

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

**Special Meeting #1742 – June 27, 2018**

***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 6:30 P. M. by Chairman Ouellette.

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

**ABSENT:**    **Regular Members:**    All Regular Members present  
                  **Alternate Members:** Alternate Member Zhigailo unable to attend this evening.

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

**GUESTS:**    Dorian Famiglietti, of Kahan, Kerensky, and Capossela; Craig Lapinski, P.E., Fuss & O’Neill; Stephanie Whiting, Landscape Architect, Fuss & O’Neill; Mark Vertucci, Traffic Engineer, Fuss & O’Neill; Dan Thornton, Senior Architect, JCJ Architecture; John Koplas, representing Foxwoods, and David Atkinson, representing Mohegan; James Balch; Marie DeSousa, Bill Loos, John Matthews, Tom Talamini, Keith Yagaloff.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and two Alternate Members were present at the Call to Order. Commissioner Zhigailo was unable to attend this Meeting. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

**OLD BUSINESS: MMCT Venture, LLC** – Site Plan Approval in connection with development of a proposed new casino at 93, 105, 113, 115 and 119 Prospect Hill Road. All properties located within the HIZ. [Map 102. Block 14, Lots 8 & 1; Map 112, Block 14, Lots 5, 4 & 3] (*Deadline for decision July 26, 2018*)

Chairman Ouellette read the description of this Agenda item.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

2

Attorney Famiglietti noted everything presented on the General Development Plan will be incorporated into the record of this Meeting. Attorney Famiglietti suggested the two primary issues of concerns were traffic as it relates to the existing exit onto Route 140, and sidewalks. Attorney Famiglietti turned discussion over to Mark Vertucci, Traffic Engineer for Fuss & O’Neill, to begin discussion of the traffic issues.

**SITE ACCESS/ROUTE 140/ROUTE 5 AT CINEMA DRIVE:**

Mr. Vertucci indicated many comments were raised at the previous meeting regarding **the site drive on Route 140**. He noted one of the suggestions was to eliminate the right only turn out of the site but that access is meant to accommodate delivery vehicles as well as buses exiting the site. Mr. Vertucci suggested they looked at the showcase driveway, which is very steep making, it difficult for large vehicles to get up the grade, especially in Winter. It’s also difficult for the large vehicles to make that turn out of the cinema driveway without encroaching into the lanes of traffic on Route 5. They considered reconstructing that driveway to make longer straight segments but the driveway would still be steep and the turning issue would remain exiting onto Route 5. Mr. Vertucci also suggested the cost would be astronomical due to the amount of fill to be brought in and the construction of a long, high retaining wall along the southerly end of the driveway.

Mr. Vertucci reported they also investigated **bringing the trucks and buses through the existing cross-access easement related to the shared former Walmart driveway** but the easement goes in front of the former Walmart/Big Y building so the buses and trucks would be crossing in front of the pedestrian traffic for Big Y.

Mr. Vertucci indicated directing the exiting traffic out of the Route 140 driveway is the best recommendation.

Chairman Ouellette agreed; trucks would encroach over the center line of traffic onto Route 5. He felt that most of the vehicles coming down that road would be small trucks and passenger vehicles. Chairman Ouellette felt the radius at the exit onto Route 5 could be moved over a little bit to minimize some of that situation; he felt the radius could be improved to mitigate some of that. Chairman Ouellette felt that may be an opportunity to meet somewhere in between. Mr. Vertucci agreed they could look at that again but he cited the steepness of the grade and the vehicles grossly overturning the lane. Mr. Lipinski noted the other thing they tried was to improve the queuing so as cars approach the street they would be more perpendicular to the street, but because of the steepness of the slope you could have vehicles queuing on the slope and in the Winter that’s tough for a lot of delivery trucks.

Commissioner Thurz countered that Route 140 is also steep. Mr. Lapinski suggested Route 140 is about a 7% grade

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

3

Commissioner Sullivan questioned if the right of way through the Big Y could be changed to go around the parking lot and then out? Mr. Lipinski noted they checked that turn; a WB50 can't make that turn. Chairman Ouellette questioned if there are other options they could pursue with the owner regarding that easement?-

Mr. Vertucci suggested he has more information the Commission may want to consider regarding these options. Mr. Vertucci cited the concern is this (Route 140) driveway is unsafe. He noted he's reviewed historical data going back to when the cinema was operating; some of that information may be helpful.

