

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

REGULAR Meeting #1673 – May 12, 2015

MEETING MINUTES

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

The Meeting was called to order in the Park Hill Community Room, 1-A Park Hill, Broad Brook, CT. at 6:33 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, Jim Thurz, and Dick Sullivan.
Alternate Members: Michael Kowalski, Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:** Frank Gowdy
Alternate Members: All Alternate Members were present this evening.

Also present was Town Planner Whitten.

GUESTS: Deputy Selectman Jason Bowsza, Board of Selectmen Liaison to the Planning and Zoning Commission., was present for a portion of the Meeting.

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. Rather than following with the usual service rotation schedule Chairman Ouellette suggested he would appoint Alternate Member Kowalski to continue consistency of service during previous Public Hearings.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, April 30, 2015, and Thursday, May 7, 2015, was read by Chairman Ouellette:

1. Application of Jeffrey E. and Maria B. Ewing for a Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, as part of a proposed 3-lot subdivision off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11

2. Application of Kings Crossing, LLC for a Special Use Permit to allow construction of material storage bins at existing contractor's storage yard at 297 North Road, owned by the Kement Family Limited Partnership. [A-1 & A-2 zones; Map 117, Block 36, Lot 43C]

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ADDED AGENDA ITEMS:

Town Planner Whitten noted Albert Grant, Chairman of the Agricultural Commission, had expressed interest in appearing before the Commission to speak regarding the Community Gardens. Discussion could occur under OTHER BUSINESS later in the Meeting.

PUBLIC PARTICIPATION:

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

APPROVAL OF MINUTES/April 28, 2015:

MOTION: To ACCEPT the Minutes of Regular Meeting #1672 dated April 28, 2015 as written.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following new Application:

Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmen's Club, Inc., for a Special Use Permit/Excavation (per Section 814) for renewal of existing earth excavation permit for property located on the south side of Apothecaries Hall Road. [M-1, R-3 & A-1 Zones]. Map 57, Block 49, Lot 3 owned by East Windsor Sportsmen's Club; Map 57, Block 65, Lot 1; and Map 48, Block 65, Lot owned by Apothecaries Hall Enterprises, LLC.

Chairman Ouellette suggested the Commission consider taking discussion of the Application for the Farmer's Market next as other Agenda items will involve lengthy discussion.

MOTION: To GO OUT OF ORDER and take **NEW BUSINESS: East Windsor Farmer's Market** - Site Plan Approval to allow seasonal farmer's market from June 21, through October 11, 2015 at 58 North Road, owned by CT Electric Railway Association next.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

NEW BUSINESS: East Windsor Farmer's Market - Site Plan Approval to allow

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seasonal farmer's market from June 21, through October 11, 2015 at 58 North Road, owned by CT Electric Railway Association. [B-3 zone; Map 113, Block 17, Lot 7]
(Deadline for decision 7/2/2015)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jan Warren, Market Master for the East Windsor Farmer's Market, and Linda Kehoe, her faithful volunteer.

Ms. Warren advised the Commission this is the 4th year the Farmer's Market is being held. They began at the (Golden Gavel) auction house for their first year but moved to the Trolley Museum for the second and subsequent years. Ms. Warren reported they have 15 to 20 vendors involved in the market; maybe half of those vendors attend only once a month. This year they plan to begin the market in June and continue through October; the market's hours of operation are 11 to 2 each Sunday. Ms. Warren reported they begin the event singing The Star Spangled Banner.

Ms. Warren indicated the market accepts WIC payments, and they are working towards taking food stamps. She reported they have both traditional and organically grown food.

Commissioner Thurz questioned if they ever need to call the police? Ms. Warren replied negatively. She noted each vendor must have all their Health Department Certificates, their business licenses, and liability insurance naming the CERA (the Connecticut Electric Railway Association), the Town of East Windsor, and the market covered. Mrs. Kehoe noted they have had musical groups at the market as well; Ms. Warren concurred, noting it's not a small band. Mrs. Kehoe noted the electrical issues are under control as the building official is a member of the band.

Town Planner Whitten requested clarification that the Farmer's Market was sponsored by the Agricultural Commission but Ms. Warren is now going through the process of acquiring a 501c3 status? Ms. Warren indicated she has just begun pursuing the 501c3 process but does not yet have a board; she indicated they are still operating through the Town.

Commissioner Thurz questioned if there were any issues with parking? Ms. Warren suggested the trolley museum has improved the parking lot; they are having their 75th anniversary this year. Mrs. Kehoe noted the Farmer's Market would not be on the grounds during the 75th anniversary weekend.

Commissioner Devanney questioned the location of the band or musical groups? Ms. Warren suggested there is a barrier; the band is on a grass area rather than the gravel.

Town Planner Whitten indicated she has heard only good things since the farmer's market has moved to the trolley museum.

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MOTION TO APPROVE the Application of East Windsor Farmers Market and owner CT. Electric Railway Association requesting a temporary permit per Chapters 305.7 and 405 to hold a Seasonal Farmers Market for property located at 58 North Road, East Windsor, CT. Map 113, Blk, 17 Lot 7, zoned B3.

Conditions of Approval:

1. A temporary event permit will be required through the zoning office.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: West River Farms, LLC - Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 zones; Map 3, Block 34, Lots 60, 62 & 62A] (*Deadline to close hearing extended to 5/12/2015*); **AND, OLD BUSINESS: West River Farms, LLC** - 69-lot PRD Subdivision located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 zones; Map 3, Block 34, Lots 60, 62 & 62A] (*Deadline for decision 5/14/15*):

Chairman Ouellette read the description of this Public Hearing, and noted the associated NEW BUSINESS Item would be included in this discussion as well.

Appearing to represent the Applicant was Dana Steele, of J. R. Russo & Associates, and Attorney Len Jacobs.

