

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

**Special Meeting #1633  
June 11, 2013**

***MEETING MINUTES***

***\*\*\*\*\*Draft Document Subject to Commission Review/Approval\*\*\*\*\****

The Meeting was called to order in Room N-4 of the East Windsor High School, 76 South Main Street, East Windsor, CT. at 7:00 P. M. by Chairman Ouellette.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members ( Gowdy, Ouellette, Sullivan and Thurz) and one Alternate Member (Sullivan and Zhigailo) were present. Regular Member Devanney was unable to attend this Meeting. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

Also present was Town Planner Whitten.

**GUESTS:** Kathy Pippin, Board of Finance.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Friday, May 31, 2013, and Friday, June 7, 2013, was read by Chairman Ouellette:

- Application of DMD, LTD Family Partnership for a Special Use Permit under Section 407 to allow an accessory apartment at 341 Rye Street, Broad Brook. [A-1 Zone; Map 15, Block 50, Lot 13].

**ADDED AGENDA ITEMS:**

Town Planner Whitten noted she has additional discussion items to consider under the **BUSINESS MEETING.**

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items not listed as an Agenda Item for this Meeting. No one requested to speak.

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**APPROVAL OF MINUTES/(May 28, 2013):**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1632 dated May 28, 2013 as written.

**Gowdy moved/Thurz seconded/**

**VOTE:** In Favor: Gowdy/Ouellette/Thurz/Zhigailo  
Opposed: No one  
Abstained: Sullivan

**RECEIPT OF APPLICATIONS:**

1. Application of DMD, Ltd. Family Partnership for a Special Use Permit under Section 407 to allow an accessory apartment at 341 Rye Street, Broad Brook. [A-1 Zone; Map 15, Block 50, Lot 13].

**NEW PUBLIC HEARING: DMD, LTD Family Partnership** – Special Use Permit under Section 407 to allow an accessory apartment at 341 Rye Street, Broad Brook. [A-1 Zone; Map 16, Block 50, Lot 13] (Deadline to close hearing 7/16/2013):

Town Planner Whitten noted the Applicant has agreed to table this Item of Business until the Commission's next meeting. Public Hearing signs were not available for posting prior to the Meeting.

**MOTION:** To TABLE the Application of DMD, LTD Family Partnership for a Special Use Permit under Section 407 to allow an accessory apartment at 341 Rye Street, Broad Brook. [A-1 Zone; Map 16, Block 50, Lot 13]. Application is tabled until the Commission's next regularly scheduled Meeting to be held on Tuesday, June 25, 2013 at 7:00 p.m. at the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**Gowdy moved/Thurz seconded/**

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

**NEW BUSINESS: Southern Auto Sales, Inc.** – Modification of Approved Site Plan to allow 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] (Deadline for decision 8/1/2013):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC, representing the Applicant. Also available for comment were Rick Nadeau and Larry Phillips of Southern Auto Sales, Inc.

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Mr. Ussery reported this proposal is for a small (3800 square foot, 2 story) addition to the existing cafeteria currently located at the north end of the building. The addition will provide expanded seating capacity, and enable them to bring the walk-in freezer - which is currently outside the building – into the interior of the building. The second floor will provide additional office space. Mr. Ussery reported Town Planner Whitten had noted that the additional building square footage would normally require additional parking spaces. Mr. Ussery referenced the current STC (State Traffic Commission) Permit which indicates the location provides 1855 parking spaces for employees and visitors. During the week those parking spaces are available in front of the main building; on Wednesday/auction day employees park in the north lot on Phelps Road and are shuttled to the main building, thereby freeing up spaces in front for additional parking. It was agreed no additional parking spaces are required.

Mr. Ussery noted there is no increase in impervious coverage as the area proposed for the addition is already a paved area. Very little site work will occur; there will NOT be any increase in flow associated with this project.

Mr. Ussery noted the plans have been reviewed by Town Engineer Norton; he has indicated he has no problems with this proposal.

