

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

**Meeting #1623
December 11, 2012**

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.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devaney, Gowdy, Ouellette, Sullivan and Thurz) and one Alternate Member (Zhigailo) were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening if any of the Regular Members recused themselves.

Also present was Town Planner Whitten.

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

LEGAL NOTICE: None.

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition of Discussion/Review of the Planning and Zoning Department Zoning Enforcement Policy under the BUSINESS MEETING.

No motion made.

PUBLIC PARTICIPATION: No one requested to speak.

APPROVAL OF MINUTES/November 27, 2012:

MOTION: To APPROVE the Minutes of Regular Meeting #1622 dated November 27, 2012 as amended:
Page #1, ESTABLISHMENT OF QUORUM: “~~Chairman Ouellette~~
VICE CHAIRMAN GOWDY noted all Regular Members would sit in.....”

Page #1 and #2, APPROVAL OF MINUTES/October 23, 2012:

“VOTE: In Favor: ~~Unanimous-~~

DEVANNEY/GOWDY/SULLIVAN/ZHIGAILO;

Opposed: No one; Abstained: Thurz

Page #2, RECEIPT OF APPLICATIONS, 2) Application of William

Same dab-SYME D/B/A.....

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/Sullivan/Thurz

Opposed: No one

Abstained: Ouellette

RECEIPT OF APPLICATIONS: None

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE; Horizon HARVEST View Estates, LLC – Approved subdivision on January 27, 2009. Request by Richard Corrado, Member, ~~Horizon~~ **HARVEST** View Estates, LLC for Permit extension for Harvest View Estates for an additional 9 years. (Zone A-1; Map 42, Block 72, Lot 008):

Chairman Ouellette read the description of this Item of Business. Town Planner Whitten noted the name of the subdivision as reflected on the Agenda should be Harvest View Estates rather than Horizon View Estates.

Town Planner Whitten noted the original approval expired after 5 years, then subsequently the Legislature changed the expiration time period to 6 years. Recently Public Act 1105 was passed which has changed the expiration date of subdivision approvals within a specific time period to now be 9 years.

Town Planner Whitten noted the Applicant has asked for the full 9 year extension, however they have previously received a 3 year extension of the original approval date. The correct expiration date for this subdivision should be 6 years from the previous approval extension.

Discussion followed; the general consensus of the Commission was that while an applicant wasn't responsible for the current economic climate they felt a 9 year extension was way too long. They questioned if the Commission has any discretion regarding the length of the extension? Town Planner Whitten felt the 9 year extension was automatic.

David Palmberg, surveyor for Harvest View Estates, requested to speak from the audience. He noted the Applicant's intent is to seek the maximum extension possible. He did understand the Commission's preference to make this extension for 6 years based on the previous 3 year extension. He noted this requirement is statutory.

Chairman Ouellette questioned the need for the Commission to do anything if the expiration is automatic? Town Planner Whitten noted the original condition of approval specifies a 5 year expiration; this motion would clarify the new expiration date .

MOTION: To EXTEND FOR NINE (9) YEARS from the original date of approval

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January 27, 2009, the Application of Harvest View Estates, LLC for an approved subdivision. (Zone A-1; Map 42, Block 72, Lot 008).

DISCUSSION: None.

Devanney moved/Gowdy seconded/

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

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: Newberry Road Enterprises & Steven Dearborn - Request by Steven Dearborn via Attorney Bridget C. Gallagher of Brown, Paindiris & Scott LLP, for extension for 68 Newberry Road. (Zone M-1; Map 15, Block 19, Lot 6):

Chairman Ouellette read the description of this Item of Business; he noted he understood there is actually no need for this extension? Town Planner Whitten concurred, noting Mr. Dearborn's attorney asked for the extension, however, Mr. Dearborn has 1 year to complete the work, which he has begun.

Discussion followed regarding protocol; Chairman Ouellette queried if the attorney should withdraw this request? Town Planner Whitten suggested she can make that request of the attorney.

