

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

**REGULAR Meeting #1732 –February 13, 2108**

***MEETING MINUTES***

**\*\*\*\*\*Minutes are not official until approved at a subsequent meeting\*\*\*\*\***

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:31 P. M. by Chairman Ouellette.

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

**ABSENT:**    **Regular Members:** All Regular Members present.  
                  **Alternate Members:** Both Alternate members are present this evening.

Also present was Town Planner Whitten, and Assistant Planner Matt Tyksinski.

**GUESTS:** Deputy Selectman Steve Dearborn, Inland/Wetlands Liaison; Selectman Charles Szymanski, **Applicants:** Attorney Dory Famiglietti, of Kahan, Kerensky & Capossela, LLP.; Dan Thornton, JCJ Architecture; Craig Lapinski, of Fuss & O’Neill, Conor Hurley, PLUSONE STRATEGIES;  
  
**Public:**, Richard P. Pippin, Inland Wetlands Commissioner; Kathy Pippin, Board of Finance.

**ESTABLISHMENT OF QUORUM:**

Chairman Ouellette noted a quorum was established as five 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. Alternate Members would participate in discussion 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/January 23, 2018:**

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**MOTION:** To **ACCEPT** the Minutes of Regular Meeting #1731 dated January 23, 2018 as written.

Moore moved/Thurz seconded/**DISCUSSION:** None.

**VOTE:**       **In Favor:**       **Ouellette/Kowalski/Moore/Thurz**  
                  **Opposed:**       **No one**  
                  **Abstained:**     **Sullivan**

**RECEIPT OF APPLICATIONS:** None.

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS –OTHER BUSINESS: MMCT Venture, LLC** - Pre-Application Review of MMCT’s proposed development of a casino on land it owns at 105 Prospect Hill Road (in accordance with Section 504.7 *APPLICATION PROCEDURES & REQUIREMENTS – HIZ Highway Interchange Zone*).

Chairman Ouellette read the description of this Public Hearing. Joining the Commission were Attorney Dory Famiglietti, of Kahan, Kerensky & Capossela, LLP.; Dan Thornton, JCJ Architecture, and Craig Lapinski, of Fuss & O’Neill.

Attorney Famiglietti reported MMCT is proposing a casino and retail space, and associated parking on 5 parcels located on Prospect Hill Road. The 5 parcels – 93, 105, 113, 115, and 119 Prospect Hill Road – will be combined into a single parcel containing approximately 28 ½ acres after demolition of the existing Showcase Cinemas building.

Attorney Famiglietti introduced Craig Lapinski, of Fuss & O’Neill, to give an overview of the development proposal.

Mr. Lapinski introduced himself, and stated his credentials as a Licensed Engineer. Mr. Lapinski gave a description of the property location, noting the parcel is bounded to the east by Prospect Hill Road, Route 140/Bridge Street to the north, I-91 to the west, and the old Walmart site to the south. Mr. Lapinski noted wetlands lie to the west on the site adjacent to I-91; the site also contains 2 existing detention basins they will try to reuse. The site slopes from the east to the west. There is an existing access to the site off of Route 140/Bridge Street, and another access to the south. The site is served by utilities – water, sewer, gas, electricity.

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They did a new survey of the site to confirm property lines and contours, and they will a new traffic study prepared.

Referencing a Site Plan of the proposed footprint, Mr. Lapinski noted that if you were going north from a southerly direction you would get off Exit 45 onto Route 140/Bridge Street. The existing access drive is the main access to the proposed site. Entering the site a self-parking lot would be to the left, then the 5 level parking garage; valet parking would loop around in front of the parking garage and casino; buses would continue on to another parking area to the south; deliveries would be made to the rear of the site. Mr. Lapinski reported they are studying the old Walmart entrance; if they continue to use that entrance it may be restricted to vehicle use. , or it may be widened. They are also adding an additional access off Prospect Hill Road into the parking garage for emergency access. The site will contain a number of self-service parking lots, plus the parking garage.

