

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

**Meeting #1602
December 13, 2011**

*******Draft Document Subject to Commission Review*******

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

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Devaney, Gowdy, Ouellette, and Thurz) and one Alternate Member (Sullivan) were present. Alternate Member Zhigailo was absent. Chairman Ouellette noted all Regular and Alternate Members would sit in, and vote, on all Items of Business this evening.

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Richard P. Pippin, Selectmen; Jim Richards, Selectman; Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, December 1, 2011, and Thursday, December 8, 2011, was read by Chairman Ouellette:

1. Application of the Town of East Windsor Public Works Department for a Special Use Permit for an Emergency Temporary Volume Reduction Facility to allow temporary grinding of brush and storage of wood chips for the disaster relief cleanup operation on property at 84 Wapping Road, owned by NORCAP, Inc. [A-1 Zone; Map 27, Block 65, Lot 31].
2. Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.2 Temporary Signs and Displays – to modify the temporary business sign regulations.
3. Proposed Text Amendment to the East Windsor Subdivision Regulations, (new section) Section 2.17 Agricultural Buffer Strips – to require a buffer for new subdivisions to be developed next to existing farms.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Dick P. Pippin, 37 Woolam Road: suggested the Commission get rid of the 9' parking spaces as he felt they are a hazard. He cited the current use of SUVs and trucks by vehicle owners; he felt the smaller parking spaces are a hazard. He felt the Commission should make them big enough to be useable.

APPROVAL OF MINUTES/November 16, 2011:

MOTION: To APPROVE the Minutes of Public Hearing #1601 dated November 16, 2011 as amended:

Page 8, CONTINUE PUBLIC HEARING: Walter E. Bass, Jr. – Zone Change from A-1 to MFDD (Multi-Family Development District), **AND, CONTINUED PUBLIC HEARING: Walter E. Bass, Jr.** – Special Use Permit to allow a 20-unit multi-family residential condominium complex (McLellan Way), both hearings for property located on Winkler Road and North Road. [Map 114, Block 24, Lot 5], Public Comment, Me Again (a/k/a Bob Maynard): “Chairman Ouellette suggested, for discussion, that if the Zone Change for a MFDD is granted/approved there is no guarantee that Mr. ~~Bass~~ **BASS** will develop the property; he could sell the development rights.”

Devanney moved/Gowdy seconded/

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

RECEIPT OF APPLICATIONS:

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE: Allied Community Services – Request for release of erosion control bond at 6 Craftsman Road [Map 83, Block 19, Lot 12D]:

Chairman Ouellette read the description of this Item of Business. He noted receipt of memo dated 11/21/2011 from Town Engineer Norton and Assistant Town Planner/Zoning Enforcement Officer Newton in which they recommended release of the bond as requested by the Applicant. Town Planner Whitten noted she has visited the site as well; she concurs with their recommendation.

MOTION: To RELEASE the Erosion Control Bond for 6 Craftsman Road in the amount of \$840 at the recommendation of the Town Engineer and Staff.

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

NEW PUBLIC HEARING: Town of East Windsor Public Works Department – Special Use Permit for an Emergency Temporary Volume Reduction Facility to allow

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temporary grinding of brush and storage of wood chips for the disaster relief cleanup operation on property at 84 Wapping Road, owned by NORCAP, Inc. [A-1 Zone; Map 27, Block 65, Lot 21] (*Deadline to close hearing 1/17/2012*):

Chairman Ouellette read the Hearing description. Appearing to discuss the Application was Town Engineer Norton; Dennis Botticello, owner of the site, and Herb Holden, operator of the site, were available in the audience.

