

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

**REGULAR Meeting #1657 – July 8, 2014**

*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; Frank Gowdy, Dick Sullivan, and Jim Thurz.

**Alternate Members:** Marti Zhigailo

**ABSENT:**    **Regular Members:** Lorry Devanney

**Alternate Members:** Robert Slate

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Jason Bowsza, Board of Selectmen Liaison to the Planning and Zoning Commission (arrived at 7:10 p.m.)

**ESTABLISHMENT OF QUORUM:**

A quorum was established by the attendance of four Regular Members and one Alternate Member. Chairman Ouellette noted all Regular Members, and Alternate Member Zhigailo 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 June 26, 2014, and Thursday, July 3, 2014, was read by Chairman Ouellette:

- Proposed comprehensive update of the East Windsor Zoning Regulations.

**ADDED AGENDA ITEMS:**

Town Planner Whitten noted the following application was received yesterday:

1. Application of Todd Lamson, on behalf of Silk City Chorus, for a Temporary Liquor Permit for Beer Tasting Fund Raiser to be held on July 19, 2014 at 8:00 p.m. and on July 20, 2014 at 2:00 p.m. at the Broad Brook Opera House, 107 Main Street, Broad Brook, owned by Commerce Way Associates. [B-1 Zone; Map 98, Block 45, Lot 1].

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**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

**APPROVAL OF MINUTES/June 24, 2014:**

**MOTION: To APPROVE the Minutes of Regular Meeting #1656 dated June 24, 2104 as written.**

Gowdy moved/Zhigailo seconded/

**DISCUSSION:** None.

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following new Application:

1. Application of Todd Lamson, on behalf of Silk City Chorus, for a Temporary Liquor Permit for Beer Tasting Fund Raiser to be held on July 19, 2014 at 8:00 p.m. and on July 20, 2014 at 2:00 p.m. at the Broad Brook Opera House, 107 Main Street, Broad Brook, owned by Commerce Way Associates. [B-1 Zone; Map 98, Block 45, Lot 1]

**MOTION: To GO OUT OF ORDER and take the Application of Todd Lamson, on behalf of Silk City Chorus, for a Temporary Liquor Permit for Beer Tasting Fund Raiser to be held on July 19, 2014 at 8:00 p.m. and on July 20, 2014 at 2:00 p.m. at the Broad Brook Opera House, 107 Main Street, Broad Brook, owned by Commerce Way Associates. [B-1 Zone; Map 98, Block 45, Lot 1].**

Gowdy moved/Thurz seconded/

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

**NEW BUSINESS: Todd Lamson, on behalf of Silk City Chorus: Temporary Liquor Permit for Beer Tasting Fund Raiser to be held on July 19, 2014 at 8:00 p.m. and on July 20, 2014 at 2:00 p.m. at the Broad Brook Opera House, 107 Main Street, Broad Brook, owned by Commerce Way Associates. [B-1 Zone; Map 98, Block 45, Lot 1]:**

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Chairman Ouellette read the description of this Application. Appearing to discuss the Application was Todd Lamson, representing the Silk City Chorus, and William Grace.

Mr. Lamson reported that these performances are fundraisers for which the majority of the money will go to the Opera House Players while the Silk City Chorus will charge a performance fee. The Broad Brook Brewery is doing a sponsorship under which they will serve 2 ounce samples of beer before and during intermission of the shows. Mr. Lamson reported there is an insurance rider which indemnifies all parties.

Commissioner Gowdy questioned if a police officer will be on duty during the performances? Mr. Lamson replied negatively, unless the Opera House plans to hire an officer.

Commissioner Thurz questioned how this proposal is different than those for which other applicants have come through for events? Town Planner Whitten suggested that the Opera House is a facility which already has a congregation. Nothing is being proposed outside of the facility. Discussion followed regarding the application process. Commissioner Sullivan questioned if the beer tasting would be open to the general public or ticketholders only? Mr. Lamson reported only ticketholders would be offered the samples; the seating capacity of the Opera House is only 150 people. Parking will be the same availability as other events. The consensus of the Commission was these events/performances are different than other applicants which have previously come before them; these performances will be inside the facility offered to only the limited number of ticketholders, and no one will be crossing the street as with some other events held by other organizations.

