

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

**Meeting #1604
JANUARY 10, 2012**

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

ESTABLISHMENT OF QUORUM:

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

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Friday, December 30, 2011, and Friday, January 6, 2012, was read by Chairman Ouellette:

- Application of BRD, LLC for a Special Use Permit to allow a volume reduction center located at 297 North Road, owned by Kement Family Limited Partnership. [A-1/A-2 Zones; Map 117, Block 36, Lots 43B & 43C]

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for anyone who wished to comment on a non-Agenda item. No one requested to speak.

APPROVAL OF MINUTES/December 13, 2011; AND, APPROVAL OF MINUTES/December 19, 2011 – Special Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting #1602 dated December 13, 2011 as amended:

- Page 10, **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]. **MOTION TO APPROVE....Zone Change; B. General Conditions of Approval, Condition #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~~ (**NOT APPLICABLE**). One Set, shall be filed in the Planning and Zoning Department.”

AND, To APPROVE the Minutes of Special Meeting #1603 dated December 19, 2011:

- Page 3, **WORKSHOP – With Route 140 Consultants, Second Paragraph:** “~~Selectman~~ **COMMISSIONER Sullivan.....**”

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

RECEIPT OF APPLICATIONS:

Chairman Oullette noted receipt of the following Applications:

- Application of BRD, LLC for a Special Use Permit to allow a volume reduction center located at 296 North Road, owned by Kement Family Limited Partnership. [A-1/A-2 Zones; Map 117, Block 36, Lots 43B & 43C]
- Application of Kevin P. Rothschild-Shea for Modification to an approved site plan for a new site lighting plan at 17 Craftsman Road, owned by STR Solar. [M-1 Zone; Map 93, Block 19, Lot 12-3].
- Application of Michael Welti for Site Plan Approval and 8-24 Referral to place an informational kiosk at parking area of the American Heritage River Commission Scantic Trail Head at the corner of Cemetery and Woolam Roads, owned by the Town of East Windsor [A-1 Zone].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

No requests for action made for this Meeting.

MOTION: To GO OUT OF THE POSTED AGENDA ORDER and now review **NEW BUSINESS, Application of Michael Welti – Site Plan Approval and 8-24 Referral to place an informational kiosk at parking area of**

the American Heritage River Commission Scantic Trail Head at the corner of Cemetery and Woolam Roads, owned by the Town of East Windsor [A-1 Zone]. The Commission will then return to the Agenda order as posted.

Gowdy moved/Devanney seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

NEW BUSINESS: Michael Welti – Site Plan Approval and 8-24 Referral to place an informational kiosk at parking area of the American Heritage River Commission Scantic Trail Head at the corner of Cemetery and Woolam Roads, owned by the Town of East Windsor [A-1 Zone].

Chairman Ouellette welcomed Mr. Welti to the Meeting, and asked him to join the Commission at the table.

Mr. Welti advised the Commission he plans to build an informational kiosk for the American Heritage River Commission at this location. He is planning the work as an Eagle Scout Project; the kiosk will contain information about safety, the adjacent walking trail, and perhaps maps about the river. Mr. Welti submitted a photo of a similar kiosk presently located in Enfield.

Commissioner Gowdy questioned how long Mr. Welti anticipated the project will take? Mr. Welti indicated he will build the kiosk over the Winter and install it in the Spring.

Chairman Ouellette referenced Town Planner Whitten's two comments noted in her memo of January 5, 2012. Town Planner Whitten indicated the sign must be located 10' from the right-of-way and cannot block visibility, and the sign will require a Zoning Permit and a Building Permit. She suggested she will assist Mr. Welti to determine the location for the sign in the Spring.

The Commission suggested Mr. Welti's proposal is a great project.

