

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

**Public Hearing #1580
November 23, 2010**

*******Draft Document – Subject to Commission Approval*******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:00 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Devanney, Gowdy, Ouellette, and Thurz) and two Alternate Members (Mulkern and O'Brien) were present. Regular Member Farmer was absent. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Alternate Member O'Brien would also join the Board regarding discussion and action on all Items of Business this evening as well. Also present was Town Planner Whitten.

GUESTS: Mark Simmons, Selectman; Kathy Pippin, Board of Finance.

ADDED AGENDA ITEMS: None.

APPROVAL OF MINUTES/November 9, 2010:

MOTION: To APPROVE the Minutes of Public Hearing #1579 dated November 9, 2010 as written.

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

RECEIPT OF APPLICATIONS: None.

MOTION: To GO OUT OF ORDER and take, at this time, Item VI. **NEW BUSINESS: T-Mobile Northeast LLC** – Site Plan Approval for wireless communications antennas (per Section 804) to be located on existing water tank, along with associated ground equipment, at 41 Depot Street, owned by the Connecticut Water Company. [B-1 & R-2 Zones; Map 23, Block 44, Lot 35]. Discussion will then return to the Agenda schedule as posted beginning with Item **V. IHC STUDY WORKSHOP:** With Consultants – Milone & MacBroom.

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

NEW BUSINESS: T-Mobile Northeast LLC – Site Plan Approval for wireless communications antennas (per Section 804) to be located on existing water tank, along

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with associated ground equipment, at 41 Depot Street, owned by the Connecticut Water Company. [B-1 & R-2 Zones; Map 23, Block 44, Lot 35]. (*Deadline for decision 1/31/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Ray Vergati, of HPC Development, LLC of Danbury, representing T-Mobile Northeast, LLC.

Mr. Vergati advised the Commission T-Mobile is looking to install 6 antennae on an existing 120' water tank/tower located at 41 Depot Street. The antennae will be painted the same color as the water tower. They also propose to install a 10' x 13' equipment pad with outdoor cabinets.

Mr. Vergati reported that there are presently 4 other carriers – Verizon, AT&T, Sprint/Nextel, and Pocket – who have installed antennae on this water tower.

Commissioner Thurz questioned if they are proposing back-up power for these antennae? Mr. Vergati replied negatively, noting the equipment is battery operated. Commissioner Thurz noted this equipment pad will be the closest to the tower; Mr. Vergati suggested it's smaller than the others.

Commissioner Devaney questioned if the tank had been tested to be sure it's structurally safe to handle all the antennae? Mr. Vergati referenced a letter which indicated the tank is structurally capable of supporting the proposed antennae additions.

Commissioner Gowdy questioned the size of the antennae. Mr. Vergati reported each antennae is approximately 55" in length and weighs approximately 47 pounds.

Commissioner Devaney noted the cabinet details on the plans indicate the cabinets are approximately 7' in height; she questioned if that was a standard size? Mr. Vergati replied affirmatively, noting the cabinets would be approximately the size of a refrigerator.

Town Planner Whitten referenced memo dated 11/22/2010 from Town Engineer Norton, suggesting silt fence and hay bales be installed during construction of the concrete pad. Mr. Vergati indicated he was in agreement with that recommendation.

MOTION TO APPROVE the Application of T-Mobile NE, LLC, and owner Connecticut Water Co., requesting a site plan approval for wireless communications antennas per Section 804, to be located on existing water tank, and associated equipment sheds and improvements, located at 41 Depot Street, East Windsor, CT. [Assessors Map 23, block 44, Lot 35]B-1 and R-2 zone. This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions:

Referenced Plans:

- 01 Title Sheet with location map – East Windsor WT, 41 Depot Street, East Windsor, CT 06016 Site # CTHA016, site type: Water Tank, prepared by URS Corporation AES, 500 Enterprise Drive, Rocky Hill, CT 06067, dated 10/28/10
- 02 Plans Elevations Details and Notes

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 mylars.
- 2. One set of mylars 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 structural plans shall be submitted for signature.)
- 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 mylars.

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

- 4. A Zoning Permit for site work, inclusive of sheds/cabinets, must be applied for and approved prior to the start of construction. Two sets of the final approved plans shall be submitted at this time.
- 5. 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.
- 6. Additional requirements and procedures may be implemented by the Town Planner.

