

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

REGULAR Meeting #1726 – October 10, 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 6:32 P. M. by Chairman Ouellette.

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

ABSENT: **Regular Members:** Tim Moore
 Alternate Members: None

Also present was Town Planner Whitten, and Assistant Town Planner/Zoning Enforcement Officer/Wetlands Agent Matt Tyksinski.

GUESTS: Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance; Selectman Bowsza (arrived at 7:45 p.m.)....

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 Chairman Ouellette noted Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

Chairman Ouellette welcomed Commissioner Gowdy on his return to service on the Commission.

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.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1726 – October 10, 2017
MEETING MINUTES- Draft**

2

APPROVAL OF MINUTES/September 26, 2017:

MOTION: To ACCEPT the Minutes of Regular Meeting #1726 dated September 26, 2017 as submitted.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Sullivan/Thurz/Zhigailo)
(No one opposed/No abstentions)**

RECEIPT OF APPLICATIONS: None.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE/ East Windsor Housing LTD, LLC – Request for reduction of the following bonds: (1) performance bond in connection with the development of the Farms Road Subdivision; and (2) performance bond in connection with the development of the Meadow Farms Active Adult housing development.

Chairman Ouellette read the description of this item of business, noting this is a request for release of two bonds within the Meadow Farms Subdivision.

Town Planner Whitten reported Town Engineer Norton has reviewed the numbers and has provided the information in his memo dated 9/22/2017. Town Engineer Norton is confident all work remaining to be done will be able to be completed with the money being retained.

Chairman Ouellette referenced Town Planner Whitten's proposed approval motion, which references the fee-in-lieu of sidewalks related to the sidewalk waiver along Farms Road; he questioned if the proposed bond release amount will be reduced by the fee-in-lieu of sidewalks? Town Planner Whitten indicated he note was a reference of the waiver; the developer will still need to provide a check for the fee-in-lieu of sidewalks.

The Commission reviewed Town Engineer Norton's memo. While the language referenced retainage rather than the amount to be released Town Planner Whitten clarified the recommendation.

**MOTION TO APPROVE the release of
\$33,000 from Performance Bond for Phase 1 – Farms Road. A fee in lieu of
sidewalks will need to be submitted for the sidewalk waiver;
AND
\$86,000 from Performance Bond for Phase 2 – Meadow Farms,
Both located off Depot Street, Map 99, Block 53, Lot (#1-15).**

Sullivan moved/Kowalski seconded/DISCUSSION: None.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1726 – October 10, 2017
MEETING MINUTES- Draft**

3

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Sullivan/Thurz/Zhigailo)
(No one opposed/No abstentions)**

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS;

ROAD ACCEPTANCE/ Nick Vamvilis – Request for release of the bond for landscaping in connection with an addition to the existing Maine Fish Market Restaurant at 60 Bridge Street.

Town Planner Whitten reported she has inspected the landscaping installed at Maine Fish Market. The parking was installed a little differently than proposed but it actually works better, and they changed one tree, but everything that they planted looks good.

MOTION: To RELEASE \$9,000 of the Landscaping Bond in connection with an addition to the existing Maine Fish Market Restaurant at 60 Bridge Street; \$1,000 currently retained.

Sullivan moved/Zhigailo seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Sullivan/Thurz/Zhigailo)
(No one opposed/No abstentions)**

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS;

ROAD ACCEPTANCE/ Bacher Corporation – Request for extension of the Special Use Permit and Site Plan Review for the development of property located at the southwest corner of North and Wells Roads (approved on 11/8/2016)

Town Planner Whitten noted the Applicant has requested a one year extension to begin construction. She referenced his letter, noting they are still exploring options for the construction and decisions have been delayed during their busy season. Town Planner Whitten indicated she had no problem giving the Applicant another year.

MOTION to approve a one year extension through November 8, 2018 for the start of construction for Bacher Corporation, and owner Richard Montgomery for Special Use Permit and Site Plan Review for the development of property located at the southwest corner of North and Wells Road, in the B3 Zone. (Map 124, Block 24, Lot 24).

Sullivan moved/Zhigailo seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Sullivan/Thurz/Zhigailo)
(No one opposed/No abstentions)**

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS;

ROAD ACCEPTANCE/ Carl T. Landolina (representing Walter Bass, owner) – Request for extension of the Special Use Permit/Site Plan Approval for a 20-

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1726 – October 10, 2017
MEETING MINUTES- Draft**

4

unit multi-family condominium complex (McLellan Way) located on Winkler and North Roads.

Town Planner Whitten reported there have been a couple of extensions of this permit, and a couple of project modifications. The last modification was related to the high water table; instead of the basement garages originally approved the modification allowed separate garage units, which include storage space.

