

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

**Meeting #1601
November 16, 2011**

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

The Meeting was called to order in the Community Room of the Park Hill Senior Housing Complex, Park Hill Road, Broad Brook, CT. at 7:02 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members (Devanney, Gowdy, and Ouellette) and two Alternate Members (Sullivan and Zhigailo) were present. Regular Commissioner Thurz was unable to attend this Meeting; Regular Member Wentworth has resigned from the Commission. Chairman Ouellette noted all Commissioners present would sit in on all Items of Business this evening.

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Selectman; Richard Pippin, Selectman; Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Friday, November 4, 2011, and Friday, November 11, 2011, was read by Chairman Ouellette:

1. Application of Pal and Mary Szabo for a Special Use Permit to allow a rear lot on property located on the east side of Winkler Road. [A-1 Zone; Map 104, Block 24, Lot 71].

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for anyone wishing to speak. He noted discussion must involve non-Agenda items, rather than items scheduled for discussion this evening, or postponed for future discussion.

No one requested to speak.

APPROVAL OF MINUTES/(October 25, 2011):

MOTION: To APPROVE the Minutes of Public Meeting #1600 dated October 25, 2011 as presented.

DISCUSSION: None

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

RECEIPT OF APPLICATIONS: None.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Nothing presented for this Meeting.

CONTINUED PUBLIC HEARING: Walter E. Bass, Jr. - Zone Change from A-1 to MFDD (Multi-Family Development District) for property located on Winkler Road and North Road. [Map 114, Block 24, Lot 5] (*Deadline to close hearing extended to 12/7/2011*); **AND, CONTINUED PUBLIC HEARING: Walter E. Bass, Jr.** – Special Use Permit to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler Road and North Road. [Map 114, Block 24, Lot 5] (*Deadline to close hearing extended to 12/7/2011*):

Chairman Ouellette read the Hearing descriptions, and noted both Continued Hearings would be presented concurrently.

Appearing to discuss the Applications was Robert Arsenault, Professional Engineer, and Walter Bass, the Applicant.

Mr. Arsenault summarized the following points from the previous Meeting:

- The total property contains 47 acres with frontage on North Road and Winkler Roads.
- The Zone Change request is for 8.7 acres of the total parcel which is currently zoned A-1.
- The proposal is to build 20 condominium units contained within 2 two-story buildings each containing 10 units. Five units will be built on each of the two floors of each building.
- Square footage for each unit is proposed to be 1,225, which exceeds the 1100 square foot minimum requirement for the MFDD (Multi-family Development District)
- The subject site can be served by public water and sewer. A design to run a sewer line 800' down Winkler Road to Newberry Road has been approved by the WPCA (Water Pollution Control Authority).

- An Inland Wetlands Permit has been acquired; there will NOT be any work within site wetlands.
- The Landscape Plan includes buffer plantings along Winkler Road.
- Two parking spaces are required for each unit; all parking spaces are exterior to the buildings.
- Ten visitor parking spaces are required, however the Applicant is proposing 12 visitor parking spaces.
- The Open Space requirement is 20% of the total parcel. (See additional discussion below.)
- The MFDD also requires 3% of the total (47 acre) parcel shall be provided for Recreational Space. The Recreational Space requirement is 1.4 acres, however the Applicant is providing 1.5 acres.
- The Lighting Plan includes 12 Colonial lanterns on 14' poles. The lanterns are cut-off fixtures so no light will be projected onto adjacent properties.
- Drainage features include the construction of a detention pond on the north corner. There will be a zero increase in run-off. The drainage calculations have been reviewed by Town Engineer Norton.
- A traffic study was prepared by Design Professionals, with additional material provided subsequently to address comments/questions raised by Town Engineer Norton. Town Engineer Norton has now signed off on the traffic report.

Mr. Arsenault noted the following items remained pending from the previous Meeting:

- **Open Space:** The Applicant was proposing less than the 20% required under the MFDD; the intent was to request a waiver of the 20% requirement. The questions raised during the previous Meeting were: could the Applicant provide the 20% required, and how that offering would affect the proposed development?

Mr. Arsenault reported 20% would be 1.72 acres. He has submitted two sheets of revised plans tonight; one sheet shows the 20%/1.72 acres of Open Space area, while the second sheet shows the 20%/1.72 acres proposed as a Conservation Easement which would not be taken over by, or maintained by, the Town as would conventional Open Space.

- **Dumpster locations:** Concrete pads for dumpsters and trash will be located at the end of each building. Plan details also show proposed screening.
- **Mail box locations:** Mr. Arsenault recalled the concern was that traffic issues might occur if the mailboxes were located at the entrance drive. Mr. Arsenault reported that there is a good sized lobby located inside each building. The Post Office will install post boxes within each lobby which will eliminate the traffic issues.
- **Location of 3% Recreational Space:** Mr. Arsenault reported Sheet 7 of the plans reflects the Recreational Space shown as the area within the brown line.

