

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

REGULAR Meeting #1712 – February 28, 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.

ABSENT: **Regular Members:** None
 Alternate Members: Marti Zhigailo

Also present was Town Planner Whitten, and Ginny Higley.

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 one Alternate Member were present at the Call to Order. All Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Moore would also join the Board regarding discussion on all Items of Business this evening as well.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition of discussion of the casino, and another informal discussion regarding the fast-fill station for 3 and 5 Shoham Road.

PUBLIC PARTICIPATION:

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

Andy Heath, of 15 Steeple Chase Road, Coleman Farms Condominiums:

(accompanied by Salvatore Siatta, of 17 Old Barn Road, Coleman Farms Condominiums). Mr. Heath reported that in 2004 this Board approved the development

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of Coleman Farms; Mr. Heath occupied one of the first units which were built in 2004. Construction continued until 2008 when everything slowed down. The project was completed in 2014. Mr. Heath reported they have gone back and forth with Town Planner Whitten, other staff, and the developer regarding outstanding issues to turn the development over to the residents. He indicated as-built plans are still needed; they are having difficulty to get the developer to respond. Mr. Heath reported they would like to dig wells and are unable to do that until the bonds are released and the development is considered completed. Mr. Heath indicated he and Mr. Siatta have come before the Board to ask for assistance to keep the communication going with the developer to get this issue resolved.

Town Planner Whitten reported she has been communicating with Mr. Heath regarding this issue. Essentially everything is done; the as-built that was submitted was only a site plan while the as-built request was for a plan profile and site plan. Town Planner Whitten indicated the road has been completed; the Town continues to hold the bond but the homeowners can't move forward until they're the owners. She indicated she's spoken with the developer numerous times, and has included Mr. Heath on many of the communications. She will continue to follow up with the developer.

APPROVAL OF MINUTES/February 14, 2017:

MOTION: To ACCEPT the Minutes of Regular Meeting #1711 dated February 14, 2017, with the following corrections:
Page 7, PUBLIC HEARING: Steve Moser – Renewal of Special Use Permit/Excavation.....: Line 273: “.....and relocation of a driveway for the East at 55 & 57 Kreyssig Road,”; AND, Line #293: “.....grading of the site and relocation of a driveway for the East at 55 & 57 Kreyssig Road,....”

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 Applications:

- Application of Jeffrey L. Robert for a 2-lot Resubdivision of property located at 192 Scantic Road, owned by Jeffrey L. and Brenda Robert. (A-1 Zone; Map 34, Block 33, Lot 25).

Town Planner Whitten noted this application will be received at the Wetlands Meeting on the first Wednesday in April, and then will follow with an application before the PZC. Chairman Ouellette questioned if the timing of submitting the application prior to review by the Inland Wetlands Commission would shorten the statutory timeline for the PZC

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application? Town Planner Whitten reported the applicant submitted the applications at the same time; she felt the Commission would have ample time as the application is a simple lot split.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/R&R Tool and Die – Request for one-year extension of the Site Plan Approval for a building addition at 94 Newberry Road. (M-1 Zone; Map 93, Block 19, Lot 11) (*Previous extension granted through 3/11/2017*):

Town Planner Whitten reported this applicant has requested another one year extension as he has had health issues and hasn't been able to proceed. Chairman Ouellette recalled that part of this proposal was to move the driveway to another location but the owner has paved the driveway in the existing location; he also recalled the Board had asked for a lighting plan as they were concerned that light might spill over onto another property. Commissioner Sullivan questioned how many extensions could be requested; Town Planner Whitten suggested the permit has a 5 year duration, she believed this was the third or fourth extension. She reiterated the applicant's health issues. Chairman Ouellette suggested the paving of the driving in its current location was a business decision; Town Planner Whitten concurred.

MOTION TO APPROVE a one year extension to start construction for 94 Newberry Road, aka R&R Tool and Die from March 11, 2017 to March 11, 2018.

