

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

REGULAR Meeting #1648 – February 25, 2014

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 7:07 P. M. by Vice Chairman Gowdy.

PRESENT: **Regular Members:** Lorry Devanney, Frank Gowdy, and Dick Sullivan.
 Alternate Members: Robert Slate.

ABSENT: **Regular Members:** Joe Ouellette and Jim Thurz
 Alternate Members: Marti Zhigailo

Also present was Town Planner Whitten.

GUESTS: Deputy Selectman Jason Bowsza, Board of Selectmen Liaison to the
 Planning and Zoning Commission.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members and one Alternate Members were present. Vice Chairman Gowdy noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Slate would also join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, February 20, 2014, was read by Secretary Devanney:

- The East Windsor Planning & Zoning Commission will hold a public workshop for the Plan of Conservation & Development (POCD) – to discuss Open Space/Preservation of Natural Resources at its regular meeting on Tuesday, February 25, 2014 at 7:00 p.m. in the meeting room at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. All interested Eat Windsor residents are invited to attend.

ADDED AGENDA ITEMS: None.

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PUBLIC PARTICIPATION:**

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No one requested to speak at this time.

APPROVAL OF MINUTES/February 11, 2014:

MOTION: To APPROVE the Minutes of Regular Meeting #1647 dated February 11, 2014 as written.

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

RECEIPT OF APPLICATIONS: None.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE: **Yagaloff/Paradise Resubdivision** – Request from Karen Isherwood for a 90-day extension for the filing of mylars for the Yagaloff/Paradise resubdivision, 131 Depot Street. (*Current deadline for filing mylars: 3/28/2014*):

Vice Chairman Gowdy read the description of this Item of Business.

Town Planner Whitten reported the Applicant's representative is working on completing the mylars which are to be filed within 90 days of approval. While it's anticipated they will meet that deadline they have requested an extension to be sure they' don't miss the filing date.

MOTION: To GRANT THE 90 DAY EXTENSION FOR FILING MYLARS on the Application for the Yagaloff/Paradise Resubdivision for the request from Karen Isherwood for a 90-day extension for the filing of mylars for the Yagaloff/Paradise resubdivision, 131 Depot Street.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

OTHER BUSINESS: None.

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**BUSINESS MEETING/(1) Plan of Conservation & Development 2014 Workshop –
Discussion on Open Space/Preservation of Natural Resources:**

Town Planner Whitten welcomed everyone to the meeting and encouraged the residents to move closer to the table to engage in discussion with the Commission.

Town Planner Whitten reported that the Commission is working on updating East Windsor's Plan of Conservation and Development (POCD), which is required every 10 years. The previous POCD was adopted in 2004; during discussion this evening she will review strategies and goals from the 2004 plan, noting which have been accomplished and opening discussion on the outstanding items.

Town Planner Whitten referenced Chapter 2 of the 2004 POCD – Conserving Community Resources - which outlines various “strategies” for preservation of various types of open space, and offers various mechanisms to achieve those goals. Page 1 offers an Overview of the primary goal – preserving more open space. She announced that the Parks and Recreation Commission will meet Monday, March 10th at the High School to discuss their priorities for existing and future space. She cited that recent additions to open space have been the BMX Park and the Dog Park (both on Reservoir Avenue across from East Windsor Park); both of those parks will be added to the open space inventory in the updated POCD. She noted that when a developer proposes a subdivision they are required to offer either 20% of the total parcel as open space for the town, or, offer the Town a Fee-In-Lieu-of open space. Those Fee-In-Lieu funds are accumulated in an account to purchase other properties which might provide opportunities for a greater number of residents to enjoy undeveloped land. Developers also often offer Conservation Easements on environmentally sensitive parcels as open space to the Town. Another option is for the Town to apply for grants to assist with the purchase of open space. Most grant applications require that the Town have available matching funds to purchase properties; East Windsor currently lacks funding for grant acquisition. She noted that one of the reasons of the POCD is to propose goals for the town or grant funding can be denied. Town Planner Whitten referenced page 2-3 of the current/2004 POCD, noting that the ***goal*** is to protect 20 to 25% of the Town's land over the next 10 to 15 years.

Albert Grant noted the DEEP has an Open Space Grant Program; he suggested it would be great to have an inventory of potential parcels. Town Planner Whitten noted the Conservation Commission should be working on that inventory of open space parcels, and should be ranking them as to their overall benefit to residents. The Conservation Commission should also be approaching property owners to determine their concurrence of sale of the properties. The decision regarding acquisition of open space is made through the Planning Commission (PZC); funding for the open space would come through the PZC as well. The recommendation to purchase open space is made by the PZC as a referral to the Board of Selectmen; the decision to purchase a parcel is then sent to Town Meeting.

