

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

**Public Hearing #1589
April 26, 2011**

******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 7:02 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devanney, Gowdy, O'Brien, Ouellette, and Thurz) and one Alternate Member (Mulkern) were present. All Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Mulkern 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: Selectmen Richard Pippin; Kathy Pippin, of the Board of Finance.

ADDED AGENDA ITEMS: None.

APPROVAL OF MINUTES/April 12, 2011:

MOTION: To APPROVE the Minutes of Public Hearing #1588 dated April 12, 2011 as written.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Boyer Carpentry & Remodeling, LLC for Site Plan Approval to allow construction of a 480 sq. ft. addition and convert 12' x 12' deck to office space on property located at 115 Bridge Street, owned by Maly Phimvongsa & Steven R. Boyer. [B-1 Zone; Map 111, Block 12, Lot 5]
2. Application of KROS East Windsor, LLC for a Zone Change/Map Change to establish a Highway Interchange Floating Zone (HIFZ), per Zoning Regulations Section 504, for property located at 44 and 54 Prospect Hill Road. 44 Prospect

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Hill Road is owned by The 1010 Broadway LLC; and 54 Prospect Hill Road is owned by WLF Realty, LLC. [Presently zoned M-1 & B-2; Map 92, Block 17, Lots 29 and 30].

3. Application of KROS East Windsor, LLC for a Special Use Permit for General Development Plan for retail/service establishment of up to 20,000 sq. ft. located at 44 and 54 Prospect Hill Road, under proposed HIFZ zoning designation, per Zoning Regulations Section 504 and 900.5. 44 Prospect Hill Road is owned by The 1010 Broad LLC; and 54 Prospect Hill Road is owned by WLF Realty, LLC. [Presently zoned M-1 & B-2; Map 92, Block 17, Lots 29 and 30].

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, April 14, 2011, and Thursday, April 21, 2011, was read by Chairman Ouellette:

1. Application of Annette Fortune for a Special Use Permit for 2 training fields to allow for dog training classes and possible show events on property located on the north side of North Road. [A-1 Zone; Map 124, Block 16, Lot 26A].
2. Application of Merlot on the Water, LLC for a Special Use Permit/Sale of Alcohol for a Liquor Permit for Merlot on the Water, a wedding, meeting and banquet facility located at 27 Depot Street, owned by Thomas R. Kuhns. [B-1 Zone; Map 98, Block 44, Lot 41].

NEW HEARING: Annette Fortune – Special Use Permit for 2 training fields to allow for dog training classes and possible show events on property located on the north side of North Road. [A-1 Zone; Map 124, Block 16, Lot 26A]. (*Deadline to close hearing 5/31/2011*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Deb Donovan, partner of Annette Fortune. Ms. Donovan apologized for Ms. Fortune's absence; Annette is in Las Vegas attending a family gathering.

Ms. Donovan reported she and Ms. Fortune have been seeking funding for the total facility but, due to the current lending market, they have gone to their second game plan, which is to create two 100' x 100' outside training fields contained within fencing, and install a small shed to store field equipment. Ms. Donovan indicated they have several national trainers who are anxious to see the project begin. **Phase one** would be the establishment of the training fields and associated parking; portable toilets would be available for the public. Hours of operation are anticipated to be 9:00 a.m. to 8:30 p.m.; classes would be held based on seasonal conditions. Potential classes could include: obedience training for 10 to 12 dogs and owners; agility training for 6 to 8 dogs; puppy classes for 10 to 12 young dogs, rally obedience classes, confirmation classes for show dogs, and others. The classes are for the dogs and their owners; no one will be dropping

off a dog for the day. Ms. Donovan suggested they are trying to give credence to backers that there is a need for these classes. **Phase two** would include the construction of the larger building which would include the doggie daycare and dog grooming facilities. **Phase three** would include the construction of a smaller 2 – 3,000 square foot building, and a larger building for inside shows.

