

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

**Public Hearing #1590
May 10, 2011**

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

The Meeting was called to order in the large Meeting Room at Scout Hall, 28 Abbe Road, East Windsor, CT. at 7:00 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, arrived at 7:10 p.m.) were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Mulkern, upon his arrival at 7:10 p.m., joined the Board regarding discussion on all Items of Business this evening as well

Also present was Town Planner Whitten.

GUESTS: Please see presenters during specific Agenda Items.

ADDED AGENDA ITEMS: None

APPROVAL OF MINUTES/April 26, 2011:

MOTION: To APPROVE the Minutes of Public Hearing #1589 dated April 26, 2011 as amended:

Page 1, ESTABLISHMENT OF QUORUM: “Alternate Member Mulkern would also join the Board regarding discussion, ~~and action,~~ on all Items of Business this evening as well.”

Devanney moved/Gowdy seconded/

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Warehouse Point Congregation of Jehovah's Witnesses for Site Plan Approval to add lights to parking area at 202 North Road. [A-1 Zone; Map 125, Block 27, Lot 3].
2. Application of Jeff Malave for Modification of Approved Special Use Permit for Meadow Farms, to remove the requirement of guardrails for property a 1

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Farms Road, owned by Southwood Builders. [R-1 Zone; Map 99, Block 53, Lot 14-9].

3. Application of Newberry Road Enterprises for Modification of Approved Site Plan & Special Use Permit for existing volume reduction center at 68 Newberry Road, owned by Steve Dearborn. [M-1 Zone; Map 93, Block 19, Lot 6].

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer Thursday, April 28, 2011, and Thursday, May 5, 2011, was read by Chairman Ouellette:

1. 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 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].
2. Application of KROS East Windsor, LLC for a Special Use Permit for General Development Plan for retail/service establishment of up to 200,000 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].

CONTINUED 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 proposal was Annette Fortune. Ms. Fortune submitted a signed affidavit regarding display of the Public Hearing signage.

Responding to concerns raised by the Commission at the previous Meeting, and Town Engineer Norton under his memo dated May 9, 2011, Ms. Fortune noted the current driveway is 1 ½' of processed gravel which was installed as a temporary road. The road is currently approximately 350' long, with a loop area of approximately 10'. Ms. Fortune noted she must reapply to the State for a permit for a permanent road after receiving local approval. She suggested she thought that the 20' width would be sufficient to allow passage of two cars; she would like to request that she be allowed to keep the 20' width rather than the 24' width required under current Zoning Regulations.

Ms. Fortune indicated this proposal is for the installation of two 100' by 100' training fields, which will be surrounded by a 6' chain link fence. The fields had previously been plowed by a farmer; Ms. Fortune didn't anticipate the need for any heavy equipment to regrade the area of the fields. Ms. Fortune explained that the training fields are a controlled environment. Dogs are not allowed to soil the fields, and are on leashes and are not allowed to associate with other dogs during training. The fields would NOT be available to the public for those reasons. A two-level scoring shed (approximately 20' x 26') will be located within the fenced perimeter; judges would sit on the second level to be able to judge both field work. The judges shed will be located in the center of both fields, and may be set up on pillars, which may require additional excavation for drainage. All dogs will also be registered. Two smaller – 8' x 10' - sheds will be located on each of the fields as well.

Ms. Fortune reported classes will begin around 9:00 a.m. and continue at intervals throughout the day through the evening. She does not intend to light the fields. Ms. Fortune reviewed the type of classes to be held, anticipated class size for each discipline, and the shifting of traffic associated with the change of classes. Port-a-potties will be used until the sewer line is completed. Ms. Fortune suggested she is hoping if these fields are well received then she plans to construct a larger building with permanent bathrooms.

Regarding the parking concerns, Ms. Fortune indicated she is hoping to have grass parking, as she can't hold training classes or shows during rainy weather. When she is able to hold the events inside the weather concerns will go away.

Chairman Ouellette referenced Town Engineer Norton's memo dated May 9, 2011 which includes concerns for the gravel parking areas and the road width. Ms. Fortune indicated she would like to keep the 20' width rather than the 24' required under the regulations. Chairman Ouellette clarified that the regulations require a 24' road width; Ms. Fortune could request a waiver which requires a super majority, or 4 out of 5 votes in favor of the waiver. Commissioner Gowdy cited concern for emergency access for fire, police, and ambulance personnel. Commissioner Devaney suggested she would rather see a gravel surface because of concerns for emergency vehicles as well. Chairman Ouellette questioned if the Fire Marshal has responded to a request for review of plans; Town Planner Whitten reported no response has been received as of this Meeting. Town Planner Whitten reported she had spoken with Town Engineer Norton, who indicated he wasn't so much concerned about grass vs. gravel as he was with the Town not having approved grass parking lots on any other applications. Town Planner Whitten suggested this might be considered similar to the temporary parking for fire festivals; Commissioner Thurz suggested this will be facility that operates for most of the year.

Town Planner Whitten questioned how the Commission felt about a 20' road if the Fire Marshal is agreeable to the 20' width? She recalled that driveways to rear lots are allowed to be 12' wide with a 3' open area on either side which equals an 18' width. Chairman Ouellette queried the Commission for comments; Commissioners Thurz,

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Devanney, O'Brien, and Mulkern could agree to the 20' width. Commissioner Gowdy cited concern for heavy emergency vehicles going off the side of the road into the grass; he also was uncomfortable with the not meeting the regulations on this proposal as if it's successful he anticipated there would be much more traffic. Chairman Ouellette suggested there would be another application for increased activity but he, too, is uncomfortable with the 20' waiver. He felt there was not enough reason to waive the regulation requirement. Commissioner O'Brien suggested he is concerned with the 10' loop regarding emergency accessibility.