The Recreational Space includes a community garden, a gazebo, a walking trail around the detention basin, and an open lawn space. The total Recreational Space being provided is 1.5 acres.

The Commissioners raised the following questions:

Chairman Ouellette:

- Maximum height of each structure: Town Planner Whitten indicated they are proposed to be 24' from the average finished grade to the highest eave; each structure will be below 35' overall.
- Length of access drive: Chairman Ouellette noted the Regulations show 400' as the maximum length without a second access; he questioned the length of the proposed drive? Mr. Arsenault reported the length was discussed with Town Engineer Norton, who suggested it be shown as presented. Chairman Ouellette questioned that the end of the drive is at the catch basin? Mr. Arsenault concurred, noting the cul-de-sac doesn't count. Chairman Ouellette questioned if Town Planner Whitten agreed with that assessment? Town Planner Whitten replied affirmatively.
- Is the point of access closer to Newberry or North Road? Mr. Arsenault suggested the distance is almost equalized, although it may be slightly closer to Newberry Road. Chairman Ouellette recalled he heard comments during the previous Meeting that the access was closer to North Road; is that not true? Mr. Arsenault replied he felt it is not.
- The north line of the development seems to include a notch; what's the rationale of stopping the line "here" for the Zone Change rather than drawing it straight across? Mr. Arsenault indicated the line has been drawn to reflect the required land area to support the development and the Open Space requirements, etc.
- Has the Applicant tried to reach out to the Fire Marshal? Mr. Bass reported he had but had not received a response; Town Planner Whitten noted that Staff had not received a response either. Chairman Ouellette noted his concern for the ability of emergency vehicles to access the back of the development. Mr. Arsenault reported they have access to 3 sides of the buildings, which is normally what the Fire Marshal looks for.

Commissioner Devanney:

- Depth of the detention basin: Mr. Arsenault initially misconstrued the question, which led the Commissioners to believe the depth would be 5', which was greater than the information provided at the previous Meeting. Commissioner Devanney questioned if a fence was being proposed if the depth would be 5'? Upon review of the question Mr. Arsenault reported the anticipated depth would be 1' to 1 ½'; more water would be contained during a larger storm.

Commissioner Sullivan:

- Referencing the grading numbers/elevations, he questioned if everything, including the driveway, will slope towards the wetlands? Mr. Arsenault replied

affirmatively. Commissioner Sullivan questioned that the drainage was calculated for a 25 year storm? Mr. Arsenault reported it has been calculated for a 100 year storm. Commissioner Sullivan questioned that the wetlands will be able to handle the excess water? Mr. Arsenault replied affirmatively, noting they had considered 3 locations, each of which provided zero increase in run off. The drainage calculations were also discussed with Town Engineer Norton. Town Planner Whitten noted the drainage calculations have been reviewed and approved by the Wetlands Commission; Mr. Arsenault reported the Wetlands Commission was also provided with the water quality numbers.

Commissioner Zhigailo:

- Cited concern that the site is wet; during a site walk she saw no evidence of test patterns for striations of soil types. Mr. Arsenault reported they reviewed historical data for the site. He noted they will not be doing any heavy duty cutting; they will be keeping the project at the existing grade, or filling. Commissioner Zhigailo cited concern that the area is clay, which will hold water. She cited concern for wet basements. Mr. Arsenault reported both buildings will be elevated; they also have the ability to install foundation drains. **Commissioner Sullivan** questioned if there will be any provisions for sump pumps? Mr. Arsenault suggested they don't feel sump pumps will be necessary, but that decision would be up to the Building Department.

Commissioner Gowdy suggested he is ok with the presentation.

Town Planner Whitten indicated all her comments have been addressed, except for the Fire Marshal, who has been called, e-mailed, etc.; none of those avenues of communication have resulted in a response.

Town Planner Whitten noted Chairman Ouellette had raised questions regarding traffic at the previous Meeting. Commissioner Zhigailo suggested she felt that it would be more convenient for traffic to come out onto North Road; Commissioner Gowdy concurred, noting he felt it would be more convenient to exit on North Road rather than Newberry Road as the traffic study suggested. Mr. Arsenault reported that the original traffic report had indicated most traffic would exit on North Road but Town Engineer Norton had asked to see the impact of traffic going in both directions.

Chairman Ouellette opened discussion to the audience:

Don Wagner, 277 Main Street: is in favor of the project; he felt it will be nice for the area.

David Pinkham, 38 Stoughton Road: felt it will be a good project.

Julie Cortese, 299 South Main Street: supports Mr. Bass and the proposed project.

