

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

**REGULAR Meeting #1706 – November 8, 2016**

***MEETING MINUTES***

**\*\*\*\*\*Draft Document Subject to Commission Review/Approval\*\*\*\*\***

The Meeting was called to order in the Meeting Room at Scout Hall, 28 Abbe Road, East Windsor, CT. at 6:31 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Jim Thurz, and Dick Sullivan.  
                  **Alternate Members:** Tim Moore.

**ABSENT:**    **Regular Members:** Lorry Devanney  
                  **Alternate Members:** Marti Zhigailo.

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance....

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members were present at the Call to Order. Alternate Member Moore arrived shortly thereafter. Chairman Ouellette noted all Regular Members and Alternate Member Moore would sit in, and vote, on all Items of Business this evening.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, October 27, 2016 and Thursday, November 3, 2016, was read by Chairman Ouellette:

- Application of Bacher Corporation and owner Richard A. Montgomery for a Special Use Permit/Site Plan Approval to allow construction of a two-phase commercial building and associated parking for property located at Wells Road and North Road. [B-3 Zone; Map 125, Block 24, Lot 24]

**ADDED AGENDA ITEMS:**           None.

**PUBLIC PARTICIPATION:**

**Kathy Pippin, Woolam Road:** questioned if this was an appropriate place to bring a complaint regarding a property which wasn't properly maintained; she mentioned this

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issue at other meetings and had been referred to the Planning Commission. Chairman Ouellette and Town Planner Whitten suggested Mrs. Pippin file a written complaint via a Zoning Enforcement Official which would initiate an investigation. If the issue is found to fall under the Blight Ordinance the complaint would be referred to the Building Official.

**APPROVAL OF MINUTES/October 25, 2016:**

**MOTION:** To ACCEPT the Minutes of Regular Meeting #1705 dated October 25 2016 as written.

**Thurz moved/Sullivan seconded/DISCUSSION: None.**

**VOTE:** In Favor: Unanimous (Kowalski/Ouellette/Moore/Sullivan/Thurz)

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Carl Crane and owner Crane Properties for Modification of Approved Site Plan to fill drainage ditch, install drainage, sanitary sewer, create outside work area and improve site located at 118 Prospect Hill Road. [M-1 Zone; Map 112, Block 17, Lot PA & 2A1]

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS – Bacher Corporation and owner Richard A. Montgomery** - Special Use Permit / Site Plan Approval to allow construction of a two-phase commercial building and associated parking for property located at Wells Road and North Road. [B-3 zone; Map 125, Block 24, Lot 24]. (*Deadline to close hearing 12/13/2016*):

Chairman Ouellette read the description of this Agenda item. Appearing were Jay Ussery, of J. R. Russo & Associates, LLC., representing the Applicant, Bacher Corporation. Also present in the audience was Mr. James Viggiano, owner of Bacher Corporation, and Richard Montgomery, owner of the site.

Mr. Ussery gave a description of the property, which is located at the intersection of Wells Road and North Road/Route 140. To the west of this site is Town and Country

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Auto which has been in business for 40+/- years, to the west of that is Elegant Clinical Corporation, which used to be Duplicating Methods. The site contains just under 2 acres which is presently an open field. The wetlands delineation was performed by Tom Pietras; Mr. Pietras indicated the wetlands significantly impact development of the site. Mr. Ussery reported the Applicant appeared before the Inland Wetlands Commission for an informal discussion of development options. The Applicant then Subsequently applied to the Zoning Board of Appeals for a variance of the building set back line of 75' as required in a B-3 Zone. The Applicant returned to the Inland Wetlands Commission and was granted approval for the site plan approval.

Mr. Ussery referenced Town Planner Whitten's comments regarding approval from the WPCA (Water Pollution Control Authority). He noted the Applicant has received a capacity letter for sewers on both North and Wells Road.

