

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

**Meeting #1632
May 28, 2013**

***Minutes Heading: MEETING MINUTES
*****Draft Document Subject to Commission Review/Approval********

The Meeting was called to order in the Cafeteria at the Broad Brook Middle School, 38 Main Street, Broad Brook, CT. at 7:01 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Devaney, Gowdy, Ouellette, and Thurz) and one Alternate Member (Zhigailo) were present. Regular Member Sullivan was absent. Chairman Ouellette noted all Regular Members, and Alternate Member Zhigailo, would sit in, and vote, on all Items of Business this evening.

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, May 2, 2013, and Thursday, May 9, 2013, was read by Chairman Ouellette:

1. Application of Annette Fortune for a Special Use Permit for site work to include lighting, fencing and proposed shed on property at 121 North Road, owned by the applicant and Soucy Enterprises, LLC and Deborah Donovan. [B-2 Zone; Map 124, Block 16, Lot 26A].

Chairman Ouellette noted the dates of publication earlier in the month. The Meeting this evening is the first meeting following publication, as the Commission's Regular Meeting scheduled for May 14th had been cancelled.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette welcomed members of the audience to speak on issues which not part of the published Agenda. No one requested to speak.

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APPROVAL OF MINUTES/(April 23, 2013):

MOTION: To APPROVE the Minutes of Regular Meeting #1630 dated April 23, 2013 as written.

Devanney moved/Gowdy seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following Application:

- Application of Southern Auto Sales, Inc. for Modification of Approved Site Plan for construction of a 3,884 square foot cafeteria addition at 161 South Main Street. [B-2 & A-1 Zones; Map 32, Block 21, Lot 66].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

None.

CONTINUED PUBLIC HEARING: Recycled Concrete Products of CT – Special Use Permit and Modification of approved Site Plan for property at 33 Apothecaries Hall Road for regrading and filling to create additional area for a future commercial use. Property is owned by Herb Holden Trucking, Inc. [M-1 Zone; Map 57, Block 48, Lot 38] (*Deadline to close hearing 5/28/2013*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC, representing the Applicant. Herb Holden, owner of Recycled Concrete Products of CT, was available in the audience.

Mr. Ussery reported this Application is to allow regrading of the property to the north and east of the present cornfield. Mr. Ussery recalled that Mr. Holden previously appeared before the Commission to allow Saturday morning operation for retail sales of material for contractors and/or residents. That approval was granted; the operation is working well. This proposal is to regrade property on the northeast corner of the existing cornfield. Mr. Ussery noted there is an access drive out to Rye Street adjacent to the proposed area; that Rye Street access will NOT be used by Mr. Holden. The regrading process will include the addition of fill along the railroad, and drainage revisions from the culvert under the railroad to the detention pond to the west of the cornfield.

Mr. Ussery noted this Application falls under the Excavation Regulations – even though it proposes to fill rather than excavate. The Excavation Regulations require a 100' buffer between the activity and a residential property line. A review of the properties adjacent to

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the subject location found all to be commercially zoned properties either owned by Crop Production or Mr. Holden. The Applicant is requesting a waiver of the buffer requirement.

Mr. Ussery noted the fill will come into this site via the main business entrance at 33 Apothecaries Hall Road; NO access for this work via the Rye Street driveway. Approximately 90,000 cubic yards of fill are anticipated to be brought to this site. Mr. Holden recalled that he is limited to 60 truck trips/day for this site; based on that condition he anticipates this site modification will take 3 to 5 years to complete.

Commissioner Zhigailo questioned if the railroad owner had been contacted regarding this proposal? Mr. Ussery noted they had been sent a notice as an abutting property owner but had not responded. He reiterated that the regrading will occur up to the property line and include drainage revisions the railroad doesn't currently have.

Mr. Ussery noted Town Engineer Norton has reviewed the plans and offered comments which have been incorporated into revised plans before the Commission this evening. Town Engineer Norton has submitted a revised memo indicating his comments have been addressed.