Mr. Steele noted the following concerns were raised at the previous PZC Meeting:

- Town Engineer Norton had made several comments/recommendations under his memo dated 4/23/2015; as the Applicant's representatives they had not had a chance to respond to those comments at the PZC's 4/28/2015 Meeting. They have now discussed the comments with Town Engineer Norton, and are submitting revised plans dated 5/8/2015 to the Commission this evening. Mr. Steele noted Town Engineer Norton has submitted an updated memo dated 5/12/2015 which now indicates – with one additional comment – that his earlier comments have been addressed.
- Comments made by the residents of Schanck Road regarding concern for their shallow wells.

Mr. Steele addressed the following issues:

Phasing/waiver request for temporary cul-de-sac: Phase II will be the extension of Riverside Way. A waiver will be requested (to Section 6.1.7) to allow the extension, and until Phase III is completed. A `12' gravel driveway is now shown on the plans to be used as a construction entrance.

Addition of Street trees: Mr. Steele noted the property owners which would have been affected by the installation of streets didn't want them on their property, nor did the

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Town Engineer want the street trees planted in the street right-of-way. The street trees have been deleted from the plans completely unless Mr. Steele hears that the Commission wants them added back. Chairman Ouellette questioned how many trees would be involved if the trees were planted in the right-of-way; Mr. Steele indicated 10 trees, or however many the Commission prefers.

Shallow wells: Mr. Steele indicated the project includes roof infiltration on suitable lots. Town Engineer Norton asked for the location of those lots affected to be shown on the plans. Mr. Steele noted he has highlighted the potential lots in yellow. The proposed infiltration system allows the water from the roofs to come back into the ground and re-charge the ground water, which would mitigate whatever groundwater would be reduced by the installation of utilities, etc. The regulations require that 75% of the lots utilize infiltration; because of the topography of the site and the size of the lots Mr. Steele indicated he had problems identifying the lot locations. Mr. Steele noted he has shown more than the required 75% but he felt the suitability of the lots would be evaluated better later on a lot by lot basis

Mr. Steele also indicated the roof infiltration will also provide mitigation for the impact to the groundwater. He suggested he didn't foresee any problems being a major issue; the elevation of the lowest basement is about the same as the elevation for Schanck Road, and the resident's wells would be lower than Schanck Road.

Mr. Steele noted they have also made changes to the specifications for the drainage going in along Schanck Road; they are now proposing the installation of 5 check dams to slow down the flow of water.

Review with Town Engineer Norton: Mr. Steele reported he met with Town Engineer Norton today to review the changes. Mr. Steele felt Town Engineer Norton was now in agreement with their proposal for mitigation of storm water. Town Planner Whitten noted receipt of Town Engineer Norton's memo dated today, 5/12/2015, which offers a couple of additional conditions of approval. Commissioner Thurz suggested that all sounds fine; he questioned if it wouldn't be better to tie the 5 residents of Schanck Road who are concerned about their shallow wells into the water being brought into the new subdivision? Mr. Steele identified the 5 concerned residents as Diane Schanck, Ellen Sias, Rose Mulka (although her home is located on Scantic Road), Carol Chagnot (owner of South Windsor Auto Parks actually located in South Windsor), Robin and Rebecca Schanck, and Carlos Cristovac.

Attorney Jacobs suggested they don't believe it's the Applicant's responsibility to take care of that problem, and he could state reasons to support that – someone can't presume a neighboring property will affect others by the development of that property. That said, the Applicant is offering to would hire a hydrologists to find out the water yield from those homes and if those people say that they have problems after development the Applicant would address that issue. Discussion followed regarding the Applicant's proposal. In response to Commissioners questions Mr. Steele suggested public water exists in Scantic Road on the side of the road of the proposed development

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and extends past Schanck Road. The proposed water line for the development would follow the edge of the road and go into the development; Mr. Steele referenced the direction of the water line on the plans. Mr. Steele estimated that the water line existing in Scantic Road is approximately 200' from the resident's property lines on Schanck Road. Chairman Ouellette requested clarification that although it would be expensive someone could connect to that water line today; the proposed project wouldn't prohibit that from happening? Mr. Steele replied their project would not prohibit that situation. Town Planner Whitten questioned if there is currently access to the water in Scantic Road? Mr. Steele replied affirmatively, but noted the residents of Schanck Road couldn't go across the Applicant's property without an easement. Mr. Steele suggested the Applicant felt their proposal is less expensive than the residents of Schanck Road connecting to the water line.

Chairman Ouellette queried the Commissioners for comments before opening the Public Hearing to the public:

Elimination of street trees/erosion/responsibility for mowing: Commissioner Kowalski questioned that Town Engineer Norton felt there wouldn't be any erosion due to the elimination of the street trees? Mr. Steele indicated the site would be stabilized with a seed mix similar to that used by the DOT; the Applicant will post an Erosion and Sediment Control Bond as well. Commissioner Kowalski questioned who would be responsible for mowing the area? Mr. Steele suggested it would be the same as for any homeowner; the person who owns the property mows the right-of-way.

No other Commissioners had questions at this time.

Chairman Ouellette opened discussion to the public, noting he would like to hear especially about concerns regarding the wells, the proposal for the study to be conducted by the hydrologist, and the Open Space.

Carol Chagnot, owner of South Windsor Auto Parts, Schanck Road, South Windsor: questioned if **the cellars will be above ground or level with Schanck Road?** Mr. Steele indicated that the property is above the elevation of Schanck Road, so the houses are starting out higher, and the basements of most of the units are about 2' lower than the existing grade of Schanck Road; the rest of the houses get higher as you go up the hill into the property.

Carol Chagnot questioned **the drainage from Scantic Road along Schanck Road?** Mr. Steele suggested the only drainage on Scantic Road is a culvert in front of Rose Mulka's property. Town Engineer Norton has asked them to install drainage along Schanck Road which will be piped underground and outlet on Scantic Road. Mr. Steele noted there is NO drainage in Schanck Road now but it is proposed and it will be underground. Regarding the maintenance of Schanck Road this will improve the water which currently collects at the low point of Schanck Road. Carol Chagnot felt this is a good solution.

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Doug Monson, 345 Scantic Road: questioned **how far the drainage extends down Scantic Road?** Mr. Steele indicated it starts at approximately the north driveway of the proposed subdivision, and extends down to the south driveway, and then it will go into the development site at lots 68, and 69; it does not extend down to Mr. Monson's property.

