

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

**Meeting #1624
January 8, 2013**

MEETING MINUTES

********Draft Document Subject to Commission Review/Approval********

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:05 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

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

Also present was Town Planner Whitten.

GUESTS: Dick Pippin, Selectman; Kathy Pippin, Board of Finance. Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission, was unable to attend this Meeting.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, December 27, 2012, and Thursday, January 3, 2013, was read by Chairman Ouellette:

1. Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.8 *Temporary Signs and Displays* – to modify the temporary business sign regulations.

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition of **Discussion of the 2014 Plan of Conservation and Development** under **NEW BUSINESS.**

No motion made.

PUBLIC PARTICIPATION:

No one requested to speak.

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APPROVAL OF MINUTES/December 11, 2012:

MOTION: To APPROVE the Minutes of Regular Meeting #1623 dated December 11, 2012 as presented.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Metro PCS Massachusetts, LLC for Site Plan Approval for modifications to existing ground area for telecommunications facility located at 104 Prospect Hill Road, owned by The Connecticut Water Company. [B-1 Zone; Map 102, Block 17, Lot 38].
2. Application of Lisa Perkins for a Special Use Permit (per Chapter 407) to allow an accessory apartment at 175 Wells Road. [A-1 Zone; Map 85, Block 30, Lot 84].
3. Application of Viral S. Shah for a Special Use Permit/Sale of Alcohol (per Chapter 805) to allow the sale of beer at American Food Mart located at 148 North Road, owned by Walter E. Bass, Sr. [B-2 Zone; Map 124, Block 24, Lot 16].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: Newberry Road Enterprises & Steven Dearborn - Request by Steven Dearborn via Attorney Bridget C. Gallagher of Brown, Paindiris & Scott LLP, for extension for 68 Newberry Road. (Zone M-1; Map 15, Block 19, Lot 6). *(Received letter from Atty. Gallagher dated 12/13/2012 withdrawing request for extension)*

Chairman Ouellette read the description of this Item of Business.

Town Planner Whitten noted that at the previous Meeting Mr. Dearborn's attorney had put in a request for an extension of the time period regarding initiation of work at 68 Newberry Road. Staff inspected the property and determined work had been started, but Staff wanted a formal withdrawal of the extension request. That has now been done via the letter referenced in the Item of Business.

Chairman Ouellette questioned that the Applicant needs to complete this work within a year? Town Planner Whitten replied affirmatively.

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MOTION: To acknowledge the acceptance of the withdrawal request of Bridget C. Gallagher of Brown, Paindiris & Scott LLP on behalf of Steven Dearborn for the extension for 68 Newberry Road.

DISCUSSION: None.

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

PUBLIC HEARINGS: Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.8 Temporary Signs and Displays – to modify the temporary business sign regulations.

Chairman Ouellette read the description of this Item of Business.

Town Planner Whitten noted the Commission has been discussing the renewal of this Regulation, and possible revisions, during several previous Meetings. She summarized revisions made to the subject Regulation:

- Sunset clause extended to December 31, 2013.
- Language regarding longer timeframes for display has been added at the request of the Zoning Enforcement Officer.
- B-3 Zone added to permitted zones.

Town Planner Whitten noted this proposed Text Amendment has been referred to CRCOG.

Chairman Ouellette noted this Application is a Public Hearing; he queried the audience for comments. No one requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Proposed Text Amendment to the East Windsor Zoning Regulations, Section 602.8 *Temporary Signs and Displays* – to modify the temporary business sign regulations.

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

Motion to approve: a one year extension and amendments of Chapter 602.8.d.10 to allow for temporary business signs. The following conditions will apply:

1. A fee schedule of \$50.00 registration fee will be required for the year's allotment of temporary signs.
2. This text extension will become effective one day after notice is published in the newspaper.
3. This regulation will be automatically repealed on December 31, 2013, unless the Planning and Zoning Commission agrees to extend this section of the regulation.

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4. A copy of the final motion and text shall be filed in the Office of Town Clerk on the effective date by the applicant. Said amendment shall bear the signature's of the Chairman and Secretary of the Commission, and the approval and effective date of the amendment.

