

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

REGULAR Meeting #1679 – August 11, 2015

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 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, Frank Gowdy, and Dick Sullivan.
 Alternate Members: Michael Kowalski, Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:** , Jim Thurz
 Alternate Members:

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 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. Following in accordance with the service rotation schedule Alternate Member Kowalski would also join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE:

Chairman Ouellette noted the following Legal Notice, which appeared in the Journal Inquirer on Thursday, July 30, 2015, and Thursday, August 5, 2015:

1. Application of Latchman Haripaul for a Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 zone; Map 88, Block 37, Lot 10-11]

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

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

Dianna Kenny, 49 Stoughton Road: submitted photos of a food truck which she would like to operate in East Windsor. She has chosen a location – Crossen’s Auto on Route 5; a John-Bob’s restaurant/take out used to operate out that location but has closed. If that location isn’t suitable she would like to try operating in the Industrial Park. Ms. Kenny indicated she has her packet from the North Central Health District; if this gets approved she would start immediately.

Chairman Ouellette questioned how recently Ms. Kenny had contacted the Planning Department regarding food vendors? Ms. Kenny suggested she called the other day and was told they are not allowed. She was told to come to the Commission to discuss allowing food trucks. Chairman Ouellette noted public participation isn’t really the forum for dialogue. Town Planner Whitten noted Ms. Kenny’s request would require a Text Amendment via filing an application with which fees are associated. The Text Amendment would require a Public Hearing, referral to the Capital Region Council of Governments, and approval by this Commission. It’s a rather long process. Town Planner Whitten noted similar discussions have come up before; in the past food trucks have not been allowed as they were felt to be competition with businesses operating in town that pay taxes.

Ms. Kenny suggested she will have 5 employees, will carry \$1,000,000 liability coverage, she will pay taxes on the vehicle. She indicated she understands other towns don’t allow food trucks within 500’ of restaurants; she wouldn’t set up near another local business. Discussion followed regarding different types of food trucks.

Ms. Kenny was referred to Town Planner Whitten for assistance through perhaps a future agenda discussion or application.

Maureen Prentis, 126 Rye Street: indicated she is her on behalf of Paul’s Liquor Store. Chairman Ouellette noted Mr. Haripaul’s application will be coming up shortly.

APPROVAL OF MINUTES/June 23, 2015:

MOTION: To APPROVE the Minutes of Regular Meeting #1676 of the Planning and Zoning Commission dated June 23, 2015 AND Minutes of Special Meeting of the Economic Development Commission as written.

Devanney moved/Sullivan seconded/DISCUSSION: None.

VOTE:
In Favor: Devanney/Gowdy/Sullivan/Kowalski
Opposed: No one
Abstained: Ouellette

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APPROVAL OF MINUTES/July 28, 2015:

MOTION: To APPROVE the Minutes of Regular Meeting #1678 of the Planning and Zoning Commission dated July 28, 2015 as written.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following Application:

1. Application of Latchman Haripaul for a Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 Zone; Map 88, Block 37, Lot 10-11]

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: Request for 4 year extension of Kingshire Subdivision (Phases 4 & 5). Extension proposed to expire on 4/26/19.

Town Planner Whitten noted this subdivision was originally proposed by one owner; over the years several partners were brought in to complete various phases, which were approved or extended at different times. Public Act 11-5 allows for a 19 year duration for completion of a subdivision. Mr. Scoville is a new partner; he did not realize the current extension has already expired. He is requesting a 4 year extension through 4/26/2019 for Phases 4 and 5.

Discussion followed; the Commissioner indicated they preferred to see the subdivision completed.

MOTION TO APPROVE a four year extension for Phases 4 & 5 of the Kingshire Subdivision located off of Rye Street. The subdivision phases will expire on April 26, 2019.

Conditions of approval:

The Applicant/owner is still subject to conditions of approval from the original permit, inclusive of bonding, open space fees, and zoning permits.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

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NEW PUBLIC HEARINGS: Application of Latchman Haripaul for a Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 Zone; Map 88, Block 37, Lot 10-11]

Town Planner Whitten noted the applicant, Mr. Haripaul, has requested that this Public Hearing be tabled. His application for a variance to move the location across the street next to the church which had been heard by the Zoning Board of Appeals (ZBA) has been denied. Mr. Haripaul would like to return to the ZBA to present his case again. If the ZBA turns down his request this Application would be withdrawn.

Maureen Prentis, 126 Rye Street: request to speak in favor of the application. She referenced Mr. Haripaul's vote (at the ZBA) and suggested the application had been rescheduled to this evening. She is in favor of his request.

Chairman Ouellette noted Ms. Prentis' comments were premature. The Public Hearing before this Commission has not been opened; the Board should not be taking comments on the application at this time. Discussion continued. Town Planner Whitten explained the process of hearings before the ZBA and this Commission.