Mr. Ussery presented various plan sheets – floor plan, elevations, architectural renderings – noting the addition will match the brick and color scheme of the existing building. The addition will be constructed behind an existing fence line; only the roof line will be visible from the road.

The Commissioners raised the following questions:

**Second floor access:** Commissioner Gowdy noted the plans show only one exit from the second story; he is concerned with safety in case of a fire. Mr. Ussery and Mr. Nadeau indicated access to the second floor is currently available within the main building via an existing stairwell and elevator. Town Planner Whitten noted that issue would be reviewed by the Fire Marshal and the Building Official at the time of the issuance of a permit.

**Is any basement proposed?** Mr. Ussery noted there will not be a basement in the proposed addition.

**MOTION TO APPROVE** the Application of Southern Auto Sales, Inc. for a site plan modification to construct a cafeteria addition to the auction facilities at 161 South Main Street. B-2 & A-1 Zones, Map 32, Blk. 21 Lot 66.

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

**Referenced Plans:**

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- Sheet 1 of 3 – Cover Sheet – Southern Auto Sales, Inc., 161 South Main Street, East Windsor, CT prepared for Southern Auto Sales, Inc., 161 South Main Street, East Windsor, CT 06088 860/292-7500 prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088 860/623-0569 fax: 860/ 623-2485 scale: 1"=400', dated 5/7/13
- Sheet 2 of 3 - General Location Survey –Cafeteria Addition, scale 1" = 200'
- Sheet 3 of 3 – Site Plan 1" = 20'

**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 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.
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.

**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 Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the approved activities 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

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Commission.

9. A Zoning Permit shall be obtained prior to the commencement of any site work.
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
14. Any/All required landscaping shall be adequately maintained.

**Gowdy moved/Sullivan seconded/**

**DISCUSSION:**       None.

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

**OTHER BUSINESS:**       None.

**BUSINESS MEETING/(1) Informal Discussion: Mercury Fuel, South Main Street:**

Town Planner Whitten introduced Mr. Mike DeVito of Mercury Fuels, and Ron Fortune, of Ron Fortune Consulting and Design.

Mr. DeVito reported he is present to informally discuss with the Commission a potential proposal for a facility at the location of the East Windsor Diner. The diner would be demolished and replaced with an approximate 5,000 square foot building, 5 vehicle fueling stations, and 2 diesel fueling stations for large trucks.

The Commission raised the following questions:

**Traffic concerns:** Chairman Ouellette noted that beyond the traffic light at Thompson Road Route 5 merges from 2 lanes to 1 lane which already backs up traffic; this proposal is providing a left turn access into the diner location approximately at the area of the merge. Chairman Ouellette indicated he sees this as a huge bottleneck. Mr. DeVito advised the Commission he is presently operating the gas station next door;

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Commissioner Thurz suggested that facility is also difficult to get into in the morning. Mr. Fortune suggested there is also the opportunity to access the site from Thompson Road. Mr. Fortune noted a study is being done by F. A. Hesketh.

**Overnight tractor trailer parking:** Commissioner Sullivan questioned the intent for overnight tractor trailer parking at this location? Mr. DeVito suggested not if they can help it. Chairman Ouellette noted there is additional land area to the rear of the paved parking area off of Thompson Road, would that be available for overnight parking? Mr. Fortune replied negatively. Discussion continued, with Mr. DeVito again suggesting similarities to the Brainard Road location. Chairman Ouellette suggested removing the pavement and installing a berm with landscaping to discourage parking in that area.

**Is this facility intended to be a truck stop?** Mr. DeVito suggested this location isn't big enough for a truck stop; it will be similar to a facility he already operates on Brainard Road in Enfield.

**Building/facility location:** Commissioner Sullivan questioned the location of the proposed building relative to the existing diner? Mr. Fortune indicated the new building would be located further back than the present diner.

**Curbs cuts** – Mr. Fortune indicated they will be revising the location of the curb cuts.

**Plans for existing/adjacent gas station:** Mr. DeVito suggested they would continue to operate that facility as it is. There will essentially be 2 gas station operations – offering different brands of fuel – adjacent to each other.

