

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

**REGULAR Meeting #1701 – August 9, 2016**

***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, Michael Kowalski, and Jim Thurz,  
                  **Alternate Members:** Tim Moore, and Marti Zhigailo.

**ABSENT:**    **Regular Members:** Dick Sullivan  
                  **Alternate Members:** None

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Selectman Jason Bowsza, Kathy Pippin, Board of Finance

**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 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 Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

**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/July 26, 2016:**

**MOTION:**    **To APPROVE the Minutes of Regular Meeting #1701 dated July 26, 2016, with the following amendments:**

Page 19, Line #823, NEW PUBLIC HEARING – Shoham Road Transfer, LLC : “.....When all public health, safety and building code compliance components have NOT been completed.....”  
Page 22, Line #960, NEW BUSINESS – Munich Motorsports, LLC, “.....In cases where all of these components have NOT been completed.....”

Devanney moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Kowalski/Ouellette/Thurz/Zhigailo)

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Diamond Estates, LLC requesting a for Site Plan Modification of a previously approved 20 unit multi-family residential condominium complex (McLellan Way) to allow construction of garage units with storage adjacent to main buildings. Property located at 55 Winkler Road; property owned by Walter E. Bass, Jr. [A-1 Zone; Map 114, Block 24, Lot 5]
2. Application of Calamar, Inc. for Zone Change to MFDD (Multi-Family Development District) located at 20 North Road. Property owned by Thomas Killiam. [M-1 Zone; Map 112, Block 017, Lot 002]
3. Application of Calamar, Inc. for a Special Use Permit/Site Plan Approval to allow an Age-Restricted Independent Living Community located at 20 North Road. Property owned by Thomas Killiam. [M-1 Zone; Map 112, Block 017, Lot 002]

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE**

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS** None.

**NEW BUSINESS: ~~McLellan~~ McLellan Way Condos** - Site Plan Modification for an approved condominium community located at 55 Winkler Road, owned by Walter E. Bass, Jr., Applicant Diamond Estates, LLC. [MFDD zone; Map 114, Block 84, Lot 005A] (*Deadline for decision 10/13/2016*)

Chairman Ouellette read the description of this Item of Business.

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Appearing to discuss this Application was Patrick Snow, of Diamond Estates, LLC, and Andreas Hadji, and Charles Talmadge.

Mr. Snow reported he is appearing before the Commission tonight seeking a Site Plan modification to create storage in garages adjacent to the main condominium buildings. Mr. Snow suggested that the groundwater conditions in the area could create water in the basements. They have appeared before the Zoning Board of Appeals (ZBA) to request a waiver of the storage requirements; the ZBA denied the request as they felt some type of storage was important for the residents.

Mr. Snow indicated they are appearing before this Board with a proposal to add 2 ten bay garage structures adjacent to the main buildings. Each condominium unit would be allocated one garage bay which would provide 1500+/- cubic feet of storage above the garage; the storage area would be accessed by a pull-down stairs.

Mr. Snow indicated he has no problem with Town Planner Whitten's suggestion to add a landscaping island near the garage structure associated with Building #1. He has submitted a Drainage Report which indicates there is no significant change in the drainage/run off. Mr. Snow reported that this plan modification now provides 5 additional parking spaces, which is above the parking requirements for this development.

Commissioner Zhigailo noted the Drainage Report didn't discuss **run off from roof drains associated with the new construction**. Mr. Snow noted the report was prepared by the engineer; Town Planner Whitten referenced the last sentence of the summary which indicates the report has been revised to reflect the addition of the two proposed garages. She also noted Town Engineer Norton has submitted a memo indicating he takes "no exception" to the report as submitted, although he does question how there is less post-development run off when the proposal includes more impervious area. Town Planner Whitten suggested all run-off will flow to the detention basin.

Discussion continued regarding the **turning radius** in the parking area, and the **construction of the storage area within the garage bays**. Mr. Snow noted they are proposing to **eliminate the elevators** within the main buildings. Town Planner Whitten and Commissioner Thurz felt that revision had been addressed in earlier plan submissions. Discussion followed regarding the plan set before the Commission this evening. Citing the elimination of the elevators, Town Planner Whitten questioned if the **stairs in the main building will be wide enough to move furniture upstairs?** Mr. Snow felt the stairway would be wide enough.

Chairman Ouellette queried that the dormers on the **garage buildings** were an aesthetic feature? Mr. Hadji agreed that the dormers were added to break up the long line of the garage roof; discussion followed regarding placement of the dormers. Chairman Ouellette suggested that the rear elevation of the garage would be one long stretch; who would see that view? Mr. Hadji indicated the rear of the garages face the wetlands and a

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forested area. Chairman Ouellette queried who would see the easterly side of the parking garage; would the general public see that view? Mr. Hadji noted that the original plans called for a fence or a buffer of trees; he also noted that as you come around the curve you see a forested area.