Mr. Vertucci noted he's mentioned previously that the percentage of traffic they anticipate coming out onto Route 140 is 5% of the total exiting site traffic; this is the smallest volume of exiting traffic that will be coming out of any of the 3 site driveways. It's just a function of the internal site layout. When you equate that 5% total exiting traffic to the highest peak hour – Saturday evening peak hour - it's 23 vehicles making that right turn out, and the amount crossing to Route 5 is a smaller fraction. Mr. Vertucci reported that OSTA has approved the volume projections last week; he provided a copy of that approval for the application file.

Regarding the historical data , Mr. Vertucci reported that the cinema operated up until March 2008; it was a 12 screen movie theater. Based on the IT rates it generated 1,000 to 1,200 trips in the highest weekend peak hour; that's 100 to 300 more trips during the peak hours than they are projecting for the casino. The theater had spikes in traffic when people were exiting after the show let out; the casino traffic is more steady. The cinema had only the existing driveway on Route 5 and the right out, and it generated more local traffic – from Ellington, South Windsor, East Windsor, Enfield - vs. the traffic from the highway. That right out driveway sustained substantially more traffic when the cinema was in operation than they are projecting for the casino. Mr. Vertucci suggested 500 to 600 vehicles exiting the site - which he would estimate was about 30% - would have been exiting through that driveway. Mr. Vertucci reported DOT also has historical data on traffic volume for Route 140. He noted that 22,000 vehicles/day were using Route 140 in 2008; the vehicle count today is 18,800 vehicles/day in 2018 which accounts for a 3000 vehicle per day drop in traffic adjacent to the site. Mr. Vertucci indicated there were higher volumes exiting before.

Regarding the crash data, Mr. Vertucci indicated they looked at data on Route 140 in front of the site from 2003 to 2008; they only found 5 incidents of crashes coming out of the right out drive. Considering the 22,000 vehicle count in that area that equates to a low crash rate. Most of the incidents were fender-benders, while one was a minor accident. There were substantially higher volumes and no evidence of a safety issue coming out of the site driveway; you're only talking 20 cars exiting out of there during the peak hours. Mr. Vertucci indicated the Shell station across the street has no restrictions on access, you can do a left turn in and a left turn out – it's more difficult crossing 3 lanes of traffic. Mr. Vertucci suggested those movements were problematic.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

4

There were about 22 crashes during that same timeframe on the other side of the road. Mr. Vertucci suggested it's those commercial driveways that are causing the issues as opposed to that right in right out at the casino site. The data didn't support that the safety concerns on that segment were the result of the right in right out driveway.

Regarding *the 91 northbound off ramp at Exit 45*, Mr. Vertucci indicated Chairman Ouellette suggested at the last meeting there would be a higher volume of vehicles queuing in the inside right lane as opposed to the outside right lane due to the fact that people will want to go to the casino; you suggested extending the double right turn lanes (to a location referenced by Mr. Vertucci on the site plan). That change will provide additional queuing space for the double right . They will also discuss with OSTA lane use signage. Mr. Vertucci indicated they will be including those changes in their Stage 2 submission to OSTA.

Regarding *Exit 44*, Mr. Vertucci indicated they are projecting some traffic will come off there; it's 4 lanes – 2 double lanes left, a through lane onto Newberry Road, and a right turn south. Sometimes there is queuing back to the highway. Their suggestion is to make it a double left turn (left shared, left through) and double right to get more queuing storage space. Mr. Vertucci indicated they will submit those revisions under their Stage 2 OSTA submission.

*The intersection of Route 140 and Route 5:* Mr. Vertucci noted this intersection also includes no turn on red restrictions on all 4 approaches, the stop bars are set fairly far back because the site is blocked by cars in the parking lots. There's a right turn arrow under the present signaling system. When vehicles pull up there's a relatively good sightline. Mr. Vertucci felt this concern is that trucks turning onto Route 140 would go into the sitting traffic. Commissioner Kowalski questioned if the stop bars could be moved up? He noted the elevation change from Route 5 to your property doesn't drop off that much in that area; if you were to widen to the right to open up that radius would that give you the larger turning radius you need and then move the stop bar up? Mr. Vertucci indicated they'll look at it; he questioned if OSTA would be amenable to that change. Commissioner Kowalski questioned what was the que length from the stop line to the exit; how many vehicles can you que in that area? Mr. Vertucci indicated there's 200+ feet of right turn storage in that lane today. It begins when the right turn driveway comes out, it's an exclusive right turn lane, 2 through lanes, and one left turn lane.