Bob Maynard, 7 Blue Heron Way: doesn't support the project for many reasons, including:

- 20 units of affordable housing is not part of the rural character of East Windsor.
- The PZC should figure out what it will be doing with North Road before it destroys the rural charm of East Windsor; 20 units of affordable housing is not part of that vision.
- At the workshop held at Scout Hall by the PZC people said they didn't want multi-family developments in East Windsor; he wanted to point out for the audience that this is not the Mansions. Referencing Town Planner Whitten's comments made during the previous Meeting and reflected in the Meeting Minutes he cited that it was said the State thinks it's wonderful that East Windsor is providing significant affordable housing. He suggested Glastonbury and Farmington are happy that East Windsor is lowering its grand list by providing affordable housing. Twenty units of affordable housing will lower the property value of all residences.
- Mr. Maynard questioned that the project will make any money for East Windsor; he felt it will cost East Windsor money.
- While the condominiums will provide more revenue than 8 acres of agricultural land the expense of services required will be far greater than the revenue received from the taxes on the residences.
- East Windsor pays \$15,000 to educate each student; if there are just 7 kids living in the project it would cost over \$100,000 to educate those children.
- Mr. Maynard heard that 3 units will be a charitable foundation which, if he understands it, will pay no taxes; the Town will NOT get revenue from those units yet the Town will have to pay for police, fire, and education services.

Jack Mannette, Old Ellington Road:

- Tax liability, if this becomes a charitable organization they have the right to request a tax free environment, which if approved by the Assessor is a liability the Town must consider because all the benefits that we have are for naught.
- Regarding the ability to sublet the units, if that occurs it will turn into an apartment complex; the Town will need to have severe restrictions on occupancy.
- It's premature to rezone this land for multi-family housing; it's been stated many times that people don't want multi-family housing.

Julie Cortese, 299 South Main Street:

- Cited her family is 3rd generation residents; she knows the Bass family; she felt they would not put in something that would be bad for the Town.
- She lives on South Main Street, and it's a mess; she didn't understand why someone who has been here for years is being opposed.

Andre Groszyk, 10 Harrington Road: is in favor of the project.

Allen Howard: is in favor of the project.

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Joe Palmroy: is in favor of the project; Walter Bass has been in town for years and this looks better than his mini-golf course.

Michael Koczera, owner of Skylark Airport:

- Noted the airport is adjacent to the south boundary of the subject property; he insisted language be added to the leases advising people of the proximity of the airport; he doesn't want the cops chasing kids out of the airport.
- If people work in Hartford it will be difficult to get out of North Road.
- The property is wet; cellars will flood.
- He questioned if this is the best use of the land.

Michael Caldon, North Road: is in favor of the project; he likes the idea of having younger families in Town, and he likes the idea of affordable housing.

Sharon Tripp, 76 Winkler Road:

- Wanted Mr. Bass to know her comments aren't personal but she is present to speak in opposition to the 20 units.
- Submitted a petition of neighbors who would rather have single family homes; multi-family homes are not in character with East Windsor.
- We don't need more affordable housing.

Mr. Bass objected to the submission of the petition unless the signatures are authenticated. Town Planner Whitten indicated she would have to have the signatures reviewed by the Town Clerk. Mr. Bass suggested he would like to have the petition held in abeyance at this time.

Carol Leitz, 56 North Main Street: supports the project; she felt it would have a positive effect on the Town of East Windsor.

Me again (a/k/a Bob Maynard):

- When the project is built we will have 20 units at a market value of \$150,000; he felt they can't be sold for that price so he felt Walter Bass would own them and could rent them out.
- He doesn't know Mr. Bass but if he wants to do that he could give the 40 units to the Town of East Windsor.

Chairman Ouellette suggested, for discussion, that if the Zone Change for a MFDD is granted/approved there is no guarantee that Mr. Ball will develop the property; he could sell the development rights. But, it's no different than approving a retail box for which the Town doesn't know the tenant. Town Planner Whitten concurred. She noted these Applications are two pronged; there is the Zone Change for development as the MFDD, then there is the Site Plan Application, which could be approved as he proposes and he could sell it if he chose. Chairman Ouellette questioned if it would be possible to approved the Zone Change and not the MFDD development? Town Planner Whitten

clarified that the Zone Change is for the MFDD; it would be possible, but not probable, to approve the Zone Change but not the Site Plan Application.