Mr. Ussery reported Bacher Corporation has been in business in East Windsor for over 30 years. They presently occupy approximately 1800 square feet of space in the back of a building in the Industrial Park. Mr. Viggiano has decided he now wants to expand his business and has decided to purchase this property rather than continue to rent. They are proposing construction of this building, which will front on Wells Road. Phase I containing approximately 5,000 square feet of retail space and associated office space as well as garage space to the rear to service the commercial ground maintenance equipment they currently sell to municipalities and others. Mr. Viggiano reported they also sell snow equipment, leaf blowers, and other large scale equipment.

Mr. Ussery reported Phase I also includes construction of the driveway which enters on the southside of the building. Parking for customers is also included to the south of the building; parking for employees will be located to the rear. The driveway continues to the back of the building, which will contain overhead doors providing access to the garage space. Phase II will add a 3800 square foot addition; the driveway will continue around the building and exit on Wells Road on the northside of the building.

Mr. Ussery noted public water is not currently provided on Wells or North Roads. The Applicant is proposing to dig a well to service the site. Storm drainage is sheet flow from the parking lots and building to a swale at the rear of the site; the water exits the site to the west and finds its way around Town and Country; it then flows into a culvert on the Bass property, then to a brook near Golden Irene's Restaurant, crosses Route 5 near Cohoe's and eventually enters the Connecticut River. They are proposing a detention basin as part of the stormwater management system; the detention basin will be located to the northwest of the proposed building. Mr. Ussery reported Tim Coon, of J. R. Russo and Associates, has provided drainage calculations to Town Engineer Norton, who is now comfortable with the calculations presented.

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Mr. Ussery reported they are proposing street trees along Wells Road (the building frontage); a sign, with a perennial planting bed, will be located on the corner of Wells and North Roads.

Mr. Ussery reported 3 parking spaces are required for each 1000 square feet of building. They are presently proposing 10 parking spaces for customers and employees plus a handicapped space; additional parking would be provided under Phase II. Mr. Ussery suggested they meet the setbacks for front and side yards; they are also under the allowable impervious coverage. A screened dumpster will be located to the rear of the site. They are planting 3 “street” trees to separate the site from Town and Country and the detention basin which is part of the stormwater drainage system. Mr. Ussery reported the site falls under the new Route 140 Business Zone, which includes design preferences. He submitted a design rendering of a country barn building with overhang and peaked roof. Mr. Ussery noted that under the B-3 Zone the Commission wanted new buildings to face Route 140 but the Applicant would have to locate the proposed building 300’ back from North Road to avoid the wetlands impacting the site. Under this proposal the wall facing North Road will have windows on the first floor. An equipment display area will also be located at the North Road end of the building.

Mr. Ussery suggested that after the Applicant reviews his financing options he may complete construction in one phase rather than the two proposed.

The Commissioners raised the following comments/concerns:

**Commissioner Thurz:**

**Business description:** questioned if this business is something like Lomac’s? Mr. Viggiano replied affirmatively, noting he does a lot of shared business with Stanton Equipment. He sells the mower while Stanton Equipment sells the tractor for the mower.

**Commissioner Sullivan:** had no comments at this time; he felt this proposal is fine.

**Commissioner Kowalski :**

**Inland Wetlands Conditions of Approval:** questioned the conditions from the Inland Wetlands Commission; it was felt the standard 13 conditions apply to this proposal.

**Construction timeline:** if you don’t build everything in one phase have you spoken with the Fire Department regarding the driveway deadheading? Town Planner Whitten noted the referral was sent to the Warehouse Point Fire Marshal; no response was received.

Commissioner Kowalski questioned if the Applicant is doing the construction in phases, what about the timing? Mr. Viggiano reported construction depends on the cost.

Commissioner Kowalski asked the Applicant if he thought he would need the second phase, or will the first be enough? Mr. Ussery suggested if he could build 7500 square feet, and it was affordable, he might not do more. Mr. Viggiano reiterated construction depends on the cost.

**Commissioner Moore:**

**Display area:** Commissioner Moore questioned if the equipment display area will be grass? Mr. Ussery replied affirmatively.

**Detention basin construction:** will you do the detention basin in the beginning? Mr. Ussery noted construction of the detention basin is required at the beginning of the project.

**Building visuals:** will the building be one story in the beginning? Mr. Viggiano reported he would like to have the loft for storage in the beginning.