Chairman Ouellette suggested Ms. Fortune needs to provide an answer to Town Engineer Norton's comment #5 regarding hydrologic calculations and how run off from the parking lots will be handled.

Chairman Ouellette also noted Town Planner Whitten had asked Ms. Donovan at the previous meeting to provide a package of proposed signage for the facility. Ms. Fortune suggested they are considering something like the sign at the high school which allows perhaps 3 (interchangeable) lines to advertise the various classes. She suggested they do not anticipate that the sign will be lighted, but may be illuminated with a spotlight when electricity is available to the site. Town Planner Whitten suggested the Commission must know the height, size, and location of the proposed sign.

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

Chairman Ouellette suggested the Public Hearing will be held open as additional information is required; he requested a motion to continue the Hearing.

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]. The Application is CONTINUED until the Commission's regularly scheduled Meeting to be held on Tuesday, May 24, 2011, at 7:00 p.m. in the Town Hall Meeting Room at 11 Rye Street, Broad Brook, CT.

Devanney moved/Gowdy seconded/

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

NEW HEARINGS: KROS East Windsor, LLC - 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 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 39 and 30] (*Deadline to close hearing 6/14/2011*); **AND, KROS East Windsor, LLC** – Special Use Permit for General Development Plan for retail/service establishment of up to 200,000 square foot located at 44 and 54 Prospect Hill Road, under proposed HIFZ zoning

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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]. (*Deadline to close hearing 6/14/2011*):

Chairman Ouellette read the descriptions of both Hearings. Information will be heard for both Applications concurrently; at the time a decision is anticipated a vote will be taken on each Application separately.

Appearing to discuss the Applications were Attorney Thomas Fahey, of Windsor Locks, representing the Applicants; Rob Oris and Eric Spungin, partners in KROS East Windsor, LLC; Robin Pearson, of Shipman, Sosensky & Marks, LLC, Co-Counsel; Darin Overton Engineer, Stephen Dietzko, Engineer, Phil Mikalowski, Certified Planner, David Sullivan, Traffic Engineer, and Jason Williams, Landscape Architect, all of Milone and MacBroom.

Attorney Fahey introduced the project team. He submitted an affidavit regarding posting of signage advertising the Public Hearing and a copy of the Legal Notice.

Attorney Fahey indicated the Applicant is submitting an Application for a Change of Zone; he noted the regulations also allow the Applicant to submit a Special Use Permit Application simultaneously. He indicated he would like to have one Public Hearing because so much of the information is inter-related. The project team held their informal conference in March; the record for that discussion already exists.

Attorney Fahey reported this is the second Application for a Highway Interchange Floating Zone (HIFZ); the first Application was also requested by Mr. Oris and Mr. Spungin for the Wendy's site across the street. Attorney Fahey suggested the HIFZ is important for the site as it allows the flexibility to remove the existing ice cream facility and proposal of a new retail establishment utilizing flexibility of impervious coverage, parking, signage, landscaping, and design issues.

Attorney Fahey submitted the following:

- Petition to amend the Zoning Map to establish the HIFZ at this location
- Justification Statement and detailed Fiscal Impact Study for HIFZ
- Special Use Permit Application for the General Development Plan
- Consent and Authorization from the owners
- Names of individuals affiliated with applicant/owner of Limited Liability Company
- Property Survey for 44 and 54 Prospect Hill Road
- Complete Plan Set
- Report – “General Planning Appropriateness & Fiscal Impact Study for proposed HIFZ
- Traffic Report

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- Report – “Engineering Report” and “Engineering Report Addendum 1”
- Letter from Water Pollution Control Facility/Authority (WPCA) regarding capacity and construction approval
- Statement proposed HIFZ Zoning requirements compared to existing Zoning requirements
- (East Windsor) Inland Wetlands Permit for Regulated Activity for Town-owned Kogut property
- Application fees
- Minutes from February 22nd, 2011 (PZC) informal meeting

Attorney Fahey also requested all plans and documents being submitted at this Meeting be included in the records of the Hearings.

Attorney Fahey advised the Commission that the Inland Wetlands Commission was very happy with the Application as it provides off-site mitigation on the Town property. The Applicant will be providing a \$200,000 Cash Bond to the Town for implementation of the mitigation plan, whether the work is done by the Town or outside contractors.

Attorney Fahey advised the Commission of the following *revisions* to the material submitted:

- The plan set indicates the light fixtures to be 42’ in height. Town Planner Whitten had subsequently advised the Applicant that the 42’ would be in excess of Regulation requirements. *The light fixtures will be revised to be shown to be 25’ in height.*
- Regarding signage, in the document comparing zoning standards for the HIFZ vs. the underlying zone under Section 602.4 the proposal is for each business to be permitted to have 7 signs not to exceed the 1:8 square foot ratio. Town Planner Whitten has suggested that the proposal could be interpreted that if there is more than one business at the subject location each business could have 7 signs. The Applicant is revising the proposal to reflect *that the site is permitted 7 building mounted signs not to exceed the 1:8 ratio.*

Attorney Fahey introduced **Darin Overton, Professional Engineer, from Milone and MacBroom**. Mr. Overton referenced aerials of both the existing, and the proposed site. He noted the two parcels combined contain 18 ½±/- acres; one of the parcels is currently zoned M-1 while the second parcel is currently zoned B-2. The proposal is to rezone both parcels as a Highway Interchange Floating Zone (HIFZ). Most of the area around the combined parcels is currently zoned either as commercial or industrial, with a couple of residences located on Newberry Road. The combined parcel provides frontage on Prospect Hill Road and Newberry Road. Page 2 of the Design Plan lists various abutters and existing zones. The next page of the Plan set shows the existing conditions based on a field survey; the shaded area reflects slopes greater than 10%. Mr. Overton indicated the site slopes from the north to the south towards Newberry Road.