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Town Planner Whitten noted there is also the 490 Open Space Program. Mr. Grant suggested that the 490 Program only applies to farmland. Town Planner Whitten noted identification of the 490 properties is another goal for the Conservation Commission. Vice Chairman Gowdy questioned what was the effect on the taxable value of designating a parcel 490 Open Space? Town Planner Whitten suggested agricultural land used for farming is taxed at a lower rate. Town Planner Whitten referenced page 2-4 of the 2004 POCD which notes an Open Space Action Plan as a task, and development of an Open Space Program as continuing goals to identify the types of open space the residents are interested in preserving.

Town Planner Whitten reported the PZC presently allows for Open Space Subdivisions which encourage smaller lots clustered together which reduces the size of the subdivision. The PZC will be reviewing those regulations under this current POCD revision, and will be reviewing bulk and area requirements. The subdivision could include open space which could be used for walking trails. One of the questions involved with such open space is who would maintain them – maybe the boy scouts could assist the town to reduce the cost of maintenance.

Vice Chairman Gowdy suggested it's important to provide access to such open space. If the only access is through the subdivision then the acquisition of such open space might not be appropriate. Who would have access to such open space? Would the general public be able to use those parcels, or is it restricted to the owners of the subdivision? Town Planner Whitten noted when she worked in Simsbury they had gates which identified town open space. Commissioner Devaney felt it's a shame to have open space which isn't available to the general public.

Annette Fortune questioned the insurance impact of open space. If the town creates a bridge to provide access to open space and the bridge collapses as people are walking across it – is the Town prepared to accept that risk? Town Planner Whitten felt the risk would be similar to that associated with use of other town parks or ballfields.

Vice Chairman Gowdy suggested many of the open space parcels are currently being leased to farmers and are therefore not open to the public, others are open to the public but people are hunting on them. Deputy Selectman Bowsza felt the parcels being leased were Town land. Town Planner Whitten referenced the Kogut property and the Tschummi property; both were purchased by the Town and portions are leased to farmers. She noted this is a topic the Town will be discussing further in the future. Deputy Selectman Boswza felt the State purchased the development rights on the Tschummi property and the property must be used for farming. Town Planner Whitten felt farming occurs on a front portion of the parcel, while the back of the property provides access to the river. Discussion continued regarding accessibility to the Tschummi property, to whom it's accessible, and allowable uses. Vice Chairman Gowdy suggested the Town should consider the properties offered in more depth; in some cases

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the fee-in-lieu is the better option as that can then be used to purchase properties more beneficial to the public. Discussion followed regarding the current process, and the PZC's ability to note its preference regarding land vs. fees while continuing to work with the developer to reach a reasonable resolution.

Albert Grant: suggested the Town owned open space should be listed on the Town website.

Town Planner Whitten then referenced page 2-5 of the 2004 POCD, which lists as a goal to preserve agricultural land. She noted the Town has a lot of primary and secondary farm soils; preservation is a good goal. She referenced minutes from a joint Conservation/Agricultural Commission Meeting which discussed preserving open space. Various new tools were discussed regarding preservation options.

John DeLisa, 53 Scantic Road: suggested the Town needs to get the word out to the farmers/public regarding the availability of preservation programs. Albert Grant suggested there is a State program called "Farm Link"; Deputy Selectman Bowsza described the program which matches people with similar interests, noting it's a New England-wide network. Town Planner Whitten questioned how the Town should let the farmers know of the programs? Mr. DeLisa felt it's important to get the information out; he has elderly neighbors who have been asking how to preserve their land. Discussion continued; upon identification of the property Town Planner Whitten reported she had discussed options with one of the multiple owners of the property Mr. DeLisa is referencing. She then raised the question of preserving Development Rights from the farmer to keep the land in the 490 designation, but then someone subsequently changes their mind regarding the property. Deputy Selectman Bowsza clarified the incentive for the government to preserve farmland is to preserve that land in perpetuity. Discussion followed regarding legislative action to preserve farmland – ex. Southbury Training School property.

Town Planner Whitten reiterated that preserving farmland in perpetuity is a good thing as it preserves the aesthetics of the land, provides habitat, and provides the opportunity to continue farming. **Albert Grant** also noted it saves the town money from building a new school. **Donna Grant** felt that East Windsor's farmland will be sought after rather than Ellington or Somers which has sandier/rockier soil; she felt East Windsor's farmland is some of the best farmland in the world. Mrs. Grant felt the Town would be shortsighted in thinking about saving the tax dollars rather than preserving the farmland; there will be pressure in the future to build more houses. Deputy Selectman Bowsza cited there will always be people interested in farming; he noted Mr. Larese in the audience who came from Wallingford and purchased land in East Windsor to farm.

