

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

REGULAR Meeting #1661 – September 23, 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 7:00 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, Frank Gowdy, Dick Sullivan, and Jim Thurz.

Alternate Members: Robert Slate and Marti Zhigailo

ABSENT: **Regular Members:** All Regular Members were present.

Alternate Members: Both Alternate Members were present.

Also present was Town Planner Whitten.

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

ESTABLISHMENT OF QUORUM:

A quorum was established as all five Regular Members were present at the Call to Order. All Regular Members 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, September 11, 2014, and Thursday, September 18, 2014, was read by Chairman Ouellette:

1. 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. & Donna L. Mulnite, Trustees. [A-1 Zone; Map 17, Block 67, Lot 7].

ADDED AGENDA ITEMS:

Town Planner Whitten reported she would like to add discussion at the end of the Meeting regarding the acquisition of additional funding for a commercial POCD Workshop.

PUBLIC PARTICIPATION:

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Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda.

Steve Dearborn: questioned what's the point of public participation if someone can't talk about what's on the Agenda? It was noted Mr. Dearborn could speak during Public Hearings.

APPROVAL OF MINUTES/September 9, 2014:

MOTION: To APPROVE the Minutes of Regular Meeting #1660 dated September 9, 2014 as presented.

Devanney moved/Gowdy seconded/

DISCUSSION: None.

**VOTE: In Favor: Devanney/Gowdy/Sullivan/Thurz
Opposed: No one
Abstained: Ouellette (not present).**

RECEIPT OF APPLICATIONS:

No new applications presented this evening.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE –Steve Dearborn – Request for release of erosion control bond for 68 Newberry Road. (M-1 Zone; Map 93, Block 19, Lot 6):

Chairman Ouellette read the description of this Item of Business.

Town Planner Whitten reported Town Engineer Norton and Zoning Enforcement Officer Newton visited the site at 68 Newberry Road, and felt the bond was worthy of release.

MOTION: To RELEASE the Bond in the amount of \$7,350.00 for Erosion Control for property at 68 Newberry Road.

Devanney moved/Gowdy seconded/

DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: Noble East Windsor, LLC and owner Bernard H. Lavoie for property located at 7 Winkler Road for: a 1-lot re-subdivision; and a

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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*):

Chairman Ouellette reported he had not been in attendance at the previous Meeting but he has read the Minutes approved previously and is prepared to participate in discussion of this Item of Business this evening.

Appearing to discuss these Applications was Jay Ussery, of J. R. Russo & Associates. Also available in the audience was the Applicant, Mike Frisbie.

Mr. Ussery noted the proposal is for a gas station and convenience store at North Road and Winkler Road. Discussion at the previous Meeting raised the following concerns:

- **Access off of Winker Road, which was originally proposed as a one way/enter-only driveway:** Commissioners were concerned that people would disregard the one way signage, and would exit onto Winkler Road from the proposed driveway, which would not allow sufficient turning movements onto Winker Road. Mr. Ussery reported that the Applicant has purchased additional land and reconfigured the driveway to allow two way access with proper sightlines west and east along Winkler Road. The reconfiguration of the Winkler Road driveway also now includes a lane around the back of the building to allow customers to go to the diesel island to fuel; it will also allow tankers to enter with product. Revised plans have been submitted to the Planning Office to reflect the reconfigurations.

Mr. Ussery reported the reconfigurations have resulted in minor changes which will make the detention basin smaller, while causing the chambers of the sub-surface drainage system to be bigger. Revised calculations have been submitted to Town Engineer Norton; his memo dated 9/23/2014 indicates his comments have been addressed.

- **Location of the seasonal groundwater table:** Town Engineer Norton met with Russo's staff this past Friday at the site. They have found the bottom of the detention basin is above the groundwater table; Town Engineer Norton is now comfortable with the results of the testing.
- **Turning movements for large tanker trucks entering the site:** Mr. Ussery noted the revised plans also now reflect vehicles within the traffic circulation pattern. They are showing the ability for 11 cars stacking up at the drive- thru lane. They have now submitted information regarding truck turning movements which would accommodate a tanker coming into the site from the east on Winkler Road to deliver product. Commissioner Gowdy noted they are showing customers filling vehicles on the same side as the pumps; could the

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trucks make the same turn if the vehicles were filling on the opposite side? Mr. Ussery replied affirmatively.

Mr. Ussery continued with his presentation. Comments below appear as they address specific site issues. *Please note* comments have been shown under the topic they reference, but may not appear in the order they were discussed.