Mr. Overton noted that one of the parcels contains an existing ice cream facility which is currently in operation. Under the proposed Application that facility would be demolished. That parcel currently has an access drive at both Prospect Hill Road and another at Newberry Road. Wetlands and the upland review area at that parcel have been mapped. The Applicant received approval from the Inland Wetlands Commission to fill the existing wetlands (in lieu of mitigation at the Kogut property). The existing site is currently served by various utilities – public sewer, water, and gas. Sheet 4 shows a color enhanced Landscape Plan. The proposal is for a 200,000 square foot commercial/retail building to be developed under the HIFZ Regulations. They are proposing 4 parking spaces for every 1,000 square feet of development; the Application proposes 803 parking spaces, 22 of which will be handicapped spaces. The proposed parking exceeds the standards for the current zone. Three entrances are being proposed for the combined parcel. The main entrance will be located at Prospect Hill Road across from the Wendy's access drive. A secondary entrance will be located at Newberry Road, and a third entrance – for truck traffic to the loading docks at the rear of the building – will be located at Newberry Road as well. Landscape islands are being proposed primarily at every 3rd bay/aisle of parking, others are being proposed at every 4th aisle. There will be perimeter landscape treatments around the facility. Storm water basins will be planted with a variation of vegetation. They have made revisions to Sheet 4 – the Landscape Plan – to show a more detailed list of plants and shrubs, and counts of various species of vegetation to be planted. They have also created a landscape entrance treatment along Prospect Hill Road, and also along the secondary entrance at Newberry Road.

Mr. Overton recalled that at the preliminary meeting it was suggested they look at internal connections within the site. In response they are providing an internal connection at the south property line on the north east corner of the Rasmussen property. The plans also include a Zoning data table.

Mr. Overton reported they submitted Architectural Details/Elevations (dated May 6th) for potential tenants. The tenants have not yet been identified. Revised architectural details have been submitted dated May 9th. Mr. Overton referenced the May 6th plans, noting Sheet 1 shows the horizontal planes and elevations of the building. The different shadings represent different textures; the color of the structure isn't known at this time. Both the textures and the color will break up the mass of the structure. Sheet 2, 3, and 4 are closer views of the structure and entrance. Commissioner Thurz questioned if more than one tenant is proposed? Mr. Overton suggested one tenant is anticipated at this time.

Mr. Overton referenced the Site Plan, noting utilities are shown in green while storm drainage is shown in blue. Surface run off from the parking lot and run off from the building will be collected in separate collection systems. There will be 2 storm water basins located on the south side of the building; both basins tie into the storm water drainage system located in Newberry Road. They are also including 2 permanent pools designed for zero increase in run off. The two existing drainage basins located on the Eddie's Ice Cream property will be removed. The DOT drainage system along Prospect

Hill Road currently has gaps in the swale; they will contain the drainage in one continuous swale.

Mr. Overton reported there will be one lateral sewer connection at Prospect Hill Road. He referenced the letter from the WPCA indicating final approval for the connection. The Connecticut Water Company has provided information that they can provide the necessary capacity and sufficient pressure to the facility.

Mr. Overton reported they have had preliminary meetings with the Police Department and the Fire Marshal; those comments have been incorporated in the proposed design.

Jason Williams, Landscape Architect, from Milone and MacBroom, presented the Landscape Plan. Mr. Williams suggested the entire site needs to impact the viewer as they come off the highway. They are proposing a curved fieldstone wall at the Prospect Hill Road entrance; the intent is to simulate the agricultural walls used throughout New England. Low, ornamental grasses and small flowering species will be planted within this entrance treatment; beyond that Red Bud, White Ash, and Shadblow trees will be planted. Columnar trees, with under-plantings of ground coverings, will be planted at the Newberry Road entrance. A fieldstone wall will be replicated in this area as well. White ash, red maple, and other native species will be planted within the parking islands. The majority of the shrubs proposed are native species, and will stay 3' or below to maintain the sightline for traffic. The detention basins will be heavily screened with Red Cedars and other species.

Phil Mikalowski, Certified Planner, with the Planning Group of Milone and MacBroom, addressed the harmony of the project with East Windsor's existing planning objectives. Mr. Mikalowski suggested the proposed development is consistent with East Windsor's Plan of Conservation and Development (POCD) as it fits with the POCD's vision for East Windsor – the need for long-term economic development and the Town's involvement – by providing availability of and supporting infrastructure - to accomplish that goal. Mr. Mikalowski suggested changing the zone of the subject parcels will increase the likelihood of that development to occur. He also noted that the Capital Region Council of Government's (CRCOG) Regional Plan recommends that towns focus development where there is existing, or proposed, infrastructure. The State Plan of Conservation and Development reiterates CRCOG's plan of focusing economic development where there is the capacity and infrastructure to support the proposed development. Mr. Mikalowski suggested this area is considered the growth area for economic development; this proposal implements those policies previously stated.

Mr. Mikalowski suggested the proposed rezoning of the subject parcels is appropriate because:

- The proposed development is consistent with the majority of surrounding uses.
- The traffic generated by a retail use will be handled primarily by Prospect Hill Road and the access to I-91.

- The proposal is in harmony with the surrounding area which transitions from industrial to retail.
- The large capital investment of the project may make the surrounding properties more valuable.
- This community currently lacks the large-scale retail facilities, and its construction will also add to the Town's tax base.
- The facility will provide local residents to a wide range of goods and businesses.
- The 200,000 square foot building will provide approximately 400 jobs
- Approval of the project implements the stated goals in the Town's POCD.

Mr. Mikalowski referenced the fees which this project has generated to date. They include:

- Building Permit Fees of \$387,000+/-
- Planning and Site Plan Review Fees of under \$20,000+/-
- Inland Wetlands Fees of \$23,000+/-
- Sewer Connection Fees of \$200,000+/-

Mr. Mikalowski noted total fees collected associated with this project are \$630,860.