Rebecca Schanck, 6 Schanck Road: Rebecca Schanck reported she lives at 6 Schanck Road across from the houses at the lowest level; she suggested across from her property isn't that high; she recalled that it was said at the last meeting that the basements would be at a higher level than Schanck Road. Rebecca Schanck reported she owns a raised ranch; she is concerned about **the water level.** Mr. Steele suggested the elevation of Schanck Road is 80; the proposed road is uphill at elevation 82. The finished floor of this house is at 84, and the basement is 9'+/- below that at elevation 75, and elevation 75 is about 2' higher than the lowest point of Schanck Road.

Chairman Ouellette raised the following questions:

ownership of the Open Space? Chairman Ouellette questioned what's been decided? Mr. Steele referenced the various proposed Open Space acreage, noting all 17 acres of land in South Windsor and the triangle of land within the development - about 18 total acres - is proposed to be transferred to the Scout Hall Building Committee who will own the land, maintain the land, and manage the facilities. Mr. Steele referenced Town Planner Whitten's recommendation under Item/condition 6 of her proposed approval motion listed in her 3/18/2015 memo revised to 5/12/2015 regarding conditions. Town Planner Whitten read the proposed condition requirements for the public. Attorney Jacobs suggested revising bullet vii of Condition 6 to include approval by the East Windsor and South Windsor's Zoning Commissions. Town Planner Whitten requested additional comments. **John Burnham, representing the Scout Hall Building Committee:** Mr. Burnham suggested the Owner of Record would be the Scout Hall Building Committee, Inc., not just the simple reference to Scout Hall being used in discussion this evening.

Location of sidewalks: Chairman Ouellette noted debate from the previous Meeting. Mr. Steele suggested they are still proposing the sidewalks on one side of the road on Riverside Way, at "this" side at the intersection of Scantic Road and Cathy Lane, and on "this" side of Cathy Lane and Hilltop Lane.

Street lights: Mr. Steele reviewed the proposed location for street lights. He noted they now feel they are meeting the requirements for street lights and sidewalks and are no longer requesting a waiver for either of these items.

Public input continued:

Bob Bently, 20 Omelia Road: indicated he still had questions regarding the **Open Space;** he noted he had been referred to Section 802 but still doesn't see where is the authorization for East Windsor to grant Open Space to South Windsor. Attorney Jacobs suggested land is being offered as Open Space by South Windsor; additional land in

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East Windsor is being combined with the South Windsor land. The Open Space will be owned by (conveyed to) the East Windsor Scout Hall Building Committee, Inc. which is a charitable organization which already owns other property in East Windsor. Mr. Steele referenced Section 801.5 of the PRD (Planned Residential Development) Regulations, noting the regulations do not require that the Open Space be located in East Windsor. Attorney Jacobs continued that the Open Space will be controlled by East Windsor (although some of the land is located in South Windsor); nothing can occur on the Open Space without permission of the Scout Hall Building Committee, Inc.

Doug Monson, 345 Scantic Road: Mr. Monson reported he asked someone from the South Windsor Police Department **who would police this land** and he was told it would be the South Windsor Police. He questioned the amount of land in East Windsor being used to meet the Open Space requirements; he felt the regulations were being “bent”.

Paul Anderson, (representing the Scout Hall Building Committee, Inc.): suggested the **Open Space** that will exist will be one parcel open to the residents of East Windsor; that’s its purpose and that’s how it will be controlled. There will be only one entrance and that will be in East Windsor. Chairman Ouellette offered the analogy of Route 5 that traverses through multiple towns.

Bob Bently, 20 Omelia Road: indicated he still had concerns, Section 801.5 doesn’t say it must be in East Windsor but if it’s East Windsor zoning it should be in East Windsor and he doesn’t agree with the other’s comments. Mr. Bently could agree it’s a nice spot and is nice **Open Space** but he is more concerned with the rules and regulations. Town Planner Whitten then referenced Section 7.4 of the Subdivision Regulations regarding Open Space dedication requirements; she read the regulation for the public. She noted it’s a beautiful piece of property with access only in East Windsor. Town Planner Whitten noted the Applicant is offering more Open Space than they have to. She suggested the Open Space could be given to another organization if that was the preference; she questioned if the amount of land is the issue? Mr. Bently reported he questions how the East Windsor Zoning Board can approve Open Space in another town; he questioned how this political process works? Town Planner Whitten noted the drainage basin is located in the Open Space in South Windsor as well but it’s taking the drainage from the East Windsor project. Mr. Bently felt the rules/regulations were “bent” to put 69 houses on this parcel, and they are using the South Windsor land. Town Planner Whitten clarified the Applicant meets the density requirements to construct the 69 units. She reiterated the proposed Open Space is an advantage for both East Windsor and South Windsor; anyone can put boats in the water at this location. She noted the East Windsor American Heritage River Commission is interested in use of this Open Space as well. Attorney Jacobs suggested the PZC could have written into the regulations that every piece of Open Space must be located in East Windsor, or located in a specific location – such as the northwest corner. Mr. Bently would be correct if the zoning regulations said the Open Space must be located in East Windsor, but they don’t say that. The Applicant must provide Open Space and they are doing

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that; he reiterated the regulations don't say all the Open Space must be in East Windsor. Attorney Jacobs suggested they meet the regulations as written. Town Planner Whitten suggested this Open Space is part of the property being developed. Mr. Bently referred back to Attorney Jacob's explanation, noting the land could be located in Warren and they/the Applicant could apply it to this subdivision. Discussion continued offering opposing/differing interpretations of the regulations as written. Everyone involved in the discussion agreed to disagree.

Carol Chagnot, owner of South Windsor Auto Parts, Schanck Road, South Windsor: suggested the land in South Windsor can't be developed; they/the Chagnots used to own it. Carol Chagnot suggested it wasn't useable except for something like it's proposed.

