

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

REGULAR Meeting #1660 – September 9, 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 7:02 P. M. by Vice Chairman Gowdy.

PRESENT: **Regular Members:** Frank Gowdy (Vice Chairman), Lorry Devanney, Dick Sullivan, and Jim Thurz.
 Alternate Members: Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:** Joe Ouellette
 Alternate Members: Both Alternate Members were present.

Also present was Town Planner Whitten.

GUESTS: Various members of the audience.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members, and two Alternate Members were present at the Call to Order. Vice Chairman Gowdy noted Alternate Member Zhigailo would sit in, and vote, on all Items of Business this evening.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, August 28, 2014, and Thursday, September 4, 2014, was read by Secretary Devanney:

1. Application of Noble East Windsor and owner Bernard H. Lavoie for property located at 7 Winkler Road for a 1-lot re-subdivision; and a Special Use Permit for construction of a filling station and convenience store and addition to and conversion of, existing building for warehouse and office. [B-3 Zone; Map 113, Block 24, Lot 2].
2. Proposed Text Amendment to the East Windsor Subdivision Regulations, Section 11.1 Planned Residential Development (PRD) to include Multi Family Development Districts (MFDD) in the zones that allow PRD.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

2

Vice Chairman Gowdy queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

APPROVAL OF MINUTES/August 12, 2014:

**MOTION: To APPROVE the Minutes of Regular Meeting #1659 dated August 12, 2014 with the following amendment:
Page 2, NEW PUBLIC HEARING – East Windsor Housing LTD, LLD, Paragraph 2,”Mr. Ziegler, a ~~principle~~ PRINCIPAL in East Windsor Housing, LTD, LLC, was present in the audience.”**

Devanney moved/Sullivan seconded/

DISCUSSION: Item noted above.

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

RECEIPT OF APPLICATIONS:

Secretary Devanney acknowledged receipt of the following Applications:

1. Application of The Mansions at Canyon Ridge, LLC for Administrative Site Plan Review for construction of a paver patio, walkways, fire pit and pergola at 227 North Road (1 Canyon Ridge Drive). [MFDD Zone; Map 126, Block 36, Lot 46].
2. Application of Giroux Construction for a 2-lot Resubdivision and Special Use Permit (per Section 408) to allow a rear lot on property located on the south side of Morris (Road), owned by Leonard A. & Linda L. Mulnite, Trustees. [A-1 Zone; Map 17, Block 67, Lot 7].

Town Planner Whitten advised the Commission that representatives for The Mansions have applied for an Administrative Review, which is allowed under the regulations. She noted she would return the application for the Commission’s review if it is felt it is warranted.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE – Mercury Fuel Services – Request for 6-month extension of the time period to commence construction for the Special Use Permit and Site Plan Approval for the development of a gas station and convenience store located at South Main Street and Thompson Road [B-2 Zone; Map 81, Block 19, Lot 102] (*Expires on 10/8/2014*).

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

3

Town Planner Whitten reported this Application was approved last year (October 13, 2013). The Commission has recently held an informal discussion regarding recommendations made by the DOT (Department of Transportation) which revise the traffic pattern/access previously approved by this Commission. A condition of the original approval is that construction of the gas station should begin within a year (which would be 10/13/2014); response to the DOT's recommendations by the Applicant would prohibit compliance with that condition within the year time period. The Applicant's attorney has requested a six month extension of the commencement of the construction.

MOTION: To APPROVE the request of Mercury Fuel Services for a 6-month extension through April 8, 2015 of the time period to commence construction for the Special Use Permit and Site Plan Approval for the development of a gas station and convenience store located at South Main Street and Thompson Road [B-2 Zone; Map 81, Block 19, Lot 102].

Devanney moved/Sullivan seconded/

DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS:

NEW PUBLIC HEARINGS – East Windsor Housing LTD, LLC – Modification of previously approved resubdivision of property located on Farms Road, to allow a fee in-lieu-of sidewalks instead of providing sidewalks. [R-2 Zone; Map 99, Block 53, Lot 14-09]. (*Deadline to close hearing 9/16/2014*):

Town Planner Whitten noted the Applicant is present tonight. He has asked that this item be tabled as he is trying to discuss this issue with the neighbors.