Mr. Mikalowski suggested a project of this scale will provide the following on-going revenue:

- Increased land value due to development will be under \$1.4 million for an estimated \$33,000 in annual taxes
- Retail use value of \$14 million will generate \$347,000+/- in annual taxes.
- Business equipment at an approximate value of \$3 million will produce approximately \$71,000 in annual taxes.
- Sewer Usage fees will be \$10,000 annually.

Mr. Mikalowski noted total revenue generated with this project will be approximately \$452,000. Deducting current annual taxes of \$43,000 generated by the parcels, and \$91,000 General Fund Cost Increase related to the project the total net fiscal impact is approximately \$328,000 in additional annual revenue.

Mr. David Sullivan, Senior Traffic Engineer with Milone and MacBroom, addressed traffic issues. Mr. Sullivan reported access to the proposed development site is currently accomplished via Exit 45 which funnels traffic onto Bridge Street and Prospect Hill Road – upon which are located the (now vacant) Showcase Cinema and an existing Walmart's. A new access driveway for the development is proposed to be located opposite the Wendy's access drive. Exit 44 also brings traffic to the proposed development site; new access drives are proposed on Newberry Road.

Mr. Sullivan reported they reviewed accident reports, and existing traffic data – including Friday afternoon and Saturday peak hours - for the subject location. Collection of data included both manual and automated traffic counts. The data was provided to the Connecticut Department of Transportation (DOT). The project was given a generally favorable review, although some concern was expressed regarding Exit 44.

Mr. Sullivan reported they also considered background traffic conditions. While the annual traffic growth on Route 5 has been flat for purposes of comparison they increased traffic volume 1% per year to be conservative. They also included traffic studies for a proposed home improvement store, the mushroom factory on Newberry Road, and the Showcase Cinemas which is currently closed.

Mr. Sullivan reported they also reviewed sight line distances for the 3 driveway locations. With regard to Prospect Hill Road/Route 5 the 85th percentile travel speed is 45 miles per hour. The DOT recommended intersection sight distance for 45 miles per hour is 530' looking to the right (exiting the site) and 500' looking to the left. The intersection sight distance for the main driveway on Prospect Hill Road is greater than 530' looking to the right, and exceeds 500' looking to the left.

On Newberry Road the 85th percentile travel speed is 40 miles per hour for eastbound traffic and 43 miles per hour for westbound traffic. Based on those speeds the DOT recommended intersection sight distance is 475' looking to the right and approximately 470' looking to the left. The intersection sight distance for the Newberry Road entrance exceeds 475 feet looking to the right and exceeds 470' looking to the left.

As a tenant has not been identified for this site Mr. Sullivan reported they estimated future site traffic based on the ITC (Institute of Transportation) Engineer's 'Trip Generation' manual. They based estimates on a free-standing discount superstore, which anticipate a total site generated traffic volume of 920+/- trips per day (half trips in and half trips out) for a Friday afternoon, and a total site generated traffic volume of 1130 (half trips in and half trips out) for a Saturday midday peak hour.

Mr. Sullivan noted Walmart's already exists in the area and provides site traffic volumes for a retail facility. DOT allows retail developments a 20% credit for pass-by traffic (drivers already on the road passing the site). Taking into consideration the pass-by credit weekday afternoon peak hour will generate 180 pass-by trips and 740 new trips; Saturday midday peak hour will generate 220 pass-by trips and 910 new trips. All estimates consider the total trip generation to be split half trips into the site and half trips out of the site.

Mr. Sullivan reported that signal analysis of the site indicated a traffic signal is warranted at the Prospect Hill Road entrance, while traffic wasn't heavy enough on Newberry Road to require installation of a traffic signal at that location.

Mr. Sullivan indicated that capacity analysis is based on the adequacy of adjacent roadways to accommodate the anticipated traffic due to development of the site. 2013 background (prior to development) conditions and 2013 combined (after development) conditions were used to develop the Level of Service analysis for adjacent intersections. The intersections analyzed include Route 5 at Exit 44/Newberry Road, Route 5 at Thompson Road, Route 5 at Big Y/Walmart, Route 140 at Showcase Cinema driveway

Route 5 at Route 140, Route 140 at Exit 45, and Newberry Road. Mr. Sullivan reviewed the various levels of service, noting that generally most intersections operate satisfactorily during peak hours under combined conditions while some locations operate poorly during background conditions. He suggested operations at several locations will improve when implementing proposed improvements (additional road lanes and/or traffic signals). See Application Traffic Report for specific recommendations.

Mr. Sullivan then discussed the queuing analysis. He suggested that queuing conditions at intersections are based on the availability of turn lanes. To avoid back up of traffic they are recommending mitigation via the addition of a second through lane northbound and a left-turn lane southbound at the site of the proposed main entrance. This entrance will be managed with a new traffic signal light as well. They are also proposing mitigation at Exit 44 via lane revisions, removal of the center island, and pavement signage. Mr. Sullivan reported they are not proposing any revisions of signal timing at present.

MOTION: To TAKE A FIVE MINUTE BREAK.

Devanney moved/Gowdy seconded/

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

The Commission RECESSED at 8:45 p.m. and RECONVENED at 8:55 p.m.

Attorney Fahey queried the Commission for questions related to the project.

