

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

REGULAR Meeting #1643 – December 10, 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 7:00 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette, Chairman; Lorry Devanney, Frank Gowdy, Dick Sullivan, and Jim Thurz.

Alternate Members: Robert Slate, and Marti Zhigailo

ABSENT: **Regular Members:** All present

Alternate Members: All present

Also present was Town Planner Whitten.

GUESTS: Jason Bowsza, Deputy First Selectman/Board of Selectmen Liaison to the Planning and Zoning Commission; Dale Nelson; Selectman.

ESTABLISHMENT OF QUORUM:

A quorum was established as five 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.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, November 28, 2013, and Thursday, December 5, 2013, was read by Chairman Ouellette:

1. Application of Olender Family Limited Partnership for a Text Amendment to Section 502 *Permitted Uses In Business & Industrial Districts*, to allow Service Establishments, Personal/Professional by Special Use Permit in the M-1 Zone.

2. Application of Olender Family Limited Partnership for a Special Use Permit to allow personal service shop and commercial recreation at 1 Shoham Road. [M-1 Zone; Map 113, Block 17, Lot S-1].

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

2

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

ADDED AGENDA ITEMS:

Town Planner Whitten noted the Commission will not participate in any discussion of Item #1 under the Business Meeting – Preliminary Discussion on West River Farms, Scantic Road.

PUBLIC PARTICIPATION:

Jason Bowsza, Deputy First Selectman/Board of Selectmen Liaison to the Planning and Zoning Commission, 34 Rye Street: Deputy First Selectman Bowsza introduced himself to the Board, noting he wanted to be as helpful as he can. He encourages the Board to use him as a resource whenever possible.

APPROVAL OF MINUTES/November 26, 2013:

MOTION: To APPROVE the Minutes of Regular Meeting #1642 dated November 26, 2013 as written.

Devanney moved/Gowdy seconded/

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

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, of Isherwood Civil Engineering, and Keith Yagaloff, the Applicant.

Ms. Isherwood recalled she and Mr. Yagaloff had appeared before the Commission two weeks ago regarding this Application for 131 Depot Street. They have returned to address outstanding comments/issues, including questions regarding the drainage calculations.

Ms. Isherwood reported that they are proposing to carve out 5.13 acres of a larger parcel at 131 Depot Street. The property will be served by a private septic system; Ms. Isherwood indicated they have received approval for the septic system from the North Central Health District (NCHD) and the Inlands Wetlands Commission.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

3

Chairman Ouellette questioned if any changes had been made to the drawings submitted to the PZC? Ms. Isherwood reported there have been no significant changes made to the plan, although she has changed the cover sheet to reflect the property now or formerly owned by Walter Reichle is now owned by Wayne Shary, and the cover sheet now reflects the property owners within 500' of the proposed location. Ms. Isherwood indicated they have NOT made any changes to the driveway, or the culvert crossing.

Town Planner Whitten referenced Town Engineer Norton's memo dated 12/4/2013 which indicates he is satisfied with the documentation provided, and has no additional comments.

Chairman Ouellette noted the Application has been submitted under a Public Hearing; he queried the audience for comments.

Wayne Shary, 119 Depot Street: Mr. Shary reported he owns the property below the property being subdivided. He indicated he is concerned with run off and its effect on his property. Mr. Shary referenced his property on the plans before the Commission; Chairman Ouellette noted Mr. Shary's property is to the west of 131 Depot Street. Ms. Isherwood noted that basically the property is on a knoll; the home will be constructed at the highest point and back 500' from Depot Street. The driveway will be discharging into an intermittent stream. Mr. Shary cited he is concerned when they begin excavating the knoll. He noted there is significant run-off from the property now; all that run off runs into another stream near his property. Ms. Isherwood suggested the run-off from excavation for an approximately 2,400 square foot home is negligible compared to run-off from the 50 acre watershed; all run off will enter into the wetlands at the driveway culvert. Mr. Shary suggested he wasn't as concerned about the driveway as he was about the culvert. Mr. Shary reported he had been told by the developer who built the homes across the street from his property that the construction wouldn't affect his property, and he has had problems. Ms. Isherwood referenced her calculations; Chairman Ouellette questioned if the hydrology study indicated there would be no increase in run off? Discussion continued regarding the drainage calculations, the percentage of run-off from the proposed dwelling vs. the run-off of the total watershed, and Ms. Isherwood gave a brief explanation of the culvert improvements.

Commissioner Slate noted he is a member of the Inland Wetlands Commission as well as the PZC, he reported that during the Inland Wetlands Meeting the Applicant explained that they would be inserting a new pipe into the existing culvert to divert the water away from the stream. Town Planner Whitten reported they have extended the existing pipe at the culvert and have angled it to follow the bend of the stream. Commissioner Gowdy suggested Mr. Shary seemed to be concerned about the velocity of the water entering the stream. Discussion continued; Ms. Isherwood reported the high permeability of the soil which was determined to be gravel during the NCHD testing. Commissioner Gowdy noted Town Engineer Norton had reviewed the plan; Mr. Shary reiterated the problems which developed after construction of the homes across the street.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

4

Town Planner Whitten noted the Application before the Commission is for a resubdivision of the property. The plan was approved by the Inland Wetlands Commission and is the plan that must be built, or they will have to return to the Inland Wetlands Commission again. Town Planner Whitten referenced plan sheet C-1 which shows some grading and tree cutting will occur to the left of the stream but they will mostly maintain the current tree line; sheet C-2 shows installation of silt fence during construction which will remain until the area is stabilized. She also noted the Applicant will be posting a bond for this work. Town Planner Whitten noted the Applicant will have to submit a full plan when they file for their Zoning Permit. She noted she understands Mr. Shary's valid concerns, which she will keep in mind during the project.

Richard P. Pippin, III, 137 Woolam Road: Mr. Pippin noted he is an abutter (of land adjacent to the subject parcel); he questioned if the Town Engineer had approved the drainage calculations? Town Planner Whitten replied affirmatively. Mr. Pippin reported he was ok with the proposal if the Town Engineer was satisfied.