Town Planner Whitten offered the following clarifications:

- Two bedroom multi-family housing, whether it is apartments or condominiums, typically brings in 23 children per unit; if you go by the Mansions there are 2 kids in residence out of 220 units.
- If this project were to be developed as single family residences this acreage, in an A-1 Zone, would probably support 3 to 4 lots. Single family residences typically have 3 to 4 kids/lot so the development would be more likely to have more children as a single family residential development.
- Language will be added to the deeds regarding the proximity of the airport.
- This development is NOT being hooked up to the North Road/Route 140 sewers; it's hooking up to sewers in Newberry Road.
- This proposal has been in the works before the North Road/Route 140 sewer project became a reality; Mr. Bass has been working on this for years. Chairman Ouellette suggested this project can't be put on hold because of the rezoning of North Road. Town Planner Whitten suggested she couldn't see this location as supporting commercial or industrial uses; she didn't feel the neighbors would want that. **Michael Koczera** questioned that if this is approved Mr. Bass can't put in something else? Chairman Ouellette noted the approval will have referenced plans which go with the approval, but he wanted to go on record that Mr. Bass can sell this project if he chooses.
- Town Planner Whitten continued that the State is encouraging Towns to put in affordable housing, which is now called workforce housing. When they speak of workforce housing they are speaking of the police, the fire, the gas station attendant, the auto mechanic. The State is trying to keep 20 and 30 year old residents to stay in the State; they are trying for the residents to be able to live within 20 minutes of where they work rather than an hour or an hour and a half. Affordable Housing is NOT Section 8 housing; it's making the unit not be so inflated pricewise. Affordable housing is not a bad thing; the Town promotes affordable housing in the Plan of Conservation and Development and a variety of housing plans, and it's what the community agreed to in our Plan of Conservation and Development.

Jack Mannelte, Old Ellington Road:

- If this is 8 acres out of 40+ and the Commission agrees to the Zone Change how does the Commission prevent a request for the remaining acreage being rezoned from A-1 to multi-family housing? Town Planner Whitten noted that request was not before the Commission presently. Chairman Ouellette suggested another request for a Zone Change would require another application with a separate approval via a Public Hearing as is being presented tonight; a similar process would occur. Mr. Mannelte felt it was just as easy to say no as to say yes. Town Planner Whitten reported that initially Mr. Bass had asked for a Zone Change on the total parcel for MFDD but when he was asked if he had plans for phasing he

said he did not; after discussion/clarification he backed off to request the Zone Change for only these 8 acres. Town Planner Whitten reported that to her knowledge Mr. Bass does not have plans to develop the rest of the parcel in this manner, otherwise he would have phasing included in the plans.

Bob Maynard, 7 Blue Heron Way:

Cited Town Planner Whitten's comments comparing affordable housing to the Mansions, he didn't feel that was a fair comparison, maybe we should compare Mill Pond Village. Town Planner Whitten clarified that the statistics are based on the number of bedrooms and owner type. She again referenced the Plan of Conservation and Development as encouraging affordable housing. Chairman Ouellette cited page 3, bottom of the page. Town Planner Whitten reiterated the Plan of Conservation and Development is the Town's plan for development which was approved in 2004 and is updated every 10 years by State Statute; this is the Town's guide for development currently.

Walter Bass (Applicant):

- Regarding Mr. Koczera's comments, he will put up a fence around the detention basin, and will put a notation on the deed or the Land Records regarding the proximity to the airport.
- Regarding Mr. Mannette's comments concerning the charitable housing, these units are all going to be sold, the only part that will be charitable will be the authority that's going to run through the State to make them eligible/sellable to whoever the ultimate buyer is. Mr. Mannette suggested his comment was you have the right as a charitable organization to request..... Mr. Bass clarified that in this case the only function of the charitable organization is to be the housing authority under the State Statutes to provide affordable housing. It's not going to make any money, but when we get through whoever the ultimate purchaser is will pay normal taxes, etc. It is not going to be charity housing. Mr. Mannette felt that wasn't what was presented in the Minutes; Mr. Bass suggested there may be some confusion – this is not going to be charitable housing; it's just an agency the State requires to be a conduit so we can do this. Mr. Bass also pointed out that of the 20 units proposed only 3 will be available for affordable housing.
- With regard to Commissioner Zhigailo's comment regarding her site visit on which she saw wet conditions, the soil type for the entire site is Windsor Loamy soil as identified by Mike Gagnolati (soil scientist). You would have to go down 20 feet to find clay.
- And, as far as the water backing up Mr. Bass cited property on North Road across from Kosian Realty – he suggested if you look at the water you'll see it's rising. The water has risen probably 3 or 4', which is due to beavers building dams in Enfield which is impacting his property.
- Mr. Bass reported that he has submitted a letter going back to 2009 when they first began this project, and thought at the time that they were in conformance with the Regulations. This isn't the first time this project has come up; we didn't depend on the North Road sewers for this project. They started this project based