MOTION TO APPROVE THE SITE PLAN for an [8' x 4'], 8 foot high kiosk to be constructed at the river parking area at the corner of Woolam and Cemetery Roads, WITH THE FOLLOWING CONDITIONS:

- 1. The sign must be placed a minimum of 10 from the right of way, and may not block visibility**
- 2. The sign will require a zoning and building permit**

AND, MOTION TO RECOMMEND TO THE BOARD OF SELECTMEN UNDER AN 8-24 REFERRAL to allow the construction of a [8' X 4'], 8 foot high kiosk to be constructed at the river parking area at the corner of Woolam and Cemetery Roads.

Devanney moved/Zhigailo seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

NEW PUBLIC HEARING: BRD, LLC – Special Use Permit to allow a volume reduction center located at 297 North Road, owned by Kement Family Limited Partnership. [A-1/A-2 Zones; Map 117, Block 36, Lots 43B & 43C] (*Deadline to close Hearing 2/14/2012*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Mark Kement, of Sanderson & Washburn, P.E., and Doug King, Jr., representing BRD, LLC.

Chairman Ouellette queried if the Public Hearing signs had been placed along the property frontage, and had the Certificates of Mailing been submitted to the Planning Office? Mr. King replied affirmatively, noting the signs had been placed as required; he submitted proof of mailing at the Meeting. Town Planner Whitten requested Mr. King sign the Affidavit regarding these actions; Mr. King complied.

Mr. King indicated he is proposing a Volume Reduction facility for forest products; essentially the operation will be a mulch yard.

Chairman Ouellette noted the Commission was given in their packets preliminary information regarding this proposal, but that information didn't include plans or drawings. He raised the following questions:

- **What would be the point of access for this operation?** Mr. King suggested they would like to use the landfill driveway as access to the site. Mr. Kement noted that currently the main access to the Kement Construction facility is further to the west. There is a white farmhouse at the front of that location; the tobacco shed to the rear houses the construction equipment. To the east is a second haul road/access drive to the historic landfill. Both driveways are interconnected within the site.
- **Is the haul road is open today?** Mr. Kement reported it is presently gated. Town Planner Whitten clarified that access is beyond the brick house, and is at a 30 degree access from North Road.
- **How many truck trip/day are being requested/anticipated?** Mr. King suggested they have asked for 60 maximum. They currently have a high rate of usage as they are involved in the CTDOT storm clean up; Mr. King suggested he felt it would eventually be more like 12 per day. Chairman Ouellette clarified that if 60 trips were approved they could operate at that level. Mr. King concurred, but reiterated he felt it would average more like 10 or 12/day.
- **Site access in relation to safety:** Chairman Ouellette indicated he is looking for a comfort level that all applications meet current regulations. He noted the proposed access driveway has an unusual geometry; he wanted to make sure it's a safe site due to its location on a State highway. He noted that on similar applications the Commission had asked for a traffic study. Commissioner Gowdy reported he is very familiar with this site due to his long service on the Commission. If a vehicle is pulling out of the landfill access driveway it would be at the top of a hill. If the concern is access for fire/emergency vehicles

Commissioner Gowdy suggested keeping the landfill access driveway gated but available for fire access, and make the main entrance the entrance for the mulch operation. Mr. Kement indicated their original concern was wear and tear on the main entrance, but they could reverse the access locations and make the main entrance the current Kement Construction entrance as it is today, and make the gated landfill driveway the secondary access. He suggested the width of the current main access is wide enough for several trucks to pass each other entering and exiting.

- **Anti-tracking pad:** Chairman Ouellette noted Town Engineer Norton had requested installation of an anti-tracking pad the landfill access. Mr. King indicated they had no problem with that.
- **Traffic study/summary:** Chairman Ouellette noted the Commission has required a traffic report on other applications. He noted he is not asking for an extensive report but he indicated he doesn't have enough information to satisfy his concerns regarding safety. He noted North Road is a State road, and it lacks room at the shoulders to allow vehicles to sneak over if necessary. He is asking for information to convince him there is adequate capacity to handle the number of truck trips requested. Chairman Ouellette indicated he didn't feel the application request is out of character with the area, but he felt the applicant needs to satisfy the Commission that it has met the Regulation criteria.