Paul Anderson, (representing the Scout Hall Building Committee, Inc.): Mr. Anderson reported all of this was presented to the South Windsor Inland Wetlands and Zoning Commissions. They didn't want to deal with this, but they know it will be Open Space for East Windsor and they are happy with that.

Janine Monson, 345 Scantic Road: questioned that the **Open Space** would be open to the residents of East Windsor only? Town Planner Whitten concurred that was what was said but it would be open to any other resident who wanted to use it as well.

Richard P. Pippin: questioned that the development was being proposed by one owner? Attorney Jacobs replied yes. Mr. Pippin suggested this is the same situation as the Kement Subdivision (approved several years ago); that property also proposes homes in East Windsor and the Open Space is located in another town so you have a precedent for this proposal.

John Burnham, 178 Scantic Road, representing the Scout Hall Building Committee: suggested beauty is in the eye of the owner; for the people in the Scout Hall Building Committee this is God's gift and that property gives people access to the river and trails; the river will be there forever. They would be happy to have the whole thing.

Bob Bently, 20 Omelia Road: agreed to disagree.

Chairman Ouellette: requested clarification on **the hours of operation for the Open Space?** **John Burnham** suggested it would be open dawn to dusk and overnight by permission of the person booking events for the Scout Hall Building Committee. **Commissioner Slate** questioned **if there would be a gate there?** Mr. Burnham replied affirmatively but noted typically the gates are open.

Commissioner Thurz wanted to make sure the 4 homeowners who own **the shallow wells** understand what the developer will be doing? Attorney Jacob reiterated the

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Applicant will hire an engineer/hydrologist to look at the capacity of the wells and when they are finished with the project, or as they go along, anyone identifies a decrease in their water level they/the Applicant/developer will fix it. Attorney Jacobs clarified he is talking about the water level and the water in the wells being reduced as a result of their project. Commissioner Thurz suggested it could also get better. Attorney Jacobs suggested the key is the engineer will be the one looking at the situation. Commissioner Thurz paraphrased Attorney Jacob's explanation, suggesting that the Applicant will look at the water of the 4 people on Schanck Road before the project begins and if at any time the water level drops they will look at it again. Commissioner Thurz requested language referencing this proposal be added as a Condition of Approval

John DeRham: suggested the 4 people who own the wells need to agree to an engineer – like Fuss & O'Neill – to have on their side.

Ellen Sias, 10 Schanck Road: requested the people being considered be identified.

Rebecca Schanck, 6 Schanck Road: indicated she has a drilled well but she is still concerned. Mr. Steele suggested a drilled well is deeper so there is less concern. Rebecca Schanck suggested there may be less concern but...

Commissioner Kowalski questioned **how many wells are located on Schanck Road?** Mr. Steele referenced pages 12 and 13 of the plan set, noting the following people from the back of Schanck Road to Scantic Road: Chagnet/South Windsor Auto Parts; Sias (Ellen Sias suggested she has a drilled well); Diane Schanck, Cristovac, and Robin and Rebecca Schanck. John Burnham questioned what about Rose Mulka? Mr. Steele concurred she had been mentioned as having a shallow well but she's not located on Schanck Road and they are not doing anything in front of her property. Mr. Steele also noted the McFaddens at 325 Scantic Road, but he noted they don't appear to have any problems with their wells. Commissioner Devanney requested a street number rather than the owner's name be used for identification purposes. Mr. Steele offered the following: Robin and Rebecca Schanck, 6 Schanck Road; Diane Schanck, 8 Schanck Road; (Ellen) Sias, 10 Schanck Road; Cristovac, 12 Schanck Road; and Chagnet, no street number, property located in South Windsor.

Commissioner Kowalski: questioned with the revision of the **phasing** when will the turn-around be done? Mr. Steele suggested in Phase II

Commissioner Zhigailo: regarding the **Open Space**, and noting the comments about the South Windsor Police Department's jurisdiction, she questioned what about emergency responders? Town Planner Whitten felt East Windsor emergency services would be responding because they could get there quicker and faster. Attorney Jacobs noted that when they filed the Applications in South Windsor they talked to both police departments. Mr. Steele concurred this issue came up during the South Windsor approval process; both police departments talked to the Applicant and the police

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departments wanted the access road widened, so there has already been a collaboration of both police and emergency services departments. **Carol Chagnot, of South Windsor Auto Parts**, noted her property is the only property located in South Windsor. Both the East Windsor and South Windsor police and fire departments respond; she has been there 44 years and there hasn't been a problem.

Chairman Ouellette: questioned if the **Fire Marshal** has reviewed the plans with regard to the additional units now being allowed on the temporary cul-de-sac? Town Planner Whitten suggested she understood the Fire Marshal has commented on the location of fire hydrants; she has not heard of any other concerns. Chairman Ouellette questioned if the Commission should consider any other concerns with regard to the longer temporary cul-de-sac? Town Planner Whitten felt the concern was that there was another access and that will be available through Phase I. Mr. Steele suggested the issue of the temporary cul-de-sac has been discussed. Chairman Ouellette questioned if that should be addressed as a waiver? Mr. Steele reviewed the three waivers being requested: 1) the temporary cul-de-sac; 2) cover over pipe in front of lots 3 and 4 to avoid the need for a deeper storm water system to allow installation of the sewer laterals; and 3) the type of pipe material to be used.

Chairman Ouellette queried the public for additional comments – twice; no one requested to speak further.

MOTION: To CLOSE the Public Hearing on the Application of West River Farms, LLC for a Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 Zones; Map 3, Block 34, Lots 60, 62 & 62A]

Devanney moved/Thurz seconded/DISCUSSION: None.

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

MOTION: To TAKE A FIVE MINUTE BREAK.

Devanney moved/Kowalski seconded/DISCUSSION: None.

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

The Commission RECESSED at 8:10 p.m. and RECONVENED at 8:29 p.m.

Chairman Ouellette noted the Commission is considering closing the Public Hearing, which prohibit the public from offering additional comments. No one requested to speak.

