

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

**REGULAR Meeting #1691 – March 8, 2016**

***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 6:30 P. M. by Acting Chairman Thurz.

**PRESENT:**    **Regular Members:**    Lorry Devanney, Frank Gowdy, Jim Thurz, and Dick Sullivan.  
                  **Alternate Members:** Michael Kowalski, and Marti Zhigailo.

**ABSENT:**    **Regular Members:**    Joe Ouellette.  
                  **Alternate Members:** All Alternate Members were present.

Also present was Town Planner Whitten.

**GUESTS:**       Selectman Richard Pippin and Kathy Pippin, Board of Finance member.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members and two alternate members were present at the Call to Order. It was determined that Mike Kowalski would be seated as a voting member.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, February 25, and Thursday March 3, 2016, was read by Secretary Devanney:

- Application of Joel Reyes for a Special Use Permit to operate an auto body repair facility at 22 Wagner Lane, owned by Styles Brook Storage, LLC. [M-1 zone; Map 81, Block 11, Lot 3]

**ADDED AGENDA ITEMS:**                   None

**PUBLIC PARTICIPATION:**

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

**APPROVAL OF MINUTES/February 23, 2016:**

**MOTION:**       **To APPROVE Minutes of Regular Meeting #1690 dated February 23, 2016.**

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

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**RECEIPT OF APPLICATIONS:**

No new applications to be received

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

**R & R Tool and Die** – Request for a one-year extension to the Site Plan Approval for a building addition at 94 Newberry Road. (*Previous extension granted through /11/2016*) Ms. Whitten said she didn't see any issues with it. They are busy and the economy is the main reason for the extension request.

**MOTION:** To approve the request for a one-year extension for R & R Tool and Die for the Site Plan Approval for a building addition at 94 Newberry Road. Extension granted through 11/20/2017.

**Devanney moved / Gowdy seconded**

**VOTE: In Favor Unanimous**

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS:** **Joel Reyes** - Special Use Permit to operate an auto body repair facility at 22 Wagner Lane, owned by Styles Brook Storage, LLC. [M-1 zone; Map 81, Block 11, Lot 3] (*Deadline to close hearing 4/12/2016*); and

Tim Coon of J. R. Russo & Associates along with Joel Reyes of Recovery Auto and Jeff Campbell came forward to explain the application. Mr. Coon referred to plans of the property and explained that this is a 4.4 acre parcel that is zoned B-1 in front towards Route 5 and M-1 in the back which is where the proposed applications are located. The storage facility was constructed in 2003-2004 and they came back in 2015 to get a site plan modification which included taking down two barns in the back and putting up two 9,000 sq. ft. buildings for contractor's storage, with six units in each building and three parking spaces per unit. Mr. Coon indicated that two barns have been taken down. The first building has been constructed and the second building has not been constructed.

The current proposal is to take three units and utilize them for auto body repair. The parking requirement for auto body repair is seven spaces per bay. They need 12 additional spaces. There will be an expansion to the south of the existing parking to expand the parking to have a total of 30 spaces. Mr. Coon referred to Laurie Whitten's memo dated March 3, 2016 which noted that the parking schedule needs to be updated on the plans. Mr. Coon noted that they will designate the spaces on the plan and do the striping. He said Ms. Whitten also recommended a 6 foot solid fence to provide screening for vehicle storage. Mr. Coon said they will extend the solid fence along the back and indicate it on the plan.

Mr. Coon said the proposed use is in harmony with the existing uses in the area. It meets the Special Use Permit criteria. He said they have received a positive memo from Len Norton, Town Engineer

Ms. Devanney asked about handicap parking. Mr. Coon said there is one handicap parking space. That is all that is required. Mr. Gowdy noted that no outside lighting is proposed. He asked

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what the hours will be. Mr. Reyes said the hours will be 8:00 to 5:00. Mr. Kowalski pointed out that the Town Engineer had mentioned the requirement for an oil/water separator. Mr. Reyes indicated that there are existing floor drains and an existing oil/water separator. Mr. Coon noted that they have gone to the Zoning Board of Appeals for location approval and will have to go to the DMV.

Acting Chairman Thurz opened up the hearing to the public. No one came forward to speak.

Ms. Whitten asked about signage. Mr. Reyes said they don't anticipate putting up any signage.