Commissioner Thurz *felt the percentages of traffic* are way off, he felt there will be a lot more local people coming in. Commissioner Thurz noted there are 50,000 people in Enfield, 50,000 people in East Hartford; he felt you're underestimating the percentages. Mr. Vertucci felt most of the people would be parking in the garage and would be funneled to the exit on Route 5. Mr. Thornton noted there is no restriction in the garage, there's no prevention between levels, signage would direct people to the Route 5 exit. Is it physically possible for people to drive counter to the signage – Mr. Thornton replied yes.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

5

Commissioner Kowalski questioned if the people in the surface parking would go up the 4 levels to exit on Route 5? Mr. Thornton replied affirmatively; he suggested people who park in the lot will go that way but the lot is a small percentage of the parking. Mr. Thornton reiterated there are 1,750 spaces in the garage and 150 spaces in the lot; that's the least desirable parking because it's the furthest from the entrance. Mr. Thornton felt that lot will see little use unless the garage is very full. Chairman Ouellette questioned if they would consider making that lot at the end of the building valet only? Mr. Thornton suggested that to make that change would alter the number of valet parking; if the valet parking took an uptick and more was needed that would be a reasonable place to put it. Chairman Ouellette suggested it would be less likely for people to use that driveway if someone had valet parking. Mr. Thornton theorized that the traffic that's parking "here" would have to come into the garage and circle around; it's not convenient. Chairman Ouellette suggested it's not convenient for the valet; the customer doesn't know what's happening.

Commissioner Thurz noted that at the preliminary meeting the Commission commented on the concern for the traffic in and out; he was shocked that you came in with the same plan. Attorney Famiglietti suggested this was a preliminary comment from way back; they did think about a redesign knowing that was an issue. Once they looked at the grades and the retaining wall, and when the contractor gave them the estimates on the cost it was a deal breaker; it's too much to make it work. So if they found that they couldn't completely redesign the access they looked at what they could do to make it work; it works for cars, it doesn't work for buses and trucks. Attorney Famiglietti noted that based on the historical data it's just as important to them. Commissioner Thurz questioned taking the buses over to Walmart; Attorney Famiglietti cited the existing access agreement. Mr. Lapinski suggested it may seem like a simple change but it isn't. They concentrated on making it simple to park in the garage and people would be exiting onto Route 5. Regarding the local traffic, Mr. Lapinski suggested there will be repeat traffic and people will learn the best place to park and get in and out. Commissioner Gowdy noted trailers use the Big Y driveway now.

Commissioner Gowdy questioned if the materials come during the day or the night? He suggested if they had specific hours for deliveries you might solve the problem. Mr. Thornton suggested they're not proposing a limitation on the timing of deliveries; there will be tenants scheduling their deliveries. He noted the casino is going to be a 24 hour facility and people will come in at all times and they could get a couple of people that come in at 2 or 3 in the morning and that would be a safety concern. Mr. Vertucci suggested that doesn't solve the steep issue. Commissioner Gowdy noted the trucks come in at Big Y. Mr. Vertucci noted that's a wider and less steep access drive. Mr. Thornton suggested they have a different drive with different topography and access to get to their site; they have a longer sweeping drive. Mr. Vertucci suggested their trucks can get into their loading docks; they don't have to traverse in front of the building as our vehicles would have to because we're restricted to the existing access easement.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

6

Commissioner Sullivan felt if you stay with this plan and don't add any lanes for traffic he doesn't see it working without increasing the radii. If you want all the buses and trucks to go out onto Route 140 the way they exit now and without blocking the existing lanes of traffic he doesn't see how you can do that without making that radius a more gentle, sweeping curve. Mr. Thornton reported they propose work in that area; referencing the screen before him he noted this is a different, more gentle curve than currently exists.