Commissioner Sullivan:

- **Truck trips per day:** Commissioner Sullivan questioned when Mr. King referenced 60 trucks per day was that 30 trucks in and 30 trucks out, or 60 trucks in and 60 trucks out? Mr. King replied 60 in, 60 out. Commissioner Sullivan suggested that could be 12 trucks/hour? Mr. King replied affirmatively but felt they wouldn't get that volume. Commissioner Gowdy requested clarification that the 60 trucks/day would actually be 120 trips? Mr. King replied affirmatively.

Commissioner Zhigailo:

- **Ingress/egress:** Commissioner Zhigailo cited concern for trucks passing each other entering the site. Discussion followed regarding restricting access to trucks coming from the west being required to enter at the current construction access and requiring those trucks coming from the east to enter at the landfill. Town Planner Whitten questioned how the Commission would expect that to be enforceable? She also noted she had visited the site and parked at the landfill entrance; she noted North Road has a vertical curve in one direction which is a difficult sightline. Commissioner Devanney felt the main construction entrance should be used; there is a paved driveway, the sightline is much better, there are no trees impacting the sightline. Mr. King noted FOR THE RECORD that the Applicant has no problem switching access for the mulch operation to the main construction entrance.

Town Planner Whitten:

- **How will this operation conflict with the existing operation:** Mr. Kement noted the existing construction entrance is very wide; it should be able to accommodate several trucks passing each other.

Commissioner Thurz:

- **Has Town Engineer Norton's comments been reflected as revisions on the plan:** Mr. Kement indicated he had no problems with Town Engineer Norton's comments, but had not yet revised the plans as he didn't want to have plans reflecting multiple revision dates.

Chairman Ouellette noted this Application is a Public Hearing; he opened discussion to the Public.

Herb Holden, 59 Broad Brook Road: reported the way Broad Brook Road is designed his back yard and the applicant's is one and the same. Mr. Holden suggested he didn't want to stop the application but he has noted the trucks at the current operation are registered somewhere else; they should be registered in East Windsor. Mr. Holden felt if he has to pay taxes in East Windsor they should also.

No one else from the public requested to speak. Discussion continued amongst the Commissioners.

Commissioner Sullivan:

- **Location of wood chip piles:** Commissioner Sullivan requested that the wood chip piles would be located within a flat area in Phase I? Mr. Kement replied affirmatively. Commissioner Sullivan questioned that the piles wouldn't be located on the slopes? Mr. Kement replied the piles would not be on the slopes. Discussion followed regarding the phase lines. Mr. Kement indicated that most of the property is currently populated with top soil and sand piles. Commissioner Devanney questioned the proposed height of the chip piles? Mr. Kement replied they planned to keep the piles low; they are also keeping the piles 100' from the property line.

Chairman Ouellette:

- **State input due to the change of use at the facility:** Chairman Ouellette referenced Town Engineer Norton's comment that the change of use of the property would require review by the State, he noted the State has no jurisdiction regarding a change of use if there is no change to the curb cut into the facility. In this case there would be no one other than this Commission reviewing the traffic related to the proposed operation. Chairman Ouellette reiterated he is looking for a traffic summary rather than a lengthy traffic study. He indicated he wanted the file to confirm that the site will be safe for the activities proposed.
- **Fire Marshal's comments:** Chairman Ouellette noted receipt of comments regarding this Application.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Meeting #1604 – January 10, 2012**

7

Town Planner Whitten:

- **Erosion controls:** Town Planner Whitten referenced Town Engineer Norton's comment that due to the Applicant's intention to locate mulch piles in rows he questioned the ability of the proposed silt fence to handle run-off. Mr. Kement reported he will discuss the issue with Town Engineer Norton but felt the water will basically go where it goes now. Town Planner Whitten noted the Applicant proposes to put 2' to 3' of mulch over the entire area; she felt the water would seep in. Town Planner Whitten noted they are NOT proposing to use millings for area coverage.

