

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

REGULAR Meeting #1666 – December 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 7:00 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Frank Gowdy, Dick Sullivan, and Jim Thurz.
 Alternate Members: Michael Kowalski, and Robert Slate.

ABSENT: **Regular Members:** Lorry Devanney
 Alternate Members: Marti Zhigailo

Also present was Town Planner Whitten.

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

ESTABLISHMENT OF QUORUM:

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

Chairman Ouellette also welcomed Commissioner Kowalski to the Board, and invited him to participate in Meeting discussions.

LEGAL NOTICE:

Chairman Ouellette noted the following Legal Notice, which appeared in the Journal Inquirer on Thursday, November 27, 2014, and Thursday, December 4, 2014:

1. Application of Karen Lapienski, Elegant, LLC for a Special Use Permit to allow a vocational center for people with special abilities at 170 North Road, owned by Schiavone Realty Holding, LLC. [B-3 Zone; Map 125, Block 24, Lot 21].

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition of discussion regarding the Level A Aquifer Map under the **BUSINESS MEETING.**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

2

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. Mrs. Pippin suggested the Commission does a good job.

APPROVAL OF MINUTES/November 20, 2014 – Special Meeting:

MOTION: To ACCEPT the Minutes of Special Meeting #1664 dated November 20, 2014 as written.

Gowdy moved/Slate seconded/

DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Application:

- **Karen Lapienski, Elegant, LLC** - Special Use Permit to allow a vocational center for people with special abilities at 170 North Road, owned by Schiavone Realty Holding, LLC. [B-3 Zone; Map 125, Block 24, Lot 21] (*Deadline to close hearing 1/13/2015*).

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE – McLellan Way – Request from Atty. Walter E. Bass, Jr. for an extension of the Special Use Permit/Site Plan Approval for a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads [Map 114, Block 24, Lot 5]. (*Expired on 11/26/2014*)

Chairman Ouellette read the description of this Item of Business. Attorney Carl Landolina was present to represent Mr. Bass who is not feeling well and was unable to attend this meeting.

Attorney Landolina summarized that this Application was originally approved in November, 2013. It was noted that a condition of the Permit is that construction must commence within one year or the Permit can be considered null and void; Attorney Landolina noted market conditions have been difficult within the past year. Attorney Landolina reported that the regulations under which this proposal was approved have not changed; if the application was heard during that time Mr. Bass would likely have received the same approval. Attorney Landolina clarified that a Site Plan has a time limit under the Connecticut General Statutes, but a Special Use Permit does not. The Special Use Permit runs in perpetuity with the land, however

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

3

the Town's regulations require that construction must commence within a year.

The Commission discussed the timing of a possible extension – should the date be consistent with a Commission meeting date or should it extend from the original approval date? The Commission took the following action:

MOTION: To APPROVE the extension of the period to commence work under Condition #29 to 11/26/2015 for the Application of Walter E. Bass, Jr. for a Special Use Permit/Site Plan Approval for a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads [Map 114, Block 24, Lot 5].

Gowdy moved/Slate seconded/

DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS : Karen Lapienski, Elegant, LLC - Special Use Permit to allow a vocational center for people with special abilities at 170 North Road, owned by Schiavone Realty Holding, LLC. [B-3 Zone; Map 125, Block 24, Lot 21] (*Deadline to close hearing 1/13/2015*):

Chairman Ouellette read the Hearing description. Ms. Lapienski was unable to attend this meeting; appearing on behalf of Elegant, LLC was Tracy Gaston.

Mr. Gaston reported Elegant LLC currently operates out of a facility located in Windsor Locks; this (North Road) facility would enable them to expand the programs they offer. Mr. Gaston reported they work with people with special abilities to find them employment and assist them with their social skills so they can find a better place in the community.

Mr. Gaston reported the hours of operation for the North Road location would be Monday to Friday 8:00 a.m. to 4:00 p.m.; they are closed on holidays. The clients, aged 21 and over, come to the location in the morning via vans. Some clients will leave the North Road location and be transported to other local businesses at which they are employed. They expect to cap the number of clients at 50 for this location; 9 staff members assist the clients.

