

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

**Meeting #1636
July 23, 2013**

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:03 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members (Ouellette, Sullivan and Thurz) and one Alternate Member (Zhigailo) were present. 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.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dick Pippin, Selectmen; Kathy Pippin, Board of Finance.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION: No one requested to speak.

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of American Forest Products, LLC for Modification of Approved Site Plan to allow addition of outdoor shed sales and installation of additional bins at 266 Main Street, East Windsor, owned by LCC Partnership. [B-2 Zone; Map 81, Block 15, Lots 6 & 7].
2. Application of Consulting and Design LLC and owner Mercury Fuel Service for a Special Use Permit for gas station and convenience store at South Main Street and Thompson Road. [B-2 Zone; Map 81, Block 19, Lot 102].
3. Application of Soucy Enterprises, Annette Fortune & Deborah Donovan and Kevin & Michele Soboslai for a 3-lot resubdivision of property at 121 and 131 North Road. [B-3 Zone; Map 124, Block 16, Lots 26 & 26A].

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APPROVAL OF MINUTES/July 9, 2013:

MOTION: To APPROVE the Minutes of Regular Meeting #1635 dated July 9, 2013 as written.

Sullivan moved/Zhigailo seconded/

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

NEW PUBLIC HEARING: Dimitri Mitsalexakis – Site Plan Modification and Special Use Permit per Section 502, to allow an auto body repair shop at 179 South Main Street, owned by Donald J. Corkum. [B-2 Zone; Map 32, Block 21, Lot 69] (*Deadline to close hearing 8/27/2013*):

Chairman Ouellette read the description of the Public Hearing Item. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, representing the Applicant. Also present were the Applicants, Maria and Dimitri Mitsalexakis, and the property owner, Donald Corkum.

Mr. Ussery noted the location of this property which is between Stoughton Road and the entrance to Southern Auto Auction; the property is north of the 7-Eleven site which is on the corner of Stoughton Road. The property was purchased by Mr. Corkum in approximately 1974. The site contains 2 buildings; at the time of Mr. Corkum's purchase the smaller building was occupied by a boat dealership. The site was subsequently occupied by a variety of car dealerships. Maria Mitsalexakis, and her son, Dimitri, would like to move their auto body repair business from its current location on Stoughton Road to the smaller building; the remainder of the building would remain vacant at this time. Mr. Ussery reported the move to this location would require a Site Plan Modification.

Mr. Ussery noted the last Site Plan for a car dealership was approved approximately 10 years ago; since that time tenants have paved, or installed millings, over the entire site to maximize vehicle parking, including the display of vehicles in the State Right-of-Way. Mr. Ussery suggested this Site Plan Modification would bring the location back into compliance as they would be removing some of the millings and paving which would reduce the amount of impervious coverage. They also plan to add landscaping features in front of the building, and add more grass within the site.

Mr. Ussery noted the following results of Staff review:

- **Comments from Town Engineer Norton:** The original plan submission had generated a memo including 6 comments from Town Engineer Norton. Mr. Ussery noted the comments included a request for submission of drainage calculations which he had not submitted previously as the reduction in impervious

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- coverage reduced run off from the site. The Applicant submitted revised plans this past Friday which addressed Town Engineer Norton's comments – including the submission of drainage calculations; the Planning Department has not yet received an updated memo from Town Engineer Norton as he is on vacation this week.
- **Comments from the North Central District Health Department (NCHD):** The site is presently served by an on-site septic system although sewer service is available. The NCHD has indicated that if the septic system fails the owner will have to tie into the sewer. Mr. Ussery indicated Mr. Corkum is agreeable to that suggestion.
 - **Lack of floor drains:** Mr. Ussery concurred, although he noted it is NOT the Applicant's intent to use the site for a car wash; the use will be strictly auto body repair.
 - **Identification of tenant parking space on modified Site Plan:** Mr. Ussery described the parking allocation for tenant #1 (currently vacant) and tenant 2 (this Applicant) which includes an area in the rear for storage of vehicles waiting for repair and other spaces in front. It was noted the intent is to acquire a retail tenant for the second lease area which would not require display parking spaces.

The Commission raised the following questions:

- **Identification of business use:** Commissioner Thurz questioned that the business is auto body repair vs. auto sales? Maria Mitsalexakis reported they have been in the auto repair business for 35 years; in that time they have sold perhaps 5 vehicles.
- **Site lighting:** Chairman Ouellette noted the site is presently lit via a flood light on the CL&P utility pole in front of the site; he questioned the intention to continue the use of this lighting as he is concerned with light spillage on the adjacent property. Mr. Corkum indicated this lighting was added by a previous tenant for security reasons; he has no requirement for its continued use. He may petition CL&P to remove the flood light. Chairman Ouellette questioned if there is any plan for internal site lighting? Mr. Corkum indicated there are some motion detection lights on the building; Maria Mitsalexakis indicated she would like to install security cameras. Chairman Ouellette questioned if there are any wall packs on the back of the building for employee security? Maria Mitsalexakis replied affirmatively.
- **Rear tenant parking:** Chairman Ouellette noted this area is indicated to be trap rock; he questioned the intent for striping the parking spaces. Mr. Ussery suggested they are identified to show the location; there is no intent to strip due to the use of the trap rock. Maria Mitsalexakis suggested that parking will be for cars coming in for work; customer parking, including striping, will be located in front.

