

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

**REGULAR Meeting #1720 – June 27, 2017**

***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 Chairman Ouellette.

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

**ABSENT:**    **Regular Members:** Jim Thurz  
                  **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; Selectman Jason Bowsza.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members were present at the Call to Order. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Chairman Ouellette noted Alternate Member Moore would also join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, June 15<sup>th</sup>, 2017, and Thursday, June 22<sup>nd</sup>, 2017, was read by Chairman Ouellette:

1. Application of Harken's Landscape Supply & Garden Center and owner T & J South Main Street, LLC for a Special Use Permit for renovation of existing building and re-development of site for use as a flower shop and retail sales of fencing and prefabricated outdoor structures (sheds and gazebos) at 122 South Main Street. [TZ5 zone; Map 42, Block 5, Lot 58]

**ADDED AGENDA ITEMS:**           None.

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda

**Jim Martino, 22 Margaret Drove:** Mr. Martino reported he is present this evening to report that his neighbor has been operating a business at 20 Margaret Drive for over a year. The neighbor has been warned and zoning has been out to see what's going on. He has numerous things going on. The neighbor bought his business here from Windsor Locks and when he moved into the house he brought equipment and trash and started excavating the back yard and had fires out there. Mr. Martino has spoken to him to not start the fires because it was Summer and it was dry; he didn't do the fires after that. The neighbor has 3 commercial trucks, an excavator, scissors lift, fork lift, and a cargo container near a large shed and a 60' Quonset shed for storage. The business is Loading Docks Central, 20 Margaret Drive. The neighbor has been issued a Notice of Violation (Mr. Martino had a copy available) on March 24<sup>th</sup> which gives him 30 days to straighten out what was going on. Mr. Martino didn't know the neighbor was given the violation until he came back to zoning to see Shawn Rairigh. Loading Dock Central slowed down but continued doing everything he was doing and he didn't change anything.

Mr. Martino noted this is a residential zone; Mr. Martino doesn't want to live next to a business. His primary concern is when the neighbor will stop running the business out of 20 Margaret Drive, and what can be done with it. The neighbor also has a commercial dumpster which he claims he is using to renovate the house. When USA Hauling comes in at 6 in the morning next to his window it's disturbing. The neighbor is running a business out of the house.

Chairman Ouellette advised Mr. Martino that public participation isn't normally a dialogue between the Board and the public; it's an opportunity for the public to make comments. He questions if Mr. Martino had been to the Planning Office with his complaints?

Town Planner Whitten reported this situation started when Robin Newton was here. She started conversations with the owner of 20 Margaret Drive, and then she left; there have been a succession of staff working on this issue. Shawn Rairigh did go out to the property; she had asked him to issue a Cease and Desist Order but he hadn't taken that action as he didn't want to initiate something he wouldn't be here to follow through on. Town Planner Whitten noted she has been to the property as well; the son admitted they were operating the business. She reported that without a Zoning Enforcement Officer on staff she'll send the Cease and Desist Order herself. Mr. Martino questioned the timeline? Town Planner Whitten indicated she'll issue the Cease & Desist Order as soon as she can but noted she'll be out of the office on appointments for the next day or so.

**APPROVAL OF MINUTES/June 13, 2017:**

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**MOTION:** To APPROVE the Minutes of Regular Meeting #1719 dated June 13, 2017 as presented.

**Devanney moved/Kowalski seconded/DISCUSSION: None.**

**VOTE:** In Favor: Devanney/Kowalski/Moore  
Opposed: No one  
Abstained: Ouellette/Sullivan

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

- Application of Four Fathers, Inc. (Sports World) for a Special Use Permit for addition of approximately 0 parking spaces and use of current farmland as sports fields at 226 Main Street, East Windsor. [M-1 Zone; Map 101, Block 12, Lot 20A].

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS - Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman's Club, Inc.** - Renewal of existing Special Use Permit for earth excavation and expansion of excavation area to include Phase 17 (4.5 acres) located on the south side of Apothecaries Hall Road. [Map 57, Block 49, Lot 3; Map 57, Block 65, Lot 1; & Map 48, Block 65, Lot 7] (*Deadline to close hearing 7/18/2017*)

Chairman Ouellette read the description of this Public Hearing. Chairman Ouellette noted he wasn't present for the opening of the Public Hearing but he read the minutes and is comfortable with participating in further discussion. Appearing to present the Application was Jay Ussery, of J. R. Russo and Associates, LLC. Also present in the audience was the owner, Kevin Charbonneau.