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

Chairman Ouellette questioned the Commissioners for additional comments; the Board indicated they were ready to vote.

MOTION: To CLOSE THE PUBLIC HEARING on the 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].

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE the following waivers:

1. Section 6.3 (sidewalks) No sidewalks to be provided, as none exist in proximity of the subject parcel. A fee in lieu of sidewalks will be required and the cost shall be determined by the Town Engineer.
2. Section 6.5 (street lights) No proposed street lights, as there is an existing street light directly across from subject parcel on Depot Street.
3. Section 2.7 (street trees) No proposed street trees, as existing frontage is wetland pasture.
4. Section 2.17 (agricultural buffer zone) No residential living areas are being proposed in the buffer area, however placement of the septic system is located almost entirely within the agricultural buffer.

Devanney moved/Gowdy seconded/

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

6

- Sheets 2 of 5, shall be filed with the town clerk by the applicant, no later **than 90 days after the 15-day appeal period from publication of decision has elapsed** or this approval shall be considered null and void unless an extension is granted by the Commission. One set, sheets 1-5 of 5, shall be filed in the Planning and Zoning Department.
8. A detailed sediment and erosion control plan shall be submitted for each lot at the time of application for Zoning Permits.
 9. 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 and the final amount of said bond shall be determined by the Town Engineer. (This bond covers public improvements, not individual lots.)

Conditions which must be met prior to certificates of compliance:

10. Iron pins must be in place at all lot corners and angle points.
11. Final Health District approval of the drinking water supply and the installation of the septic system must be demonstrated.
12. The driveway must have a 15' paved apron or a bond for such submitted.
13. Final grading and seeding shall be in place or a bond for the unfinished work
14. submitted.
15. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades and required landscaping shall be submitted.
16. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted
17. 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:

18. This subdivision approval shall expire **five years from 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 Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26c, as amended. The Commission shall require proper bonding be in place prior to the

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

7

approval of any such extension.

19. A Zoning Permit shall be obtained prior to the commencement of any site work.
20. 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.
21. Any modifications to the proposed drainage or grading for the re-subdivision are subject to the approval of the town engineer.
22. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
23. 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.
24. 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(s) may be released.
25. A note shall be added to the re-subdivision sheet of the plan set which states, "This property abuts or is in proximity of an active agricultural or farming operation which is permitted zoning use and protected in accordance with Section 19a-341(a) of the Connecticut General Statutes. Agricultural operations sometimes emit noise, run-off, odor, dust or chemical spray drift during either day or night that may be annoying or irritants to some people."

Devanney moved/Gowdy seconded/

DISCUSSION: None

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

**MOTION: To GO OUT OF ORDER and hear RECEIPT OF APPLICATIONS
next.**

Devanney moved/Gowdy seconded/

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Application:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

8

- Application of James Balch for Modification of Approved Site Plan to allow commercial multi-tenant facility consisting of used car sales & service, auto detailing & retail sales of detail products, contractor's office and professional office space at 244-250 South Main Street, owned by the Estate of Monica T. Balch & All American Products. [B-2 & A-2 Zones; Map 12, Block 5, Lots 87, 88, & 89].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Nothing presented this evening.

NEW PUBLIC HEARING: Olender Family Limited Partnership – Text
Amendment to Section 502 *Permitted Uses In Business & Industrial Districts*, to allow Service Establishments, Personal/Professional by Special Use Permit in the M-1 Zone. (*Deadline to close hearing 1/14/2014*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC. Also present was David Olender, Jr.

Mr. Ussery reported they are present to propose an amendment to Section 502 of the current Zoning Regulations regarding the applicable uses for the M-1 category under the Use Table .

Mr. Ussery reported the Olender Family owns property on the corner of Shoham and North Roads which is zoned M-1 but abuts the new B-3 Zone on North Road. The building was built approximately 9 years ago; it's presently occupied by the Olender Auto Body shop, Windsor Federal Savings, and the offices of J. R. Russo & Associates. The building also contains 2 additional unoccupied units, which have essentially been vacant since construction of the building. There have been a number of inquiries in the past which didn't fit the allowable uses. The Olender Family has recently been approached by 2 tenants; one would provide nail and hair salon/personal services, and one tenant which would provide commercial recreational services. Mr. Ussery indicated they are requesting a Text Amendment to allow personal/professional services in an M-1/Industrial Zone.

Mr. Ussery suggested the area had originally been developed as an industrial park tenanted by businesses such as Tanner Ford, Marsh Motorcycle, and Killam's. He referenced Town Planner Whitten's comments made under her memo dated 12/2/2013 which indicates that approval of the Text Amendment presents opportunities for the proposed, and similar uses, to be located within an M-1 Zone by Special Use Permit.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

9

Chairman Ouellette noted that a Text Amendment isn't site specific; he questioned what other M-1 areas would this change apply to? Town Planner Whitten referenced the Industrial Park along Thompson and Craftsman Roads. She suggested that the Olender building acts somewhat as a transition between the industrial uses on Shoham Road and North Road and the rest of the North Road/Route 140 Business Corridor. Town Planner Whitten noted the Special Use Permit process gives the Commission discretion to decide if a hairdresser who might also operate a children's daycare facility might not be appropriate in an M-1 Zone. Commissioner Devanney suggested the proposed uses could fall under Business, Professional, and Office uses in the Use Table, which covers the use of the bank. Town Planner Whitten concurred; she noted the Commissioners need to state the reasons for their decision in the approval motion.

Chairman Ouellette questioned what type of commercial recreational use is being proposed? Town Planner Whitten reported it's a separate category, which would allow karate, dance, etc.

Town Planner Whitten noted a Text Amendment requires a referral to CRCOG (Connecticut Regional Council of Governments); they have responded back that they have no concerns with the proposal.

Chairman Ouellette queried the Commissioners for comments. Commissioner Sullivan felt this proposal is a good way to expand the uses the Commission wanted to encourage along the Route 140 Business Corridor. Commissioner Slate agreed, noting this is why the Town put the sewers in. Commissioner Devanney felt the proposal allows for more variety and flexibility in pursuing economic development.

