

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

REGULAR Meeting #1640 – October 8, 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 7:02 P. M. by Chairman Ouellette.

PRESENT: Regular Members: Joe Ouellette, Frank Gowdy, and Dick Sullivan.
 Alternate Members: Robert Slate, and Marti Zhigailo

ABSENT: Regular Members: Lorry Devanney, Jim Thurz
 Alternate Members: All present

Also present was Town Planner Whitten.

GUESTS: Selectmen Dick Pippin and Jim Richards; Kathy Pippin, Board of Finance.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members and two Alternate Members were present. Chairman Ouellette noted all Regular and Alternate Members would sit in, and vote, on all Items of Business this evening.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None

PUBLIC PARTICIPATION:

Selectman Richards, 43B Rockville Road: introduced himself and advised the Commission he was appearing tonight to represent the Chamber of Commerce's support of 2 items posted on this evening's Agenda. Chairman Ouellette requested Selectman Richards hold his comments until each item came up for discussion.

APPROVAL OF MINUTES/September 24, 2013:

MOTION: **To APPROVE the Minutes of Regular Meeting #1639 dated September 24, 2013 as written.**

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Gowdy moved/Sullivan seconded/

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)
(No opposition/no abstentions)**

RECEIPT OF APPLICATIONS: None.

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

Nothing presented this evening.

CONTINUED PUBLIC HEARINGS: **Gaetan Letourneau** - 1-lot Resubdivision and a Special Use Permit, under Section 408, to allow a rear lot at 131 Tromley Road, owned by Jeff Cotnoir. [A-1 zone; Map 64, Block 19, Lot 52] (*Deadline to close hearing extended to 10/17/2013*):

Chairman Ouellette noted receipt of e-mail communication from Mr. Letourneau in which he requested that the Commission grant him a 35 day extension of his current Public Hearing.

MOTION: To ACCEPT the request for a 35 day extension on the Continued Public Hearing on the Application of Gaetan Letourneau for a 1-lot Resubdivision and a Special Use Permit, under Section 408, to allow a rear lot at 131 Tromley Road, owned by Jeff Cotnoir. [A-1 zone; Map 64, Block 19, Lot 52] .

Gowdy moved/Sullivan seconded/

DISCUSSION: None

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)
(No opposition/no abstentions)**

Town Planner Whitten suggested the Commission just leave this Public Hearing as an open Agenda item so the Applicant can appear at either of the Commission's next regularly scheduled Meetings.

CONTINUED PUBLIC HEARINGS: **Consulting and Design LLC and owner Mercury Fuel Service** - Special Use Permit, under Section 502, for gas station and convenience store at South Main Street and Thompson Road. [B-2 zone; Map 81, Block 19, Lot 102] (*Deadline to close hearing 10/29/2013*):

Chairman Ouellette read the Hearing description. Appearing to discuss this proposal were Michael Devino, representing Mercury Fuel; Ron Fortune, of Consulting and Design LLC, engineer for the project; and Scott Hesketh, of F. A. Hesketh & Associates, traffic engineer.

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Attorney Capossela and Lorraine Hicks, of Kahan, Kerensky & Capossela, joined the group shortly after Mr. Devino began the presentation.

Mr. Devino summarized the project, which is for multiple gas and diesel fuel dispensers and a convenience store at the location of the previous East Windsor Diner. Revised plans were submitted to the Planning Office the previous Friday morning. Mr. Devino, Attorney Capossela, and members of the design team reviewed the status of the following pending items:

Signage: Proposed signage for this facility exceeds the amount allowed under the regulations. Mr. Devino had thought the proposed signage amount would be grandfathered. Town Planner Whitten cited Section 602.10 – Non-Conforming Signage – which indicates non-conforming signage can not be made greater than the existing non-conformity. Mr. Devino agreed to work with Staff administratively to work out the allowable signage.