**MOTION: To APPROVE the Application of Todd Lamson, on behalf of Silk City Chorus, for a Temporary Liquor Permit for Beer Tasting Fund Raiser to be held on July 19, 2014 at 8:00 p.m. and on July 20, 2014 at 2:00 p.m. at the Broad Brook Opera House, 107 Main Street, Broad Brook, owned by Commerce Way Associates. [B-1 Zone; Map 98, Block 45, Lot 1].**

**Gowdy moved/Sullivan seconded/**

**DISCUSSION: None**

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

LET THE RECORD SHOW Deputy Selectman Bowsza arrived at 7:10 p.m.

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

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Nothing presented this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS: Proposed Comprehensive Update/Text Amendment of the East Windsor Zoning Regulations:**

Town Planner Whitten reported that these proposed regulation revisions have been referred to the Capital Region Council of Governments (CRCOG); CRCOG has returned a positive response. The regulations changes were made to quantify the waiver provisions included in the current regulations, and to clarify some unclear language. Town Planner Whitten briefly noted various proposed revisions.

Discussion continued regarding the purpose for this round of revisions. It was noted that during daily review of the regulations by staff when assisting the public various definitions or language was unclear; clarifications have been included in these revisions as needed. Also, a recent court ruling regarding the actions of a Planning Commission elsewhere in the state, (the MacKenzie Case), identified the Zoning Board of Appeals as the body having responsibility for granting waivers to zoning regulations. Several waiver provisions had been written into our zoning regulations to assist applicants to move forward with proposed developments as they come before the Planning and Zoning Commission; those waivers are being removed under this regulation revision. Applicants would now have to seek relief of zoning regulations through the Zoning Board of Appeals specifically. Several workshops – including public input - have been held to review these proposed changes; the final draft is before the Commission for consideration this evening. Town Planner Whitten reported that she and Assistant Town Planner Newton were assisted in this endeavor by staff of J. R. Russo and Associates. Chairman Ouellette suggested that if Town staff had undertaken this project during the work day it would have taken a year or more to complete this revision. J. R. Russo and Associates has been a consulting engineer for the Town on several projects; they volunteered their time to assist with these revisions. The Town has limited funds for such projects; J. R. Russo's involvement was a savings for the community. A polling of the Commissioners found everyone concurred with the revision process.

Chairman Ouellette opened discussion to the public.

**Dana Steel, J. R. Russo:** questioned if these revisions allow for PRDs in MFDD zones? Town Planner Whitten replied that issue had not been included, although some references to subdivision regulations were included.

**Dick Pippin:** opened discussion on landscape buffers. He questioned if mature vegetation (i.e. 30' existing trees) would be removed in favor of creating required buffers? Town Planner Whitten suggested there are different landscape buffer requirements for different projects. This revision allows the Commission the discretion

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to make considerations when possible; her concern is that such decisions might be construed to be waivers – elimination of which is a major purpose for these revisions.

**MOTION: To CLOSE THE PUBLIC HEARING on the Application for the Proposed Comprehensive Update/Text Amendment of the East Windsor Zoning Regulations.**

Gowdy moved/Zhigailo seconded/

**DISCUSSION:** None

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

**MOTION: To APPROVE the Application for the Proposed Comprehensive Update/Text Amendment of the East Windsor Zoning Regulations.**

Gowdy moved/Zhigailo seconded/

**DISCUSSION:** None

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

**OLD BUSINESS:** None.

**NEW BUSINESS: Olender Family Limited Partnership** – Modification of Approved Site Plan to allow construction of a 4,868 square foot addition to existing building at 1 Shoham Road. [M-1 Zone; Map 113, Block 17, Lot S1]. (*Deadline for decision 8/14/2014*):

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

Mr. Ussery described this application as a modification to the existing Site Plan to allow a 4,800+/- square foot addition to the east side of the auto body facility at 1 Shoham Road owned by the Olender Family Limited Partnership. The property location is on the northeast corner of Shoham Road and Route 140/North Road at the signalized intersection of both roads.