Regarding the driveway on Bridge Street, Chairman Ouellette indicated he believed Mr. Vertucci's study regarding the distribution numbers; it's been approved by professionals. He referenced a location on the site plan at the site entrance, noting it looks like it's been widened to accommodate the buses and trucks. Chairman Ouellette suggested what that does is it provides an opportunity to make an illegal left turn out of there. He suggested pursuing installing a raised 4 foot wide island in a logical location on this road to prevent people from exiting "here". Regarding people's concern for queuing on the hill, Chairman Ouellette noted State law says you must yield right of way to the person on the major road. Commissioner Moore felt the island may be good for pedestrians; although they shouldn't be trying to cross there they would be crossing multiple lanes of traffic. Chairman Ouellette suggested the island is a compromise; it'll be tough to put the island in that location with the topography and the drainage but he could live with an option like that.

Chairman Ouellette queried his fellow Commissioners for additional comments? Commissioner Gowdy felt the island is an excellent idea; his only concern is people going up the hill who may want to go into the Shell station. Chairman Ouellette suggested it must be done in such a way that it doesn't disrupt business. Discussion followed regarding the Shell access relative to the site access. Chairman Ouellette suggested the location of the entrance/exit on Route 140 may need to be shifted to make this work. He felt the State would be against putting in an island as it would be a maintenance issue, there will be drainage structures out there; it will be a difficult sale. Mr. Vertucci suggested OSTA would be more receptive to entertaining suggestions if they were made at the request of the local approval authorities.

With regard to rerouting the access for the trucks, Chairman Ouellette questioned if they could reroute the traffic? He suggested you may be able to discuss changing the easements with the abutting owner regarding.

Commissioner Moore suggested installing signage directing people to Exit 44 and Exit 46. Mr. Vertucci suggested those highway signs would have to be reviewed with the State. Mr. Vertucci also noted there will be a large pylon sign facing the highway as well; he suggested it's an easy movement into the site off Exit 45. He suggested the downside is they would be forcing people to go through 4 extra traffic signals using Exit 44.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

7

Commissioner Gobin suggested if the Commission was receptive to discussing another concept she's noted the overall general objective is to address environmental concerns as well. With the added vehicle traffic you're adding air pollution emissions. Commissioner Gobin felt this is a prime and ideal site to consider electric vehicle charging. The other casinos have that; this one is ideal as you're right on the highway corridor. She noted that between Hartford and Springfield there are no fast chargers. Commissioner Gobin cited "Electrify America" is looking to put in charging stations along the highway corridor at destinations so you may have a partner who's willing. She noted that currently there are 6,000 electric vehicles in Connecticut, and with the zero emissions regulations 5% of the sales must be electric vehicles by 2025. Commissioner Gobin indicated she sees this as a destination and people may exceed their range and need a charge; by encouraging electric vehicles you reduce emissions and that would seem to be a viable mitigation with the added air emissions. Chairman Ouellette questioned if the charging stations might be located at the north parking lot? He questioned if this had come up in discussions for the design team? Attorney Famiglietti replied negatively; Mr. Thornton indicated they haven't discussed it as part of this program for this garage, but it can be incorporated, He suggested they would discuss it with the client. Discussion followed regarding an appropriate location; Mr. Thornton suggested it's often incorporated within the garage as all the electrical systems would be available; Commissioner Gobin concurred, noting it's cheaper to install in the garage. Chairman Ouellette suggested Commissioner Gobin was planting a seed, it's an excellent solution but probably should have been discussed in the General Development Plan. Commissioner Gobin cited the benefit of getting captive customers who need a charge.

Chairman Ouellette questioned if there were any additional questions regarding traffic or the driveways? No one raised any further questions.

**SIDEWALKS:**

Regarding the appropriate location of sidewalks, Attorney Famiglietti acknowledged that the regulations clearly give this Commission the authority to require sidewalks at locations you deem to be appropriate for public necessity and safety. She cited the common struggle for applicants/owners, who don't want to have the maintenance issues, and the Town, who likes to extend their infrastructure.