Mr. Ussery summarized that this is an Application for renewal of the Permit for Phases 1 through 16 located off Apothecaries Hall Road, as well as a request for a new Permit to operate Phase 17 located near the railroad. Mr. Ussery submitted a GIS aerial of the site, noting the location of various areas of excavation. Mr. Ussery reported he took Town Planner Whitten out to visit the pit to give her a visual tour of the existing conditions. Mr. Ussery noted the entrance is off Windsorville Road near the cemetery, the haul road continues into the property. The pit is divided into 2 sections; a power transmission line runs through the property. Activity is currently occurring north of the transmission line. One section of the pit, which contains part of Phase 8 and 11, was excavated a number of

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years ago when the pit was operated by Manchester Sand and Gravel. That area hasn't been worked for 20 or more years and has become vegetated with substantial sized trees maybe 10 inches in diameter. Mr. Ussery indicated he has increased the reclaimed area from 26.6 acres to 32.6 to include this area in Phase 8 and 11. To the south of the transmission line is an area where Mr. Charbonneau was allowed to store debris from an October 2011 storm; all of that material has been recycled into mulch and wood chips. There is also a pile of bituminous concrete and asphalt which is being crushed. There is a hole that Manchester Sand and Gravel over-excavated 20 years ago which Mr. Charbonneau is still filling. Mr. Ussery reported they have now come to an area which is visible from Chamberlain and Apothecaries Hall Road where the Sportsman's Club is creating a walk-through archery range. The existing elevation is 160, the proposed elevation at the floor would be 130, they are currently at 159 so there is a substantial cut of material available for excavation. Mr. Ussery reported they are nowhere near the floor area with the present activity.

Mr. Ussery reiterated they are looking for a renewal of Phases 1 through 16, closure of the area from the operation as Manchester Sand and Gravel which has been reforested, and they are looking for approval of Phase 17.

Mr. Ussery recalled that he previously appeared before the Commission to informally discuss changes in operation. A change in the hours of operation which would require a text change as the hours are specified in the regulations. An increase in the number of daily or maximum loads are handled as conditions of approval. Town Planner Whitten clarified that current load allowances are 60 trucks/day or a maximum of 300/week. Mr. Ussery suggested the Commission could consider increasing the load count at this renewal; Mr. Charbonneau had asked to increase the daily count to 120 trucks/day.

Mr. Ussery noted Phase 17, which contains 4+ acres, is located along Apothecaries Hall Road east of Phase 16. Mr. Ussery cited comments in the minutes of the previous meeting where the neighbors raised concerns about the dust and noise from ATVs. Mr. Charbonneau has visited some of the neighbors. The site area is a hollow which has never been vegetated. They are proposing a temporary berm to provide screening from the noise. The berm would start at the wood line at the eastside of the low spot and wrap around the side of Phase 17.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Moore:** had no comments at this time.

**Commissioner Kowalski:** Referenced the aerial showing the 5 houses across from the pit; he requested Mr. Ussery show him the location of the first house? Mr. Ussery indicated the start of Phase 17 would be at the first house to the west and almost to the last house on the east side; Phase 17 would be in front of the 5 houses. Commissioner Kowalski questioned what the darker green area represented? Mr. Ussery indicated it's

a prior area which is now pretty substantially wooded. Commissioner Kowalski referenced the area to the left of the dark green area parallel to Apothecaries Hall Road; he questioned if a berm could be created there? Mr. Ussery indicated they could. Mr. Ussery noted that at the railroad track you would be looking up the bank near the cut where the new driveway would be; he contemplated the sightline.

**Commissioner Sullivan:** Questioned if a new driveway is being created at the intersection of Apothecaries Hall Road and Chamberlain Road, what will happen with the existing driveway? Mr. Ussery suggested that would stay intact. The new driveway would eliminate the need for loads going out to Rye Street from traveling in front of the homes on Apothecaries Hall Road; loads going out towards the other direction would exit at the existing driveway. Commissioner Sullivan suggested if the drivers took a right turn they would go right by the homes. Mr. Ussery agreed, but noted they would install signage indicating “no right turns” to eliminate that situation.