- on the 47 acres because that was what was on the deed but have scaled back the project to the area needed for this development.
- Mr. Bass felt that the concept of affordable housing aspect coming before the Board is new, and in this multi-family development district he felt they have met all the requirements of Section 802.4 to permit the Zone Change to MFDD. The site is required to be served by public sewer and water and gas, which is the situation for this site. Mr. Bass reiterated he is not asking for the entire 47 acres. If the Zone Change is granted he felt it then overlays the A-1 Zone, so the Commission is really not making the Zone Change; you're only permitting the activity under the following conditions under a Special Use Permit.
 - Mr. Bass suggested Chapter 7, Section 802 encourages the development of multi-family housing. Mr. Bass felt the 47 acres contained within this parcel has been classified non-rural since 2004, which is the designation required before even making/applying for this application. Mr. Bass suggested the application follows the guidelines set by this Commission. He felt they have met the requirements to meet those guidelines for the Zone Change.
 - With regard to the plans, the layouts, the traffic reports, etc. Mr. Bass felt he had submitted the documents required under the Regulations.
 - Regarding applicability required under Section 802.4 Mr. Bass felt they have met every single criteria. He felt that they are keeping with the purview of what the area looks like. As examples he cited the gentleman on Blue Heron Lane, which is multi-family, very highly condensed, that development may have been approved for 120 units. There are single family homes at the end of Mr. Koczera's runway which don't seem to be a problem to the homeowners. He felt this is keeping with the non-rural application that the Commission has established.
 - Mr. Bass felt that having an airport and homes in the same area really isn't a diminution of property values; one balances off the other, and one is worth exactly what the other projects are worth.
 - Mr. Bass felt the trolleys probably make more noise than Mr. Koczera's airport.
 - Mr. Bass felt that under 802.7 all the conditions have been met. All documents have been submitted and reviewed and all are in conformity with the Town Planner, Town Engineer, Wetlands Commission, and Sewer Commission. If any additional information is necessary they will be happy to provide same.
 - Regarding Commission approval under Section 802.7 Mr. Bass felt all criteria has been fulfilled and reviewed by the Town Planner and he felt they have meet all the conditions required under Section 802.8.
 - Mr. Bass indicated he thought this was one spot for a land mass to have sewer, gas, and water, and to be zoned non-rural to allow this type of activity. Mr. Bass felt that that the Regulations support, as a goal, the development of affordable housing in East Windsor.

Mr. Bass respectfully asked that the Commission review the Application, and approve it.

Chairman Ouellette queried the audience for comments a second time:

Stan Kement, 292 North Road: is in favor of the project. As Town Planner Whitten said younger people need a place to live and this project can provide that.

No one else requested to speak.

Chairman Ouellette returned discussion to the Open Space offering. He reiterated his comments from the previous meeting that he, personally, feels the Open Space being offered isn't easily accessible to the public. He reported he would be in favor of a Conservation Easement as presented on one of the Sheet 1 proposals. He queried the Commissioners members for their preference – Open Space as offered, Open Space in the form of a Conservation Easement, of a Fee-In-Lieu of Open Space.

Commissioner Devanney felt the Open Space as offered has no purpose; it's not feasible accessibly to the public. Commissioner Gowdy indicated he was in favor of a Conservation Easement; he questioned what could be done with the Open Space as offered? Chairman Ouellette questioned if the Conservation Easement was accepted, would it be in unison with the Inland Wetlands requirement; would a Fee-In-Lieu be in opposition to the Inland Wetlands preference? Town Planner Whitten suggested she felt the Conservation Easement was a condition of the Inland Wetlands approval. Mr. Bass indicated he would offer a Fee-In-Lieu of Open Space if the Commission preferred. Chairman Ouellette, Commissioner Devanney, and Commissioner Gowdy reiterated their preference for a Conservation Easement.

Chairman Ouellette queried the benefit of holding the Public Hearing open, noting it would give the Fire Marshal to offer comments. He reiterated his concerns for accessibility to the rear of the units for emergency vehicles, noting the project is not currently designed to provide that. Town Planner Whitten suggested that perhaps the reason the Fire Marshal fails to comment at this stage is that she understands the Fire Marshal might/may visit the site after the Building Permit is issued, and may make field changes at that time. Chairman Ouellette noted he is looking for comments on issues the Commission doesn't have the eyes to pick up.

Town Planner Whitten referenced the petition against both Applications submitted by Sharon Tripp on behalf of various neighbors. With the petition submitted during the meeting Town Planner Whitten indicated she does not have the ability to review Statutory requirements regarding the petition. Chairman Ouellette suggested that if the Applications are approved the appeal process is available; Town Planner Whitten concurred.

Commissioner Devanney questioned if the Commission had the ability to request deed restrictions regarding subletting the units? Mr. Bass recalled he had submitted the Declaration for the Margaret Bednarz Bass Charitable Organization; the condominium association would be the ones to put in restrictions regarding subletting.

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Chairman Ouellette queried the Commissioners for additional questions regarding the traffic report; no one offered any comments.

