## TOWN OF EAST WINDSOR PLANNING AND ZONING COMMISSION

## REGULAR Meeting #1662 – October 14, 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: Bob 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:** Terri-Ann Hahn, Principal of LADA, P.C. Land Planners.

#### **ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members were present at the Call to Order. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:** None.

#### **PUBLIC PARTICIPATION:**

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

#### APPROVAL OF MINUTES/September 23, 2014:

**MOTION:** To ACCEPT the Minutes of Regular Meeting #1661 dated September

23, 2014, with the following amendments:

Page 12, <u>NEW PUBLIC HEARING: Giroux Construction</u> 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, second paragraph: "Mr. Beaulieu suggested he was concerned the proposal was for 15 Hours <u>HOUSES</u>; it's good to see only two proposed." Page 15, "The Commission RECESSED at 8:27 p.m. and RECONVENED at 7:31 8:31 p.m.

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

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

## **RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged the receipt of the following Applications:

- 1. Application of Michael Gilchrest for Modification of Site Plan Approval to allow auto repair business at 229 South Main Street, owned by John Galinski. [B-2 Zone; Map 12, Block 23, Lot 1-2].
- 2. Application of Brian Feeney, East Windsor Little League for Administrative Site Plan Approval and 8-24 Referral to allow an announcer booth and storage building at Osborn Park, South Water Street, owned by the Town of East Windsor. [R-2 Zone; Map 91, Block 10 Lot 32].
- 3. Application of Thomas Scherbon for a Special Use Permit to allow live bands at J. R.'s Café, 16 Bridge Street. [B-1 Zone; Map 111, Block 1 Lot 47].

# <u>PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:</u>

Nothing presented this evening.

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 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 read the description of the Public Hearing. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, representing the Applicant, Noble East Windsor, LLC. Also present were Mike Frisbie, the owner, and Jim Burbaris, P. E. of Burbaris Traffic Associates.

Mr. Ussery opened discussion by reviewing outstanding issues/concerns raised during the previous meeting:

• Building/architecture: Mr. Ussery submitted a new architectural rendering for the existing metal storage building. The new rendering is a country-style building with pitched roof and partial dormer and columned pitched roofed entryways. Mr. Ussery noted the recently adopted B-3 Route 140 Business Corridor Regulations include a building height restriction to 25'. By redesigning the building with a pitched roof and the partial dormer the Applicant would lose approximately 30% of the square footage which would be available if the previous flat roof design was constructed.

Discussion followed regarding the change in the building design. Commissioner Slate questioned the additional height needed to return the lost square footage to the building? Mr. Ussery indicated they would need to add 4' to 5' to the height of the building. Commissioner Slate suggested lowering the internal height of the first floor to return the square footage to the Applicant. Commissioner Zhigailo liked the change in design to something with more of a village appeal; Commissioner Devanney and Commissioner Gowdy concurred.

• Road improvements: Mr. Ussery submitted a road improvement plan which reflects a widening of Route 140 on the north side and also allows for a 12' left turn lane and bypass lane. Mr. Ussery indicated the current speed limit for Route 140 and the tapering required to accomplish the improvements were taken into consideration when developing this plan.

Commissioner Sullivan questioned if the proposal for widening Route 140 would be subject to DOT approval; Mr. Ussery replied affirmatively. To clarify the Commission's input to the roadway improvements Chairman Ouellette suggested the Commission needs to consider if the proposal is safe. He suggested the proposal for widening added an element of safety to the public access driveway. He suggested that DOT has the final say but noted it's not uncommon to have this level of plans associated with a proposal; he recalled the requested improvements for the Walmart project. Commissioner Thurz reiterated his preference for a left-turn lane into the station. He noted people drive too fast on the street already, and he recalled the problem with the Dunkin Donuts site. Commissioner Devanney liked the proposed road improvements; Commissioner Gowdy concurred. Chairman Ouellette indicated the presentation of the traffic report was well done. He also liked the proposal for widening Route 140 as he felt the additional widening will be helpful.