As additional information was requested Chairman Ouellette noted the Public Hearing will NOT be closed this evening. He requested a motion for continuance of the Application.

MOTION: To CONTINUE the Public Hearing on the Application of BRD, LLC for Special Use Permit to allow a volume reduction center located at 297 North Road, owned by Kement Family Limited Partnership. [A-1/A-2 Zones; Map 117, Block 36, Lots 43B & 43C]. Public Hearing to be CONTINUED UNTIL THE COMMISSION'S NEXT REGULARLY SCHEDULED MEETING TO BE HELD ON JANUARY 24, 2012 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

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 92, Block 12, Lots 29 & 30B]. (*Deadline for decision extended to 1/21/2012*):

Town Planner Whitten reported this Applicant was unable to correct the drainage issues on the site. The problems are not just legal issues; there are also issues of non-compliance. The Applicant is heartbroken regarding these issues.

Town Planner Whitten noted the Statutory timeframe has run out on the Application. She suggested the Commission deny the Application without prejudice so the Applicant can come back if they resolve the drainage issue. She reiterated this situation is not the Applicant's fault; this was an excellent Application.

MOTION: To DENY WITHOUT PREJUDICE the Application of Advanced Wheels of Technology, Inc. for a 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 92, Block 12, Lots 29 & 30B].

Devanney moved/Gowdy seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

NEW BUSINESS: Gerald Wilcox – Site Plan approval for construction of two new buildings and site grading for storage and warehouse/contractors storage at Newberry Road. [M-1 Zone; Map 93, Block 19, Lot 4] (*Deadline for decision 2/14/2012*):

Chairman Ouellette read the description of this Item of **NEW BUSINESS**. Appearing to discuss the Application was Gerry Wilcox, the Applicant, and Bob Arsenaault, P. E.

Chairman Ouellette noted the Applicant has received a revised memo from the Town Planner this evening. Town Planner Whitten indicated the Applicant is submitting revised plans this evening; the memo revision involved the number of parking spaces required.

Mr. Arsenaault reported the existing site, which is 7.93 acres, has been developed in stages over the years. The property is zoned M-1 and located on the southside of Newberry Road. Mr. Arsenaault referenced the revised plans, noting the warm gray area identifies the bituminous driveway and existing building; the yellow area identifies the proposed 5,000 square foot building. Mr. Arsenaault indicated that from “this” point to the south as you come through the narrow neck within the property and continue through the back it’s the previously approved gravel area used for the storage yard. In the past there have been numerous approvals:

- **1988** - a 5,000 square foot building, and the dark brown building next to it, and the associated improvements. The dark brown building has not been constructed at this time.
- **1999** – received a permit for a Volume Reduction Facility for aggregate materials, which is stable, rolled gravel. That permit allowed for 15 truck trips/day and a total movement of 20,000 cubic yards of material/year over 75 days of operation.
- **2010** – the Applicant started a formal relationship with King Koil, which is located on Thompson Road to the west of the subject site. Approval was granted for an 18’ access driveway from Thompson Road to allow storage of box trailers on the subject property.
- **2011** – approval ran out for the second building, the Applicant came back in and was granted a re-approval for that same building. That building has not yet been constructed.
- **2011, August or September** – the Applicant received approval from the Inland Wetlands Commission to do the work shown in Phase II on the revised plan.

Mr. Arsenaault cited the following plan/application specifics:

- **Phase I and Phase II** – both are shown on the plans as they involve different construction entities. Phase I includes Site Plan approval to construct 2 buildings, which are shown in orange on the plan before the Commission.
- **Army Corp of Engineers (ACOE) permit:** has been received for that work approved under the Inland Wetlands Permit