**Chairman Ouellette:**

Chairman Ouellette referenced the extension of the berm into the area not shown in area of green on the plans; why wasn't that shown originally? Mr. Ussery indicated there's a berm there but it's not formal; it's topsoil and will be removed at some time. They've done their best to cut down the dust and the noise. Chairman Ouellette questioned if it's a best practice for the trucks to have dust covers? Mr. Ussery indicated all the trucks are required to have load covers, but the dust comes from the trucks wheels and Mr. Charbonneau has a water wagon on site to cut the dust. There are times, like weekends and nights, when you can get dust and no one is there to take care of it. The neighbors have mentioned the noise from the ATVs but no one is there to police that. Chairman Ouellette referenced Condition #20 which specifies 60 trucks/day or 300/week; he noted that if the pit only operates 5 days that number equates to the 60 trucks/day. He noted the limit of loads is factored into the days of operation. He questioned where the 120 trucks/day came from? Mr. Ussery indicated it was a number proposed during previous discussions. He reported Mr. Charbonneau has had to turn down contracts because he couldn't accommodate the delivery requirements. If the number of loads was increased they would be getting done quicker; from a business standpoint they would like more than 60 trucks/day. Chairman Ouellette questioned Town Planner Whitten if the Commission could change the load limits as part of this renewal? Town Planner Whitten indicated the Commission has the ability to change the condition but the hours of operation are specified in the regulations. Commissioner Kowalski noted increasing the load limit to 120/day would be 600 total loads a week. Mr. Ussery questioned if they would do 120 loads per day for all five days; he suggested the Commission might consider increasing the weekly limit to 450 trucks. Town Planner Whitten noted the hours of operation also include the days of operation. She questioned if it would help if they could be open on Saturday for trucks but not excavation? Mr. Ussery suggested considering no processing but loading and hauling until 1 o'clock. Chairman Ouellette questioned if that would be a deterrent to the ATV activity? Mr. Charbonneau suggested it would definitely help. Mr. Ussery suggested you don't see the ATV activity during the

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week during operation because most of the riders are younger people who may be working. Commissioner Moore felt that the quicker the material is removed the quicker it would cut down on the dust. Town Planner Whitten questioned that based on the current conditions what is the anticipated timeframe for completing the work for the Sportsman's Club? Mr. Charbonneau suggested 2 to 3 years.

Chairman Ouellette opened discussion to the audience.

**Alan Andrews, 51 Apothecaries Hall Road:** Mr. Andrews reported Mr. Charbonneau came out and spoke to him, but, no matter what he does it will be unacceptable at 100 feet from the road. With all that dust coming over the road it will be unbearable. Mr. Andrews reported he has dust in his gutters; he hasn't been able to open his windows since he has lived in the house. Everything gets coated in dust. Even if they put in the berm the dust will come over the berm and the turbulence will cause it to coat everything.

Regarding the illegal ATVs every weekend, the dust is unbearable. They ride down the road. His wife has health issues; the dust doesn't help her. No matter how hard they try to mitigate the dust it's unacceptable. Chairman Ouellette questioned that anything short of ceasing operations wouldn't be acceptable? Mr. Andrews replied – yes.

**Ronald Stamm, 53 Apothecaries Hall Road:** Mr. Stamm reported he has a serious issue with the dust. He just moved here last Fall; when he cleaned out his gutters last Fall he had a half inch of dust. It's a health issue. Mr. Stamm reported he had a pamphlet on the health issues if anyone wanted to read it. He has seen the sky turn brown from the dust; he has dust on his solar panels. If they put the berm 100 feet from his house that will just catapult the dust into the air. Mr. Stamm suggested he hasn't seen anyone in town contact the USDA regarding dust control; he suggested we need to have some type of consultant come in to tell them what to do to keep the dust to an acceptable level. They work on the site and then leave but we live here. Mr. Stamm would like the town to deny the request to expand the pit area. He also suggested this pit is getting to the end of its productivity; they only have 8 feet of material left. The land is productive as farmland also. Leave it as farmland.

Chairman Ouellette questioned if Mr. Stamm sees the same level of ATV activity? Mr. Stamm replied – yes.

**Jean Macadlo:** Ms. Macadlo referenced the current load limit of 60 trucks/day and the possibility of increasing that to 120 trucks/day, she suggested there will be no quality of life if that occurs. She referenced the homes up the road, and also on Chamberlain Road; if you open on Saturday it isn't fair to the people.