Attorney Famiglietti cited that the applicant doesn't necessarily feel sidewalks are necessary to adequately serve the patrons that will come to the casino. They are proposing them along Prospect Hill Road not because they feel there'll be a demand for them, but partly because of a recommendation by OSTA, and they recognize the Town may want to expand this pedestrian friendly infrastructure, particularly in connection with your ongoing Route 5 corridor study, which contemplates more pedestrian friendly infrastructure and "complete streets". Attorney Famiglietti suggested casinos don't generate a lot of pedestrian traffic; they question if the local people, or the people at the hotels, will be walking to the casino - if the demand is there maybe there will be shuttles.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

8

Attorney Famiglietti suggested safety concerns were raised regarding encouraging pedestrian traffic on Prospect Hill Road; she noted it's a busy road, particularly at the intersection. Attorney Famiglietti cited Ms. Tartsinis questioned the demand for the sidewalks. Attorney Famiglietti suggested they have proposed them where they feel they are most appropriate – on the east side along Sofia's Plaza. They feel the plaza will be the site to generate pedestrian traffic. Attorney Famiglietti also suggested the topography is better on the east side; she cited the steep topography on the casino side. Attorney Famiglietti noted that in their original plan they were trying to create a 20 foot strip – a streetscape - with trees and a gentle slope down and shrub plantings to mask the mass of the building and to maintain the views as best as they can. If they put sidewalks on their side they would have to construct an additional section of a retaining wall at the top of the slope for a distance all along where the sidewalks would be and on top of that there would be a 3 ½ foot fence for pedestrian safety from falling down the slope. They would also have to install 5 feet of sidewalk and then would have only 6 feet for the streetscape for the trees, you would lose shrubs and would need to add a guardrail which would interfere with the streetscape and visual impacts. And, while cost isn't a factor it would cost significantly more to install the sidewalks on the other side of the road. Attorney Famiglietti indicated she can't say it's not feasible but it's not ideal and when we have a practical alternative why not maintain that streetscape along the road and maintain the views without the impediment of the guardrails and the fence?

Attorney Famiglietti indicated they recognize the concerns cited by the owner of Sofia's Plaza and reiterated by some of the Commission members that placing the sidewalks on the east side of the road places a burden on that property owner. Attorney Famiglietti suggested the benefits of the sidewalks would also be attributable to Sofia's Plaza. She concurred that under the Town's ordinances the responsibility for maintenance would fall to the owner of Sofia's Plaza. Recognizing the maintenance obligation associated with the sidewalk, Attorney Famiglietti suggested if the Commission feels the sidewalks are appropriate and it's an undue burden on the property owner of the plaza the Applicant would agree to a condition of approval that not only would the Applicant bear the cost of constructing the sidewalk but the Applicant would also be responsible for the full cost of maintenance - salting, sanding shoveling, etc. - for that 850 feet of sidewalks.

Attorney Famiglietti suggested another option would be the consideration of a Fee-In-Lieu of sidewalks. This would give time for the completion of the Route 5 corridor study and the Commission could then use the fees towards constructing the sidewalks in the future to create a more comprehensive sidewalk network. Attorney Famiglietti suggested if the Commission deems the sidewalks to be appropriate and want to work towards that goal they would propose to construct them on Sofia's side and then offer a Fee-In-Lieu to construct them where the corridor study finds is appropriate.

In response to Commissioner Sullivan's question regarding clarification of the sidewalk location Attorney Famiglietti referenced the site plan. Commissioner Sullivan questioned if crosswalk buttons would be part of the sidewalk installation; Attorney Famiglietti



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

9

suggested crossing buttons would be installed at the Eversource driveway and at the Sofia's intersection crossing. Commissioner Thurz cited the importance of the buttons at the Route 140/Route 5 crossing as Calamar is currently under construction.

Town Planner Whitten noted the owner of Sofia's Plaza feels there may be a negative impact on the plaza, particularly in the area of the former Friendly's where the frontage is narrower. Attorney Famiglietti reported they can create the 5 foot sidewalk and a 3 foot snow buffer, completely within the right-of-way. In response to Commissioner Sullivan's suggestion to keep as much of the snow buffer as possible Mr. Vertucci suggested a 5 foot sidewalk is typical, although they could reduce that to 4 feet.