Chairman Ouellette queried the Commissioners regarding their preference for closing the Public Hearing or holding it open? Mr. Bass questioned who would be voting on the Applications; he noted some of the Commissioners present tonight were not present during the previous Meeting and should listen to the full Meeting recordings. Town Planner Whitten also noted Commissioner Wentworth has resigned, while Commissioner Thurz attended the previous Meeting but was not available tonight. Commissioner Zhigailo was in favor of holding the Public Hearing open; the remainder of the Commissioners favored closure.

The following audience members requested to speak again:

Jack Mannette, Old Ellington Road: If the Commission doesn't discuss "it" now, and changes it later, and if you put in a restriction regarding no subletting it would change the Application. He indicated he is confused; it could have an impact on what Mr. Bass wants to do with the property.

Michael Koczera:

- Questioned if the road will be widened? Chairman Ouellette requested clarification that Mr. Koczera was referring to Winkler Road? Mr. Koczera suggested on North Road any time something happens, like when Mr. Bass wanted to put in the golf course, the road was to be widened. Chairman Ouellette suggested the answer would be no; road widening was not a recommendation of the traffic study.
- Is the Commission aware of the trolley crossing up the road, and that they make noise at night? Chairman Ouellette replied affirmatively. Town Planner Whitten suggested language regarding proximity to the trolley line will be put in the approval also.

No further requests to speak were received; the Commission considered action on these Public Hearings.

MOTION: To CLOSE the Public Hearing on the Application of Walter E. Bass, Jr. - Zone Change from A-1 to MFDD (Multi-Family Development District) for property located on Winkler Road and North Road. [Map 114, Block 24, Lot 5] AND, CONTINUED PUBLIC HEARING: Walter E. Bass, Jr. – Special Use Permit to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler Road and North Road. [Map 114, Block 24, Lot 5].

DISCUSSION: None.

Devanney moved/Gowdy seconded/

**VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan
Opposed: Zhigailo
Abstained: No one**

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:30 p.m. and RECONVENED at 8:39 p.m.

OLD BUSINESS: Chestnut Point Realty LLC – Modification of Approved Site Plan for additional parking area at Chestnut Point Care Center, 171 Main Street, East Windsor. [R-1 Zone; Map 101, Block 9, Lot 2] (*Deadline for decision extended to 12/17/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Attorney Jonathan Starbel, representing the Applicant. Attorney Starbel reported Andrew Bushnell, the engineer for the project, was unable to attend this Meeting.

Attorney Starbel summarized that this an Application to expand 7 parking spaces in front of the nursing home along Spring Street. He noted there is not a lot of room on this site, which used to be a rest home for people who didn't require skilled services. For that reason there was not a high ratio of staff to patients. Over the years the use of the home was revised and the staffing ratio was revised. They had applied for a variance for the amount of parking but found there is a deed restriction regarding the adjacent residential properties. As one of the neighbors didn't want to release that restriction the scope of this project changed to the current proposal for 7 parking spaces in front of the building.

Attorney Starbel updated the Commission on the following pending items:

- Staff had requested the variance should be listed on the plans. That revision has been made; he submitted plans revised to 11/9 at the Meeting. Attorney Starbel reported the variance notation is the only revision made to the new plans.
- A Lighting Plan, including full cut off fixtures, has been submitted.
- Town Engineer Norton's comments regarding the use of pavers have been submitted today. The pavers - Aqua Brick - would be smooth and can be walked and parked on; they are considered permeable. Attorney Starbel referenced the brochure regarding these pavers, which are ADA compliant and will handle 100% of the stormwater infiltration. Attorney Starbel suggested Town Engineer Norton has requested a seepage analysis, which can be added as a condition of approval. Town Planner Whitten concurred.

Discussion continued regarding various attributes of Aqua Brick, including clarification of the ADA compliancy, and the use of sand during the Winter. Town Planner Whitten reported studies have been performed on the use of this

material; if sand is used it may be necessary to vacuum the pavers in the Spring. They are better than impervious material with regard to slippage, and will help with infiltration of the dry wells, thereby eliminating the need to remove the existing dry wells.

- Mr. Bushnell had previously indicated he would make an effort to retain a large maple tree on the property. Attorney Starbel reported the tree received damage during the recent storm; the likely outcome is that the tree will have to be removed.
- When the Applicant appeared before the ZBA they submitted/referenced a Site Plan that showed parking with an impervious surface closer than 10' to the structure. It appears a variance for that was NOT granted, but everyone feels the intent was to grant that variance. Attorney Starbel suggested they would request a waiver of that specific requirement.

Chairman Ouellette indicated that personally he didn't feel approval of this proposal will improve the parking conditions at the site that much. He felt that parking will continue to occur on the street; he questioned what would happen if the Police Department installed no parking signs on Spring Street? Chairman Ouellette then queried what would be gained by denial of the Site Plan modification? He felt that parking on the street will continue even if this Application is approved.