Chairman Ouellette queried the audience for comments during this Public Hearing:

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Gary Roy, 235 South Main Street: reported he has known the Applicants for over 30 years; the improvements they are proposing are good for this location. This business has been in town for 35 years; approving this application will keep them in town. This will be great for the town.

No one else requested to speak.

Chairman Ouellette noted the Commission usually receives a final approval memo from Town Engineer Norton. As he is on vacation Chairman Ouellette suggested the inclusion of an additional approval condition which would require that Town Engineer Norton's comments have been adequately address. The Applicants and Mr. Corkum agreed to Chairman Ouellette's suggestion; the Commission concurred.

Chairman Ouellette felt Town Planner Whitten's comments had been adequately addressed.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Dimitri Mitsalexakis for Site Plan Modification and Special Use Permit per Section 502, to allow an auto body repair shop at 179 South Main Street, owned by Donald J. Corkum. {B-2 Zone; Map 32, Block 21, Lot 69}.

Thurz moved/Zhigailo seconded/

**VOTE: In Favor: Ouellette/Sullivan/Thurz/Zhigailo
(No opposition/No abstentions)**

MOTION TO APPROVE the application of Dimitri Mitsalexakis and owner Donald Corkum requesting a site plan modification and Special Use Permit for an Automobile Body Shop Repair, located at 179 South Main Street – B2 Zone (Map 32, Blk.21, Lot 69)

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

Referenced Plans:

- Sheet 1 of 1 : Site Plan modification , property of Donald J. Corkum, 179 South Main Street, East Windsor CT Zone B2 Map 32, Blk 21, Lot 69, prepared by JR Russo and Assoc. 1 Shoham Road, East Windsor, CT 06088 860/623-0569, Fax 860/623-2485, scale 1" = 40', dated 6/14/13.

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

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- 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 two sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One signed mylar set shall be filed on the land records, One mylar and paper copy shall be filed in the Planning and Zoning Department.

Conditions which must be met prior to certificates of compliance:

- 4) Final grading and seeding shall be in place or a bond for the unfinished work submitted.
- 5) Final as-built survey showing all structures, pins, driveways and final floor elevations, landscaped islands as well as spot grades shall be submitted.
- 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 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:

- 7) In accordance with Section 13.5.4 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.
- 8) A Zoning Permit shall be obtained prior to the commencement of any site work.
- 9) 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.
- 10) Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

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- 11) Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
- 12) 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
- 13) Cars may not at anytime be parked in landscaped areas, unless approved as such on the site plan.
- 14) All required landscaping shall be adequately maintained.

Additional Condition:

- 15) **All comments/recommendations made by the Town Engineer must be adequately addressed.**

Sullivan moved/Zhigailo seconded/

DISCUSSION: None.

VOTE: **In Favor:** **Ouellette/Sullivan/Thurz/Zhigailo**

OLD BUSINESS: None.

NEW BUSINESS: American Forest Products, LLC – Modification of Approved Site Plan to allow addition of outdoor shed sales and installation of additional bins at 266 Main Street, East Windsor, owned by LCC Partnership. {B-2 Zone; Map 81, Block 15, Lots 6 & 7) (*Deadline for decision 9/26/2013*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Harry Freeman, representing American Forest Products, LLC.

Mr. Freeman reported he rents this property on a year-to-year lease, but purchased the business from a previous owner 2 years ago. He has made minor improvements, such as cleaning up areas of stock to get more control of the display areas. There are no assigned parking spaces. Mr. Freeman noted he removed previous signage from the office “building”. He indicated he has not installed any new signage yet but was surprised at the requirement as an existing sign was there for 10 years. Mr. Freeman suggested the only reason he came before the Commission is because he is proposing to use an area previously labeled “bulk storage” for sale of sheds to generate more business. Mr. Freeman reported he is aware the current sign is located within the State Right-of-Way. Mr. Freeman indicated he is also aware that he needs a “sign off” from the North

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Central District Health District (NCHD) for a 90 day extension for use of portable toilets. Mr. Freeman contends this is a temporary/seasonal use; connection to the sewer would be a major investment on his annual lease. He believes the owner is trying to sell this location. Mr. Freeman indicated if he is at this location next year he will deal with the sewer connection then.

