

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

**REGULAR Meeting #1643 - November 26, 2013**

***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, Lorry Devanney, Frank Gowdy, and Dick Sullivan.

**Alternate Members:** Robert Slate, and Marti Zhigailo

**ABSENT:**    **Regular Members:** Jim Thurz

**Alternate Members:** All present

Also present was Town Planner Whitten.

**GUESTS:**     None

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members and two Alternate Members were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, November 14, 2013, and Thursday, November 21, 2013, was read by Chairman Ouellette:

1. Application of Walter E. Bass, Jr. for: 1-lot Resubdivision of property located on Winkler and North Roads [Map 114, Block 24, Lot 5]; and Special Use Permit/Site Plan Review, per Chapters 802, 700 & 900, to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads (MFDD Zone). [Map 114, Block 24, Lot 5].
2. Application of Keith Yagaloff for a 1-lot Resubdivision of property located at 131 Depot Street, owned by Sue Paradise. [R-3 Zone; Map 99, Block 53, Lot 5].

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**ADDED AGENDA ITEMS:** None this evening.

**PUBLIC PARTICIPATION:**

**Paul Anderson, 89 Main Street, Broad Brook:** Mr. Anderson read a statement regarding his opinion that in order to stop future demands for Town services for apartments, condos, and active adult association's town roads within those communities should be built to Town standards. Mr. Anderson cited the privately built roads don't allow for snow plows or trash trucks. Mr. Anderson indicated his comments were not meant to suggest that the Town take over existing roads which were not built to Town standards. He felt every taxpayer should be treated equally, provided all things are equal.

Along with his statement Mr. Anderson also submitted a document entitled "Article 1 – Construction of sewers by private developers and acceptance by EWWPCA (East Windsor Water Pollution Control Authority). The document references a EWWPCA policy accepted at a EWWPCA Public Hearing held on 5/25/2011.

Mr. Anderson suggested the PZC consider adoption of a similar policy.

**APPROVAL OF MINUTES/November 12, 2013:**

**MOTION: To APPROVE the Minutes of Regular Meeting #1642 dated November 12, 2013 as amended:**

**Page #8, NEW BUSINESS: Northeast Truck Sales** – Modification of Approved Site Plan to allow used truck sales at 179 South Main Street, owned by Donald Corkum. [B-2 Zone; Map 32, Block 21, Lot 69], first paragraph, first sentence: ".....tenant Mr. Ussery indicated they have been able to fit in 6 spaces in the back ~~12~~" 12' wide by....."

**Devanney moved/Gowdy seconded/**

**VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Zhigailo)**

**(No one opposed/no abstentions)**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following application:

1. Application of TO Design, LLC, c/o Mark Fisher for a Special Use Permit & Site Plan Approval to allow the placement of two new modular classroom buildings, including site amenities and parking, at the Broad Brook Elementary School, 14

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Rye Street, owned by the Town of East Windsor. [R-2 Zone; Map 77, Block 38, Lot 12].

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

Nothing presented this evening.

**CONTINUED PUBLIC HEARINGS:** None this evening.

**NEW PUBLIC HEARINGS: Walter E. Bass, Jr.** – 1- lot Resubdivision of property located on Winkler and North Roads. [Map 114, Block 24, Lot 5] (*Deadline to close hearing 12/31/2013*); **AND, NEW PUBLIC HEARINGS: Walter E. Bass, Jr.** – Special Use Permit/Site Plan Review, per Chapters 802, 700 & 900, to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads (MFDD Zone). [Map 114, Block 24, Lot 5] (*Deadline to close hearing 12/31/2013*):

Chairman Ouellette read the Hearing description for the 1-lot resubdivision. He then asked Mr. Bass, the owner, if he would prefer that both Hearings occur concurrently; Mr. Bass preferred a combined application presentation. Chairman Ouellette then read the Hearing description for the Special Use Permit/Site Plan Review. Appearing to make the presentation was Walter E. Bass, Jr., property owner.