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

- 7. Site improvements must be completed or bonding in place.
- 8. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
- 9. Additional bonding may be required by the Planning Department.
- 10. All state inspection fees must be paid.

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

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11. A paper copy of the final as-built survey showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as spot grades shall be submitted and approved by the Town Planner.
12. A final as-built mylar shall be submitted and signed by the Commission.
13. 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:

14. This 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.
15. 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.
16. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
17. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
18. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
19. 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/Devanney seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/O'Brien/Ouellette/Thurz)

IHZ (Incentive Housing Zone) STUDY WORKSHOP: With Consultants – Milone & MacBroom:

Appearing to discuss the report was Rebecca Auger, of Milone & MacBroom. Ms. Auger recalled that previously the Commission reviewed an analysis which included 29 sites. Based on discussion at that meeting Milone & MacBroom have narrowed down their proposal to 18 sites, some of which have been grouped together as unified parcels

for better development. After this review the Commission will be ready to hold a workshop with the property owners. Ms. Auger reviewed the parcels as follows:

Ms. Auger reported the parcel containing the **cinema** has been deleted from the study as it requires extensive analysis due to the existing conditions.

Parcel 2/Bridge Street: Ms. Auger noted this parcel has access off of Route 140 (Bridge Street); Site Plan Approval has already been received for this location for a retail use. Milone & MacBroom is proposing a mixed use - something like Evergreen Walk - for this parcel. The proposal includes 4 large primarily retail one and two story units containing 94,500 square feet of commercial space; retail units would be located at the ends and in the center of the development configuration. Approximately 73 apartment units would occupy the second story. Emergency access would be provided off Spring Street, as it is in the current Site Plan Approval.

Town Planner Whitten questioned if the apartments could become condos? Ms. Auger replied they could, but they would be smaller than the units labeled condos on proposals for other parcels.

Some Commissioners liked the mixed use proposal; others continued to cite concern for traffic issues. Ms. Auger felt the mixed use would create a greater degree of traffic than a strictly retail use; Town Planner Whitten concurred. Chairman Ouellette questioned if this parcel as proposed could be linked to the shopping areas to the west, or linked to the Benson property which has already been approved for a mixed use development? Commissioner Devanney liked the proposal as presented. Commissioner O'Brien liked the proposed but would prefer to see a similar proposal for Parcel 15 – 21/Prospect Hill Road, with a connection through to North Road.

Parcel 8 & 9/Wagner Lane (now combined) – across from self-storage facility: Ms. Auger reported these parcels would be strictly residential condos, somewhat in style to surrounding units. Twenty-six (26) buildings, containing 169 condo units, would occupy the combined parcels. Access would be provided via two entrances on Wagner Lane and a third entrance on Main Street. Development of these parcels would require improvement of Wagner Lane. Parking would be behind all buildings.

Town Planner Whitten questioned the size of the units; Ms. Auger indicated each building would be 175+/- feet long, which would create a density of approximately 6.5 units/building.

Parcel 10 – 13/South Water Street (now combined) – north of car wash on corner of South Water Street and Route 5: Ms. Auger noted the combined parcels provide some frontage on Route 5; they are proposing a mixed use development for this combined parcel. They are proposing two 10,000 square foot retail buildings to be accessed via the Route 5 frontage; retail parking would be in the rear of the buildings. Approximately 170 townhouse condo units would occupy interior space along an interior road; access for

the condos would be provided via South Water Street. The condos would have parking areas attached to the units.

Commissioner O'Brien questioned why the parcel containing the car wash wasn't included in this proposal; Ms. Auger couldn't recall during the presentation.

Parcel 14, South Water Street – across the street from Parcel 10 - 13: Ms. Auger reported they are proposing approximately 66 units of detached single family development. Access would be provided via two entrances along South Water Street. A significant vegetative buffer would be maintained along the river access.

Town Planner Whitten recalled that the Commission previously considered a residential development for this parcel. The previous application was denied due to the density and traffic concerns.