Commissioner Gowdy questioned if Staff has determined Mr. Dearborn has begun the work; Town Planner Whitten replied affirmatively.

MOTION: **To TABLE the request for Newberry Road Enterprises & Steven Dearborn - Request by Steven Dearborn via Attorney Bridget C. Gallagher of Brown, Paindiris & Scott LLP, for extension for 68 Newberry Road. (Zone M-1; Map 15, Block 19, Lot 6). Application TABLED UNTIL THE COMMISSION'S NEXT REGULARLY SCHEDULED MEETING TO BE HELD ON JANUARY 8, 2013, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

DISCUSSION: None

Devanney moved/Gowdy seconded/

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

PUBLIC HEARINGS: John and Dawn Galinski - Special Use Permit for contractor storage yard, residential over commercial use and associated site modifications to be located at 227, 227R, and 229 South Main Street, East Windsor. [B-2 zone; Map 12, Block 23, Lot 001-02] *Deadline to close Public Hearing is January 15, 2013:*

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was David Palmberg, professional land surveyor representing Mr.

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Galinski.

Mr. Palmberg indicated they are present to seek approval for a Site Plan Modification and Special Use Permit to allow a residence over an office at 227, 227R, and 229 South Main Street;

The property is located south of Abbe Road. Mr. Palmberg indicated the property was run down; Mr. Galinski has purchased the property and plans to maintain the property/uses as follows:

- An existing house near the road would continue to be used as a residence.
- A second building containing 780 square feet is located behind the front residence; Mr. Galinski is proposing to use this building as an office, with a residence on the second floor.
- A third building, which was also previously used as a residence, would now become a storage shed.

There was also a tobacco barn which existed on the property; Mr. Galinski removed that building last month.

Mr. Galinski is also proposing the following 2 additional buildings:

- A 60' x 100' metal building in the north east corner
- A future metal building in the southeast corner which would be used as a contractor's yard for equipment used by Mr. Galinski in his tree service business.

Mr. Palmberg indicated the property is served by public water and sewer. He referenced a letter from the Water Pollution Control Authority (WPCA). Mr. Palmberg indicated there has been much discussion regarding the sewer use for this property. He felt there were buildings throughout the years without permits; the WPCA is concerned with service to all of the residential buildings via 1 lateral sewer line. The WPCA is asking that Mr. Galinski terminate the "common" sewer connection to the rear buildings via the sewer connection to the front residence; they are then requiring Mr. Galinski to provide a separate sewer line to the rear residential building. Mr. Palmberg noted the WPCA is not requesting sewer service be added for the 2 metal structures.

Mr. Palmberg noted Zoning Regulations require Mr. Galinski to provide 2 parking spaces for each residence; they currently have 5 parking spaces available. Parking for the contractor's storage yard will be provided by 4 spaces along the northern property line, and 4 parking spaces behind the proposed office. Mr. Galinski is proposing to store the logging equipment outside; the proposed storage location for that equipment meets or exceeds the required distance of 50' from the property lines.

Mr. Palmberg advised the Commission they have had discussions with Staff

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regarding Mr. Galinski's eventual intention of cutting logs on the property for fire wood. Mr. Palmberg clarified that the cutting of logs is NOT part of this Application, however, they would like to discuss the future possibility with the Commission. Stockpiling of logs would currently NOT be allowed on the property. Town Planner Whitten noted stockpiling must be located 50' from the property lines; Mr. Palmberg indicated the stockpiling would be located near the adjacent agricultural fields. Commissioner Gowdy cited concern for noise for neighbors; Mr. Palmberg reiterated they would return for a future Site Plan modification for the wood cutting. Chairman Ouellette questioned why discussion was occurring presently if the stockpiling was not part of this Application? Town Planner Whitten suggested questions had come up in subsequent meetings; she is seeking clarification that the logging and stockpiling is NOT part of the Application before the Commission tonight.