Mr. Bass indicated this application (for the Special Use Permit/Site Plan Review) is the same as the application approved by this Commission back in January, 2012. Mr. Bass indicated that as he worked through the development process it became apparent that this should be a resubdivision of the total parcel. Mr. Bass reiterated the Special Use Permit Application approved in 2012 is the same application being presented tonight. He noted the previous approval included a condition #37 which prohibited subletting of the units. He requested that condition #37 be removed as a family non-profit trust, which would be the owner of several units, plans to provide affordable housing; inclusion of condition #37 would prohibit the trust as owner from subletting to other individuals.

Mr. Bass then reviewed his submission of materials as required under Section 802. He noted the plans include the layout of the proposed 20 unit condominium complex on 8.5 acres. The property will be serviced by Connecticut Water, utilities (including gas), and sewer. Each unit will contain 2 bedrooms; storage will be provided in the basement. Density calculations and location details of the recreational facilities – gazebo, community gardens, and open grass area – have been included in the material submitted. Mr. Bass indicated he had notified all abutters within 100' of the proposed complex.

Mr. Bass reported he completed the Inland Wetlands approval process during the initial application submission; he understands the Inland Wetlands Permit is valid for 5 years.

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He has received a letter of approval from the WPCA (Water Pollution Control Authority); a Zone Change was approved in 2012. Mr. Bass reported he is before the Commission tonight to seek approval for the resubdivision, and to seek reapproval of the Special Use Permit/Site Plan Approval which was granted in 2012 and has passed its 1 year requirement to begin construction of the project.

Town Planner Whitten noted that Mr. Bass has provided a Conservation Easement in lieu of providing Open Space.

The Commissioners raised the following questions/concerns:

- **Waivers:** Chairman Ouellette questioned if the waivers Mr. Bass is seeking are required? Town Planner Whitten replied affirmatively.
- **Conservation Easement:** Commissioner Devanney questioned if the Conservation Easement would be considered again? Town Planner Whitten suggested that would be the Commission's decision. She noted the only change is that Mr. Bass is now asking for a subdivision of the parcel, and asking that condition #37 be eliminated as the Special Use Permit Application includes an affordable housing component.
- **Public Hearing Signs:** Chairman Ouellette questioned if the Public Hearing signs were posted? Mr. Bass concurred, and noted the location.
- **Subletting units:** Commissioner Sullivan questioned if the affordable housing units could also be sublet? Town Planner Whitten suggested that as long as they meet the statutory requirements regarding affordable housing, and that information is included in the condominium documents she felt the units could be sublet. Discussion followed regarding the legalities of the Commission restricting subletting units.

Commissioner Zhigailo suggested she was not present when the previous application was approved. She recalled the high water table in the area was an issue for many people in the area, and she personally didn't like the layout. Commissioner Zhigailo suggested she didn't feel there was anything that could be said that would make her feel better about the proposal. Commissioner Slate clarified that as a member of the Inland/Wetlands Commission he confirmed approval via that entity.

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

Town Planner Whitten reported FOR THE RECORD that Mr. Bass had submitted the Notice of Mailings to abutters.

Chairman Ouellette queried the Commissioners regarding action on the applications.

**MOTION: To CLOSE THE PUBLIC HEARING on the Application of Walter E. Bass, Jr. for 1- lot Resubdivision of property located on Winkler and North Roads. [Map 114, Block 24, Lot 5].**

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Devanney moved/Gowdy seconded/

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

**MOTION: To CLOSE THE PUBLIC HEARING on the Application of Walter E. Bass, Jr. for a Special Use Permit/Site Plan Review, per Chapters 802, 700 & 900, to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads (MFDD Zone). [Map 114, Block 24, Lot 5].**

Devanney moved/Gowdy seconded/

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

**Application of Walter E. Bass, Jr.: 1-lot Resubdivision** of property located on Winkler and North Roads. [Map 114, Block 24, Lot 5]:

**MOTION: To approve waiver of Section 6.3 requiring the installation of sidewalks, and Section 6.5 requiring street lights.**

Devanney moved/Gowdy seconded/

**DISCUSSION:** Commissioner Zhigailo questioned the addition of lighting in the parking lot. Chairman Ouellette noted the waiver for lighting is in relation to additional street lighting.