Parcel 15 – 21/Prospect Hill Road/Route 5 (now combined) – across from Cohoes: Ms. Auger reported they are proposing a mixed use for these combined parcels. Two (2) 10,000 square foot buildings containing 20,000 square feet of retail space would be built along Route 5. Nine (9) residential buildings, each containing 24 units, would occupy the remainder of the parcels. Total residential units would be 216. Access would be provided via an interior road off Prospect Hill Road/Route 5.

Parcel 23 & 24/Route 140 (now combined) – to the rear of W. B. Mason's and across from Shoham Road: Ms. Auger reported this proposal is for 43 single family dwelling units; access would be via a single interior road off Route 140. The density of this proposal is 6 units/acre.

Chairman Ouellette indicated the proposed access point is in a bad location because of the road grade and the proximity to the Shoham Road intersection.

General Discussion:

Chairman Ouellette questioned if the State makes any differentiation between condominiums and apartments with regard to individual ownership? Ms. Auger replied negatively, noting they only track ownership for affordable units. With regard to density the State defines 6 single family units/acre, 10 townhome/duplex units/acre, or 20 multi-family units/acre.

Ms. Auger questioned if there were any sites the Commission didn't like with regard to the density proposed? Chairman Ouellette questioned if the designer considered the minimum dwelling unit threshold for these sites; Ms. Auger suggested he would have considered that in regard to density. Chairman Ouellette questioned that the designed didn't go over, or above, that threshold? Ms. Auger replied negatively.

Town Planner Whitten suggested **Parcel 14, South Water Street** might be considered too dense based on the neighborhood opposition to the previous residential application which was denied. She felt **Parcel 8 & 9/Wagner Lane (now combined) – across from self-storage facility** and **Parcel 10 – 13/South Water Street (now combined) – north of car wash on corner of South Water Street and Route 5** had more potential, given the alternate accesses. She concurred that Wagner Lane would require improvements, as there are drainage issues due to the flat terrain. Drainage is presently being taken across South Water Street to the Connecticut River. Chairman Ouellette felt that this proposed development would require another traffic signal, which would be a major investment in the infrastructure.

Chairman Ouellette questioned if the Commission was ready to take these proposals to a Public Hearing? Commissioner Gowdy indicated he liked the concept of Pasco's Commons, but felt the percentage of housing units to retail was out of whack as to how the public will perceive the proposals. Town Planner Whitten noted the concept was to promote workforce housing; if we want retail to thrive we need to provide residential units as well.

Ms. Auger questioned if the Commission still liked the mixed use concept or did they prefer straight residential; what sites did they like? Commissioner Devaney felt single family units would be easier to promote than condos or apartments. Chairman Ouellette indicated he would like to see 6 units/acre, with more retail. Town Planner Whitten indicated the task for Milone and MacBroom was to meet the Incentive Housing Zone requirements as that was the intent of the grant. The Commission doesn't have to go with the IHZ requirements as there is no longer any IHZ funding available; they can take the proposed concepts as a starting point. Ms. Auger concurred, noting the Commission did what they proposed – to study the Incentive Housing Zone concept – and it's within the Commission's purview to decide this isn't what the town wants. The consensus of the Commission was for Milone and MacBroom to continue with the same concept but with less density and more retail.

Chairman Ouellette questioned if the landscape designer had considered open space requirements, etc.? Ms. Auger replied that had not been considered at this point. Town Planner Whitten indicated the Commission would be creating new regulations for these properties; landscaping, open space, etc. would be considered at that time.

The Commission ***agreed with*** the following proposals:

- **Parcel 10 – 13/South Water Street (now combined) – north of car wash on corner of South Water Street and Route 5;** Chairman Ouellette concurred with the retail in the front with residential to the rear but still cited concern for the access points.
- **Parcel 8 & 9/Wagner Lane (now combined) – across from self-storage facility;** the Commission liked the concept for this unified parcel, although they cautioned the density may be too high. Chairman Ouellette noted the proposal is in total harmony with the neighborhoods north of Wagner Lane.

- **Parcel 15 – 21/Prospect Hill Road/Route 5 (now combined) – across from Cohoes:** Commissioner Devanney questioned if this unified parcel could be developed with less residential above more retail on the bottom floor – something like Pasco’s Commons. Ms. Auger suggested the proposal currently shows 10 dwelling units/acre, which is low density; she felt that might limit the amount of retail. Commissioner Mulkern concurred with the proposal, but indicated he would like to change the ratio of the retail. Ms. Auger noted the wetlands is also a concern; some parking might be lost.