Attorney Starbel suggested if you compare Town Regulations to State guidelines for nursing homes the difference is stunning. He noted this is a 55 bed facility which is considered small; it is not currently filled to capacity. He concurred this isn't a good situation. Commissioner Sullivan questioned the ability to install 9 or 10 parking spaces in front which would provide direct access from the north side of Spring Street. Town Planner Whitten suggested that would create a dangerous situation from cars backing out into the street; Chairman Ouellette noted the current location of a utility pole in the location described by Commissioner Sullivan would be an obstacle to parking revisions in that area. Commissioner Sullivan suggested trying to get the people who own the chemical building across the street to allow parking on their property. Town Planner Whitten noted the parking for that facility is in the rear and would be a long walk for visitors.

The Commissioners considered action on this proposal. Chairman Ouellette noted a supermajority (4 of 5) Commissioners is needed to approve the waiver.

MOTION TO APPROVE a Waiver of Chapter 601.3.h.3 to allow parking stalls as shown on proposed site plan as stalls # 1, 7 and 4, to be located up to 3' from a structure rather than the required 10'.

DISCUSSION: None

Devanney moved/Gowdy seconded/

VOTE: **In Favor:** **Devanney/Gowdy/Ouellette/Sullivan/Zhigailo**
 Opposed: **No one**
 Abstained: **No one**

MOTION TO APPROVE the Application of owner Chestnut Point Realty, LLC requesting a site plan modification requesting modification to existing parking at 171 Main, located in the R-1 Zone. Map 101, Blk 9, Lot 2 .

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

Referenced Plans:

Sheet 1/1: Plan prepared for Chestnut Point Realty, LLC 171 Main St., East Windsor CT, Limited Property/Improvement Location Survey , scale 1" = 20', dated 6/24/10, last modified 9/8/11 prepared by Bushnell Associates, LLC, Civil Engineering and Land Surveying, 563 Woodbridge St, Manchester CT 06042, 860/643-7875.

Conditions which must be met prior to signing of mylars:

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

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

3. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond 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.

Conditions which must be met prior to certificates of compliance:

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.

6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

8. In accordance with Chapter 900.3.h 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 six years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. 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.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. 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
14. Any/All required landscaping shall be adequately maintained.
15. Location and sizing of dry wells shall be approved by Town Engineer at time of zoning permit.

Additional Condition:

16. **The Applicant must meet the condition of Town Engineer Norton's memo dated November 16, 2011 regarding the submission of a seepage analysis based on the anticipated runoff for a 25-year storm and the existing soils in the area.**

Devanney moved/Zhigailo seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Zhigailo)
Opposed: No one
Abstained: No one

OLD BUSINESS: Advanced Wheels of Technology, Inc. – Site Plan Approval for modification and addition to parking at 230 Main Street, East Windsor, owned by UPS Capital Business Credit. [M-1 Zone; Map 91, Block 12, Lots 29, & 30B] (*Deadline for decision extended to 12/17/2011*):

No presentation this evening.

NEW PUBLIC HEARING: Pal and Mary Szabo – Special Use Permit to allow a rear lot on property located on the east side of Winkler Road. [A-1 Zone: Map 104, Block 24, Lot 71] (*Deadline to close hearing 12/21/2011*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Tim Coon, of J. R. Russo & Associates; Pal and Mary Szabo were present in the audience.

Mr. Coon described the Application as follows:

- Location of lots is 600' north of Winkler Road.
- In 2009 J. R. Russo split the property to create 2 lots with 175' of frontage on each lot.
- Property contains considerable wetlands, which required that a shared driveway be created to serve both lots. An easement was required to provide access across one of the lots to the second lot.
- Inland Wetlands Permit approved, and is still valid.
- Lots have been filed on the Land Records.
- Lots are currently being marketed but shared driveway and easement is a deterrent to sale.
- Proposal before Commission this evening provides for two driveways. Relocation of driveways creates a situation of non-compliance with the 175' frontage requirement. One lot remains a standard lot; the second lot becomes a rear lot, which will be served by a 12' wide driveway with a 3' clear area on each side of the driveway.
- Screening will be provided between the driveways.
- Relocation of driveways does NOT impact wetlands.
- Comments have been received from Town Engineer Norton; the Applicant has no problem addressing those recommendations. The recommendations can be added as a condition of approval if the Commission prefers.
- With regard to Town Planner Whitten's comments, the Applicant has dedicated a significant amount of land as a Conservation Easement, which was made via

agreement with the Inland Wetlands Commission. All other comments made by Town Planner Whitten will be addressed.