The following questions were discussed:

- **Outside activities/proximity to North Road:** Commissioner Gowdy questioned if the clients participate in any outside activities; he is concerned with clients wandering offsite and the close proximity of North Road/Route 140 which experiences heavy traffic conditions. Mr. Gaston reported they are located near Route 75 in Windsor Locks, and some of the clients tend vegetable and flower gardens in the back of that location. Mr. Gaston reported they also partner with the YMCA for exercise programs; he didn't feel Route 140 would be a problem.
- **Adequacy/Location of Parking:** Town Planner Whitten cited concern for the adequacy of parking for the anticipated usage. Ms. Lapienski had also mentioned the 9 staff members, and the 5 vans used by the operation. The location presently has capacity for 14 spaces; there is no additional parking available. Mr. Gaston concurred, noting one vehicle is a 12 passenger van while the others are mini-vans which can carry 6 or 7 people. The vans would be parked at the facility over the weekend. Chairman Ouellette questioned if the larger van would occupy more than one parking space? Mr. Gaston noted parking for the staff and vans is anticipated to be located on the side of the building, but the back of the location is paved; the vans could be stored there. Town Planner Whitten suggested if it's found they need more parking they can return to the Commission for a Site Plan modification.
- **Property location – 2 parcels:** Commissioner Thurz noted it appears that this proposed location is comprised of 2 parcels; how could you park the vans on a parcel you don't own? Town Planner Whitten noted the Applicant understands they need to purchase both parcels for this proposal to be feasible. Mr. Gaston suggested the person who is selling the property needs to sell; they have a decision to make. Mr. Gaston indicated they don't plan to do anything with the additional parcel; they don't need the septic system located on the second parcel as Elegant, LLC plans to connect to the sewer in North Road. Chairman Ouellette suggested they seller could also sell only the paved portion of the second parcel. Town Planner Whitten clarified that easements would be required until Elegant, LLC actually connects to the sewer.

Town Planner Whitten clarified that during review of this Application it was found that an A-2 Survey shows the location as one parcel, however the deed shows it as 2 parcels, and the parcels are taxed separately. They should have been merged. If only one parcel is sold then this proposal would have many non-conforming issues. Town Planner Whitten felt the lender has indicated that the parcels must be sold together.

Discussion continued regarding the separate parcels, the location of the septic system relative to the building on a separate parcel, and the marketability of the parcels. Town Planner Whitten suggested the Commission consider the addition of Condition #16 requiring approval is contingent on both parcels being merged.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

5

- **Site Lighting:** Chairman Ouellette questioned if they would be installing any lighting in the parking lot or security lighting? Mr. Gaston indicated they could but he didn't feel it would be necessary based on the hours of operation.
- **Signage:** Mr. Gaston indicated they would install a sign on the building. Town Planner Whitten noted signage could be handled administratively through the Planning Office; she advised Mr. Gaston they need to apply for a Zoning Permit for the business if approval is granted.

Chairman Ouellette opened discussion to the audience:

Richard P. Pippin, Jr.:

- A septic system can be located on another property; the code was changed 5+/- years ago.
- Mr. Pippin installed the septic system; he questioned if it was adequate for 50 people?
- Will this location be designated a school zone; if so it would require a 25 mile per hour speed limit which is not the reality of travel along Route 140/North Road? Chairman Ouellette suggested school zone designations only apply to school age children and youth rather than adults.
- Mr. Pippin questioned that the septic system was actually located on a second parcel.

No one else requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of Karen Lapienski, Elegant, LLC for a Special Use Permit to allow a vocational center for people with special abilities at 170 North Road, owned by Schiavone Realty Holding, LLC. [B-3 Zone; Map 125, Block 24, Lot 21].

Gowdy moved/Thurz seconded.

DISCUSSION: None.

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

MOTION TO APPROVE Application of Karen Lapienski, dba Elegant LLC and owner Schiavone Realty Holding, LLC requesting a Special Use Permit to allow a vocational center for people with special abilities at property located at 170 North Road in the B-3 zone (Map 125, Blk 24, Lot 21)

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

6

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):

- 1/4 Site Plan Duplicating Methods, scale 1" = 20' dated 2/8/88, rev through 9/23/88 prepared by Michael Walker Architect, AIA, 25 S Main St, East Windsor CT 06088 203/627-9620
 - 1A/4 Duplicating Methods Co 170 N Rd, Warehouse PT , prop. Septic System, prepared by Ward Engineering Assoc, 603 Sumner Ave, Springfield MA scale 1" = 20' dated 8/25/87 , rev through 9/23/88
 - 2/4 Floorplan & Elevations, Michael Walker Architect
 - 3/4 Foundation & Wall Section, Michael Walker Architect
- Duplicating Methods Co prop of Daniel T Schiavone, 170 N. Rd, East Windsor CT, scale 1" = 20', dated August 1988 prepared by James Sollmi PE LS 54 Field Rd, Enfield CT A-2 survey

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.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

7

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 **one year from the date of approval** and **complete all improvements within five years of the date of approval**, 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 or change of use.
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.

Additional Condition:

16. **Approval is contingent that BOTH properties are merged into one parcel.**

Gowdy moved/Sullivan seconded/

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

8

DISCUSSION: Commissioner Slate questioned if any additional conditions should be included regarding signage? Town Planner Whitten clarified that signage can be handled administratively through the Planning Office; however, the Applicant must come in to acquire a Zoning Permit. Commissioner Sullivan suggested the proposed use is a nice proposal which doesn't appear to have any downsides. Commissioner Gowdy concurred.