The Commission *declined* the following proposals:

- **Parcel 14, South Water Street:** Town Planner Whitten reiterated the Commission had heard the public’s concerns regarding this parcel under the previous (denied) application.
- **Parcel 23 & 24/Route 140 (now combined) – to the rear of W. B. Mason’s and across from Shoham Road:** The Commission reiterated their concerns for traffic and proximity to the intersection of Shoham Road.
- **Parcel 2/Bridge Street:** Chairman Ouellette liked the proposal and the potential for creating a pedestrian area with the Benson property and the village area. He remained concerned regarding the amount of traffic as he felt there was not enough public land available to create a public right-of-way to reduce traffic concerns. Ms. Auger noted the existence of wetlands towards I-91. Town Planner Whitten noted the site contains a significant elevation drop; the approved application included a large retaining wall towards the rear of the site. Chairman Ouellette questioned if the Commission felt residential was appropriate for this site; he noted the Commission was sold on retail during the previous application. Commissioner Gowdy suggested he didn’t like the proposal; he preferred retail. Commissioner Thurz felt the proposal created too much traffic. Commissioner Mulkern liked the proposal and the potential for pedestrian traffic, but deferred to Chairman Ouellette regarding traffic concerns. Ms. Auger felt the combination of residential and commercial would create more traffic; Town Planner Whitten concurred, but felt this proposal would create more peak time traffic. Commissioner O’Brien liked the proposal but felt the biggest hurdle was the traffic; Commissioner Devanney felt the proposal might fit better after the economy returns to normal. Town Planner Whitten felt such a proposal should be discussed with the property owner.

Ms. Auger reported Milone and MacBroom will provide the concept plans and feasibility analysis for the Town’s website, and will work with the Commission to develop regulations. Selectman Simmons agreed with the need for intense community involvement. The Commission discussed the organization of the workshop; Milone and MacBroom will act as facilitator while the Planning Department will send direct mailings to neighbors and property owners and develop flyers.

The IHZ workshop has been scheduled for the Commission’s January 25, 2011 Meeting.

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/O'Brien seconded/VOTE: In Favor: Unanimous

The Commission RECESSED at 8:42 p.m. and RECONVENED at 8:46 p.m.

BUSINESS MEETING/(1) Farm Regulations:

- Town Planner Whitten noted the latest revision includes a subsection 7 – regarding Site Plan Requirements - to Section 305.2; Section 305.8(b) includes 4-H involvement; a waiver provision has also been included. She will provide the Commission the final revision for the next meeting. The revisions also require review by the Town Attorney.

The Farm Workshop was scheduled for the Commission's January 11, 2011 Meeting.

- Town Planner Whitten also noted the Right-To-Farm Ordinance has been approved by the Board of Selectmen, but needs to go to the Town Attorney for review.

BUSINESS MEETING/(2) Route 140 Sewers – Feedback:

Town Planner Whitten noted she went to the Board of Selectmen regarding hiring a facilitator for the Route 140 Workshop; there was some confusion regarding available funding. The topic remains under discussion

Town Planner Whitten noted the Economic Development Commission understands the PZC will develop the regulations for the Route 140 corridor, but would like to work with the PZC regarding this issue. They are seeking input from the PZC regarding the issues discussed in their development packet.

Further discussion of the Route 140 corridor/sewers will be scheduled early on the Agenda for the Commission's December 14, 2010 Meeting

BUSINESS MEETING/(3) Correspondence:

Town Planner Whitten reported Commissioner Farmer's term has expired; he is not seeking reappointment. Commissioner O'Brien expressed interest in being moved up to a Regular membership. Commissioner Mulkern noted he will apply for reappointment but may be resigning in August, 2011 due to transferring to another college.

BUSINESS MEETING/(4) Staff Reports:

Town Planner Whitten submitted the meeting schedule for 2011.

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MOTION: To APPROVE the 2011 Meeting Schedule for the Planning and Zoning Commission as written, with subsequent modification as needed.

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

SIGNING OF MYLARS/PLANS, MOTIONS: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:16 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3519)