Town Engineer Norton reported the Town has entered into a contract with the property owner, NORCAP, and Mr. Holden to pick up roadside debris from storm Alfred and truck it to the area outlined in green on the site map. FEMA requires that the material is handled from the cradle to the grave; the reimbursement rate is 75%. The material will be picked up along the road, taken to the subject site, deposited in the area identified in green, and will ultimately be ground up by Mr. Botticello to be composted and used on his agricultural fields (which is a use of the material approved by FEMA). Trucks will enter through the old NORCAP entrance, and pass through the area where the scales are located; all loads will be monitored for size/amount to comply with FEMA's requirements. The Town will be paid based on the cubic yards of material processed. The material deposited at the Town Garage will also be brought to this site for disposal as well.

Town Engineer Norton reported the site is already allowed to handle 30 trucks/day; he anticipates 15+/- trips/day for this work. Debris pick-up will occur 7 days a week; Town Engineer Norton felt the work should be completed in perhaps 3 weeks.

Town Engineer Norton reported he would like to request that this Application be approved for two years. Although this work is temporary he would like to put out a bid document for debris removal and have a process in place in case there is another disaster. This site would be strictly for use by the Town.

The following questions were raised:

Chairman Ouellette:

- Is there a market for this material? Town Engineer Norton noted there is so much material available at present, and, as part of the FEMA requirements, they would need to identify where all the material is going.
- Is there significant noise associated with the use of the tub grinder, as there are residences relatively nearby. Mr. Botticello felt the noise was really from the engine of the grinder; it's really not any louder than the back-up alarm on equipment. Mr. Botticello also noted the use of the grinder wouldn't start before 6:00 a.m., and won't be run on Saturday or Sunday.

Commissioner Sullivan:

- If the Commission grants the permit would there be other uses proposed? Town Engineer Norton reiterated the permit would be strictly for Town use for disaster management. The Town has entered into a contract with these parties for nothing

else other than the proposed use. Town Planner Whitten suggested in 2 or 3 weeks no one should be seeing or hearing this work. Chairman Ouellette noted the work could be interrupted temporarily at any time due to snow removal.

Town Planner Whitten wanted to bring to the Commission's attention that the Applicant is abiding by the 100' setback for stockpiling the material. She also noted she would like to extend the north property line for this parcel; Chairman Ouellette suggested the request is rational as the parcels are owned by the same property owner, and this is a common user.

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

MOTION: To CLOSE the Public Hearing on the Application of the Town of East Windsor Public Works Department – Special Use Permit for an Emergency Temporary Volume Reduction Facility to allow temporary grinding of brush and storage of wood chips for the disaster relief cleanup operation on property at 84 Wapping Road, owned by NORCAP, Inc. [A-1 Zone; Map 27, Block 65, Lot 21]

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

MOTION TO APPROVE the Application of DPW Director Leonard Norton representing the Town of East Windsor, and owner Dennis Botticello, requesting a Site Plan approval, and Special Use Permit per Chapter 807 of the Zoning Regulations to allow a temporary volume reduction facility for the delivery and processing of wood /brush products into mulch for disaster clean up at 84 Wapping Road A-1 Zone (Map 27, Block 65, Lot 31)

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

Referenced Plans:

-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. (PE and LS).
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. Two final full sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department
4. Special Use Permit shall be filed on the land records in the Town Clerks Office.

Conditions which must be met prior to certificates of compliance:

5. 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.
6. The Fire Marshall must review application and sign annual zoning permit application. Concerns such as height of wood chip piles, and adequate management of saw dust should be considered and addressed.
7. This application specifically allows the storage and processing of wood storm wood debris on the subject site. This includes wood mulch/chips, sawdust and other similar wood by-products.

General Conditions:

8. Conditions as set forth in Chapter 807 of the East Windsor Zoning Regulations shall be adhered to.
9. In accordance with Chapter 900.3.h of the Zoning Regulations, site plan approval shall become null and void in TWOYEARS from date of approval if the activities have not commenced and the site plan shall be considered disapproved, and Special Use Permit shall be voided, unless an extension is granted by the Commission.
10. A Zoning Permit shall be obtained prior to the commencement of any site work.
11. A Zoning permit is required annually should the site be utilized, with documentation that the site and activities are in conformance with the original permit. Documentation shall be in the form of an “As Built” plan showing location of all stockpiles, impervious surfaces (inclusive of asphalt millings and gravel surfaces), and spot grades.
12. 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.
13. Any modifications to the proposed drainage or grading for the site plan is subject to

the approval of the town engineer.

14. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
15. 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 Conditions:

16. Hours of operation are **6 am - 7 pm Monday –Sunday**. These hours will include utilization of on site equipment such as tub grinders, skid steer and loaders.
17. **All wood chip stockpiles processed or otherwise, shall be located a minimum of 100 feet from any property line, and 50 feet from the northerly property line. This shall include the storage and use of all grinding machinery and loading activity. The maximum height of stockpiles shall be 35 feet.**
18. **Conditions as set forth in #17 and 18 above shall be shown on the plans. Final plans are to be approved by the Town Planner before signing or filing.**
19. A bond shall be posted and maintained by the applicant to ensure compliance with all conditions of the approval, including, but not limited to, provisions for protecting the Town of East Windsor in the event a facility terminates operations with a large amount of material on the site. *(N/A since the Town is the applicant).*
20. Truck trips shall not exceed **30** trips per day.

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

NEW PUBLIC HEARINGS: Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.2 *Temporary Signs and Displays* – to modify the temporary business sign regulations.

Chairman Ouellette announced the subject of this Item of Business.

Town Planner Whitten recalled the Commission has agreed to replace the permit requirement with a registration fee of \$50 (vs. the permit fee of \$75); the mandated State fee of \$60 will still be required of an Applicant. Two Condition revisions have been made; Condition #10 now reflects that “help wanted” signs are exempt from the regulation, while the expiration date in Condition #12 has been changed to 2012.

The Commission concurred with the revisions.

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

MOTION: To CLOSE the Public Hearing on the Application for Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.2 *Temporary Signs and Displays* – to modify the temporary business sign regulations.

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

MOTION to APPROVE the text amendment to allow for the continuation of temporary business signs to be referenced as Chapter 602.8.d. in the Zoning Regulations, as revised.

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

REASONS FOR APPROVAL: Chairman Ouellette voted in favor of the text amendment as it supports local businesses and this regulation provides a mechanism for the temporary signs and banners. Commissioner Gowdy agreed, and also liked the fee reduction which is also beneficial to the local businesses. Commissioners Devanney and Thurz agreed with Chairman Ouellette and Commissioner Gowdy. Commissioner Sullivan also agreed and felt the fee reduction will get more people to comply.

NEW PUBLIC HEARING: Proposed Text Amendment to the East Windsor Subdivision Regulations, (new section) Section 2.17 Agricultural Buffer Strips – to require a buffer for new subdivisions to be developed next to existing farms.

Chairman Ouellette announced this Item of Business.

Town Planner Whitten recalled this regulation provides protection for the existing farmer as well as the buyer and seller of properties within a subdivision located next to an existing farm. If the subdivision comes in after the farm is in operation then it is the responsibility of the developer to establish a buffer to separate the uses, and to add notes to the plans notifying potential buyers of the potential for the possibility of odors, and sounds, associated with the existing farming operation.

Town Planner Whitten noted a referral to CRCOG (the Capital Region Council of Governments) was not necessary for this text amendment.

The Commission concurred with the regulation as proposed.

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

MOTION: To CLOSE the Public Hearing on the Proposed Text Amendment to the East Windsor Subdivision Regulations, (new section) Section 2.17 Agricultural Buffer Strips – to require a buffer for new subdivisions to be developed next to existing farms.

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

MOTION to APPROVE the text amendment to the subdivision regulations to require agricultural buffers with new subdivisions adjacent to existing farmland, referenced as New subdivision regulation Section 2.17.

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

REASONS FOR APPROVAL: Chairman Ouellette noted East Windsor is a farm-friendly community and this regulation protects existing farms. Commissioner Gowdy felt East Windsor had been doing this already but this approval puts the regulation on paper. Commissioner Devanney noted this regulation also provides an added protection for the new buyer as well. Commissioner Thurz felt the regulations protects the buyer, the seller, and the farmer. Commissioner Sullivan agreed with the comments made by his fellow Commissioners.