**MOTION:** To close the hearing on the application of Joel Reyes for a Special Use Permit to operate an auto body repair facility at 22 Wagner Lane, owned by Styles Brook Storage, LLC. [M-1 zone; Map 81, Block 11, Lot 3]

**Devanney moved / Gowdy seconded**

**VOTE: In Favor Unanimous**

Ms. Whitten suggested that they review the second application and then take action on that first. She said the site plan modification will allow this because of the parking.

**MOTION TO APPROVE** the Application of Joel Ryes and owner Styles Brook Storage, LLC requesting a Special Use Permit for an Auto Body Repair facility to be located in contractor's warehouse building located at 22 Wagner Lane, in the M-1 Zone Map 81, Blk 11 Lot 003 This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

**Referenced Plans:**

- 1/3 Existing Conditions/Demolition Plan, prepared by Styles Brook Storage LLC, 22 Wagner Lane, East Windsor CT Map 81Blk 11 Lot 3 Zone M-1 prepared by JR Russo & Assoc. LLC, 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623- 2485 fax, scale 1" = 40', dated 2/19/16
- 2/3 Site Plan Modification scale 1" = 20'
- 3/3 Detail Sheet

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

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. Designated parking area shall be denoted on 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:**

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4. 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 signed mylar set shall be filed on the land records, One mylar and paper copy shall be filed in the Planning and Zoning Department.

**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, landscaped islands 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.
8. Required fencing shall be installed prior to zoning permit being issued.

**General Conditions:**

9. In accordance with Section 13.5.4 of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within one year from the date of approval and complete all improvements within five years of the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission
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
15. Cars may not at any time be parked in landscaped or unauthorized areas, unless approved as such on the site plan.

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16. All required landscaping shall be adequately maintained.

**NEW BUSINESS:** Styles Brook Storage, LLC – Modification of Approved Site Plan to remove 9,000 sq. ft. multi-tenant building and add two 5,400 sq. ft. self-storage buildings at 22 Wagner Lane. [M-1 zone; Map 81, Block 11, Lot 3] (*Deadline for decision 4/28/2016*)

Mr. Coon stated that the site plan modification involves the area where the second 9,000 sq. ft. building was previously approved. They are eliminating that building and expanding the self-storage facility.

**MOTION TO APPROVE the** Application of Styles Brook Storage LLC and owner TJL Investment Trust, LLC requesting a Site Plan Modification per Chapter 900, to construct two 5,400 sq. ft. self storage buildings with associated site improvements to be added to the existing storage facility located at 22 Wagner Lane, in the M-1 Zone Map 81 Block 11, Lot 003

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

**Referenced Plans:**

- 1/3 Existing Conditions/Demolition Plan, prepared by Styles Brook Storage LLC, 22 Wagner Lane, East Windsor CT Map 81Blk 11 Lot 3 Zone M-1 prepared by JR Russo & Assoc. LLC, 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623- 2485 fax, scale 1” = 40’, dated 2/19/16
- 2/3 Site Plan Modification scale 1” = 20’
- 3/3 Detail Sheet

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

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

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

3. One set of prints and one set of final mylars, with any required revisions incorporated on 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

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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 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:**

8. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved, and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
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. ***CONTRACTOR'S STORAGE YARD IS PERMITTED AS SHOWN. ANY INCREASE IN INTENSITY OF STORAGE AREA WILL NEED TO BE APPROVED, AND ANY OUTSIDE STORAGE OF MATERIALS IS PROHIBITED.***

Devanney moved / Gowdy seconded

**VOTE: In Favor Unanimous**

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**NEW BUSINESS:**

Mario Giroux – 3-lot Subdivision of property located at Thrall Road and Middle Road, owned by Mulnite Farms, Inc. [R-3 zone; Map 49, Block 63, Lot 1] (*Deadline for decision 4/28/2016*)

Todd Clark of Aeschliman Land Surveying came forward along with Mario Giroux. Mr. Clark referred to plans of the property and explained that this is a 3.6 acre parcel on the west end of Middle Road, between Middle and Thrall Roads. There is one house in the area. The rest is all uncultivated fields. The zone is R-3 which allows four lots but they are proposing three lots. Mr. Clark said they have been working with Len Norton. There are a few minor problems. The lot is extremely flat and there is one area with a low spot that ponds up. They will be putting up a catch basin with a drywell. The soils for septic are very good. They have approval from North Central District Health Department. WPCA has said that there are no sewers in that area.