Chairman Ouellette noted the Text Amendment is a Public Hearing; he queried the audience for comments. No one requested to speak.

Chairman Ouellette queried the Commission regarding their decision on this Application.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of the Olender Family Limited Partnership for a Text Amendment to Section 502 Permitted Uses In Business & Industrial Districts, to allow Service Establishments, Personal/Professional by Special Use Permit in the M-1 Zone.

Devanney moved/Gowdy seconded/

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

MOTION: To APPROVE the Application of the Olender Family Limited Partnership for a Text Amendment to Section 502 Permitted Uses In

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

10

***Business & Industrial Districts, to allow Service Establishments,
Personal/Professional by Special Use Permit in the M-1 Zone.***

Devanney moved/Gowdy seconded/

DISCUSSION: None.

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

REASONS FOR APPROVAL: Chairman Ouellette indicated he voted in favor of the Application because it gives the Commission more flexibility in the M-1 Zone and the proposal is similar to other uses presently allowed under Other Uses and Business and Professional Offices. Commissioner Gowdy agreed that this approval allows the Commission more flexibility regarding uses, and the Town needs more business uses than exist there now. Commissioner Devanney indicated the approval gives the Commission the ability to boost economic development in the area. Commissioner Thurz agreed with Commissioner Devanney's comments. Commissioner Sullivan felt the approval gives the Commission the ability to initiate comparable uses, and the proposal meets the Plan of Conservation and Development.

NEW PUBLIC HEARING: Olender Family Limited Partnership – Special Use Permit to allow personal service shop and commercial recreation at 1 Shoham Road. [M-1 Zone; Map 113, Block 17, Lot S-1] (*Deadline to close hearing 1/14/2014*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC. Also present was David Olender, Jr.

Mr. Ussery submitted the Affidavit indicating Public Hearing signs have been posted on both Shoham and North Roads.

Mr. Ussery reported this Application is a Special Use Permit to allow a nail and hair salon and yoga studio to occupy an area of the building highlighted in green on the plan before the Commission. The nail and hair salon would occupy the larger area, while the yoga would occupy 1,000 square feet of space between the back of the building and the offices of J. R. Russo and Associates. Mr. Ussery indicated 60 parking spaces are required based on building size; 70 parking spaces are currently striped outside of the building, with the ability to stripe another 14 spaces on the east. Handicapped parking spaces are being provided on both sides of the building. Mr. Ussery reported the building is served by city water, gas, utilities, and sewer. They are looking for a Special Use Permit for tenants who are ready to move in.

The Commissioners raised the following questions/comments:

- **Location of handicapped parking spaces:** Commissioner Devanney requested clarification of the location of the handicapped parking spaces. Discussion followed regarding potential business hours for the various uses. Commissioner Devanney requested a handicapped parking space in front of the door for the hair salon on the east end of tenant space #2; Mr. Ussery and Mr. Olender agreed to the revision.
- **Hours of operation:** Commissioner Gowdy questioned if hours of operation should be referenced in the approval motion? Commissioner Devanney questioned Mr. Olender if he had considered specific hours; Mr. Olender replied he had not. Discussion continued; no specific hours were set.
- **Noise from body shop:** Chairman Ouellette questioned if the sounds from the body shop could be heard in the rest of the building? Mr. Olender indicated there is a vegetated barrier between the back of the building and the body shop. The body shop is air conditioned so the doors are down in the Summer.
- **Lights in parking lot:** Commissioner Zhigailo questioned if there are lights in the existing parking lot? Mr. Ussery replied there are lights on both buildings.

Chairman Ouellette noted this Application is also a Public Hearing; he opened discussion to the audience:

Kathy Pippin: felt this was a great idea; prices for hairdressers may come down. She noted there are perhaps 4 hairdressers on this road already; she questioned if there is a distance between that many of the same business? Chairman Ouellette reported there is no distance requirement between similar businesses.

Selectmen Dale Nelson, 51 Omelia Road: noted this is a beautiful building; this proposal will help this guy. She thanked them for bringing the application through, and wished him good luck.

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

Chairman Ouellette queried the Commissioner if they were ready to act on this Application?

MOTION: To CLOSE THE PUBLIC HEARING on the Application of the Olender Family Limited Partnership – Special Use Permit to allow personal service shop and commercial recreation at 1 Shoham Road. [M-1 Zone; Map 113, Block 17, Lot S-1].

Devanney moved/Gowdy seconded/

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

12

MOTION TO APPROVE the Application of owner Olender Family Limited Partnership for a Special Use Permit to allow personal service shop and commercial recreation uses at 1 Shoham Road in the M-1 zone (Map 113, Blk 38, Lot 12).

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

Plans :

Sheet 1/1 – Site Plan Modification ,property of Oleander Family Limited Partnership, 1 Shona Rd, East Windsor CT Map 113, Balk 17 Lot S1 zoned M1, prepared by JR Russo and Assoc., LLC 1 Shona Road, East Windsor CT 860/623-0569 dated 10/18/13 scale 1” = 40’.

CONDITIONS OF APPROVAL:

General Conditions

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

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

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

3. Two sets of final molars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. The molars shall be filed in the Town Clerks office and paper copies in the Planning and Zoning Department.
4. All public health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy. When all public health, safety and building code compliance components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance.

Conditions which must be met prior to certificates of compliance:

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

13

General Conditions:

8. In accordance with 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**; otherwise the approval shall become null and void, unless an extension is granted by the Commission.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
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 are 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

DISCUSSION: Town Planner Whitten requested the addition of an additional condition requiring the addition of a handicapped parking space by tenant space #2.

AMENDED MOTION:

Additional Condition:

14. **Approval requires the addition of a handicapped parking space by tenant #2.**

VOTE: In Favor: Delaney/Goody/Ouellette/Sullivan/Thurs.
(No one opposed/no abstentions)

MOTION: To TAKE A FIVE MINUTE BREAK.