• **Drainage improvements:** Mr. Ussery recalled that when they reworked the parking layout for the drive-through lane they also modified the drainage system. Town Engineer Norton has reviewed the revisions and has no issue with the modifications proposed.

• **Sidewalks:** Commissioner Thurz favored installation of the sidewalk, as this property is the start of the Route 140 corridor; Commissioner Devanney indicated she was in favor of installation of the sidewalk as well. Commissioner Gowdy is opposed. Chairman Ouellette felt the need to separate road uses; pedestrians and bicyclists don't belong in the road and the sidewalks will allow for that. He noted the speed limit on Route 140 is 45 miles per hour, and the shoulder isn't very wide. Chairman Ouellette noted a recommendation made in the previous POCD was to fully build out on Route 140; this will be an opportunity lost if the sidewalks are not installed.

Discussion continued, with Commissioners voicing various opinions. Commissioner Gowdy felt this application would only be installing 250' of sidewalks that would go nowhere, then people would be forced out into the road. Chairman Ouellette theorized if a large development went in to the east a fee-inlieu of sidewalks (at 40% of the cost) might be considered and the Town would have to fund the remaining cost. Commissioner Gowdy felt the installation of sidewalks should be delayed; they will be sidewalks going nowhere. Commissioner Devanney agreed with Chairman Ouellette's example; she felt this is the first development along Route 140 which will set a pattern for further development. Chairman Ouellette agreed. Commissioner Sullivan would like to see the installation of the sidewalks postponed to a future date but the cost of the sidewalks to be a condition of this owner's responsibility. Commissioner Zhigailo suggested the Commission doesn't know how DOT will react to this proposal; they may pull the sidewalk to make the bypass lane. She felt the sidewalk would be useful for people using it, but felt it shouldn't be installed at this time. Commissioner Slate indicated he would like to see the sidewalks installed.

Discussion continued regarding the impact of the wetlands on the installation of sidewalks.

Chairman Ouellette queried if the Applicant would be willing to install the sidewalks? Mr. Ussery replied affirmatively, noting if installation of the sidewalks is the Commission's preference. Chairman Ouellette queried Town Planner Whitten. She indicated she had mixed feelings but suggested she did feel this would be a missed opportunity. Town Planner Whitten also clarified that the sidewalks would be installed on Route 140, but not Winkler Road.

Commissioner Sullivan questioned if the sidewalks had been installed and DOT decided to widen the road who would be responsible to put in the new sidewalks? Chairman Ouellette felt there was nothing on the drawing board for widening this road at present but if the sidewalk was there DOT would have to replace it.

#### Public comments:

<u>Mike Frisbie</u>: reported he will be the owner/operator of the station. He has 1500 square feet of office space in Massachusetts but he wanted to move his office to this location so he could utilize the additional warehouse space. He noted the new design would eliminate his ability to have a conference room within the second floor office space, which would be utilized by himself and one employee. The first design is better for him as it would enable him to store materials purchased for his operation in a safe environment.

Mr. Frisbie indicated he is ok with installing the sidewalks; he felt they have enough room to accommodate them even if DOT widens the road.

Discussion followed regarding future modifications to an approved application/design. Town Planner Whitten felt a change in square footage could be handled as a Site Plan Modification.

**Brian Feeney, Treetop Lane:** reported he is in favor of the sidewalks. He noted he runs and rides a bike on the roads now and it isn't a comfortable feeling. Mr. Feeney also questioned if street lights would be installed on Route 140? Mr. Ussery reported they will be installing lighting on the site but he didn't feel lighting on Route 140 was necessary. Chairman Ouellette suggested CL&P usually installs street lighting they feel needed and then bills the Town for usage.

Discussion followed regarding the need for a waiver for street lights. It was determined that the requirement for street lights is associated with the Subdivision Regulations and addresses needs associated with the construction of new streets. It was felt there was no need for a waiver of street lights regarding this Application.

