

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

REGULAR Meeting #1711 – February 14, 2017

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, Jim Thurz, and Dick Sullivan.
 Alternate Members: Tim Moore, and Marti Zhigailo.

ABSENT: **Regular Members:** None
 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; Kathy Pippin, Board of Finance.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and two Alternate Members were present at the Call to Order. All Regular Members would sit in, and vote, on all Items of Business this evening; Alternate Members would also join the Board regarding discussion on all Items of Business this evening as well.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, February 2, 2017, and Thursday, February 9, 2017, was read by Chairman Ouellette:

1. Application of Benjamin Hall for a Special Use Permit (in accordance with Section 407) to allow an accessory apartment at 41 Rolocut Road. [A-1 zone; Map 126, Block 27, Lot 13]

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition under the **BUSINESS MEETING** of informal discussion for 3 and 5 Shoham Road. The applicant is submitting a Lighting Plan they hope to have approved administratively, and they have asked for discussion of a fast-fill pump station for other businesses (not for the public).

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See also discussion of event II for the Connecticut Electric Railway Association during application review/approval.

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/December 13, 2016:

MOTION: To ACCEPT the Minutes of Regular Meeting #1708 dated December 13, 2016 as presented.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new Application, which was advertised on Thursday, February 2, 2017 and Thursday, February 9, 2017:

1. Application of Benjamin Hall for a Special Use Permit (in accordance with Section 407) to allow an accessory apartment at 41 Rolocut Road. [A-1 zone; Map 126, Block 27, Lot 13]

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/ Hayfield Lane (Norton’s Crossing Subdivision) – Request from Letourneau Builders for acceptance of Hayfield Lane as a Town Road.

Town Planner Whitten noted she has received a memo from Town Engineer Norton indicating he is ok with the road’s condition; the Commission now needs to make a motion to accept the road and send the recommendation to the Board of Selectmen . She indicated the bond would be released after the road is accepted.

The Commission indicated their approval is based on Town Engineer Norton’s recommendation.

MOTION TO APPROVE the acceptance of Hayfield Lane associated with Norton’s Crossing Subdivision. The Commission recommends that the Board of Selectmen take measures for the Town of East Windsor to formally accept this street and any associated easements.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE/ Meadow Farms – Request for reduction of the erosion control bonds for Phases 1 and 2 of Meadow Farms Active Adult Housing, Depot Street. (Map 99, Block 53, Lot 14-09)

Town Planner Whitten reported this issue has been outstanding for some time. Originally the developer's intent was to create Acorn Drive and Field Circle and half of Farms Road as single family homes; he then modified the project to single family homes on both sides of Farms Road, while the rest of the homes were built as an Active Adult community. All of the Erosion and Sedimentation Bonds were "married" together because the drainage basin is located behind Field Circle. Someone may be returning to do additional work on the drainage basin. Although there are outstanding taxes owed on this development the requirement is for the funds related to the bond release to be returned to the Applicant.

MOTION TO APPROVE the release of \$8,000 from E&S Bond for Phase 1 – Farms Road, AND \$7,400 from E&S Bond from Phase 2 – Meadow Farms, both located off Depot Street, Map 99, Block 53, Lot 14 (#1-15).

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS – Steve Moser - Renewal of Special Use

Permit/Excavation (per Section 814) to allow driveway relocation and parcel regrading for property located at 55 & 57 Kreyssig Road. (A-1 zone; Map 136, Block 75, Lots 10 & 11) (*Deadline to close hearing 3/21/2017*):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss the Application was Jay Ussery, of J. R. Russo & Associates, LLC, representing the Applicant, Steve Moser. Mr. Moser, his wife, Janice, and several of his children were present in the audience.