Delaney moved/Goody moved: VOTE: In Favor: Unanimous

The Commission RECESSED at 7:50 p.m. and RECONVENED at 8:05 p.m.

NEW PUBLIC HEARING: TO Design, LLC, c/o Mark Fisher – 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 Rye

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

Street, owned by the Town of East Windsor. [R-2 Zone; Map 77, Block 38, Lot 12]
(*Deadline to close hearing 1/14/2014*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application were the following individuals: Richard Lebrie, of Futures Education, Consultant to the East Windsor school system; Mark Fisher, of TO Designs, landscape architect and civil engineer; and Roy S. Brown, of Roy S. Brown, Architects. Also present in the audience representing the Board of Education were Cathy Simonelli and Bill Schultz.

Mr. Lebrie reported that approximately 14 years ago the Board of Education (BOE) rented portable classrooms, which they didn't know had been rented before. Portable classrooms have an anticipated lifespan of 20 years; the current portable classrooms have exceeded the lifespan by several years. They also have flat-loading roofs, which have caused problems. A couple of years ago the Town began looking at replacing the existing portable classrooms, and ultimately approved the replacement with 14 permanent classrooms. At that time a bond was considered for the replacement cost; the project will receive a 58.7% reimbursement from the State. Mr. Labrie reported the new classrooms will be built off-site; the portable classrooms will be removed and relocated to Middletown.

Mr. Fisher, of TO Designs, stepped in to continue the discussion. Mr. Fisher reported the Application is for Site Plan and Special Use Permit approval. The purpose of the Application is to remove the existing modular classrooms and replace them with 14 new classrooms. Four classrooms would be placed at an angle in the existing location of the playground (to the southern end of the permanent/"core" school structure). Commissioner Thurz noted the existing playground is for both little, and older, kids; he questioned which playground would be eliminated? Mr. Labrie suggested there will still be a separation of the 2 playgrounds, but not as large as it is now. Mr. Labrie suggested there will be 6 pieces of playground equipment that will need to be relocated.

Mr. Fisher reported that they will also reconfigure the parking lot near the playground which currently contains 17 parking spaces. Parking on the north side of the building will be expanded a bit as well. Total parking at this location will be expanded from 31 to 51 spaces, which includes 4 handicapped parking spaces. A new underground stormwater system will be added in the south parking lot. The roof leaders will outlet to the north side of the property; there is no increase in stormwater flow in the parking lot. Mr. Fisher reported he has been working with the Town Engineer regarding his comments; they have issued a response and have agreed to meet his recommendations.

Mr. Fisher reported they will be adding trees and shrubs and perennials along the street. Commissioner Devaney questioned if they would then eliminate the street parking? Mr. Fisher reported they will maintain those 7 parking spaces. Chairman Ouellette referenced the trees proposed to be planted at the reconfigured south parking lot; he suggested 3

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

15

deciduous trees are noted on the plan. Chairman Ouellette pointed out the road bends at a sharp corner in this location, which previously contained a hedgerow which has been removed. Chairman Ouellette suggested he is concerned about sight visibility; he questioned the anticipated trunk diameter of the deciduous trees? Mr. Fisher suggested 18". Chairman Ouellette suggested he would encourage clear visibility for oncoming vehicles. Mr. Fisher felt they could move the trees back. Mr. Labrie suggested they could put in different plantings which would be lower to the ground.

Commissioner Thurz noted the kids currently come out on the right (to the north parking lot); he questioned parking availability in the pick-up area? Mr. Labrie indicated there are currently 6 parking spaces at the end of the (existing) portable classrooms which will be removed; Mr. Fisher referenced the plan to show the replacement spaces.

Commissioner Thurz noted the buses currently line up and circle around to pick up the kids; he questioned if the "loop" for the line of buses will be the same size as it is now? Mr. Fisher indicated it will be a 24' wide lane. Commissioner Thurz felt that would be tight for the buses coming in and out using their current pick-up process. Chairman Ouellette questioned if 2 buses will be able to pass each other in the area being reconfigured? Mr. Fisher replied affirmatively, reiterating they are proposing a 24' wide lane. Commissioner Thurz questioned if the Board of Education (BOE) had any concerns with this proposal? Mr. Fisher replied negatively. Cathy Simonelli, representing the BOE, suggested the building will be taking over where the parking was. Bill Schultz, also representing the BOE, indicated the BOE hadn't raised any comments regarding this area.

Roy S. Brown, of Roy S. Brown, Architects, indicated they met with the "school committee" and building inspector, fire people, the planner, and the State folks; Mr. Fisher noted they also met with the Town Engineer. Mr. Fisher indicated this is the area where the existing modulars will be removed. They are adding 10 new classrooms in the same location and adding 4 additional classrooms in the (south) playground area. The additions will include multiple bathrooms, as well as handicapped bathrooms. There will be exit doors outside of each classroom, but no hardware will be installed on the outside of each room so no one can get in from the outside. Everyone will be bussed in from the front of the building. Anyone entering the school building will do so at the front entrance, and must surrender their license when entering. An enlargement of the buildings was referenced; it was noted the (new) buildings will be brick, which will be almost identical to what's across the street.

Commissioner Gowdy questioned what was being installed for lighting? Mr. Brown suggested they would install LED energy efficient low lighting recessed in the ceiling. Commissioner Gowdy questioned what was planned for the outside? Mr. Brown indicated he believed it would be wall-packs with full cut-offs. Town Planner Whitten clarified that the elevation drawings don't show wall-packs on the building; Mr. Brown suggested it would be shown on the electrical sheets. Mr. Labrie suggested these

buildings have a 50 year lifespan vs. 20 years. Mr. Labrie suggested that normally they would not recommend permanent classrooms on a building this old but the Town has put money into a new roof and new heating system so it makes sense to go with permanent modules. Commissioner Gowdy questioned if a lighting plan was available? Mr. Brown indicated they didn't have it with them. Town Planner Whitten noted the current building is closed for the night; there is no outside lighting on the buildings currently.