Devanney moved/Thurz seconded/DISCUSSION: None.
VOTE: In Favor: Unanimous (Devanney/Kowalski/Ouellette/Sullivan/Thurz)

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/Norton's Crossing Subdivision (Hayfield Lane) – Request for release of the bonds for the Norton's Crossing Subdivision:

Town Planner Whitten reported the Board recently recommended acceptance of the road (Hayfield Lane) at the previous meeting and sent the recommendation to the Board of Selectmen. The applicant is now requesting release of the bonds being held by the Town. Town Engineer Norton has recommended release of the \$5,000 Erosion and Sedimentation Control Bond, and releasing \$53,600 of the Performance Bond. Town Engineer Norton has recommended retaining the remainder of the Performance Bond - \$26,500 - as a Maintenance Bond for a year after road acceptance.

Chairman Ouellette questioned why a Maintenance Bond was being retained after road acceptance? Town Planner Whitten suggested that was the Town Engineer's recommendation with regard to road acceptance. The consensus of the Commission was agreeable to following the Town Engineer's recommendation.

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MOTION TO APPROVE the release of \$5,000 from E&S bond, and \$53,600 from the Performance bond from Norton’s Crossing Subdivision with Hayfield Lane; both located between Rye Street and Norton Roads.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None this evening.

NEW PUBLIC HEARINGS : None this evening.

NEW BUSINESS: Nothing presented this evening.

OLD BUSINESS: None.

OTHER BUSINESS: None.

CORRESPONDENCE:

Town Planner Whitten reviewed the following professional networking opportunities:

- **March 23, 2017 (Thursday)– Aqua Turf – program on FOI and electronic messaging.** Chairman Ouellette, and Commissioners Kowalski, and Thurz, expressed an interest in attending; Staff will follow up with Commissioner Zhigailo regarding her availability.
- **March 25, 2017 (Saturday) – Wesleyan – 8:30 a.m. to 4:30 p.m., Connecticut Land Use Law.** Commissioner Sullivan expressed an interest in this training.

BUSINESS MEETING/(1) Aquifer Protection Regulations – Update and Discussion:

Town Planner Whitten reported that adoption of Aquifer Protection Regulations are mandated by the State. Robin Newton created regulations which were adopted by this Commission in 2015. The Town must now develop a process to review businesses and residential properties located within the Aquifer Protection Area (Level A) and develop a process for their registration and subsequent inspection annually. Ginny Higley has been working on development of a program to manage registration, review, and inspection of applicable properties. Town Planner Whitten turned discussion over to Mrs. Higley.

Mrs. Higley gave the Commissioners a packet containing the following:

- Aquifer Protection Regulations adopted in 2015
- Packet containing information and forms to administer this program going forward.

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Mrs. Higley reported protection of the aquifer is necessary because pollution of the aquifer will damage the water supply. She reported that a total of 270 properties are located within the Aquifer Protection Level A area; 221 are residential properties, 31 parcels are located in agricultural areas and 7 in manufacturing and industrial zones, and 11 are business properties. Six of the 11 businesses are owned by the Town. Mrs. Higley suggested the Commission consider contacting the business owners first with a packet including a letter explaining the reason for the communication, a map of the Aquifer Protection Area, a copy of the 8 page Aquifer Protection Area Fact Sheet, and a copy of the application/registration form.

After the initial registration businesses must re-register every 5 years. Town Staff must make a site visit annually to review a business for compliance. If a business wishes to expand they must re-apply to the PZC for permission for the expanded activity.

The Commissioners raised the following questions:

Failure to comply: Commissioner Thurz asked what happens if a business fails to comply with the registration process? Mrs. Higley indicated if they don't take advantage of the initial registration opportunity the can be closed down.

Compliance period: Commissioner Devanney questioned how long a business has to comply? Mrs. Higley indicated there is a specific registration period.