Mr. Ussery reported that this Application had been approved a year ago; they are back this evening for a renewal as the current Excavation Regulations allow only a one year permit duration. The property is located at 55 and 57 Kreyssig Road; the permit was approved for regrading of the property, and relocation of the driveway which came in behind the red barn; the barn has been partially removed. Mr. Ussery indicated the driveway curb cut has been done, some of the drainage has been put in, and some of the grading has been done. A new septic system for Steve's cousin's house has also been put in. Mr. Ussery suggested that none of the work in the back has been done; they are proposing to bring in a screener to screen the material being removed. Currently work is

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occurring in the Ellington portion of the property. They are proposing to bring in a screener to screen the material being removed from the driveway relocation. Mr. Ussery indicated Town Engineer Norton has reviewed the proposed plan. Signs have been put up on the property and notices have been sent to abutting property owners; a list of the Certificates of Mailing have been included for the file. Mr. Ussery suggested the driveway relocation and the demolition of the barn are approximately half completed; they hope to be done within the next year

Commissioner Sullivan questioned that there were no changes from the original plan proposed? Mr. Ussery indicated they are proposing to relocate the screener “here” instead of in its current location next to the barn. Commissioner Kowalski recalled that the screener location was a concern for the neighbors; its location in the back may have been a condition of the original approval. Mr. Ussery felt the Applicant offered to move the screener to the rear. Commissioner Kowalski questioned if the phasing was new? Mr. Ussery indicated the phasing had been part of the original plan. Mr. Ussery reiterated that a half to three quarters of the barn has been removed, the septic system has been installed; none of the grading in phase II has been done.

Mr. Ussery clarified that they are currently doing the screening in the back, which is an Ellington permit; they would like to move the screener further to the front.

Chairman Ouellette opened discussion to the audience.

Jan Albetski, 249 Melrose Road: Mrs. Albetski reported that the noise was an issue for her and her family. She understood the screening not being on site was a condition of the previous approval. She indicated noise is a concern, it has been a problem. Her husband complained in the Summer. They understood work was not be begin before 7:30 a.m. and she was told it was being done in Ellington, but the trucks were there at 6:15 a.m.. Her family has to deal with that – the noise and the screener. Other than that she’s happy; they’ve been doing a wonderful job. To see the barn come down..... Mrs. Albetski felt the truck traffic had changed; some of the trucks are in better condition and aren’t as noisy. Her concern is that work doesn’t start before 7:30 a.m. She lives on the corner of Route 140 and Melrose Road; the trucks come in front of her house and take a sharp turn and then they go behind her house. Mrs. Albetski indicated her husband has a medical problem and needs to sleep in the morning. She suggested there are other neighbors who also feel the same way.

Steve Moser: reported Mrs. Albetski called him about this issue. They have now put in a berm and built their house. The work is being done in Ellington, which allows a start time of 7:00 a.m. Chairman Ouellette questioned Mrs. Albetski if her concerns had been addressed to her satisfaction; Mrs. Albetski replied negatively, noting it’s an Ellington/East Windsor problem. Mrs. Albetski indicated she did appreciate Mr. Moser’s intervention. Mr. Moser reported he tried to get them to postpone the start time

but the truckers want to start earlier to get ahead of the Hartford traffic, which makes their trip 45 minutes longer.

Chairman Ouellette referenced the original approval motion, noting Condition #36 clarified there would be no grinding or screening on site. He felt this would be a change of conditions. Commissioner Kowalski questioned if Town Engineer Norton had seen the conditions; Town Planner Whitten felt he would have reviewed the file. Commissioner Thurz noted Condition #15 references a 7:30 a.m. start time. Chairman Ouellette requested an explanation of the screening process. Mr. Ussery indicated materials are dumped into the screener, which has a motor which shakes the soil. This allows the smaller material to slip through while other material travels along a belt. When someone purchases the material they're looking for a particular size of stone. This process is different from a crusher. The process does create some dust and noise but the screener is currently 1,000 feet off the road located in East Windsor. Mr. Ussery indicated the current screening is occurring closer to homes in Ellington – 400 to 500 feet – and they haven't received any complaints from those families. The plan is to finish the work in Ellington and then to move the screener to the new location. Commissioner Kowalski questioned if the screening would occur concurrently? Mr. Ussery replied negatively; he has one operator. Town Planner Whitten noted the plans currently indicated "no crushing, screening, silage.....". Mr. Moser suggested they will take the topsoil and create a 20 foot berm, which may deflect some of the noise.