Commissioner Thurz questioned who the anticipated tenant would be? Mr. Oris reported they have talked to numerous tenants, all of whom require confidentially “agreements”. They don’t really have a tenant at this point, but have designed development for a 200,000 square foot retail facility. Commissioner Thurz questioned if the values used in the Fiscal Impact Study would be over-stated if the tenant were an existing business in town? Mr. Mikalowski suggested that if someone moves from another site in town the assessed value of the site vacated will stay there, and the site will get recycled into new uses. He felt the only negative impact would be personal property tax would be smaller. Mr. Mikalowski didn’t feel that would be a big issue. Mr. Spungin also felt that development of this size would be likely to draw other business to the area. Mr. Oris suggested that they used conservative numbers when calculating the land and building values; he felt the numbers could be higher. Town Planner Whitten noted that the plan before the Commission is a conceptual plan with an unidentified tenant; the site development plan would include a more detailed analysis. Commissioner Thurz concurred, but suggested it’s difficult to vote on a vision for East Windsor if the Commission doesn’t know what that vision is.

Chairman Ouellette applauded the design team on the development of the project. He noted that most traffic is funneled to the front entrance. He cited that not a lot of trips have been associated with the driveway on Newberry Road; he questioned if that was

because that driveway is considered a truck delivery driveway? Chairman Ouellette felt many people would like to use that entrance to go through to the front of the building. Mr. Sullivan felt that issue could be addressed with signage; he didn't feel installing a gate was a good idea. Mr. Overton suggested they have tried to distribute traffic through the site via their design; they are trying to keep much of the traffic away from the main building entrance where the pedestrian traffic will occur. There will always be people who know the area and will know ways to get around the parking lot.

Commissioner Thurz recalled that the design team had mentioned putting a stop sign at Newberry Road. Mr. Overton reported they had considered putting a signal light at Newberry Road but the anticipated traffic didn't warrant the installation. The Police Department won't tell them if they want a light at that location until the design goes through the STC (State Traffic Commission), however they weren't opposed to a light. Perhaps a light might be installed at Newberry Road after the STC review.

Commissioner Thurz noted significant traffic is generated in the morning, lunch, and dismissal of Lincoln Technical School down Newberry Road. Mr. Sullivan reported that based on the automated traffic count the highest traffic was found to occur on Friday afternoon. The current traffic signal operates fine. Mr. Overton reported that the Police are aware of the issues at Lincoln Tech and are working with the school to control the speed and traffic.

Discussion continued regarding the issues associated with an unidentified tenant. Mr. Oris explained they are working with multiple potential tenants and spoke of the difficulty of acquiring a tenant during the current economic climate. Mr. Spungin suggested the proposed development would eliminate the current ice cream facility with a more attractive development. Various types of compatible businesses were discussed.

Chairman Ouellette opened discussion to the audience:

Gerry Wilcox, 50 Newberry Road: compared this project to the movie project proposed in South Windsor. The South Windsor project was given a tax break; he didn't hear these people ask for one here. Mr. Wilcox felt these people have done a lot of work on this project; he encouraged the Commission to take this project seriously and go forward.

No one else from the public requested to speak.

Chairman Ouellette noted the Conceptual Plan has sidewalk components up to what might be a front door; he questioned the rationale for that treatment? Mr. Overton indicated they wanted to encourage pedestrian friendly access through the parking lot; there might be a bus stop at the front of the lot. The intent was to provide a safe pedestrian route into the facility.

Chairman Ouellette noted various Commissioners had expressed concerns for people not knowing where to go when they come off the Exit 44 ramp. He concurred; he sees that

condition every day, and anticipates that condition to worsen. Today drivers are stuck in the left lane, now they will have an opportunity for a center lane; people drive irresponsibly, he sees people keeping their current traffic patterns/habits. Once they turn onto Route 5 and they will want to weave over 500' to get into the proposed site. Currently there is only one lane and you wait your turn. Mr. Sullivan suggested that the off ramp recommendation gives a driver only a short weave opportunity and makes a balance of people needing to merge more even. He indicated he is aware of the existing situation; he felt people will learn. He cited a similar situation in his hometown, and noted the area operates beautifully now. He suggested he envisions the same type of situation with this 500'. Mr. Sullivan felt the 500' is an adequate distance to make that weave.

Chairman Ouellette suggested he is concerned with the number of lanes proposed for Exit 44. He noted there is currently a lot of traffic to and from the south on Route 5; a lot of that is truck traffic. He noted one of the plans he reviewed shows removal of the raised island at the Exit 44 ramp to provide for the lane revisions. He cited he is concerned about the double left lanes onto Route 5, as they are proposed for an 11' width. Mr. Sullivan indicated they are not proposing to widen the lanes on "this" side of the road. He suggested if they did need to increase the lanes to 12' they would have to re-evaluate the plan. Chairman Ouellette noted that on one of the plans there is a notation "partial land acquisition" to construct the southbound lane. Mr. Spungin suggested they own, and have full control, of that land

Commissioner Devaney questioned if there would be outside cart storage in the parking lot? Mr. Overton replied affirmatively while noting the plan details.

Chairman Ouellette questioned if there would be the potential for the display of outside merchandise, and would that depend on the tenant chosen? He suggested his concern is certain retailers put mulch, etc. in the parking lot during certain seasons. He noted that currently Walmart does that, and it doesn't look good. Some retailers have an outside area built into the building. Attorney Fahey and Mr. Spungin suggested the Site Plan will address that question; it will be keyed to the tenant. Mr. Oris suggested there are other tenants that do the same thing, such as home centers have rental equipment outside. Chairman Ouellette reiterated he doesn't like the practice. Mr. Spungin suggested clothing retailers bring clothes outside; that isn't pretty either.