The Commissioners raised the following questions:

Storage of materials within a set-back area: Chairman Ouellette noted review of an historical aerial indicated there was a line of outdoor materials stored within the set-back area; has that material been removed? Mr. Freeman replied affirmatively.

Signage within the State Right-of-Way: Chairman Ouellette indicated he knew Mr. Freeman had not put the sign in that location but if the Commission approves this modification with the sign so located it implies the Commission is approving the location. Chairman Ouellette indicated that would be like putting a sign on a neighbor's property; the sign can't be located as it is. Mr. Freeman argued that the Commission had previously approved it; Chairman Ouellette reiterated the sign can't be located as it is. Mr. Freeman countered the sign falls within the property lines on a GIS map.

During later discussion Chairman Ouellette noted there is a mechanism for this sign to remain as presently located; he suggested Mr. Freeman could contact the State for lease of the location and then return to this Commission for approval as agreed with the State. Mr. Freeman suggested that from a business owner's standpoint when he bought the property with existing signage he thought it was in compliance; it's difficult for the owner without signage. Lengthy discussion occurred regarding continued use of the State's location. Chairman Ouellette questioned why the sign couldn't be moved; Mr. Freeman felt the current location was important to advertisement of the business use. Commissioner Sullivan questioned that the difference of 6+/- feet – if the sign were located on Mr. Freeman's leased space – would make that much difference; Mr. Freeman felt it would. Mr. Freeman cited he had spent much time on the municipal side of business; he reiterated the location of the property lines on the GIS map. Chairman Ouellette noted his surveyor has attested to the location as shown on the Site Plan.

Screening of outdoor material: Chairman Ouellette noted Town Planner Whitten's comment regarding screening of outdoor material. He noted he would like her input as he is unsure what her intent was. Mr. Freeman felt it's a grey area; he suggested the business is like retail sales.

90 day extension for use of portable toilets: Commissioner Sullivan cited concern that the business would be shut down after 90 days; he questioned how Mr. Freeman would handle the 90 days issue if his lease was renewed for next year? Mr. Freeman cited the e-mail advisement late this afternoon from the NCHD; he can contact the director but assumed because he hadn't been contacted earlier that it wasn't a problem. It was noted the Planning Office received the same e-mail notification from the NCHD at the same time. Chairman Ouellette noted that compliance with the requirements of the NCHD is a requirement of approval by the PZC. Discussion continued regarding varying opinions;

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Mr. Freeman suggested the contact from the NCHD is adamant that this is NOT a seasonal business but Mr. Freeman feels it is. Discussion continued; Mr. Freeman cited the expenses required of the business owner; he felt tying into the sewer would be an expense of \$75,000. Commissioner Zhigailo questioned if Mr. Freeman is considering purchasing the property? Mr. Freeman indicated he would like to but it isn't available.

Chairman Ouellette cited outstanding items – follow-up with the NCHD, discussion with the surveyor regarding the information contained on the site plan, follow-up with Town Planner Whitten regarding her staff comments. He indicated he is supportive of this business but questioned if Mr. Freeman would consider tabling this Application to give himself time to follow up on the issues which are of concern to the Commission? Discussion followed; Mr. Freeman requested continuance to the Commission's September Meeting as he felt he wouldn't be ready for the August Meeting.

MOTION: To CONTINUE the Application of American Forest Products, LLC for a Modification of Approved Site Plan to allow addition of outdoor shed sales and installation of additional bins at 266 Main Street, East Windsor, owned by LCC Partnership. {B-2 Zone; Map 81, Block 15, Lots 6 & 7) until the Commission's Regularly scheduled Meeting to be held on September 10, 2013 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Thurz moved/Sullivan seconded/

DISCUSSION: None.

**VOTE: In Favor: Ouellette/Sullivan/Thurz/Zhigailo
(No opposition/No abstentions)**

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Plan of Conservation & Development 2014 – General Discussion:

The Commission reviewed the latest hardcopy draft of the SurveyMonkey online survey, and noted the revisions they had requested had been made to their satisfaction. They look forward to the online link to sample the document before releasing it to the public.

BUSINESS MEETING/(2) Discussion – Adult Regulations (tabled).

BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:

Mylars:

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- **John and Dawn Galinski** - Special Use Permit for contractor storage yard, residential over commercial use and associated site modifications to be located at 227, 227R, and 229 South Main Street, East Windsor. [B-2 zone; Map 12, Block 23, Lot 001-02]
- **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]
- **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]

Motions:

- **Tony Potts** – Site Plan Approval to allow an internet café and reduced parking at Sofia's Plaza, 2 North Road and 122 Prospect Hill Road, owned by Sofia's Plaza, LLC. [B-2 Zone; Map 112, Block 17, Lots 1, 1A-1 & 1 A, B, C].

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:03 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3177)