Regarding the ATVs, it will be a problem to the end of time. They run up and down the road.

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**Shawn Carroll, 45 Apothecaries Hall Road:** Mr. Carroll reported his is the first house after Chamberlain Road. The dust is on everything. His house is white and it's brown. To add more phases, and to increase the trucks; the dust will just roll over the berm. When he purchased his house 3 years ago it was beautiful farmland and now it's dug open.

**Jennifer ....., 45 Apothecaries Hall Road:** The new entrance will be pretty much across the street from her house. It will be an easy entrance for the ATVs, even if the pit is open on Saturday the ATVs are there at night. The noise is unbearable from the trucks.

**Keith Miller, 47 Apothecaries Hall Road:** Mr. Miller suggested it's not just the ATVs; it's also the wind kicking up the dust. He understands Mr. Charbonneau has a business to run, but it would be 100 feet away from his home; it's too close. Mr. Miller reported he has been there for 20 years and before he didn't even know they were there. Now it will be getting too close.

**Janice Andrews, 51 Apothecaries Hall Road:** Mrs. Andrews reported it's like a dust storm. That area wasn't there when they came in. There are bus stops there, there will be children being dropped off with trucks coming down there. Mrs. Andrews apologized for having difficulty speaking. She questioned if Mr. Charbonneau would like to buy her out? She is concerned that no one does anything about the ATVs. If Mr. Charbonneau wants to be a good neighbor why doesn't he put someone in there on the weekend? The Police say they can't do anything. Mrs. Andrews cited health concerns; she has an inhaler. She's not saying it's the dust but it does contribute to her problems. Mrs. Andrews reported nothing has been done about the ATVs.

**Alan Andrews, 51 Apothecaries Hall Road:** Mr. Andrews also wanted to report there has been shooting in the pit at night, and the off-road vehicles in the pit on the weekends when no one is there. Now if they come within the 100 feet.....Mr. Andrews can't believe the Police can't do anything. If those people are shooting a shotgun it could hit his house. He's been out there at night and he could hear them speaking Spanish. Mr. Andrews suggested there isn't a large Spanish population in East Windsor so the people are coming in from outside of town.

**Ronald Stamm, 53 Apothecaries Hall Road:** Mr. Stamm questioned Mr. Charbonneau what he's done to keep those people out? He doesn't see any gates or signs, or fences to indicate to these people they shouldn't be there; it's an open area. Mr. Stamm suggested he turns down his hearing aids, which helps him but doesn't help his neighbors.

**Jennifer ....., 45 Apothecaries Hall Road:** Jennifer reported there are a lot of people who walk, run or bike along Apothecaries Hall Road. The road is narrow and there are no sidewalks to separate the people from the trucks. Jennifer reported she runs; there are no sidewalks until you get up near the church. It's scary.

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**Dick Pippin, 37 Woolam Road:** There are so many places for the ATV riders to get in; the Police have indicated it's very difficult to catch the riders.

**Kathy Pippin:** Mrs. Pippin reported the Police are aware of the problem. The people who ride the ATVs are from out of town and aren't concerned with our officers. Mrs. Pippin suggested maybe the site could be monitored with drones; she noted it's expensive and the Town is on a tight budget but.....

Mr. Ussery reported he didn't have a lot to add to the public's comments. The owners of the pit are trying to do anything they can; the Police are aware of the problem with the ATVs and have key to the gate but they can't catch the riders. The ATV riders can go anywhere they want and the cruisers can't. DEEP is aware. There was a bad accident with people riding the ATVs in the pit a few years back. This happens on the streets of Hartford.

They are trying to prevent both the dust and the noise. The berm does help; it would be a mistake not to put the berm in. They will be putting down more water. Maybe the Saturday operation would help with the ATV activity as the riders aren't there when the pit is open. Mr. Ussery reported he understands the people's concerns.

Chairman Ouellette queried Mr. Ussery regarding the value of the material in the areas that's different than the material in other areas already worked? What's so special about this material? Mr. Ussery indicated that in the Connecticut River Valley some of the land has deposits of this natural material which is a resource for other businesses. Most people live in houses with concrete basements, we drive on roads where the gravel is a component of the bituminous pavement. The gravel is used in blacktop, concrete, and as an aggregate sub-material for roads. As the material source dwindles the price increases. Mr. Ussery understands the neighbor's issues but the material is a natural resource used in building materials that we use every day. East Windsor has an on-going pavement improvement program, and some of that material comes from these resources. It's a product needed in construction.