Chairman Ouellette suggested the proposal calls for a signalized driveway on Route 5 at the Wendy's access. He referenced Mr. Sullivan's chart on page 32 of his traffic report, which indicates the length of the southbound lane will be 150'. Chairman Ouellette questioned that vehicles would be able to get to that lane due to stacking. Mr. Sullivan suggested they have an opportunity to make the lane somewhat longer, and to give it less time to reduce the queue. Chairman Ouellette recalled that during the pre-conference meeting he had asked the Applicant to look at the possibility of signalizing at another location but he understands that isn't practical. He felt the traffic backup will go back to the other light, and has been told it's a sightline issue. Chairman Ouellette felt the road

crested in the area of LaRenaissance. He questioned if there is enough distance southbound to see cars stopping in front of you? Mr. Sullivan suggested a driver would have probably 400' which probably would be adequate; the sightline distance is 500'. Mr. Overton suggested he didn't recall a crest at the LaRenaissance location; he felt it was further north. Mr. Overton suggested the project entrance would be 360' past LaRenaissance; he felt the grade was relatively consistent in that area and the sightline distance is pretty wide open. Commissioner O'Brien questioned the length of the left turn lane? Mr. Sullivan suggested it seems to be over 600' from the end of the queue. Chairman Ouellette indicated he is satisfied with the answers. The back up in the straight lane will be longer than the turn lane. He complimented Mr. Sullivan on the preparation of the traffic study.

Chairman Ouellette noted he is concerned with the landscaping treatment with the stone wall at the Route 5/Prospect Hill Road entrance drive; he is concerned that it may be proposed on State property and questioned if it would be allowed. In response to Chairman Ouellette's questions Mr. Williams indicated the mature height of the proposed trees will be 35' and 8-10" in diameter. Chairman Ouellette felt that height/size would cause the trees to be considered a fixed feature which would be located on someone else's property. He suggested if the trees are found to be located outside of the "clear zone" they would be ok. Mr. Overton suggested they understand the requirements and are working with the DOT on the proposal.

Commissioner Thurz questioned the size of the light poles, and the type of fixtures, being proposed? Mr. Overton reported they had considered higher lights in the parking lot, but understand nothing above 25' has been approved. They are currently asking for something a bit higher than 25'. If the poles are shorter they will need more poles. A lighting plan will be included in the Site Plan. Town Planner Whitten noted the lights must be full cut-off fixtures.

Chairman Ouellette noted the proposal for parking islands every 3 vs. 4 rows; he questioned if they would consider any other parking layouts? Mr. Overton reported there are always a lot of preliminary designs, and they went with this proposal. They are trying to achieve efficiency but also take into consideration pedestrian safety. They tried to combine full landscape islands but lost efficiency in some areas so they went with islands at the 4th islands and went with trees to break it up. Mr. Overton felt the proposal was the best plan. Town Planner Whitten noted that usually a landscape island is 6' wide, yet the proposal is for 20' wide. Mr. Overton clarified that the islands are about 15' wide. Mr. Williams suggested they proposed the wider islands when considering snow removal.

Town Planner Whitten suggested with the number of parking spaces proposed she felt the parking lots are over-designed; Chairman Ouellette concurred, noting that at the next level of review there is the opportunity to consider less parking. Chairman Ouellette questioned if approval of the General Development Plan locks the Commission into this number of parking spaces? When the tenant is identified can the Commission request revision of the parking? Town Planner Whitten referenced Section 601.4, noting the

Commission has the right to amend under the Site Plan approval process. Attorney Fahey suggested that when they present the final Site Plan it will provide the number of spaces the tenants will want. Mr. Oris suggested that unless the building size is reduced the number of spaces probably will be what it is.

Chairman Ouellette queried the audience again for comments; no one, other than Mr. Wilcox earlier, requested to speak.

Chairman Ouellette queried the Commission for additional comments or questions; no one raised any questions. Chairman Ouellette noted the Commission has not received comments from Town Engineer Norton but understood that's not uncommon at this level of an application. Chairman Ouellette asked if the Commission was ready to close the Public Hearing and take a vote this evening? Attorney Fahey suggested almost all of the questions the Commission has raised are Site Plan questions. At that time they will be specific regarding a tenant. Attorney Fahey suggested the Applicant would like to close the Public Hearing and take a vote tonight.

Chairman Ouellette advised the design team they did a phenomenal job by laying everything out for the Commission; the Commissioners concurred. Town Planner Whitten commended the entire (design) team, noting they have come through with everything requested, including the landscape details which were not really needed.

Attorney Fahey suggested Town Planner Whitten and Assistant Planner Newton have gone above and beyond as well.

MOTION: To CLOSE THE PUBLIC HEARING on the 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 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 39 and 30] AND, to CLOSE THE PUBLIC HEARING on the Application of KROS East Windsor, LLC for a Special Use Permit for General Development Plan for retail/service establishment of up to 200,000 square foot 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].

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE the Application of KROS East Windsor, LLC for a zone change/map change to establish a Highway Interchange Floating Zone (HIFZ) per Zoning regulation Section 504, for property located at 44 and 54 Prospect Hill Road. 44 Prospect Hill Road is owned by The 1010 Broadway LLC; and 54 Prospect Hill Road is owned by WLF Realty, LLC . [Presently zoned M-1 and B2, Map 92, Block 17, Lots 29 and 30.] The effective date of this zonechange/map change shall be June 1, 2011

Referenced Plans & Materials

Cover Sheet – Proposed Commercial/Retail Development – HIFZ/GDP Application, 44 & 54 Prospect Hill road, East Windsor CT April 25, 2011, Project vicinity Map 1” = 200’ prepared by Milone & MacBroom, 99 Realty Drive, Cheshire CT 06410 202/271-1773, 203/272-9733 (fax) www.miloneandmacbroom.com

Including Sheets:

- 1/6 General Development Plan – Zone Change Map
- 2/6 General Development Plan – Existing Conditions
- 3/6 General Development Plan – Aerial Vicinity Map
- 4/6 General Development Plan - Layout and Landscaping
- 5/6 General Development Plan - Utilities
- 6/6 General Development Plan – Sign Details