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

**MOTION TO APPROVE the Application of owner Walter E. Bass Jr. for Proposed Re-Subdivision of 1 lot (2 lots total), located on Winkler and North Road (A-1) MFDD Zone [Map 114, Block 24, Lot 5].**

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

**Referenced Plans:**

- 1/3: “Subdivision Plan, prepared for Walter E. Bass, Jr., Winkler Road, East Windsor Ct prepared by Gary B. LeClair, LLC, 57 Acorn Dr., Windsor Locks, CT 06096 860/627-8200 scale 1” = 100’, dated 5/17/12, last revised 10/9/13, with the following sheets:
- 2/3: Topographic Plan, scale 1” = 40’

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3/3: Area Map, scale as noted

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

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.

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

4. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, Sheet 1 of 1, shall be filed with the Town Clerk by the applicant **no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, 1-3/3 shall be filed in the Planning and Zoning Department.
5. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
6. The remaining lot shall be designated as a non-building lot. This lot may not be developed without receiving a legal lot status by proceeding through the proper subdivision process.
7. A cash (escrow) or passbook bond shall be submitted for erosion and sedimentation (E & S) control maintenance and site restoration **during the construction phase of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within 5 days or this permit shall be rendered null and void. The applicant's engineer shall prepare an estimated cost of the E & S controls for review by the Town Engineer. The final amount of said bond shall be determined by the Town Engineer.

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

8. Iron pins must be in place at all lot corners and angle points of all lots.

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9. Final Health District approval of the drinking water supply and septic system must be demonstrated.
10. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
11. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
12. All required landscaping (two street trees on new lot) shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
13. Final as-built survey showing all structures, pins, driveways, final floor elevations, plantings, and grading must be submitted.
14. 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:**

15. This re-subdivision approval shall expire **(five years form the date of approval)**. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.
16. A Zoning Permit shall be obtained prior to any the commencement of any site work.
17. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
18. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
19. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
20. 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

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the subject property for the purpose of determining compliance with the terms of this approval.

21. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

**Devanney moved/Gowdy seconded/**

**DISCUSSION:**       None.

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

**Application of Walter E. Bass, Jr.: Special Use Permit/Site Plan Review**, per Chapters 802, 700 & 900, to allow a 20-unit multi-family residential condominium complex (McLellan Way) located on Winkler and North Roads (MFDD Zone). [Map 114, Block 24, Lot 5]:

**Motion to approve Waivers for :**

- 1. Ch 802.16.b regarding the form of open space (I.e. open space vs. conservation easement)**
  - 2. Ch 802.16.c regarding the form accepted i.e grass field, gazebo, walking paths and community gardens**
- 

**Devanney moved/Gowdy seconded/**

**DISCUSSION:**       None.

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

**MOTION TO APPROVE the Application of owner Walter E. Bass, Jr. requesting a Special Use Permit/Site Plan Review per Chapters 802, 700 and 900, to allow a 20 unit multi-family residential condominium complex (McLellan Way) located on Winkler Road and North Road [Map 114, Block 24, Lot 5]**

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

**Referenced Plans:**

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“Cover Sheet –Improvement Location Survey, Plan of McLellan Way, Winkler Rd, East Windsor CT Map 114, Block 24, Lot 5, Zone A-1 prepared by Robert J. Arsenault, PE 401 High Street, East Hartford CT 06118, 860/904-2813 p/f and by Gary B. LeClair LLC LS 57 Acorn Dr. Windsor Locks CT 06096, 860/627-8200 p/f dated 3/19/11 last revised 10/9/13

**Including Sheets last revised 3/10/05:**

- 2 & 3 Site Development Plan/Improvement Location Survey last rev 3/19/11
- 4 Offsite Sanitary Sewer Plan/Profile last rev. 10/9/13
- 5 Onsite Plan/Profile rev 10/9/13
- 6 Sedimentation and Erosion Control last rev 10/9/13
- 7 Landscape Plan last rev 10/9/13
- 8 Notes & Construction Details
- Elevation Front and Rear – Preliminary Plan – Not for Construction Building #1 – McLellan Way – 10 units. East Windsor CT scale 1” = 1’ dated 8/17/11, rev 9/6/11
- Elevation Left
- First Floor Plan
- Second Floor Plan
- Zone Change Map for owner/applicant Walter E. Bass Jr. Winkler Road, East Windsor CT map114 Blk 24, Lot 5 prepared by LeClair LS dated 9/9/11 last rev. 9/28/11

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

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylar copies for signing by the Commission.
2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.)
3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor’s Office.
4. 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 mylars.
5. Addresses for the site must be shown on the mylars.
6. **Declaration of restrictions and Affordable Housing Worksheets must be approved by Town Attorney and filed on land records. Administrator of Affordable housing units shall be clarified.**
7. **All condo association documents must be approved by Town Attorney and filed on Land Records. Condominium document must reflect the affordable housing components and the requirement to meet the CGS 8-30 g and 8-30h as may be amended.**

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

8. The **applicant and/or developer shall schedule and attend a pre-construction meeting** with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.
9. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission.
10. One copy of the final site plan shall be filed on the land records.
11. A **Zoning Permit for site work must be applied for and approved prior to the start of construction.** Three sets of the final approved plans shall be submitted at this time.
12. A detailed sediment and erosion control plan for the entire development shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls. The Town Engineer will review the plan and cost estimates and will set the E&S bond amount.
13. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project.** (Side bond must be in place before any permits will be issued). 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.
14. A **bond, suitable to the Town, shall be submitted for all site improvements (road & drainage).** The applicant's engineer shall submit an estimated cost of the site improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.)
15. A **landscape bond**, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings. The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.
16. A **Zoning Permit** is required for construction of each building and gazebo.
17. Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy. Builder should be aware that minimum separating distances (18' minimum if not parallel, 22' minimum if parallel (See sec 5.1.17.15) are from fully built units, inclusive of walls and siding.
18. Additional requirements and procedures may be implemented by the Town Planner.

**Conditions that must be met prior to the issuance of any Certificates of Occupancy:**

19. **Final approval and connection fees must be paid for WPCA connections on individual units prior to the issuance of a Certificate of Occupancy.**
20. Site improvements must be completed up-to and around the individual unit at the time of CO.
21. Final grading, seeding, landscaping shall be in place or the E&S bond will not be released or reduced.
22. Additional bonding may be required by the Planning Department.
23. All legal documents related to age/occupancy restrictions and the Common Interest Ownership Community shall be approved by the Town Attorney and filed on the land records and condominium documents.

24. All inspection fees must be paid.

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

25. Iron pins must be in place at all lot corners and angle points.
26. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.
27. **A final as-built mylar of the entire project shall be submitted and signed by the Commission.**
28. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

29. This special permit/site plan approval shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved. The special permit/site plan approval shall expire six years from the date of approval. Failure to complete all required improvements within nine years shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
30. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
31. Any modifications to the proposed drainage or grading for the project is subject to the approval of the town engineer.
32. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
33. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
34. 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.
35. Mailboxes will be worked out with staff if not located inside of buildings.
36. Notes must be placed on final plans and condominium documents, deeds and final mylars that the project is in close proximity to an airport, trolley museum and trolley tracks.
37. ~~Condominium documents must reflect that units may not be sublet.~~
38. **(Now becomes Condition #37)** Open space shall be dedicated in the form of a conservation easement.
39. **(Now becomes Condition #38)** A fence shall be located along the southerly property line

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between the airport and the proposed development. Said fencing shall be approved by Town Planner prior to installation.

**Devanney moved/Gowdy seconded/**

**DISCUSSION:** Commissioner Sullivan indicated he was not comfortable regarding deleting the restriction on subletting the units. Chairman Ouellette and Town Planner Whitten felt the Commission was not able to impose the restriction legally. Commissioner Sullivan questioned if the other condominium complexes allow subletting units? Town Planner Whitten indicated she had not researched the many complexes but felt subletting was allowed. Commissioner Devanney reported she is aware of people in town who own units and sublet them.

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

For clarification Commissioner Zhigailo was asked if she had abstained on four of the motions and opposed the final motion on the Special Use Permit? Commissioner Zhigailo concurred with the votes as recorded.

**NEW PUBLIC HEARINGS: Keith Yagaloff** – 1-lot Resubdivision of property located at 131 Depot Street, owned by Sue Paradise. [R-3 Zone; Map 99, Block 53, Lot 5] (*Deadline to close hearing 12/31/2013*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Karen Isherwood, representing Keith Yagaloff, who was also present.