Waiver of 25' set back on south property line: Attorney Capossela indicated this waiver is necessary due to removal of pavement and addition of landscaping while providing the 24' drive isle.

Proposed landscaping: Low shrubbery, such as junipers and yews, are proposed along the property lines at Thompson Road and along the South Main Street frontage.

Vehicle charging station: Attorney Capossela indicated they are not proposing this provision at this time as they feel it's premature; they may consider this addition in the future.

Conflict between larger trucks and drive-through access: Attorney Capossela suggested this site is similar to other sites at Brainard Road in Hartford and Stamford, CT. which have been operating without incident. He suggested Mr. Devino does this for a living; he feels this plan will work well in this location. Commissioner Gowdy noted Town Engineer Norton has raised the same issue/concern; Attorney Capossela suggested Mr. Devino is more of an expert in this situation than Town Engineer Norton.

No overnight parking: Attorney Capossela suggested it's not their intent to provide overnight parking; they would be agreeable to a condition addressing this issue.

Nozzle size at dispensers: Attorney Capossela suggested the smaller/standard nozzles will accommodate smaller vehicles, such as landscapers, etc.

Conflict with traffic leaving properties across the street heading north: Scott Hesketh reviewed their proposal for providing a left-turn in lane heading south. He suggested left turns out of any driveway on Route 5 are difficult now; they feel they are improving the situation to access the gas station but are not making the situation any more difficult for Mr. Bliss than it is now. Discussion continued regarding various traffic scenarios. Mr. Hesketh suggested drivers will have to look both ways when entering and exiting this site and the existing Sunoco station to the south. Commissioner Sullivan suggested they could consider prohibiting left turns completely; Mr. Hesketh felt that was unfair as left turns are allowable all along Route 5.

Reduction of islands on Thompson Road: Mr. Hesketh indicated they have cut back the islands back already; they feel the plan/design will accommodate the larger vehicles.

Photometric plan: Attorney Capossela noted both Town Planner Whitten and Town Engineer Norton have made suggestions regarding the proposed photometric plan. He suggested adding a condition that Staff can handle revisions administratively should approval be granted.

Attorney Capossela referenced criteria for approval under the Special Use Permit process, noting they feel they have met all criteria as required. They feel the proposed use as a gas station/convenience store is in harmony with other uses along Route 5 and they are providing adequate access to and within the site.

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Chairman Ouellette asked Commissioners for comments.

Commissioner Slate referenced Sheet A-1 – Floor Plan, noting the distance between the “gondolas” wouldn’t be sufficient to allow someone with a wheelchair to fit through. Mr. Devino reported they will review this design feature.

Commissioner Gowdy noted the percentage of impervious coverage shown on the plans doesn’t add up to 100%. Town Planner Whitten suggested this goes back to her comment that the plans need to be consistent regarding the information provided on various plan sheets.

Commissioner Zhigailo indicated she felt this was a very good facility. She has visited the site at Brainard Road and has had no difficulty regarding stacking issues. This is a perfect use for this property in this industrial zone.

Commissioner Gowdy noted none of the plan sheets include a professional stamp. Town Planner Whitten noted each page of the plan set must be stamped and sealed before filing the Final mylars.

Commissioner Sullivan felt this was a good design and is a good use of the site, and the developer has a good reputation. His two concerns include:

- 1) leaving the existing Sunoco station at 11 South Main Street open, although he understood it’s expensive to close it down. Mr. Devino suggested he doesn’t want the site to “go dark”; if he could find another used for the smaller site he would consider a change. He noted tank replacement is required periodically; if that timeframe came up then that would be another consideration for finding another use for the site.
- 2) Commissioner Sullivan remains concerned regarding all the cross-traffic. He cited people today are doing so many other things in their cars such as texting, etc.

Commissioner Gowdy felt it’s a good project, although he was disappointed in the confusion presented in the plans. He is also concerned with the heavy traffic in the area, especially in the morning.

