

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular/Special Meeting #1647 – February 11, 2014
MEETING MINUTES**

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MOTION: To APPROVE the Minutes of Regular Meeting #1646 dated January 28, 2014 as presented.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following new Applications:

1. Application of Christmas Cars, LLC for Modification of Approved Site Plan to allow internet and retail car sales at 179 South Main Street, owned by Donald J. Corkum. [B-2 Zone; Map 32, Block 21, Lot 69].
2. Application of 38 North Road, LLC for Site Plan Approval for construction of a gravel lot to be used for container storage at 36 North Road. [M-1 Zone; Map 113, Block 17, Lot 5].
3. Application of Michele Carver for a Special Use Permit – Horse Training/Boarding Facility to allow construction of an 18-stall barn and indoor arena with associated parking at 7 Thrall Road. [A-1 Zone; Map 49, Block 60, Lot 19B].
4. Application of RRC Management, LLC for Site Plan Approval for construction of a 6,000 sq. ft. building addition and associated parking/driveway at 94 Newberry Road. [M-1 Zone; Map 93, Block 19, Lot 11].

MOTION: To GO OUT OF ORDER and take the Application of Leslie Hickey for a Temporary Liquor Permit for Literacy Volunteers of Northern CT Annual Wine & Ale Tasting event on Sat., March 8, 2014 from 5:00 to 9:00 p.m. at 149 North Road, owned by Patrick Soucy. [Map 125, Block 16, Lot 27].

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

NEW BUSINESS: Leslie Hickey – Temporary Liquor Permit for Literacy Volunteers of Northern CT Annual Wine & Ale Tasting event on Sat., March 8, 2014 from 5:00 to 9:00 p.m. at 149 North Road, owned by Patrick Soucy. [Map 125, Block 16, Lot 27].

Chairman Ouellette read the description of this Item of Business. Appearing to discuss the Application was Leslie Hickey, of Joe's Fine Wines and Liquors.

Mr. Hickey reported this same event was held last year. This Application is for a Temporary Liquor Permit for a charity event held for the Literacy Volunteers of Northern CT. The event is an annual wine and ale tasting to be held inside the auction facility at 149 North Road on Saturday, March 8th, 2014 from 5:00 p.m. to 9:00 p.m.

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Commissioner Thurz asked if Mr. Hickey had received any complaints regarding last year's event? Mr. Hickey indicated he was not aware of any.

Chairman Ouellette queried the Commissioners and Town Planner Whitten if they had any comments regarding this Application; no one raised any questions/comments.

MOTION: To APPROVE the Application of owner Patrick Soucy requesting a temporary liquor permit for a fundraiser per Chapter 805 for property located at 149 North Road, East Windsor, CT. (B-3 Zone, Map 125, Blk. 16, Lot 27). A temporary event permit will be required through the zoning office prior to the event being held.

Devanney moved/Thurz seconded/

DISCUSSION: None.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Nothing presented this evening

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: James Balch - Modification of Approved Site Plan to allow commercial multi-tenant facility consisting of used car sales & service, auto detailing & retail sales of detailing 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] (*Deadline for decision 2/13/2014*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC; Mr. Ussery is present representing James Balch.

Mr. Ussery reported this Application is for a Site Plan Modification, which is the first step for the Planning Office to have on file the current uses on the site, the current

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tenants, and the assigned tenant spaces. Mr. Ussery indicated there are multiple uses at the site, including the following:

1. **Armster Lumber – rear of 244 South Main Street** – current Site Plan on file.
2. **Jim Balch’s Office – rear of 248 South Main Street, lower level** - occupies 1200 square feet of office space, allocated 6 total parking spaces along rear of building.
3. **B&G Motors –250 South Main Street** – have garage space for services for used cars
B&G Motors – office at 248 South Main Street – 7 parking spaces required, 2 shown along the side, and others in front of display space. 18 storage spaces are also allocated to B&G Motors to the rear of 248 South Main Street.
4. **Cota Construction – 250 South Main Street** – stores construction equipment in front of 250 South Main, occupies 1600 square feet of space, 8 required parking spaces shown on side of building.
Cota Construction – also has an area on the right side of the road which is NOT party of this Application.
5. **D-Touch Detailing – 250 South Main Street** – details and cleans cars, 90% of which are auction cars, there is a constant movement of cars to auction. This tenant also intends to sell auto detailing products.
D-Touch Detailing – office at 248 South Main Street – parking provided to the rear of this location.
D-Touch Detailing – area in front of fence in front of Armster Lumber – is inventory storage/parking area.

Mr. Ussery noted there have been a number of zoning violations at the various locations regarding the tenants, the spaces they occupy, and if they have licenses to do what they are doing. Discussions have been held with Mr. Balch, his attorney, and Planning Staff. Mr. Ussery reported this location has been an auto use in different capacities since the 1940s; Town Planner Whitten noted the Assessor’s data from the 1950s shows retail and residential uses. Mr. Ussery suggested this location was a Shell (Gas) Station dating back to the 1930s; Mr. Balch feels that all of this has been grandfathered. Mr. Ussery noted that Southern Auto Auction stored cars in this location at one time as well as at their own property.

Mr. Ussery submitted a current GIS aerial of the site(s); he referenced the various buildings shown and related them to the various property addresses. He noted that very little of the site conforms to current zoning regulations; an estimated 90% of the site is impervious coverage and has been blacktop for years. Town Planner Whitten clarified that 244 South Main Street goes back to the river. Mr. Ussery concurred, noting that 244 South Main Street is a 15 acre parcel which does go back to the river. He suggested that if all these locations were merged then the site might be in conformance because so much of the Armster location is located within the flood plain. Currently there are many different properties in different ownerships; they have never been merged together by deed.

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Mr. Ussery referenced the aerial, noting that the bituminous islands are presently located within the State right-of-way. They are hoping to get the cars back onto the property. Mr. Ussery suggested there are not really any connections between the locations, other than between 244 and 248 South Main Street. The Applicant is proposing to cut the existing island back to allow for a 30' access driveway which will allow the curb cut to align with the access drive. This will be a common access drive to 248, 248 rear, and 250 South Main Street. During later discussion it was noted the common access drive will be delineated by paint striping only. Discussion followed regarding problems which will occur if the striping isn't maintained or if someone parks over the striped access; discussion continued regarding parking within the common accessway prohibiting access for emergency vehicles. Chairman Ouellette questioned if the Applicant would consider delineated curb cuts as part of the Site Plan Modification?

Mr. Ussery also noted they are proposing to install a sign which would be located to the north and east of the "showroom"; the sign would identify all the tenants. Town Planner Whitten questioned if the sign detail is part of this Site Plan Modification? Mr. Ussery indicated they have only shown a small detail on the current plans. Town Planner Whitten suggested the proposed sign location has no building frontage on which the size of the sign would be determined. Mr. Ussery indicated he will pull the sign location/configuration from this Site Plan Modification Application and work with Staff to address the sign issues.

LET THE RECORD SHOW Deputy First Selectman Bowsza arrived at 7:25 p.m.

Commissioner Thurz questioned recent excavation at the site? Mr. Ussery noted the property was tied into the sanitary sewer last week. Floor drains for the area occupied by D-Touch Detailing were designed and approved by the Water Pollution Control Authority and Town Engineer Norton; the floor drains will now tie into the sanitary sewer.

Commissioner Devanney questioned the ability for a tenant to have parking off his lease site? Town Planner Whitten clarified that under Section 601.2 parking can be provided within 500' of the licensee location. Discussion followed regarding the outer reaches of the parking spaces; Chairman Ouellette suggested the outermost parking spaces might be pushing the 500' limitation. Mr. Ussery indicated he can adjust the parking spaces.

Commissioner Slate questioned if the Applicant is submitting a lighting plan for these locations? Chairman Ouellette questioned lighting requirements for auto inventory areas? It was noted D-Touch Detailing and B&G Motors are retail businesses which will be open to the public. Mr. Ussery reported the Applicant isn't proposing any lighting plan at this time, but he felt they could add full cut-off wall-pack lighting to the buildings.

Discussion continued regarding the current non-conformity, violation history of current uses, chronological history of the past uses, and file data/information. Discussion

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followed regarding availability of possible historical aerial information via UCONN and DOT websites.

Mr. Ussery noted the deadline for a decision is within two days of this meeting; he is prepared to offer an extension of the Application deadline.

In summarization, some of the outstanding issues/questions are:

- Review with Town Engineer possible options (curbing or flexible delineators) to striping to delineate common access way.
- Review 500' off-site parking distance
- Lighting "plan"

MOTION: To ACCEPT the letter of extension to March 11, 2014 for the Application of James Balch for a Modification of Approved Site Plan to allow commercial multi-tenant facility consisting of used car sales & service, auto detailing & retail sales of detailing 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] .

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

NEW BUSINESS: Christmas Cars, LLC – Modification of Approved Site Plan to allow internet and retail car sales at 179 South Main Street, owned by Donald J. Corkum. [B-2 zone; Map 32, Block 21, Lot 69] (*Deadline for decision 4/17/2014*):

Chairman Ouellette read the description of the Agenda item. Appearing to discuss this Application was Donald Christmas, of 25 Lincoln Street, Enfield (proposed tenant), and Donald Corkum (property owner).

Town Planner Whitten summarized that several meetings ago the Commission approved an application for an auto body repair shop in the southerly portion of the subject building. At that time a potential use for the northern portion of the building was unknown. Subsequently, a tenant filed an application for sale of trailer trucks; that application modified the lease line of the first application. The application for sale of trailer trucks was also approved. That second tenant has now decided this location is not a good site for him; Mr. Christmas is now proposing to rent the northern portion of the building for internet and retail vehicle sales.

Mr. Christmas reported he does a lot of internet car sales; he selects cars in the \$1500 to \$4000 price range, purchases the vehicles and then sells them over the internet. Most of the cars will be located to the rear of the property for security reasons. Mr. Christmas reported he will also be working on minor vehicle repairs in the building, and may have a part-time mechanic to assist with the repairs. He will offer small scooters for sale as well. Mr. Christmas reported he will have a couple of vehicles out front, and will be advertising special financing opportunities for buyers. He reported he doesn't sell to the wholesale public, and doesn't sell to the auction market. Mr. Christmas indicated he sells 6 to 7 vehicles/week.

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Commissioner Thurz cited concern that the scooters will be located out front on the property. Mr. Christmas replied they would be located inside the building.

Chairman Ouellette questioned if Mr. Christmas had been able to review the proposed Site Plan? Mr. Christmas replied affirmatively. Discussion followed regarding delineated display spaces near the building, and storage spaces to the rear.

Chairman Ouellette queried the Commissioners and Town Planner Whitten for comments. No one raised any questions or offered any additional comments.

MOTION TO APPROVE Application of Christmas Cars LLC, and owner Donald Corkum requesting a site plan modification to allow car 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 last rev 11/18/13, 1/27/14

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

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

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

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

Conditions which must be met prior to certificates of compliance:

4. Final grading, line striping, 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

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General Conditions:

5. 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.
6. A Zoning Permit shall be obtained prior to the commencement of any site work.
7. 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.
8. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
9. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
10. 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
11. 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.
12. All required landscaping shall be adequately maintained, along with fencing or buffering.
13. A metal beam guide rail shall be installed in approved locations prior to occupancy.
14. 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.

Devanney moved/Slate seconded/

DISCUSSION: See revision of Condition #14 above.

VOTE: In Favor: Unanimous (No one opposed/no abstentions)

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BUSINESS MEETING/(1) Discussion on possible text amendments regarding buffers, waivers & modifications:

Town Planner Whitten reported Dana Steel, of J. R. Russo and Associates, has been doing a comprehensive review of the local regulations; she and Robin Newton have doing a similar review within the Planning Office. Town Planner Whitten hopes to have something for the Commission to review shortly – possibly at the Commission’s March Meeting.

BUSINESS MEETING/(2) Discussion on Town Charter:

Town Planner Whitten requested the Commission review the memo from the Charter Revision Commission which had been part of the packet for this meeting. The Charter Revision Commission is requesting input from each commission/board.

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

Town Planner Whitten reported the next meeting dedicated to discussion for the Plan of Conservation and Development will be the Commission’s second meeting in February. Discussion will be on the topics of Open Space and Natural Resources

Chairman Ouellette noted he will be out of town for that meeting.

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

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

Nothing presented for signing this evening.

BUSINESS MEETING/General:

- Chairman Ouellette requested one of the future agendas include an Executive Session to update the Commission on pending issues.
- Town Planner Whitten referenced a flyer regarding the 66th Annual CFPZA (Connecticut Federation of Planning and Zoning Agencies) Conference which is being held at the Aqua Turf Country Club in Plantsville, CT on Thursday, March 13th, 2014 – social hour/registration at 5:00 p.m., dinner at 6:00 p.m., awards presentation at 7:15 p.m., and speaker at 8:00 p.m.
- Commissioner Devanney suggested one of the best applications the Commission has approved is the Dollar General store in Broad Brook; she suggested the store is clean and bright and shopping there is a pleasure. Commissioner Sullivan concurred; he suggested shopping is quick, easy, and the people who

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work at the store actually know where the products are. Commissioner Thurz agreed, noting his wife shops there frequently.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:17 p.m.

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

Respectfully submitted,

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