Mr. Ussery reported that in 2004 a larger addition was approved which was to be completed in two phases. The first phase addition was completed; the second phase – for a smaller addition – was not completed, and the permit for the second phase has expired.

Mr. Ussery suggested the proposal meets requirements for building coverage, impervious coverage, and parking.

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Mr. Ussery noted Town Planner Whitten had asked for architectural drawings, which are not available. He indicated the addition will mirror the existing building with regard to building materials (concrete block construction) and painting details (accent stripe around building). Mr. Ussery suggested they are adding a turret on the northeast corner to break up the building design, which is getting long; they may add a turret in the office area as well. The same type of windows will be installed in the addition as have been installed in the current building. They are not proposing any outside pole lighting at this time. Mr. Ussery suggested he felt they will probably add wall mounted lighting units to the exterior of the addition. The dumpster location will be slid back, and will be screened as required. The existing dumpster pad is gravel; Mr. Ussery anticipates the new pad will be gravel as well. Town Planner Whitten noted dumpster pads are usually required to be concrete material.

Mr. Ussery noted Town Engineer Norton had recommended under his memo of 6/10/2014 that the design engineer review the design calculations to insure that the basin will handle the minimal increase in impervious area. Town Engineer Norton's recent memo dated 7/7/2014 indicated his review of the revised hydrologic calculations required that the top of the frame of the current outlet structure must be raised to elevation 116.5, and that the change should be reflected on the plans. Mr. Ussery noted that recommendation has been incorporated in the plans before the Commission.

Commissioner Thurz questioned if anything more can be done with the building with regard to additions? Mr. Ussery felt parking would become a problem for future additions; he mulled the possibility of adding additional parking to the front towards Route 140.

**MOTION TO APPROVE the Application for Site Plan Approval by owner Olender Family Limited Partnership for a building addition to Olender's Auto Body building and associated improvements, located at 1 Shoham Road, East Windsor, CT in the M-1 Zone. Map 113, Block 17, Lot S1 (as may be modified by the conditions:**

**Referenced Plans:**

- **Site Plan** – Sheet 1 of 14 - "Olender Family Limited Partnership, 1 Shoham Road, East Windsor, CT, Map 113, Blk 17, Lot S1, Zone M1", prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088. (860) 623-0569, Fax (860) 623-2485 Scale 1" = 40',  
Dated 6-6-14

**-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.

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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. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
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.
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 Ch 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

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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.

**Gowdy moved/Zhigailo seconded/**

**DISCUSSION:       None**

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

**NEW BUSINESS: Styles Brook Storage LLC** – Site Plan Approval to allow construction of two 9,000 square foot buildings for use as contractor’s offices at 22 Wagner Lane, owned by TJL Investment Trust LLC. [M-1 Zone; Map 81, Block 11, Lot 3]. (*Deadline for decision 8/14/2014*):

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

Mr. Ussery described the location of this proposal as being to the south of the intersection of Route 5 and Main Street. The site currently includes two tobacco barns and several other buildings which contain A-Z Storage which was developed by Al Rodrigue 8+/- years ago as contractor storage facilities. Styles Brook Storage, LLC has purchased the property, including an additional 60’ strip which will require a lot line reconfiguration. The two existing tobacco barns will be demolished and replaced with two new buildings which will include units to be rented to various contractors – plumbers, landscapers, electricians – to store their equipment and supplies. Each unit will include a storage area with overhead door(s), office area, and toilets. The two new buildings, each 50’ deep and 180’ long, will be built as Phase I/building I and Phase II/building II. The two new buildings will match the existing storage buildings in both materials and building color;

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the existing buildings are pre-engineered metal buildings with peaked roofs. Sewers will be brought to the site from Wagner Lane; the site is currently served by city water. Mr. Ussery noted they have received an approval letter for service capacity from the WPCA (Water Pollution Control Authority). They will also be granting an easement to the WPCA for access to the property to maintain the sewer service.