DISCUSSION: None.

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

OLD BUSINESS: None.

NEW BUSINESS: Metro PCS Massachusetts, LLC – Site Plan Approval for modifications to existing ground area for telecommunications facility located at 104 Prospect Hill Road, owned by The Connecticut Water Company. [B-1 zone; Map 102, Block 17, Lot 38] (*Deadline for decision 3/14/2013*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Marie Burbank, agent for Metro PCS Massachusetts.

Ms. Burbank reported that Metro PCS Massachusetts purchased the subject site from Pocket Communications. Metro PCS is asking to expand the ground facility from 6' x 6' to 10' x 9' to accommodate replacing an existing radio cabinet and a battery cabinet; an existing "ppc cabinet" will remain within the facility. Ms. Burbank indicated these renovations will improve cellular reception to the newer 4G technology. These improvements would be similar to what Metro PCS has at other property locations.

Chairman Ouellette noted Staff had raised a comment regarding the proposed work and questioned if Ms. Burbank could respond? Ms. Burbank read the engineer's response, noting she herself was not an engineer. Town Planner Whitten clarified that during discussion of the plans she and Town Engineer Norton had been concerned with previous erosion on the east side of the site. A berm and swale had been installed on the east side property line to prevent water from flowing onto adjacent residential properties. Town Planner Whitten suggested if that area would need to be disturbed to accomplish the proposed work the Town must be made aware of that intent. She suggested the Commission consider adding that requirement as Condition #19 of the proposed approval motion. Town Planner Whitten noted that this was the one site Town Engineer Norton had been concerned with in the past.

MOTION TO APPROVE the Application of Metro PCS Massachusetts, LLC , and owner Connecticut Water Co., ., requesting a site plan approval for associated equipment and ground improvements of wireless communications antennas per Section 804, to be located below existing water tank, located at 104 Prospect Hill Road, East Windsor, CT. [Assessors Map 102, Block 17, Lot 38] R-3 zone. This approval is

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

Referenced Plans:

- | | |
|------|---|
| T-1 | Title Sheet with location map – Metro PCS Unlimit Yourself HFC1456G , 104 Prospect Hill Road, East Windsor CT 06088, Hartford County, Site Type: Equipment Upgrade – Water Tank, prepared by Chappell Engineering Associates, LLC R.K. Executive Centre, 201 Boston Post Rd West, Ste 101, Marlborough MA 01752 508/481-7400, dated 11/27/12. Rev 12/8/12 |
| GN-1 | General Notes |
| A-1 | Compound Plan & Elevation |
| S-1 | Equipment Plan Sections and Details |
| E-1 | One Line Diagram, Riser, Details and Notes |
| E-2 | Grounding Details |

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. One set of mylars 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 structural plans shall be submitted for signature.)
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 mylars.

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

4. A Zoning Permit for all site work, inclusive of grading and placement of concrete pad and cabinets, must be applied for and approved prior to the start of construction. Two sets of the final approved plans shall be submitted at this time.
5. 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.
6. Additional requirements and procedures may be implemented by the Town Planner.

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

7. Site improvements must be completed or bonding in place.
8. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
9. Additional bonding may be required by the Planning Department.
10. All state inspection fees must be paid.

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

11. A paper copy of the final as-built survey showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as spot grades shall be submitted and approved by the Town Planner.
12. A final as-built mylar shall be submitted and signed by the Commission.
13. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

14. This site plan approval shall expire **five years from date of approval.** Failure to complete all required improvements within that time 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.
15. 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.
16. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
17. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
18. 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.

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Additional Conditions:

19. **Swale/berm system along easterly property line shall not be disturbed, and maintain a positive drainage flow.**

DISCUSSION: None.

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

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Discussion – Adult Regulations:

Town Planner Whitten reported she continues to work on this Item of Business.

BUSINESS MEETING/(2) Approval of Bylaws:

Town Planner Whitten noted the number of Commission Members listed in Section 2.1 has been revised from 4 to 5, and references to the Charter are correct.