- **Traffic report:** Mr. Ussery also reported a traffic report was submitted to the Planning Office; traffic report received the Thursday prior to this Meeting.
- **Architectural renderings/photos:** Mr. Ussery submitted to the Commission architectural renderings of the existing metal building, which will be raised to two stories and will be used for storage on the first floor and office space on the second floor. The rendering shows two entrances on the first floor; the entrance on the right will be the access to the warehouse while the entrance to the left showing double doors will be a door to a stairwell to the upper level.

Mr. Ussery also submitted photos of a similar convenience store located elsewhere in the state. He noted the colors of the convenience store and the existing metal building at North and Winkler Roads will match.

- **Wetlands line/boundary on the opposite side of Winkler Road:** Mr. Ussery submitted a copy of a sewer plan prepared for installation of a sewer extension in Winkler Road. Mr. Ussery has highlighted the limits of the wetlands on the opposite side of Winkler Road; the drainage outlet of the drainage basin is located “here”
- **Public utilities:** Mr. Ussery noted this property will be served by sewer, city water, gas, and utilities. It is the only property on North Road to be served by all these utilities.
- **Traffic study/Commissioners comments:** Regarding the traffic study, Commissioner Thurz questioned if they would consider a left turn lane off North Road into the site? Mr. Ussery reported that decision would be up to DOT; they may want a bypass lane for westbound traffic which may require widening of North Road on either side. Mr. Ussery didn’t feel that recommendation had been made in the traffic report; he did feel the traffic engineer does summarize there are no issues with the way the site is laid out, or with existing and/or proposed traffic. Mr. Ussery read the conclusion of the traffic report submitted by James G. Burbaris P.E./Bubaris Traffic Associates.

Commissioner Thurz questioned that the traffic engineer feels North Road is wide enough to have an 18 wheeler turning into the site and still allow enough room for

an SUV to go around? Mr. Ussery suggested the traffic engineer is not seeing this as a problem.

Commissioner Gowdy noted the lesson learned regarding the Dunkin Donut location further down North Road. If a driver of a tractor trailer parks along North Road and runs in to the shop for service other traffic on North Road can't get around the tractor trailer parked along the side of the road. Commissioner Gowdy suggested he has concerns for the need to widen North Road. Mr. Ussery suggested the Commission may want to send a memo of its concerns to the DOT. Discussion continued regarding dissimilarities of the uses; Mr. Ussery felt the information provided by DOT regarding the accuracy of the stacking lane wasn't correct while Commissioner Gowdy addressed the attitude of drivers. Mr. Ussery questioned if Commissioner Gowdy wanted to see a bypass lane; Commissioner Gowdy replied affirmatively.

- **Traffic study/trip generation:** Mr. Ussery indicated the proposed use anticipates 200 trips in the p.m. hours and 160 – 170 in the a.m. hours coming in and out of the site. Mr. Ussery suggested that while those numbers may seem like a lot they are actually existing traffic which will now take advantage of this facility.
- **Accident history:** Commissioner Zhigailo questioned the number of accidents on North Road recently? Mr. Ussery suggested there were 3 or 5 in the last 3 years. Commissioner Zhigailo suggested they were left turn in accidents; Mr. Ussery referenced page 7 – the conclusion of the traffic report, which cites the traffic crash experience is satisfactory.
- **Directional arrows/Signage:** Commissioner Devanney noted the plans lack directional arrows directing a driver to exit on Winkler Road. Mr. Ussery suggested they can add the arrows to Sheet 3 of the revised plans, and can add signage to the site.

Chairman Ouellette suggested stop signs are not shown on the layout plan.

- **Number of parking spaces/anticipated usage:** Commissioner Slate questioned the anticipated number of employees? Mr. Frisbee suggested 4, not including himself. Commissioner Slate referenced the plans and noted there are just that many parking spaces; nothing additional is provided for others visiting the facility, such as salespeople. Mr. Ussery indicated 17 parking spaces are required for this use but they are providing 29 spread out over the site. Chairman Ouellette questioned if they were including the parking spaces near the gas dispensers; Mr. Ussery replied affirmatively. Chairman Ouellette questioned if that assessment was appropriate; Mr. Ussery replied affirmatively, noting other towns allow inclusion of the spaces at the pump stations. Commissioner Zhigailo questioned

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if there will be designated parking spaces for employees; Mr. Ussery replied negatively noting Mr. Frisbee isn't on location much.