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

- Chairman Ouellette reviewed various conditions of the proposal relative to the Excavation Regulations; he raised the following questions:
What's the contingency plan if the waiver of the 100' buffer were denied?
Mr. Ussery indicated the 100' distance would extend into the property significantly; he felt Mr. Holden would abandon this proposal if the buffer were imposed. Discussion followed regarding other uses of adjacent land if sales occurred. Mr. Holden indicated he had no immediate intention of selling his property. The purpose of the buffer was discussed; it was noted the requirement is to establish a buffer for noise, dust, etc. between residential and commercial properties. It was noted again the abutting properties are all industrially zoned.
- **Permit length – one year with the option for extensions – vs. requested 5 year length:** Discussion followed regarding the potential for initiation of work, sequencing of proposed work, site limitations for trips/day, and various duration options.

Town Planner Whitten reported the proposed conditions of approval include hours of operation for the current Volume Reduction Facility Permit as well as conditions specific to excavation/fill regulations. She requested staff comment #4 be included in the proposed approval conditions.

**MOTION: To CLOSE THE PUBLIC HEARING on the Application of _
Recycled Concrete Products of CT for a Special Use Permit and**

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Modification of approved Site Plan for property at 33 Apothecaries Hall Road for regrading and filling to create additional area for a future commercial use. Property is owned by Herb Holden Trucking, Inc. [M-1 Zone; Map 57, Block 48, Lot 38].

Devanney moved/Gowdy seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

MOTION TO APPROVE Waivers of Chapter 814.3, as the proposal is not an earth excavation operation. This shall include a waiver for filling up to the property line on the east side.

Devanney moved/Zhigailo seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

MOTION TO APPROVE Application of Recycled Concrete Products of CT, and owner Herb Holden Trucking Inc. requesting a modification for special use permit under Chapter 807 of the Zoning Regulations to fill in an area of the site to create additional area for future commercial use, in association with existing volume reduction facility for processing of concrete, bituminous concrete and stone demolition, and earth products for resale, located at 33 Apothecaries Hall Road. Modification of Ch 807; and Ch 814. M-1 Zone. (Map 57, Block 48, Lot 38)

Referenced Plans:

1/2: Special Permit Plan – Volume Reduction Facility, 33 Apothecaries Hall Road, East Windsor CT prepared for Recycled Products of CT, Inc, 59 Broad Brook Road, East Windsor CT Zone R3 & M1, Map 57, Blk 48, Lot 38, prepared by JR Russo and Assoc, LLC 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, 623-2485 fax, scale 1" = 100', dated 3/31/09, last revised 3/8/13

2/2: 1"= 40', last revised 4/5/13

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, landowners, 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.

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3. The 24-hour emergency contact name and phone number for sediment and erosion control problems shall be added to the final plans

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

4. Two final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department.
5. An erosion control bond, in an amount to be determined by the Town Engineer shall be submitted for proposed activities.

Conditions which must be met prior to certificates of compliance:

6. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
7. The Fire Marshall must review application and sign building permit application. Concerns such as height of wood chip piles, location of fire hydrant, and adequate management of sawdust should be considered and addressed.
8. This application specifically allows the storage and processing of wood, earthen and concrete, and asphalt products on the subject site. Additionally, storage and processing of topsoil, and asphalt and concrete is permitted. The applicant may sell at wholesale or retail finished by-products.

General Conditions:

9. 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 **three (3) years** from the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
10. In accordance with Chapter 814.4f , any deviation from the plan shall be cause for the Commission to revoke the permit provided the owner shall have the opportunity to address the Commission regarding why the permit should not be revoked.
11. In accordance with Chapter 814.4 g, any permit shall expire **three (3) years** from the date of issuance unless renewed by the Commission.