Mr. Palmberg noted the request for a residence over the office has required the Special Use Permit Application. They are also asking for a waiver from use of pavement for the driveway as the type of equipment used in Mr. Galinski's business would damage a paved driveway. Chairman Ouellette questioned how denial of the waiver for the paved driveway would impact impervious coverage on this site? Mr. Palmberg indicated 65% impervious coverage is allowed; they are proposing 34%, which includes the processed stone driveway which would replace the paved driveway. He suggested the impervious coverage would be ok, but denial of the waiver would affect the storm water run-off.

Commissioner Devanney questioned if any floor drains were proposed for the inside storage building? Mr. Palmberg replied negatively, noting they are proposing 4 – 5 bays for inside storage. Commissioner Devanney questioned that they wouldn't be washing trucks inside the buildings? Mr. Palmberg replied they would not. He indicated the building would be heated by an outside wood furnace. Town Planner Whitten noted the DEEP (Department of Energy and Environmental Protection) requirement that the outside furnace must be located 200' from any residence, including the residences on this property. Mr. Palmberg suggested they can omit the outside furnace if it's a problem. Chairman Ouellette questioned how installation of the outside furnace would impact the 3 parking spaces nearby? Mr. Galinski indicated it is absolutely ok. Chairman Ouellette questioned that you could park vehicles, with gas in the fuel tanks, 5' from the furnace? Mr. Galinski replied affirmatively; he suggested someone can stand there and fuel it.

Commissioner Sullivan questioned where equipment repair would be done? Mr. Galinski suggested that occurs offsite.

Mr. Palmberg noted he has submitted stormwater calculations to Town Engineer Norton. They are proposing roof leaders to direct run off into the sandy soil. There is not a huge amount of impact in the net peak stormwater runoff.

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Mr. Palmberg noted they received Administrative approval from the Inland Wetlands Commission. They are not proposing any work near the slope, and will be adding concrete blocks at the top of the slope.

Mr. Palmberg indicated they would be adding full cut off wall mounted lighting packs to all the buildings, including the one to the south.

Mr. Palmberg noted he has not yet drawn a landscaping plan, but noted 100 square feet of landscaping is required for each building. He suggested they are proposing an area along the side of the driveway near the front house, another 100 square feet between the first and second residence, and 300 square feet to the north.

Town Planner Whitten noted the Site Plan Modification is inclusive of the 2 metal buildings. Chairman Ouellette requested that clarification be reflected in the approval motion as the Site Plan indicates one of the buildings is identified as “future” on the plan. Town Planner Whitten also suggested the WPCA memo regarding the sewer requirements also be referenced as a condition of approval, and that the recommendations of the Town Engineer also be included.

Commissioner Devanney requested clarification that the office apartment would contain one or two bedrooms? Mr. Palmberg indicated the maximum allowed in a business zone is a one bedroom apartment; this would be like a caretaker’s apartment. Discussion continued regarding the ability to add a second bedroom. Town Planner Whitten noted 800 square feet of building footprint is required for a 2 bedroom apartment. Discussion continued; Mr. Galinski joked he could remove closets to get the 800 square feet. Town Planner Whitten reiterated the need for an 800 square foot footprint for the building; removing closets wouldn’t do it. The total size of the existing building is a 781 square foot footprint; it DOES NOT meet the requirements for a 2 bedroom unit. Town Planner Whitten suggested the clarification for a one bedroom unit should be noted.

Mr. Palmberg noted there is a drainage channel adjacent to the property which was originally thought to be part of this location; he clarified the drainage channel is actually offsite. He noted they performed a delineation of wetlands and the topography on the abutters property via the GIS; the drainage ditch was found to not be part of the Galinski property.

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

MOTION: To CLOSE the Public Hearing on the Application of John and Dawn Galinski for a Special Use Permit for contractor storage yard, residential over commercial use and associated site modifications to be located at 227, 227R, and 229 South Main Street, East Windsor. [B-2 zone; Map 12, Block 23, Lot 001-02].