The Commissioners raised the following questions/comments:

- **South playground reconfiguration:** See Commissioner Thurz's earlier comments to Mr. Fisher and Mr. Labrie regarding the playground adjacent to the 4 angled units being placed near Old Ellington Road.
- **Sight visibility:** See Chairman Ouellette's earlier comments to Mr. Fisher and Mr. Labrie regarding affect/impact of proposed deciduous trees along the Rye Street property line.
- **Configuration of north parking lot:** See Commissioner Thurz's earlier comments regarding concerns to be able to maintain the existing student pick-up process, and the ability of the buses to function within the area being provided.
- **Building lighting:** See Commissioner Gowdy's earlier questions regarding building lighting.
- **Flooring material:** Commissioner Zhigailo questioned if the new units would be carpeted? Mr. Brown suggested the "school" wanted tiles. Commissioner Zhigailo questioned if the carpeting would minimize sound? Mr. Labrie suggested the sound attenuation is a State requirement; the State also requires that they have pitched roofs rather than flat roofs.
- **Upgrading electrical system:** Commissioner Gowdy questioned if there would be any upgrade to the electrical system in the existing building? Mr. Labrie suggested the modules will be upgraded but nothing is being done for the core building.
- **Electrical service for the modules:** Commissioner Thurz questioned if new services is being provided for the modules? Mr. Labrie replied affirmatively, noting he felt what they were doing would be adequate. Commissioner Thurz questioned what was being done for the 4 new units on the other (south) side; there is nothing there now. Mr. Brown indicated he didn't know; that work was done by the electrical engineer.
- **New classroom count:** Commissioner Sullivan questioned if there was a net gain in the number of classrooms being provided? Mr. Labrie suggested there is a net gain of 6 classrooms. Commissioner Sullivan questioned that the 4 (new) units weren't really classrooms? Mr. Labrie suggested they were classroom size. Discussion followed regarding proposed use of the classrooms. It was noted the new space will allow classroom space for special needs students and smaller children who are now being educated on the stage area in the existing school building. Mr. Labrie suggested the intent is for the building to be reconfigured to

- be age-appropriate and provide reasonable space for the children's needs with a more current curriculum.
- **Staff needs:** Commissioner Slate questioned if there would be any addition to staff? Cathy Simonelli (BOE) replied negatively.
 - **Staff parking:** Commissioner Slate questioned that there were no plans for additional parking for staff; parking is always a problem. Cathy Simonelli suggested she assumed it will always be a problem; there is a net gain of 20 parking spaces. Commissioner Slate suggested that was the reason for his question regarding additions to staff. Mr. Labrie suggested that on one side (the north side) parking encroaches on wetlands, and on the other (the south side) they would be encroaching on the playground. Cathy Simonelli suggested the intent was to buy modulars which would expire at the same time as the core building. Mr. Labrie suggested the cost to the BOE is almost cost-neutral with the rental cost of the current 8 portable classrooms. Discussion continued regarding future enrollment.
 - **Current location of education space for students who will occupy the new units:** Commissioner Gowdy questioned where the students who will use the new units are located now? Mr. Labrie suggested some are using the current stage, some are in the hallways, some are in a converted closet. He noted that early on in the process the Board of Selectmen toured the existing school, at which point the deficiencies were pointed out, and the advantages of what the new classrooms will provide were discussed.
 - **Expanded parking area (south end):** Chairman Ouellette reiterated his concern regarding the addition of trees; he noted the area is currently tight. Chairman Ouellette suggested that, based on observation, people circulate looking for a parking space and if nothing is available they double park. There is no outlet. Chairman Ouellette agreed he didn't have an answer; he suggested he understood it's an enhancement over the current parking capacity but he questioned if the Commission should provide more capacity that further expands the problem? Mr. Labrie noted they understood parking would be one of the major concerns. Commissioner Thurz noted that area also serves as a delivery space now; Mr. Labrie suggested that area is grass now. Commissioner Zhigailo agreed with Chairman Ouellette's concerns; she questioned why the 4 additional classrooms were being located in that area? Should they have been relocated to the other side of the property? Mr. Labrie suggested the topography on the other side didn't lend itself to placement of the buildings; and they would have been infringing on the other playground. Commissioner Zhigailo questioned why should they congest the area more, with the kids running out into an already tight space with trucks backing in? Mr. Labrie suggested they could eliminate some of the parking in that area and go back to the 6 existing spaces instead of adding the 20 spaces. They had been told any increase in parking would be beneficial. Commissioner Thurz questioned when deliveries were made? Mr. Labrie suggested deliveries came in before and after school; they are also made at a

- different location than where the students enter the building. Mr. Labrie suggested they could designate this area for staff parking rather than in the Town parking lot.
- **Placement of 4 additional classrooms on the south end:** Commissioner Zhigailo questioned why they had chosen this configuration? Mr. Labrie suggested the angled location was aesthetically more pleasing as it looks better from the street; originally they had considered placing the new classrooms straight out from the building.
 - **Wetlands review:** Town Planner Whitten noted the Wetlands Agent has reviewed these plans.
 - **Siting location of 4 new classrooms:** Commissioner Slate questioned why the 4 additional classrooms were not located closer to the existing building? Mr. Labrie suggested that would create a code problem; they need 20' separation between the buildings. Commissioner Zhigailo concurred with moving the new classrooms closer. Discussion followed regarding conformity to current building code issues.
 - **Parking tabulation:** Chairman Ouellette noted there are currently 7 parallel parking spaces in the street right-of-way in front of the existing modulars which are being removed; he questioned why those were being included in the parking tabulation? Town Planner Whitten suggested they are currently available. Chairman Ouellette noted the parking spaces on Old Ellington Road are in a similar situation. Discussion continued regarding parking capacity. Town Planner Whitten referenced Section 601, noting that required parking spaces, in sufficient number to accommodate the motor vehicles of all occupants, employees, customers, guests, and others normally visiting the premises at any one time shall be located either on the same lot as the principal use, or within a 500' radius of the building the parking is intended to serve. Discussion followed regarding ownership of the school vs. the Town Hall, the availability of parking between either entity, and the continuing parking issues. Chairman Ouellette questioned if the BOE would agree to signage restricting parking in the south lot to teacher parking and delivery vehicles only? Cathy Simonelli suggested as a BOE member she wouldn't have a problem with it, and she would encourage other board members to support it as well, although she questioned if it would stop the in and out of every day activity. Commissioner Devaney questioned if they would then be leaving the same amount of parking? Commissioner Slate questioned if the number of parking spaces being provided would match the number of number of employees at this school? Cathy Simonelli guesstimated there are perhaps 40 employees at this location. It was noted 89 parking spaces are available. Discussion continued regarding limiting parking in front of the modulars; Town Planner Whitten suggested the responsibility regarding parking in the right-of-way falls to the Police Commission.
 - **Impervious coverage:** Chairman Ouellette questioned if there were any site issues regarding the amount of impervious coverage? It was noted the Commission would be waiving the required set back distance from the street to allow this project to move forward.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