MOTION: To **TABLE** the Opening of the Public Hearing for the Application of Latchman Haripaul for a Special Use Permit/Sale of Alcohol (in accordance with Section 805) to allow a package store at 124 Main Street, Broad Brook, owned by United Bank. [B-2 Zone; Map 88, Block 37, Lot 10-11]. Opening of Public Hearing **TABLED** until the Commission's regularly scheduled Meeting to be held on September 8, 2015 at 6:30 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Gowdy seconded/**DISCUSSION:** None.

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

OLD BUSINESS: None.

NEW BUSINESS: None.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/(1) Discussion on LADA's proposed Warehouse Point study for POCD:

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Terri Hahn, of LADA, P. C. Land Planners, joined the Commission. She presented the Commission with a study guide; Town Planner Whitten had already provided the Commission a document which proposes a conceptual area which could become the Warehouse Point Village District

Ms. Hahn noted the Commission had discussed her proposed Option 1, which would entail looking at the Warehouse Point area in detail to develop a Master Plan including streetscapes and architectural guidelines. She would provide photos of existing buildings and uses within the area so the Commission could discover the pivotal buildings and consider how they could be incorporated in the WHPVD.

Mrs. Hahn noted the discussion would include public input as well. She discussed various options to bring the public into the dialogue.

The Commission felt the Warehouse Point Village District (WHPVD) should include all properties within the following boundaries:

- North boundary would be the town line at Enfield
- East boundary would be I-91
- South boundary could include South Water Street to the intersection with Route 5.
- West boundary would be the Connecticut River.

The Commission discussed the impact of the Connecticut River on the district. While it offers an attractive visual and recreational component it suffers high water during the Spring and is also shallow during the Summer. There is little access to the river along South Water Street; presently the only access is an emergency boat launch area near the sewer plant, the use of which is limited to Emergency Services.

Discussion continued regarding the impact of the proposed changes on the existing uses, and the impact of the development of the area of the railway station in Windsor Locks.

Mrs. Hahn felt the study would continue into the Spring of 2016 to complete the Master Plan.

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/Sullivan seconded/DISCUSSION: None.

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

The Commission RECESSED at 7:55 p.m. and RECONVENED at 8:12 p.m.

BUSINESS MEETING/2 Request for Open Space funds to be used for appraisals on River Bend Property, Rye Street:

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Town Planner Whitten advised the Commission that several years ago the Town had received an Agricultural Grant to pursue the acquisition of farmland for preservation . Two parcels were considered; one was the 40 acre Tschummi property on Rye Street which was previously purchased by the Town. The second parcel is a 115 acre parcel, which is owned by Griffin Land/River Bend Properties, and is located adjacent to the Tschummi property The Town is now working with a representative of Griffin Land to acquire the development rights via a Farmland Preservation Grant.

The Department of Agricultural has agreed to sponsor this proposed preservation project. They are asking the Town to provide two independent appraisals and an updated A-2 Survey as part of the grant match.

Town Planner Whitten noted this River Bend property is south of the Tschummi property, which itself is adjacent to the unpaved extension of Plantation Road and Town-owned property known as the Town Farm. Under this proposal Griffin Land would retain ownership of the parcel and could continue to farm it; the Town would be purchasing developments rights which would prevent residential development of the parcel. The parcel extends to the Scantic River, and could provide recreational uses for hiking, hunting, and fishing.

Town Planner Whitten noted the cost of the updated appraisals and A-2 Survey – which is estimated to be approximately \$5,000 – would be an expenditure from the Town’s Open Space Fund As the PZC oversees the Open Space Fund it has the authority to fund the cost of these appraisals and A-2 Survey update.

MOTION: To PAY FOR TWO APPRAISALS for the 115 acre River Bend Property located on Rye Street in order to assist the State for the Farmland Preservation Grant. Money to be taken from the Open Space Fund Account.

Devanney moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Devanney/Gowdy/Sullivan/Kowalski
Opposed: No one
Abstained Ouellette**

BUSINESS MEETING/(3) Continued discussion on Car Hauling business:

Town Planner Whitten reported the Commission had asked for background information on how the car hauling business fit into the current regulations. Town Planner Whitten suggested that from 1978 to 2006 the regulations allowed a use of “carting and hauling” which was allowed in M-1 Zones via Site Plan Approval . Truck terminals was excluded. In researching the regulation changes Town Planner Whitten felt the use of

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car hauling” was omitted during one of the revisions. She suggested this automotive use would NOT be a repair business, although someone might want to repair their own trucks. Towing would not be permitted.

Town Planner Whitten noted that although the regulations currently DO NOT allow truck terminals we currently have two truck terminals located in town which have never been abandoned – one is being reactivated.

Town Planner Whitten queried if the Commission would consider returning the car hauling use back into permitted uses under a Special Use Permit? Discussion continued. The Commission considered the minimum size of a parcel to provide adequate storage of vehicles, that the use be allowed in only specific (non-residential) zones, infrastructure must be available to support the use, location and site characteristics would be a consideration, access to the site should not impact a residential zone, and hours of operation should be a consideration.

The Commission took no action on a proposed text amendment at this time.

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

Nothing presented for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:35 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(2111)