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12. A Zoning Permit shall be obtained prior to the commencement of any site work.
13. 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.
14. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
15. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
16. 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
17. Hours of operation for the accessory sales operation determined to be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday
18. Hours of operation for the volume reduction activities shall be limited to 8:00 am to 4:30 pm Monday through Friday. There shall be no operation of the facility on Saturdays, Sundays, and holidays.
19. There shall be no more than sixty (60) trucks utilizing the site on any given day.
20. No material shall be stockpiled higher than thirty (30) feet above the existing grade. In no case shall the stockpiles be visible above the tree line from Apothecaries Road.
21. Material to be stockpiled shall be limited to those areas specified on the approved plans. Any additional stockpile areas shall require an amendment to the approval.
22. The anti-tracking pad shall be maintained throughout the life of the project. Additional measures including, but not limited to, road sweeping shall be employed if necessary to keep the project dirt from accumulating on Town Roads.
23. This Site Plan Approval is specifically for the processing and subsequent removal of clean fill and shall not constitute approval for any use that requires a permit under Section 12 of the Zoning Regulations. Inactivity for a period of two years or the removal of incoming or stockpiled material shall constitute a fill operation subject to special Permit requirements of Section 12.
24. The volume reduction use shall be maintained and operated in conformance to all

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the provisions and standards of Sections 9.1.2 through 9.1.1.12 and Chapter 807 as currently effective the East Windsor Zoning Regulations, inclusive. Failure to meet or maintain any of those standards shall result in the voidance of this approval.

25. The proposed fill operation shall meet the standards as set forth in Chapter 814.

Additional Condition:

26. *Expansion of the volume reduction facility or any other new commercial use into this regraded area will require a new or modified permit from the PZC.*

Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

NEW PUBLIC HEARING: Annette Fortune – Special Use Permit for site work to include lighting, fencing and proposed shed on property at 121 North Road, owned by the applicant and Soucy Enterprises, LLC and Deborah Donovan. [B-3 Zone; Map 124, Block 16, Lot 26A] (*Deadline to close hearing 6/18/2013*):

Chairman Ouellette read the Hearing description. Appearing to discuss this proposal was Annette Fortune.

Ms. Fortune reported they have been successful with their training classes, but have found that during October and November the later classes become non-existent due to the early darkness. Ms. Fortune reported her operations haven't changed, but she would like to add lights at the 4 corners of the field. She indicated the proposed lighting has been reviewed by a structural engineer; she is reducing the pole height to 20' to meet regulation requirements. Ms. Fortune reported Connecticut Concrete installed the pole bases. She would also like to add fencing as people bring in dogs which have been cooped up all day and this fenced in area would give them a place to run prior to entering the training area.

Chairman Ouellette opened discussion to the Commission:

- **How close are residences to the rear property line?** Mr. Ussery, speaking from the audience, noted there are no residences to the rear as this property abuts the Enfield town line and the Connecticut Mulch facility. Mr. Ussery noted the closest properties would be residences across North Road and to the west of this property. Discussion followed regarding the type of lighting being proposed (similar to parking lot lights rather than stadium banks of lights), hours of operation (see below), and the effect on nearby properties.
- **Hours of operation:** Ms. Fortune noted it wasn't her intent to run the lights 24/7 but that sometimes trials run late, she would like some latitude regarding cessation of the lighting. Discussion followed regarding the timing of the current

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classes, possible timing options, and effect on property adjacent to this training facility. Hours of operation, and lighting, were eventually agreed to be 6:00 a.m. to midnight; lights must be turned off when not in use.

- **Interpretation of North Central District Health Department notification/approval:** Town Planner Whitten noted Ms. Fortune has been approval for a well only, and a temporary permit for outhouses. She must eventually connect to the sewer line recently installed in North Road.
- **Status of Staff comment #3 regarding pending wetlands decision:** Town Planner Whitten noted as long as the fencing will not be installed in the wetlands there is no problem.
- **Deletion of daycare and overnight boarding on application:** Ms. Fortune suggested she would discuss those uses at a future date. Town Planner Whitten clarified this Application involves only items 3 (fenced in play area), 4 (pole lighting), and 5 (shed).

Chairman Ouellette queried the audience for comments; no one requested to speak.