- **Fire Marshal approval:** received.
- **Water Pollution Control Authority (WPCA) approval:** received to extend the internal sanitary sewer from the existing building to the new building.
- **Driveway access:** Mr. Arsenault indicated the cool gray area shown on the plan extends the 18' bituminous driveway to the south end of the new building, and also shows 5 parking spaces (including 1 handicapped space) for the new building. They are also showing on the plan 21 additional parking spaces as required under the current Zoning Regulations.
- **Waiver request:** Mr. Arsenault reported they are seeking a waiver for the construction of these 21 parking spaces at this time. The proposed use of the new building is dry storage. Employees needed for this building would come from the main building as needed. Mr. Arsenault reported they are showing the ability to provide the required parking but don't feel it's necessary under the proposed use.
- **Drainage provisions.** Run-off from roof drains for the new building will be picked up in dry wells; infiltration will be utilized as well. The plans before the Commission have been revised to reflect Town Engineer Norton's recommendation that the dry wells be inter-connected to handle overflow.
- **Building/Site lighting:** Mr. Arsenault reported they are showing lights on the building but nothing additional for the driveway. When approval was granted for the trailer storage lighting was not required because it's basically a daytime operation.
- **Dumpster locations:** plans have been revised to show same.
- **Landscape screening:** Mr. Arsenault reported significant screening is currently located closer to the existing building. They are requesting to maintain that screening as it shields the area where the flatbed trailers are parked, or moved within the site. Chairman Ouellette noted the plans contain a note that the "trailers are to remain at this time"; he questioned why that wording couldn't be removed if there is no intent to move the trailers? Discussion followed. Town Planner Whitten noted the vegetation currently acts as a natural landscape buffer; any change would require submission of a plan modification. Mr. Wilcox and Mr. Arsenault ultimately agreed to remove "at this time" from the plan note.

Mr. Arsenault referenced the green area identified on the plan, noting it is the area of vegetation currently being discussed. Mr. Wilcox wants to expand his operation area and is looking to install a 2' high x 3' wide concrete block wall which will reduce the grade significantly to allow it to become useable area. They will also be building a detention basin which will ensure 0% run off and provide better water quality; they will also be installing a swale to prevent water running off onto the adjacent property. Much of this area is the area for which the Applicant has received Inland Wetlands and ACOE approval.

Mr. Wilcox wanted to go ON RECORD to note the existing permit for the storage of the trailers will stay precisely the way it's permitted under an approval approximately 1 1/2 years ago. He is not asking for anything additional in that area; he is not asking for any changes to that permit.

- **Area coverage material:** The area will remain gravel, which is compacted well and is an existing stable surface.
- **Site traffic:** All traffic from King Koil comes from the King Koil Thompson Road site internally to the subject site. As indicated previously truck traffic for the storage yard comes in from Newberry Road and is limited to 15 truck trips/day and total movement of 20,000 cubic yards of material/year over 75 days of operation.

Mr. Wilcox indicated he didn't want to mislead the Commission. The intent is for King Koil to use the new facility but the use is for warehouse storage.

The Commissioners had the following questions:

Commissioner Thurz:

- **Concrete wall:** any plan for a fence along the wall? Mr. Arsenault indicated there is a 6' fence which will be relocated to the top of the wall.
- **Lighting:** will "wall packs" be used in this area instead of full lighting? Mr. Arsenault indicated they will install wall packs at each overhead door to identify the access point. He suggested they were not interested in providing a lot of lighting as this is a daytime operation. Mr. Wilcox suggested there is a lot of light spilling over from the King Koil property, but it is heavily wooded between the subject property and the adjacent neighbor, Mr. Richards.

Commissioner Gowdy:

- **Parking waiver request:** Commissioner Gowdy felt from Mr. Wilcox's comment regarding intent for use by King Koil but it could be used by another tenant – then what's the rationale for not putting in the additional parking spaces? Mr. Arsenault clarified the waiver request is to not put the 21 additional parking spaces in at this time, but if it was found to be needed they would then put them in.

Commissioner Sullivan:

- **Water run off:** Commissioner Sullivan referenced comments made by Town Engineer Norton regarding "potential for erosion due to runoff flowing over the wall"; he questioned what's the potential for storm water run off onto 68 Newberry Road? Mr. Arsenault reported there would be none, except for the natural run-off. He felt Town Engineer Norton was concerned with water cascading over the wall and eroding the road but he has revised the plans effective 1/9/2012 to address that comment.