Town Planner Whitten noted the PZC can't take action tonight as the Application remains pending before the Inland Wetlands Commission. The Application was put on tonight's Agenda as the Applicant has a scheduling conflict for the December PZC Meeting.

Ms. Isherwood reported the Application is for a 46 acre parcel located at 131 Depot Street, which is zoned R-3 and presently owned by Sue Paradise. They are carving out a 5 ½ acre parcel with 151' frontage on Depot Street; the parcel is accessed by an existing farm driveway which is presently only 13' wide. They will be expanding the driveway to 12' wide with an additional 3' on each side. The farm road currently includes a culvert; they will be sliding an additional pipe through the existing culvert. Ms. Isherwood indicated they will also be bringing in power and public water to the site; the dwelling will be served by a private septic system. They have received approval from the North Central Health District (NCHD) for a 4 bedroom dwelling.

Ms. Isherwood indicated she has 3 issues to address for Town Engineer Norton.

Ms. Isherwood reported they will be requesting waivers to eliminate the requirement to plant shade trees, and for sidewalks; she noted they have a vast area of wetlands in front which goes down to the road. Ms. Isherwood noted they are asking for a waiver of the requirement for a 100' agricultural buffer; they are proposing to install the septic system within the agricultural buffer but the house will be located outside the buffer.

The Commissioners raised the following questions/concerns:

- **Site topography:** Commissioner Gowdy requested clarification that there is about a 30' drop off towards the road. Ms. Isherwood reported John Ianni flagged the wetlands. Although they had thought they might have terrace escarpment slopes Mr. Ianni has indicated the slopes are relatively stable.
- **Driveway access:** Commissioner Devanney requested clarification of the location of the existing driveway. Ms. Isherwood referenced her plan, noting they had brought up the elevation a bit. She also referenced Town Engineer Norton's third comment (assumed to be stated in his memo dated 11/6/2013 regarding the drainage report); she concurred his comment was correct but it's because the grade is so low in this area. Ms. Isherwood noted when she and Town Engineer Norton had visited the site earlier he agreed to slip the pipe through the existing pipe but it stops at the property line so she can't add an energy dissipator.
- **Culvert modifications:** Commissioner Devanney questioned if they would be filling the culvert to the top; she is concerned for flooding of the neighbor's property. Mr. Yagaloff suggested the flow is heading in that direction now; by bending it and adding the culvert they will stabilize the area. Mr. Yagaloff indicated the current pipe erodes the area at the base of the hill. He has met the neighbors and has a good relationship with them. They want to have a view of the wetlands, and Mr. Yagaloff wants to keep the area natural.
- **Solar panel size:** Chairman Ouellette questioned the current regulations are silent with regard to size of solar panels? Town Planner Whitten concurred, noting there are really no restrictions presently.
- **Agricultural buffer:** Town Planner Whitten addressed the agricultural buffer. She noted it was added to the farm friendly regulations; the purpose was really to keep the farm odors away from residents. She felt putting the underground utilities within the buffer was ok; she concurred with keeping the house/living area outside the buffer. Town Planner Whitten noted reference to the agricultural buffer should be noted on the deed and the Subdivision Plans.
- **Plan inconsistency:** Commissioner Sullivan noted a discrepancy in the plan sheets; one sheet shows the reserve area for the septic system closer to the house. Ms. Isherwood reported they were asked to provide 25' separation from the top of the slopes by (Wetlands Agent) Robin Newton and the NCHD. She indicated that's the only change in this plan and in the Inland Wetlands submission. Town Planner Whitten clarified again that this application must be approved by the Inland Wetlands Commission before the PZC takes action.
- **Driveway access:** Chairman Ouellette returned discussion to the driveway width. Ms. Isherwood reiterated that it would be 12' wide with 3' on each side to allow

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two-way access. Town Planner Whitten noted this is a requirement of a rear lot. Chairman Ouellette questioned if it was required to be paved? Ms. Isherwood replied that it would be if it were over a certain grade. Mr. Yagaloff suggested he is proposing a one-story geo-thermal house.

Chairman Ouellette opened discussion to the audience.