Chairman Ouellette questioned if every condo unit would have a **garage unit**; Mr. Snow replied affirmatively. Chairman Ouellette questioned if people would be allowed to park in front of the garage units; what if they parked a motorcycle or RV in front of the garage? Mr. Snow suggested parking of an RV causing navigation issues for others would be an enforcement issue. Commissioner Kowalski questioned if there was **visitor parking**? Mr. Snow suggested there would be 18 visitor parking spaces for the 20 unit development.

Commissioner Kowalski cited **the 1.7 acres of Open Space**; he questioned how people would access that? Chairman Ouellette clarified that the area being discussed by Commissioner Kowalski is **actually a Conservation Easement**; no fee-in-lieu of Open Space was offered in association with this development. Town Planner Whitten suggested the Conservation Easement is more for the protection of the wetlands than passive use.

Chairman Ouellette queried Town Planner Whitten if she was comfortable that the concerns/comments raised in her memo had been addressed? Town Planner Whitten suggested the applicant has made an effort to provide alternative storage; she is comfortable with the proposal. Chairman Ouellette questioned if **submission of the landscaping plan** would be addressed by staff after a decision is made on the application? Town Planner Whitten suggested adding an additional approval condition – Condition 41 – regarding approval of the landscaping plan.

Hearing no further comments from the Commissioners Chairman Ouellette called for a motion

Motion to approve the application of Diamond Estates and owner Walter E. Bass, Jr. for the proposed modifications inclusive of garage units with storage capacity, new parking areas and grading of the site, for previously approved **Special Use Permit/Site Plan Review per Chapters 802, 700 and 900, allowing a 20 unit multi-family residential condominium complex inclusive of 3 affordable housing units (McLellan Way) located on Winkler Road and North Road [Map 114, Block 24, Lot 5]**

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

**Referenced Plans:**

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"Cover Sheet -Improvement Location Survey, Plan of McLellan Way, Winkler Rd, East Windsor CT

Map 114, Block 24, Lot 5, Zone A-1 prepared by Robert J. Arsenault, PE 401 High Street, East Hartford CT 06118, 860/904-2813 p/f and by Gary B. LeClair LLC LS 57 Acorn Dr. Windsor Locks CT 06096, 860/627-8200 p/f dated 3/19/11 last revised 7/14/16

**Including Sheets last revised 3/10/05:**

- 2 &3 Improvement Location Survey dated 3/19/11, last rev 7/14/16
- 4 Offsite Sanitary Sewer Plan/Profile last rev. 7/14/16
- 5 Onsite Plan/Profile rev 7/14/16
- 6 Sedimentation and Erosion Control last rev 7/14/16
- 7 Landscape Plan last rev 7/14/16
- 8 Notes & Construction Details rev 7/14/16
- Elevation Front and Rear - Preliminary Plan - Not for Construction Building #1 - McLellan Way - 10 units. East Windsor CT scale 1" =1' dated 8/17/11, rev 9/6/11
- Elevation Left
- First Floor Plan
- Second Floor Plan
- Zone Change Map for owner/applicant Walter E. Bass Jr. Winkler Road, East Windsor CT map114 Blk 24, Lot 5 prepared by LeClair LS dated 9/9/11 last rev. 9/28/11
- 1-4 10 bay garage 55 Winkler Rd , East Windsor CT prepared by Tunxis Rd Associates/DPS, front & rear elevation;foundation plan;attic & floor plan;elevations

**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 mylar copies for signing by the Commission.
2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.) . One set shall be filed on the Town Land Records.
3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor's Office.
4. 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.
5. Addresses for the site must be shown on the mylars.
6. **Declaration of restrictions and Affordable Housing Worksheets must be approved by Town Attorney and filed on land records. Administrator of**

**Affordable housing units shall be clarified**

7. **All condo association documents must be approved by Town Attorney and filed on Land Records. Condominium document must reflect the affordable housing components and the requirement to meet the CGS 8-30 g and 8-30h as may be amended.**

**Conditions that must be met prior to the issuance of any permits:**

8. **The applicant and/or developer shall schedule and attend a pre-construction meeting** with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.
9. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission.
10. One copy of the final site plan shall be filed on the land records.
11. **A Zoning Permit for site work must be applied for and approved prior to the start of construction.** Three sets of the final approved plans shall be submitted at this time.
12. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.
13. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project.** (Said bond must be in place before any permits will be issued). Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void.
14. **A bond, suitable to the Town, shall be submitted for all site improvements (road & drainage).** The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)
15. A **landscape bond**, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.
16. A **Zoning Permit** is required for construction of each building and gazebo.
17. Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.
18. Additional requirements and procedures may be implemented by the Town

Planner.

**Conditions that must be met prior to the issuance of any Certificates of Occupancy:**

19. **Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.**
20. **Site improvements must be completed up-to and around the individual**
21. **Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.**
22. Additional bonding may be required by the Planning Department.
23. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records and condominium documents.
24. All inspection fees must be paid.