Fee: Commissioner Thurz asked if a fee is associated with the registration? Mrs. Higley replied affirmatively, referencing the attached fee schedule. She noted a business owner can request a waiver of the fee requirement. Commissioner Sullivan questioned if the registration fee goes to the State or the Town? Mrs. Higley suggested that any time an applicant comes through the door the State gets \$60 and the Town gets the rest.

Penalty Fee: Commissioner Moore questioned who gets the penalty fee if someone fails to register? Mrs. Higley felt the penalty would go to the Town.

Applicable properties: Commissioner Kowalski referenced the numerous residential properties; he cited his usual habit of washing his cars, can he no longer wash the vehicles? Mrs. Higley suggested if someone changes vehicle oil and does not receive any compensation that would be allowed. If you change the oil for someone who pays you then you would have to register. Mrs. Higley suggested residents would be sent a letter advising them they reside in the Aquifer Protection Area, and include the Fact Sheet. She felt the majority of residential properties won't need to register. She reported the regulations/program is very lenient for farms. Farm properties should also receive a fact sheet regarding Best Management Practices.

Form of notification: Commissioner Thurz questioned if Staff would notify people by registered/certified letters? Mrs. Higley suggested the Commission must decide how the program will be managed. The Commission could hold workshops for pertinent property owners to explain the need for the regulations, and review the registration process.

Town Planner Whitten noted the Level A Map is where the wellhead collects water from the aquifer. Commissioner Sullivan questioned if this Aquifer Protection Area is to prohibit pollutants from polluting water what is the State going to do with the wells

already contaminated by edbs? Town Planner Whitten noted they had considered that question as well.

The Commission decided to continue discussion on this item at the March workshop meeting.

BUSINESS MEETING/3 and 5 Shoham Road:

Tim Coon, of J. R. Russo and Associates, LLC, and Jonathan Murray, of U.S.A. Hauling joined the Commission for this discussion.

Mr. Coon recalled the Site Plan approved by the Commission around the holidays. As that work began U.S.A. Hauling realized they needed a fast-fill dispenser. While the slow-fill stations fuel the trash trucks overnight the fast-fill dispenser would fuel trucks going out which need additional gas to complete their runs. They are now proposing to take the area in front of the building which had been designated as parking for trucks and tractors sales and use that area for the fast-fill dispenser. Mr. Murray provided the Commission with a photo of a dispenser presently in use at their Hartford location. The East Windsor site would not include a canopy but would have poles to support the hoses and bollards. The compressors would service both stations.

Commissioner Kowalski noted he's familiar with these stations at his workplace. He indicated there is a difference in the compression rate for both stations; the fast-fill fueling is done at a much higher pressure to keep up with the faster fueling need. Mr. Murray felt there was a slight difference but he didn't feel there would be a problem. Mr. Coon noted they would also be including a landscaped area with one or two light poles as they would be fueling trucks on both sides of the dispenser. Town Planner Whitten requested clarification that the applicant would no longer be including the solar panels in this project? Mr. Coon replied affirmatively. Mr. Murray reported they already have these dispensers in their Hartford location.

Commissioner Sullivan questioned if other businesses would use these dispensers to fill fleet trucks? Mr. Murray indicated they are asking for administrative approval for the fast-fill dispenser for themselves. Clean Energy has been approached by Eversource to request using the fast-fill dispenser to service their fleet vans. Eversource is proposing to add 5 vans to their fleet annually for the next 5 years to get to a total of 25 vans; they are asking to fill their vehicles at this dispenser twice a week, which would result in a trip generation of 50 additional trips per week by 2021.

Chairman Ouellette questioned if the two requests – the administrative approval of the Lighting Plan and this additional fast-fill dispenser for use by themselves and companies other than U.S.A. Hauling – are married? Mr. Murray responded affirmatively. Mr. Coon suggested they consider these two revisions minor modifications which could be

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handled via administrative approval. Town Planner Whitten recalled the Commission was concerned about noise associated with the original proposal. Commissioner Kowalski recalled the applicant had said they would be through filling vehicles by early afternoon – you start filling vehicles by 3 or 4 a.m. Mr. Murray reported U.S.A.'s vehicles would be filled overnight so the employees can leave on their routes in the morning, although they may have to fill during the day if problems come up. Commissioner Sullivan cited there is other noise during the day.