Town Planner Whitten then referenced page 2-7 of the 2004 POCD, which reflects a map of a preliminary Open Space Corridor Plan. She noted the plan offers options for recreational use.

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Donna Grant returned discussion to page 2-6 of the 2004 POCD – Coordinate Local and Regional Open Space Efforts; she referenced the comment that East Windsor is considered a “distressed community”, and questioned what that meant? **Albert Grant** suggested it’s based on low incomes; he suggested from a DEEP perspective that’s an advantage. Discussion followed regarding the statements in the POCD suggested East Windsor was eligible for a 65% match from the DEEP program; Mrs. Grant questioned if the Town had tried to get the 65% match? Town Planner Whitten suggested she felt that was how the Tschummi property was purchased, although she noted that land acquisition was completed before she became Town Planner. She reiterated that the problem for East Windsor is if we don’t have the 35% funding set aside to add to the purchase then the Town is not eligible to apply for the grant. Deputy Selectman Bowsza questioned if the grants are matching money, or for “in kind” services? Town Planner Whitten noted the Town received an Agricultural Viability Grant, which matched funding with Staff time used to apply for the grant – which was a considerable amount of time. Discussion followed regarding the monetary value in the Open Space budget line item. Town Planner Whitten noted another **goal** which the State is encouraging is for regional efforts regarding open space acquisition; East Windsor needs to look at potential properties in adjacent municipalities – such as Ellington or South Windsor – as well.

Town Planner Whitten returned discussion to page 2-10 and map on page 2-11 of the 2004 POCD – regarding preserving scenic roads and support preservation of historic and cultural assets. She asked the audience to identify parcels they would like to see considered for preservation?

- **Windsorville** (Albert Grant) – he noted there is a lot of open space in that area. Town Planner Whitten concurred, noting most of it is agricultural land.
- **Bobko property by the Scantic River along Mill Street** (Commissioner Sullivan) – Town Planner Whitten noted that parcel doesn’t contain any land that could be built on, the State would rather spend it’s money on properties that might be able to be built on. Commissioner Sullivan felt it would be good land for trails. Dick Sherman suggested if the property on Mill Street was purchased by the town it would connect the land at the filter beds with the land at the bottom of Old Ellington Road. Mr. Sherman then spoke of various properties along the Scantic River which are owned by the town. Discussion continued regarding creation of a Scantic River corridor.
- **W/S of “s” curve on Scantic Road** (John DeLisa) – Discussion followed regarding possible (?) donation of open space to the Town, and previous discussion with the Planning Department regarding a possible subdivision which has not materialized.
- **Norton property on Norton Road** (Albert Grant) – Mr. Grant suggested that land will change hands someday; that land would open up trails from Omelia Road to Mill Street.
- **Thrall Farm on Chamberlain Road** (Annette Fortune). Town Planner Whitten clarified this is the “Dance Hall” property which was built several years ago

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without securing permits; she understands there are efforts being made to bring the property into compliance on the building permit level.

Town Planner Whitten then asked the audience what resources they would like to see preserved; their responses follow:

- Scantic River
- Farm infrastructure – primary and secondary soils
- Aquifers
- Historical sites – where Native American communities had winter encampments
- Trolley line and Piney Ridge
- Skylark
- Opera House
- Rail Trail
- Melrose School House
- Horse Trails – besides Flaherty Field Trials
- Churches
- Flaherty Field Trials (already State owned)
- Natural bogs
 - Wapping Road – Mr. Grant suggested that property is already owned by the Northern Connecticut Land Trust.
 - Apothecaries Hall Road, beside the Sportsmen’s Club
 - Thrall Road – behind Boutin’s property and Thrall Road
- Thrall Hall/the Dance Hall – Chamberlain Road
- Barber Hill School House
- Broad Brook Pond
- Scenic Vistas
 - Main Street, Broad Brook looking toward St. Catherine’s Church
 - Open land, Broad Brook, behind the Bonelli property on Main Street
 - North on Route 140 near Melrose Road
 - Scantic Road
 - Wapping Road
 - Tree Top Lane
 - Antique Cemeteries

Town Planner Whitten referenced page 2-12 – Protect Environmental Quality, noting the recommendation to create a Conservation Commission separate from the Inland Wetlands Commission has been achieved. A separate Agricultural Commission has also recently been created.