Dan Thornton, of JCJ Architects, continued the presentation. Mr. Thornton reported the parking garage will contain 5 levels, accommodating 1800 parking spaces. Only one level of the parking garage will be visible from Prospect Hill Road/Route 5. The casino level will contain slot machines, gaming tables, restaurants and associated office space. There will be a connection through the garage and valet parking entrance, and also through the bus side.

The overall casino facility will contain 180,000 square feet. The proposed building coverage will be 35% and the proposed impervious coverage will be 75%, which is allowable within the HIZ (Highway Interchange Zone). Attorney Famiglietti noted that currently the 5 parcels are zoned B-1; the Commission has just adopted the HIZ. In the new regulations there are specific criteria, most of which are flexible for the developer to come before you. The table submitted with the letter outlines the underlying zone, and includes the areas where they deviate. There is more design work to be done; they are looking for feedback from the Commission to develop the final design.

Mr. Thornton suggested they are well above the minimum requirements for the B-1 Zone, which requires 100 – 110 foot frontage. The minimum front yard requirement for the B-1 Zone is 50 feet; they are proposing 25 feet under the HIZ as they would like to locate the parking garage closer to the street. The rear yard set back is 15 feet in the B-1 Zone, while the side yard set back is 30 feet; they exceed 300 feet set back from the property lines. As stated earlier, with regard to maximum lot coverage, allowable building coverage under the B-1 Zone is 20%, they are proposing 35% under the HIZ; allowable impervious coverage under the B-1 Zone is 65%, they are proposing 75% under the HIZ. Building height under the B-1 Zone is 4 stories; under the HIZ maximum building height is 5 stories as measured above Prospect Hill Road/Route 5. While the proposed parking garage will be 5 stories the first level is well below Prospect Hill Road/Route 5; only one level will be visible from Prospect Hill Road/Route 5. Allowable building height under the B-1 Zone is 50 feet; allowable building height under the HIZ is 65 feet above grade as measured from Prospect Hill Road/Route 5; they expect to be below that requirement.

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The rear of the parcel is encumbered by an easement with Eversource so they need to push the building closer to Route 5; they are proposing a 25 foot set back.

They are proposing signage in the lower corner, outside of the wetlands and the utilities easement, but within the property. The signage will be a pylon two-sided structure, with digital signage.

Attorney Famiglietti advised the Commission they have given them the building footprint; they are still doing final detailed plans. They are presenting this footprint to begin dialogue.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Gowdy:**

- ***Have you spoken to the Police Department and the Fire Department regarding the width of the Walmart driveway?*** Attorney Famiglietti reported they held an informal staff meeting a few months ago; they cited the access to Route 5 – they need emergency access.

**Commissioner Zhigailo:**

- ***Regarding the turning lane going in from Route 140/Bridge Street, are you proposing any widening along the State road?*** Mr. Thornton noted they will have to submit to DOT for approval of off-site improvements. They anticipate they will need a new light “here”; it’s about queueing so they may need to add turn lanes. It’s 2 lanes going into 1 lane so the far lane may need to be lengthened. We know there needs to be widening coming off I-91.
- ***The number of cars?*** Mr. Lapinski indicated 1800 spaces in the parking garage plus 400 spaces in the parking lots, for a total of 2200 cars.

**Commissioner Kowalski:**

- ***Ability to accommodate over-sized vehicles, the outside parking on the northeast side is only accessible by going through the parking garage so they need to go to the south parking lot.*** He suggested people will come in with RVs; where will they go? Mr. Thornton noted Town staff brought that issue up. Attorney Famiglietti indicated she understood the HIZ regulations allow a mix of parking space sizes.