Chairman Ouellette referenced the proposed circulation path around the back of the building; he questioned if the parking spaces could be angled to prevent less of a chance of someone moving to the exit in the wrong direction? Mr. Ussery referenced one of the sheets of the revised plans, noting they are angled somewhat, but they could be angled more.

- **Advisement to DOT:** Commissioner Zhigailo reiterated her concerns for vehicles turning in off of Route 140, the left hand turn issue, crossing North Road to enter the facility, and the adequacy of the stacking lane. She requested the Commission write a memo to DOT conveying traffic concerns.
- **Architectural Design:** Commissioner Sullivan indicated this is a nice start to development within the Route 140 corridor but he would like the convenience store to look like a nice New England building rather than a square box.
- **Turning into site from North Road:** Commissioner Gowdy questioned if a tractor trailer turning into the site from North Road could make the turn to access the diesel station? Mr. Ussery replied affirmatively, noting a blue highlighted area on plans reviewed during this presentation. Commissioner Gowdy reiterated his concern about making Route 140 wider.
- **Hours of Operation:** Chairman Ouellette questioned the hours of operation; would this be a 24 hour facility? Mr. Frisbie replied affirmatively.
- **Landscaping Plan:** Chairman Ouellette suggested that he didn't see any proposed landscaping in the front island along Route 140. Mr. Ussery indicated they are not showing any landscaping as they prefer to maintain full visibility of the convenience store. They are also requesting the elimination of the requirement under the Resubdivision Application for street trees. He suggested they could plant some low azaleas but whatever they plant must be salt tolerant to survive clearing of the road during the winter.

Chairman Ouellette requested a review of the vegetated buffer, which includes a vinyl fence and evergreen shrubbery; where will it be located? Mr. Ussery reported the B-3 Regulations allow a reduction of the 100' buffer between a residential use and a commercial use to 50'. They are proposing to keep the buffer 50' from the easterly property line and will install a 6' vinyl fence with 4' to 5' arborvitae in front of the fence. They are also proposing an 8' perennial planting bed in "this" location. That buffer will prevent any view of this site from the abutting residence. Chairman Ouellette questioned they are proposing another fence along the other side? Mr. Ussery replied affirmatively, noting they are

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addressing the same situation. A residential use is located at the corner/intersection of Winkler and North Roads. Mr. Ussery referenced the 100' buffer line but noted they are requesting the reduction to 50' on this side as well. They would be installing a 6' vinyl fence; referencing the plans Mr. Ussery noted "this" area is wooded and will remain so. They are proposing a lawn area "here", with trees along the length of the driveway.

- **Site egress:** Chairman Ouellette referenced comments made regarding the existing geometrics at the intersection of Winkler Road and Route 140. Chairman Ouellette questioned if Mr. Ussery felt people would cut through the site to avoid that intersection? Mr. Ussery suggested this is a bad intersection, especially if someone is over 50 and can't turn their neck easily.

Chairman Ouellette suggested this proposal is a much needed addition to the commercial development of the Route 140 Corridor. He acknowledged he hadn't been able to read the traffic study completely so he couldn't recommend closing the Public Hearing at this point. He noted he does have concerns with the narrow width (15') from the center to the curb along North Road; he didn't feel the width was adequate to enable traffic to get around another vehicle. Chairman Ouellette suggested he felt it was within the purview of the PZC to request offsite improvements. He recalled the Commission anticipated the State would address needed improvements on the I-91 access near Walmarts, and the Dunkin Donuts location closer to Bridge Street, but that didn't happen. He reiterated he felt the Commission can requirement improvements.

Chairman Ouellette opened discussion to the public:

Dick Pippin, 37 Woolam Road: reported he likes this reconfigured driveway plan much better.

Steve Dearborn: indicated he had some questions; he suggested the Commission probably won't want to answer some of them. Mr. Dearborn questioned how long ago this project got started? Chairman Ouellette questioned if the questions was when the plans were submitted to the Planning Office, or how long has the project been on their (the applicant's) drawing board? Chairman Ouellette noted the plans were signed by the Applicant on August 3rd, which was also the date the application was received by the Planning Office. Mr. Dearborn suggested there were prior discussions; he questioned how many times has this application been before the Commission? Chairman Ouellette clarified the Planning and Zoning Commission (PZC) has discussed this project twice – at the previous Commission Meeting (September 9th), and tonight (September 23rd). Mr. Dearborn indicated he's hearing discussion will go another meeting? Chairman Ouellette replied affirmatively, noting the application isn't complete.