- A. Cover Letter and Application: Petition to Amend Zoning Map to Establish a Highway Interchange Floating Zone and Special Use Permit General Development Plan Application for a Commercial Retail/Service Development at 44 and 54 Prospect Hill Road, East Windsor CT, including numerous exhibits, dated April 25, 2011
- B. General Planning Appropriateness & Fiscal Impact Analysis Study for Proposed Highway Interchange Floating Zone, 44 & 54 Prospect Hill Rd, East Windsor CT prepared for KROS East Windsor LLC. Prepared by Milone & MacBroom, Inc, Cheshire CT April 25, 2011
- C. Engineering Report –Proposed Commercial Development Newberry Rd. and Prospect Hill Rd (CT Rte 5) East Windsor CT - MMI #4334-01, dated February 28, 2011 – Prepared for KROS East Windsor LLC, Prepared by Milone & MacBroom
- D. Traffic Study – Proposed Retail Development Prospect Hill Road, East Windsor CT MMI #4334-01 April 25, 2011, Prepared for KROS East Windsor LLC, Prepared by Milone & MacBroom
- E. PZC Minutes from February 22, 2011 – Business Meeting(1) Informal Discussion on tentative HIFZ at 44 -54 Prospect Hill Road.
- F. Other Plans, Documents, Exhibits and Testimony Provided at the Public Hearing.

Conditions of Approval

A. 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. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The final mylars shall contain the street numbers assigned by the East Windsor Assessor's Departments and the Map, Block and Lot numbers assigned by the 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.

B. General conditions of approval

5. Two sets of final mylars, with any required revisions incorporated on the sheets, shall be submitted for signature of the Commission. One set of signed mylars, shall be filed with the town clerk by the applicant no later **than 90 days from publication of decision** or this approval shall be considered null and void unless an extension is granted by the Commission. One set, shall be filed in the Planning and Zoning Department.

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE the Application of KROS East Windsor, LLC for a Special Use Permit for General Development Plan (GDP) for retail/service establishment of up to 200,000 sq. ft., for property located at 44 and 54 Prospect Hill Road, under proposed HIFZ zoning designation, for 44 and 54 Prospect Hill Road. 44 Prospect Hill Road is owned by The 1010 Broadway LLC; and 54 Prospect Hill Road is owned by WLF Realty, LLC . [Presently zoned M-1 and B2, Map 92, Block 17, Lots 29 and 30.] This approval not to be effective until after publication of decision and recording of mylars and special use permit.

Referenced Plans & Materials

Cover Sheet – Proposed Commercial/Retail Development – HIFZ/GDP Application, 44 & 54 Prospect Hill road, East Windsor CT April 25, 2011, Project vicinity Map 1" = 200' prepared by Milone & MacBroom, 99 Realty Drive, Cheshire CT 06410 202/271-1773, 203/272-9733 (fax) www.miloneandmacbroom.com

Including Sheets:

- | | |
|-----|--|
| 1/6 | General Development Plan – Zone Change Map |
| 2/6 | General Development Plan – Existing Conditions |

**TOWN OF EAST WINDSOR
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- 3/6 General Development Plan – Aerial Vicinity Map
- 4/6 General Development Plan - Layout and Landscaping
- 5/6 General Development Plan - Utilities
- 6/6 General Development Plan – Sign Details

A. Cover Letter and Application: Petition to Amend Zoning Map to Establish a Highway Interchange Floating Zone and Special Use Permit General Development Plan Application for a

Commercial Retail/Service Development at 44 and 54 Prospect Hill Road, East Windsor CT, including all exhibits, dated April 25, 2011

B. General Planning Appropriateness & Fiscal Impact Analysis Study for Proposed Highway Interchange Floating Zone, 44 & 54 Prospect Hill Rd, East Windsor CT prepared for KROS East Windsor LLC. Prepared by Milone & MacBroom, Inc, Cheshire CT April 25, 2011

C. Engineering Report –Proposed Commercial Development Newberry Rd. and Prospect Hill Rd (CT Rte 5) East Windsor CT - MMI #4334-01, dated February 28, 2011 – Prepared for KROS East Windsor LLC, Prepared by Milone & MacBroom

D. Traffic Study – Proposed Retail Development Prospect Hill Road, East Windsor CT MMI #4334-01 April 25, 2011, Prepared for KROS East Windsor LLC, Prepared by Milone & MacBroom

E. PZC Minutes from February 22, 2011 – Business Meeting/(1) Informal Discussion on tentative HIFZ at 44 -54 Prospect Hill Road

F. WPCA Approval: Letter from E. Arthur Enderle III, Superintendent of WPCF, to Darin Overton, P.E., dated April 4, 2011, indicating approval of the application of KROS East Windsor LLC by the East Windsor WPCA on March 30, 2010.

G. Permit for Regulated Activity for the Property and for the Kogut Farm parcel on Reservoir Avenue, with attached conditions, both permits as approved by the East Windsor Inland Wetlands and Watercourse Agency on April 6, 2011

H. Other Plans, Documents, Exhibits and Testimony Provided at the Public Hearing.

Conditions of Approval

A. 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. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The final mylars shall contain the street numbers assigned by the East Windsor Assessor's

Departments and the Map, Block and Lot numbers assigned by the 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.

B. General conditions of approval

5. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed mylars, shall be filed with the town clerk by the applicant, no later **than 90 days from publication of decision** or this approval shall be considered null and void unless an extension is granted by the Commission. One set shall be filed in the Planning and Zoning Department.
6. The approval of this special permit and General Development Plan shall not be interpreted as an approval for site development and/or construction. An approved site plan, by the Commission, shall be required before the site may be developed. The approved General Development Plan is a concept plan and shall not be binding on the Commission for a future site plan application.
7. Guidelines for Development as set by the General Development Plan shall be the design criteria for the Site Plan Approval Process. Any substantial changes to the bulk and area guidelines shall require a modification of the GDP.
8. 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.