Commissioner Kowalski cited the current lack of sidewalks; he indicated he didn't foresee someone being at the plaza and deciding to go to the casino. He felt this could have an adverse impact on the plaza, as casino customers park in the plaza and walk to the casino. Commissioner Kowalski felt this will encourage pedestrian traffic. He questioned if Calamar is building sidewalks up to the intersection? Chairman Ouellette replied affirmatively, noting the PZC didn't require it be OSTA did. Chairman Ouellette felt the area is too heavily traveled to have pedestrians and vehicles on this road; we should take whatever is proposed to separate that traffic.

Commissioner Moore questioned if people would be crossing the road at the Sunoco station? Town Planner Whitten cited there is a flat space under the underpass where people walk to cross to the south side. She noted she recently conversed with someone walking that route and found they live in the area and was heading to Walmart so there are people that do walk in that area. Chairman Ouellette cited it's 1,000 feet from where that driveway ends to the driveway of the casino; that's a 5 minute walk. He indicated there are pedestrian generators in the area; the question is will the people use them?

Commissioner Gobin noted people may use the train to Windsor Locks and walk across to the casino. Chairman Ouellette cited the regulation requirement that developments of every 1,000 square feet are required to install sidewalks; he questioned how to deal with frontage on two public streets. Town Planner Whitten suggested the sidewalks are required for the full frontage on both streets; the Commission could also require a Fee-In-Lieu of sidewalks.

Discussion followed regarding the calculations related the sidewalk cost. It was estimated that there would be 2,400 linear feet of sidewalks required at a charge of \$10/square foot or \$50/linear foot; Fee-In-Lieu would be 40% of that cost, which doesn't include the State Permit fee. Chairman Ouellette suggested the requirement should be construction as shown on the drawing, and Fee-In-Lieu along Bridge Street and the balance of Prospect Hill Road where it's not currently proposed. Attorney Famiglietti noted the area under the underpass is beyond the applicant's site. Commissioner Kowalski would like to see some way to help the other property owners with the maintenance. Commissioner Gowdy cited concern for the people walking from the

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

10

hotels; he'd like to see a shuttle service provided at strategic spots. It was noted that the hotels generally offer shuttle transportation as part of their services. Commissioner Moore would like to see the casino connect to Warehouse Point. Town Planner Whitten cited the Commission had intended to incorporate the pedestrian connections in the Warehouse Point study. Commissioner Sullivan indicated he's willing to accept the proposal but wanted the applicant to make a formal agreement with the owner of Sofia's Plaza regarding the responsibility for maintenance. Attorney Famiglietti suggested incorporating this language as a condition of approval, which they accept; they would then volunteer to the property owner that the maintenance of the sidewalks is the responsibility of the applicant.

Commissioner Thurz questioned *the status of discussions with the Fire Marshal and the Police Chief?* Attorney Famiglietti reported they made an offer to meet with the Police Chief but he hasn't been available. Mr. Thornton reported they've met with the Fire Marshal, who appears to be in agreement with the design as proposed.

The Board recessed briefly to enable the Applicant and Town Planner Whitten to confer on additional conditions.

**MOTION: To TAKE A FIFTEEN MINUTE BREAK.  
Sullivan moved/Moore seconded/VOTE: In Favor: Unanimous**

The Commission RECESSED at 8:07 p.m. and RECONVENED at 8:33 p.m.

Attorney Famiglietti indicated the development team is fine with accepting the conditions of approval regarding off-site traffic approvals; if the State doesn't approve them they will return to the Commission for site plan modifications.

Chairman Ouellette queried the Commissioners for final questions prior to taking a vote.

Commissioner Thurz questioned if the *construction hours of operation would be conditions of approval?* Chairman Ouellette felt they had agreed to not working on weekends unless the construction schedule warrants such work. Attorney Famiglietti reiterated the only reason they would ask for weekend hours would be because of weather or other delays.

Commissioner Thurz questioned if *Sofia's sidewalk arrangement* was in the proposed conditions; condition #24 was referenced.

Commissioner Moore questioned if they had any *details on the highway sign?* Mr. Thornton briefly reviewed the pylon sign; Town Planner Whitten noted the only part of the sign that will be digital is the bottom half of the sign. Chairman Ouellette indicated he encourages signage on the Interstate to direct people where to exit.