The Commission discussed the application relative to the modifications, and how the project is evolving. The Commission also discussed the extensions approved and the timeframe allowed under the Connecticut General Statutes. Town Planner Whitten indicated the total permit duration is 10 years; three 2 year extensions have been granted to the Applicant. The Commission discussed the scope of this project in relation to their review of existing regulations with regard to density and permitted uses as follow up to the POCD recommendations. Discussion continued regarding the effect, if any, of a one year vs. two year extension.

MOTION TO APPROVE the Application of owner Walter E. Bass, Jr., requesting a TWO YEAR EXTENSION for Special Use Permit/Site Plan Review per Chapters 802, 700 and 900, to allow a 20 unit multi-family residential condominium complex (McLellan Way) located on Winkler Road and North Road [Map 114, Block 24, Lot 5]. All conditions of approval will remain. A ONE YEAR EXTENSION is granted through November 26, 2018.

Sullivan moved/Zhigailo seconded/

DISCUSSION: Commissioner Kowalski cited Commissioner Sullivan has cited both the 2 year extension request and a 1 year extension; he questioned the validity of the motion. Town Planner Whitten suggested Commissioner Sullivan was actually promoting a one year extension.

Commissioner Sullivan RESCINDED his motion.

MOTION TO APPROVE the Application of owner Walter E. Bass, Jr., requesting a ONEYEAR EXTENSION for Special Use Permit/Site Plan Review per Chapters 802, 700 and 900, to allow a 20 unit multi-family residential condominium complex (McLellan Way) located on Winkler Road and North Road [Map 114, Block 24, Lot 5]. All conditions of approval will remain. A ONE YEAR EXTENSION is granted through November 26, 2018.

Sullivan moved/Zhigailo seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Sullivan/Thurz/Zhigailo)
(No one opposed/No abstentions)**

CONTINUED PUBLIC HEARINGS: None.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1726 – October 10, 2017
MEETING MINUTES- *Draft***

NEW PUBLIC HEARINGS: None.

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

BUSINESS MEETING/(1) Discussion on HIFZ”

- **HIFZ (Highway Interchange Floating Zone) Map:**

Town Planner Whitten provided the Commission with a revised map identifying the boundaries of the HIFZ (Highway Interchange Floating Zone). She noted a crosshatched area west of I-91 extending into a portion of the Warehouse Point area. Discussion followed regarding the Commissions’ preference for inclusion of this crosshatched area into the HIFZ, as currently the HIFZ extends from Route 5 west to I-91 essentially from Exit 44 to the Enfield town line. Also under consideration is whether the HIFZ will remain a floating zone which overlays the underlying/primary zone, or if the HIFZ will become the primary zone. Town Planner Whitten noted that under the current development process for utilization of the HIFZ the applicant must seek a rezone of the property from the primary zone to the HIFZ; they must then prepare a General Development Plan of the proposed project. If the Commission makes the HIFZ the primary zone then the development process would be somewhat streamlined, as the rezone part of the application would no longer be necessary.

Town Planner Whitten suggested the Commission may want to make the HIFZ within the Warehouse Point area a floating zone, as the development plan for Warehouse Point is a project. Commissioner Kowalski noted that if the Warehouse Point area is left out of the HIFZ it makes properties on one side of the highway more valuable. Chairman Ouellette concurred, noting it’s not business friendly. He also noted that the HIFZ as proposed to include the Warehouse Point area is blurring the line for the Warehouse Point Village District. Commissioner Zhigailo felt the HIFZ should extend on both sides of I-91. Commissioner Sullivan felt the HIFZ should extend down to Dunk Donuts at Thompson Road (the dashed/dotted area on the proposed map).

Town Planner Whitten will redo the map, which will include the dashed/dotted area. The entire area will be an overlay zone.

- **HIZ Regulations:**

Town Planner Whitten provided the Commission with a draft proposal for Zoning Regulations for the HIFZ, which would fall under Chapter V: Business & Industrial Districts. The highlights of the discussion follow (deletions are shown as struck out text, while additions are italicized/highlighted text):