Commissioner Zhigailo noted Condition #16 of the original approval cites staff will receive notification of dust control measures; she questioned what was provided? Mr. Ussery suggested they would be looking at something to trap the dust but the relocation site is near the driveway and is paved. Mr. Moser indicated he also has a water trailer back there to minimize the dust.

Discussion followed regarding the proposed relocation of the screener, and the impact on the neighbors. Mr. Ussery indicated if the Commission was uncomfortable with the proposal the screener can go somewhere else.

Denise Terry, 209 Canyon Ridge Drive: Ms. Terry felt the Commission needed more information regarding the issue of the screener; she felt the application should be a Public Hearing. Chairman Ouellette clarified the Application was being heard tonight under the Public Hearing process; this inclusion of public participation is part of the Public Hearing requirements.

Jan Albetski, 249 Melrose Road: indicated she knows of other neighbors who thought it was a renewal of the application; they may have come in if they realized the screener was being moved.

Commissioner Sullivan questioned how much closer the screener will be to the East Windsor residents? Mr. Ussery indicated the screener is about 1,000 feet directly back

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from the road, and about 1,800 feet from the person who lives on Kreyssig and Melrose Roads. Commissioner Kowalski questioned how far the distance would be if they moved the screener from the current location to the proposed area? Mr. Ussery indicated today the screener is probably 2,100 feet to 2,200 feet from the intersection of Kreyssig and Melrose Roads; the new location would be about 1,800 feet. Commissioner Kowalski clarified the difference in the distance is about 400 feet. Mr. Ussery concurred, noting it's in a different direction. Chairman Ouellette questioned if the existing screener is located in Ellington? Mr. Ussery replied affirmatively.

Chairman Ouellette indicated he was uncomfortable moving forward with the approval as requested; the Public Hearing advertisement has described something different than the Applicant is requesting. He suggested the Applicant could move forward with no screening and crushing in East Windsor; if the screener is your preference he suggested the Public Hearing should be re-advertised. After conferring with Mr. Moser Mr. Ussery suggested they would take the request for the screener relocation out and go for renewal with the same conditions.

Mrs. Albetski, 249 Melrose Road: questioned that with the work occurring in Ellington is she back to a 7:00 a.m. start time again? Chairman Ouellette indicated we are unaware of Ellington's conditions; he suggested she consider making a complaint with the Ellington Planning Office.

Discussion continued regarding clarification of the start time in East Windsor. Chairman Ouellette concluded that there should not be any activity in East Windsor related to this operation before 7:30 a.m. – no access to the site, no truck traffic, nothing should start in East Windsor before 7:30 a.m. Mrs. Moser requested a clarification, citing the difference in the start times in both towns. Commissioner Kowalski suggested they can run the screener (in Ellington) at 7:00 a.m. but not go out (in East Windsor) until 7:30 a.m.

Hearing no further requests for public input Chairman Ouellette questioned the Commission's preference regarding approval of this Application?

MOTION: To CLOSE the Public Hearing on the Application of Steve Moser – for Renewal of Special Use Permit/Excavation (per Section 814) to allow driveway relocation and parcel regrading for property located at 55 & 57 Kreyssig Road. (A-1 zone; Map 136, Block 75, Lots 10 & 11).

Devanney moved/Thurz seconded/DISCUSSION: None.

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

MOTION TO APPROVE the Application of owner Steve Moser requesting a **RENEWAL** of a special use permit for excavation associated with re-grading of the site

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and relocation of a driveway for the East at 55 & 57 Kreyssig Road, in the A-1 Zone Map 136, Blk. 75 Lot 10 & 11. This approval is granted for an additional one year to expire on January 12, 2018, and is subject to conformance with the referenced plans and **all previously approved conditions:**

Referenced Plans:

1 of 3 Cover – Driveway relocation/grading plan, Kreyssig Rd, East Windsor CT prepared by JR Russo and Assoc, LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrusso.com dated 10/26/15, rev 1/4/17

2 of 3 Grading Plan rev 1/4/17

3 of 3 Erosion and Sedimentation Control Notes and Details dated 2/10/16

Devanney moved/Sullivan seconded/

DISCUSSION: .Chairman Ouellette noted that the newly referenced plans show the proposed screening area; he suggested the addition of a new condition calling for the removal of the proposed screening area from the drawings.