**Commissioner Thurz:**

- ***Has a problem with the Route 5 entrance by Walmart; he felt the people will backlog there. What’s your alternate plan?*** Mr. Thornton suggested that for people using GPS to locate the site they felt most people will arrive “this” way (Bridge Street), and will leave at the old Walmart access and go towards Exit 44. Mr. Thornton felt it would be a bad assumption to say 100% of the people will come in Bridge Street. With regard to queueing, they need to look at that and

include that information in the traffic study. Mr. Thornton noted their peak hours don't conform with the normal a.m./p.m. peak hours. Commissioner Thurz indicated he didn't want to see the local people driving around the area because of the traffic; if you expand down the road it will only get worse. Mr. Thornton indicated that issue would be included in the traffic study.

**Commissioner Moore:**

- ***How far, in distance, is the northeastern parking lot?*** Mr. Thornton indicated he didn't have that information with him; people wouldn't be able to drive out to Route 5 directly from that parking lot.
- ***Will you haul the snow away in the Winter?*** Mr. Thornton indicated they'll show snow shelves in the study.
- ***Will there be rooftop parking; if so, you'll need to account for snow removal.*** Mr. Lapinski indicated the casino roof will probably be a membrane, flat roof; they're still studying options. They have discussed screening the mechanical units on the roof; they'll show that in the full presentation. Because of the topography the building is at a lower height; they are tracking visibility.
- ***Regarding impervious space, do you have a walking path between the parking lots and the casino?*** Mr. Lapinski suggested they hadn't planned to show the Landscaping Plan this evening. Attorney Famiglietti requested clarification if Commissioner Moore's concern was getting people to the primary entrance? Mr. Moore concurred, noting he's also concerned for people crossing through the site. Mr. Thornton questioned if Commissioner Moore was asking what the pedestrian experience would be? Commissioner Kowalski suggested there may be a hotel nearby that people might want to walk to.

**Commissioner Sullivan:**

- ***It looks like you'll be cutting into the existing slope; how will you stabilize that area, and what will you do with the material being removed?*** Mr. Thornton suggested that along the back (Prospect Hill Road) they'll probably have to install a wall; they're deciding if it will be part of the building or independent. The current plan is as shown on the Site Plan.
- ***You won't be disturbing anything to the west of the pads that are there now?*** Mr. Thornton indicated that we need to be cognizant that Route 5 is safe. They don't know the final answer yet. They need an Encroachment Permit from the State.
- ***Buses will only enter and exit off of Route 5?*** Mr. Thornton suggested buses will come in from Route 140, and will probably exit through Route 140 also. They're still evaluating the old Walmart access. Attorney Famiglietti suggested if they don't make that access dramatically better then they would probably restrict the type of vehicle using that access.

**Commissioner Thurz:**

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- *How would vehicles leave?* Mr. Thornton suggested they would use Bridge Street, the new access on Prospect Hill Road, and maybe the old Walmart access. Commissioner Sullivan suggested that the way Bridge Street currently exists, to get a bus out into Bridge Street it will take up 2 lanes; they wouldn't be able to do a traffic merge. Commissioner Kowalski noted the light at Prospect Hill Road and Route 140 is a "no turn on red" light; you'll need to consider queuing.

**Chairman Ouellette:**

- *Regarding the parking garage, you're proposing to change the current 50 foot set back to 25 feet; is there any consideration to go further north with the parking garage?* Mr. Thornton referenced the connection of the parking garage to the casino main entrance; he suggested that would be more difficult with the longer garage. Mr. Lapinski noted that they have considered other garage options, but as the garage gets longer and skinnier the distance of the walk for the guest is longer. Also, as you bring vehicles in from Bridge Street they have a straight shot into the garage, which is important for the guest. *Commissioner Thurz questioned if they could go higher with the garage?* Mr. Lapinski suggested that as they go higher with the garage it begins to lessen the other building. It would also be more visible from Prospect Hill Road and they are trying to be respectful of Route 5.

**Commissioner Gowdy:**

- *If people are going into Big Y, will the casino drive be gated?* Mr. Thornton indicated they are working that out with the Fire Marshal. Attorney Famiglietti questioned if that access had a gate when the cinema was open? Chairman Ouellette indicated it had not been gated; it had been intended to be a cross traffic access between the two properties.

