

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

**Meeting #1630  
April 23, 2013**

***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 7:00 P. M. by Chairman Ouellette.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members (Devanney, Gowdy, Ouellette, Sullivan and Thurz) and Alternate Member Zhigailo were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

Also present was Town Planner Whitten.

**GUESTS:** Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Dick Pippin, Selectmen; Kathy Pippin, Board of Finance.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, April 11, 2013, and Thursday, April 18, 2013, was read by Chairman Ouellette:

1. Application of Recycled Concrete Products of CT for a Special Use Permit and Modification of approved Site Plan for property at 33 Apothecaries Hall Road for regrading and filling to create additional area for a future commercial use. Property is owned by Herb Holden Trucking, Inc. [M-1 Zone; Map 57, Block 48, Lot 38]

**ADDED AGENDA ITEMS:**

Town Planner Whitten requested the addition of discussion of a request for release of bond associated with the pending acceptance of Craftsman Road as a Town road. Discussion to occur under Item **VII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE.**

No motion made; Commission concurred with recommendation.

**PUBLIC PARTICIPATION:**

No one requested to speak.

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**APPROVAL OF MINUTES/April 9, 2013):**

**MOTION: To APPROVE the Minutes of East Windsor Planning and Zoning Commission Regular Meeting #1629 dated April 9, 2013 as written.**

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following new Applications:

1. Application of Annette Fortune for a Special Use Permit for site work to include lighting, fencing and proposed shed on property at 121 North Road, owned by the applicant and Soucy Interprises, LLC and Deborah Donovan. [B-3 Zone; Map 124, Block 16, Lot 26A].
2. Application of Capital Development Partners, LLC for Site Plan Approval for commercial redevelopment of former auto/storage/landscape facility into a new commercial retail store (Dollar General) at 115 Main Street, Broad Brook. [B-2 Zone; Map 88, Block 45, Lot 25].

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

Town Planner Whitten noted work has been completed on Craftsman Road but it has not yet been accepted as a Town road. The Performance Bond posted with the Town expires next week; all that remains is for paperwork to be completed by the various attorneys. She referenced a memo provided for the Board from Town Engineer Norton regarding his comments of February 11, 2013; the memo includes a handwritten note indicating Town Engineer Norton's updated comments. He is not against releasing the Performance Bond, with the caveat that an \$88,800 Maintenance Bond be retained for one year after acceptance as a Town road.

Chairman Ouellette questioned the process for road acceptance. Town Planner Whitten suggested that once the paperwork is completed by the attorneys road acceptance can move through the various Boards. She noted Town Engineer Norton has been involved in the road improvements which occurred at Craftsman Road, and is comfortable with the work which has been done. Chairman Ouellette questioned if it's uncommon to release only a portion of the Performance Bond? Town Planner Whitten noted the Commission has reduced other bonds in the past; the request is not unreasonable.

**MOTION: That the Planning and Zoning Commission release the Performance Bond associated with Craftsman Road, with the caveat that a**

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**Maintenance Bond in the amount of \$88,800 be retained and shall expire one (1) year after Town road acceptance.**

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

**PUBLIC HEARINGS: Recycled Concrete Products of CT** – Special Use Permit and Modification of approved Site Plan for property at 33 Apothecaries Hall Road for regrading and filling to create additional area for a future commercial use. Property is owned by Holden Trucking, Inc. [M-1 Zone; Map 57, Block 48, Lot 38]. (*Deadline to close hearing 5/28/2013*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC, and Herb Holden representing Holden Trucking, Inc.

Mr. Ussery submitted a handout from the Town's GIS system which reflects an aerial view of current conditions at the parcel under discussion. Mr. Ussery gave a description of the location of the parcel, which abuts the railroad, a cornfield to the north, and an access drive from the rear of the parcel out to Rye Street. The main access is via Apothecaries Hall Road; all activity associated with this proposal would occur through the main entrance.

Mr. Ussery reported this facility was originally approved 15 to 20 years ago as a recycling facility; he referenced the aerial to show the location of buildings, stockpiles, and equipment currently located at the site. Mr. Ussery noted the Commission approved a modification to the operation to allow Saturday hours to noon or 1 o'clock to allow retail sales of products to small landscaping contractors and homeowners. The proposal before the Commission this evening would allow regrading and filling to expand the existing agricultural field.

Mr. Ussery suggested the parcel contains an existing drainage swale/ditch which discharges into a pond on Rye Street; water then exits that pond via a brook which flows under Rye Street and eventually enters the Scantic River at the rear of Norton Road. He noted there is an existing culvert which runs under the railroad line to another parcel owned by Mr. Holden. An area thought to be a wetlands with a watercourse is located near the northeast corner of the parcel. The area has been walked with Wetlands Agent Newton, who suggested the area should be flagged by a soil scientist. Mr. Ussery noted a report has been submitted by John Ianni, who indicated his field work found no regulated area of wetlands. Wetlands Agent Newton has asked David Askew of the North Central Soil and Conservation District to review the area. Mr. Askew has not yet been able to visit the site; the Public Hearing on this Application will be continued.

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Mr. Ussery discussed the existing pipes located at the property. Discussion continued regarding when the culverts were installed, and by whom, and if any water actually flows through the existing pipe system.