AMENDED MOTION TO APPROVE the Application of owner Steve Moser requesting a **RENEWAL** of a special use permit for excavation associated with re-grading of the site and relocation of a driveway for the East at 55 & 57 Kreyssig Road, in the A-1 Zone Map 136, Blk. 75 Lot 10 & 11. This approval is granted for an additional one year to expire on January 12, 2018, and is subject to conformance with the referenced plans and all 36 previously approved conditions, and additional Condition #37:

Referenced Plans:

1 of 3 Cover – Driveway relocation/grading plan, Kreyssig Rd, East Windsor CT prepared by JR Russo and Assoc, LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrusso.com dated 10/26/15, rev 1/4/17

2 of 3 Grading Plan rev 1/4/17

3 of 3 Erosion and Sedimentation Control Notes and Details dated 2/10/16

CONDITIONS:

Conditions that must be met prior to signing of mylars:

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
2. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for review and approval of Town Planner.

Conditions that must be met prior to issuance of permits:

3. 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.
4. One set of final mylars shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permit, one set shall be filed on the land records in Town Clerks Office.
5. A performance bond with amount to be approved by Town Engineer, with surety acceptable to the Town Attorney shall be provided by the applicant.
6. A full anti-tracking pad may be required. Any erosion and sedimentation control measure must first be approved by the Town Engineer
7. A curb cut permit shall be applied for and approved by the Town Engineer.
8. In order to ensure the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be:
 - a) noted on the approved plan
 - b) spaced no farther than 200 feet apart; and
 - c) set in the ground with iron or steel stakes at least $\frac{3}{4}$ inches in diameter and 30 inches in length.
9. In addition, the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan, Any deviation from the approved plan shall be a violation and cause for revocation of the permit.

General Conditions:

10. A zoning permit shall be obtained prior to the start of any work or new phase. No zoning permit shall be issued until a cash or passbook bond for site restoration, erosion and sedimentation control has been submitted. Such bond shall be good for the life of the permit/project. Any funds that may be withdrawn by the Town for such maintenance shall be replaced within 5 days or this permit shall be rendered null and void.
11. The final grading shall conform to the proposed final grading as indicated on the referenced plans; but in no case shall any final slope be steeper than a rise to run ratio of 1:3, also known as a 33% slope.
12. Finished grades may not be closer than 8' to the water table.
13. No trees, brush or stumps shall be buried on site.
14. The driveway and roadway in close proximity shall be cleaned regularly to minimize the dust nuisance created by exiting/entering traffic.
15. Activity on the site shall not occur before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday., or holidays and weekends.

16. Measures to minimize the dust nuisance from the site shall be provided by the applicant for review and approval of Town staff. Additional measures are to be undertaken if required by staff if field conditions necessitate.
17. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
18. All trucks and equipment shall be parked off-street
19. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
20. Any vegetation (trees) to be removed shall be accomplished in one step and the topsoil shall be stripped off and stockpiled immediately or a temporary vegetative cover implemented.
21. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department
22. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
23. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
24. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
25. This project shall be executed and maintained in accordance with the approved plans and conditions. Minor modifications to the approved plans which result in lesser impacts may be allowed subject to staff review and approval.
26. As each area or phase is graded to final contours, the ground shall be back covered with topsoil or loam to render it usable for growing agricultural products. All areas will require a minimum of 6 inches of topsoil in accordance with the regulations.
27. Upon completion of the excavation, the land shall be cleared of all debris and a minimum of six (6) inches of topsoil shall be spread over any disturbed areas.
28. The total number of loaded, or partially loaded, outgoing trucks from the pit shall not exceed an average of sixty (60) trucks per day or a maximum of three-hundred (300) trucks in any one week period, counting Monday through Friday.
29. By acceptance of this permit and conditions, the applicant and owner 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.
30. 814.3j - STABILIZATION , TEMPORARY: Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 foot rise to 1.5 foot run. Temporary stockpiles, and areas left open for any extended time should be planted with a grass seed, or other sufficient temporary ground cover. Additional erosion control measures such as spreading of hay or erosion control blankets may be required during the non-growing season,
31. 814.3k - STABILIZATION, PERMANENT: As each area or phase is graded to final contours, the ground shall be covered with a minimum of 6 inches of topsoil or loam and seeded with a perennial grass and maintained until the area is stabilized and approved by the Commission.