**Conditions which that be met prior to the issuance of any certificates of compliance:**

25. Iron pins must be in place at all lot corners and angle points.
26. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.
27. **A final as-built mylar of the entire project shall be submitted and signed by the Commission.**
28. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

29. This special permit/site plan approval 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. The special permit/site plan approval shall expire six years from the date of approval. Failure to complete all required improvements within nine years shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
30. This project shall be constructed and maintained in accordance with the

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- referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
31. Any modifications to the proposed drainage or grading for the project is subject to the approval of the town engineer.
  32. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
  33. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
  34. 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.
  35. Mailboxes will be worked out with staff if not located inside of buildings.
  36. Notes must be placed on final plans and condominium documents, deeds and final mylars that the project is in close proximity to an airport, trolley museum and trolley tracks.
  37. Condominium documents must reflect that units may not be sublet.
  38. Open space shall be dedicated in the form of a conservation easement.
  39. A fence shall be located along the southerly property line between the airport and the proposed development. Said fencing shall be approved by Town Planner prior to Installation.
  40. The original approval date of November 28, 2013 shall be continued.

**Additional Conditions:**

41. *Design and construction of island must be approved by Staff.*

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

**VOTE: In Favor: Unanimous (Devanney/Kowalski/Ouellette/Thurz/Zhigailo)**

**OLD BUSINESS: None.**

**OTHER BUSINESS: Discussion of process for donating Barber Hill Schoolhouse to East Windsor Historic Society, and elimination or change of open space in a subdivision.**

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Selectman Jason Bowsza.

Mr. Bowsza reported that on advice of council he and Mr. Burnham were told to acquire releases from the property owners living within the subdivision. They have acquired releases for 15 of the 17 property owners. They were not able to meet with one property owner despite several attempts; one property owner, who is located the farthest from the



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schoolhouse property, has refused to sign a release. They have acquired releases from all 6 direct abutters. Mr. Bowsza reported they asked Pullman and Comley if they would grant clear title under these conditions; they have agreed if the Town is willing to assume the indemnification. Mr. Bowsza reported the Board of Selectmen (BOS) haven't taken a vote on the transfer of this land yet.

Commissioner Thurz questioned what happened regarding the issue of the property being a building lot? Mr. Bowsza indicated the Historical Society still wants the lot. Town Planner Whitten clarified that the language associated with the schoolhouse property is that it is a non-buildable lot until such time that it can be proved that it could be an approved building lot. Although it's a large lot there are questions as to the ability to locate a septic system within this parcel. Mr. Bowsza suggested the difference of opinion regarding the language – non-buildable vs. unapproved – could infer that the lot maybe could be a building lot in the future.

Mr. Bowsza reported the process would be for the Town to sell the lot to the Historical Society, that money would then go into the Open Space Fund ; the Historical Society would get the schoolhouse and would hope to be able to sell the lot to recoup the cost of moving the schoolhouse. Mr. Bowsza reported the Historical Society realizes the onus is on them.

Commissioner Kowalski questioned what would happen if an abutter purchased the property; could their septic system serve the schoolhouse lot? Town Planner Whitten clarified that there is one area way in the back of the schoolhouse lot that might perc for a septic system; someone might be able to get a building lot out of the 4 acre parcel. She noted that under the original subdivision proposal the builder had proposed 3 lots within that area but decided to give the property to the Town for Open Space instead. Discussion followed regarding the difference in the language as it relates to the buildability of the parcel. Town Planner Whitten cited that if there is excess land left over after development of a subdivision a developer is required to identify what that excess land is. The excess land is usually identified as non-buildable lots until such time as it can be proved that the lots can be built on. Town Planner Whitten clarified that to get a buildable lot of record someone needs to come back to file a resubdivision application with the PZC. While Town staff can assist with filing the resubdivision application Town Planner Whitten cited someone must hire an engineer to prepare a revised mylar containing an official engineer's seal; she questioned if the Town was willing to expend that cost? Discussion followed regarding the application process, which will include a Public Hearing, and an 8-24 Referral from the PZC to the BOS.

To move the process along Chairman Ouellette suggested a meeting be held to include First Selectman Maynard, Town Planner Whitten, and whoever is involved with this proposal.

**BUSINESS MEETING/(1) Signing of Mylars/Plans, Motions:**

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**Mylars:**       None.

**Motions:**

- **Calamar Enterprises** - Text Amendment to Section 802 Multi Family Development District (MFDD); and Section 600 Landscape Regulations.
- **Shoham Road Transfer, LLC** - Renewal of Special Use Permit for the operation of a volume reduction facility at 9 & 11 Shoham Road, owned by 9-13 Shoham Road, LLC. [M-1 Zone; Map 113, Block 17, Lots S6 & S7]
- **Clifton Thomas** - Special Use Permit to allow an accessory apartment at 9 Plantation Road. [A-1 Zone; Map 15, Block 49, Lot 10-4]
- **Munich Motorsports, LLC** - Site Plan Approval for a Change of Use to used car sales and repairs at 54 Newberry Road, owned by Tilden Associates, LLC. [M-1 Zone; Map 93, Block 19, Lot 5]

**ADJOURNMENT:**

**MOTION:**    **To ADJOURN this Meeting at 7:38 p.m.**

**Devanney moved/Zhigailo seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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