---

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

11

Hearing no further requests for information Chairman Ouellette indicated his appreciation for the efforts Attorney Famiglietti and the development team made to reasonably accommodate the Commission's concerns and questions. Attorney Famiglietti suggested they wanted to do that as well; they want to be good partners.

Chairman Ouellette called for a vote on the Site Plan Application.

---

**MOTION TO APPROVE. Application of MMCT Venture LLC, requesting a Site Plan Approval for a commercial recreation/casino use with restaurants, retail, bar and office uses, and associated site improvements; to be located at 105 Prospect Hill Road, East Windsor, CT. Map 102, Block 14, Lots 001 & 008; and Map 112, Block 14, Lots 003,4,&5, in the HIZ zone. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)**

---

**Referenced Plans:**

*Referenced Plans*

*\*Cover Sheet – The New MMCT East Windsor Casino, 105 Prospect Hill Road, East Windsor CT 06088. MMCT Venture, LLC c/o Wiggin & Dana, LLC 265 Church Street #14, New Haven, CT 06541 Site Plan Application 5/22/18, prepared by Desman Design Management, EXP, Desimone Consulting Engineers, Fuss & O'Neill, JCJ Architecture, Advantage Engineers, & Freeman Companies, sheets dated May 22, 2018.*

*\*See attachment A for cover sheet and sheet G001 - list of drawings.*

**Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. 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 plans.

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

3. Two sets of final plans, one mylar and one paper set, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

5. ~~A cash (escrow) or passbook bond shall be submitted for all proposed landscaping. Any funds that may be withdrawn by the Town for such maintenance or restoration of required landscaping shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer/landscape architect shall submit an estimated cost of the Landscaping to the Town. The amount of said bond shall be determined by the Town Planner or Town Engineer (.deleted as not permitted for town to collect LS bonds per PA 12-82)~~
6. A preconstruction meeting with Town Staff, representatives of MMCT Venture, LLC, and all contractors and subcontractors performing the field work must be held.

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

7. Final grading and landscaping shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways, sidewalks, parking areas and final floor elevations as well as spot grades shall be submitted.
9. Final as-built plan for all landscaping shall be submitted. A maintenance bond may be required.
10. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

11. The approved General Development Plan /Special Use Permit and HIZ designation is hereby adopted as part of this approval package.
12. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
13. A Zoning Permit shall be obtained prior to the commencement of any site work.
14. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
15. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

16. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
17. 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
18. All landscaping shall be maintained.

**Additional Conditions:**

19. ***Signage – Digital Signs shall be subject to Conditions 1-7 from page 4 of memo from Laurie Whitten, CZEO, AICP, dated June 7, 2018, Revised June 21, 2018. Should the digital sign at the highway, or any other location on site be approved, the following conditions shall apply:***
  1. Strobing and Flashing shall not be permitted
  2. Messaging may change at a minimum of every 5 seconds
  3. Brightness shall be limited to 0.3 foot candles above ambient light
  4. Auto dimming shall be utilized relative to ambient light
  5. Frame effects shall not be distracting to motorists
  6. Have directional light to reduce light pollution
  7. A signed Affidavit shall be completed stating that the owner/operator has full knowledge of the conditions of the permit, and regulations.
20. ***That a raised island divider be provided on Route 140 between Route 5 and the casino right in/out drive.***
21. ***I-91 northbound off ramp (Exit 45) at Route 140 to be restriped to maximize the length of the dual right turn lanes.***
22. ***I-91 northbound off ramp (Exit 44) at Route 5 and Newberry Road be restriped to provide a left turn lane, a shared left turn and through lane, and two (2) right turn lanes.***
23. ***Conditions #20 to 22 are subject to OSTA approval. Should these modifications be denied, the Applicant will be required to seek a modification of the Site Plan.***
24. ***Applicant shall maintain sidewalks as proposed on approved Site Plan in front of Sofia's Plaza.***
25. ***A fee-in-lieu of sidewalks shall be required for the frontages without sidewalks along Prospect Hill Road and Bridge Street.***
26. ***The Applicant shall demonstrate consideration has been given to traffic generated emissions by pursuing opportunities to incorporate electric vehicle charging on-site to facilitate and promote zero emission vehicles.***

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1742 – June 27, 2018  
MEETING MINUTES**

14

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

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

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:45 p.m.**

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

Respectfully submitted,

---

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