19

Chairman Ouellette noted this Application is a Public Hearing as well; he queried the audience for comments.

Selectman Dale Nelson: she is concerned about the parking for vehicles associated with the special needs students; she questioned if the staff parking could also include handicapped parking? She suggested there really isn't any other area close enough to come up to the front door for the special needs child. Town Planner Whitten suggested the location of the handicapped access would be a BOE decision. Discussion continued regarding parking reconfiguration. Mr. Labrie clarified that the special needs students are delivered to the front of the building. Commissioner Gowdy questioned if the classroom use should be reconfigured/reconsidered? Cathy Simonelli reported that the classroom arrangement, and the decision to locate the special needs kids in that area, is to keep all the kindergarten and first grade classrooms in one area. Mr. Labrie suggested they can control the environment much better for students with respiratory issues.

Bill Schultz (BOE): suggested the reason for the increase from 8 to 14 classrooms is to provide classroom space for special needs students who now have their classes in cubicles on the stage and in the gym.

Richard P. Pippin, III: offered the following suggestions: 1) don't put any trees on the corner; 2) parking will always be a problem; 3) 19' is required for the busses to pass, they are providing 24'; 4) he feels it will look beautiful. Chairman Ouellette questioned Mr. Pippin's opinion on restricting parking in the south lot to teachers only? Mr. Pippin felt it didn't seem like the worse idea. Mr. Roy suggested that when the building was built in the 50s they didn't anticipate the parking needs; if they did they would have put the building further back and they would have created a bus loop but when you consider the number of cars on the road today and the amount of congestion, it would have been hard to anticipate that. Mr. Roy felt Mr. Fisher had done a good job. Commissioner Thurz suggested the town really needs a new school complex; Chairman Ouellette noted there is already a plan proposed in the POCD (Plan of Conservation and Development) to close Rye Street and make this a town facility.

Hearing no further requests to comment Chairman Ouellette queried the Commission regarding their intent for this Application?

MOTION: To CLOSE THE PUBLIC HEARING on the 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 Rye Street, owned by the Town of East Windsor. [R-2 Zone; Map 77, Block 38, Lot 12].

Delaney moved/Goody seconded/

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

20

**VOTE: In Favor: Delaney/Goody/Ouellette/Sullivan/Thurs.
(No one opposed/no abstentions)**

The Commission discussed the following additional conditions of approval:

- Restriction of parking in the south parking lot, including signage to designate parking for teachers/staff and delivery vehicles only.
- Lighting to be installed on both new buildings and must be approved by Staff. Commissioner Gowdy felt the lighting plan should be submitted as part of this Application. Town Planner Whitten noted the Hearing has been closed; staff would review the lighting plan at the time the Applicant applied for their Zoning Permit. Commissioner Devaney suggested the lighting plan should be attached to the Building Permit as well. Chairman Ouellette questioned if Commissioner Gowdy was concerned with additional lighting for security purposes? Commissioner Gowdy replied affirmatively, and suggested that if the State is reimbursing the project over 50% he expected they would require updated lighting as well. Town Planner Whitten suggested she expected the BOE had similar concerns; staff will be looking at the documents associated with the permits as well.
- Inclusion of comments/recommendations from Town Engineer Norton's memo of 12/9 to Town Planner Whitten; response comments made by Russell Cyr from TO Design to Town Planner Whitten dated 12/10, and notation made of Town Engineer Norton's memo dated 12/10 citing agreement to his comments being made conditions of approval.

MOTION TO WAIVE the requirement for a 25 foot setback to off street parking from a front property line per 601.3 h.

Delaney moved/Thurs. seconded/

DISCUSSION: None

**VOTE: In Favor: Delaney/Goody/Ouellette/Sullivan/Thurs.
(No one opposed/no abstentions)**

MOTION TO RECOMMEND to the Board of Selectman to allow the construction of two new classroom additions and associated parking and improvements at 14 Rye Street, Broad Brook Elementary School.

Referenced Plans:

Cover: Broad Brook Elementary School prepared for the Town of East Windsor 11-25-13 prepared by Roy S. Brown Architects, 85 Chilton Rd., Wilbraham MA 01095 Phone/fax 413/596-2360 ; and TO design LLC Landscape Architecture Civil Engineering 114 West Main St., Set 201, New Britain CT 06051 860/ 612-1700, Fax 860 /612-1757

www.todesignllc.com

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

21

1 /1 Limited Topographic & Location survey Broad Brook Elementary School 14 Rye St prepared by Alfred Beech and Co 90 National Dr. Glastonbury CT 06033-860/633-8341 scales 1" = 30' Dated Oct 2013

L-1.0 Demolition Plan by Brown dated 11/25/13

L-2.0 Layout Plan by Brown dated 11/25/13

L-2.1 Overall site Plan

L-3.0 Grading and Utility Plan

L-4.0 Planting Plan

L-5.0-5.3 Site Details

ES 1.0 Erosion and Soil Sedimentation Control Plan

A.1/13 Entire School Floor Plan

A2/13 10 classroom addition floor plan

A3/13 4 classroom addition floor plan

A4/13 10 classroom addition exterior elevations

A5/13 4 classroom addition exterior elevations

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

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans 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 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:

4. Two full set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set shall be filed in the Planning and Zoning Department, one set on the Town Land Records.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) 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. **N/A**

6. A zoning permit shall be obtained prior to the commencement of any site work

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these 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:

10. 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.
11. 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.
12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
14. 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
15. All landscaping shall be maintained.