32. 814.3q - DEPTH TO WATER TABLE: A minimum of 8 feet from finished grade to depth of water table shall be maintained. At no time shall excavation exceed the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grade shall be submitted once grade reaches 18 feet above water table. Reports shall be submitted at every 2 foot intervals, or quarterly, whichever occurs first. The applicant must show the depth of existing water table relative to proposed finished grades
33. 814.3 r - EXPIRATION OF PERMIT: The Special Use Permit shall expire one year from date of approval. Permit may be renewed on an annual basis. An as-built of the entire site prepared by a licensed land surveyor or engineer will be required before an extension can be granted. Failure to renew a permit is cause for revocation.

Additional Conditions (1/12/2016)::

34. **No silage may be stored on site.**
35. **All temporary stockpiles shall be shown on plans and approved by Staff.**
36. **No crushing, grinding, or screening will be allowed on site.**

Additional Condition (2/14/2017):

37. **Remove screener from plans.**

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

NEW PUBLIC HEARINGS – Benjamin Hall - Special Use Permit (in accordance with Section 407) to allow an accessory apartment at 41 Rolocut Road. [A-1 zone; Map 126, Block 27, Lot 13] (*Deadline to close hearing 3/21/2017*):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss this proposal was Benjamin Hall.

Mr. Hall reported he purchased the home in August. There is a large bonus room over the garage which he has finished/improved with permits. He would like to complete the room as an accessory apartment for his mother.

Chairman Ouellette questioned that the proposal meets the requirements of Section 407? Town Planner Whitten replied affirmatively, noting a minor discrepancy regarding the percentage of area – she referenced highlighted text in her recommendation memo. Town Planner Whitten indicated the area exceeds the 35% of the total ground floor area but does NOT exceed the 900 square feet allowable . She suggested the Commission has the ability to change the allowable area because of the wording – “shall” - The space

being improved is all internal; it doesn't change the footprint of the home. He is also making a lot of the area a utility closet. She felt this proposal meets the intent of the regulation but is a little bit larger than the percentage. The 3 car garage is 837 square feet so if he were to use the whole area it would meet the 900 square feet requirement.

Commissioner Thurz noted the requirement for an affidavit specifying the area is to be occupied by a blood relative.

Commissioner Devanney questioned if the home included a deck in the back with stairs going down which would provide a second means of egress, and did you include fire protective materials in the renovations? Mr. Hall replied affirmatively.

Commissioner Kowalski questioned if Mr. Hall was comfortable with the plumbing? Mr. Hall replied affirmatively, nothing the piping is up in the floor joists; he's confident nothing will freeze. Commissioner Sullivan questioned if Mr. Hall was comfortable with the comments from the North Central Health Department (NCHD); he noted the NCHD wasn't giving the project a glowing recommendation? Mr. Hall replied affirmatively.

Chairman Ouellette queried the Commission for additional comments; no one raised any further questions.

Chairman Ouellette opened discussion to the audience; no one requested to speak.

Town Planner Whitten questioned if the Commission was allowing Mr. Hall to use the 837 square feet, or to keep to the plan as presented? Chairman Ouellette indicated he felt the Commission was approving the plan as presented.

MOTION: To CLOSE the Public Hearing on the Application of Benjamin Hall for a Special Use Permit (in accordance with Section 407) to allow an accessory apartment at 41 Rolocut Road. [A-1 zone; Map 126, Block 27, Lot 13].