Chairman Ouellette questioned if installation of exterior lighting is anticipated? Ms. Donovan replied negatively, classes would only be held during daylight hours. Chairman Ouellette questioned the need for security lighting? Ms. Donovan indicated there would only be field equipment – jumps and barrels, etc. – stored in the shed.

Commissioner Gowdy questioned if water would be available? Ms. Donovan suggested water would be brought in; when people come for classes they come prepared.

Chairman Ouellette cited he is concerned with adequacy of the proposed parking. Most owners will come with one car, and then there is the traffic shifting from one class to the next. He questioned where the Applicant is proposing to queue the waiting vehicles? Ms. Donovan indicated there will be approximately a half hour between classes; people will be coming in and leaving. Ms. Donovan felt there was also parking available up front on the road.

Commissioner Thurz indicated he had visited the site; he felt the current road wasn't wide enough to allow vehicles to pass one another (coming or going), and the road is currently wet; did the Applicant plan to put down processed material? Ms. Donovan suggested that when the road was constructed two trucks passed without incident. Commissioner Thurz felt it might be different for people unfamiliar with the access. Commissioner O'Brien referenced the plan, noting the road width is shown as 12' to 20'. He questioned why the road isn't being constructed at a wider width?

Town Planner Whitten questioned if any grading would be done; would the surface of the soil be changed? Ms. Donovan suggested they will have to grade for drainage. Town Planner Whitten noted the current plans lack any reference to the drainage design; they need to be revised to reflect the proposed drainage.

Commissioner Devaney questioned if the proposed parking area would be gravel or just grass as shown on the plan? Ms. Donovan replied yes (See continued discussion later during this Application). Commissioner Devaney questioned where the shed would be located? Ms. Donovan suggested it would be located to the rear; it's just a small shed. Commissioner Thurz questioned if the trailer in the back of the property is the one currently shown on the plan? Ms. Donovan replied affirmatively.

Chairman Ouellette suggested that when the Commission considers approval of a Special Use Permit there are criteria the proposed use must meet; one of the criteria is adequate access. Chairman Ouellette indicated he was struggling with the adequacy of access as proposed; other Commissioners seem to question adequacy of the access road as well.

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He indicated he is concerned with safety; he questioned Town Planner Whitten if the regulations require that the access road to be paved? Town Planner Whitten referenced Section 601.3 regarding parking and road design, noting it calls for paving unless the Commission waives the requirement. Town Planner Whitten referenced Section 601.3.d calls for a 24' wide access drive. She questioned how the Commission feels regarding a waiver of paving? Chairman Ouellette suggested he would support a 24' wide gravel access drive; Commissioner Gowdy felt the regulations call for a 24' wide access. He also felt the engineer should provide drainage information for the Commission.

Chairman Ouellette questioned if any screening would be provided for the neighbors? Town Planner Whitten suggested the project is located in an A-2 Zone.

Chairman Ouellette questioned if the Applicant is proposing any type of signage for the facility? Ms. Donovan suggested they will need a sign.

Commissioner Gowdy suggested he assumed the 24' wide road will be permanent as you develop the property? Ms. Donovan replied affirmatively. Chairman Ouellette noted that the DOT (Department of Transportation) granted a Permit for a Temporary Farm Road; the Applicant would need to go back for a permanent Permit. Ms. Donovan replied affirmatively. Chairman Ouellette questioned if there is a temporary pipe under the road? Ms. Donovan replied yes.

Chairman Ouellette queried the Commissioners on their preference for a paved or gravel parking area? Commissioner Devanney felt the parking should be paved as the area is wet. Commissioner Gowdy felt they wouldn't be holding classes if they had a couple days of rain; he was satisfied with gravel. Ms. Donovan reported that they would not hold classes if there is a tremendous amount of rain. Commissioner Gowdy cited he has concerns with drainage of the site. Town Planner Whitten noted the Commission didn't require paving at the proposed dog park. Commissioner Devanney felt the location of the proposed dog park was drier; she is more concerned with the access drive. Commissioner Mulkern felt the proposed use calls for grass parking, but the access should be paved. Chairman Ouellette agreed; he felt the parking could be gravel. He noted his concern with emergency access. Commissioner Mulkern noted the current plan calls for grass parking; he questioned what is actually being proposed? Ms. Donovan suggested it would be grass over stone.