MOTION: To APPROVE the Planning and Zoning Commission Bylaws as written.

DISCUSSION: None.

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

BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:

Motions:

- **John and Dawn Galinski** - Special Use Permit for contractor storage yard, residential over commercial use and associated site modifications to be located at 227, 227R, and 229 South Main Street, East Windsor
- **William Syme/Crop Productions** – Modification of approved site plan for demolition of shed and new construction of 60' x 60' storage shed at 16 Chamberlain Road.

BUSINESS MEETING/Staff Reports:

- Town Planner Whitten gave the Commission a finalized copy of the Planning and Zoning Enforcement Policy.

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- Town Planner Whitten reported that Staff recently attended a Court session regarding the pending case with Steve Dearborn. At that session the Town – The Planning and Zoning Commission and the Inland Wetlands Commission - entered into a Stipulated Agreement in which Mr. Dearborn must complete various things within a specified timeframe. The deadline for the Stipulated Agreement runs through the Spring. Should the requirement of the Stipulated Agreement not be met the Town can return to Court to seek further resolution.

CORRESPONDENCE:

Town Planner Whitten noted the following activities:

- Connecticut Land Use Seminar, Saturday, March 16, 2013 at Wesleyan.
- Board of Selectmen/Economic Development Commission/Chamber of Commerce “Meet and Greet” on Thursday, January 31, 2013, at La Notte, at 4:00, followed by BA, which will include presentations by various lending institutions.

BUSINESS MEETING/ Discussion of the 2014 Plan of Conservation and Development:

Chairman Ouellette noted he and Town Planner Whitten have been discussing the latest mandated update of the Plan of Conservation and Development (POCD), which is required to be updated every 10 years. Town Planner Whitten has requested money via the Capital Improvement Plan for 4 years, and has been told there is no money to hire an independent consultant to assist with the update. Chairman Ouellette noted that failure by the Town to update its POCD jeopardizes/eliminates grant funding for East Windsor.

Chairman Ouellette acknowledged there is so much competition for CIP dollars, but he feels Town Planner Whitten’s voice has fallen on deaf ears. He questioned if the Commission feels it should draft a letter to the Capital Improvement Planning Committee (CIP), the Board of Selectmen (BOS), and Board of Finance (BOF) outlining what’s required statutorily in the POCD, the goals for future development of East Windsor, and outline the goals that have been accomplished from the current plan. Chairman Ouellette suggested the PZC should be visionary for the community, and that can’t be done without the assistance of professional planning consultants. Commissioner Devanney felt the Commission needs to emphasize that what’ isn’t done presently will affect East Windsor down the road.

Town Planner Whitten reported she felt the CIP Committee questioned what the PZC could do to get the ball rolling? Chairman Ouellette recalled that previously the opinion of the community was sought via a telephone survey. He suggested today that task could be accomplished via an online survey. Town Planner Whitten suggested she briefly investigated “Survey Monkey”, and felt a reasonable survey could be performed for \$300 to \$500.

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Discussion followed regarding the parameters of the current POCD update. Commissioner Sullivan noted the Commission's recent establishment of the B-3 Zone for the Route 140 corridor, and the allowance of apartments on large parcels. He suggested the Commission needs to consider what uses could fit around those uses/areas. Chairman Ouellette suggested the Commission has found the TZ5 Zone isn't working as it was intended. Town Planner Whitten noted the need for the Commission to get direction from the residents and the community; she felt this update will be a significant revision. Chairman Ouellette noted the need to acquire involvement/agreement from other Boards and Commissions – the Economic Development Commission, the Inland Wetlands Commission, etc. – to develop goals. Discussion within the Commission noted they liked the process by which the development of the B-3 Zone was performed, and particularly liked the presentation to the residents at Scout Hall which presented various use and architectural options. It was also noted that a presentation by a consultant is perceived to be a presentation to the community by an objective/neutral party.

Town Planner Whitten will draft a position paper for discussion at the next Commission Meeting.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:50 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(2707)