#### Commissioner's comments continued:

• Road improvements/left hand turn lane: Chairman Ouellette questioned why the Road Improvement Plan doesn't show a left turn lane specifically? Mr. Burbaris reported that if it becomes a formal left turn lane then the widening must become more extensive because the pavement must share the turning traffic and the bypass traffic. In this case the widening would require an additional 3'+/- for the passing traffic. If the area is wider the transition area must be longer.

Discussion followed regarding the need for a dedicated lane. Mr. Burbaris noted a left turn lane was added for the Mansions; if that's what the Town wants for this corridor the DOT should consider it. Commissioner Gowdy questioned if a tractor trailer would be able to get around someone turning left into the gas station? Mr. Burbaris noted that without a (dedicated) left turn lane you rely on the person turning in to hug the middle line; Commissioner Thurz felt that wouldn't be realistic if faced with traffic approaching you at 50 to 60 miles per hour. Discussion continued regarding road widths associated with various

scenarios. Chairman Ouellette suggested he was supportive of the proposed concept plan.

Chairman Ouellette queried the Commissioners and the public for additional comments; no one requested to speak.

**MOTION:** To CLOSE 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; <u>AND</u> 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].

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

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

MOTION TO APPROVE THE FOLLOWING REQUEST FOR WAIVERS: The Applicant requests the following waiver:

1. Section 6.3 – waiver of sidewalks as no sidewalks exist along North Road. A fee in lieu of sidewalks would be required for all three parcels, fee to be determined by Staff.

Devanney moved/Gowdy seconded/

<u>DISCUSSION:</u> Chairman Ouellette clarified that a vote in favor of the request results in the acquisition of a fee-in-lieu of sidewalks, while a vote against the waiver request would default to the requirement to install sidewalks along Route 140 only.

**VOTE:** In Favor: Gowdy

Opposed: Devanney/Ouellette/Sullivan/Thurz

**Abstained:** No one

The Motion for a waiver of sidewalks along Route 140 is DENIED.

MOTION TO APPROVE THE FOLLOWING REQUEST FOR WAIVERS: The Applicant requests the following waiver:

2. Section 2.7 – Waiver to install street trees along Rte. 140/North Road frontage and Winkler roads.

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

MOTION TO APPROVE Application of Noble East Windsor, LLC and owner Bernard H. Lavoie for a 1 lot re-subdivision (2 lots total) for property located at 7 Winkler Road, Map 113, Blk 24, Lot 2, in the B-3 Zone.

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

#### **Referenced Plans:**

Sheet 1 of 9 – Cover Sheet/Key Map, Noble East Windsor, LLC, North Road and Winkler Road, East Windsor, CT, prepared by J.R. Russo and Associates, LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 860/623-2485 fax, dated 8/11/14 Map 113, Blk 24, Lot 2, Zone B-3 scale 1" = 200' rev 9/15/14

Sheet 2 of 9 – Resubdivision Plan - property of Bernard H. Lavoie 7 Winkler Road, East Windsor CT Map 113, Blk 24 Lot 2, Prepared for Noble East Windsor, LLC PO Box 366, East Longmeadow MA 01028, dated 8/1/14 scale 1" = 40' rev 9/15/14

## 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. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
- 3. The final mylars shall contain the street numbers and the Map, Block and Lot numbers assigned by the East Windsor Assessor's Department.
- 4. The applicant shall provide two street trees on any new lot and have them shown on the final plan.
- 5. 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.
- 6. Deeds for any conservation, drainage, and/or any other easement must be approved by the Town and filed on the land records prior to any permits being issued. These must be filed with the mylars.

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

7. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed mylars, shall be filed with the town clerk by the applicant, no later **than 90 days after the 15-day appeal period from publication of decision has elapsed** or this approval shall be considered null and void unless an extension is granted by the Commission. One set shall be filed in the Planning and Zoning Department.