Mr. Ussery noted Town Engineer Norton has provided a memo dated 7/7/2014 which indicates his comments have been addressed.

Mr. Ussery reported they are not proposing any outside lighting, although they will include full cut-off wall packs on the buildings and over the unit doors.

Mr. Ussery referenced an area which will be landscaped; he noted there is an open field behind this area. The earthen berm, which was built to mark the limit of the previous use as a golf range, will remain.

The Commissioners raised the following questions:

**Commissioner Gowdy:**

**How parking would be managed for each unit?** Mr. Ussery felt most trucks would be parked inside to prevent theft of equipment. Parking spaces would be available outside for additional company vehicles.

**Commissioner Sullivan:**

**What's the proposed height of the buildings?** Mr. Ussery indicated he didn't have the architectural drawings for the buildings as yet but he anticipated they might be 24' at the peak. He noted there would not be a second story on these buildings.

**Will the barns be demolished in Phase I?** Mr. Ussery replied affirmatively.

**Chairman Ouellette:**

**How the construction phasing will occur?** Mr. Ussery indicated the drainage, sewer, and water will be connected in Phase I, but the construction of and paving for building II won't occur until Building I has been filled. It's possible that Building II might never be completed.

**Where will the dumpsters be located?** Mr. Ussery reported four dumpsters will be located on a pad near the location for Building II; he felt something else will be located on an island to service Building I.

**Where is the lot line revision?** Mr. Ussery noted it is on the westerly property line, which goes out 60' from Al Rodrigue's property to that of Styles Brook Storage.

**Will there be two distinct properties?** Mr. Ussery reported the properties will be combined into one, otherwise it would require a subdivision.

**Will there be fencing around the expanded area?** Mr. Ussery felt there would be as the existing facility is contained by a 6' fence; he agreed fencing wasn't currently shown on the plan before the Commission.

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**Could the addition of the fencing be added to the mylars, and could it be handled administratively by Staff?** Town Planner Whitten concurred, noting if the fence is below 6' in height.

**What are the ultimate plans for this property?** Mr. Ussery noted it's a difficult property to deal with from a zoning perspective as the property itself is industrial but is bounded by residential properties further down Wagner Lane and along South Water Street. He recalled a previous application before the PZC some years ago which proposed condominiums in this area; he felt that proposal had been a nice transition from the business uses to the residential uses.

**Town Planner Whitten:**

**Will this be a gated facility?** Mr. Ussery replied affirmatively.

Discussion continued. The Commissioners agreed there seemed to be a need for this type of facility in the community. Town Planner Whitten concurred, noting she often hears from contractors looking for reasonable rental space within town.

**MOTION TO APPROVE the Application of Styles Brook Storage LLC and owner TJL Investment Trust, LLC requesting a Site Plan Modification per Chapter 900, to construct two 9,000 sq. ft. buildings with associated site improvements for a contractors office/storage yard to be added to the existing storage facility located at 22 Wagner Lane, in the M-1 Zone, Map 81, Blk 11, Lot 003.**

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

Referenced Plans:

- 1/4 Lot Line Reconfiguration Plan, properties of TJL Investment Trust, LLC and Styles Brook Storage LLC, Wagner Lane, East Windsor CT Map 13 Blk 11 Lott 2&3 Zone M-1 prepared by JR Russo & Assoc. LLC, 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623- 2485 fax, scale 1" = 60', dated 5/23/14
- 2/4 Existing Conditions/Demolition Plan Map 81, Blk 11, Lot 3, scale 1" = 40'
- 3/4 Site Plan, scale 1" = 20'
- 4/4 Detail Sheet

**-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 prints and one set of final mylars, with any required revisions incorporated on

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the sheets shall be submitted for signature of the Commission. Sets 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.

***5. EVIDENCE OF THE FILING ON THE LAND RECORDS OF THE LOT LINE RECONFIGURATION MUST BE PRESENTED.***

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

6. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
7. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
8. 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:**

9. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application 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, 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.
10. A Zoning Permit shall be obtained prior to the commencement of any site work.
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