Chairman Ouellette questioned if the property would be accessible if the classes were not being held? Ms. Donovan felt the access would be gated; there would be no need for anyone to be there if they were not going to classes. Chairman Ouellette and Commissioner O'Brien expressed concern for people getting into the back of the property. Commissioner Mulkern questioned what if someone just wanted to go back there to play baseball, or go out in the field with a single dog? He questioned how high is the proposed fence? Ms. Donovan suggested the fencing is 6' high, and is really a double fence.

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Chairman Ouellette questioned if there are subsequent phases to this project would the access road be kept in the proposed location? Ms. Donovan replied most likely.

Chairman Ouellette questioned if any landscaping is proposed? Town Planner Whitten replied negatively, noting this is an agricultural field. She noted the Commission can require landscaping if they feel it's warranted.

Town Planner Whitten suggested the following items need to be clarified:

- Access road should be 24' wide unless a waiver is sought
- Grading, if any is proposed, should be shown on the plan
- Proposed shed should be shown on site plan
- Parking and road surface should be clarified

Commissioner Devanney questioned if the Applicant needed to go to the Inland Wetlands Commission? Town Planner Whitten suggested they appeared before that Commission previously for an agricultural road. Chairman Ouellette suggested the proposal is no longer for an agricultural road; this is a Site Plan approval. No further discussion occurred.

Chairman Ouellette noted the Commission would not close the Public Hearing as they are seeking additional information.

Town Planner Whitten questioned if an affidavit for the Public Hearing sign had been submitted to the Planning Office? Ms. Donovan indicated she would question Ms. Fortune when she returns. An Affidavit Form was given to Ms. Donovan during the Meeting.

MOTION: To CONTINUE the Application of Annette Fortune for a Special Use Permit for 2 training fields to allow for dog training classes and possible show events on property located on the north side of North Road. [A-1 Zone; Map 124, Block 16, Lot 26A]. Application is CONTINUED UNTIL THE COMMISSION'S NEXT REGULARLY SCHEDULED MEETING TO BE HELD ON MAY 10, 2011 AT 7:00 P.M. AT SCOUT HALL, 28 ABBE ROAD, EAST WINDSOR, CT.

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

NEW HEARING: Merlot on the Water, LLC - Special Use Permit/Sale of Alcohol for a Liquor Permit for Merlot on the Water, a wedding, meeting and banquet facility located at 27 Depot Street, owned by Thomas R. Kuhns. [B-1 Zone; Map 98, Block 44, Lot 41]. (*Deadline to close hearing 5/31/2011*)

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Attorney Michael Deneen, representing the Applicant. Also present were Thomas Kuhns, and his daughter, Victoria.

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Attorney Deneen submitted proof of Certificates of Mailing. Chairman Ouellette questioned if the Affidavit regarding posting of the Public Hearing sign had been submitted; Mr. Kuhns was given a copy to complete.

Attorney Deneen reported that Mr. Kuhns is the business owner, while his daughter, Victoria, will be running the business. Mr. Kuhns has purchased the former Knights of Columbus Hall, which has been extensively renovated, including the bar, the ballroom (which can accommodate 150 people), the restrooms, inclusion of a bridal suite downstairs, and offices upstairs. They are seeking a Special Use Permit for an extension of the previous use, which will be rental of the facility to private patrons for weddings, banquets, meetings, etc. Attorney Deneen reported they have paved the parking lot to the left of the building. He noted Town Staff has indicated the parking lots must be striped; both lots will be striped when work is completed on the second parking lot.

Attorney Deneen also noted the adequacy of the parking has been questioned. Mr. Kuhns reported he anticipates on-site parking will provide 50 parking spaces; he also owns the Opera House, and plans to provide parking at that location and provide shuttles to this facility. Mr. Kuhns reported he also owns a property on Emily Road from which he would provide valet parking. He anticipated the Emily Road property could provide several additional parking spaces as attendants will park vehicles tightly which patrons attend events at the Knight's building.