## **General Conditions:**

- 8. This subdivision approval shall expire <u>five years from date of approval.</u> 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 Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26c, as amended. The Commission shall require proper bonding be in place prior to the approval of any such extension.
- 9. A Site Plan Approval and Zoning Permit shall be obtained prior to the commencement of any site work.
- 10. 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.
- 11. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
- 12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
- 13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

**VOTE:** In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

MOTION TO APPROVE the Application of Noble East, LLC and owner Bernard H. Lavoie requesting a special use permit and site plan approval for the development of a filling station, convenience store and conversion

of building to office and warehouse at property located at north parcel of 7 Winkler Road in the B-3 zone (Map 113, Blk 24, Lot 2)

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions (subject to change at meeting per PZC discretion):

## Referenced Plans (as amended):

Cover Sheet – Noble East Windsor LLC, North Road & Winkler Road, East Windsor CT, Key Map scale 1" = 200', prepared by JR Russo and Associates, LLC 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, 860/623-2485 (Fax) dated 9/15/14

- 2/9 Resubdivision Plan 9/15/14
- 3/9 Layout Plan 9/15/14
- 4/9 Grading Plan 9/15/14
- 5/9 Utility Plan 9/15/14
- 6/9 Landscape Plan 9/15/14
- 7/9 Erosion Control Notes and Details 8/1/14
- 8/9 Details 9/15/14
- 9/9 Details 9/15/14
- 1/1 Sight Line Plan 9/15/14
- 1/1 Roadway Improvement Plan dated 9/30/14

### Conditions which must be met prior to signing of mylars:

- 1. All final plans submitted for signature shall require the live seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
- 2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

- 3. One set of final plans and two sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One signed mylar set shall be filed on the land records, One mylar and paper copy shall be filed in the Planning and Zoning Department.
- 4. An erosion and sedimentation bond shall be required for all site work. Applicants Engineer shall submit estimate to Town engineer for approval.

#### Conditions which must be met prior to certificates of compliance:

- 5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
- 6. Final as-built survey showing all structures, pins, driveways and final floor elevations, landscaped islands as well as spot grades shall be submitted.
- 7. 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 not 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:**

- 8. In accordance with Section 900.3 of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within <u>one</u> <u>year from the date of approval</u> and <u>complete all improvements within five</u> <u>years of the date of approval</u>, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
- 9. A Zoning Permit shall be obtained prior to the commencement of any site work.
- 10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
- 11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
- 12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
- 13. 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
- 14. Cars may not at any time be parked in landscaped areas, unless approved as such on the site plan.
- 15. All required landscaping shall be adequately maintained.
- 16. At no time shall vehicles be parked overnight on this site

TOWN OF EAST WINDSOR PLANNING AND ZONING COMMISSION Regular Meeting #1662 – October 14, 2014 MEETING MINUTES Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

<u>NEW PUBLIC HEARINGS – East Windsor Housing LTD, LLC</u> – Modification of previously approved resubdivision of property located on Farms Road, to allow a fee inlieu-of sidewalks instead of providing sidewalks. [R-2 Zone; Map 99, Block 53, Lot 14-09]. (Deadline to open hearing 10/16/2014; Deadline to close hearing 11/18/2014):

Chairman Ouellette read the Hearing description. Appearing to discuss this request was Jason Ziegler, developer of Meadow Farms.

Mr. Ziegler opened the Public Hearing with the following discussion, noting he has sold all the lots on Farms Road. Of the six houses that would require sidewalks Mr. Ziegler reported he has letters from five of the homeowners who don't want sidewalks; the sixth lot – which Mr. Ziegler does not own - is still under construction. Mr. Ziegler reported the sidewalks don't go anywhere; he is seeking to provide a fee-in-lieu of sidewalk construction.