The Commissioners raised the following questions:

Commissioner Gowdy:

- Has the Fire Marshal looked at this proposal? He is concerned with the distance of the driveway; should the back of the residence catch fire and there was a car parked in the driveway the fire department would have to lay 500' of hose to reach the dwelling. He questioned the need for a fire hydrant?

Mr. Coon suggested he felt 500' is the length of hose. Town Planner Whitten suggested the Fire Marshal may require sprinklers.

Commissioner Sullivan:

- What's the small piece of land on the other side of the trolley tracks; how would someone get to that? Mr. Coon indicated the intent is to transfer that land to the Trolley Museum; Mr. Szabo indicated they were already working on that.

Chairman Ouellette:

- Questioned the posting of the Public Hearing sign, and proof of mailing to abutters? Mr. Coon submitted an affidavit indicating compliance with the noted requirements.
- Suggested addition of a note on the plans regarding the proximity of the airport and the trolley tracks; Mr. Coon indicated they had no problem with that recommendation.
- Questioned the sight distance to the south? Mr. Coon estimated the distance to be 150'. During discussion it was noted that sight line does clip some vegetation; Mr. Coon suggested that vegetation should be cleared. Chairman Ouellette questioned how that would be handled if that area were out of the owners control; it appears the vegetation might be in the right-of-way. Discussion continued regarding clearing of vegetation.

Chairman Ouellette opened discussion to the public:

Michael Koczera: noted this property abuts the Trolley Museum, he would like something on the deeds to make people aware there is a small airport nearby and they should be aware of the trolley line because of their Halloween event.

The Commission reviewed the proposed approval motion, and made slight grammatical revisions.

MOTION: To CLOSE the Public Hearing on the Application of : Pal and Mary Szabo for a Special Use Permit to allow a rear lot on property located

on the east side of Winkler Road. [A-1 Zone: Map 104, Block 24, Lot 71].

Devanney moved/Gowdy seconded/

**VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Zhigailo)
Opposed: No one
Abstained: No one**

MOTION TO APPROVE Application of owner Pal and Mary Szabo, requesting a Special Use Permit for one rear lot, property located on the east side of Winkler Road [Map #104, Blk. 24, Lot 71] in the A1- Zone.

This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

Referenced Plans:

Sheet 1/3 – Lot Line Reconfiguration/Rear Lot Special Permit prepared for Pal and Mary Szabao, Winkler Road, East Windsor, CT, Map 104, Blk 24, Lot 71, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 860/623-0569, fax 860/623-2485, dated 10/18/11.

Sheet 2/3 Topographic Plan/Rear Lot Special Use Permit

Sheet 3/3 Soil Erosion and Sediment Control Notes and Details

Conditions which 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. Designated addresses must be shown on the plans for all lots.
3. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this 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:

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 fixed line mylars, including special use permit rear lot, shall be filed with the Town Clerk by the applicant **no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One set of mylars, sheets shall be filed in the Planning and Zoning Department.

6. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
7. A cash (escrow) or passbook bond shall be submitted for erosion and sedimentation (E & S) control maintenance and site restoration **during the construction phase of the project.** Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within 5 days or this permit shall be rendered null and void. The applicant's engineer shall prepare an estimated cost of the E & S controls for review by the Town Engineer. The final amount of said bond shall be determined by the Town Engineer.

Conditions which must be met prior to certificates of compliance:

8. Iron pins must be in place at all lot corners and angle points.
9. Final Health District approval of the drinking water supply must be demonstrated.
10. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
11. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
12. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
13. Final as-built survey showing all structures, pins, driveways, final floor elevations, landscaping and grading must be submitted.
14. 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 Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

15. A Zoning Permit shall be obtained prior to any the commencement of any site work.
16. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
17. Any modifications to the proposed drainage or grading of the lot split is subject to the approval of the Town Engineer.

18. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
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.
20. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

Additional Conditions:

21. **Add note to plans and deeds alerting to the proximity to the Trolley Tracks and Skylark Airport.**
22. **Trees to be cleared to the south to provide adequate site distance if needed.**

Devanney moved/Gowdy seconded/

**VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Zhigailo)
Opposed: No one
Abstained: No one**

BUSINESS MEETING/(1) Review of Bylaws: Tabled.

BUSINESS MEETING/(2) Election of Officers:

Tabled due to membership requirement for vote.

BUSINESS MEETING/(3) Correspondence: None.

BUSINESS MEETING/(4) Discussion and possible action on debris management resulting from October 29th and 30th snowstorm:

Selectman Pippin advised the Commission that until Washington approves the FEMA reimbursement the outcome of debris removal from the side of the road remains pending.

BUSINESS MEETING/(5) Staff Reports:

MOTION: To CANCEL the Commission's regularly scheduled Meeting for November 22, 2011.

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Meeting #1601 –November 16, 2011**

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SIGNING OF MYLARS/PLANS, MOTIONS: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:45 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(8279)