MOTION: To CONTINUE the Public Hearing on the Application of West River Farms, LLC for a Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 Zones; Map 3, Block 34, Lots 60, 62 & 62A] until the Commission's next regularly scheduled meeting to be held on Tuesday, May 26, 2015 at 6:30

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p.m. – location to be announced.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

NO MOTION ON EXTENSION OF TIMEFRAME for Subdivision Application, however, the Applicant submitted a written request to extend the timeframe/discussion on the Subdivision Application until May 26, 2015.

NEW PUBLIC HEARINGS – Jeffrey E. and Maria B. Ewing - Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, as part of a proposed 3-lot subdivision off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] (*Deadline to close hearing 6/16/2015*) **AND, NEW BUSINESS: Jeffrey E. and Maria B. Ewing** - 3-lot subdivision located off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] (*Deadline for decision 7/2/2015*)

Chairman Ouellette read the description of this Public Hearing. He noted the Item under **NEW BUSINESS** which is associated with this Application will be discussed concurrently with the Public Hearing.

Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates. Also present in the audience was Jeff Ewing, the Applicant.

Mr. Ussery submitted for the file the affidavit indicating signage announcing the Public Hearing had been posted.

Mr. Ussery reported this Application is for a single family residential subdivision located on the northeastly side of Kreyssig Road. Mr. Ussery reported the town line of Ellington and East Windsor runs through the parcel, which contains just under 10 acres. The proposal is for a 3 lot subdivision for:

- 1 frontage lot located totally in East Windsor
- 1 frontage lot located in East Windsor and Ellington
- 1 rear lot with 30' frontage which extends to the back and is located in East Windsor

Mr. Ussery noted the lots would be served by private sub-surface septic systems, and private wells. The designs for the proposed septic systems have been approved by the North Central Health District (NCHD). Mr. Ussery suggested there is no real water table in the area; the parcel contains free draining soils.

Mr. Ussery reiterated the location of the lots, noting they were impacted by the town line for Ellington and East Windsor. They have met with the Town Planners and Town Engineers for both East Windsor and Ellington.

Mr. Ussery indicated the following:

First frontage lot: lies totally in East Windsor and meets all regulation requirements.

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Second frontage lot: lies in both East Windsor and Ellington, and meets all regulations requirements for setbacks, lot size, etc. in both East Windsor and Ellington

Rear lot with access off of Kreyssig Road in East Windsor: as the access to this lot lies in East Windsor a 30' access drive is shown to comply with the East Windsor regulations; Ellington regulations requires only a 25' access. This lot meets, or exceeds, regulation requirements regarding lot size in both East Windsor and Ellington.

Section 2.2 of the East Windsor Subdivision Regulations: Mr. Ussery noted Town Planner Whitten's memo dated 5/6/2015 addresses "hardship and/or injustice" in requiring strict compliance of regulations. Mr. Ussery felt this proposal for subdivision meets the intent of that section; he cited a similar subdivision approved several years ago on Griffin and Abbe Roads which was bisected by the East Windsor/South Windsor town line. Mr. Ussery suggested if the town line were removed from the subdivision the proposal met the regulations in either town.

Reports of East Windsor and Ellington Town Engineers: Mr. Ussery suggested East Windsor Town Engineer Norton had no issues with the proposal; Mr. Ussery referenced the drainage report indicated there would be no increase in run off and no groundwater problems. Mr. Ussery indicated the Ellington Town Engineer also agreed they have met all requirements for the subdivision proposal.

North Central Health District concerns: Mr. Ussery noted the NCHD cited concern for edbs due to previous farming activities on the parcel. They will require that the water be tested, and if found positive for edbs installation of a filtration system will be required. Mr. Ussery noted public water is available 800' to 900' down Kreyssig Road but would be too far to bring it down to this subdivision.

Waivers: Mr. Ussery noted they are requesting waivers for the installation of street lights, and sidewalks, and screening on the driveway access for the rear lot (due to existing vegetation and a farm fence along the westerly property line), the agricultural buffer, and a waiver of an Open Space allocation via a contribution of a \$2,000 Fee-In-Lieu of Open Space. Mr. Ussery suggested they are showing screening on the back of the rear lot.

With regard to the **agricultural buffer**, Mr. Ussery noted East Windsor requires a 100' agricultural buffer between agricultural and farming uses. Land owned by the Thompson Family Trust abuts this rear lot. The Thompson family raises hay on the adjacent land. Mr. Ussery suggested the Applicant doesn't feel an agricultural buffer is required, but will add a notation to the plans regarding the adjacent farming use.

Discussion of the **agricultural buffer** continued, with the Commissioners, Chairman Ouellette, and Mr. Ussery contributing the following comments:

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Commissioner Thurz questioned how far the proposed house location would be from the agricultural buffer? Mr. Ussery suggested it would be approximately 60' from the end of the garage; the house would be 85+/- feet away. Chairman Ouellette questioned what hardship would be incurred if the Commission preferred that the agricultural buffer be installed; would the Applicant NOT be able to build the house? Mr. Ussery concurred, noting would only have 50' of space which they could build on; the agricultural buffer would render that lot unbuildable.

Chairman Ouellette, noting he was not advocating for this solution, questioned what would be the logic of not providing another house on the rear lot on the East Windsor side? Mr. Ussery suggested they could get another lot there. He noted they originally proposed a 5 lot subdivision but, based on East Windsor's density calculations, they could only get 4 lots. Also, Ellington has a paved driveway regulation; the Ellington Town Engineer suggested they needed a formal drainage system if they put in a paved driveway but there is nothing on Kreyszig Road they could tie into. Mr. Ussery noted they could have tied into Reeves Road in Ellington but that wouldn't have been economically feasible.