Commissioner Kowalski questioned if Phase 17 is the last area to be worked? Mr. Ussery replied negatively, noting they could continue to go further east but they would have more issues with neighbors. Mr. Ussery noted this operation has been here for 40 to 60 years; Manchester Sand and Gravel operated the pit 40 years ago. As one of the neighbors said, they didn't know the pit was there. Commissioner Kowalski questioned the estimated time to complete the work if you did go further east? Mr. Ussery suggested maybe 2 to 3 years to finish the gravel. Commissioner Sullivan questioned the potential cubic yards of gravel that could be yielded from Phase 17? Mr. Ussery estimated 70,000 cubic yards. Commissioner Sullivan questioned that the average truck takes on 17 yards of material? Mr. Ussery replied 16 legally.

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Chairman Ouellette indicated he would like to make an appointment with the Applicant to visit the site himself. He would like to stand in the pit during the day when operation is happening, and see and understand the berm and proximity of the berm to the neighbor's houses. He queried the Commissioners if they would like to visit the site as well?

Commissioner Sullivan questioned specifics of the buffer; is it 100 feet from the edge of the road or the property line? Town Planner Whitten and Mr. Ussery agreed the buffer begins 100 feet from the property line. Discussion then turned to the setback of the homes across the street. Mr. Andrews suggested the new phase would be coming 285 feet closer to his home. Mr. Stamm noted this would be a fresh berm which needs to become vegetated. Mr. Stamm suggested that's why he mentioned the USDA; he was a farmer in Idaho where the fields are very flat. Conservation was important. People were coming out all the time so he has some knowledge but he suggested they are doing nothing to keep the dust down. The neighbors see brown dust all the time; you need bushes and trees to filter out the dust from getting out of the area. Mr. Stamm referenced a construction site on Sullivan where they've put down black plastic; that hasn't been done on this property. There is nothing being done; that's why you need to get the USDA out. They will be working for another 3 years if they are denied, more if they are approved. It's not like its worthless land; it's farmland. It's not like they are totally being put out of business.

Town Planner Whitten queried Mr. Charbonneau what he was doing to mitigate the dust? Mr. Charbonneau indicated they have the water trucks which they are running more often. Town Planner Whitten referenced the erosion control notes on the plan; she didn't see any of that when she visited the site. She suggested that's why the Commission doesn't want many phases open at the same time. She suggested discussing the erosion control procedures again.

Chairman Ouellette queried the Board regarding the deadline to close the Public Hearing, which is July 18<sup>th</sup>. He suggested keeping the Public Hearing open this evening, which would allow the Board members to visit the site and then discuss options at the next meeting. Discussion followed regarding site visits. Town Planner Whitten queried Mr. Charbonneau regarding the Commission members making a site visit? Mr. Charbonneau indicated he had no problem with members visiting the site, noting he would like to be present as well. Discussion continued regarding separate site visits vs. a group site visit, which would be a published meeting. Members decided to make appointments with Mr. Charbonneau for separate site visits.

Chairman Ouellette questioned if there were any additional comments from the public?

**Alan Andrews, 51 Apothecaries Hall Road:** Mr. Andrews indicated everyone was welcome to visit his property as well. **Ronald Stamm, 53 Apothecaries Hall Road,** also welcomed Commissioners to his property.

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**MOTION:** To CONTINUE the Public Hearing on the Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman’s Club, Inc. for renewal of existing Special Use Permit for earth excavation and expansion of excavation area to include Phase 17 (4.5 acres) located on the south side of Apothecaries Hall Road. [Map 57, Block 49, Lot 3; Map 57, Block 65, Lot 1; & Map 48, Block 65, Lot 7]. Public Hearing CONTINUED to the Commission’s next regularly scheduled Meeting to be held on July 11, 2017, at 6:30 p.m. at the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

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

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

The recording secretary requested a short break.

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

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

The Commission RECESSED at 8:04 p.m. and RECONVENED at 8:10 p.m.

**NEW PUBLIC HEARINGS – Harken’s Landscape Supply & Garden Center and owner T & J South Main Street, LLC** - Special Use Permit for renovation of existing building and re-development of site for use as a flower shop and retail sales of fencing and prefabricated outdoor structures (sheds and gazebos) at 122 South Main Street. [TZ5 zone; Map 42, Block 5, Lot 58] (*Deadline to close hearing 8/1/2017*):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC, representing the owner. Also present was Jaime Gilbert, owner of Harken’s Market and this property.