Town Planner Whitten noted receipt of Town Engineer Norton's memo dated 5/7/2013 indicating all of his comments have been addressed.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Annette Fortune for a Special Use Permit for site work to include lighting, fencing and proposed shed on property at 121 North Road, owned by the applicant and Soucy Enterprises, LLC and Deborah Donovan. [B-3 Zone; Map 124, Block 16, Lot 26A]

Devanney moved/Zhigailo seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/No abstentions)

MOTION TO APPROVE the Application of owner Annette Fortune for a Special use Permit in accordance with Section 402 of the Zoning Regulations to allow outdoor lighting and a storage shed associated with an existing outdoor dog training facility to be located at 121 North Road, A-1 Zone [Map 124, Block 16, lot 26A]

This approval is granted subject to conformance with the referenced plans as approved by the Commission and the following conditions:

Referenced Plan:

Driveway Improvement Plan prepared for Annette Fortune, North road, Rte 140, East Windsor CT Map 7, Blk 16, Lot 26 Zone A-1 prepared by JR Russo & Assoc, LLC, 1 Shoham Rd, East Windsor, CT 06088 860/623-0569, 860/623-2485 fax scale 1" = 100', dated 5/20/10, REV 5/31/11

Lighting Plan dated 4/20/13 last revised 5/1/13

CONDITIONS OF APPROVAL:

General Conditions

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. One set of final plans and one set of mylars, 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. All public health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy. When all public health, safety and building code compliance components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance.

Conditions which must be met prior to certificates of compliance:

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

8. In accordance with 900.3h 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.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.

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10. 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.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. 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

Additional Condition:

14. *Hours of operation to be 6:00 a.m. to 12:00 a.m. (midnight). Lights must be shut off when not in use.*

Devanney moved/Zhigailo seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

OLD BUSINESS: None.

NEW BUSINESS: Capital Development Partners, LLC – Site Plan Approval for commercial redevelopment of former auto/storage/landscape facility into a new commercial retail store (Dollar General) at 115 Main Street, Broad Brook. [B-2 Zone; Map 88, Block 45, Lot 25] (*Deadline for decision 6/27/2013*):

Chairman Ouellette read the description of this Item of Business. Appearing to present this application was Patrick O’Leary, P.E., of Vanasse Hangen Brustlin, Inc. Also available in the audience was Tyler Baldwin, of Capital Development Partners, Columbia, South Carolina.

Mr. O’Leary described the site at 115 Main Street, in the Broad Brook section of town. He noted various previous uses of the building, which he indicated is currently rather run-down. Mr. O’Leary reported they have incorporated the comments made by the Commission during the informal discussion meeting. The intent is to demolish the front addition and use approximately 7800 square feet of the existing building while constructing an approximate 1700 foot addition to the rear, which will create a building footprint of approximately 9500 square feet. Mr. O’Leary noted the current use is non-conforming; the entire front of the parcel is paved out to the edge of Main Street. There

are currently NO curb cuts at the entrance. Capital Development Partners plans to reconfigure street access by creating a new 36' wide paved entrance and 2-lane exit on the southerly end of the parcel. Landscaping will be added to the front of the parcel. Paving currently within the parcel extends to the property line on the south adjacent to an abutting residential use. The intent is to return that area to grass; a similar treatment will occur on the north side of the property adjacent to the post office. Required side yard set-back distances will be maintained. The addition of the landscaping will create a 3,000 square foot reduction in impervious coverage.

Mr. O'Leary indicated they are providing 36 parking spaces for the retail use. Regulation requirements would call for 54 parking spaces; the applicant is requesting a waiver for 21 deferred parking spaces which would be installed in the rear should they be needed in the future. As deferred parking spaces no development can occur in the location designated. Drainage will be revamped to include 2 catch basins in the rear; water sheet flows out to Main Street so the applicant is proposing a catch basin in the parking area to manage storm water. Roof leaders are being added underground to discharge into a pipe and infiltrate back into the ground. Mr. O'Leary noted they are reducing run off from the site due to the reduction in impervious coverage.