**Hours of operation:** Mr. DeVito suggested 6:00 a.m. to 11:00 p.m. 7 days a week. Mr. DeVito is also considering 24 hour operation for this location.

**Any plans for used car sales?** Commissioner Gowdy noted nearby locations offer used car sales; is any sale of used cars proposed for this location? Mr. DeVito replied negatively.

**Location of fueling stations:** Chairman Ouellette questioned if a large 53' trailer stopped at the fueling station would it stick out and impede other traffic? Mr. Fortune indicated there will be room for 4 tractor trailers to fuel.

**Additional building tenants:** Commissioner Thurz questioned if space within the building would be sublet to other vendors as that would generate more traffic. Mr. DeVito suggested there may be a sandwich shop, something like that.

In summary, Chairman Ouellette indicated he was excited to see a development project proposed for this site but he reiterated solving the access issue is a big obstacle. The issue of the left turn in and out is a big concern. The trip generation for the proposed use is much more intense than the previous use. The Commissioners concurred; traffic and access to this location is a major concern. Town Planner Whitten noted she has had discussions with Mr. DeVito prior to his appearance before the Commission; she has raised many of the same questions the Commissioners brought to the table this evening.

**BUSINESS MEETING/(2) Plan of Conservation & Development 2014 – General Discussion:**

Town Planner Whitten noted work progresses on the in-house update of the 2014 POCD.

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- A draft survey has been prepared under SurveyMonkey based on previous discussions. Discussion followed regarding survey format, response options, and community input.
- Town Planner Whitten had noted previously that East Windsor is required to submit its updated POCD by October, 2014; the concern was that if the update is not adopted locally by the required date the State could withhold discretionary funding to the Town. Town Planner Whitten sent a letter to legislators requesting they propose legislation to extend the submission date of the POCD update – not only for East Windsor but other towns experiencing the same situation. Senator LeBeau was successful in extending the submission date to June, 2014. Town Planner Whitten noted that while this date still doesn't exempt East Windsor there is language within the bill which allows leeway for later completion of the document. Town Planner Whitten will follow up with further communication to confirm the timeframe for adoption/submission.
- Work is progressing on a logo for the document.
- Discussion followed regarding promotion of the survey results, public input, and development of Commission goals.

Town Planner Whitten advised the Commission the State's POCD was adopted this week; East Windsor's POCD must be compliant with the State's goals. Chairman Ouellette questioned if East Windsor's comments have been addressed in the State update? Town Planner Whitten noted designation as a village district has been returned to Broad Brook, and the growth areas are now consistent with the WPCA maps.

**BUSINESS MEETING/Added Agenda Item – Informal Discussion:**

Town Planner Whitten reported she has been contacted regarding a potential tenant for Sofia's Plaza. The tenant would be an internet café which would provide 55 computer stations which could be rented for customer use. A multitude of services would be offered. The location under consideration would be in the strip building behind Friendly's.

Discussion followed regarding required parking relative to building square footage, allocation of shared parking, and identification of proposed use and what it may be similar to.

Chairman Ouellette suggested the tenant come to a future meeting for an informal discussion.

**BUSINESS MEETING/Added Agenda Item – Informal Discussion:**

Town Planner Whitten reported she has been contacted by someone who would like to use the Marsh Motorcycle location for a restaurant. This location is presently zoned Industrial, which does not allow a restaurant use. The interested party would like to

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propose a Zone Change, which would require the change of several properties to prevent spot zoning.

Discussion followed regarding a corridor study, POCD change, consideration of overlay zone, and timeframe to complete the process.

**BUSINESS MEETING/(3) Adult Regulations:** Tabled.

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

**Motions:**

- Dollar General, 115 Main Street, Broad Brook
- Annette Fortune, 131 North Road, East Windsor
- Recycled Concrete Products of CT., 33 Apothecaries Hall Road

**Plans:**

- Pasco Common, Unit 8E, Pasco Drive

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:48 p.m.**

**Gowdy moved/Thurz seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(2711)