Chairman Ouellette queried the purpose and need for the waiver of the 25’ set back distance. Attorney Capossela suggested that in the location of the proposed diesel tanks the existing pavement goes right up to the property line. The Zoning Regulations require that the drive isle and the pavement should be 25’ back from the property line. To make this proposal happen, and get the 24’ drive isle in they won’t be able to meet the 25’ set back distance from the property line. Attorney Capossela didn’t feel the proposal would be detrimental to the neighborhood. Discussion followed regarding design options, including eliminating the diesel fuel dispensers, and revising the access on Thompson Road.

Chairman Ouellette reported he wasn’t in favor of overnight parking; he requested Town Planner Whitten to propose an additional condition prohibiting overnight parking.

Chairman Ouellette agreed that the person across the street will, at times, have problems getting out but it’s really no different than what’s occurring now. The only way to avert that would be to prohibit left hand turns completely but he felt that was unrealistic. Chairman Ouellette

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reluctantly agreed that this is the best the Applicant can come up with to provide reasonable access to the site.

Chairman Ouellette opened discussion to the audience:

Dick Pippin, 37 Woolam Road: suggested this plan is a much better plan, customers have the potential to exit on Thompson Road. Mr. Pippin felt the islands on Thompson Road could be cut back more. Chairman Ouellette suggested the engineer can review the turning access further. Mr. Pippin also felt signage could be put up noting Route 5 south. Mr. Pippin requested that the fuel islands for larger trucks not be eliminated.

Jim Richards, representing the Chamber of Commerce: Mr. Richards reported the Chamber also discussed the traffic flow; there has been a concern regarding that corner. Mr. Richards noted the trucks are going through town, if they can capture some of the traffic..... Mr. Richards felt this was a good use of the land; it isn't being proposed in a residential neighborhood.

Cathy Pippin: noted they own a business which requires diesel fuel, she noted it's difficult to get diesel in town.

No one else from the audience requested to speak.

Chairman Ouellette noted that administratively, the plans need to be cleaned up, and the photometrics and signage will be reviewed at a later date. Town Planner Whitten reviewed 5 potential additional conditions for the Commission, which included the addition of the 6 comments referenced in Town Engineer Norton's memo of 10/8/2013. Attorney Capossela suggested the 6th comment, which cited concerns for a conflict of the drive-through lane and larger trucks, referenced an issue the Commission must make a decision on; he felt the additional conditions should only reflect comments 1 through 5.

Chairman Ouellette questioned the proposed landscaping on the southern property line. Town Planner Whitten noted it's low junipers and plantings to keep the vehicles off that island but shouldn't create sight issues; she felt the landscaping being proposed was reasonable. Mr. Devino suggested the proposed landscaping is the minimum he planned to do.

Chairman Ouellette once again queried the Commission, and then the audience, for additional comments. No one raised any additional concerns or requested to speak.

MOTION: To CLOSE the Public Hearing on the Application of Consulting and Design LLC and owner Mercury Fuel Service for a Special Use Permit, under Section 502, for gas station and convenience store at South Main Street and Thompson Road. [B-2 zone; Map 81, Block 19, Lot 102] .

Gowdy moved/Slate seconded/

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)
(No opposition/no abstentions)**

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MOTION to approve waiver to maintain drive aisles less than the required 25 feet from a front property line per Chapter 601.3h.

Gowdy moved/Sullivan seconded/

DISCUSSION: None.