Mr. O'Leary indicated they will be residing the existing building, removing the existing glazed windows along the long side of the building and installing larger replacement windows, awnings will be installed at the new windows, and 4 architectural columns will be added to the building.

Revised plans were submitted to the Commission at the meeting. Pole heights for lighting fixtures has been reduced from 22' to 18'. The revised plans include a demolition sequence and narrative, and a revised photometric plan. Mr. O'Leary indicated the light level at the property line is less than 1 foot candle; light fixtures are downward facing.

Chairman Ouellette opened discussion to the Commissioners; the following questions were raised (responses were made by Mr. O'Leary unless otherwise noted):

- **Hours for delivery schedule:** Dollar General is not a 24 hour retail operation; deliveries are generally scheduled during mid or late morning; a couple of tractor trailers would drop off deliveries.
- **Location of delivery access:** A 24' wide access along the south side of the building would accommodate the tractor trailers
- **Location of cart corrals:** There are no cart corrals in the parking lot; carts are stored in front of the store.
- **Do the parking spaces adjacent to Main Street provide enough area to turn around:** The hammerhead has been sized to accommodate vehicles turning around.
- **Bollards adjacent to building extend into the 19' parking space:** Bollards are being provided to protect the building; curbs in front of parking spaces tend to

- disappear during snow plowing. Discussion followed regarding the distance lost from the parking space due to placement of the bollards, the “tightness” of the spot regarding parking configurations, and the public’s preference to park close to the facility.
- **Location of employee parking:** Employee parking is not designated.
 - **What’s the intention for the crosswalk within the front parking lot:** Previous discussion included the Commission’s hope to revitalize the downtown area; the crosswalk encourages pedestrian traffic, and is also an ADA requirement. Town Planner Whitten had also suggested a sidewalk across the front of the property which would fall within the State right-of-way and would require State review and permit.
 - **Explain reference to easement for retaining wall on southerly property line:** Town Engineer Norton had suggested an easement may be necessary due proximity of construction to adjacent property. The easement will be obtained if necessary.
 - **Hours of operation, and hours for lighting:** Mr. Baldwin reported 8:00 a.m. to 8:00 p.m. or 9:00 p.m. He anticipated the lights would be shut off after the business closes.
 - **Explanation of exit pattern:** Chairman Ouellette questioned which of the 2 exit lanes would someone use if they wanted to cross Main Street and enter the curb cut for the Center Shops? Mr. O’Leary hoped people would use the southerly of the two lanes; he will review options. Discussion continued regarding cutting exit to one lane, effect on access for tractor trailers by reducing entrance width, anticipated trip volume, and overview of Dollar General products.
 - **Provision for parking for patron’s larger vehicles/trucks:** Mr. O’Leary suggested locating parking for over-sized vehicles to the rear. Discussion followed regarding patron’s preference for parking in closer proximity to the building, and options to prohibit parking along retaining wall.
 - **What is smaller structure to the rear, and will it remain?** It’s a 2-car garage which will remain on the property.
 - **Fee-in-lieu-of Sidewalks:** Discussion followed regarding applicability to this proposal (which includes new construction), advantage of sidewalk for residents from elderly complex, discussion of probability of extending sidewalk accessibility vs. “sidewalks to nowhere”, and poll of Commissioners preference.
 - **Signage:** Town Planner Whitten noted the Applicant will need to acquire a Zoning Permit for signage.

Mr. O’Leary noted Town Engineer Norton’s comments have been addressed.

The Commission discussed approval conditions and waiver requirements.

MOTION: To WAIVE requirement for sixteen (16) deferred parking spaces.