Chairman Ouellette suggested if East Windsor has the agricultural buffer regulation why not promote using it? Mr. Ussery suggested the adjacent use was a hay lot, which they didn't feel was intrusive. Mr. Ussery suggested he didn't think that was what the agricultural buffer was for, but he noted he might feel differently if the adjacent use was a pasture for 200 pigs. Chairman Ouellette suggested the adjacent use may not always be a hay lot; Mr. Ussery suggested they would have the note on the plans that there was an agricultural use nearby. Mr. Ussery reiterated he didn't feel the agricultural buffer was necessary. Commissioner Kowalski questioned if the Applicant had considered purchasing an additional 25' strip to be able to put in the agricultural buffer? Mr. Ussery suggested that hadn't been discussed, although the property was purchased from that same person/the adjacent property owner. Discussion continued regarding the intent of the agricultural buffer; Town Planner Whitten noted it could be 50' rather than the 100'. Discussion continued regarding the proposed dwelling location, which is shown on the plans presented as a conceptual location.

With regard to the **Fee-In-Lieu of Open Space**, Mr. Ussery noted Ellington requires a contribution of 10% of the appraised value of the land, while East Windsor accepts the \$2,000 per lot fee. Mr. Ussery noted East Windsor and Ellington would split the Fee-In-Lieu contribution.

Chairman Ouellette queried the Commissioners for comments. Commissioners Slate, Sullivan, and Devaney had no questions at this time. Commissioners Thurz and Kowalski raised questions earlier.

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Commissioner Zhigailo noted the NCHD strongly suggested that there be no private wells. She cited the area is notorious for the existence of edbs; homes built on Azalea Court and Pease Road were required to be connected to the water line. Mr. Ussery reiterated the distance to connect to the current water line in Kreyssig Road; it would cost \$3,000.00 to bring water up to this subdivision. Commissioner Zhigailo felt the agricultural buffer should be required; notes on plans are forgotten. Town Planner Whitten suggested the decision regarding the wells was the purview of the NCHD. Commissioner Zhigailo suggested then there needs to be a note on the deeds regarding the need for a potable water or infiltration systems. Chairman Ouellette questioned that Commissioner Zhigailo favored installation of an agricultural buffer? Commissioner Zhigailo replied affirmatively. Mr. Ussery suggested the NCHD would test for edbs. Commissioner Zhigailo also noted the need to test for radon.

Chairman Ouellette opened discussion to the public:

John deRahm, representing the Thompson Family Farm: Mr. deRham noted they are the abutter and have owned the land since 1730. Mr. deRham noted they have dealt with the multiple town line for years; their old home was located in both towns. They donated land to the town of Ellington to reconstruct the intersection of Kreyssig and Melrose Roads. Mr. deRham suggested when they sold this land to the Applicant it was to be for one house and a horse; now he is seeing this proposal for this subdivision. Mr. deRham's mother and Mr. Ewing talked about this purchase for two years; she closed on the sale while she was in the hospital and would have held up on this if she knew it was going to be a subdivision. Mr. deRham felt the agricultural buffer should be imposed; it would still allow the construction of the house and facilities for a horse which was the original intent. If this is approved they want to be sure they can continue to farm nearby. The Thompson Family Farm could have done a subdivision as well but have tried to promote the agricultural use of the one home and the horse. Mr. deRham suggested people who live in a subdivision want to see your farm but don't want to hear you feeding the cows at 4 in the morning, etc. If you have a regulation for an agricultural buffer, why not support it? Chairman Ouellette clarified that 4 out of 5 of the Commissioners must vote to not have the agricultural buffer; it's not a given that the buffer will not be required.

Janice Albetski, 249 Melrose Road: questioned why we have regulations if we then waive them? She felt it set terrible precedence. Ms. Albetski questioned if Mr. Ussery was referring to the ugly fence with the bittersweet as the buffer? Ms. Albetski felt Kregsigg Road and East Windsor doesn't need more houses; Kreyssig Road is skinny; that's a terrible area for sightlines and speeding. Ms. Albetski questioned again that when we have regulations that protect the citizens why we give waivers; it isn't going by the regulations the people voted for. She felt waivers need to be an absolute outlier.

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Joyce O'Donnell, 64 Kregssig Road: reported problems with the sightlines; she has problems pulling out of her driveway. Mr. Ussery noted sightlines was one of Town Engineer Norton's comments.

Chairman Ouellette queried the Commissioners for comments:

Lot totally in East Windsor: Commissioner Sullivan questioned what if you faced the house to the side; can you get the 100' buffer in? Mr. Ussery suggested the lot is 150' wide, and a 17' side set back is required; that would leave them with 36' for the width of the house.

Waiver #4 – landscaping along east property line of lot #59 relative to existing vegetation: Commissioner Devaney questioned what would be the definition for "adequate", and what happens if the vegetation is on someone else's property? Mr. Ussery suggested they could go in and cut down the existing vegetation and then plant new trees. Chairman Ouellette noted that until the new trees mature then the lot would have less of a buffer. Town Planner Whitten noted that on the east side they have nothing with regard to a buffer. Mr. Ussery concurred but noted they would have the grass strip between the driveways.

Access to rear lot: Chairman Ouellette questioned if the access to the rear lot could be moved further to the east? Mr. Ussery replied negatively, noting they originally had it further to the east but the Ellington Town Engineer questioned the sightline and the Ellington Town Planner asked for it to be moved.

Driveway location/rear lot: Chairman Ouellette questioned if the driveway were slid somewhat; can you still get the 2 houses and the 100' buffer by moving it to the east? Mr. Ussery suggested if they did a common driveway, but he noted this Commission doesn't like the shared driveways. Chairman Ouellette suggested if the PZC approved the agricultural buffer you would lose that house.

Waiver requests: Chairman Ouellette indicated the request for the waivers was a big deal/concern. Commissioner Devaney agreed. Commissioner Kowalski felt the abutter had as much right to the buffer as the Applicant. Commissioner Zhigailo indicated she would like to see the agricultural buffer imposed, and she is just raising the flag about the NCHD issues. Chairman Ouellette requested a straw vote of the Commissioners regarding preference for the agricultural buffer of 100'; all Commissioners concurred.

Chairman Ouellette suggested Mr. Ussery reconsider the Application request. Mr. Ussery requested that the Commission continue the Public Hearing.

John deRham: offered comparisons between Ellington and East Windsor Zoning Regulation requirements. Chairman Ouellette requested Mr. deRham join the Commission during public hearings for regulation requirements to offer his input. Mr. deRham suggested there should be a 100' buffer on the back of the lot as well because the Mosers farm adjacent to that area.