MOTION: To TABLE until the Commission's September 23, 2014 Meeting the Application of East Windsor Housing LTD, LLC for Modification of previously approved resubdivision of property located on Farms Road, to allow a fee in-lieu-of sidewalks instead of providing sidewalks. [R-2 Zone; Map 99, Block 53, Lot 14-09].

Devanney moved/Thurz seconded/

DISCUSSION: None.

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

4

NEW PUBLIC HEARING: Noble East Windsor, LLC and owner Bernard H. Lavoie for property located at 7 Winkler Road for a 1-lot re-subdivision; and a Special Use Permit for construction of a filling station and convenience store and addition to and conversion of, existing building for warehouse and office. [B-3 Zone; Map 113, Block 24, Lot 2]. (*Deadline to close hearing 10/14/2014*)

Vice Chairman Gowdy read the description of this Public Hearing. Appearing to discuss these Applications was Jay Ussery and Tim Coon, of J. R. Russo and Associates, and the Applicant, Mike Frisbe.

Mr. Ussery noted for the record that the Public Hearing signs have been posted, and the notice to the neighbors was sent under Certificates of Mailings. Proof of same has been provided for the Application file.

Mr. Ussery advised the Commission he doesn't expect approval of the Applications this evening. The traffic engineer is still completing his report, but has advised the Applicant the rear property line (Winkler Road) and driveway access may change due to concern regarding the turning radius.

Mr. Ussery initiated discussion of the Subdivision Application; however discussion evolved into presentation of the Special Use Application as well. The parcel contains 3 $\frac{3}{4}$ acres located on the south side of North Road near the intersection of Winkler Road and North Roads. The corner property, which abuts the subject parcel, is a small pie-shaped parcel containing a small Cape Cod home occupied by various owners over the years. The subject contains an existing garage/barn which Mr. Lavoie uses to store various equipment, and a one-story yellow metal building. The metal building, and the proposed improvements, will occupy Lot 2-1; Mr. Lavoie will retain the barn/garage, which will become Lot 2. The parcel is currently served by public water, gas, and utilities; a new sewer line will be connected from North Road and will extend to the rear lot (Lot 2) as well. Both proposed lots will meet frontage requirements. Mr. Ussery noted there is no requirement for an Open Space dedication as this is commercial development.

Mr. Ussery reported there are wetlands on the site. An area of wetlands exists around a pond to the rear on Lot 2; a second area of wetlands encroaches onto Lot 2-1 from the neighbor to the left. Commissioner Slate questioned the wetlands delineation on the property across Winkler Road; Mr. Ussery highlighted the wetlands line on the plan. Mr. Ussery reported the Applicant has received Wetlands Approval.

Commissioner Zhigailo questioned if the existing metal building will be demolished and a new building constructed; she was concerned with the existing concrete slab foundation being able to handle the load of a second story. Mr. Ussery reported the existing slab

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

5

would be tested for structural integrity; it's anticipated the second story can be added to the existing building. Town Planner Whitten noted Commissioner Zhigailo's concerns would be addressed when the Applicant applied for a Building Permit.

Commissioner Devanney questioned if both lots are intended for commercial use? Mr. Ussery replied that the front lot, Lot 2-1, will be a commercial use; the use of Lot 2 is still to be determined but it is located within the B-3 Zone which allows commercial uses.

Commissioner Thurz noted comments made by Town Engineer Norton. Mr. Ussery reported Town Engineer Norton met with Mr. Coon this past Friday to review the test pits. Mr. Coon has made revisions, which he has submitted to Town Engineer Norton. Town Planner Whitten noted receipt of letter dated 9/8/2014 from J. R. Russo to Town Engineer Norton regarding the results of the testing.