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Mr. Dearborn referenced earlier comments regarding the intersection at Walmart's at the end of Newberry Road; you said you learned a lesson from that. Mr. Dearborn indicated he goes through that intersection probably ten times a day; he feels it works well. Chairman Ouellette suggested they could discuss that after the meeting; it isn't relevant to this application.

Mr. Dearborn left the meeting, suggesting someone was an asshole.

No one else from the public requested to speak.

Additional comments from the Commission and Town Planner Whitten:

- **Existing conditions on North Road:** Chairman Ouellette reiterated concerns were raised regarding the width of North Road. Mr. Ussery questioned if the traffic engineer should attend the next Meeting; Chairman Ouellette suggested the Commission would just like an answer regarding their concerns for the width of North Road.
- **Action on the Applications:** Discussion followed regarding action on the Resubdivision Application tonight, or waiting until the Hearing is closed on the Special Use Permit Application. Mr. Ussery preferred to postpone action on both applications in case changes to the Site Plan would affect the Resubdivision lot lines.
- **Buffers:** Town Planner Whitten noted the Commission has discussed the buffer requirements. She has no problem with the request to reduce the number of trees included as a buffer; the site already has wooded areas. She also felt the low shrubbery would die because of the road salt.
- **Sidewalks:** Town Planner Whitten had raised the question of installation of sidewalks at the previous meeting. Commissioner Devanney indicated she was still on the fence regarding installation of sidewalks. Commissioner Thurz felt they should be installed; he cited the recommendation from the POCD consultant regarding establishing connectivity along Route 140. Chairman Ouellette generally favored sidewalks but indicated he was presently reserving his final decision on this site. Commissioner Gowdy was NOT in favor of installation of sidewalks; what/where would they be connecting to? If sidewalks were to be required he would like them to be put in at a later date. Town Planner Whitten noted the Fee-In-Lieu of sidewalks as an option. She noted that one of the things that was mentioned in the Housing Workshop was the lack of sidewalks on Route 140, and the inability to connect Broad Brook and Route 140. Mr. Frisbie suggested usually sidewalks are located in the right-of-way. Town Planner Whitten indicated the Town would be required to maintain the sidewalks but the owner would be responsible for clearing them. Mr. Frisbie felt he shouldn't have

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to replace or repair them. He questioned if there were any plans to widen Route 140? Chairman Ouellette felt not as it would require taking property.

- **Snow removal:** Town Planner Whitten questioned how snow removal would be handled; snow from the parking lot couldn't be put in the detention basin. Mr. Ussery referenced areas mostly along Winkler Road which would be the repositories for snow. Snow would have to be removed from the site during difficult winters.
- **Winkler Road turning movements:** Town Planner Whitten questioned if there was adequate turning area for a larger truck to exit onto Winkler Road and then turn northwest to access Route 140? Mr. Ussery felt if it was a tractor trailer they might hit the curb; smaller trucks could make it. He referenced comments in the traffic study in which the traffic engineer felt there was enough room; he felt there was a little over 1,000'.

Chairman Ouellette questioned if anyone from the Commission or the public had any final comments or questions? No one responded.

Town Planner Whitten noted these applications are being heard under the B-3 Business Zone Regulations. She gave the Commissioners an excerpt of the Design Preferences for review for the next meeting.

MOTION: To CONTINUE the Public Hearing on the Application 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. Public Hearings will be continued until the Commission's regularly scheduled Meeting to be held on October 14, 2014, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)
(No one opposed/No abstentions)

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*):

Chairman Ouellette read the Hearing description.

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Town Planner Whitten noted she received an e-mail at 2:14 p.m. this afternoon from the Applicant requesting that this application be tabled as he needs additional time to contact residents. Town Planner Whitten noted she has advised Mr. Ziegler he needs to discuss this issue with the residents; he presently has 4 within the community in favor of the present proposal which would eliminate sidewalks. She noted the Commission has not yet opened the Public Hearing.

Discussion followed regarding statutory timeframes for the Public Hearing process.

MOTION: To TABLE the Application of East Windsor Housing LTD, LLC for a Modification of previously approved resubdivision of property located on Farms Road, to allow a fee in-lieu-of sidewalks instead of providing sidewalks.

DISCUSSION: Commissioner Slate questioned the timeframe for opening the Public Hearing? Town Planner Whitten clarified the Commission must open the Public Hearing within a specific timeframe and once the Public Hearing has been opened the Commission must act within a certain timeframe as well. Town Planner Whitten indicated she would recommend that the Commission open the Public Hearing at the next meeting.

**VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)
(No one opposed/No abstentions)**

NEW PUBLIC HEARING: Giroux Construction – 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. and Donna L. Mulnite, Trustees. [A-1 Zone; Map 27, Block 67, Lot 7]. (Deadline to close hearing 10/28/2014):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Todd Clark, of Aeschliman Land Surveying, PC; also present in the audience were the Applicants, Len and Donna Mulnite, and Mario Giroux of Giroux Construction.

Mr. Clark submitted copies of revised plans for the Commission's review. In response to Chairman Ouellette's questions Mr. Clark replied affirmatively to the posting of Public Hearing signs and mailing notice to abutters. Mr. Giroux signed an Affidavit signifying to the posting of signs, and submitted same for the application file.

Mr. Clark referenced a sheet of the plan set, noting the proposal is to subdivide the current 5.1 acre parcel into 2 lots. While there is adequate frontage for 2 lots the parcel does narrow; as a result they are proposing 1 rear lot. Both lots meet requirements for width, depth, and area. Both lots will contain approximately 2 acres; an additional acre will be provided to access the site. Both lots will be served by individual septic systems; Mr. Clark submitted the approval notification from the North Central Health District

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(NCHD). Mr. Clark reported this 5 acre parcel was cut out in the early 60's; until recently (this year) the parcel has been cultivated as farmland. Mr. Clark reported Mr. Giroux's intent is to building homes for his children.

Mr. Clark indicated that Town Planner Whitten and Town Engineer Norton had reviewed the previous plans and offered comments. Mr. Clark reported one of Town Engineer Norton's comments questioned the sightlines. He indicated that looking east from each lot you would be looking into a bank in "this" area; if you grade that as you would a road you would have a sightline in excess of 200'. Mr. Clark suggested all their comments – which were minor - have been addressed on the revised plans submitted to the Commission this evening. Mr. Clark suggested if the Commissioners were comfortable with the previous plans they should be comfortable with the revisions submitted this evening.

Mr. Clark noted they will have to come in with individual Site Plans when construction is proposed.

Chairman Ouellette opened discussion to the Commissioners. Their comments follow:

- **Proximity to golf course:** Commissioner Slate questioned how far the rear lot is from the golf course? Mr. Clark reported 500'.
- **Shared driveway:** Commissioner Sullivan questioned the proposed width of the shared driveway? Mr. Clark reported the driveway to the rear lot will be 12' wide with 3' of stone material on each side.
- **Adjacent uses:** Commissioner Devanney questioned what was on either side of the parcel? Mr. Clark reported there is a house 150' on the west. Town Planner Whitten also noted there are woods on the east; that area is steep dropping down to a dry brook which would make it difficult to locate house in that area.

Commissioner Thurz had no questions.

Commissioner Gowdy indicated he felt this was a great proposal, although he hated to see good farmland go to waste. He indicated he had no concerns with the proposal.

Chairman Ouellette opened discussion to the public:

Keith Beaulieu, 25 Morris Road: reported he lives across the street from the proposed subdivision; Mr. Beaulieu raised the following questions:

- **If there was any application/proposal for any additional land?** Mr. Clark reported density requirements would allow only the 2 lots.

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- **If Mr. Giroux was purchasing the land from the Mulnites?** Mr. Clark reported “The children” were purchasing the lots.
- **Where the house locations would be?** Mr. Clark indicated his front house would be facing the street, while the other would be to the rear.
- **Is there shrubbery separating the lots?** Mr. Clark replied affirmatively, noting it’s a Town requirement.

Mr. Clark indicated he had worked with Mr. Giroux since the 1980s; he’s one of the best builders around. Mr. Beaulieu suggested he was concerned the proposal was for 15 hours; it’s good to see only two proposed.

Town Planner Whitten noted the Applicant is requesting waivers for sidewalks and street lights. She noted the application is on the crux of a rear lot proposal but the Applicant agreed to show it as that because it made the review process easier. In response to Mr. Beaulieu’s question she noted notations would be added to the plans that active farming is occurring across the street. She also noted there is no Fee-In-Lieu of Open Space requirement because of the transfer of the land to family, but if the lots are sold the fee would be requested at that time.

Mr. Beaulieu questioned why the proposal was before this Commission? Chairman Ouellette suggested review by the PZC was a requirement for a rear lot. Town Planner Whitten also noted that a portion of this land had been previously subdivided, under statutory requirements it triggers a Public Hearing; the rear lot proposal requires a Public Hearing as well.