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Steve Moser: suggested with the 100' buffer on both sides he can't put anything on this piece of property. Town Planner Whitten clarified that the 100' buffer must be installed on the new development side of the parcel. She suggested East Windsor is a right-to-farm community and the Commission supports that; she noted she was also led to believe that the rear lot might be farmed.

Unidentified resident (later identified as Ken Hunt, East Road): suggested he was speaking for Mrs. deRham, he suggested if the man did what he said he was going to do in the beginning – one house and a horse..... Mr. Hunt questioned that East Windsor wasn't a farm friendly community. He left the meeting noting he had animals to take care of.

Mr. Ussery requested the Commission to extend/continue this Public Hearing to the June Meeting.

Hearing no further requests to speak Chairman Ouellette queried the Commissioners for their preference.

MOTION: To CONTINUE the Public Hearing on the Application of Jeffrey E. and Maria B. Ewing for a Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, as part of a proposed 3-lot subdivision off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] AND, NEW BUSINESS: Jeffrey E. and Maria B. Ewing - 3-lot subdivision located off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] until the Commission's June 9, 2015 meeting to be held on Tuesday, at 6:30 p.m. – location to be announced.

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

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

MOTION: To TAKE A FIVE MINUTE BREAK.

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

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

The Commission RECESSED at 9:43 p.m. and RECONVENED at 9:45 p.m.

NEW PUBLIC HEARINGS: Kings Crossing, LLC - Special Use Permit to allow construction of material storage bins at existing contractor's storage yard at 297 North Road, owned by the Kement Family Limited Partnership. [A-1 & A-2 zones; Map 117, Block 36, Lot 43C] (*Deadline to close hearing 6/16/2015*)

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Chairman Ouellette read the description of this Item of Business. Appearing to discuss this proposal was Jay Ussery, of J. R. Russo & Associates; also available in the audience were Doug King, Jr. and Mrs. Stanley Kement.

Mr. Ussery reported this is an Application for a soil management facility located at the Kement Construction Yard on North Road, east of The Mansions. Mr. Ussery suggested the Commission approved an Application for storage of wood chips and debris after Storm Irene a couple of years ago. Mr. Ussery gave a description of the property. He indicated that under the present Application materials brought to the site from various construction projects throughout the area would be stored in 12 individual bins/bunkers which would sit on bituminous pads with curbing in front to keep water from draining out of the bins. . Following DEEP requirements the soil must be tested within 14 days of receipt. Soils found to be “clean” would then be available for resale; soils found to be contaminated would be trucked to other facilities (two of which are located in Connecticut) to be treated. Trucks would enter the site at the driveway of Kement’s Construction Yard; a driveway off the main entrance would direct the driver to a scale for weighing of the material.

Mr. Ussery indicated that Robin Newton, as the Inland Wetlands Agent, looked at the plans and cited concern for proximity to terrace escarpment slopes so the location of the bins have been moved further back from the slopes and away from the brook and the Scantic River.

Mr. Ussery reported Town Engineer Norton has reviewed the plans and has minor concerns, except for his comments under his memo dated 5/12/2015 regarding the “10 mil poly” film which is proposed to be used to cover the bins to prevent runoff of possible contaminated material. Mr. Ussery suggested the film is the same system used by DOT; he noted Town Engineer Norton is concerned if that system will actually work? Mr. King explained the process, echoing Mr. Ussery’s description of bringing material to the site, eventual testing, determination of suitability of material, etc. Mr. King gave examples of current projects being conducted throughout the state for which this facility could be utilized.

The Commissioners had various questions regarding the process for **acquiring materials, potential for temporarily contaminated materials, process for removing contaminated materials and cleaning the bins associated with the possible contaminated material, resale of clean material** Commissioner Thurz questioned if one truck brought in a load of contaminated material would the whole bin be removed? Mr. King and Mr. Ussery felt the entire bin would be affected. Mr. Ussery suggested the highest amount of material this facility could hold would be 300 truckloads of material. Town Planner Whitten questioned what happens to the material when it’s determined to be “clean”? Mr. King suggested it would be stockpiled, which is what happens with materials now. Commissioner Sullivan requested clarification of what happens if the

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material is “dirty”? Mr. King reiterated the material is tested within 14 days; if it’s dirty it’s taken from the site to a waste management facility. Commissioner Sullivan questioned how long could severely contaminated material be on site? Mr. King replied it’s tested within 14 days. Commissioner Devanney questioned how long, from the time it’s found to be contaminated, would it take to remove the material? Mr. King suggested it could take a couple of weeks; they already know what facilities will take the material. Town Planner Whitten questioned if the material would be retained in the bins 4 to 6 weeks; Mr. King replied that would be a fair assumption. Commissioner Zhigailo questioned how the bins would be cleaned if the material were found to be contaminated. Mr. King reported the bins would be cleaned out with a bucket loader; they would not wash the bin down. Commissioner Zhigailo questioned if the bucket loader could track some of the material out of the bins? Mr. King suggested the bins are only 30’ deep so they wouldn’t get too far into the bins. Commissioner Kowalski questioned if there would be drains nearby? Mr. King reported they could put in an oil/water separator; if the loader tracks material out of the bins they must sweep it back in. Commissioner Devanney noted the oil/water separator had been included in the first set of plans; is there a reason it’s been removed on these revised plans? Mr. Ussery suggested on this design they have added curbing in front of the bins and graded the bins differently.

Chairman Ouellette opened discussion to the public:

Elaine, representing The Mansions: questioned the hours of operation for this project? She suggested that trucks for the milling project come in from 11 o’clock at night until the morning; her community includes people who work for Baystate Hospital and they have issues with the noise. Mr. King reported this part of the facility would operate from 7:00 a.m. to 5:00 p.m. Monday through Friday, and maybe a half a day on Saturday. Elaine also cited concerns regarding the possible contamination; she questioned how that might affect her future ability to rent units?