**Paul Anderson:** questioned the orientation of the properties as shown on the plan; he felt the ownership was misidentified, as the water runs on the east side of the Shary plan. Chairman Ouellette questioned if he was concerned with the drainage? Mr. Anderson replied he was just trying to understand the plan. Mr. Yagaloff concurred that the properties may have been mislabeled. Ms. Isherwood indicated she needs to change the cover sheet and the labeling.

Chairman Ouellette queried the Commissioners for additional questions; no one had any comments.

Chairman Ouellette reminded Ms. Isherwood the revised plans should be available in the Planning Department for review prior to the next meeting.

**MOTION: To CONTINUE THE PUBLIC HEARING on the Application of Keith Yagaloff for 1-lot Resubdivision of property located at 131 Depot Street, owned by Sue Paradise. [R-3 Zone; Map 99, Block 53, Lot 5]. Public Hearing is continued to the Commission's regularly scheduled meeting to be held on December 11, 2013 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

Devanney moved/Gowdy seconded/

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

**OTHER BUSINESS:**

**MOTION: To TAKE A FIVE MINUTE BREAK.**

Devanney moved/Gowdy seconded/

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

**The Commission RECESSED at 8:00 p.m. and RECONVENED at 8:10 p.m.**

**NEW BUSINESS: Northeast Truck Sales** – Modification of Approved Site Plan to allow used truck sales at 179 South Main Street, owned by Donald Corkum. [B-2 Zone; Map 32, Block 21, Lot 69] (*Deadline for decision 12/26/2013*):

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Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Jay Ussery, of J. R. Russo and Associates, representing Donald Corkum, the owner, who was also present. Rick Perrone, the tenant for the second side of the building was also available. Also present in the audience was Maria and Dimitri Mitsalexakis.

Mr. Ussery indicated this is an Application for Site Plan Approval to allow used truck sales at 179 South Main Street. He noted in July 2013 the Commission previously approved an auto body repair shop for Quality Auto Repairs in the location shown in pink on the plans; Mr. Ussery indicated he will submit this plan to the Planning Office at the end of the presentation. They are now modifying the Site Plan to provide the area shown in green on the plan for Northeast Truck Sales.

Mr. Ussery indicated that at the last meeting the Commission had raised concerns regarding the area for rear storage for Northeast Truck Sales, and the possibility of encroachment on the area previously allocated to Quality Auto Repairs. Mr. Ussery reported they are now showing a black line which represents a metal beam guardrail to separate the tenant locations. Town Planner Whitten noted she would also like a similar metal beam guardrail along the northside of the property to prevent encroaching into the landscape area. Mr. Ussery noted they had also proposed a 12' x 25' display parking space in front of the building. Staff was concerned regarding access to the rear of the building. They have now "xed" out the display space and have added "no parking" signs to provide access to the rear. Mr. Ussery indicated they have revised the parking calculations. He feels the vehicles will stay in the areas designated as they are showing a fence between the two uses. Mr. Ussery reported the DMV wanted to see a lease line, which they have now shown on the plan in red.

The Commission raised the following questions/concerns:

- **Application purpose:** Chairman Ouellette cited confusion as to what the proposal is for. The Application description indicates truck sales but he noted the plans refer to a service area for Northeast Truck Sales. Mr. Ussery indicated it's a service area that is there now. Town Planner Whitten suggested service is allowed/standard for auto sales. Chairman Ouellette suggested the Application could be misconstrued to be only sales yet he feels there will be service provided; he felt the Application should specify the inclusion of service. Mr. Perrone clarified that it would be repair his inventory; he wouldn't be doing repairs for profit. Chairman Ouellette felt the Application description should include the auto repair use.
- **Landscaping vs. display area:** Chairman Ouellette noted the plan shows extensive landscaping in the center aisle; new deciduous trees have been added. He questioned that there would be a conscientious intent to leave the lawn area as lawn and not use it as display area? Mr. Ussery indicated that shows a new edge of paving; they could install a wooden rail if the Commission preferred.
- **Signage:** Mr. Ussery indicated they will use the sign that's currently there.