Attorney Deneen reiterated the proposed use is essentially an extension of the previous use. The Depot Street property is served by sewer and public water. Attorney Deneen felt events should end by 11 p.m. and staff would leave the facility by midnight. Meetings would be held during the day.

Commissioner Gowdy questioned if the liquor permit would allow liquor consumption at the gazebo or the pavilion? Attorney Deneen replied negatively, noting the liquor permit would only apply to the deck and inside the facility.

Chairman Ouellette questioned if the proposed pavilion shown on the plan is included in this Application? Attorney Deneen replied negatively. Mr. Kuhns suggested the pavilion had been drawn on the plan to enable them to decide what they could do at the property. He anticipates the structure to be more of a covered picnic area where someone could be married outside if they preferred. Chairman Ouellette cited concerns that showing the pavilion on an approved plan would lead to the assumption the pavilion had been approved as well. (Discussion followed later in the Meeting regarding the pavilion).

Commissioner Thurz questioned what would happen if the Applicant couldn't get a liquor permit? Attorney Deneen and Mr. Kuhns both suggested they thought they already had a liquor permit. Mr. Kuhns noted they have tried to address neighbor's concerns, such as patrons leaving late at night. They have changed the location of the entrance, and planted over 300 arborvitae for screening.

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Chairman Ouellette reported he had concerns regarding the very large lighting fixtures installed on the outside of the building. He has passed the building at different times and the lights seem to be on all the time. They also don't conform with current regulations. Chairman Ouellette suggested the lights should be "down lit"; Town Planner Whitten concurred. Commissioner Gowdy felt the lights would bother neighbors. Mr. Kuhns suggested most neighbors have thanked him for putting up the lights, as the location is a cut-through to Mill Pond. Chairman Ouellette noted he understood the intent of the lights, and agreed they were beautiful, but suggested the Applicant should ask for a waiver. Mr. Kuhns reported he has recently limited use of the lights; he had thought more of the era of the building when choosing the lights. Commissioner O'Brien questioned if there would be other lighting? Mr. Kuhns reported only some spotlights and the CL&P pole lights; the building is alarmed. After reviewing the regulations (Section 603.2) Town Planner Whitten suggested the Commission didn't have the right to grant a waiver; she suggested buying smaller bulbs or adding paint as a cut-off feature to the fixtures.

Attorney Deneen submitted an Affidavit regarding mail notification to abutting property owners.

Commissioner Thurz returned discussion to the amount of available parking. Town Planner Whitten noted she had advised the Applicant she was looking for a parking plan which also included striping of the spaces within the lot. She had also asked for alternatives if an event was being held at the Opera House at the same time as an event being held at this location. Mr. Kuhn reported he currently has vacancies at his Emily Road property; he could send over flow parking to that location. Town Planner Whitten questioned a guesstimate of available spaces on Emily Road. Mr. Kuhn suggested perhaps 75 spaces. He suggested the average wedding is for 175 guests; he felt his parking options were adequate.

Chairman Ouellette clarified pending issues as follows:

- Revise plans to include modification of the note on the plan regarding the proposed pavilion, or remove the pavilion from the current plan entirely
- Provide a striped parking plan for the subject location
- Provide the number of available off-site parking spaces
- Provide shields for decorative lighting on building.

Attorney Deneen advised the Commission the Applicant needs approval from this Board before he can submit a permit application to the Liquor Commission, and they have an event booked for June. Attorney Deneen suggested the use is essentially the same as the previous use; there will be more than adequate parking with the valet parking. The Liquor Control Commission takes 60 days to approve a full liquor permit, and up to 30 days for a provisional permit. Attorney Deneen indicated they were anticipating approval of the Application this evening.