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Devanney moved/Gowdy seconded

DISCUSSION: None

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

**MOTION TO approve the Application of Capital Development Partners, LLC
requesting a site plan approval for change of use from automotive
repair to retail of property located at 115 Main Street in the B-2 zone.
Map 88, Blk 45 Lot 025.**

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

Cover Sheet – Proposed Dollar General, 115 Main St., East Windsor, CT , property owner/applicant Capital Development Partners, LLC, 3101 Devine Street, Columbia SC 29205; Map 88, Blk 45, Lot 025 prepared by Vanasse Hangen Brustlin (VHB), Inc. One Federal St., Building 103-3N Springfield, MA 011015, 413/747-7113 Fax 413/747-0916; dated April 19, 2013

C-1 Legend, Abbreviations & General Notes
C-2 Layout & Materials Plan
C-3 Grading and Drainage Plan
C-4 Utility Plan
C-5 Erosion and Sedimentation Control Plan
C-6-10 Details

L-1&2 Planting Plan
SL-1 Site Photometrics Plan
Property survey dated 9/28/12
HW-811 curbing 6/1/10

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.
3. Proof of legal access over the private drive must be submitted.
4. Parcels must be merged with deed filed on land records.

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

5. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
6. 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.

Conditions which must be met prior to certificates of compliance:

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

General Conditions:

10. 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.
11. A Zoning Permit shall be obtained prior to the commencement of any site work.
12. 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.
13. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

14. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
15. 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
16. Any/All required landscaping shall be adequately maintained.
17. Location and sizing of dry wells shall be approved by Town Engineer at time of zoning permit.

Additional Conditions:

18. *Fee-in-lieu of sidewalks to be determined by the Town Engineer.*
19. *Deferment granted for 16 parking spaces in the rear parking lot.*
20. *“No parking” signs to be installed along retaining wall.*
21. *Add six (6) 10’ x 20’ parking spaces in to the rear in lieu of 5 of the 21 originally requested deferred parking spaces.*
22. *Zoning Permit required for any new signage.*

Devanney moved/Zhigailo seconded

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:50 p.m. and RECONVENED at 9:04 p.m.

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Informal Discussion: With Andre’ Charbonneau on grading and excavation associated with the E. W. Sportsman’s Club:

Appearing to participate in this informal discussion was Jay Ussery, of J. R. Russo and Associates, LLC, and Kevin Charbonneau. Mr. Ussery offered the Commission an aerial view of the Charbonneau property, and approximately 1 ½ acres owned by the East

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Windsor Sportsmens' Club (EWSC) which abuts both the Charbonneau property and the railroad on the east side of the rail line. Mr. Ussery advised the Commission the EWSC would like to purchase an additional 1 ½ acres from the Charbonneaus; they would then regrade the property to install an archery facility with a separate entrance and parking lot on the east side of the rail line. Mr. Ussery noted a waiver would be required to eliminate a buffer between the rail line and the new EWSC parking lot. The Charbonneaus would have to modify their existing gravel removal permit. At the same time the Charbonneaus would like to create another access drive for their property which would be located approximately across from Chamberlain Road – the theory being that this would eliminate some of the truck traffic which goes down Apothecaries Hall Road to the existing entrance to the Charbonneau Pit.

Discussion followed regarding the amount of excavation required (5 to 6 acres), the amount of fill to be removed (not yet estimated), proximity of excavation to Apothecaries Hall Road, location of the proposed new permanent or temporary Charbonneau driveway, current number of allowable trips/day, distribution of traffic vs. direction of travel, applicability of 1 mile entrance radius requirement, and application submission process.

Lengthy discussion continued regarding revisitation of neighbor complaints and opposition to previous permit modifications.

BUSINESS MEETING/(2) Plan of conservation & Development 2014 – Scoping Workshop:

Town Planner Whitten provided the Commission with a list of responses/comments which resulted from a survey submitted to members of Town Commissions and Boards. The next workshop will review those responses. The Commission will also be provided with the link to a draft Surveymonkey online survey for their review.

Town Planner Whitten also advised the Commission the \$20,000 previously allocated to completion of the 2014 POCD revision by the Capital Improvement Committee was reduced to \$10,000 at a recent Board of Finance budget workshop which resulted from the recent referendum defeat. Town Planner Whitten noted she intended to use that funding to acquire updated demographics information.

BUSINESS MEETING/(3) Discussion Regulations: Tabled.

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

Nothing presented for signing this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:38 p.m.

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Gowdy moved/Zhigailo seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(5696)