Patti O’Brien, resident of The Mansions: reported she has lived at Canyon Ridge for 4 years; she cited the noise of the trucks from 10:30 p.m. to 4:00 a.m. in the morning. She felt these trucks will operate the same. She is concerned about the noise and the banging (of tailgates). Chairman Ouellette suggested filing a complaint with the Zoning Department so staff could investigate the situation. Ms. O’Brien reported she has done that. Town Planner Whitten indicated the (milling) use is grandfathered; nothing can be done about the timing. Ms. O’Brien noted The Mansions is the second largest taxpayer in town; she can’t open her windows because of the noise. Mrs. Kement, speaking from the audience, suggested the (milling) use will only be going on a couple of more weeks; it’s a special project. The construction business was already in operation before the apartments were built. Elaine understood but questioned if this new use would operate the same way?

Chairman Ouellette queried the Commissioners for comments:

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Duration of the proposed use: Commissioner Kowalski questioned if there would be a continuing use for this facility once the current project referenced by Mr. King during his comments is completed? Mr. King suggested there would be a continuing use as they can accept material any time a project has material being dug up.

Estimate of amount of truck traffic: Chairman Ouellette questioned the maximum anticipated amount of truck traffic entering/exiting the site per day? Mr. King indicated they wouldn't exceed the amount currently approved for the mulch yard, which is 60 trucks.

Potential for expansion of site: Chairman Ouellette questioned if there is any room for expansion on this site? Mr. Ussery suggested the material that comes back and meets "residential criteria" would stay on site; Kement Construction will take ownership of the material and resell.

Visibility of bins from North Road: Chairman Ouellette questioned if the bins would be visible from North Road? Mr. King suggested someone could see the scale but the bins will be behind the tree line. Commissioner Sullivan suggested someone can't see the stockpiles now and this material would go behind that.

Monitoring of bins/materials: Commissioner Slate questioned who will monitor the bins? Mr. King noted they must register with DEEP; they inspect the facility. Mr. King suggested this location is outside the aquifer protection area.

Chairman Ouellette noted the Commission is nearing the time for closure of the PZC Meeting as stated in the Commission bylaws; he queried the Commission's preference for continuing or adjourning the meeting?

MOTION: To CONTINUE the Meeting of the East Windsor Planning and Zoning Commission until 11 o'clock.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

Mr. Ussery reported Town Planner Whitten has reviewed the plans as well. Town Planner Whitten noted for the Applicant that there is to be no processing of this material. Mr. King suggested he understood they are only being allowed to take the material in.

MOTION: To CLOSE the Public Hearing on the Application of Kings Crossing, LLC for a Special Use Permit to allow construction of material storage bins at existing contractor's storage yard at 297 North Road, owned by the Kement Family Limited Partnership. [A-1 & A-2 zones; Map 117, Block 36, Lot 43C].

Devanney moved/Thurz seconded/DISCUSSION: None.

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

MOTION TO APPROVE the Application of Kings Crossing , LLC and owner The Kement Family Limited Partnership, requesting a Site Plan/Special Use Permit per Chapter 502 of the Zoning Regulations to allow a contractors storage yard with greater than 2000 sq. ft. of material storage, at 297 North Road, A-1 Zone (Map 117, Block 36, Lot 43C)

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

Referenced Plans:

- 1/3 Overall Site Plan - Soil Management Facility, property of The Kement Family Limited Partnership, 297 North road – Rte 140, East Windsor CT Map 117, block 36, Lot 43C Zone a-1 and A-2 prepared by J R Russo and Associates LLC, 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrrusso.com info@jrrusso.com dated 3/3/15 scale 1" = 100'
- 2/3 Site Plan –dated 3/31/15
- 3/3 Details dated 3/31/15

-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. (PE and LS)
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 full sets of 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
4. Special Use Permit shall be filed on the land records in the Town Clerks Office.

Conditions which must be met prior to certificates of compliance:

5. 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

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

6. This application specifically allows the storage and management of soil. There shall be NO PROCESSING of any materials on the subject site.

General Conditions:

7. In accordance with Chapter 900.3.h of the Zoning Regulations, site plan approval shall become null and void in One Year from date of approval if the activities have not commenced and the site plan shall be considered disapproved, and Special Use Permit shall be voided, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. An erosion control bond may be required.
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.

Additional Conditions:

14. Hours of operation are 7:00 am – 5:00 pm Monday –Saturday.
15. Truck trips shall not exceed 60 trips per day (clarify from record).
16. It is the applicant's responsibility to pursue any required State permits, such as from CT DEEP, and CT DOT for change of use.

Devanney moved/Thurz seconded/DISCUSSION: None.

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

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OLD BUSINESS: West River Farms, LLC - 69-lot PRD Subdivision located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 zones; Map 3, Block 34, Lots 60, 62 & 62A]

(Deadline for decision 5/14/15)

See discussion earlier under Public Hearing.

OTHER BUSINESS: None.

NEW BUSINESS: Jeffrey E. and Maria B. Ewing - 3-lot subdivision located off of Kreyszig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11]
(Deadline for decision 7/2/2015)

See discussion earlier under Public Hearing.

NEW BUSINESS: East Windsor Farmer's Market - Site Plan Approval to allow seasonal farmer's market from June 21, through October 11, 2015 at 58 North Road, owned by CT Electric Railway Association. [B-3 zone; Map 113, Block 17, Lot 7]
(Deadline for decision 7/2/2015)

See discussion earlier, Item of Business moved to head of meeting.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE – Matthew Lane (Griffin Hill Subdivision) – Acceptance as Town Road

MOTION TO APPROVE the acceptance of Matthew Lane. The commission recommends that the Board of Selectmen take measures for the Town of East Windsor to formally accept this street and any associated easements.

Devanney moved/Sullivan seconded/DISCUSSION: None.

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

BUSINESS MEETING:

- (1) Discussion on Aquifer Protection Regulations and Map (**TABLED**)
- (2) Signing of Mylars/Plans, Motions – None at 5/12/2015 meeting. – None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:38 p.m.

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

Respectfully submitted, _____
Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(9725)