- **Gate width:** Commissioner Sullivan suggested the gate appears to be 12'; is that ok with the Fire Marshal? Mr. Ussery clarified that it's actually 11'; a typical vehicle is 8' 6". (No mention of the Fire Marshal's comments).
- **Box sales:** Commissioner Sullivan questioned if Mr. Perrone would provide box sales? Mr. Perrone replied negatively. Town Planner Whitten noted Mr. Perrone doesn't provide box sales now at his Shoham Road location.
- **Illegally parked vehicles prior to Site Plan approval:** Chairman Ouellette referenced Staff comments about vehicles parked at this site illegally. Mr. Perrone reported there are none there now. Town Planner Whitten concurred there were none there later in the day although they were reported at this site in the morning. Commissioner Zhigailo suggested the problem seems to be if you have more than 7 vehicles available. Mr. Perrone indicated he sells USA Hauling used vehicles; they won't all be at this site. Commissioner Zhigailo suggested if the inventory is elsewhere and then it must be moved back there will be a problem; she question if this site is truly what you need ? Town Planner Whitten clarified that it would be an automatic fine as Mr. Perrone has already been given a violation notice. Mr. Ussery felt it would be difficult to put more vehicles than allowed because of the installation of the guardrails.

Town Planner Whitten noted Mr. Perrone's website says he has 36 trucks available; he won't be able to have that many on this site. Mr. Perrone indicated that 90% of the people don't come to his location. Mr. Ussery suggested Mr. Perrone is brokering the sale of the rubbish trucks. Commissioner Sullivan suggested that if Mr. Perrone has off-site storage and he feels he can handle the 7 or 8 spaces on this site then any overage would have to go elsewhere. Commissioner Gowdy questioned from a business point of view why do you, Mr. Perrone, want this site if you have storage elsewhere? Mr. Perrone indicated they want to get their retail piece of the business bigger than it is. Mr. Perrone suggested that last year he sold 211 trucks but not all of them went to Shoham Road. Mr. Ussery suggested to get a license from DMV Mr. Perrone needs a building location.

- **Use of site:** Chairman Ouellette noted Town Planner Whitten had expressed strong concerns regarding this use in her Staff memo; he questioned if staff will be able to live with this use? Town Planner Whitten suggested if he meets the minimum requirements she'll be happy. She noted she preferred the guardrail along the landscaping. She is concerned for the tenant previously approved by the Commission; an aerial of the property showed 16 trucks on the site. If he can't meet the minimum requirements Mr. Perrone will be fined. Chairman Ouellette referenced the other tenant. Town Planner Whitten suggested the Commission should hear from Maria Mitsalexakis; this Application changes her Special Use Permit and diminishes her tenant space.

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**Maria Mitsalexakis (tenant approved July, 2013):** reported she has been in business for 35 years at Stoughton Road; she has rented this South Main Street property from Mr. Corkum since July and is fixing up her space. She reported she went through the zoning process and got approved; at that time there was no tenant on the other side of the building. Then Mr. Corkum found a second tenant and he wanted more space for that tenant; she said fine but she didn't know she needed to go through the zoning process again and didn't know she needed to provide another mylar. Ms. Mitsalexakis reported there is a truck parked at the Stoughton Road property since Saturday which she has been trying to get moved but no one will move it. Ms. Mitsalexakis reported she wants a fence installed between the two tenant locations as she is now having problems with the landlord. Town Planner Whitten suggested that assuming everyone can agree on everything then Ms. Mitsalexakis must file a new map/mylar, but she didn't feel she would need to come back through the PZC for a new application. Ms. Mitsalexakis reiterated she wants a fence between the two areas of the building. Mr. Ussery noted there is a chain-link fence around the perimeter of the property; maybe they could install a similar fence between the two areas. Ms. Mitsalexakis cited she would have no place to place snow. Commissioner Sullivan questioned if the guardrail would handle the snow better; Town Planner Whitten noted the guardrail could have spaces between it so the snow can be handled. Mr. Corkum raised some questions; Town Planner Whitten clarified that a condition of this approval for Northeast Truck Sales will be that Ms. Mitsalexakis's map must be filed before Northeast Truck Sales can get a Certificate of Occupancy. Discussion followed as to who would pay for the fence and mylar; Ms. Mitsalexakis didn't feel the cost of the fence was her responsibility; Mr. Corkum suggested he wasn't in the fence business.