Mr. Ussery described this property which is located on the west side of Route 5 adjacent to the Meadowview Condominiums to the north, and Flower Power to the south. The subject site contains an existing structure built in 1834. The home has been empty for 8 to 10 years and is currently in disrepair. Mr. Gilbert and his wife intend to renovate the home which will be occupied as a florist shop. The remainder of the site will be a display area for outside structures, such as sheds and gazebos, and various types of fencing – vinyl, split rail, stockade. The building will be used for retail sales. A 24 foot wide driveway will provide access to the site to the north of the structure. Current regulations require 6 parking spaces for every 1,000 square foot of building area; while 10 parking spaces are required the Applicant is providing 16 parking spaces, including a

handicapped space. The parking area will be constructed of concrete pavers rather than blacktop. A walkway, which will be created behind the structure, will circle an interior landscaped area where the various types of fencing will be displayed. Referencing the Site Plan, Mr. Ussery suggested the area highlighted in brown will be the display area for the sheds and gazebos.

Mr. Ussery indicated none of the water currently leaves the site. The underlying soil is sandy. They have created an infiltration area with a ditch to handle overflow. Mr. Ussery reported Mr. Gilbert has met with the Meadowview Condo Association to discuss an easement for overflow into the Association drainage system if necessary.

Mr. Ussery noted the property is located within the TZ5 Zone, which allows for multiple type uses. The subject parcel abuts the old Knuttel farm, which is occupied as a residential use. Mr. Gilbert is required to provide a 100 foot buffer between the residential and retail use; he is proposing a 6 foot high vinyl fence along the perimeter of the subject property. Inside the fence will be plantings, including small trees.

Mr. Ussery noted all utilities – gas, electricity, and sewer – are available to this parcel.

Mr. Ussery referenced a Floor Plan and an Elevation Drawing of the renovated building. The building is considered 1 ½ stories; Mr. Gilbert will be installing period windows and a new front door. The front entrance will be modified to include a handicapped ramp as well as traditional stairs. Signage will be attached to the structure. Landscaping is proposed around the front of the building. While there will be some lighting on the building Mr. Ussery indicated they are not proposing any lighting for the back of the property as the business won't be open at night. Mr. Ussery reported Mr. Gilbert is proposing a patio to be constructed of paver stones to the rear of the house to display lawn furniture.

Mr. Ussery noted there is a 12 foot access strip on the south side of the property in favor of the McKinney property while there is no evidence of anyone using the access. Flower Power wraps around the strip, which is actually a treed area. Flower Power has its own access drive on Route 5.

Chairman Ouellette questioned if Mr. Gilbert plans any use for the second story? Mr. Ussery indicated there is no intention for a residential use; they may possibly use it for storage or a small office.

Mr. Ussery felt the proposal meets all the requirements for the TZ5 Zone, and it's nice that they are renovating the old building, which is historic.

Chairman Ouellette queried the Commissioners for comments.

**Commissioner Moore:**

- **Lighting:** questioned the lack of lighting in the rear? Mr. Ussery agreed; they are not proposing any lighting in the rear. The only requirement is for lighting on the building, which is a requirement through the Building Department.

**Commissioner Kowalski:**

- **Signage:** is there any proposal for a street or monument sign? Mr. Ussery reiterated that there would be signage on the building. He noted they are also proposing a sign 10 feet back, 15 feet high, and a maximum of 32 square feet which will be placed adjacent to the driveway as you come in.
- **Fencing:** is it display only; will it be stored on the property? Mr. Ussery reported the fencing is for display only so someone can pick out the style you want. There will be no storage of the fencing on the property.
- **Sheds/Gazebos:** would they be stored on site? Mr. Gilbert reported they are delivered after purchase.
- **Forklifts on site:** Mr. Gilbert indicated the sheds and gazebos would be placed on site and displayed with landscaping so customers can envision what they might look like at their homes; the sheds are dropped on the site via a delivery vehicle.

**Commissioner Sullivan:**

- **Pavers:** will one kind be used or multiple types? Mr. Gilbert indicated he would be using one type of permeable pavers.
- **Use of upstairs area:** If the upstairs could be used as a residential unit why would you abandon that use? Mr. Gilbert indicated he had no intention of being a landlord.