Regarding the recommendation to Adopt Aquifer Protection Regulations, Town Planner Whitten noted this task remains pending. The State has required the water companies to create the Level A mapping under which the towns would create their respective regulations. Commissioner Sullivan noted some of the water under some of the

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farmland has been contaminated; he noted a reference in the Conservation/Agricultural Commission Minutes regarding this issue. Town Planner Whitten concurred, noting there is a concern that a lot of houses have been affected by that problem and have been given water filters which have been paid for by the State. The State is no longer providing that assistance; the question for the Town is what can we do for these people? She noted the aquifer is in the general vicinity of the center of Broad Brook. She questioned how the town can lessen the use of fertilizers on lawns and farms?

Donna Grant suggested we need to educate people about the use of corn gluten rather than fertilizer; the product prevents germination of dandelions and crabgrass. She suggested adding that information to the Town website. **Annette Fortune** concurred and spoke of the availability of the product locally; she noted it is a bit more costly than conventional fertilizers.

Rich Teller, 13 Canyon Ridge: noted the POCD is ten years old; has the mapping been completed yet? Town Planner Whitten replied negatively, noting the State has been discussing this for twenty years. The mapping is a State directive.

Donna Grant: also noted we are losing bees due to toxic pesticides. Deputy Selectman Bowsza noted there is also concern on the State level that we have 169 towns with 169 sets of restrictions on pesticides. He suggested a good **goal** would be to encourage statewide regulations. Town Planner Whitten concurred, noting the State wants the towns to think outside their own boundaries; are Ellington/South Windsor/Enfield also using best management practices?

Jim Stremper, North Road: questioned if the Town could promote education through the kids regarding pesticide use and promotion of farming? He referenced the Rockville Vo-Ag programs.

Annette Fortune: questioned if the Town had considered a solar farm? If the Town managed such a farm we could run town lights, or maybe lower taxes for property owners utilizing solar energy. Town Planner Whitten noted she will be holding future workshops on green energy. Deputy Selectman Bowsza noted there is concern that land that could be utilized for other purposes could be used for solar farms. **Tom Talamini** suggested use of the Kement dump and NORCAP for solar farms; he noted they just did a solar farm in Somers. Town Planner Whitten questioned if Mr. Talamini would consider that an asset visually? Mr. Talamini suggested if the land couldn't be used for anything else..... Town Planner Whitten noted there is a lot of interest from homeowners to have solar panels on their roofs. **Donna Grant** referenced Solarize Connecticut, which is a program regarding residential use of solar energy.

Town Planner Whitten referenced the following pages of the 2004 POCD, and the status of the recommendations:

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- Page 2-13: the recommendation to revise earth excavation regulations has been accomplished.
- Page 2-14: the recommendation to revise impervious surface standards requires more discussion/workshops.
- Page 2-15: (water quality map)

Town Planner Whitten then referenced page 2-16 - recommendation to consider environmental ordinances. She raised the issue of underground oil tanks.

Annette Fortune: suggested from a real estate standpoint they've become a problem; older tanks are metal and many are rusted. She noted some towns allow the oil tanks to be filled with sand after the oil is removed. Commissioner Devaney suggested most banks providing financing want the tanks removed. **Tom Talamini** felt the issue of underground oil tanks was a State mandate; he felt they were a liability of the oil companies.

Town Planner Whitten noted this section also addresses sewer expansion to address septic system failures, and the implementation of a septic management program. Discussion followed regarding who would inspect such systems, and who would enforce the problems. Commissioner Sullivan felt the North Central District Health Department must approve septic systems; enforcement of a septic management program should also be their responsibility.

Town Planner Whitten thanked everyone for coming. She noted the next workshop will be held with the Park and Recreation Commission on March 10th. She advised the audience the PZC will NOT hold a POCD Workshop at its second meeting in March as they will be working on updating Zoning Regulations. Town Planner Whitten reported will hold a meeting with the American Heritage River Commission in the future; meetings with other commissions will follow.

BUSINESS MEETING/(2) Discussion – Adult Regulations: Tabled.

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

Mylars:

- Walter Bass – Resubdivision
- Walter Bass – McLellan Way Special Use Permit

Motions:

- Christmas Electric – Site Plan Modification - 179 South Main Street

BUSINESS MEETING/Informal Discussion:

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Town Planner Whitten reported to the Commission that she had been approached by a company who is interested in putting solar panels on a pervious area which was supposed to be left as green space; if the panels are installed the grass under them will die. She questioned the Commission how they felt about such a proposal? Discussion followed regarding the potential location (not available for identification at this time), the intention for green space to remain green space, and the sparse information available about the proposal. The Commission requested more information.

BUSINESS MEETING/Staff Report:

Town Planner Whitten reminded members they need to advise the Planning Office if they want to attend the Connecticut Federation of Planning & Zoning Agencies Annual Conference on March 13, 2014 at the Aqua Turf. Vice Chairman Gowdy and Commissioner Slate suggested they would like to attend.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:01 p.m.

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

Respectfully submitted,

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