**Wells Road access:** at Wells Road, people take that turn quickly; what about the sign, it may be a problem for tractor trailers? Mr. Viggiano noted he liked that the deliveries come in on Wells Road. Commissioner Moore felt people coming out onto Route 140 might have trouble seeing down Route 140. Mr. Ussery suggested if the Commission wanted one way traffic maybe it should come in the first driveway, go around the building, and come out the second driveway on Wells Road.

Mr. Ussery noted he has not discussed signage yet. There would building signage as well as the ground mounted sign near North Road; they are proposing a 4' x 8' (32 square foot) sign which would be wall mounted on the building

**Chairman Ouellette:**

**Tenant occupancy of additional space:** – could the Phase II construction be subdivided into another tenant space? Mr. Viggiano reported he didn't want that. Chairman Ouellette questioned what in the regulations would prevent having a tenant? Town Planner Whitten suggested he could have another tenant if the use was compatible. As an example, she suggested if they tried putting in a restaurant then they would have to return to the Commission to discuss parking. Mr. Ussery noted the site is limited for parking; the Applicant would have to return to the Inland Wetlands Commission for parking along the perimeter of the driveway. He didn't feel a restaurant could go into this location.

**Location of mechanicals:** where would the mechanicals be located? Mr. Ussery indicated they would go in the back of the building; it's a peaked roof so the AC units would be ground mounted in the rear of the site. He suggested making that a condition of approval if the Commission preferred.

**Lighting:** is any security lighting be provided? Mr. Ussery indicated they are proposing wall packs along the back to light the parking area, and also for the front parking area and some lighting on the front of the building; they are not proposing any pole lighting. Mr. Viggiano suggested this business is a 9 to 5 operation. Chairman Ouellette suggested if the equipment was left out you might want lighting. Mr. Viggiano suggested they will have security cameras; some of the small stuff might be under the overhang but it will be well lit.

**Driveway access:** regarding the driveway, in his opinion he didn't feel a two way driveway was necessary for a building of this size. If you dropped the idea of the north driveway it would eliminate some concerns for someone coming in from Route 140. He also didn't like the Phase II parking that's facing Route 140. Mr. Ussery noted the regulations require them to have 10 parking spaces and they are showing 11, with one being a handicapped space. He noted the parking is being provided for office staff,

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customers and sales people, and employees. Mr. Viggiano felt the north driveway was necessary for deliveries. Mr. Ussery considered that the north parking might be pushed back a bit; he referenced the wetlands line and suggested that revision would require a return to the Inland Wetlands Commission. He noted the display equipment would be located between the driveway and the detention basin. They could plant 3' to 4' shrubbery to block the visibility of the vehicles from Route 140. Mr. Ussery noted this parking wouldn't be needed until the second phase of construction is completed. Mr. Viggiano suggested he likes the flow/circulation as designed. Commissioner Moore questioned if there was a reason Phase I was being built first? Mr. Ussery suggested the design is driven by the wetlands impact; if they built only Phase I there is much less intrusion into the wetlands. Thinking into the future Chairman Ouellette suggested the road might have to be widened, or a traffic light might be required, then that driveway would be a problem as cars would stack up past the driveway limiting access. He indicated he really doesn't like the north driveway but it would be more acceptable to him if it were only one way.

**Commissioner Kowalski: –**

**Elevation drawings:** questioned if more elevation drawings were necessary? Town Planner Whitten suggested adding the requirement for submission of elevation drawings as an additional approval condition.

**Commissioner Thurz: –**

**Delivery schedule:** how many, and how frequent, are deliveries made? Mr. Viggiano indicated 1 to 2 deliveries are typically made per week; it may be slower in the Winter. Commissioner Thurz reported he lives nearby; he doesn't see a problem with the driveway. He suggested the addition of signage – “entrance only” or “no exit” – at the driveway entrance, and “no exit” in the rear; then the second driveway could be a two-way driveway.

Commissioner Sullivan felt this is a good first shot at development along Route 140. He noted the piece of land is flat as a pancake; this development will help the drainage and dry it up. Mr. Ussery felt the Town and Country parcel was filled during construction, which caused water to back up on this parcel.