Commissioner Thurz questioned if the back (Winkler Road) entrance will change? Mr. Ussery indicated that it may. The concern of the traffic engineer is the circulation of the traffic entering "here" to try to enter the lane for the drive-through window. To prohibit traffic cutting into the drive-through lane they may need to create a median, which may get in the way of the turning radius for larger trucks entering the site from Winkler Road. Mr. Ussery noted the access from Winkler Road is proposed to be a 'enter only' access. Town Planner Whitten questioned if the change of the entrance would change the subdivision proposal; Mr. Ussery indicated it may.

Mr. Ussery described the improvements as being 5 islands with 10 pumping stations, and a separate isle with 2 pumps for diesel fuel. The existing metal building would be improved with a second story and sided; storage would be located on the first floor and office space on the second floor. Mr. Ussery referenced parking locations on the plan. Some spaces will be provided in front of, and to the east of, the convenience store; other parking locations were also referenced by Mr. Ussery. He felt the number of parking spaces being provided probably exceed the regulation requirements, but, speaking from personal experience, he felt more spaces was beneficial as these facilities are usually busy. A formal stormwater management system containing sub-surface chambers will be constructed under the parking lot. A detention basin will be created "here" which will outlet into the wetlands across Winkler Road on property owned by the (Warehouse Point) Fire Department. Sewer, gas, and water will come in off of North Road and serve the new building and proposed office building; the sewer will extend to the second lot as well.

Mr. Ussery noted the B-3 regulations call for a 100' buffer between residential and commercial uses. Residential uses abut the subject parcel on the both the west and the east sides. The distance can be reduced to 50' if fencing and vegetation is added to the buffer. Mr. Ussery noted the proposal includes a 50' buffer on the east side of the parcel; the buffer includes a 6' vinyl fence augmented with arborvitae and perennial plantings in front. The proposal also includes another 50' buffer on the west side of the subject parcel

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

6

abutting the residential use located in the intersection of Winkler and North Roads. This buffer also includes a 6' vinyl fence with lawn area, and detention basin. This area is already heavily wooded; the Applicant is not proposing any additional plantings. Mr. Ussery noted this residence is 200' away from the buffer area. Mr. Ussery noted they are also providing landscaping along the back; the dumpster pad will be surrounded by a fence and additional landscaping. Perennial plantings will be added in front of the convenience store. The front/North Road area will be only lawn. Signage will be located over "here", surrounded with flowers; the sign will meet the 10' setback requirement and will not exceed the 32 square foot size.

Town Planner Whitten questioned the current use of the remainder of the property? Mr. Ussery suggested the lot is farmed; Mr. Lavoie keeps equipment in the wooden barn. The parcel is located within a B-3 Zone. Town Planner Whitten requested clarification that there is no residential use, which would require another buffer. Mr. Ussery concurred; the barn is not a residential use.

Commissioner Thurz questioned if there is enough room for trucks coming in to access the diesel pumps? Mr. Ussery suggested the trucks coming in with products will be directed to Winkler Road; traffic coming down from Route 140 should be able to access the diesel pumps from Route 140. Mr. Ussery noted they can review the area with radius turning software and confirm the distance for the next meeting. Town Planner Whitten questioned the access for trucks going west on North Road and turning into the first entrance? Mr. Ussery felt trucks would use the second access closer to the intersection of Winkler Road. Discussion turned to the stacking distance for the drive-through.

Mike Frisbe, developer of the property, reported his plan is to have coffee and donuts available within the convenience store, and offer them via the drive-through as well.

Commissioner Devaney questioned the addition of signage or pavement arrows or something to indicate one-way access on Winkler Road. Mr. Frisbe summarized his past experience developing similar stations. Mr. Ussery cited they are providing a 35' isle to help with traffic circulation. He suggested people can park in front of the building and still have enough room for the person using the pumps. Commissioner Zhigailo suggested Winkler Road is a small street; she felt North Road will need to be widened. Vice Chairman Gowdy questioned if people going west on Winkler Road would be able to make the turn? Mr. Coon reported he will review that radius. Mr. Ussery reiterated the intent is for the Winkler Road access to be an 'enter only' access. Various Commissioners felt people would ignore the signage and exit at Winkler Road to avoid North Road traffic. Commissioner Devaney questioned if the Winkler Road access could be widened to allow ingress and egress? Vice Chairman Gowdy suggested his biggest concern is trailer trucks going west on Route 140 trying to turn left into the site. Mr. Ussery and Mr. Coon were confident the access proposed will work. Mr. Frisbe suggested he isn't looking to pull trucks off the highway; his intent is to serve the local

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

7

population who drive that road every day. Mr. Ussery suggested many landscapers with trailers often use an outside isle to fuel up.