**Chairman Ouellette:**

- **Existing fence:** There is an existing stockade fence along the property line to the north; will that remain? Mr. Ussery replied that fence is owned by the Condo Association and will remain in place. Mr. Gilbert is required to establish the buffer between the residential and retail use so he will be installing a second vinyl fence.
- **Maintenance of fence:** How will it be maintained? Mr. Ussery indicated the Condo Association is mowing the area now; there will be about 13 feet between the two fences.
- **View of subject property from the condominium complex:** What would the view be from a condo looking down into this site; can any of the units look down over the fence? Mr. Gilbert reported there are a lot of tall trees between the two properties.

- **Neighbors:** Chairman Ouellette noted the lack of neighbors present for this Public Hearing. He felt if the neighbors were concerned they would be present. Mr. Ussery reported Mr. Gilbert had to go to the Zoning Board of Appeals for a variance for the handicapped entrance. Residents of the condominium complex were present at that hearing and spoke in favor of Mr. Gilbert's proposal. Mr. Ussery reported Mr. Gilbert also spoke with the Condominium Association. Town Planner Whitten felt there had been some residents in the audience earlier but they have left the meeting.
- **Display of sheds/gazebos:** What's to prevent display of the sheds and gazebos in front of the structure? Mr. Gilbert indicated he wouldn't display the structures that close to the road.
- **Advertisement of business:** Chairman Ouellette questioned that as a prudent businessman how will you get the word out? Mr. Gilbert indicated he uses social media and his website as well as local advertising. Someone might be able to see a shed when driving by but he doesn't want to hide the floral shop with sheds or gazebos in front of the building. Also, the lawn in front of the floral shop will be irrigated.
- **Driveway location:** Chairman Ouellette questioned if that was the best location for the driveway? Mr. Ussery indicated that the current location of the driveway is close to the property line; they needed to move the location to provide the buffer, and widen the driveway for two-way access. Mr. Ussery suggested the road is pretty flat in that location; he didn't feel there would be a sightline issue. He also noted they must go to the State regarding the driveway location.
- **Driveway across the street:** Chairman Ouellette noted there is a driveway across the street which is about 100 feet from the proposed driveway entrance; he questioned what the use of that parcel was? Mr. Ussery felt it's a house. Chairman Ouellette noted it's desirable to have commercial driveways across from each other but that probably isn't possible with the location of the house. If it's just a house his concern goes away.
- **Delivery vehicle access:** Is the driveway wide enough for the large delivery vehicles? Mr. Ussery cited the proposed driveway is 24 foot wide; the sheds/gazebos are delivered by a single axle tilt vehicle. He felt the access was sufficient.
- **Emergency vehicles:** Chairman Ouellette noted the circular display path won't be paved; is that sufficient for emergency vehicles? Mr. Ussery indicated the path will be gravel; he felt a fire truck could get around there.
- **Permeable pavers:** Chairman Ouellette indicated he had no objection to the pavers; what will they be like? Mr. Gilbert indicated they are ADA compliant.

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- **Over-flow of materials from other location:** Would there be any overflow of storage of materials from the other Harken's location? Mr. Ussery suggested the buffer requirement doesn't allow much area for outside storage.

**Mr. Pippin** requested to speak. He felt it's hokey with the double fence; it would probably be a benefit to have only one fence. Chairman Ouellette noted the regulations require the buffer between uses. Town Planner Whitten suggested Meadowview would have been required to install a fence for their approval; it's also a security issue. Mr. Ussery concurred, noting it's a multi-family use abutting a business use.