Devanney moved/Kowalski seconded/DISCUSSION: None.

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

MOTION TO APPROVE the Application of Benjamin Hall for a Special Use Permit to allow an accessory apartment in accordance with Chapter 407 of the Zoning regulations at 41 Rolocut Rd, in the A-1 Zone [Map 126 Block 27 Lot 013]. This approval is granted subject to conformance with the referenced plans as approved by the Commission and the following conditions:

- a)Assessors Sheet showing overall house layout
- b)Hand drawing of proposed unit at 41 Rolocut Road

CONDITIONS:

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

- 1. North Central District Health Department shall review and approve the plans for the proposed septic system design and well location to insure adequate capacity for the additional occupancy.**

Conditions that must be met prior to certificates of compliance

2. All public health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy. When all public health, safety and building code compliance components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance.
- 3. A notarized affidavit in a form acceptable to the PZC, signed by the owner of one of the one family dwelling affirming the intent that either the principal or accessory dwelling unit is to be occupied by the owner of the premises shall be required. Affidavit shall be filed on the land records. The ZEO may request renewed notarized affidavit at 1 year intervals.**

General Conditions

4. A certificate of zoning compliance shall be filed on the land records and will be automatically expire with change of ownership. New owners must apply for a new zoning permit, otherwise the use will be considered abandoned.
5. No additional Mailbox is allowed.
6. No additional entrances may be allowed on any wall plane facing any street.
- 7. Zoning Permit shall be obtained prior to the commencement of any work.**
- 8. A Building Permit shall be obtained prior to the commencement of any work.**
9. This project shall be constructed and maintained in accordance with the referenced plan. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
10. 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.
11. The applicant hereby acknowledges concurrence with the provision of §407 of the East Windsor Zoning regulations in total and in doing so recognizes the authority of the Zoning Enforcement Officer to order removal and conversion of the accessory apartment as allowed by §407
12. The property shall be and shall remain owner occupied. A notarized affidavit in a form acceptable to the PZC, signed by the owner of the one family dwelling affirming the intent that either the principal or accessory dwelling unit is to be occupied by the owner of the premises shall be required. Affidavit shall be filed on the land records. The ZEO may request renewed notarized affidavit at 1 year intervals
13. A certificate of zoning compliance shall be filed on the land records and will automatically expire with change of ownership. New owners must apply for a new zoning permit, otherwise the use will be considered abandoned.
14. The design and use of accessory apartment shall clearly be secondary and subordinate to the

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primary dwelling. The entire structure shall continue to be metered by one common electrical service and one common heating service.

15. The accessory apartment shall have its own independent bathroom and kitchen facilities
16. The water and sewer/septic system serving the residence and/or the accessory apartment are approved by the Health Department and WPCA
17. Adequate off-street parking is provided for all dwelling units
18. Parking location, design, and access from the public right-of-way serves both dwelling units and are not distinguishable as separate facilities.

Devanney moved/Kowalski seconded/DISCUSSION: None.

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

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Gina Maria Alimberti and owner CT Electric Railway Association – Temporary Liquor Permit for Beer & Wine Tasting event to be held on 4/1/2017 from 11:00 a.m. to 4:00 p.m. at 58 North Road. (*B-3 zone; Map 113, Block 17, Lot 7*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this application was Gina Maria Alimberti, Business Manager for the Connecticut Electric Railway Association/Trolley Museum.

Chairman Ouellette questioned that this request is similar to events held previously? Ms. Alimberti reported they are both beer and wine tasting events; the April 1st event is smaller, while the July fundraising event will be larger. She noted Leslie (Hickey of Joe's Fine Liquors) is helping; they don't anticipate any problems with traffic.

Commissioner Kowalski questioned if the Commission was approving one or two events? Chairman Ouellette noted only one event has been listed on the Agenda. Town Planner Whitten clarified the request is for approval of two events. She indicated the events will be similar to an event held in 2014, which was a beer, wine, and cheese tasting event. She noted Staff will have the ability to approve similar future events after this approval; she also noted the Applicant must acquire a Zoning Permit.