**VOTE: In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)
(No opposition/no abstentions)**

MOTION TO APPROVE the application of Consulting & Design LLC, Leasee Mercury Fuel and owner Nick Tartsinas requesting a special use permit and site plan approval for the development of a gas station and convenience store located at South Main Street and Thompson Road in the B-2 zone (Map 81, Blk 19, Lot 102)

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions (subject to change at meeting per PZC discretion):

Referenced Plans:

Site Plan Approval Package prepared for Mercury Fuel to be located at South Main Street and Thompson Road, East Windsor CT prepared by Consulting and Design LLC, 33 Park Plaza, PO Box 258, Lee MA 01258, 413/243-4083, dated 5/9/13

T-1 Title Index Sheet dated 9/12/13
1/1 Survey dated 5/31/13 scale 1"=30'
C-1 Exist Grading Plan dated 9/12/13 scale 1"=30'
Ts-43 Demolition Plan
S-1 Site Plan 1" = 30' dated 9/12/13
S-2 Grading Plan dated 9/12/13
S-3 Landscaping Plan dated 9/12/13
S-4 Sediment Control Plan dated 9/12/13
S-4A Sedimentation and Erosion Control Details dated 9/12/13
S-6 Utility Plan dated 9/13/13
~~TS-21 Storm Drainage~~
TS-22 Tanker Travel Plan dated 9/12/13
TS-5 Site Plan Details dated 9/12/13
TS-37 Island Tank & Piping 9/12/13
A1, A1A, A2, F-1, E1, E1A, E2, P1 ,P1A,TS-28,TS-28A,TS-29, TS-29A } Building Plans 9/12/13
L-1 Lighting Plan 9/12/13
L-1A Site Lighting Plan 9/12/13

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R-1	Exist Runoff Plan 7/9/13
PRO B	Proposed Runoff Areas 9/12/13
L2	Canopy Elevations 9/12/13
3-D	3D Site Plan

Conditions which must be met prior to signing of mylars:

1. All final plans submitted for signature shall require the live 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 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.
4. An erosion and sedimentation bond shall be required for all site work. Applicants Engineer shall submit estimate to Town engineer for approval.

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, landscaped islands 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 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:

8. In accordance with Section 900.3 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**

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- 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.
 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. Cars may not at anytime be parked in landscaped areas, unless approved as such on the site plan.
 15. All required landscaping shall be adequately maintained.
 16. At no time shall vehicles be parked overnight on this site

ADDITIONAL CONDITIONS:

17. **Signage is not approved with these plans.**
18. **Photometric plans shall be amended to meet the Regulations, and Staff's comments. Staff must approve final plan, which must be part of Final Plan set.**
19. **On-site traffic signage to be submitted and approved by Staff. This plan must be part of Final Approved Plan set.**
20. **No overnight parking of any vehicle, truck, or car, shall be permitted.**
21. **Changes #1 through #5 from Len Norton's memo dated 10/8/13 need to be addressed.**

Gowdy moved/Sullivan seconded/

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DISCUSSION: None.

VOTE: **In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)**
(No opposition/no abstentions)

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:18 p.m. and RECONVENED at 8:26 p.m.

NEW PUBLIC HEARINGS: None.

OLD 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 extended to 10/26/2013*) (**TABLED**)

OLD BUSINESS: KGS Realty, Inc. – Modification of approved site Plan to allow covered patio, entry, canopy and seasonal tent at 17 Thompson Road (LaNotte Restaurant). [M-1 zone; Map 82, Block 18, Lot 11] (*Deadline for decision 11/14/2013:*

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Dana Steele, of J. R. Russo, representing KGS Realty, Inc./La Notte Restaurant. Also present was Sam Karagainis, owner of La Notte.

It was noted revised plans and detail sheets were submitted to the Planning Office this morning; comments shown in italics on Town Planner Whitten's memo address the most current revisions.

Mr. Steele reported during the previous Meeting several pending items were discussed; he submitted revised plans to the Planning Office today but forgot to include parking calculations which reflect the additional outside seating area. Mr. Steele suggested they would be agreeable to a condition regarding the parking calculations.

Mr. Steele reported they have received an updated memo from Town Engineer Norton indicating he has no issues with plans as submitted.