Chairman Ouellette queried the Commission regarding landscaping near the north driveway in front of the parking area; maybe low shrubbery to screen the cars? He queried the Commissioners if they wanted additional landscaping above what's shown on the plans? He suggested the Board needs to question if there is enough vegetation as submitted, or should additional vegetation be encouraged? Commissioner Sullivan suggested if the Applicant parks the display equipment in the location suggested then you won't see the cars. Commissioner Moore cited the Barn Yard in Ellington with the stone walls on the corners of the site; people talk about the Ellington site. Mr. Ussery suggested adding a bed of roses under the overhang in front of the building.

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Commissioner Moore indicated he trusts the Applicant's judgement. Commissioner Sullivan felt the Commission didn't need to make it mandatory.

Town Planner Whitten reviewed the following additional conditions, regarding: 1) mechanicals to be ground-mounted; if roof mounted they must be screened and approved by Staff; 2) north driveway shall be one way going into the site with appropriate signage; and 3) final architectural designs, with full elevation drawings, to be approved by Staff.

Discussion followed regarding the subsequent steps following approval of the proposal.

Commissioner Kowalski questioned if a **Fee-In-Lieu of sidewalks** will be offered? Discussion followed regarding the requirement for sidewalks – is it only required in subdivisions, or the B-3 Zone as well? Town Planner Whitten cited the Commission required sidewalks for the Noble Gas Application. She read an excerpt from Regulation Section 606 – Sidewalks (page 54); she clarified sidewalks would be required along both Wells and North Roads, or the Applicant could offer a Fee-In-Lieu of the sidewalk installation. Chairman Ouellette suggested the requirement for sidewalks might be appropriate if there was a connecting network, but there are none in the area; a Fee-In-Lieu of the sidewalks would be more appropriate. Discussion continued regarding the cost, which is usually set by Town Engineer Norton, as 40% of the total cost of installation. Mr. Ussery estimated the cost to be \$5.00 per linear foot, which for this Application would be approximately \$11,000; 40% of that amount would be a Fee-In-Lieu of \$4,400. Mr. Viggiano was agreeable to providing the Fee-In-Lieu.

Mr. Viggiano questioned if he **qualified for tax relief for this new construction**? Town Planner Whitten reported the request for tax abatement would be referred to the Board of Selectmen, and is considered on a case by case situation. She will provide the information for Mr. Viggiano.

Chairman Ouellette queried the Commissioners for additional comments, or their preference for action this evening?

**MOTION: To CLOSE the Public Hearing on the Application of Bacher Corporation and owner Richard A. Montgomery for a Special Use Permit / Site Plan Approval to allow construction of a two-phase commercial building and associated parking for property located at Wells Road and North Road. [B-3 Zone; Map 125, Block 24, Lot 24].**

**Thurz moved/Sullivan seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Moore/Sullivan/Thurz)**

**MOTION: To APPROVE a Fee-In-Lieu of Sidewalks on Wells Road and Route 140.**

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**Thurz moved/Sullivan seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Ouellette/Moore/Sullivan/Thurz)**

**MOTION TO APPROVE the Application of Bacher Corporation, and owner Richard Montgomery for a Special Use Permit and Site Plan Review for the development of property located at the southwest corner of North and Wells Road, in the B3 Zone. (Map 124, Block 24, Lot 24)**

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

**Referenced Plans:**

**Cover Sheet – Bacher Corporation, Wells Rd and North Rd, East Windsor CT, Applicant Bacher Corp. 7 Thompson Rd, East Windsor CT, Owner Richard A. Montgomery, 29 Dean Ave., East Windsor CT 06088 prepared by JR Russo Surveyors and Engineers, 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrrusso.com**

**Including Sheets last revised 3/10/05:**

- **2 /4 Site Plan, scale 1" = 20' dated 10/10/16**
- **3/4 Erosion control Notes dated 9/6/16**
- **4/4 Derails dated 9/28/16**