Commissioner Devanney questioned what day of the week are these dates? Ms. Alimberti noted they are both Saturdays. She clarified the hours as being 11:00 a.m. to 4:00 p.m. on April 1st, and a little later for July 1st – 3:00 p.m. to 8:00 p.m. Commissioner Moore questioned if the events will be open for the public? Ms. Alimberti replied affirmatively, noting they have a police officer station in the middle of the road; they also use W. B. Mason's parking lot for overflow parking.

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Commissioner Zhigailo questioned if the events will be inside the building; she hasn't noticed a request for a rain date? Ms. Alimberti replied both events will be inside the building.

Commissioner Thurz questioned if the events will include bands or other music? Ms. Alimberti replied affirmatively.

Discussion followed regarding the location plans submitted with the Application vs. a smaller plan Ms. Alimberti presented for this discussion. Town Planner Whitten felt she could work with the Applicant to clarify the plan during the issuance of the Temporary Event Permit process. She noted if either of the events will be held outside the area for the tasting needs to be cordoned off.

Commissioner Moore questioned the anticipated attendance/occupancy? Ms. Alimberti suggested the April 1st event will be a smaller (opening day) event; the July 22nd event will be a fundraiser for which they will sell tickets. It was noted similar events have been held in the past, with Mr. Hickey's assistance.

Discussion continued regarding the specifics of the approval process; if the Commission approves event I can event II be approved administratively? It was noted again that only one event had been listed on the Agenda; Town Planner Whitten suggested the second event can be handled as an Added Agenda Item. Chairman Ouellette indicated he thought Staff had discretion to approve repeat events administratively; he noted had the Applicant not missed 2015 and 2016 the Commission wouldn't be discussing this proposal. Town Planner Whitten concurred. Commissioner Sullivan indicated that history has shown that the wine and beer tasting events went over well before without any problems.

Chairman Ouellette queried the Commission regarding their preference for approval.

MOTION TO APPROVE the Application of Connecticut Trolley Museum, a/k/a CT Electric Railway Association, requesting a temporary liquor permit per Chapter 805 for property located at 58 North Road, East Windsor, CT. Map 113, Blk 17 Lot 7, Zoned A-1.

This approval is for two events:

**Event #1 wine and beer tasting on April 1, 2017 from 11:00 a.m. to 4:00 p.m.; and
Event #2 wine, beer and cocktail tasting on July 22, 2017 from 3:00 p.m. to 8:00 p.m.
All service of liquor will be inside the Trolley Museum building.**

Conditions of Approval:

- 1. A temporary event permit will be required through the Zoning Office for each event.**

Devanney moved/Thurz seconded/

DISCUSSION: Commissioner Sullivan felt these things are good for the town; they have been great in the past. Chairman Ouellette felt that because of their past success the Commission had decided to approve temporary liquor permits administratively.

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

BUSINESS MEETING: 3 and 5 Shoham Road. Informal regarding submission of lighting plan, and discussion of a fast-fill pump station for other businesses (not for the public):

Lighting Plan:

Town Planner Whitten presented the Commission with a Lighting Plan submitted by U.S.A. Hauling for their recently approved improvements at 3 and 5 Shoham Road. They are proposing poles whose height would be 22 feet above the base. Town Planner Whitten reported the total pole height including the base is 25 feet, which is acceptable. Commissioner Thurz noted the lights are all LEDs; light will be contained within the property. Town Planner Whitten reported the Applicant is asking if the Lighting Plan could be approved administratively. The consensus of the Commission agreed with administrative approval of the Lighting Plan.

Fast-Fill Station for users other than the Applicant:

Town Planner Whitten recalled that the Applicant had originally proposed a fueling station with canopy to fill their vehicles with natural gas overnight; the fueling station was to include a canopy. They are now removing the canopy, and asking to allow vehicles owned by others, such as Eversource, to be filled at this location as well. . The fueling station is not intended for commercial use or use by the public.