Mr. Ussery noted they will have to go to the DOT for review as Route 140 is a State road.

Commissioner Zhigailo questioned if the detention pond will be able to handle the run off? Mr. Ussery suggested it's been designed to handle a 100 year storm.

Town Planner Whitten noted she would be remiss as a planner not to bring up the issue of sidewalks. She recalled that the recent housing study completed for the POCD revision suggested the need to connect the communities of Warehouse Point and Broad Brook along Route 140 for people riding bikes, etc. The only way to do that is to install sidewalks. While they might not connect to anything today they are a small part of the larger pieces that will connect together.

Vice Chairman Gowdy opened discussion to the public:

Richard P. Pippin, Jr., 37 Woolam Road: felt the back (Winkler Road) entrance should provide access both ways; someone hit it on the head that the local people will go back out the 'enter only' access. He also noted some vehicles fill on the right side while others fill on the left; appropriate access will prevent spills.

No one else requested to speak.

Mr. Ussery reported they will bring architectural drawings to the next meeting, and perhaps a redesign for the Winkler Road access. They will also add vehicles to the plan sheets to help identify the traffic circulation and stacking.

MOTION: To CONTINUE the Public Hearing for the Applications of Noble East Windsor, LLC and owner Bernard H. Lavoie for property located at 7 Winkler Road for: a 1-lot re-subdivision; and a Special Use Permit for construction of a filling station and convenience store and addition to and conversion of, existing building for warehouse and office. [B-3 Zone; Map 113, Block 24, Lot 2]. Public Hearing continued to the Commission's next regularly scheduled Meeting to be held on September 23, 2014, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook.

Devanney moved/Sullivan seconded/

DISCUSSION: None.

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

8

NEW PUBLIC HEARING: Proposed Text Amendment to the East Windsor Subdivision Regulations, Section 11.1 Planned Residential Development (PRD) to include Multi Family Development Districts (MFDD) in the zones that allow PRD.

Town Planner Whitten noted this regulation proposal is already allowed in the Zoning Regulations; this proposal would now make the Zoning Regulations consistent with the Zoning Regulations.

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

MOTION: To CLOSE the Public Hearing on the Application for a Proposed Text Amendment to the East Windsor Subdivision Regulations, Section 11.1 Planned Residential Development (PRD) to include Multi Family Development Districts (MFDD) in the zones that allow PRD.

Devanney moved/Thurz seconded/

DISCUSSION: None.

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

MOTION: To APPROVE the Proposed Text Amendment to the East Windsor Subdivision Regulations, Section 11.1 Planned Residential Development (PRD) to include Multi Family Development Districts (MFDD) in the zones that allow PRD. Effective 9/23/2014.

Devanney moved/Thurz seconded/

DISCUSSION: None.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

OTHER BUSINESS: 8-24 Referral – Scantic Road Open Space Parcel:

Town Planner Whitten explained that owners of property along Scantic Road are offering a 4.6 acre parcel to the Town for Open Space. The parcel, which is located across from the intersection of Mahoney and Scantic Roads, ties into an Open Space parcel already owned by the Town which has been improved with a walking trail near the Scantic Glen property. This parcel would be part of a subdivision of other land by the owners. It is the purview of this Commission to recommend acceptance of this parcel to the Board of Selectmen if they so choose.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