**Town Planner Whitten** raised the following questions:

- **Seasonal sales:** will you be selling pumpkins, fireworks, etc.? Mr. Gilbert replied negatively.
- **Special events:** will you be serving cider or other beverages for special events? Mr. Gilbert replied negatively, but noted they might bring in a food truck for the holidays. Town Planner Whitten noted Mr. Gilbert would need to acquire a Special Event Permit from the Planning Office for special events.
- **Storage of delivery trucks:** where on the site would the delivery trucks be stored? Mr. Gilbert suggested the floral delivery van would occupy one parking space overnight. The sheds would be coming from a vendor so there would be no storage of those vehicles on this site.
- **Pavers:** Town Planner Whitten suggested Mr. Gilbert needs to be careful with whatever is used for the base soil to prevent freezing during the winter months.
- **Abandonment of residential use:** Town Planner Whitten clarified that once Mr. Gilbert abandoned the residential use for the upper story of the structure it can't be returned in the future; this would be a voluntary abandonment. Mr. Ussery questioned the timeframe for creation of a residential unit? Town Planner Whitten questioned if the kitchen was going to be removed with this renovation? Mr. Gilbert replied negatively, noting they would need a source of water for the florist business. Chairman Ouellette questioned how the Commission would document retention of the residential use? Town Planner Whitten indicated it would be included as a condition of this approval. Mr. Ussery was given a few minutes to discuss the options with the Applicant; Mr. Gilbert indicated he would like to retain the option for the residential use.

Chairman Ouellette queried the Commissioners for additional comments/questions.

**Commissioner Moore:** Would there be anything to prevent the Applicant from adding lighting in the back later? Mr. Ussery suggested they would need to return with a Site Plan Modification. Town Planner Whitten concurred, noting the proximity of the condominium complex.

**Commissioner Sullivan** felt this proposal was an enhancement to the area and the Town.

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

**MOTION:** To CLOSE the Public Hearing on the Application of Harken’s Landscape Supply & Garden Center and owner T & J South Main Street, LLC for a Special Use Permit for renovation of existing building and re-development of site for use as a flower shop and retail sales of fencing and prefabricated outdoor structures (sheds and gazebos) at 122 South Main Street. [TZ5 zone; Map 42, Block 5, Lot 58].

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

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

**MOTION TO APPROVE** Application of owner Harken’s Landscape Supply and Garden Center, and owner T&J South Main St., LLC for a Special Use Permit for redevelopment of a property for a retail flower shop and garden center to be located at 122 South Main Street [TZ5 zone – Map 42, Block 05, Lot 58]. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

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**Referenced Plans:**

Harken’s Landscape Supply and Garden Center, 122 South Main Street, East Windsor CT , prepared by J.R. Russo and Assoc. 1 Shoham Rd, East Windsor, CT 06088 860/623-0569 Fax: 860/623-2485, dated 5/4/17

Sheet 1/4 Cover Sheet

2/4 Existing Conditions & Demolition Plan scale 1” = 20’

3/4 Site Plan

4/4 Details

ARCHITECTURAL PLANS prepared by David Goslin Architect 1906 Main St. PO Box 412, East Windsor Hill, CT 06028 860/289-4858

A-1 Proposed Floor Plan

A-2&3 Proposed Elevations

**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. Two final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department

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

4. 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:**

5. In accordance with Section 900.2e 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.
6. A Zoning Permit shall be obtained prior to the commencement of any site work.
7. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
8. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
9. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
10. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town Staff to periodically enter

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upon the subject property for the purpose of determining compliance with the terms of this approval

11. All required landscaping shall be adequately maintained.

**Additional Condition:**

**12. Residential use of structure is grandfathered.**

**Devanney moved/Kowalski seconded/DISCUSSION: None.**

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

**OTHER BUSINESS: None.**

**OLD BUSINESS: None.**

**NEW BUSINESS: None.**

**BUSINESS MEETING/(1) Discussion on HIFZ: No discussion this evening.**

**BUSINESS MEETING/(2) Discussion on Aquifer Protection Regulations: No discussion this evening.**

**BUSINESS MEETING/(3) General Discussion of Planning Issues: No discussion this evening.**

**BUSINESS MEETING/(4) Signing of Mylars/Plans, Motions:**

**Mylars/Plans:**

- **WSJA, LLC** - Site Plan Approval for construction of new building addition to front of existing building at 34 Newberry Road (M-1 zone; Map 92, Block 19, Lot 1)

**Motions:**

- **Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc.** - Renewal of existing Special Use Permit under Chapter 809 to fill in an area of the site to create additional area for future commercial use in association with existing volume reduction facility located at 33 Apothecaries Hall Road,. [M-1 zone; Map 57, Block 48, Lot 38]

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- **Penske Truck Leasing Co. LP** - Site Plan Approval for a Change of Use to used car sales and repairs at 10 Shoham Road, owned by 10 Shoham Road LLC. [M-1 zone; Map 113, Block 17, Lots 6A & J]

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:59 p.m.**

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

Respectfully submitted,

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