Chairman Ouellette questioned if a revised Site Plan is being submitted? Commissioner Devaney cited concerns regarding traffic flow; she questioned if Town Planner Whitten would be considering that under the administrative approval? Town Planner Whitten clarified that she would seek input from the Town Engineer regarding traffic issues. She noted that an administrative review requires a fee but doesn't come before the Commission. Chairman Ouellette questioned if there would be any additional pumps installed; Mr. Murray replied negatively.

Town Planner Whitten questioned if she was hearing the Commission was willing to allow some kind of retail activity? She suggested that kind of turns this into a service station. Commissioner Thurz questioned how the applicant would control the volume of the use? Commissioner Kowalski felt the applicant was under-estimating the vehicle needs. Commissioner Sullivan reported he has driven one of the first gas fueled vans; 100 miles is the maximum distance he could drive on a fueling. Commissioner Kowalski felt the applicant will need to expand their storage capacity, which means the compressors will run more than the off hours anticipated to fill the storage vessels. They may also need to have more storage vessels. Mr. Murray reported Clean Energy is their vendor; they are saying U.S.A. Hauling has the capacity to provide this service. Mr. Coon suggested the one dispenser will provide a check and balance to keep the demand down. Chairman Ouellette questioned what the visual impact would be; is it just the pipes? Commissioner Kowalski replied affirmatively. Chairman Ouellette questioned the need for additional compressors. Commissioner Kowalski reported they are loud, he estimated over 90 decibels. People need to wear ear protection. Town Planner Whitten questioned how long would it take to fill a truck? Mr. Murray suggested up to 20 minutes but they typically only fill what they would need to complete a job; most of the trucks can complete their whole route on an overnight fill.

Chairman Ouellette questioned Town Planner Whitten if she was saying there may be a grey area regarding retail sales; could they come in for a text amendment? Town Planner Whitten replied affirmatively.

Mr. Murray indicated the only way they could do it for the public is if they have a card and an account with U.S.A. Hauling. Chairman Ouellette questioned if they could return to the Commission when their own operation is up and running? Mr. Murray indicated they need to be up and running by May. Chairman Ouellette questioned that they would

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have the equipment in by May; Mr. Murray concurred. Commissioner Sullivan suggested they may find they need more time to fuel your own vehicles. Commissioner Kowalski noted his employer is regulated by DOT regarding the size of the storage vessels that they can use.

The Commission agreed to an Administrative Site Plan Approval via Town Planner Whitten's review regarding the fast-fill proposal.

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 7:45 p.m. and RECONVENED at 7:50 p.m.

BUSINESS MEETING/ (2) POCD Oversight Committee:

No discussion this evening.

BUSINESS MEETING/(3) Review & Discuss Priorities for Projects:

Town Planner Whitten reported that East Windsor has been chosen as the site for the casino. Discussion followed regarding the process going forward regarding legislation, potential lawsuits, and the local land use process.

The Commission concurred that development of the casino would be the same as any other land use application. With development of the casino and the fast track/Transit Oriented Development underway in Windsor Locks the development of regulations for Warehouse Point Center becomes a major priority. Although the casino would be located outside of the Warehouse Point district the Commission should consider the possibility of people wanting to walk to the center to restaurants or walk to hotels. The Commission considered that traffic is a major concern. CRCOG is already doing a study of Route 5 from Enfield to South Windsor; consideration of the casino will now be included. Discussion continued regarding management of the land use process.

BUSINESS MEETING/Signing of Mylars and Motions:

Mylars:

None this evening.

Motions:

- **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)

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- **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] (

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:15 p.m.

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

Respectfully submitted,

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