Mr. Steele addressed the pending items:

Landscape islands: A previous (1997) approval included several landscape islands in the parking lot. The islands on the east side of the property, and 3 light poles, were proposed. An as-built survey revealed that the islands are missing, the handicapped parking was moved to the front rather than on the side, and the light poles are not there. Mr. Steele suggested this was submitted to the Town, a CO (Certificate of Occupancy)

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was issued so the Applicant has been working under the assumption that these were minor modifications to what was actually approved. Mr. Steele indicated Mr. Karagianis felt he had a verbal agreement with someone from the Town. Mr. Steele submitted an aerial photo prior to the 1990(+/-) approval, and photos after the current improvements (see specifics below). Mr. Steele suggested they feel because the Town accepted the site and granted a CO the Applicant doesn't need to request a waiver, but will request the waiver if that's Commission's preference. Mr. Steele suggested he understood from Town Planner Whitten's report/memo that the Regulations allow the Commission to consider the whole site, and if there are improvements elsewhere that offset the approved plan. Mr. Steele submitted the following photos:

- 1) waterfall in front which is now shown on the plans
- 2) some of the landscaping which has already been put in.
- 3) close-up of the landscaping
- 4) ornamental and flowing trees already planted.
- 5) lights installed below the cap on the retaining walls already put in
- 6) curved walls flanking the site driveway, which is the location where Mr. Karagainis would like to move his existing sign.

Movement of existing signage to curved walls: Mr. Steele indicated Mr. Karagainis would like to put a spot light on the LaNotte sign; does he need a special permit for the sign? Town Planner Whitten indicated they need to come in and acquire a Zoning Permit, however, a business can't have 2 signs. The Applicant will have to come in to the Planning Office to ascertain the status of the existing sign permit and go from there. Town Planner Whitten also noted there are no details on the revised plans indicating the movement of the sign. The Commission can't include this feature in this approval; approval of the movement of the signage will have to be done administratively.

Discussion continued regarding set-back of the signage to prevent obstruction of the sightline. Mr. Steele suggested the curved wall is 25' back from the front property line.

Landscaping: It was noted that without a landscaping plan to review it's difficult for the Commission to decide if the existing landscaping is appropriate. Mr. Steele offered an "inventory" plan of existing plantings, which he believes is half of what Mr. Karagainis intends to put in. Mr. Steele suggested if the Commission feels this is a substantial amount of landscaping then they would ask that the Commission decide if a waiver could be submitted for the installation of the islands. Chairman Ouellette questioned the reason for not putting in the islands; is it economics, or constructability? He suggested if Mr. Karagainis has planted 50% of the landscaping perhaps he could put the money for the remaining 50% into installation of the islands. Mr. Karagainis suggested the additional landscaping would be for aesthetics for the bridal photos. Commissioner Gowdy felt the existing landscaping, and what's proposed, is more than adequate than what was approved previously. See additional comments below.

the lights in the 3 islands: Commissioner Gowdy questioned the intention regarding these lights proposed for the parking lot. Mr. Steele concurred that that area of the parking lot is darker. He noted the site has more parking than the regulations require. Mr. Steele suggested the reality is that that area of the parking lot isn't being used; he noted grass is growing in that area of the parking lot. Mr. Karagainis suggested he would

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be more than happy down the road putting in the lights, but he would rather put the money into the landscaping now. Mr. Karagainis suggested in 18 years he has not had any problems with the (lack of) lighting and people in the parking lot. Mr. Steele suggested they will have 4 lights on the covered entrance, and another on the building, which he described as full cut-off fixtures; he also noted there will be lighting around the perimeter of the “tent”. Town Planner Whitten indicated that Mr. Steele had previously said they would not be full cut-off fixtures, but they could be turned so the light could be directed downward. Mr. Steele clarified that the bulbs can’t extend outside the housing. He indicated they would agree to a condition that the lighting be approved by Staff, and must be full cut-off fixtures.

Underground utilities/street trees: Mr. Steele indicated there will be gas to fuel the fire pit, and water spigots to irrigate the landscaping. They are also proposing 5 street trees to the east of the driveway, but have not proposed anything to the west yet as Mr. Karagainis is still pondering ways to screen the site from the adjacent industrial buildings. Mr. Steele indicated they understand the sightlines must be considered when planting the street trees.