It was noted Town Engineer Norton has reviewed the proposal and requested that the plans be revised to include erosion controls, and that stormwater calculations to address a 25 year storm should be provided to the Planning Department. Town Planner Whitten noted Mr. Coon, of J. R. Russo and Associates, has provided the updated information and revised plans.

Town Planner Whitten noted that a part of this proposal falls under Chapter 814 – Earth Removal and Filling – due to the amount of fill which will be involved. Mr. Ussery noted when an application falls under the Earth Excavation Regulations an applicant is required to install a 100' buffer which he felt is for the protection of adjacent homeowners. Mr. Ussery suggested they will be seeking a waiver of this requirement as the only property being affected by this proposal is that owned by Mr. Holden. Mr. Ussery indicated they would continue to abide by the requirement that the site be limited to 60 trucks per day; hours of operation would remain the same.

Commissioner Gowdy questioned if there was an aquifer in the vicinity of this proposal? Town Planner Whitten suggested the only aquifer posted is the Hunt Field on Mahoney Road in Broad Brook. Commissioner Gowdy cited concern for cellar flooding for nearby residents.

Commissioner Thurz questioned if the access drive on Rye Street would be used for this proposal? Mr. Ussery replied negatively, noting they would only be using the entrance at Apothecaries Hall Road. Commissioner Thurz questioned who used the Rye Street driveway? Mr. Ussery indicated that access is used by Steve Dearborn; there is no need to use that access for this proposal.

Commissioner Sullivan questioned if they have made any provisions to keep people using dirt bikes out of the property? Mr. Holden suggested the use of the properties by others is a difficult situation to deal with.

Town Planner Whitten raised the following questions:

- **Estimated amount of fill to be used:** Mr. Ussery estimated 90,000 cubic yards.
- **Projected timeframe for completion:** Mr. Holden suggested 3 to 5 years if they maintain the required 60 trucks/day as they have other operations occurring at the same time so they can only devote so much to this project.
- Town Planner Whitten felt a traffic study was unnecessary as the applicant will not be exceeding the approved daily trip limit.
- **Proposed erosion control measures:** Mr. Ussery noted they have added the installation of silt fence to the plans. He also felt they could grade and seed as

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- they move from the north to the south for the agricultural expansion. Town Planner Whitten suggested the areas should be stabilized.
- **Hours of operation:** Mr. Ussery suggested the current hours of operation would be maintained.

Chairman Ouellette raised the following questions:

- **Permit duration:** He noted the Commission usually grants a one year approval but suggested the Commission has the flexibility to approve longer periods. The Commission often reviews how a project is managed when considering permit duration. Mr. Holden indicated they could do the project in a year but they would exceed the approved daily trip limit.
- **Is any bonding should be required?** Mr. Holden indicated he was not opposed to posting a bond. Discussion followed; the Commission decided a bond would not be necessary.
- **Is any work being proposed on the property owned by the railroad?** Mr. Holden replied negatively, but noted he would need their approval if any work should occur on their property.

Mr. Ussery indicated letters were sent to abutting property owners and signs were posted regarding the Public Hearing. Only one call was received; after the proposal was explained the resident indicated they would not attend the public hearing as they were satisfied with the explanation.

Commissioner Sullivan questioned what type of material would be used for fill? Mr. Holden suggested it would be clean fill as defined by DEEP; no contaminated material would be brought in.

Chairman Ouellette noted the Public Hearing can't be closed due to the pending ruling from the Inland Wetlands Commission or Wetlands Agent. Town Planner Whitten concurred, noting it's a matter of qualification of the existence of an intermittent stream which is determined by vegetation. The Commission had no further questions.

Chairman Ouellette queried the audience for comments:

**Dick Pippin, Woolam Road:** suggested the culvert under the railroad may have been installed as a cattle crossing. He cited various other local culverts and noted many farms were split by the installation of the railroad and crossings were built to allow cattle to pass to other pastures. Mr. Pippin felt Commissioner Gowdy's concern for cellar flooding would not occur; he cited various properties within the vicinity and their cellar depths.

**MOTION: To CONTINUE the Public Hearing on the Application of Recycled Concrete Products of CT for a Special Use Permit and Modification of**

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**approved Site Plan for property at 33 Apothecaries Hall Road for regrading and filling to create additional area for a future commercial use. Property is owned by Holden Trucking, Inc. [M-1 Zone; Map 57 Block 48, Lot 38]. Public Hearing is continued to the Commission's next regularly scheduled meeting to be held on May 14, 2013 – location to be announced.**

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

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**OTHER BUSINESS:** None.

**BUSINESS MEETING/(1) Plan of Conservation & Development 2014 – Scoping Workshop:**

Town Planner Whitten noted the subcommittee has completed most of the scoping regarding the components of the existing Plan of Conservation & Development (POCD) which will require revision vs. those which are substantially the same. The department continues to seek input from other Commissions, and the return of the Commission/Board survey. Staff has been reviewing the functionality of Survey Monkey but are limited to access until the Town's payment has been received.

Discussion continued regarding a branding slogan and logo, and the possible involvement of school children in a contest. Discussion followed for some time regarding possible slogans.

LET THE RECORD SHOW Selectman Baker left the Meeting at 8:15 p.m.

The Commission determined the next subcommittee meeting will be Thursday, April 25<sup>th</sup> at 5:30 p.m.

**BUSINESS MEETING/(2) Discussion – Adult Regulations:** Tabled.

**BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:**

Nothing presented this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:24 p.m.**

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

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(2121)