Devanney moved/Gowdy seconded/

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

MOTION: To TAKE A FIVE MINUTE BREAK.

Devanney moved/Gowdy seconded/

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

The Commission RECESSED at 10:10 p.m. and RECONVENED at 10:18 p.m.

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

Devanney moved/Gowdy seconded/

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

SITE PLAN APPROVAL: Boyer Carpentry & Remodeling, LLC – Site Plan

Approval to allow construction of a 480 square foot 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] (*Deadline for decision 6/30/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Tim Coon, of J. R. Russo and Associates, and the Applicant, Steve Boyer.

Mr. Coon described the subject building located at 115 Bridge Street (south side) across from Gardner Street; the building currently contains 4,440+/- square feet and is located in a B-1 Zone. They are proposing a 480 square foot one-story addition, and the enclosure of an existing deck to create more office space. They will also be removing a (landscaping) island in the middle of the driveway. The site currently provides 16 parking spaces; they will be restriping the parking lot to provide 17 parking spaces, including 1 handicapped space. A concrete pad will be constructed for the dumpster; a white vinyl fence will be installed along the west side of the site to screen the dumpster. Run off from the addition will be infiltrated into chambers. Mr. Coon reported the second story of the building contains apartments, while the first floor contains businesses.

Mr. Coon noted the number of parking spaces required increases to 19 because of the construction of the addition. Mr. Boyer reported that the current 16 spots adequately serve the existing tenants; he doesn't anticipate adding more tenants. The parking will be increased to 17 under this proposal. He would like to request that the additional two spaces be deferred at this time. The Site Plan before the Commission shows there is room to add the deferred spaces if necessary. They are not proposing any sightline changes.

Mr. Coon reported he has addressed Town Engineer Norton's earlier comments, and has received back a final memo indicating he is now comfortable with the plans.

Chairman Ouellette noted the plan shows a 15' painted space in the parking lot as you go past the tree. Mr. Coon suggested that space doesn't currently exist. The intent was to get the required parking spaces. It would be nice to leave that painted area for movability. If safety is a concern they could place a bollard in front of the painted area. Chairman Ouellette indicated he didn't see a public hazard; it's an internal issue.

Commissioner Thurz suggested they install a building-mounted wall pack of lighting.

Chairman Ouellette queried the Commission on their feelings regarding the requested parking waiver; none of the Commissioners opposed the waiver.

MOTION TO APPROVE a waiver to allow deferred parking of two parking spaces per Section 601.4.b

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE the Application of Boyer Carpentry & Remodeling LLC and owner Maly Phimvongsa and Steven R. Boyer, requesting a site plan modification for construction of a 480 sq. ft. building addition, enclosure of a 12' x 12' deck and associated parking improvements at 115 Bridge Street. B1 Zone, Map 111 Block 12 Lot 005

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

- **Site Plan** prepared for Boyer Carpentry and Remodeling, LLC Land of Maly Phimvongsa & Steven R. Boyer, 115 Bridge St, East Windsor, CT Map 111 Blk 12 Lot 5, Zone B-1, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088. (860) 623-0569, Fax (860) 623-2485 Scale 1" = 20', Dated 4/20/11

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

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

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

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

6. A zoning permit shall be obtained prior to the commencement of any site work

Conditions which must be met prior to certificates of compliance:

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

General Conditions:

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

Additional Condition:

15. **Wall-mounted lights will be installed on addition.**

Devanney moved/Gowdy seconded/

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

BUSINESS MEETING/(1). PZC Bylaws – Proposed Amendment:

Town Planner Whitten noted Section 4.5 of the Bylaws has been revised to show Item E – Public Participation. The Commission considered various ways to manage this additional agenda item to prevent legal ramifications for the Town. Town Planner Whitten will work on a prepared statement to be read at the Meeting prior to commencement of Public Participation.

MOTION: To APPROVE the AMENDED Town of East Windsor Planning and Zoning Bylaws – Section 4.5 Order of Business amended to add item e) Public Participation after item d) Added Agenda Items, all subsequent items renumbered. Bylaws revised May 5, 2011; date of adoption May 10, 2011.

Devanney moved/Gowdy seconded/

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

BUSINESS MEETING/(2) Discussion: Zoning Amendments related to Farm Regulations – tabled.

BUSINESS MEETING/(3) Discussion on Section 811 – Adult Oriented Establishments – tabled.

BUSINESS MEETING/(4) Discussion on Route 140 – Sewer Extension/Zoning Issues – tabled.

BUSINESS MEETING/(5) Incentive Housing Zone – tabled.

BUSINESS MEETING/(6) Correspondence:

BUSINESS MEETING/7) Staff Reports:

- Town Planner Whitten noted this will be the last Meeting for Commissioner O’Brien, who has resigned to take a new position out of state. Commissioner Mulkern will be resigning within 30 days to continue his education – out of state as well. The Commission wished them both well, noting they had contributed admirably to, and been valuable assets, to the Commission.
- Town Planner Whitten suggested a Special Meeting be scheduled to interview candidates for the facilitator vendor for the North Road rezoning project. Most of the Commissioners would be available on June 7th. The May 24th Meeting will be cancelled as Staff will be on vacation, and many Commissioners are also unavailable. Town Planner Whitten suggested the Fortune Application will be rescheduled to June 7th.

**TOWN OF EAST WINDSOR
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MOTION: To CANCEL the regularly scheduled Commission Meeting dated May 24, 2011.

Devanney moved/Gowdy seconded/

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

SIGNING OF MYLARS/PLANS, MOTIONS:

- Thomas Kuhns/Merlot on the Water – Plans and Motions

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:50 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(9814)