Additional Conditions:

16. **Staff comments made under Town Engineer Norton's memo dated 12/9/2013 to Laurie P. Whitten, AICP, AND responses made by TO Design, LLC under**

memo/letter dated 12/10/2013 to Laurie P. Whitten, AICP (shown in green)
shall be included as follows:

- a) The drainage calculations show a slight increase in peak flow rate for the more common 2 and 10 year storms. I recommend that the design engineer inspect the drainage outfall on Old Ellington Road for signs of erosion. It may be necessary to reinforce that outfall. **TO Design response: We will inspect the outfall as recommended and make any necessary modifications to prevent erosion.**
- b) The routing calculations for the detention system utilize exfiltration for a portion of the system outflow. I do not see any test pit information or permeability test results to substantiate the exfiltration rate. **TO Design response: The calculations assumed a relatively conservative exfiltration rate of 1” per 20 minutes. We can perform test pits during the preparation of construction documents to confirm the exfiltration rate.**
- c) The storm water detention system utilizes an under drain. I do not see any flow rates associated with the under drain in the routing calculations. **TO Design response: The purpose of the underdrain is to assure that the system is drained out between storm events. The discharge rate of the underdrain system will be insignificant but the calculations will be revised to include the underdrain flow rates.**
- d) I recommend that pipe sizing calculations be submitted for all storm drainage pipes. **TO Design response: Pipe size calculations will be done as requested.**
- e) I recommend that the preformed scour hole be dimensioned on the plans. **TO Design response: The dimensions of the preformed scour hole will be indicated on the plan.**
- f) There is a detail for erosion control blanket on the plans. I do not see where it is to be utilized. Also, if utilized, I recommend that the complete staple pattern be noted on the plans. **TO Design response: The detail for the erosion control blanket is a standard detail that was inadvertently left on the detail sheet. It is not intended to be used on this project at this time.**
- g) The proposed drainage pipe on the north side of the building is discharging from the preformed scour hole to a 25% slope. I feel that this has the potential to create an erosion problem on this slope. I recommend that the design engineer show a profile through this outlet and investigate additional measures to prevent erosion. **TO Design response: We will show a profile through the outlet in the construction documents.**
- h) Town Engineer Norton’s memo dated 12/10/2013 indicated he agreed to the inclusion of the comments/responses as conditions of approval to this application.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

24

17. The south parking lot shall have designated signage regarding parking for staff and delivery vehicles ONLY.
18. Lighting must be installed on the outside of both new buildings and approved to Staff's satisfaction.

Devanney moved/Thurz seconded/

DISCUSSION: Chairman Ouellette indicated he is in favor of this Application although the site is tight. He felt the design team has done the best they can; he hopes the redesign works out.

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

OTHER BUSINESS: 8-24 Referral – Two new modular classroom buildings, including site amenities and parking, at the Broad Brook Elementary School, 14 Rye Street, owned by the Town of East Windsor. [R-2 Zone; Map 77, Block 38, Lot 12].

MOTION: To RECOMMEND to the Board of Selectman an 8-24 Referral to allow the construction of two new classroom additions and associated parking and improvements at 14 Rye Street, Broad Brook Elementary School.

Devanney moved/Thurz seconded/

DISCUSSION: None

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 9:18 p.m. and RECONVENED at 9:27 p.m.

OLD 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*):

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC; and Donald Corkum, the Applicant. Also available in the audience were Rick Perrone and Maria Mitsalexakis.

Chairman Ouellette noted if the Commission and the Applicant are unable to conclude business this evening the Applicant would need to consider offering an extension of this Application.

Mr. Ussery submitted a modified Site Plan which has been revised 12/10/2013. He noted that since the last meeting the 2 tenants and the property owner have come to agreement regarding the lease line. Quality Automotive (Maria Mitsalexakis) has the rental space #2 to the south end of the building (indicated by the green line); Mr. Ussery referenced the line for a 6' stockade fence on the plan, and noted parking remains the same as previously approved. Regarding Northeast Truck Sales (Rick Perrone), the parking also remains the same, but they had added an additional metal beam guardrail along the edge of the surface on the north side, and have proposed a wood guard rail in front of the 1 display space in front of the building to prohibit vehicles from going out onto the grass. Mr. Ussery indicated that other than that there are no changes in the plan the Commission reviewed at the previous meeting.

Mr. Ussery indicated he understood everyone to be in agreement and that Ms. Mitsalexakis and Mr. Perrone understand, and know, what needs to be done. Mr. Ussery indicated these are new plans which must be filed as mylars

The Commissioners and Town Planner Whitten had the following comments/concerns:

- **Fence "issue":** Commissioner Gowdy questioned if that had been solved? Mr. Ussery indicated he thought so.
- **Plan changes:** Commissioner Thurz indicated he had been absent from the previous meeting; these plans have changed considerably from the modifications presented originally. Mr. Ussery concurred, noting that he felt it will function better for everyone.
- **Dumpster location for Northeast Truck Sales:** Commissioner Sullivan questioned if there was enough room for trucks to get through? Mr. Ussery replied affirmatively, noting there is 45' from the dumpster to the closest space; Mr. Perrone felt there would be no problem.
- **Dumpster location for Quality Automotive:** Commissioner Sullivan indicated he didn't see a location for a dumpster for this tenant? Ms. Mitsalexakis referenced a location back "here" up against the fence so it doesn't block a parking space. Ms. Mitsalexakis noted she will have 2 dumpsters, including one for cardboard. Commissioner Sullivan questioned if there was room? Mr. Ussery suggested there was over 50'.