OLD BUSINESS: 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] (*Hearing closed 11/16/2011; deadline for decision 1/20/2012*); **AND, OLD BUSINESS: 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] (*Hearing closed 11/16/2011; deadline for decision 1/20/2012*).

Chairman Ouellette announced both the Zone Change Application and the Special Use Permit Application. He noted both can be discussed concurrently, although the votes will be taken separately. Chairman Ouellette noted that both Hearings were closed on November 16, 2011; the deadline for the Commission to make a decision is January 20, 2012. He also noted it would be possible for the Commission to approve the Zone Change while denying the Special Use Permit Application, if it so chose.

The Applicant, Walter Bass, was present in the audience. As the Hearings have been closed discussion can only occur within the Commission and Staff.

Chairman Ouellette opened discussion by noting he had spent a lot of time thinking about discussion which occurred during these Hearings. He felt there was a lot of misunderstanding that because this parcel also abuts North Road an approval of this Application was to approve housing on North Road. Chairman Ouellette noted he felt the Zone Change was appropriate on the south end of the parcel, and he felt the Application is a good fit with the existing neighborhood.

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Commissioner Gowdy concurred, he felt there was a stigma in the community of low income housing. He felt people think of what's up the road, and this proposal is not the same.

Commissioner Devanney reported she looked at the site and every site around the subject is residential. As to the question of would this be better being industrial, she suggested industrial wouldn't fit with the existing neighborhood. Chairman Ouellette suggested some of the critics of the Application would be happy to leave the site as it is but that isn't the Commission's choice. Commissioner Devanney also felt there is a need for this type of housing; some people can't afford a \$300,000+ home. Commissioner Devanney reiterated she felt there was a need for this.

Commissioner Thurz agreed that it appeared that everyone present at the Hearing felt this parcel, and this proposal, was part of the Route 140 corridor, but it isn't. Commissioner Thurz also suggested that people indicated they didn't want apartments, as they tend to include a lot of Section 8 housing. Chairman Ouellette noted the Applicant tried to clarify that during the Hearing, and he felt the Applicant did a good job of explaining that issue but some people just had that misconception. Commissioner Devanney also noted that even though the parcel borders the North Road the access for this proposal is on Winkler Road. Chairman Ouellette also noted Town Planner Whitten explained that this project was on the books before the Route 140 sewer was installed.

Commissioner Sullivan reported he had no problem with the Zone Change but he did have concerns with the architecture of the condominiums. Commissioner Sullivan felt that approval of the condominiums in that location followed the intent of the POD (Plan of Conservation and Development) as the best use, and that use wouldn't alter the character of the neighborhood. Commissioner Sullivan felt that he got the feeling from the last meetings that people didn't like the common entrance; they felt it looked like apartments. He suggested he would be much happier if the proposal were for single units with an upstairs and downstairs and separate entrances. Commissioner Sullivan indicated he understood the Applicant may have problems getting the number of units he needs to make money on the proposal but he felt people in the surrounding area would have no problems with the project if it were designed differently. Chairman Ouellette noted that at this point the Commission hasn't the ability to make those design changes; the only way to make those edits would be via an "aye" or "neigh" vote.

Chairman Ouellette queried the Commissioners for additional comments on the Zone Change; no one responded. Town Planner Whitten noted she had made her comments in her Staff memo.

Chairman Ouellette questioned Town Planner Whitten on the following issues:

- What would be the next step for the Applicant if the Commission approved the Zone Change but not the Site Plan? Would he have to wait to reapply? Town Planner Whitten replied negatively.

- How long the Zone Change would be good for? Town Planner Whitten noted the Zone Change remains in effect until it's changed again.
- Is this considered an overlay zone? Town Planner Whitten replied affirmatively.
- If the Zone Change is approved but the Site Plan is not someone could put in a single family house, the Commission would not be handcuffing someone from doing something. Town Planner Whitten replied that basically the approval would be saying someone can do a residential development.