Chairman Ouellette:

- **Access to area behind wall:** How would someone get to that area if necessary: Mr. Arsenault indicated they could reach over the wall with a large excavator, or use a smaller Bobcat. He noted the Wetlands Commission was satisfied with the proposal regarding the wall.

- **Phase II, at the property line:** Chairman Ouellette suggested the plans are unclear as to where the work ends. Mr. Arsenault and Mr. Wilcox indicated that work is what the neighbor is doing at 68 Newberry Road.
- **Visible impact of retaining wall:** Chairman Ouellette questioned if he was standing east of the site, and looking at the retaining wall, would he be looking at a huge humongous retaining wall; would the wall be visible from the street? Mr. Arsenault indicated nothing would be visible from the street. Mr. Wilcox advised the Commission the 1+/- acre used to be a heavily wooded swamp; it will not be visible.
- **Additional signage:** Mr. Arsenault and Mr. Wilcox both indicated there is no request for additional signage; there is also a note on the plan indicating they would return for a separate application.
- **Additional landscaping:** Mr. Arsenault replied negatively, noting the area around the building will be gravel.

Mr. Wilcox advised the Commission he has had the Inland Wetlands local authority review the plans, as well as a soil scientist and the Federal Government; he noted he has received a permit from “them” and has given a copy of the permit to the Planning and Zoning Office. Mr. Wilcox wanted the Commission to understand he has the best interest of the wetlands here. Mr. Wilcox indicated he has done many projects, and will do well on this one. He is turning this over to his son when he is done.

Commissioner Gowdy suggested this was a good presentation given by Mr. Arsenault. Many of Commissioner Gowdy’s questions were answered before he could ask them.

Chairman Ouellette returned discussion to the waiver request for the parking requirements? He requested clarification that the Applicant is asking to defer installation of a number of spaces. Town Planner Whitten indicated they are proposing to install 5 parking spaces, while the Regulation requires that they provide 25 spaces. She noted the Regulations are flexible; she read Section 601.2 for the Commission. Town Planner Whitten reported that in the past the Commission has asked that an applicant come in with plans reflecting the required number of spaces vs. the actual number of spaces anticipated to be needed. She referenced Section 601.4, noting the Commission could waive immediate installation of only 35% of the required spaces; this Applicant would still need to provide 20+/- spaces. Town Planner Whitten clarified that there is room to install the additional spaces if it becomes necessary.

Chairman Ouellette indicated he didn’t understand what they were requesting a waiver to construct; this area under discussion is proposed to be gravel. Town Planner Whitten clarified that the Commission is also waiving the need to install an asphalt surface; the way the motion has been proposed the Commission is modifying the plan to waive the requirement for the installation of the additional warehouse parking spaces. She reiterated there is room to put in the additional spaces if it’s found they are necessary in the future. Chairman Ouellette suggested if the waiver to allow a gravel surface isn’t granted then this whole site would need to be re-engineered.

MOTION TO to allow graveled instead of paved surfaces for the site per Chapter 601.4.

Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

MOTION TO MODIFY and WAIVE the requirement for parking for warehouses for this application, to allow 5 spaces with the possibility of adding an additional 15-21 if needed in the future.

Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

MOTION TO APPROVE the Application of owner Gerry Wilcox requesting a site plan approval for construction of a two new buildings and site grading for storage and warehousing/contractors storage at 50 Newberry Road. M1 Zone, Map 092 Block 19 Lot 4.

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 1/3 – Improvement Location Plan prepared by Robert J. Arsenault, PE, 401 High Street, East Hartford, CT 06118, 860/904-2813 phone/fax; Wilcox Excavating Construction Company, Inc, 50 Newberry Road, East Windsor CT Map 15 Block 19, Lot 4, Zone M-1, also prepared by Gary B. LeClaire LLC Licensed Land Surveyor 57 Acorn Dr., Windsor Locks, CT 06096, 860/627-8200 phone/fax scale 1"=40' dated 12/02/11.