- **Additional metal beam fencing:** Town Planner Whitten noted she had requested that an additional metal beam fence be located on the southeast corner of the Quality Automotive space to prevent vehicles being parked on the newly created green space. Commissioner Sullivan opposed the suggestion, noting difficulty for plowing snow. Chairman Ouellette questioned if that request should be part of this Application; Town Planner Whitten suggested the Commission had made similar requests during other site plan reviews. Discussion continued regarding the additional fencing; the Commission ultimately did NOT require the fencing requested by Town Planner Whitten. Chairman Ouellette noted if parking occurs on the grassed areas it will become a violation subject to daily fines.
- **Re-filing of mylars:** Chairman Ouellette questioned the need to refile mylars. Town Planner Whitten noted the plans as filed for the Special Use Permit granted/approved for Quality Automotive originally have now changed, which requires that the plans which have modified the tenant space for Quality Automotive must be refiled.
- **Additional Conditions of approval:** Town Planner Whitten requested that staff comments 1, 4, and 6 referenced in her memo dated 11/6/2013 be added as additional conditions of approval. The Commission agreed.

MOTION TO APPROVE Application of Northeast Truck Sales and owner Donald Corkum requesting a site plan modification to allow truck sales 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 – Donald Corkum, 179 South Main Street, East Windsor, CT., Zone B2 Map 32 Blk 21 Lot 69, prepared by J. R. Russo & Associates, 1 Shoham Road, East Windsor, CT. 06088 860/623-0569 fax: 860/623-2485 scale 1”=20”, dated 6/14/13, Revised 11/18/13, latest revision 12/10/2013.

-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:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

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 Planning and Zoning Department.

Conditions which must be met prior to certificates of compliance:

4. Final grading, any required fencing and seeding shall be in place or a bond for the unfinished work be submitted. All buffer fencing must be in prior to certificate of occupancy .
5. 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:

6. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall, unless otherwise noted in these conditions, 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.
7. A Zoning Permit shall be obtained prior to the commencement of any site work.
8. 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.
9. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
10. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
11. 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
12. Cars/Trucks may not **at anytime** be parked in landscaped areas, or areas not designated for parking, unless approved as such on the site plan.

13. All required landscaping shall be adequately maintained, along with fencing or buffering.

Additional Conditions:

14. **The map as submitted (which is different than the previous Special Use Permit layout) will need to be re-filed along with the original Special Use Permit.**
15. **A note on the plans needs to be clear that there is NO PARKING ON ANY LANDSCAPED AREA. VEHICLES MAY ONLY BE PARKED IN ANY OF THE DESIGNATED PARKING SPACES.**
16. **Applicant and owner should be advised that if trucks/vehicles are parked anywhere beyond their allocated spaces, fines of up to \$150.00 per day/per violation will be issued. Any similar violation will then be immediately fined should it re-occur.**

Devanney moved/Gowdy seconded/

DISCUSSION: Chairman Ouellette noted he agreed with Staff, this is a tight site; he hoped this arrangement works out.

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

NEW BUSINESS: None.

BUSINESS MEETING/(1) Preliminary Discussion on West River Farms, Scantic Road:

No presentation this evening. Town Planner Whitten advised the Commission of the discovery of a Supreme Court case which finds that the PZC has no authority to grant waivers under CGS 8-2; requests to grant waivers must go to the Zoning Board of Appeals to seek variances based on hardship. Town Planner Whitten suggested this discovery will require the review, and revision, of many PZC regulations. West River Farms, which was approved under the PDR (Planned Development Regulations), required several waivers. The applicant for West River Farms now wants to review their approval before proceeding.

BUSINESS MEETING/(2) PZC Meeting Schedule for 2014:

The Commission reviewed the proposed Meeting Schedule for 2014. Discussion followed regarding rescheduling the November 11th regularly scheduled meeting which

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

29

falls on Veterans' Day. The Commission agreed to reschedule this meeting date to November 12, 2014 (second WEDNESDAY).

MOTION: To APPROVE the 2014 PZC Meeting date as amended – to hold the first meeting in November on Wednesday, November 12, 2014.

Devanney moved/Gowdy seconded/

DISCUSSION: None

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

BUSINESS MEETING/(3) Plan of Conservation & Development 2014:

The Commission is proceeding with additional meetings with various Town agencies and commissions to seek input regarding the status of current goals and potential updated revisions to the 2014 Plan of Conservation Development. Town Planner Whitten requested Commissioners to attend as many of these additional meetings as possible; she then advised the Commission of the following schedule for January, 2014:

- 1/13/2014 (Monday):** Park and Recreation, 6:00 p.m., High School Cafeteria
- 1/23/2014 (Thursday):** Water Pollution Control Authority, Park Hill, time not specified.
- 1/28/2014 (Tuesday):** PZC Workshop (second monthly) meeting, 7:00 p.m., Park Hill.
- 1/31/2013 (Thursday):** Board of Selectmen/Economic Development Commission Meet & Greet, 6:00 p.m., preceded by the Business Assistant Forum at 5:00 p.m., Merlot on the Water.

Town Planner Whitten noted the Planning Office is working on a Facebook informational page for updates about the POCD, and a new page specifically for the POCD has been added to the Planning Department webpage on the Town website.

Town Planner Whitten also noted that last evening a presentation was made by CERC (Connecticut Economic Resource Center) and the Hartford Metro Alliance at which they offered a training session on how all boards and commissions should interact to guide economic development for East Windsor. Town Planner Whitten then gave a short synopsis of suggestions/recommendations/comments. Chairman Ouellette requested hard copies of the PowerPoint presentation be made available to Commissioner members.

BUSINESS MEETING/(4) Discussion – Adult Regulations: Tabled:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1643 – December 10, 2013
MEETING MINUTES**

30

BUSINESS MEETING:/(5) Signing of Mylars/Plans, Motions:

Mylars/Plans:

Nothing presented.

Motions:

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

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:15 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(11,098)