Chairman Ouellette queried the Commissioners and public for additional comments; no one raised any questions, or requested to speak further.

MOTION: To CLOSE the Public Hearing on the 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. and Donna L. Mulnite, Trustees. [A-1 Zone; Map 27, Block 67, Lot 7].

DISCUSSION: None.

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

MOTION: To APPROVE a waiver for Section 6.3 of the Subdivision Regulations which requires sidewalks; there are no sidewalks in this area, AND, a waiver for Section 6.5 for street lights.

DISCUSSION: None.

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**VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)
(No one opposed/No abstentions)**

MOTION TO APPROVE Application of Giroux Construction, Property Owners: Leonard & Donna Mulnite, requesting a special use permit for one rear lot in conjunction with a two lot re-subdivision, property located on the south side of Morris Road [Map #17, Blk. 67, Lot 007] in the A1- Zone

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

Referenced Plans:

Sheet 1/3 – Resubdivision Plan, Map 17, Block 67, Lot 007, Graham Road, Prepared for Giroux Construction, East Windsor, Conn., Aeschliman Land Surveying, PC, 1379 Main Street, East Hartford, Conn 06108, (860) 528- 4881, Date: 9-4-14, Scale 1”=40’, Map No. 214027-1

2/3 Site Development Plan & Soil Erosion & Sedimentation Control Plan

3/3 Area Map, Soils, Notes & Details

Conditions which 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. Designated addresses must be shown on the plans for all lots.
3. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this 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:

5. 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 fixed line mylars, including subdivision/special use permit rear lot, shall be filed with the Town Clerk by the applicant **no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One set of mylars, sheets shall be filed in the Planning and Zoning Department.

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6. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
7. A cash (escrow) or passbook bond shall be submitted for erosion and sedimentation (E & S) control maintenance and site restoration **during the construction phase of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within 5 days or this permit shall be rendered null and void. The applicant's engineer shall prepare an estimated cost of the E & S controls for review by the Town Engineer. The final amount of said bond shall be determined by the Town Engineer.

Conditions which must be met prior to certificates of compliance:

8. Iron pins must be in place at all lot corners and angle points.
9. Final Health District approval of the drinking water supply and septic system must be demonstrated.
10. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
11. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
12. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
13. Final as-built survey showing all structures, pins, driveways, final floor elevations, landscaping and grading must be submitted.
14. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

15. This subdivision approval shall expire **(five years form the date of approval)**. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.

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16. A Zoning Permit shall be obtained prior to any the commencement of any site work.
17. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
18. Any modifications to the proposed drainage or grading of the lot split/subdivision are subject to the approval of the Town Engineer.
19. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
20. 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.
21. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

DISCUSSION: None.

VOTE: **In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)**
(No one opposed/No abstentions)

MOTION: **To TAKE A FIVE MINUTE BREAK.**

Gowdy moved/Devanney seconded/

VOTE: **In Favor: Unanimous**

The Commission RECESSED at 8:27 p.m. and RECONVENED at 7:31 p.m.

OLD BUSINESS: None

NEW BUSINESS: None.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/(1) Administrative Site Plan Approval – The Mansions at Canyon Ridge, LLC:

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Town Planner Whitten reported The Mansions at Canyon Ridge is proposing to add improvements – fire pit, paver walkway, and pergola - to the pool and patio area of the complex. The application has gone through, and been approved, via the Inland Wetlands Commission. She noted this is the first time anyone has requested Administrative Review of minor improvements. Chairman Ouellette clarified that if Staff found everything in order they could have approved this request without bringing it to the Commission? Town Planner Whitten concurred, but felt the Commission should be apprised of the proposed work.

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

Town Planner Whitten advised the Commission the POCD project has received additional funding in the amount of \$10,317. She noted the Commission received good information from LADA as a result of the Housing Workshops; her intention is to hire LADA again to conduct a study/workshop of commercial development for both Route 5 and the North Road Business Corridor.

Discussion followed for some time regarding structure options for the workshops, community involvement – including the business stakeholders, involvement of the Economic Development Commission in the workshops, and the need to proceed quickly as the POCD revision is due for submission by January, 2015.

Town Planner Whitten noted the EDC is holding a Meet & Greet Thursday, September 25th; she invited the Commission members to attend and meet some of the members of the business community.

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

There were no Mylars/Plans or Motions presented for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:10 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(5760)