Tent height: Mr. Steele indicated the “tent” will be 17’ to the peak, and 12’ to the eaves as the Building Department requires.

The Commissioners offered the following comments:

Commissioner Sullivan: felt that anything that makes the place better is good. He questioned the usefulness of the islands in the parking lot, and felt the people who did the snow plowing would be cursing the people who required them.

Commissioner Zhigailo: felt it looked great; she hoped it would bring Mr. Karagainis the business he hoped for.

Commissioner Slate: indicated he was happy, happy, happy.

Town Planner Whitten returned discussion to the Commission’s decision regarding the islands in the parking lot. Commissioner Gowdy returned to the prior issuance of a CO. Town Planner Whitten reported the file lacks an as-built for the work on which the CO was issued; the assumption would have been that the approved work had been completed or bonded for yet neither happened. The file lacks any paperwork trail. Discussion followed regarding options. Chairman Ouellette noted the Commission is accepting a new site plan tonight; he questioned the Commission’s authority to say there is no need for the islands under the Regulations? Town Planner Whitten indicated the Commission doesn’t have the authority to waiver the islands; the only modification possible would be to waiver the width.

Town Planner Whitten reiterated the pending items under which the Commission would be considering approval this evening; they include:

- 1) Site lighting must be approved by Staff

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- 2) The Commission agrees that landscaping being provided under this plan is above and beyond anything required elsewhere on the site.
- 3) A Liquor Permit is required at all times, even today, for the exterior location (Liquor Permit is already in place for interior use). The Liquor Permit for the outside location must be acquired under a Special Use Permit Application, which includes a Public Hearing.
- 4) Outside seating needs to be added to the plan.

Chairman Ouellette reported he supports the Applicant's enhancements of the site, but he is disappointed with the Board's interpretation of the Regulations. He suggested the Commission can't make them up depending on economic conditions. Everyone is required to put in islands. Commissioner Gowdy respectfully disagreed, suggesting if you want to get technical he shouldn't have put in any of this in the beginning without coming in for a permit. Chairman Ouellette questioned that under this interpretation we should ignore the regulations that we all crafted and the islands don't need to be there? Chairman Ouellette noted that this will be the only plan that exists and it won't show parking islands; someone looking back will say why wasn't this applicant required to put them in? It's an economic issue; there is no physical reason to not put them in. Commissioner Zhigailo felt the Applicant does have a hardship; he would like to trade in those islands and light poles for the additional landscape above and beyond what we would usually require. Commissioner Gowdy explained that Chairman Ouellette was saying it's a new application and the regulations require the islands. Commissioner Zhigailo cited the Applicant must cut through the pavement. Chairman Ouellette clarified he is looking for conformance of the regulations. He agreed this is a great project but he doesn't want to be accused of not treating everyone the same; anyone can come in and make an argument for their case.

Town Planner Whitten Section 601.3.c regarding the landscape islands; she concurred that for one reason or another the Applicant wasn't required to put them in. She suggested the Commission vote on the waiver, which requires a 4 out of 5 vote; if it doesn't go through the islands must be put in. Chairman Ouellette noted they could also accept a bond for the installation. A straw poll of the Commissioners favored the waiver of the landscape islands 4 to 1.

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 9:08 p.m. and RECONVENED at 9:16 p.m.

MOTION TO APPROVE a waiver of Section 601.3.c requiring landscaped islands in the parking area. Waiver is to allow islands to be zero feet wide.

Gowdy moved/Sullivan seconded/

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DISCUSSION: None

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

MOTION TO APPROVE proposed landscaping and plantings in lieu of standard landscaping per Section 600.