Mr. Clark said they are asking for waivers of street lights. What is there is fine for the area. They are also asking for a waiver for sidewalks. There are no sidewalks in the area; it would not be practical. Ms. Devanney said it would be ridiculous to have sidewalks there.

Mr. Clark noted that the two street lines had a radius of 25 feet with an easement. He said Mr. Norton said to do away with the easement and cut the property line back. All of the utilities are in the right-of-way.

**MOTION TO APPROVE WAIVERS FOR**

**Sidewalks** – (Section 6.3) – As none exist in the area. Applicant shall be subject to fee in lieu of sidewalks per Section 6.3.5 of the subdivision regulations.

**Street Lights** – (Section 6.5) – As none exist in the area, and no new roads.

**MOTION TO APPROVE Open Space** to be in the form of a fee in lieu of donation, with the flat fee of \$2,000.00 per lot.

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**MOTION TO** approve the Application of Mario Giroux and owner Mulnite Farms, requesting a 3 lot subdivision located at the eastern intersection of Middle and Thrall Roads. Map 49 Block 63, Lot 001 in the R-3 zone. This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

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**Referenced Plans:**

1/3 – Subdivision Plan Map 49, Block 63, Lot001 Thrall Rd and Middle Rd prepared for Giroux Construction, East Windsor CT prepared by Aeschliman Land Surveying PC, 1379 Main St, East Hartford CT 06108 860/528-4881 dated 1/7/16 scale 1" = 40' map # 215076  
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2/3- Site Development Plan & Soil Erosion & Sedimentation Control Plan

3/3 – Are Map, soils, notes details

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

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. *If a \$2,000 fee per lot is required, payable to the Town Treasurer, is not paid prior to the filing of the final mylars, the mylars shall contain a clearly visible notation for each applicable lot stating, “Any sale or transfer of this property within five (5) years of the original (re)subdivision approval to a person not exempt under section 7.5 and 7.6 of East Windsor’s Subdivision Regulations shall result in the liability of payment (\$2,000) to the Town of East Windsor for the total fee as defined in Section 7.5 of East Windsor’s Subdivision Regulations”.*
4. Landscaping details shall be shown on the plans.
5. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.
6. Addresses for each parcel must be placed on the respective lot on the plans. Addresses are assigned by the Tax Assessor.
7. A Drainage Easement is proposed to the Town at the actual intersection of the Middle and Thrall Roads. This easement and its documents must be deeded to the town at time of filing mylars and conditions of approval.

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

8. **Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant no later than 90 days after the decision or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, shall be filed in the Planning and Zoning Department.**
9. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
10. Deeds for any conservation easements and/or drainage easement must be approved by the Town and filed on the land records prior to any permits being issued. It is best if these are filed with the mylars.

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



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11. Iron pins must be in place at all lot corners and angle points.
12. Any driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
13. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
14. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
15. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted.
16. 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:**

17. This subdivision approval shall expire (**five years from the date of approval**). Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time at least one month in advance of the expiration date to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.
18. A Zoning Permit shall be obtained prior to any the commencement of any site work.
19. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
20. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
21. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
22. 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.

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23. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

**Devanney moved / Gowdy seconded**

**VOTE: In Favor Unanimous**

Mr. Sullivan noted that this is next to farmland and would go along with the 100 foot farming buffer. Ms. Whitten pointed out that condition #5 states: “Agricultural Buffers (Section 2.17)– The subject property is completely surrounded by farm land, however does not directly abut any farmed parcels. The note referencing agricultural uses has been added to the plans.” She said they probably wouldn’t be within 100 feet.

**OLD BUSINESS:** None

**OTHER BUSINESS:**

Ms. Whitten passed out handouts for next week’s meeting on March 16 starting at 6:00 p.m.at St. John’s Church in Warehouse Point.

Ms. Whitten noted that this weekend is the Home and Product Show from North Central CT Chamber of Commerce to be held at the former Walmart site. The Town will have a booth there.

**CORRESPONDENCE:** None.

**BUSINESS MEETING :**

**(1) Plan of Conservation and Development (POCD) - Tabled**

**(2) Signing of Mylars/Plans, Motions:**

Nothing presented for signature this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:09 p.m.**

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

Respectfully submitted,

Marlene Bauer  
Acting Recording Secretary