Commissioners Gowdy, Devanney, and Thurz reported they had all listened to the tapes of the previous Meetings.

Chairman Ouellette called for a motion on the Zone Change Application.

MOTION TO APPROVE the Application of owner Walter E. Bass Jr. requesting a zone change from A-1 to MFDD per Chapter 802 (Multi Family Development District) for property located on Winkler and North Roads [Map 114, Block 24, Lot 5] .

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.
5. Any easements must be approved and filed on the land records prior or concurrent with filing of mylars.

B. General conditions of approval

6. 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.

7. The approval of this rezone 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.

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

REASON FOR APPROVAL: Chairman Ouellette noted this proposal meets the intent of the Plan of Conservation and Development and it is in uniformity with the surrounding land uses. Commissioner Gowdy felt this is the place for this use rather than an industrial or commercial use. Commissioner Devanney agreed, noting this proposed use matches the community around it. Commissioner Thurz agreed with the comments made by his fellow Commissioners. Commissioner Sullivan felt this is the only viable alternative for this parcel.

OLD BUSINESS: 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] (*Hearing closed 11/16/2011; deadline for decision 1/20/2012*).

Chairman Ouellette announced again the Application for the Special Use Permit. He noted, again, the Hearing on the Special Use Permit was closed on November 16, 2011; the deadline for the Commission to make a decision is January 20, 2012.

Chairman Ouellette offered the following comments on the Special Use Permit Application:

- He noted Commissioner Sullivan's comments, and similar comments made during the Public Hearing resident comments, regarding the architectural features of the buildings. He noted he has reviewed the Regulations and didn't think the Regulations provide any real guidelines. What he finds attractive might be different for someone else.
- Chairman Ouellette suggested he personally had problems with fire accessibility but he noted he had heard from a person not associated with the fire profession that accessibility from three sides was usually acceptable. He suggested it would have been good to have some input from the fire personal; Town Planner Whitten advised the Commission that an e-mail had been sent at 6:30 the evening of the Meeting (but was not available/opened until the following morning) from the Fire Marshal indicating that she had no concerns regarding the Application. Commissioner Devanney noted the units may be required to be sprinklered when the Building Permits are acquired.
- The owner of the airport, Mr. Koczera, had brought up some good points regarding the need for a fence and the Applicant was ok with that request, yet Chairman Ouellette felt Town Planner Whitten may have been concerned with the need to clear cut to install the fence. Town Planner Whitten suggested if the fence is installed within a vegetated area then something will be cut out to make the installation. Chairman Ouellette felt some condition regarding the fence

should be added to the approval motion, as both Mr. Koczera and the Applicant agreed to the installation and the fence isn't shown on the plans. Town Planner Whitten suggested the decision regarding the need for the fence could be done based on field verification. See Condition #39.

- Regarding the Open Space allocation Chairman Ouellette noted the Applicant has submitted drawings reflecting two options, what is the Commission's preference? Commissioner Gowdy felt the Open Space being offered is basically useless as it has no public access; he felt the Commission should accept the Conservation Easement. Commissioners Devanney, Thurz, and Sullivan agreed.
- Regarding notes on the plans, deeds, mylars, and condominium documents advising of the close proximity of the airport and the trolley museum, Chairman Ouellette questioned Town Planner Whitten if that requirement was legal for all items specified? Town Planner Whitten suggested striking the "condominium documents" from Condition #43 of the proposed approval motion (which becomes Condition #36 when the conditions are renumbered); she felt notes on the final mylars and deeds would be sufficient.
- Chairman Ouellette questioned the Commission's ability to restrict subletting the units? Town Planner Whitten felt that was not possible; Condition #44 of the proposed approval motion (which becomes Condition #37 when the conditions are renumbered) should be deleted.

Chairman Ouellette queried the Commissioners for further comments.