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

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

BUSINESS MEETING/(1) Temporary Business Signs:

Town Planner Whitten noted the Commission has, in the past, reviewed this regulation annually. This proposal is to removed Condition #11 under Section 602.8 – Temporary Signs and Displays - ; the “sunset” clause (requiring reapproval December 31st annually) of the regulation would cease and these signage requirements would become similar to other regulations.

Discussion followed regarding the process for this change in regulations, which often require a Public Hearing. Town Planner Whitten felt the elimination of this condition was a minor change; should this section of the regulations need significant adjustment/revisions then a Public Hearing could be considered at that time.

Discussion also continued regarding the comparison to display of “not-for-profit” signs, agricultural signs, and real estate signs.

MOTION: To ELIMINATE Condition #11 – “This regulation will automatically be repealed on December 31, 2014 unless the Commission agrees to extend this Section of the Regulations” from Section 602.8 TEMORARY SIGNS AND DISPLAYS of the Zoning Regulations.

Gowdy moved/Thurz seconded.

DISCUSSION: None.

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

BUSINESS MEETING/(2) 2015 Meeting Schedule:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

9

Chairman Ouellette re-opened discussion from the previous meeting regarding advancing the inception of the Commission Meetings to 6:30 p.m. Town Planner Whitten noted review with the Selectmen's Office and review of the meeting schedules for other Commission has resulted in a finding of no conflict with other meetings. It was noted the change has been proposed as often the Commission has long meetings; it was felt an earlier Call to Order would be beneficial for applicants and audience members for often sit at a meeting for some time until an Item of Business is heard.

Chairman Ouellette noted the need to notify the media as they often routinely report meeting dates and times.

MOTION: To ADOPT the 2015 Meeting Schedule for the Planning and Zoning Commission with the 6:30 p.m. Call to Order.

Gowdy moved/Thurz seconded.

DISCUSSION: None.

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

Additional Administrative Matters:

Town Planner Whitten noted the **Level A Mapping for the Aquifer Protection Area within East Windsor** has been completed (by Connecticut Water Company). This will now require the Commission to approve the map change, and for the aquifer protection area to be added to the Zoning Map, and for new Aquifer Protection Regulations to be drafted within the short term.

Town Planner Whitten noted receipt of a memo **from CRCOG (Capital Region Council of Governments) requesting appointment of a member of the Commission to the Regional Planning Commission.** Chairman Ouellette volunteered to represent East Windsor.

MOTION: To TAKE A TEN MINUTE BREAK.

Gowdy moved/Thurz seconded/

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

The Commission RECESSED at 7:50 p.m. and RECONVENED at 8:03 p.m.

BUSINESS MEETING/(3) Terri Hahn, LADA – POCD Commercial Workshop

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

10

Mrs. Hahn returned to the Commission with the linear composite aerial of the Route 5 Corridor (from the South Windsor town line to the Enfield town line) which she reviewed at the Commission's previous meeting. This time she presented photos of the existing properties located along the east side of Route 5. Mrs. Hahn reported she found a similar concentration of property types on this side of Route 5; pockets of residential areas including older, historic homes and an historic cemetery, as well as concentrations of smaller residential homes, condominiums, apartments, and mixed use business/residential – interspersed with areas of smaller businesses. Areas located within the proximity of interstate exits contain the larger/more intense business uses, or shopping centers. Mrs. Hahn also noted an area of auto uses, including the Southern Auto Auction facilities, and the ancillary/support auto uses concentrated within one general location.

Mrs. Hahn noted there is a somewhat undefined area along Route 5, which falls within the current TZ-5 Zone. This gives the Commission the opportunity to decide what type of uses the area should transition to.

Discussion followed regarding the lack of existing infrastructure – water, gas, inadequacy of Route 5 - to support larger business development. Traffic conditions along Route 5, and the timing of the congestion, was discussed in length. Town Planner Whitten referenced Commissioner Devanney's comments she had submitted in her absence.

Mrs. Hahn left the Commission with the following questions:

- What types of businesses would you like to see along what areas of Route 5?
- Do you consider the current "labels" used to define the areas discussed appropriate?
- Look at the general area identified by the existing uses.
- Work towards a definition of the "undefined" area.

The Commission and Mrs. Hahn agreed to continue discussion of the Commercial Workshop under the Business Meeting for each of the January, 2015 Meetings.

Brief discussion occurred regarding timing of the Public Hearing to take public input.

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

No motions or plans submitted for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:24 p.m.

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

Respectfully submitted,

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1666 – December 9, 2014
MEETING MINUTES**

11

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission