

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1649 – March 11, 2014
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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/February 25, 2014:

MOTION: To APPROVE the Minutes of Regular Meeting #1648 dated February 25, 2014 as written.

Devanney moved/Gowdy seconded/

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged the receipt of the following new Applications:

1. Application of Sofia's Plazas, LLC for Modification of Approved Site Plan to allow solar ground mount arrays on property at 122 Prospect Hill Road. [B-2 zone; Map 112, Block 17, Lot 1 A,B,C]
2. Application of the Town of East Windsor for Modification of Special Use Permit and Site Plan Approval per Chapter 304, and 8-24 Referral, for Municipal Park Improvements along Reservoir Avenue for Community Gardens parking area. [R-3 zone; Map 78, Block 57, Lot 1]
3. Application of Christopher LaFleur for a Special Use Permit (per Section 814) to allow the bringing in of approximately 265 cubic yards of fill to the front yard to improve functionality of the property at 222 North Road. [A-1 zone; Map 126, Block 27, Lot 10]
4. Application of John Burnham for a Special Use Permit (per Section 408) to allow a rear lot at 2 Rye Street. [R-2 & B-2 zones; Map 88, Block 38, Lot 11]
5. Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmen's Club, Inc. for a Special Use Permit/Excavation (per Section 814) for modification and renewal of existing earth excavation permit for property located on the south side of Apothecaries Hall Road. [M-1, R-3 & A-1 zones] Map 57, Block 49, Lot 3 owned by East Windsor Sportsmen's Club; Map 57, Block 65, Lot 1; and Map 48, Block 65, Lot 7 owned by Apothecaries Hall Enterprises, LLC].

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6. Application of Plantation Properties for a 1-lot commercial resubdivision of property located at 47 Plantation Road. [M-1 zone; Map 16, Block 49, Lot 7A]
7. Application of East Windsor Historical Society for Site Plan Approval for relocation of historical buildings and construction of associated parking, driveway and sidewalk at 113-115 Scantic Road. [B-1 zone; Maps 54 & 64, Block 32, Lots 27 & 28A]

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

None.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARING: Michele Carver - 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] (*Deadline to close hearing 4/15/2014*)

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC, representing the Applicant, Michelle Carver.

Mr. Ussery provided the affidavit attesting to the posting of the Public Hearing sign, and also the proof of the Certificates of mailings to the property abutters. Mr. Ussery also provided the Commission with an architectural drawing and floor of the proposed structure, and a manufacturer's photo of a similar building.

Mr. Ussery indicated this proposal is for a Special Use Permit for 7 Thrall Road which is located in the center of the Windsorville section of town; the property contains just under 6 acres. The property was previously occupied as a pony ring, and presently has an existing open stall barn with an outside arena and paddock. The Applicant is proposing to remove the existing barn and build a 70' x 140' indoor riding facility with a new barn to the rear which will contain 18 stalls – 14 stalls would be for rental purposes and the remaining 4 for "house" horses. The barn would be served by a septic system; the soil was tested in 2013 and approval for the septic system has been granted by the North Central District Health Department (NCHD). They have also designed a storm water management system. Mr. Ussery indicated the property slopes from the rear towards Thrall Road, which caused sheet flow to come from the rear of the property onto Thrall Road where it was collected in a catch basin and ultimately discharged into Windsorville Pond. They are proposing to install a basin in the front, and tie yard and roof drains into this system. Mr. Ussery indicated the drainage calculations have been submitted to Town Engineer

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Norton. Town Engineer Norton has provided the Commission with a memo dated 3/3/2014 which indicates all of his comments have been adequately addressed.

Mr. Ussery then referenced Town Planner Whitten's memo dated 2/24/2014 which noted the following comments:

- **Paddock and fenced areas for the horses should be shown on the plans:** Mr. Ussery indicated the plans now reflect those areas.
- **None of the “animal keeping areas” can be located within the septic fields:** Mr. Ussery indicated the paddock areas are now shown on the plans; none are within the septic areas.
- **Proposed signage – up to 32 square feet allowable for a commercial farm – should be shown; signage requires the issuance of a zoning permit:** Mr. Ussery noted no signage is proposed at this time.
- **Proposed lighting should be shown on the plans:** Mr. Ussery indicated there will be downward shining light(s) over the door, and wall-mounted lights to the rear near the entrance to the barn. There are 4 existing outdoor lights at the arena area.
- **Manure stockpile areas to be shown on the plans:** Mr. Ussery noted the location of the manure container, which is built into the hillside and surrounded by walls. The location allows the Applicant to access the container on the back side; manure will be hauled away.
- **Future events – are any planned, will there be seating in the arena, will there be spectators, will there be any retail sales?** Mr. Ussery indicated the Applicant is not anticipating any special events and doesn't expect any spectators. People can board their horses at this facility and ride them locally, or someone can come to the facility to take riding lessons.
- **Parking area:** Mr. Ussery noted the existing driveway is gravel; the Applicant is proposing to leave the driveway as it is. It was noted that the Farming Regulations allow the gravel material for agri-businesses; it was felt this proposal is a similar business.

Mr. Ussery referenced the architectural drawing of the proposed building, which he suggested is a pole barn. The floor inside the structure will be a sand-type surface; the barn will have concrete aisles between the stalls. The siding of the barn is metal; the structure will have a peaked roof with cupola. Parking for horse trailers and other vehicles will be located to the rear; the entrance to the barn will be in the rear.

The Commissioners raised the following questions:

Chairman Ouellette:

- **How visible will the barn be from Thrall Road?** Mr. Ussery suggested it would be very visible as the area is open; there is no screening.
- **What is the height of the barn?** Discussion determined the height to be approximately 16' at the eaves.

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- **The fenced in paddock area and the detention basin seem to be located in the same area; can they co-exist in the same spot?** Mr. Ussery noted the detention basin won't hold water for any length of time but will only collect water for a couple of hours during a storm. That area is a paddock now.
- **Will that area outlet to a catch basin?** Mr. Ussery replied affirmatively.

Commissioner Sullivan:

- **Why not locate the barn further to the rear of the property?** Mr. Ussery suggested the contours of the property get closer together towards the rear; that would require digging into the grade and require installation of a retaining wall to locate the barn further back.

Commissioner Thurz:

- **Is there room for multiple trucks in the proposed parking area?** Mr. Ussery indicated there is room for 2 trailers, which are Ms. Carver's vehicles.

Chairman Ouellette queried the Commissioners for additional comments or questions; no one raised any additional issues.

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

Town Planner Whitten indicated her comments had been satisfactorily addressed.

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

MOTION: To CLOSE the Public Hearing on the 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].

Devanney moved/Gowdy seconded/

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

MOTION TO APPROVE the Application of owner Michele Carver requesting a Special Use Permit and Site Plan Approval for a Horse Training and Boarding Facility in accordance with Chapter 305 of the Zoning Regulations to include a new 18 stall barn, riding arena, and associated site improvements at 7 Thrall, A-1 Zone [Map 49, Block 60, Lot 19B]

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

REFERENCED PLANS:

- 1/5 – Cover Sheet – with location map Michele Carver Performance Horses., 7 thrall road, East Windsor CT prepared by J.R. Russo and Assoc., LLC, 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, FAX 860/623-2485, dated 12/30/13
- 2/5 – Existing conditions/Demolition Plan, 12/30/13, scale 1" = 40'
- 3/5 – Site Plan – 12/30/13
- 4/5 – Septic System Plan, 12/30/13, scale 1" = 20'
- 5/5 – Soil Erosion/Sediment Notes and Details, 12/30/13

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

Conditions which must be met prior to certificates of compliance:

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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 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:

9. In accordance with Ch. 900.3h of the Zoning Regulations, any approval of a site plan application shall commence construction activities 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.
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 subject property for the purpose of determining compliance with the terms of this approval

Devanney moved/Gowdy seconded/

DISCUSSION: None

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

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NEW PUBLIC HEARING: Town of East Windsor - Modification of Special Use Permit and Site Plan Approval per Chapter 304, and 8-24 Referral, for Municipal Park Improvements along Reservoir Avenue for Community Gardens parking area. [R-3 Zone; Map 78, Block 57, Lot 1].

Chairman Ouellette read the description of the Hearing.

LET THE RECORD SHOW Regular Commissioner Sullivan stepped down from service as he is a member of the Dog Park Committee, and Alternate Commissioner Slate stepped down as he has assisted with the clearing/construction of the Community Gardens area.

Town Planner Whitten presented this Application for the Town. She noted that when this plan originally came in the idea for the proposal was to put the driveway and parking area on the knoll near the garden plot area but there was contention regarding accessing the plot area by going through the parking lot of the dog park. The concern was that children and dogs would be exiting vehicles in the dog park parking lot while vehicles were driving to the garden plots. To address that issue the next proposal was to put the parking and access drive for the community gardens near the remediation project, but the detention ponds became bigger than anticipated which prevented that access. Assistant Town Planner Newton and Town Engineer Norton have now come up with the plan before the Commission, which calls for a 16' gravel drive to enter off of Reservoir Road midway between the access drive for the dog park and the detention pond; the new driveway will then tie into the existing farm road and allow access to the parking lot on the knoll for the community gardens.

Commissioner Gowdy:

- **How big will the community gardens parking lot be?** Town Planner Whitten indicated it will provide 20 parking spaces; the parking lot for the dog park provides 20 spaces and the parking lot for the BMX park also allows 20 spaces. The parking areas are gravel; the existing farm road is gravel as well and is blocked off from public use.
- **Could parking be provided in front of the plot area?** Town Planner Whitten suggested there is a knoll in front which would require a significant cut into the terrain.
- **Could the entrance be from the rear?** Town Planner Whitten indicated the options have been reviewed extensively by Staff; this is the current proposal.

Chairman Ouellette:

- **Separate access** – he understands the need for separate parking areas due to conflicting issues with the different uses but the separate entrances so close together is not a good practice. This would allow 2 separate accesses within

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120' of each other. If this proposal were for a commercial or residential subdivision the Commission would not allow this configuration. Chairman Ouellette questioned why wasn't this brought before the Commission as a discussion item; the Commission often encourages developers to come in and discuss options before submitting an application?

Commissioner Thurz:

- **Could the existing parking lot be made bigger?** Town Planner Whitten suggested that would also require cutting into the knoll, and there was the concern for the mixed access. Commissioner Thurz agreed; if this were a commercial/business proposal there is no way the Commission would allow this proposal.

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

Scott Riach, 32 Windsorville Road: Mr. Riach is concerned about another entrance; he felt it wasn't needed; he doesn't understand why everyone can't share the area. Mr. Riach indicated he understands the concerns, but felt the parking lot could be expanded and shared. Mr. Riach didn't feel another entrance is needed in that area; that's where the park is and kids walk that road consistently.

Dick Pippin: Mr. Pippin indicated he can't see 3 driveways that close together; let the users of the dog park and the community gardens share an entrance. Mr. Pippin suggested there is another monkey in the works with the potential Frisbee/disc golf course which is proposed for that area as well. Mr. Pippin suggested 2 accesses would work as well. Town Planner Whitten clarified that Mr. Pippin was suggesting closing the entrance to the dog park from Reservoir Avenue. Both groups would use the newly proposed 16' gravel drive; at the end of the gravel drive people would turn left into the parking lot for the dog park, and people using the community gardens would turn right into their parking lot. Mr. Pippin concurred.

Robin Chesney, 102 Reservoir Avenue: Ms. Chesney reported she chaired the dog park committee. Ms. Chesney suggested the issue was a concern for safety for kids exiting vehicles in the parking lot while others were driving through to the community gardens; the patrons of the dog park don't have a problem making the parking lot bigger and sharing it with the patrons of the community gardens. Ms. Chesney reported the (dog park) group discussed this a few weeks ago; they would be more than happy to expand that parking lot and share it with the community garden people. Town Planner Whitten requested clarification that Ms. Chesney was saying the dog park committee was ok with expanding the parking lot and sharing it? Ms. Chesney reiterated there is a concern with them driving through; they haven't had an issue with sharing the parking lot. Ms. Chesney indicated she felt that was one of the choices on the table. She felt it was a Park and Recreation decision; the

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dog park committee wasn't included in that discussion.

Bob Slate, 30 Deerfield Drive: reiterated that the first proposal for the parking lot and access drive was near the mitigation area; this was the only alternative. Mr. Slate felt Mr. Pippin's idea was a good one; the reason for not doing a lot of stuff is there is a berm there that they would like to keep to not have the area open to everyone. Chairman Ouellette felt it was a good idea to choose a new driveway which could be used by both groups. Mr. Slate also noted they need to bring in the farm tractors to prep the land for the garden plots.

Christina Dahl: cited concern with the slope of the land, which might make it difficult for cars to stop when exiting the parking lot.

Richard Sullivan: reported he is a member of the dog park committee. He also felt the idea of the single driveway would allow the Town to do many things in the future; it would allow everything from one curb cut. Mr. Sullivan felt that was common sense. Town Planner Whitten requested clarification that Mr. Sullivan was agreeing to/proposing what Mr. Pippin had suggested? Mr. Sullivan concurred. Chairman Ouellette questioned what group is taking the lead with this proposal? Town Planner Whitten clarified that the Agricultural Commission is proposing the community gardens. She suggested widening the driveway if it's to be shared. She also noted the cost will become an issue as well. Ms. Dahl cited concern for the ability of the community garden people to fund the widening of the driveway; she wanted to keep the other options open.

Chairman Ouellette suggested the Commission couldn't act on this proposal as presented; the options discussed should be considered. Discussion followed regarding the rescheduling of this Application; the community gardens can't be opened until there is access.

MOTION: To CONTINUE the Public Hearing for the Application of the Town of East Windsor for a Modification of Special Use Permit and Site Plan Approval per Chapter 304, and 8-24 Referral, for Municipal Park Improvements along Reservoir Avenue for Community Gardens parking area. [R-3 Zone; Map 78, Block 57, Lot 1]. Public Hearing is continued to the Commission's next regularly scheduled meeting to be held on Tuesday, March 25, 2014 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Gowdy seconded/

DISCUSSION: None

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 7:50 p.m. and RECONVENED at 8:00 p.m.

**MOTION: To GO OUT OF ORDER to consider NEW BUSINESS: Sofia's
Plazas, LLC.**

**Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous
(No one opposed/no abstentions)**

NEW BUSINESS: Sofia's Plazas, LLC – Modification of Approved Site Plan to allow solar ground mount arrays on property at 122 Prospect Hill Road. [B-2 Zone; Map 112, Block 17, Lot 1 A,B,C] (*Deadline for decision 5/15/2014*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Despina Tartsinis, managing member of Sofia's Plaza, LLC, the Applicant, and Chris Czocuka of Green Energy, the contractor for the project.

Ms. Tartsinis reported Sofia's Plaza is participating in the C-PACE (Connecticut Property Assessed Clean Energy) program; their proposal is to install 2 ground-mounted solar panel systems which will be described in this Application. Ms. Tartsinis reported that when an application for a zoning permit was submitted to the Planning Office the question came up regarding whether the proposed location of the solar panels – which is currently greenspace/landscaped area considered pervious coverage - would count towards impervious coverage. Ms. Tartsinis reported that the parking area at Sofia's Plaza – which is currently 77% impervious area - has been in its present configuration for several years.

Ms. Tartsinis explained the purpose of the C-PACE program, which encourages businesses and multi-family property owners to utilize solar energy to reduce their energy costs. The Town of East Windsor is a participating member in the C-PACE program, therefore, Ms. Tartsinis is proposing the installation of solar panels on the roofs of some of the plaza buildings, and is also proposing the installation of this grid of solar panels within the plaza vegetated area to the rear of the tenant occupied building at 122 Prospect Hill Road.

To assist with this Application Ms. Tartsinis investigated the issue of concern from the zoning perspective raised by Town Planner Whitten. Ms. Tartsinis has determined that the area being proposed for the solar panels is NOT considered impervious coverage.

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To support her investigation Ms. Tartsinis submitted a position statement, which was accompanied by findings for the states of Maryland and New Jersey, and a model zoning ordinance which is being considered by the State of Connecticut. Ms. Tartsinis suggested Connecticut is moving towards exempting free-standing solar panels from impervious coverage; they will therefore be exempt from calculations regarding that zoning requirement. Currently East Windsor addresses the siting of solar energy systems under Chapter 301.4.

Mr. Czocuka, of Green Energy, explained the proposed installation of two 250 kw solar systems in the area behind 122 Prospect Hill Road. The systems consist of several ground-mounted solar panels configured in “arrays” which will vary in length. The panels are supported by galvanized metal piers encased in concrete and spaced 11’ 11” apart; each array is 10’ in width and 10’ in height. The Application is proposing to install a total of 12 arrays, which are separated by a distance between each array. All arrays are proposed to be installed in what is now greenspace, which is a vegetated area behind the plaza tenant spaces. This area is presently mowed. The arrays will be enclosed in a 10’ high chain link fence. Mr. Czocuka reported that the vegetated areas between the arrays, as well as the grassed areas beneath the arrays, will continue to grow and will continue to be maintained as part of the landscaping for the property.

LET THE RECORD SHOW Deputy First Selectman Bowsza arrived at 8:15 p.m.

The Commissioners raised the following questions:

Commissioner Sullivan:

- **What is the speed of the wind?** Mr. Czocuka reported they must be designed to meet the wind gust speed for the area of installation; most of Connecticut is subject to wind gusts of 110 miles per hour.
- **What will you do with the snow?** Ms. Tartsinis suggested there are a number of areas at 2 North Road where snow can be pushed.

Chairman Ouellette:

- **What’s your experience with vandalism?** Mr. Czocuka reiterated the arrays will be fenced in; appropriate signage warning of the high voltage, etc. will be placed on the fencing. Ms. Tartsinis also noted the plaza has surveillance cameras as well.
- **What’s involved in maintenance?** Mr. Czocuka noted there are no moving parts associated with the system; there really is no maintenance.

Commissioner Slate:

- **What’s the set-back of the fence?** Mr. Czocuka suggested they will install the fencing as close to the curb as possible.
- **The tenants have dumpsters at the rear of their spaces; what will happen**

to the dumpsters? Ms. Tartsinis indicated the dumpsters will be moved to the dumpster pad, which is behind Jimmy Chin's Restaurant.

Town Planner Whitten:

- **Questioned the height and make-up of the fence:** Mr. Czocuka indicated it will be a 10' chain-link fence. Town Planner Whitten advised the Applicant the fence, at a height of 10', will require a Building Permit. The fence is not presently shown on the Site Plan; it must be added prior to filing the mylars.

Commissioner Thurz:

- **Where will the switch gear be located?** Mr. Czocuka reported the utilities will be trenched.
- **Do you have to bead the arrays together?** Mr. Czocuka replied affirmatively.
- **Concern for location in regard to safety:** Mr. Thurz reported he has never seen solar panels installed in a parking lot; he is concerned with a little old lady running into them and getting electrocuted. Mr. Czocuka indicated that wouldn't be a possibility due to the limited voltage and the process which occurs if the system is damaged. He also noted the arrays will be fenced in. Chairman Ouellette questioned what would happen if someone drives into the fence and the fence leans on the arrays and becomes energized? Mr. Czocuka suggested the fuses would blow out which would prevent that scenario.

Chairman Ouellette questioned if Commissioner Thurz would agree to disagree with Mr. Czocuka? Commissioner Thurz replied affirmatively, noting he has seen the arrays installed on a roof and in the middle of a field but this is being proposed in the middle of a parking lot. Mr. Czocuka suggested that in Massachusetts they favor arrays in parking lots because they don't tie up open space.

Discussion continued. Town Planner Whitten referenced Section 301.4 which addresses solar energy. She noted the regulations are not extensive as this is a new use to consider; the current regulations do allow solar panels to be located in the front yard. Town Planner Whitten noted the area under consideration for this Application is a greenspace – a vegetated landscape area which is currently mowed. It is not a buffer area. The concern is that the panels will shade the grassed area, which will cause the grass to die off. The Commission must also decide if the area of construction is impervious vs. pervious area. And, in order for the Applicant to get a Building Permit the construction of the arrays, by definition, must be considered a structure. Commissioner Gowdy felt the grass will grow under the arrays; Ms. Tartsinis agreed, noting there will be an additional cost to maintain the area but it is what it is. They realize they can't build in the area. Town Planner Whitten noted Sofia's Plaza has their own water company, with its own well; they will want to maintain that area.

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Chairman Ouellette questioned if Town Engineer Norton or the Fire Marshal had provided memos to the Planning Department? Upon review of the file Town Planner Whitten replied negatively.

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

MOTION TO APPROVE the Request of owner Sophia's Plaza LLC requesting a site plan modification to allow solar array panels on greenspace at Sophia's Plaza located at 122 Prospect Hill Road , connected to 2 North Road in the B2 Zone - Map 112, Blk 17, Lots 001 A, B, C.

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

Referenced Plans:

-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.
4. Cross Easements for parking, ingress and egress must be filed on the land records for all properties

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. - N.A.
6. 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

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of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

7. 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/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.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. 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.
10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. 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

Devanney moved/Gowdy seconded/

DISCUSSION: Commissioner Gowdy felt this proposal was a great idea but he would have liked to have seen comments from the Fire Marshal. Town Planner Whitten clarified that the Fire Marshal would review the plans when the Applicant sought a Building Permit. Chairman Ouellette suggested he had mixed feelings regarding this Application. He applauded the Applicant for making the effort to do something many people should pursue but he noted they are in the forefront of the movement and he would have liked to see some guidance from the State regarding the use of solar panels. Commissioner Thurz indicated he liked the proposal but didn't like the installation in the parking lot; Commissioner Devanney concurred, noting she hoped this wouldn't set a precedent for others to put similar installations in parking lots as well. Town Planner Whitten noted the Commission would be looking at the area of pervious vs. impervious coverage affected by such installations. Commissioner Gowdy felt the positivity of this application outweighs the negative issues.

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

OLD 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 extended to 3/20/2014*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery of J. R. Russo's and Associates, LLC, representing Jim Balch.

Mr. Ussery noted the deadline for a decision had been extended to March 20, 2014.

Mr. Ussery addressed the pending items from the previous meeting:

- **Delineation of the common drive aisle:** At the previous meeting he agreed to investigate flexible posts but now feels that configuration wouldn't work. Due to the various assigned parking locations for the multiple tenants Mr. Ussery now feels the best solution would be line striping which includes notations to indicate "no parking" locations.
- **Inventory parking exceeds 500' limit from building:** Mr. Ussery noted this would affect the inventory parking for DeTouch Detailing. On review of the regulations Mr. Ussery suggested it's felt that distance limitation applies to retail or office space; DeTouch Detailing's parking is essentially inventory vehicles. Mr. Ussery related the parking allowances for Southern Auto Auction, much of which exceeds the 500' limit. Mr. Ussery suggested if this were parking for customers he would agree with the Commission but he would question that it applies to inventory parking for DeTouch.
- **Lighting:** Mr. Ussery indicated the existing lights in the parking lot will be removed; the owner has no intention of putting up any new lights, nor does he intend to install building mounted lights. Commissioner Slate questioned if there was enough lighting there to be safe? Mr. Ussery suggested he didn't know the hours of operation for the various businesses; he couldn't address the issue of lighting relative to safety.
- **History of the business:** Mr. Ussery offered various photos from various time periods which reflected various reiterations of Balch Motors dating back to 1971 – which showed the area as being paved, and Armondo's Restaurant, which Mr. Ussery suggested was there in 1951. Mr. Ussery pointed out various buildings on the site, but noted he couldn't tell if the area was paved in 1952.
- **Photo source:** Mr. Ussery noted he has acquired these photos from the UCONN website.

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Chairman Ouellette questioned if the Zoning Enforcement Officer would accept this as a pre-existing use is the PZC done with the Application? Town Planner Whitten noted that at issue is also the changing uses at the property; it's necessary to know who occupies what space and where the parking for each group has been assigned. She suggested the goal is to not make a non-conforming use more non-conforming. Chairman Ouellette feels the dealership goes back to the 70s, and is therefore grandfathered. Discussion continued regarding the effect of non-conformity on enforcement of tenant complaints and arguments over who has use the various spaces.

Town Planner Whitten questioned if there is an oil/water separator in the auto detailer space? Mr. Ussery replied affirmatively, noting he believes it's been installed.

Chairman Ouellette questioned if it's been determined that this map includes 3 or 4 parcels? Mr. Ussery suggested that based on research there are actually 5 separate parcels identified by 5 separate deeds in various ownerships. Chairman Ouellette questioned if there were cross-easements between the parcels? Mr. Ussery replied - to the best of his knowledge.

Town Planner Whitten noted the filing of a mylar isn't required for this application. Mr. Ussery felt that filing this map on the land records would be helpful.

Town Planner Whitten requested the addition of Condition #14 regarding the striping of the parking lot. Discussion followed regarding specific language, and timeframe for completion of the striping.

Chairman Ouellette queried the Commissioners for additional comments; no one raised additional comments/questions.

MOTION TO Approve the Application of All American Products and owner James Balch requesting approval for used car sales and service, auto detailing and retail, contractors storage yard, and office use at 244-250 South Main Street (Map 12, Blk 5, Lot 87,88,89 in the B2 and A2 Zones).

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

Referenced Plans:

1. Site Plan, property of Estate of Monica Balch & All American Products Corporation, 244-250 South Main Street, East Windsor CT Assessor's Maps 12, Blk 5 Lots 87,88,89, prepared by JR Russo and Assoc., LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 ; 860/623-2485 fax, scale 1" = 40' dated 12/6/13

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

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.

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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 sets of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

Conditions which must be met prior to certificates of compliance:

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, parking stalls, 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 of the Zoning Regulations, and by these conditions, 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.
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.

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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.

Devanney moved/Sullivan seconded/

DISCUSSION: Chairman Ouellette questioned if the motion should be amended to include additional conditions #14 and #15 as proposed by Town Planner Whitten? Commissioner Devanney agreed to amend her motion; Commissioner Sullivan agreed to the amendment. Discussion also included the timing of the striping and the timing of the filing of the Site Plan. Normally both activities would occur prior to the issuance of the Certificate of Occupancy or the issuance of the Zoning Permit, however all tenants are already occupying the premises and operating their respective businesses.

AMENDED MOTION:

MOTION TO Approve the Application of All American Products and owner James Balch requesting approval for used car sales and service, auto detailing and retail,

contractors storage yard, and office use at 244-250 South Main Street (Map 12, Blk 5, Lot 87,88,89 in the B2 and A2 Zones).

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

Conditions 1 through 13 as noted above.

Additional Conditions:

14. **All striping of parking and realignment of parking access drive must occur prior to issuance of Certificate of Occupancy and/or Zoning Permit.**
15. **Site Plan shall be filed on the Land Records prior to issuance of Certificate of Occupancy and/or Zoning Permit.**

Devanney moved/Sullivan seconded/

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

NEW BUSINESS: 38 North Road, LLC - 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] (*Deadline for decision 4/17/2014*).

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Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC, representing the applicant. Also present was Jonathan Murray, project manager for USA Hauling.

Mr. Ussery described the location of the property as being the previous Marsh Motorcycle site/36 North Road, which contains two buildings and woods to the rear. This proposal is to use the rear of the property primarily for container storage, and possibly some vehicle storage. The rear of the property will be cleared, and regarded; gravel will be installed. The area will be enclosed in a privacy fence with slats so the area won't be visible from North Road. A connection will be made between this site and the property on the corner of Shoham Road and North Road/38 North Road; 90% of the access for this use will be from Shoham Road. They are proposing to construct a detention basin which will flow into an existing drainage ditch between the properties, out under Route 140, and eventually discharge to the north. The basin and storm drainage has been reviewed by Town Engineer Norton; he has noted that his comments have been addressed.

Mr. Ussery noted that the outlet for the basin proposed on the north side is actually sited on property owned by the Town of East Windsor – the location of the former North Road pump station which has been abandoned/removed. He noted that Town Planner Whitten and Assistant Town Planner Newton questioned the applicant's ability to use that property; an easement or purchase of the property may be required.

They will try to lease the front building at 36 North Road, while using the rear building for storage. Commissioner Devanney questioned if the rear storage area will be gated off when the Applicant acquires a tenant for the front building? Mr. Ussery felt that access would be shut off. He noted most of the people who have looked at this parcel wanted to put in a retail use but the parcel is zoned industrial.

Discussion continued regarding concerns for trucks entering Route 140 from this site. Chairman Ouellette noted turning access conditions were added to the approval given for 38 North Road; he would like to see the same conditions added to this location. Mr. Murray opposed those restrictions. Mr. Ussery felt access will occur from 38 North Road 90% of the time as it's much easier to come out at the traffic light. Chairman Ouellette cited he viewed the access onto Route 140 a safety issue; Commissioners Gowdy and Thurz concurred regarding the safety issue. Mr. Murray opposed the proposal, noting 38 North Road would always have the ability to use Shoham Road but if 36 North Road were sold they would not grant cross-easements as that would create a huge liability. Discussion continued regarding the existing traffic conditions on Route 140, the validity of the concerns of all parties, and access options.

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

MOTION TO APPROVE the Application of owner 38 North Rd LLC requesting a site plan modification to permit the storage of empty container storage, at 36 North Road, in the M-1 Zone, Map 113, Block 17, Lot 5. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

Sheet 1/2- Site Plan prepared for USA Hauling & Recycling Inc., Shoham Road, East Windsor CT, 36 North Road, East Windsor CT Map 113, Blk 17 Lot 5 zone M-1, prepared by JR Russo and Assoc. LLC 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, 623-2485/fax. Scale 1" = 40', dated 1/24/14

Sheet 2/2 – Details

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 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.

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 of these components have not been completed, the

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Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

8. In accordance with Ch. 900.3.h of the Zoning Regulations, **A Site Plan approval shall become null and void in one year from the date of approval if the activities have not commenced**, and the site plan shall be considered to be disapproved.
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. **ONLY** containers may be parked/stored in designated areas per site plan.

Devanney moved/Sullivan seconded/

DISCUSSION: Chairman Ouellette questioned where the purchase of the easement is reflected in the conditions of approval? Town Planner Whitten suggested adding a Condition #15 – An easement, or purchase of Town property, will be required for drainage spillway prior to issuance of any permit. Commissioner Devanney agreed to amend her motion; Commissioner Sullivan agreed to the amendment.

AMENDED MOTION:

MOTION TO APPROVE the Application of owner 38 North Rd LLC requesting a site plan modification to permit the storage of empty container storage, at 36 North Road, in the M-1 Zone, Map 113, Block 17, Lot 5. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Conditions 1 through 14 as listed above.

Additional Condition:

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15. *An easement, or purchase of Town property, will be required for drainage spillway prior to issuance of any permit.*

Devanney moved/Sullivan seconded/

DISCUSSION: None.

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

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

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

The Commission RECESSED at 9:53 p.m. and RECONVENED at 10:02 p.m.

NEW BUSINESS: RRC Management, LLC - 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] (*Deadline for decision 4/17/2014*)

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

Mr. Ussery reported this proposal is for a building addition at 94 Newberry Road, R & R Tool & Die, which is located on the corner of Newberry and Craftsman Roads. Currently R & R Tool occupies an area in the front of 94 Newberry which houses their office and a small tool and die operation. They are currently renting an off-site location for materials storage; they are proposing a 60' x 100' – 6,000 square foot – addition with loading dock to the rear of the building to move the materials storage to this location. The new addition will be a metal building; they will paint the existing building to match the new addition. The proposal also includes a reconfiguration of the existing parking lot and current driveway access off Newberry Road nearly at the corner of Craftsman Road; the drive will be moved a little further west to improve the access. Mr. Ussery noted the parcel is higher in front; water currently sleet flows towards the back. They are proposing to install a storm water quality basin to improve the drainage. The property is currently served by a septic system, however, they will be tying the building into the sewer.

With regard to Town Planner Whitten's comments, Mr. Ussery noted the following:

- **Signage:** An existing sign in the front will remain; no additional signage is being proposed.
- **Lighting:** Existing lighting includes a single light over the entrance door to the office; they will be installing one over the door to the loading dock, as well as

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wall packs.

- **Use of building:** they make parts for several industries, most of the materials used are metal.
- **Landscaping:** They are showing red maples around the perimeter as street trees; the rest of the site will be lawn.
- **Parking:** Stalls will be 9' x 15'; he will review with the owner if larger spaces would be helpful for full-sized pick-ups.

Mr. Ussery felt the proposal meets all requirements and is a permitted use. He felt this business owner maybe adding some people to the workforce.

Chairman Ouellette noted there is an intermittent watercourse on the west side of the property; who is draining onto whom? Mr. Ussery noted the Town is draining on the Applicant's property; they have made some changes in the grading to improve that situation as this property gets some ponding water in front. That area of the intermittent watercourse is wetlands. This proposal has gone before the Inland Wetlands Commission and received approval for a permit; most of the proposed work is located within the uplands review area.

Commissioner Thurz reported he was all for the proposal. Commissioner Sullivan noted it's nice to see something being built in town.

MOTION TO APPROVE the Application of owner RRC Management, LLC requesting a site plan modification for a 6000 sq. ft. building addition and associated improvements at 94 Newberry Road. M1 Zone, Map 93 Block 19 Lot 11

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

Referenced Plans:

- **R&R Tool and Die , LLC 94 Newberry Road, East Windsor CT applicant /owner RRC Management, LLC 94 Newberry Rd, East Windsor CT prepared by J.R. Russo and Assoc., LLC 1 shaham Rd, East Windsor CT 06088 860/623-0569 fax 860 623-2485.**
Sheet 1/6 Cover sheet dated 1/14/14
2/6 Existing Conditions/Demolition Plan dated 1/3/14
3/6 Layout & Landscaping Plan dated 1/3/14
4/6 Grading and Utility Plan dated 1/14/14
5/6 Erosion Control notes and Details dated 1/3/14
6/6 Details
Dated 1/3/14

Conditions which must be met prior to signing of mylars:

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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. 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 Chapter 900.3.h of the Zoning Regulations, any approval of a

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site plan application shall commence activities 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

Devanney moved/Gowdy seconded/

DISCUSSION: None

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

OTHER BUSINESS: None.

NEW BUSINESS/(2) Discussion on possible text amendments regarding buffers, waivers & modifications:

Town Planner Whitten reported the she and Assistant Town Planner Newton – with assistance from J. R. Russo – have been going over a comprehensive review of the zoning regulations. A draft of proposed changes will be reviewed at the Commission’s next meeting.

NEW BUSINESS/(3) Discussion on Town Charter:

No discussion; no changes proposed.

NEW BUSINESS/(4) Plan of Conservation & Development 2014:

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Meetings with additional commissions continues with regard to updating the POCD. Town Planner Whitten proposes to meet with the American Heritage River Commission on April 17th.

There will NOT be a POCD Meeting during the PZC's second monthly meeting due to review of the draft zoning regulations.

NEW BUSINESS/(5) Discussion – Adult Regulations: (Tabled)

BUSINESS MEETING/1) Executive Session to discuss pending litigation:

MOTION: To GO INTO EXECUTIVE SESSION at 10:15 p.m. to discuss pending litigation. Attending the Executive Session were Chairman Ouellette, Commissioner Devanney, Commissioner Gowdy, Commissioner Slate, Commissioner Sullivan, Commissioner Thurz, Town Planner Whitten, and Recording Secretary Hoffman.

Devanney moved/Gowdy seconded/

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

MOTION: To COME OUT OF EXECUTIVE SESSION at 10:23 p.m. No motions were made and no votes were taken.

Devanney moved/Gowdy seconded/

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

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

Motions: None

Mylars:

- **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]

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:28 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(9899)