Sheet 2/3 – Improvement Location Plan, scale 1" = 20'

Sheet 3/3 – Construction Details and Notes

Conditions which must be met prior to signing of mylars:

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.

3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

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

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have 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:

10. In accordance with Chapter 900.3.h of the Zoning Regulations and CGS 8-3i, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be

allowed subject to staff review and approval.

12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval

Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/ Devanney seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

The Commission RECESSED at 8:32 p.m. and RECONVENED at 8:42 p.m.

NEW BUSINESS: Kevin P. Rothschild-Shea – Modification to an approved site plan for a new site lighting plan at 18 Craftsman Road, owned by STR Solar. [M-1 Zone; Map 93, Block 19, Lot 12-4]. (*Deadline for decision 3/15/2012*):

MOTION TO APPROVE the Application of Kevin P. Rothschild-Shea and owner STR Solar requesting a modification to an approved site plan for a new site lighting plan at 18 Craftsman Road, Map 93, Block 19, Lot 012-04 in the M1 Zone.

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application were Kevin Rothschild-Shea, and Jay Ussery, of J. R. Russo & Associates.

Mr. Rothschild-Shea reported the proposal is to replace, or slightly modify, the existing lights on the site. The total parcel contains 40 acres, including a 275,000 square foot building. New full-cut off LED high efficiency fixtures will be installed on 20' silver anodized poles around the parking lot. Mr. Rothschild-Shea noted the new poles will be lower than existing poles, therefore, slightly more poles will be required to provide adequate lighting. Most of the fixtures/poles will be installed in lawn areas, or on islands, which eliminates the need for bollards.

Commissioner Thurz asked if Mr. Rothschild-Shea had used the LED lights anywhere else? Mr. Rothschild-Shea replied negatively, noting the current economy has caused most of the work to be interior renovations. He suggested the wedge-shaped LED lights are a nicer style than the shoebox fixtures.

Town Planner Whitten noted the Applicant has provided everything she has requested.

MOTION TO APPROVE the Application of Kevin P. Rothschild-Shea and owner STR Solar requesting a modification to an approved site plan for a new site lighting plan at 18 Craftsman Road, Map 93, Block 19, Lot 012-04 in the M1 Zone.

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

Referenced Plans:

SE1.1 – Site Lighting Plan, STR Site Plan 18 Craftsman Rd, East Windsor CT prepared by Architecture EL, Environment Life Inc., 264 N. Main ST Ste #7, East Longmeadow, MA 01028, ph.413/525-9700, fax. 413/525-9710, dated 12/1/11

SE1.2 – Symbol & Lighting Fixture Schedule, Details and Specifications.

Cut Sheets for The Edge LED Area Lighting – Type IV medium and Type III Medium

-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 sets of final plans, and One set of mylars with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets 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. (*not applicable*)

General Conditions:

7. In accordance with Chapter 900.3.h of the Zoning Regulations and CGS 8-3i, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and per C **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. 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.
10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. 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
13. All light fixtures **MUST** be full cut off , with low glare and directed lighting. Detail must be added to the plan.
14. All non essential lighting for security purposes shall be turned off after hours.

Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Zhigailo)

BUSINESS MEETING/(1) Informal Discussion – Gardner Chapman – Potential Multi-family Apartment Development:

Appearing to participate in this discussion was Attorney Dory Famiglietti, of the law firm of Kahan, Krensky, and Capposella; Gardner Chapman; and Jay Ussery, of J. R. Russo and Associates, LLC.

Attorney Famiglietti reported they are approaching the Commission to discuss the possibility of proposing a regulation change to allow multi-family apartment development. Mr. Chapman is the developer of Mansions at Canyon Ridge in East Windsor; he has also built Autumn Chase, in Ellington; Mansions at Hocknum Crossing, in Vernon; and a complex in Texas.