Commissioner Thurz questioned the purpose of the fence, as it had been discussed when Commissioner Thurz was not in attendance. It was noted Mr. Koczera had expressed a concern that people living in the condominiums might wander over into the airport. Commissioner Thurz noted he lives on the other side of the airport; people in the area don't seem concerned with the activity at the airport.

Commissioner Devanney suggested she doesn't have a problem with the way the project has been developed, or the style of the buildings. She felt much can be done with landscaping. Commissioner Gowdy suggested he doesn't have a problem with the design either; he felt without the Commission's ability to have a preliminary design review then the architectural features were not within the Commission's purview. Commissioner Thurz felt some of the problem was that people felt the units could be purchased and rented to others. Town Planner Whitten suggested there is no legal way for the Commission to make that restriction. Chairman Ouellette felt it was a negative connotation that because the units were being rented others property values would be reduced. Commissioner Gowdy felt the Applicant has met the Regulation requirements, and gone beyond them in many cases. He felt this is a great project for this area; while some may not be crazy about the style he agreed a lot can be done with landscaping, etc. Commissioner Sullivan referenced his earlier comments, noting he felt it would be more user-friendly to have an upstairs/downstairs unit rather than having someone live over you. He also felt if the units had a private entrance the Applicant would have knocked it.

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Town Planner Whitten suggested if the project is approved the Applicant can always come back for modifications.

Chairman Ouellette questioned the waivers. Town Planner Whitten suggested the first waiver is approval of a Conservation Easement vs. standard Open Space. The second waiver is to approve the recreational space as proposed for a gazebo, community garden, etc. as the Regulations specify recreational space as tennis courts, a clubhouse, etc.

Chairman Ouellette queried the Commissioners for additional comments; no one offered any additional input. Chairman Ouellette requested motions on the waivers first, then approval of the Special Use Permit.

**Motion to approve Waiver for :
Ch 802.16.b regarding the form of open space to be received as a conservation easement.**

DISCUSSION: None.

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

**Motion to approve Waiver for:
Ch 802.16.c regarding the form of recreational space accepted as grass field, gazebo, walking paths and community gardens**

DISCUSSION: Chairman Ouellette noted the Regulations indicated the recreational space should be tennis courts or a clubhouse, and in this case the Commission has approved the grass field, gazebo, walking paths and community gardens being proposed.

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

MOTION TO APPROVE the Application of owner Walter E. Bass, Jr. requesting a Special Use Permit/Site Plan Review per Chapters 802, 700 and 900, 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] .

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

Referenced Plans:

“Cover Sheet –Improvement Location Survey, Plan of McLellan Way, Winkler Rd, East Windsor CT Map 114, Block 24, Lot 5, Zone A-1 prepared by Robert J. Arsenault, PE 401 High Street, East Hartford CT 06118, 860/904-2813 p/f and by Gary B. LeClair LLC LS 57 Acorn Dr. Windsor Locks CT 06096, 860/627-8200 p/f dated 3/19/11 last revised 8/23/11

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Including Sheets last revised 3/10/05:

- 1A Property Survey dated 4/28/11, scale 1" = 100' last rev 5/31/11,
- 2 Improvement Location Survey, scale 1" = 40',
- 3 Site Development Plan last rev 8/23/11
- 4 Offsite Sanitary Sewer Plan/Profile re 8/23/11
- 5 Onsite Plan/Profile rev 8/23/11
- 6 Sedimentation and Erosion Control 8/23/11
- 7 Landscape Plan
- 8 Notes & Construction Details
- Elevation Front and Rear – Preliminary Plan – Not for Construction Building #1 – McLellan Way – 10 units. East Windsor CT scale 1" = 1' dated 8/17/11, rev 9/6/11
- Elevation Left
- First Floor Plan
- Second Floor Plan
- Zone Change Map for owner/applicant Walter E. Bass Jr. Winkler Road, East Windsor CT Map114 Blk 24, Lot 5 prepared by LeClair LS dated 9/9/11 last rev. 9/28/11

Conditions that must be met prior to signing of mylars:

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylar copies for signing by the Commission.
2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.)
3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor's Office.
4. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final mylars.
5. Addresses for the site must be shown on the mylars.
6. Declaration of restrictions and Affordable Housing Worksheets must be approved by Town Attorney and filed on land records. Administrator of Affordable housing units shall be clarified .
7. All condo association documents must be approved by Town Attorney and filed on Land Records.