Mr. Ziegler reported he has installed sidewalks on Depot Street, and on Acorn Drive, which is a 55 and older community. Chairman Ouellette questioned if the people living on Acorn Drive might want to walk through the development? Mr. Ziegler reported the last approval received on this development "blocked the cross-through" between the developments; Acorn Drive ends at the gazebo. Commissioner Devanney suggested if the sidewalks were installed then everyone would have the opportunity to circulate within their area, which was the original intent of the development. Mr. Ziegler reported the homeowners don't want to take care of the sidewalks. He also noted the Farms Road lots are smaller because they were originally proposed as part of the 55 and over community; when he proposed the single family development on Farms Road he sought a waiver for the smaller lots. Commissioner Thurz suggested a developer knows going into the project when you install the utilities that sidewalks were required.

Chairman Ouellette questioned if Mr. Ziegler had approached only five of the six homeowners? Mr. Ziegler reported he approached all six; the sixth lot has been resold. Mr. Ziegler also felt that if he paid a fee-in-lieu of sidewalks it should go to improvements on Farm Road rather than to the Town.

Chairman Ouellette felt these were two different types of developments; there isn't a lot of people using these roads as there is no reason to use them unless you live there. He suggested he is leaning towards not putting in the sidewalks. Mr. Ziegler reported he did "connect the trails". Commissioner Slate reported he deals with a lot of seniors who live

on Acorn Drive; they don't want the sidewalks either. Commissioner Sullivan cited the POCD recommends installation of sidewalks in the villages, and then gave examples of various streets with and without sidewalks. He felt the Commission needs to decide if they want to go with sidewalks as the POCD recommends or delete the recommendation from the POCD. Town Planner Whitten suggested she felt there has been a difference of views amongst past commissioners regarding the sidewalk proposal but there has never been a consensus of opinion. She felt the connectivity between neighborhoods is important but the Commission has always been split.

Chairman Ouellette opened discussion to the public:

**Brian Feeney, Treetop Lane:** reported he is in favor of sidewalks. He felt sidewalks increase the property value; future people will be expecting sidewalks. Mr. Feeney felt to not install the sidewalks will hurt property values.

<u>Kathy Pippin, Woolam Road:</u> suggested there are more people running, and moms with strollers walking along the roads; the sidewalks are protective. Mrs. Pippin cited a runner in Ellington that was killed running in the road.

<u>Dick Pippin, Woolam Road:</u> felt sidewalks should be installed on the main roads but there isn't any traffic on cul-de-sacs. Mr. Pippin felt installation of sidewalks would be a waste of money; if they don't serve a purpose don't waste the money.

No one else requested to speak.

Town Planner Whitten requested Mr. Ziegler provide a copy of letters from the property owners for file documentation; Mr. Ziegler offered copies.

MOTION: To CLOSE the Public Hearing on the Application of East Windsor

Housing LTD, LLC for Modification of previously approved resubdivision of property located on Farms Road, to allow a fee inlieu-of sidewalks instead of providing sidewalks. [R-2 Zone; Map 99,

Block 53, Lot 14-09].

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

**MOTION TO APPROVE WAIVERS** in accordance with Section 8-26 of the Connecticut General Statutes and Section 6.3.5 of the East Windsor Subdivision Regulations

1. Section 6.3 (Sidewalks): No sidewalks to be provided, as none exist in the area and the road is a cul-de-sac.

#### **Condition of Approval**

1. Fee in lieu of sidewalks shall be derived as 40% of the overall cost to install the sidewalks, to be determined by the Town Engineer.

## Devanney moved/Gowdy seconded/

DISCUSSION: Commissioner Gowdy recalled that when the subdivision was originally approved it was a 55 and over community for which you might want sidewalks but these are privately owned homes; whoever drives down the road is a homeowners. With regard to the resale value, Commissioner Gowdy felt that taking away frontage would decrease the value of the lots. Commissioner Devanney felt that even though the road ends in a cul-de-sac which goes nowhere, the people on both sides – the elderly and children - will have a safe place to walk instead of going out in the street, and that was the intent in the beginning. Commissioner Sullivan reported he is an advocate of open space but the town won't get the continuity of the community without sidewalks. Commissioner Thurz suggested the developer knows going into the project when you install the utilities that sidewalks were required. Chairman Ouellette felt roads are for vehicle traffic; pedestrians use the road out of necessity because there are not alternate places to go. Chairman Ouellette reported he personally is in favor of the sidewalks.