Attorney Famiglietti noted the Mansions at Canyon Ridge has proven that there is a demand for high-end apartment facilities, not only in East Windsor but also in surrounding towns. They serve a multitude of types of residents, from those individuals who are not yet ready to own a home, to young professionals, to mature adults who are downsizing, and those who would like to be free of property maintenance.

Attorney Famiglietti reported the Chapman Family has land, known locally as the Lawrence Farm, under option to purchase. They would like to propose a complex patterned after the Mansions at Canyon Ridge. Main Access to the parcel would be via Route 5 with a secondary access on Phelps Road.

Mr. Ussery identified the property as being previously owned by the Putriment family. The parcel contains frontage on Phelps Road as well as Route 5. Mr. Ussery presented a concept plan, showing access on Route 5 across from Winton Road, as well as access on Phelps Road at the location of the present Titus Farm. The parcel is in an area presently shown for Residential Growth in the current Plan of Conservation and Development (POCD). The proposal under consideration by the Chapman Family would include 62 buildings, each containing 10 units. The parcel is served by sewer, water, gas and electricity. A concept plan has been made available to provide a visual of a potential development.

Lengthy discussion followed. Attorney Famiglietti noted various features of the proposed development, including a Conservation Easement, walking trails, recreational area, etc. Attorney Famiglietti noted the units would be similar to those at Mansions at Canyon Ridge; all would have private entrances, many would have attached garages. Attorney Famiglietti noted the Mansions at Canyon Ridge is the second top taxpayer in East Windsor. Based on similar tax or fee standards Attorney Famiglietti noted the following potential financial benefit as a result of this project: \$1,254,36 in real estate taxes, and, \$302,257 motor vehicle taxes for a total annual revenue of \$1,556,625, as well as \$3,096,280 in sewer connection fees. Attorney Famiglietti then noted similar revenues received from similar Chapman complexes in Ellington and Vernon. Attorney Famiglietti also noted that for the year 2009 - 2010 Mansions at Canyon Ridge had no school aged children impacting East Windsor's school system, and had zero police calls. They would propose a combination of one and two bedroom units, as is the configuration for Mansions at Canyon Ridge.

Discussion continued regarding the effect of the economy on the mortgage market, the rental market, low vacancy rate for Chapman apartments, alternative forms of

development (single family residential or condos vs. apartment) and revenues received on same, review of the POCD in relation to projected growth, etc.

The Commission asked Attorney Famiglietti to return with visuals to show other parcels on which apartments could be built.

BUSINESS MEETING/(2) Review of Route 140 Regulations: Tabled.

BUSINESS MEETING/(3) Review of Bylaws: Tabled

BUSINESS MEETING/(4) Election of Officers – Tabled

BUSINESS MEETING/(5) Correspondence – Review of 68 Newberry Road Revised Plans:

Town Planner Whitten reported this Applicant has provided a plan on which a 100' buffer has been created, and the piles have been moved back 90' from the road as was approved during the Applicant's first application. The plan now shows 100' to the stockpiles and 90' to the access road which would be 10' from the property line. This proposed plan, which was prepared prior to creating mylars, now meets the Conditions of Approval.

The Commission requested the Applicant finalize the plan and submit same for signature.

BUSINESS MEETING/(6) Staff Reports:

Town Planner Whitten noted receipt of the following correspondence:

- Memo to staff and Commission Chairs/Commissioners of General Meeting to be held on Tuesday, February 28th in the Town Hall Meeting Room. It was noted February 28th is a PZC Commission Meeting; PZC members will not be able to attend. The PZC Meeting will be relocated.
- Economic Development Commission Meet N' Greet to be held January 26th at Merlot on the Water.
- E-mail from Josh Keplener

SIGNING OF MYLARS/PLANS, MOTIONS:

- Walter E. Bass, Jr. – Motions – Zone Change and Site Plan Approval.

ADJOURNMENT:

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

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Meeting #1604 – January 10, 2012**

19

Respectfully submitted, _____
Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(7096)