9

The question has arisen if the Town would be willing to assist with some of the costs associated with subdivision and transfer of this parcel. Town Planner Whitten noted the Town's Open Space Fund currently carries a balance of over \$200,000; payment of any portion of costs associated with this acquisition would be an appropriate expenditure from that fund. Discussion followed regarding the history of the parcel and the family's intent with regard to the Open Space dedication. Mr. Ussery explained that the overall parcel owned by the family members is 50+/- acres which starts at the bridge crossing the Scantic River at the intersection of Mill, Old Ellington, Mahoney, and Scantic Roads, and continues up to and just past the intersection of Wells and Scantic Road. Two dwellings are situated on the end of the parcel located past Wells Road. Discussion of the subdivision of this entire parcel, with some going to family members and this parcel being offered to the Town, has been going on for several years. Mr. Ussery noted that some of the parcel under consideration by the Commission is within the flood plain of the Scantic River; there is some vegetation along the banks of the Scantic near the bridge but the land spreads out into a field with an area where people could pull in and park to access the river – either to walk, or put in a canoe or kayak. In terms of river access this parcel has extensive river frontage.

Commissioner Sullivan noted there is no access to the Scantic near the bridge, and this land would provide that ability for residents. Discussion continued regarding assistance with the transfer fees. Commissioner Zhigailo felt some contribution should be made by the Town as we are getting something of value which is clear and accessible. Commissioner Sullivan noted this parcel ties into the intent of the POCD, and it's riverfront land that ties into land already owned by the Town. Commissioner Slate noted the curb cut already exists which can provide access to the river. Town Planner Whitten clarified the land could never be developed. Commissioner Sullivan suggested the Town already owns plenty of land along the river that can't be developed but people in general have no access to it; this parcel would provide access for everyone. Discussion continued regarding the total parcel acreage vs. the acreage being acquired by the Town; various contribution values were considered based on the acquisition vs. the remaining land. A sum of \$5,000.00 was proffered as a contribution from the Town. Vice Chairman Gowdy polled the Commissioners; the consensus of the Board was in favor of the \$5,000.00 contribution.

MOTION: The Planning and Zoning Commission is in favor of a \$5,000 donation to cover survey fees for the Open Space donation proposed by the Sabonis/Chaffee/O'Leary family, and that the Planning and Zoning Commission recommends an 8-24 referral to the Board of Selectmen to accept said land as Open Space as it offers river access to the other side of the Scantic River, already has the benefit of off-street parking with an existing curb cut, continues the greenway along the Scantic River, and is consistent with the Plan of Conservation and Development.

Devanney moved/Thurz seconded/

DISCUSSION: None.

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

CORRESPONDENCE:

Town Planner Whitten reviewed the following material:

- Latest revision of Zoning Regulations presented to Commissioners
- Land Use Academy Basic Training – FREE seminars being held at the Windsor Town Hall.
- Summary “Report for Housing Workshop – Results for the Housing Chapter” presented to the Commissioners
- Connecticut Water Map – Water Main Locations within East Windsor

BUSINESS MEETING/(1) Informal Discussion – Fusick Automotive Products, Inc., 21 Thompson Road – proposed second driveway:

Town Planner Whitten reported this is a request from a new business to add a second driveway to an existing property. Town Planner Whitten referenced a sketch of the property, which showed the location of the new driveway. She suggested she felt this addition didn’t warrant a Site Plan Approval, but could be handled administratively by issuing a Zoning Permit. Commissioners Sullivan and Devanney indicated they visited the property and felt there was enough room for the proposed driveway. The Commission concurred that Town Planner Whitten could handle the approval administratively via issuance of a Zoning Permit.

BUSINESS MEETING/(2) Plan of Conservation & Development 2014:

Town Planner Whitten noted she is trying to schedule meetings with the Building Committee, the Elderly Commission, and the Board of Selectmen for discussion of the POCD. She also anticipates holding a Commercial Workshop at the Commission’s second meeting in October.

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

Mylars: None.

Motions:

- **Styles Brook Storage LLC** – Site Plan Approval to allow construction of two 9,000 square foot buildings for use as contractor’s offices at 22 Wagner Lane, owned by TJJ Investment Trust LLC. [M-1 Zone; Map 81, Block 11, Lot 3]. (revision of Map/Block/Lot information on approval motion presented to Applicant)

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:30 p.m.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1660 – September 9, 2014
MEETING MINUTES**

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3835)