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Commissioner O'Brien questioned how many additional spaces could be provided if they expanded the parking lot on the left? Chairman Ouellette reiterated they have acknowledged 50 spaces at the Depot Street location, and an additional 40 spaces at the Opera House, which would total 90. Mr. Kuhns has suggested the typical event would entertain 150 people; not everyone would drive by themselves to the event. Victoria Kuhns suggested people from out of town book rooms at local hotels and wouldn't need as many spaces. Chairman Ouellette queried if the Applicant felt they could provide 100 parking spaces at the Emily Road location? Mr. Kuhns felt they could, particularly if they provide valet parking. Chairman Ouellette felt the parking requirements could be included as an additional condition of approval.

Town Planner Whitten suggested the Applicant needs to work with the Building Department regarding handicapped parking. Mr. Kuhns reported 3 handicapped parking spaces will be added near the ramp.

Commissioner Mulkern questioned if people could park on the side of Emily Road? Mr. Kuhns replied negatively, noting they wouldn't know they could park there.

Chairman Ouellette queried the audience for comments; no one requested to speak.

The Commission considered action options regarding this Application.

MOTION: To CLOSE the Public Hearing on the Application of Merlot on the Water, LLC for a Special Use Permit/Sale of Alcohol for a Liquor Permit for Merlot on the Water, a wedding, meeting and banquet facility located at 27 Depot Street, owned by Thomas R. Kuhns. [B-1 Zone; Map 98, Block 44, Lot 41].

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

MOTION TO APPROVE the Application of Merlot on the Water, LLC and owner Thomas R. Kuhns requesting a Special Use Permit for a Liquor Permit for premises located at 27 Depot Street, Broad Brook, Zoned B-1, Assessors Map 98, Block 44, Lot 41.

Referenced Plan:

Plan prepared for Thomas R. Kuhns, 27 Depot Street, East Windsor, CT. Zone B-1, Map 23*, Blk 44, Lot 41, prepared by Sanderson & Washburn, P. O. Box 55, 15 Main Street, Tariffville, CT. 06081, 860/658-2307, 860/651-7157 fax,

Conditions of Approval:

- 1. The Full Liquor License is permitted as accessory and incidental to the restaurant/banquet use.**

2. By granting a full liquor license the Commission is not permitting a bar and the use must remain as a restaurant/banquet facility.
3. A full restaurant menu or catering 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 and mylar shall be filed, by the applicant, on the Land Records.

ADDITIONAL CONDITIONS OF APPROVAL:

6. Parking areas need to be striped and shown on the plans with a parking study.
7. Plans should reflect the NEW Assessor's MAP(*) BLOCK NUMBER of 98/44/41.
8. Zoning Table must show existing conditions.
9. Lights on building may need to be altered to meet Section 603.2. Requirement is conditioned on Staff approval.
10. Pavilion to be REMOVED from plans.

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:20 p.m. and RECONVENED at 8:25 p.m.

BUSINESS MEETING/(1) Discussion on Route 140 – Sewer Extension/Zoning Issues:

Town Planner Whitten reported she received permission from the Board of Selectmen and the Board of Finance to hire a facilitator to assist with the proposals for development along Route 140; the request still needs to go to a Town Meeting next Tuesday.

BUSINESS MEETING/(2) Discussion on Section 811 – Adult Oriented Establishments – continued:

Town Planner Whitten reported she has nothing new to discuss on this topic.

BUSINESS MEETING/(3) Incentive Housing Zone – continued:

Town Planner Whitten provided a handout for the Commission's review.

BUSINESS MEETING/(4) Correspondence:

Town Planner Whitten provided the Commission with correspondence from First Selectman Menard regarding the addition of a Public Participation item to Commission Meetings. Discussion followed, including the concern that Land Use Boards might unintentionally be drawn into discussion which could have legal ramifications for potential or future applications. Selectman Pippin suggested the Chairman must set qualifications for discussion at each meeting. The Commission decided to add Public Participation prior to Approval of Meeting Minutes; Commission Bylaws must be revised and the revision voted on.

BUSINESS MEETING/(5) Staff Reports:

Town Planner Whitten reported Violation Hearings have been held with two individuals; resolution is pending on both.

SIGNING OF MYLARS/PLANS, MOTIONS: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:44 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3828)