- **Section 500.5 – HIGHWAY INTERCHANGE FLOATING ZONE** (HIFZ): HIFZ becomes HIZ; proposed language change: “For parcels granted the HIZ designation USE, bulk & area requirements of the underlying zone shall not apply UNLESS A SPECIAL USE PERMIT IS SOUGHT HIZ; final sentence:.....”including all Business and/or Industrial Zone property located therein AS DEPICTED IN THE HIZ MAP.”
- **502 – PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS:**
 - **Retail & Service Uses: Day Care Center, Nursery Schools:** Town Planner Whitten referenced that Day Care Centers are currently allowed within the Business and Industrial Zones via a Special Use Permit (SUP). She questioned if a company wanted to build within the HIZ, and a component of their site plan included a day care facility – would it be a permitted use or require a SUP? The Commission considered if the day care facility would be for employees only or offered to the public, would it be considered part of the primary use or accessory to it, would it require the Commission’s review/permission at all? The consensus was a permitted use with footnote (13) - If combined with Primary Business.
 - **Office – General & Professional:** Continued as a permitted use.
 - **Manufacturing – Light:** Removed as a permitted use.
 - **Manufacturing – Heavy:** Removed as a permitted use.
 - **Automotive Uses – Automotive – Filing or Re-Energizing Stations:** It was noted 5 gas stations currently exist within the area. The Commission considered requiring distance limits, both from the interchanges and from each gas station application. The consensus was to allow gas stations under an SUP with footnote (12) - Gas stations shall only be permitted in the HIZ if in close proximity to the interchanges.

Selectman Bowsza arrived at 7:45 p.m.

- **504 HIGHWAY INTERCHANGE FLOATING ZONE/1 GENERAL CONCEPTS/b.** last sentence, language revised to: “That development reflects accepted professional standards AND SCALE of design.”
- **504.4 CONSOLIDATED PARCELS:** The consensus of the Commission was to add sub-paragraph c. “Parcels must be legally

combined if structures are proposed over a property line, or within underlying structural setbacks.”

- **504.6 SITE APPEARANCE REQUIREMENTS/b. Building height** Town Planner Whitten noted the current regulations allow a maximum of 4 stories for office buildings vs. 5 stories for hotels. With regard to the HIZ she suggested the Commission consider a maximum of 4 stories, with the potential for 5 stories if they do the “step back”. She noted the rationale is to not create a massive wall of buildings along the corridor. The Commission considered if the base elevation should be I-91 or Route 5 (an approximate 30’ differential). They noted the unsightliness of visible rooftop mechanicals; Town Planner Whitten raised the option of “green” rooftop gardens or public space. Returning to consideration of building height the Commission raised several questions regarding parking, including the following: If parking is constructed beneath the building would those building levels be considered in the story count if route 5 is considered the elevation base level for the number of stories? The Commission considered if parking access should only be allowed via Route 5? Discussion continued regarding the westerly vista and the impact on construction on that vista. Building height remains under discussion as the regulation revisions continue.
- **504.7 SIGNAGE REQUIREMENTS:** The Commission considered if signage facing the highway should be allowed to be larger vs. smaller signs within town. It was noted billboards are no longer allowed. Discussion was raised regarding digital and LED signs. Though currently not allowed requests for digital signage continue to come in. Discussion followed regarding safety concerns relative to brightness, speed of message movement, distraction to motorists. Town Planner Whitten noted the Commission must be consistent allowing the digital signs for businesses, the school, and the Town.
- **504.10 GENERAL DEVELOPMENT PLAN (GDP)/i. Open Space:** The Commission considered the appropriateness of Open Space within the HIZ. Town Planner Whitten noted Open Space is currently required, without the ability to waive, within the HIFZ when it functions as an overlay zone. . The Commission considered Open Public Space which would be used as a gathering space for the public and could showcase local artists, etc. The Commission also considered sidewalk requirements vs. Fee-In-Lieu to be used elsewhere. Town Planner Whitten suggested the Commission might want to consider sidewalks on Route 5 heading from the north to the south, as they would fit into the Complete Streets and Walkability concept favored by the Commission.

The Commission would like to discuss permitted uses further at a future meeting.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1726 – October 10, 2017
MEETING MINUTES- Draft**

8

Chairman Ouellette questioned if LEED quality can be required within this zone, or would that be exceeding the boundaries of zoning? LEED is “green building”/environmentally friendly. Town Planner Whitten will research further.

BUSINESSMEETING/(2) Discussion on Aquifer Protection Regulations:

No discussion this evening.

BUSINESS MEETING/(3) General Discussion of Planning Issues:

No discussion this evening,

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

Mylars/Plans: None.

Motions:

East Windsor Housing LTD, LLC – Modification of Approved Site Plan for Meadow Farms Active Adult Community to eliminate walking trail and gazebo and replace with bench and landscaping – property located at Acorn Drive and Field Circle [ARHD zone; Map 99, Block 53, Lot 14-9].

East Windsor Housing LTD, LLC - Modification of Resubdivision Approval of property located on Farms Road, to eliminate the requirement of sidewalks and instead require payment of a fee in-lieu-of sidewalks. [R-2 Zone; Map 99, Block 53, Lot 14-9].

Herb Holden Trucking, Inc. for a Special Use Permit/Excavation for renewal of earth products removal permit for property located on the west side of Wapping Road, owned by Northern Capital Region Disposal Facility. [A-1 & M-1 Zones; Map 27, Block 65, Lot 31].

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:25 p.m.

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

Respectfully submitted,

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