Gowdy moved/Sullivan seconded/

DISCUSSION: None

VOTE: **In Favor: Unanimous (Gowdy/Ouellette/Slate/Sullivan/Zhigailo)**
 (No opposition/no abstentions)

MOTION TO APPROVE Request of owner KGS Realty Inc. for a site plan modification for landscaping and site improvements located at 17 Thompson Road (aka La Notte) in the M1 Zone - Map 82, Blk 18, Lot 11.

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

Referenced Plans:

Site Plan Modification property of KGS Realty, Inc., 17 Thompson Road, East Windsor CT Map 82 Blk 18 Lot 11 Zone M-1 prepared by JR Russo and Assoc 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623-2485 Fax scale 1" = 40' dated 9/3/13

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, 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, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the

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4. An erosion and sedimentation control bond must be submitted for all site activities.

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. 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 Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work 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.
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

ADDITIONAL CONDITIONS:

13. Site lighting shall be reviewed and approved by Staff prior to Certificate of Occupancy.
14. Outside seating needs to be incorporated into parking calculations.
15. A Liquor Permit via Special Use Permit is required for service of alcohol outside of the existing building.

Gowdy moved/Zhigailo seconded/

DISCUSSION: None

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

NEW BUSINESS: None.

OTHER BUSINESS: None

BUSINESS MEETING/(1) Informal Discussion: Proposed rezone from M-1 to B-1 or B-2 at Shoham Road:

Appearing for this informal discussion was Dana Steele, of J. R. Russo & Associates, representing Olenders. Mr. Olender, the property owner, was present in the audience as well. An unidentified realtor was also present.

Mr. Steele described the location of the property as having frontage on Route 140/North Road and being located in an M-1 Zone, which allows the current uses as business offices and financial institutions. The realtor has potential tenants for the 2 remaining office locations; both uses – a hair salon and an exercise facility – would be considered personal services which not permitted in an industrial zone. Mr. Steele queried the Commission regarding their feelings on the following options:

- Rezone the front of the parcel to B-3.
- Change zone for entire parcel to B-2 which would allow the existing automotive use to continue but would then allow the personal services.
- Create a zone line down the middle of the property, which would leave the body shop in the industrial zone and change the front of the parcel to B-1 or B-2.
- Change use table to allow personal services in an M-1 zone

Discussion followed regarding:

- past history of tenant rentals (the property has never been fully tenanted)
- the possibility of considering rezoning the business corridor under the current POCD revisions

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- the Commission's intent to not eliminate/reduce the amount of M-1 zoned properties
- consideration of including personal services in the M-1 Zone and consideration of compatibility of personal services uses with existing uses in other M-1 zones
- the possibility of extending the B-3 zone under which applications are subject to the Special Use Permit process
- the possibility of extending an overlay zone subject to a study/analysis of compatibility with existing uses.

BUSINESS MEETING/(2) Plan of Conservation & Development 2014:

Town Planner Whitten noted the following scheduled meetings:

- **10/24 (7:00 p.m., Thursday, at Park Hill)** – PZC Workshop open to the public – general discussion
- **10/29 (6:30 p.m., Tuesday, at Town Hall)** - EDC Meeting with public discussion regarding EDC goals under the POCD.

Town Planner Whitten noted SurveyMonkey has been reopened and advertised on the school website as well as the Town website.

Staff is trying to get the information out via free sites, including Reminder Press, JI, the Hartford Courant, North Central News (although the information posted was not posted as submitted).

Town Planner Whitten advised the Commission that \$8,000+ was allocated to development of the POCD by the CIP.

BUSINESS MEETING/(3) Discussion – Adult Regulations: Tabled.

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

Mylars:

- **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] .

Motions:

- **NEW PUBLIC HEARING: EWD, LLP** - Special Use Permit to create a conforming lot with zero frontage by waiving frontage requirements pursuant to Section 302. Property is located at 226 Main Street, East Windsor. [M-1 zone; Map 91, Block 12, Lot 30A].

ADJOURNMENT:

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MOTION: To ADJOURN this Meeting at 9:52 p.m.

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

Respectfully submitted,

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