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

8. The **applicant and/or developer shall schedule and attend a pre-construction meeting** with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.
9. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission.
10. One copy of the final site plan shall be filed on the land records.
11. A **Zoning Permit for site work must be applied for and approved prior to the start of construction.** Three sets of the final approved plans shall be submitted at this time.
12. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.
13. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project.** (Side bond must be in place before any permits will be issued). Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void.
14. A bond, suitable to the Town, shall be submitted for all site improvements (road & drainage). The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)
15. A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.
16. A **Zoning Permit** is required for construction of each building and gazebo.
17. A foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.
18. Additional requirements and procedures may be implemented by the Town Planner.

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

19. **Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.**

20. Site improvements must be completed up-to and around the individual unit at the time of CO.
21. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
22. Additional bonding may be required by the Planning Department.
23. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records.
24. All inspection fees must be paid.

Conditions which that be met prior to the issuance of any Certificates of Compliance:

25. Iron pins must be in place at all lot corners and angle points.
26. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.
- 27. A final as-built mylar of the entire project shall be submitted and signed by the Commission.**
28. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

29. This special permit/site plan approval shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved. The special permit/site plan approval shall expire six years form the date of approval. Failure to complete all required improvements within nine years shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
30. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
31. Any modifications to the proposed drainage or grading for the project is subject to the approval of the town engineer.

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32. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
33. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
34. 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.
35. Mailboxes will be worked out with staff if not located inside of buildings.
36. Notes must be placed on plans ~~and condominium documents~~, deeds and final mylars that the project is in close proximity to an airport, trolley museum and trolley tracks.
- ~~37. Condominium documents must reflect that units may not be sublet.~~
38. Open space shall be dedicated in the form of a conservation easement
39. A fence shall be located along the southerly property line between the airport and the proposed development. Said fencing shall be approved by Town Planner prior to installation.

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

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*) (Request to be tabled):

Chairman Ouellette read the description of this Item of Business. Town Planner Whitten noted the Applicant has one more opportunity to come back for discussion of this Application. There are a lot of title issues with this property; they have requested the Application be tabled for this Meeting.

MOTION: To CONTINUE the Application of 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} until the Commission’s regularly scheduled Meeting to be held on January 10, 2012, at 7:00 p.m. at 11 Rye Street, Broad Brook, CT.

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

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The Commission RECESSED at 8:14 p.m. and RECONVENED at 8:23 p.m.

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

BUSINESS MEETING/(2) Election of Officers: Tabled.

BUSINESS MEETING/(3) 2012 Meeting Schedule:

The Commission reviewed the dates proposed, and noted the date for the 4th Tuesday in 2013 is January 22nd. The revision will be made prior to submission to the Town Clerk.

MOTION: To APPROVE the Planning and Zoning Commission's 2012 Meeting Schedule as amended to reflect the change of the date of the second meeting in January 2013 to January 22nd.

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

BUSINESS MEETING/(4) Correspondence:

Town Planner Whitten reported the design preferences for the Route 140 corridor will be discussed with the consultant at a Special Meeting to be held on Monday, December 19th – location to be announced after reservation confirmed.

BUSINESS MEETING/(5) Staff Reports:

Town Planner Whitten reviewed with the Commission potential subjects for Commission consideration/discussion in the future. The consensus of the Commission was to concentrate on the rezoning of the Route 140 corridor before undertaking other issues, It was also noted the review/analysis of the Plan of Concentration and Development is also required within the next year.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:53 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(6785)