prior to the commencement of any site work.
6. 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.

7. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
8. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
9. 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
10. Cars may not at anytime be parked in landscaped areas, unless approved as such on the site plan.
11. All required landscaping shall be adequately maintained.

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

INFORMAL DISCUSSION: M & L Development Corp - proposed multi-family development at 94 South Main Street:

Attorney Barbieri advised the Commission that because of the lateness of the hour M & L Development had asked that their item of business be removed from the agenda; they will meet with Town Planner Whitten.

BUSINESS MEETING/(1) Correspondence:

Town Planner Whitten noted receipt of a letter dated 6/24/2005 requesting that an extension of 65 days be granted to commence the Public Hearing on the Application for Norton Fields. Commissioner Ouellette questioned why the delay? Town Planner Whitten indicated there isn't enough units remaining under the present cap so they have been waiting to hear how the amendment fared.

MOTION: To GRANT AN EXTENSION UNTIL JULY 12, 2005 TO OPEN THE PUBLIC HEARING ON THE APPLICATION OF NORTON FIELDS, application exceeds the present unit cap for the Town of East Windsor.

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

NEW BUSINESS/(2) Staff Reports:

Town Planner Whitten noted the Legislature has changed the approval process for the location of motor vehicle dealership licenses back to the Planning and Zoning Commission. The Commission could grant authority to the Zoning Enforcement Officer or Town Planner to review

these types of applications; they would still need to come before this Commission for Site Plan Approval. Chairman Guiliano suggested since they need to come in for Site Plan Approval they can come in for the location approval as well. Town Planner Whitten suggested it's only approval of a document. The Commission preferred that the location approvals come before them as well.

MOTION: To EXTEND THIS MEETING UNTIL 11:05 P. M.

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

BUSINESS MEETING/(3) Informal discussion on update of Subdivision and Zoning Regulations:

This item of business was postponed until the next meeting.

ADJOURNMENT:

MOTION: To ADJOURN THIS MEETING AT 11:03 P. M.

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