**Chairman Ouellette:**

- *Regarding the retail and the restaurants, will that be inside the casino, or pad sites outside?* Mr. Lapinski suggested they are proposing it as one facility.
- *Will there be an area for employee parking? Will it be near or on the other side of the bus parking?* Mr. Lapinski felt employees will be encouraged to use the more distant lots. It's better to have the employees together, yet separate, for safety reasons; he felt employees will be encouraged to park in the lots on the south end.

Chairman Ouellette queried Town Planner Whitten for comments:

**Town Planner Whitten:**

*Regarding the eastern wall of the facility, what's the intent for landscaping along Route 5?* Mr. Lapinski suggested that along the casino there's the ability to slope it, while along the parking garage that area allows air flow through the garage. It will be a steeper wall than is typical. Town Planner Whitten noted she's concerned with visibility

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along Route 5. Mr. Lapinski noted that semi-trailer trucks can't get through the current Route 5 access the way it's designed today. There are also concerns regarding queuing and stopping on the slope. If those issues can't be resolved then they would prohibit larger vehicles and buses from using that access. Town Planner Whitten recalled that when the cinema was being built the wall collapsed and caused problems downstream. Mr. Thornton noted they are presently doing geotechnical borings of the hillside; there will be information regarding the retaining wall in the full presentation.

**Commissioner Thurz:**

*Are you planning to have events, like a wine tasting?* Mr. Lapinski didn't feel it will be a concert venue like the other casino. *Commissioner Thurz cited the traffic backup at Mohegan Sun; what would you do here if the traffic backs up?* Town Planner Whitten felt MMCT said they might do small bands in the bar. Attorney Famiglietti suggested she doesn't feel that the plan is to be a concert or sports arena; they'll address special events and extra patronage to the site.

*What's the anticipated patronage per day?* Attorney Famiglietti suggested they don't know that figure now. Commissioner Thurz indicated his concern is people backing up and circling around.

**Commissioner Kowalski:**

- *Are you planning any signage on Route 5?* Mr. Thornton suggested the entrance to the garage would have signage; he understands that Route 5 signage must conform with the current signage along Route 5. If they continue with the current footprint signage would be on the building. Attorney Famiglietti felt the only free-standing signage is the one shown on the plan; others would be on the building. *Chairman Ouellette questioned if there is any plan to use digital signage, such as "lot is full/use another lot".* Attorney Famiglietti indicated they would look into to that.

**Chairman Ouellette:**

*Keeping questions to the garage, will there be a collection system, or gate?* Mr. Thornton indicated the enter/exit wouldn't be gated. Part of the garage would be VIP parking only, and that would be gated. Valet parking would be separate from public/self-parking guests. Attorney Famiglietti noted they continue to work on development of the site; they'll return with a full design in the next few months.

Chairman Ouellette queried Assistant Planner Tyksinski for questions or comments? Assistant Planner Tyksinski had nothing presently.

Mr. Thornton questioned if, with regard to their General Development Plan including the set back and coverage changes, does the Commission have any objections or concerns he and Mr. Lapinski need to address?

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Commissioner Kowalski suggested that they come up with a walking path plan for guests to get into the building from the south parking lot.

Commissioner Moore questioned if the planned to do anything in the wetlands regarding maintenance or landscaping? Mr. Thornton reported they don't plan to do anything in the wetlands, although they do plan to use an existing pond which is considered non-wetlands. Mr. Lapinski noted they will be preparing a Stormwater Management Report. There is a drainage basin that goes from Route 5 through the site which is associated with an easement; they'll have to deal with that.

Hearing no further questions Chairman Ouellette thanked Attorney Famiglietti and her team for their presentation.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**BUSINESS MEETING/(1) Zoning Compliance Issues :** None.

**BUSINESS MEETING/(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:**

Nothing presented.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:45 p.m.**

**Sullivan moved/Moore seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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