**Conditions that 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 mylar copies for signing by the Commission.**
- 2. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. (One paper set of the Floor Plans and Elevation shall be submitted for signature.)**
- 3. The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor's Office.**
- 4. 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 mylars.**

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

- 5. The applicant and/or developer shall schedule and attend a pre-construction meeting with the Town Planner and Town staff prior to the issuance of any permits or the start of construction.**



6. **Final architectural elevations and/or floor plans shall be approved by the Town Planner and/or Commission.**
7. **One mylar of the final site plan shall be filed on the land records. One mylar shall be files in the Planning Office.**
8. **A Zoning Permit for site work must be applied for and approved prior to the start of construction. Three sets of the final approved plans shall be submitted at this time.**
9. **A Sediment and Erosion Control Bond, suitable to the Town, (cash (escrow) or passbook bond) shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. The applicant's engineer shall submit an estimated cost for E&S controls. The final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued). 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**
10. **A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping and wetlands plantings (if any). The applicants landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued.**
11. **A Zoning Permit is required for construction of each building or structure per phase.**
12. **Foundation as-built surveys for each building shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy.**
13. **Additional requirements and procedures may be implemented by the Town Planner.**

**Conditions that must be met prior to the issuance of any Certificates of Occupancy:**

14. **Site improvements must be completed up-to and around the individual unit/building at the time of CO.**
15. **Final grading, seeding, landscaping shall be in place or the E&S and/or Landscaping bond will not be released or reduced.**
16. **Additional bonding may be required by the Planning Department.**

- 17. All inspection fees must be paid.**
- 18. Iron pins must be in place at all lot corners and angle points.**
- 19. A paper copy of the final as-built showing all structures, pins, roads, walks, driveways, drainage systems, and final floor elevations as well as grades shall be submitted and approved by the Planner.**
- 20. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.**

**General Conditions:**

- 21. This special permit/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. The special permit/site plan approval shall expire five years from the date of approval. Failure to complete all required improvements within ten years shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.**
- 22. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.**
- 23. Any modifications to the proposed drainage or grading for the project is subject to the approval of the town engineer.**
- 24. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.**
- 25. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.**
- 26. 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.**

Additional Conditions:

27. Mechanicals shall be ground-mounted to the rear of the building, and, if they are roof-mounted they must be screened and approved by Staff.
28. The north driveway shall be one way going into the site, with appropriate signage.
29. Final architectural designs with full elevation drawings shall be approved by Staff.

Thurz moved/Sullivan seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Kowalski/Ouellette/Moore/Sullivan/Thurz)

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

BUSINESS MEETING/(1) Review Project List:

Town Planner Whitten had previously provided the Commission with a list of 17 potential projects for future consideration; she asked for Commissioner's preference for prioritization. Everyone felt development of the POCD Implementation Committee should be the initial priority. Following that would be revision of sign regulations, Low Impact Development Regulations (MS4) which involves review of drainage requirements, development of the Warehouse Point Village Regulations and Guidelines, and Open Space Regulations.

BUSINESS MEETING/(2) Signing of Mylars, Plans, Motions:

Signing of Mylars, Plans:

- Carol B. Scott - 1-lot Re-subdivision and Special Use Permit (in accordance with Section 408 of the Zoning Regulations) to create a rear lot at 19 Phelps Road. (A-1 zone; Map 42, Block 20, Lot 7A) .
- Dri-Air Industries, Inc. and owner Charda Realty LLC - Site Plan Approval for construction of a 6,100 sq. ft. warehouse addition and construction of a driveway to access parking area at 16 Thompson Road. (M-1 zone; Map 82, Block 19, Lot 108).
- USA Hauling & Recycling LLC and owner Laird Building LLC - Site Plan Approval for property at 3 & 5 Shoham Road for Change of Use and renovations and expansion to provide truck sales at 3 Shoham Road, parking and natural gas fueling of fleet vehicles at

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both parcels, and construction of carports to support solar panels at both parcels. (M-1 zone; Map 113, Block 17, Lots 3 & 4) .

**Motions:**

None presented.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:10 p.m.**

**Sullivan moved/Kowalski seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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