Commissioner Kowalski questioned if the Applicant had proposed any fire suppression system to deal with the natural gas fumes with the original canopy? Commissioner Moore didn't recall the inclusion of any fire suppression system. Town Planner Whitten reported that other groups, such as Eversource, have come to the Applicant to ask if they could use the Applicant's system to refuel vehicles not owned by the Applicant. She noted that current regulations allow auto reenergizing, but not in an M-1 Zone. This proposed use would be like a contractor's storage yard where gas is used for their own trucks. Town Planner Whitten queried the Commission for their opinions regarding this request.

Commissioner Kowalski felt this request makes this a retail operation. Town Planner Whitten suggested it really becomes a commercial operation because they would be selling the gas to someone else. Commissioner Kowalski recalled concerns were raised during the original approval application regarding noise from the compressors, which the

Applicant negated by saying it would be an in-house operation fueling overnight. He cited the compressors can be loud.

Town Planner Whitten reiterated the requested use isn't presently allowed in the M-1 Zone; she felt the Commission wasn't agreeable to the request. Commissioner Kowalski requested the hours of operation; Commissioner Sullivan questioned where Eversource refuels now? Chairman Ouellette suggested the Commission read the minutes of the original approval to review the concerns.

Town Planner Whitten will advise the Applicant of the Commission's concerns.

CORRESPONDENCE:

Town Planner advised the Commissioners of the availability of the following training sessions:

- **March 23, 2017 (Thursday)– Aqua Turf – program on FOI and electronic messaging.** Chairman Ouellette, and Commissioners Kowalski, Thurz, and Zhigailo expressed an interest in attending.
- **March 25, 2017 (Saturday) – Wesleyan – 8:30 a.m. to 4:30 p.m., Connecticut Land Use Law.** Commissioner Sullivan, Town Planner Whitten, and possibly Commissioner Moore expressed an interest in this training.

BUSINESS MEETING/(1) POCD Oversight Committee :

Town Planner Whitten recalled the Commission's intent when forming this Oversight Committee was to create a committee to meet on a regular basis to review how the various boards and commissions are doing regarding accomplishing the implementation of the goals assigned to them under the POCD.

Discussion followed regarding the formation of this Oversight Committee. The Commission felt a representative of all commissioners and/or boards identified in the POCD should be asked to participate. Some of the groups assigned goals in the POCD are:

Planning and Zoning Commission	Inland Wetlands Commission
Agricultural Commission	Conservation Commission
Zoning Board of Appeals	Economic Development Commission
American Heritage River Commission,	Parks & Recreation Commission
Board of Finance	Board of Selectmen.

Chairman Ouellette noted the PZC has the ability to appoint ad hoc committees, which would be comprised of members of the PZC only. He questioned if the appointment of the Oversight Committee, which would be an advisory committee, should be made as a recommendation to the Board of Selectmen for appointment?

The Commission reviewed parameters for the Oversight Committee, including identification of the committee's charge and objective, the frequency of meetings, and development of committee guidelines such as the submission of reports by the various boards and commissions to the Oversight Committee. Town Planner Whitten suggested she will query other towns for suggestions and return to the PZC with her findings.

BUSINESS MEETING/(2) Review & Discuss Priorities for Projects:

The Commission reviewed a list of several potential projects. While the list is lengthy the Commission considered the following projects for the initial round of development:

- ❖ Casino
- ❖ Warehouse Point Regulations and Guidelines – Village/Transit-Oriented-Development
- ❖ Sign Regulations
- ❖ Open Space Regulations
- ❖ Route 5 Corridor Regulations/Guideline – CRCOG Route 5 Study
- ❖ Food Trucks

BUSINESS MEETING – Mylar approvals:

- **Bacher Corporation and owner Richard A. Montgomery** - Special Use Permit / Site Plan Approval to allow construction of a two-phase commercial building and associated parking for property located at Wells Road and North Road. [B-3 zone; Map 125, Block 24, Lot 24]..
- **Calamar, Inc. and owner Thomas Killam** - Special Use Permit/Site Plan Approval to allow an Age-Restricted Independent Living Community located at 20 North Road.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:31 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(6671)