DISCUSSION: None

Devanney moved/Gowdy seconded/

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

MOTION: To WAIVE CH 601.3.a requesting use of improved gravel surface vs. pavement as the site is mostly dirt and gravel, and the standard use of the contractors storage yard may damage pavement.

DISCUSSION: None

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE Application of owner John Galinski requesting a Special Use Permit per Chapter 502(6), to construct A/(one) ONE (1) BEDROOM residential unit over the first story commercial space, and site plan modifications – INCLUSIVE OF TWO (2) NEW METAL BUILDINGS - for a contractors storage yard to be located at 227, 227R and 229 South Main Street Assessors Map 12, Block 23, Lot 001-02 . Said permit is subject to the following conditions:

CONDITIONS OF APPROVAL:

Referenced Plans:

- Improvement Location Plan prepared for 227, 227R & 229 South Main Street, East Windsor, prepared by William R. Palmberg & Son, LLC, 264 Hazard Avenue, Enfield CT 06082 860/763-3300, scale 1 “ = 20’ dated 10/10/12 Map 39, Blk 23, Lot 1-2

Conditions which must be met prior to signing of mylars:

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

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

3. One set of final plans and two sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of mylars must be filed in the land records, the others in the Planning Office.
4. 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.

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 been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

8. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and site improvements 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 is subject to the approval of the town engineer.

12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
14. All required landscaping shall be adequately maintained.

ADDITIONAL CONDITIONS:

- 15. Applicant must follow guidelines recommended in Water Pollution Control Authority Letter dated 10/12/2012.**
- 16. Town Engineer to review and make final recommendations regarding drainage calculations.**

DISCUSSION: None

Devanney moved/Gowdy seconded/

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

OLD BUSINESS: None.

NEW BUSINESS: None.

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Discussion – Temporary Signs – Tabled to December 31, 2013:

Town Planner Whitten clarified the discussion regarding Temporary Signage has been tabled until January 8, 2013.

BUSINESS MEETING/(2) Discussion – Adult Regulations:

Town Planner Whitten noted discussion regarding Adult Regulations has also been tabled until a future meeting.

BUSINESS MEETING/(3) 2013 PZC Schedule:

Town Planner Whitten noted the Commission approved the 2013 Meeting dates during the previous Meeting; the approved schedule has been provided for the Commissioner's reference.

BUSINESS MEETING/4) Election of Officers:

Chairman Ouellette queried the Commissioners regarding their preference to serve on any of the Board positions. Those Commissioners not presently serving declined to be appointed; the Commissioners presently serving agreed to continue in the coming year.

MOTION: To NOMINATE the existing slate of officers – Joseph Ouellette as Chairman, Frank Gowdy as Vice Chairman, and Lorraine Devanney as Secretary.

Thurz moved/Sullivan seconded/

**VOTE: In Favor: Unanimous
Opposed: No one
Abstained: No one**

BUSINESS MEETING/Review of Bylaws:

Chairman Ouellette noted Section 2.1 – Membership should be revised to reflect “The Commission shall consist of ~~four (4)~~ FIVE 5 regulars and three (3) alternate members.”

Revisions will be scheduled for approval at the next Commission Meeting.

BUSINESS MEETING/(6) Signing of Mylars/Plans, Motions:

Nothing presented for signature this evening.

BUSINESS MEETING/Added Agenda Item – Town of East Windsor Zoning Enforcement Policy:

Town Planner Whitten presented the Commission with the Planning Department’s Zoning Enforcement Policy. She noted addition of a written reference to the Zoning Citation Ordinance No. 07-01 adopted August 30, 2007. Town Planner Whitten reviewed the Department’s citation policy for the Commission, noting the process is mandated by the State. She indicated Staff tries to talk to the violators initially; she noted many people don’t have any idea they need Zoning Permits, etc. She noted a person has a long time to seek resolution before penalties are imposed.

MOTION: To APPROVE the amended Zoning Enforcement Policy for the Town of East Windsor.

DISCUSSION: None

Gowdy moved/Devanney seconded/

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

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ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:16 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(3371)