**VOTE:** In Favor: Gowdy

Opposed: Devanney/Ouellette/Sullivan/Thurz

**Abstained:** No one

The Motion for a waiver of sidewalks along Farms Road is DENIED.

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/Thurz seconded/

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

The Commission RECESSED at 8:18 p.m. and RECONVENED at 8:25 p.m.

OLD BUSINESS: None.

**NEW BUSINESS:** Michael Gilchrest – Modification of Site Plan Approval to allow auto repair business at 229 South Main Street, owned by John Galinski. [B-2 Zone; Map 12, Block 23, Lot 1-2] (*Deadline for decision 12/18/2014*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was John Galinski, owner of the property, and Michael Gilchrest and Alex Harlow, tenants.

Mr. Gilchrest opened discussion by noting he had recently received approval for a General Repair License. Chairman Ouellette questioned that there was an issue with parking for this location? Mr. Galinski reported that they had already been approved for the site. Town Planner Whitten clarified that Mr. Gilchrest had recently been approved for a General Repair License through the Zoning Board of Appeals, but they have not yet been approved for use of the site through the PZC. Town Planner Whitten suggested there is very little parking available on this site; when she recently visited the site Mr. Gilchrest was working on FedEx trucks. She noted there are 4 parking spaces allocated for this use; Mr. Galinski contended there are more spaces. Town Planner Whitten clarified that an allocation of parking has been made for the 2 bays already being used; only 2 parking spaces are available to be allocated for this bay.

Discussion continued regarding use of parking spaces by existing/current tenants, and availability of remaining spaces for Mr. Gilchrest. Mr. Galinski suggested the tenants share the parking. Town Planner Whitten noted how well that works, which is why space allocation is defined up front. She noted she visited the site today and no one was parking where they should be. Mr. Gilchrest noted he is renting 3600 square feet of floor space; that should be ample to store 6 to 7 vehicles inside. Mr. Gilchrest reported the FedEx vehicles come in and are serviced and returned to the South Windsor location.

Discussion continued regarding the parking spaces allocated to the detailing shop. Mr. Harlow reported most of those cars go to the auction the same day they are worked on; the only car the detailer has on-site is a "demo". Mr. Harlow suggested the detailer often goes from dealership to dealership; Mr. Gilchrest suggested the detailer seems to be at this location only a couple of times a week. Commissioner Gowdy didn't feel this type of business required a lot of parking; he didn't see a problem. Town Planner Whitten reported that based on the approved parking requirements there really aren't enough spaces for this General Repair License, but if the Commission will consider the inside space.....; the tenant would have to contain the vehicles inside.

Discussion continued regarding the inability to maintain the approved parking plan may result in Violation Notices. Mr. Galinski suggested if you go up and down Route 5 you won't see a neater property than his; he cited parking at other sites. Commissioner Thurz suggested that's the situation the Commission deals with; people promise all the time to maintain their approved parking and then don't follow through. Chairman Ouellette

clarified that what Mr. Galinski, Mr. Gilchrest, and Mr. Harlow are being told isn't any different than discussions held with other applicants.

Chairman Ouellette queried the Commissioners for comments; no one raised any additional issues.

MOTION TO APPROVE the Application of Michael Gilchrest and owner John Galinski requesting a Site Plan Modification per Chapter 900, to add a general

repairer's auto shop to previously approved building 229 South Main Street Assessors Map 12, Block 23, Lot 001-02.

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

#### **Referenced Plans:**

Improvement Location Plan prepared for 227, 227R & 229 South Main Street, East Windsor, prepared by William R. Palmberg & Son, LLC, 264 Hazard Avenue, Enfield, CT. 06082 860/763-3300, scale 1" = 20 dated 3/20/14 Map 39, Blk 23, Lot 1-2

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

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

#### **Conditions which must be met prior to certificates of compliance:**

2. All public health and safety components of the project must be satisfactory completed prior to occupancy. In cases where all of these 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:**

3. In accordance with Chapter 900.3.h of the Zoning Regulations any approval of a site plan application shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved, and **complete all improvements within five years of the date of approval,** otherwise the approval shall become null and void, unless an extensions is granted by the Commission.