The parties were unable to come to an agreement during the Meeting. Chairman Ouellette suggested the Commission continue the Application to the next meeting to give everyone time to discuss options.

**MOTION:** To CONTINUE THE PUBLIC HEARING on the Application of Northeast Truck Sales for Modification of Approved Site Plan to allow used truck sales at 179 South Main Street, owned by Donald Corkum. [B-2 Zone; Map 32, Block 21, Lot 69]. Application is continued to the Commission's regularly scheduled meeting to be held on December 11, 2013 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Gowdy seconded/

**DISCUSSION:** None.

**VOTE:** In Favor: Devanney/Gowdy/Ouellette/Sullivan/Zhigailo

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**(No one opposed/no abstentions)**

**NEW BUSINESS: Southern Auto Sales, Inc.** – Modification of Site Plan for proposed construction of a 1,539 square foot garage to be located at 161 South Main Street. [B-2 and A-1 Zone; Assessor's Map 43, Block #21, Lot #66]. (*Deadline for decision 1/16/2014*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates.

Mr. Ussery reported that in June of 2013 this Commission approved a plan for the expansion of the cafeteria; the plan submitted tonight shows in green the area of that expansion which is presently under construction. During the construction process they realized they had not made a provision for deliveries to be made; at present everything, including the materials for the kitchen, must come through the front door. This Application proposes a modification for a garage to storage dry goods, such as paper towels used in the kitchen, as well as a bay for an antique car. Mr. Ussery indicated there would not be a floor drain but the floor will be pitched. Deliveries of food will pass through, but will not be stored, in this area. There will be separating walls between the bays; the front of the garage area will have 4 doors and 2 doors in the back. Mr. Ussery indicated the architectural details will be similar to the rest of the SAS building. The addition will be built on an area which is already paved; there is no change in impervious coverage. Building coverage increases from 2.3% to 2.4%. They are not proposing any sanitary facilities in the addition; all refrigeration equipment has been moved into the kitchen.

Mr. Ussery reported they will need to return to the State Traffic Commission for a modification of their existing Certificate.

The Commissioners raised the following questions:

- **Availability of water:** Commissioner Gowdy questioned if the new addition will have water; Mr. Ussery didn't believe so.
- **Architectural plans:** Chairman Ouellette questioned if the lack of architectural renderings is a problem? Town Planner Whitten noted the regulations don't require submission of architectural drawings although the Commission has seen them in the past.
- **Additional Conditions:** Chairman Ouellette questioned if any additional conditions were needed? Town Planner Whitten indicated inclusion of Town Engineer Norton's comments has already been added as a condition of approval.

**MOTION TO APPROVE** the Application of Southern Auto Sales, Inc. for a site plan modification to construct a garage addition to the auction's cafeteria 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:**

- 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 last rev 11/5/13
- Sheet 2 of 3 - General Location Survey –Cafeteria Addition, scale 1" = 200' last rev. 7/11/13
- Sheet 3 of 3 – Site Plan 1" = 20' last rev 11/5/13

**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, 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 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:**



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**DSE Properties LLC** – Special Use Permit, in accordance with Section 407, to allow an accessory apartment at 14 Windsorville Road. [R-1 Zone; Map 78, Block 47, Lot 17-1]

**BUSINESS MEETING(additional comments):**

Town Planner Whitten noted the following:

- Proposed Meeting dates for 2014 were presented to the Commission for their review and discussion at the December Meeting. It was noted the Commission's regular second Tuesday meeting date would be November 11, Veteran's Day. The Commission was asked to consider an alternate date as it's anticipated the Town offices would be closed to celebrate Veteran's Day on the 11<sup>th</sup>; no meetings can be held when the Town offices are closed.
- The Commission was provided with First Selectmen Menard's memo regarding the Town's Annual General Meeting which is scheduled for Monday, December 9, 2013 at 6:00 p.m. at Scout Hall. All elected officials, town department heads, and chairman of all boards and commissions are encouraged to attend. This year's meeting will include a forum entitled "How to Build a Stronger East Windsor" on how to improve our community's economic development potential, and the interaction of the Commissions/Boards in the development process.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:04 p.m.**

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

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(7977)