- 4. A Zoning Permit shall be obtained prior to the commencement of any site work, or registration of a new business.
- 5. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
- 6. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
- 7. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
- 8. 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.
- 9. A cross easement or merging of lots document must be filed on the town land records prior to obtaining a zoning permit.
- 10. All materials stored at this site shall be clean, and may never be contaminated. Storage of contaminated material would constitute a hazardous waste or solid waste facility.
- 11. ALL storage and repairs of vehicles shall be internal to the warehouse, bays 3 -5.
- 12. External parking stalls shall be marked on site with effective signage. These 4 stalls shall be for employees and customers.
- 13. Any outside storage of vehicles waiting to be worked on, being worked on, or waiting for pick up shall be a violation of this approval.

#### Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

OTHER BUSINESS: Brian Feeney, East Windsor Little League – Administrative Site Plan Approval and 8-24 Referral to allow an announcer booth and storage building at Osborn Park, South Water Street, owned by the Town of East Windsor. [R-2 Zone; Map 91, Block 10 Lot 32]:

Town Planner Whitten reported she has approved this request as an Administrative Approval. The request is for the Little League to build an announcer's booth and additional storage at Osborn Park on South Water Street. The location is Town-owned property. The Applicant is looking for an 8-24 Referral to the Board of Selectmen.

Chairman Ouellette queried the Commissioners for comments; the consensus was this would be a beneficial improvement for the park.

**MOTION:** To SEND A POSITIVE 8-24 REFERRAL to the Board of Selectmen

for the request to allow an announcer booth and storage building at Osborn Park, South Water Street, property owned by the Town of

East Windsor.

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

VOTE: In Favor: Devanney/Gowdy/Ouellette/Sullivan/Thurz

(No one opposed/No abstentions)

**CORRESPONDENCE:** None.

# BUSINESS MEETING/(1) Discussion on LADA's workshop on commercial development proposal:

Terri-Ann Hahn, Principal of LADA, P.C. Land Planners, appeared before the Commission to discuss options for studying/critiquing commercial development in East Windsor to clarify the Commission's intent for the current POCD update. Options include:

- 1. Build-out analysis based on current Zoning Regulations
- 2. Focus on Route 5 to identify possible changes to the current Zoning Map and Zoning Regulations; identify gateway properties
- 3. Hands-on workshop involving stakeholders; focus on Route 5 and Route 140

Discussion followed regarding timing for workshops within the upcoming holiday season, and preparation of the POCD revision for January, 2015. The Commission's preference was option #2, with inclusion of input from other parties.

#### **BUSINESS MEETING/(2) CRCOG referral for Enfield Development:**

Town Planner Whitten advised the Commission of a potential application for re-zone of a parcel in Enfield adjacent to the East Windsor border along Route 5. The 130 acre parcel is north of Metro North facility. A requirement of re-zoning a parcel within 500' of an adjacent municipality is referral to CRCOG and the adjacent Town as well so that impact

on the adjacent community can be considered. Due to staffing changes in Enfield's Planning Department the referrals were not made within the timeframe required.

The re-zone would have allowed development of the 130 acres as a multi-family high density use. Town Planner Whitten indicated she was originally against the proposal as it lacked a mixed use component which is more conducive to this area. She is of the understanding this original application may be withdrawn and resubmitted in a different configuration; the referral is now being re-processed.

### **BUSINESS MEETING/(3) Plan of Conservation & Development 2014:**

Town Planner Whitten reviewed potential workshops with several boards or commissions.

# BUSINESS MEETING/(4) Signing of Mylars/Plans, Motions:

## **Mylars/Plans:**

• 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].

#### **Motions:**

• 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].

#### **ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 9:32 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission (6164)