

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

**Public Hearing #1593
June 28, 2011**

*******Draft Document – Subject to Commission Review*******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:02 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devanney, Gowdy, Ouellette, Thurz, and Wentworth) and two Alternate Members (Mulkern and Zhigailo) were present. 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 Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well. Also present was Town Planner Whitten.

GUESTS: Selectmen Dick Pippin; Kathy Pippin, Board of Finance.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for anyone wishing to make comments at this time. He clarified that discussion entertained during **PUBLIC PARTICIPATION** should not include any items pending before the Commission.

No one requested to speak.

APPROVAL OF MINUTES/June 14, 2011:

MOTION: To APPROVE the Minutes of Public Hearing #1592 dated June 14, 2011 as written.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/Thurz/Wentworth
Opposed: No one
Abstained: Ouellette (absent from previous Meeting)

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Applications:

1. Application of Leslie Hickey for a Temporary Liquor Permit for Wine and Beer Event for Hal Kresge to be held Saturday, October 8, 2011 at 149 North Road, owned by Soucy Enterprises, LLC. [Zoned B-2; Map 125, Block 16, Lot 27]
2. Application of Newberry Village, LLC for Renewal of Special Use Permit for Newberry Village active adult housing development located at Newberry Road and Winkler Road, owned by Newberry Village LLC & LTP Realty, Inc., [Zoned ARHD; Map 104, Block 17, Lots 19-6 & 19].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: Coleman Farms – Request from Atty. Leonard Jacobs for an extension of the Special Use Permit for Coleman Farms, Tromley Road. (*Previous extension granted through 8/31/2011*):

Chairman Ouellette read the description of this Item of Business.

Appearing to discuss this request was Attorney Leonard Jacobs, representing the Applicant, Sebbie Testa.

Attorney Jacobs reported Mr. Testa has a good relationship with the Coleman Farms Homeowners Association. Attorney Hal Cummings, attorney for the homeowners association, has no problem with the current extension request.

Attorney Jacobs indicated the clubhouse has been accepted by the unit-owners association in June; letters have been exchanged acknowledging the turnover. Many of the items in the agreement between the homeowners association and Mr. Testa have been completed; they continue to work on items whenever possible.

Commissioner Thurz questioned how many units remain to be completed? Attorney Jacobs replied 6 units remain. Commissioner Thurz recalled that his main concern had been the completion of the road. Attorney Jacobs reported he would like to tell the Commission the road will be done this year but he didn't want to promise.

Town Planner Whitten reported she had also spoken with Attorney Cummings, who indicated they were talking with the Applicant. The homeowners association has agreed to the extension.

Chairman Ouellette questioned what remained to complete the project after the road is completed? What's next with the project? Town Planner Whitten indicated the owner needed to acquire Certificates of Occupancies for the remaining units. Chairman Ouellette questioned the time limit for completion of the project? Attorney Jacobs

reported the Legislature had recently passed legislation that extended time limit expirations for 9 years plus 5 years for projects expiring within a specific (short) period.

Commissioner Devanney questioned the status of the walking trail? Attorney Jacobs indicated the developer is handing the completion of the walking trail over to the homeowners association which is now deciding what they want to do with that project enhancement.

Chairman Ouellette questioned the status of the Wetlands Permit? Town Planner Whitten indicated the Permit is valid for now. She suggested there may not be any wetlands issues to be addressed at this point; if the Applicant needs to return for a Wetlands Permit extension they will do so.

Chairman Ouellette noted various Coleman Farms residents in the audience; he questioned if anyone had any comments for the Commission?

Sal Siedda: reported he is a new member of the Board. He has no problems with the permit extension request; everything that was spoken of this evening is correct. They have a good working relationship with the developer. Their biggest concern is the road, as it's deteriorating, but if they think they can finish it this year that would be a positive thing.

No one else requested to speak. The Commission had no further questions.

Motion to approve the extension of application of Coleman Farms East Windsor LLC for a special use permit to allow up to 65 units of active adult housing development and associated improvements on a 14.5 acre parcel located on the north side of Tromley Road, East Windsor, Connecticut, on property owned by Coleman Tromley, LLC, presently zoned Age Restricted Housing District (ARHD) as shown on Assessor's Map 63, Block 19, Lot 67B & 86A. The current approval expiring on August 10, 2011 is extended, to expire August 31, 2012, and is subject to the following conditions of approval:

- 1. Permit extension is to August 31, 2012**
- 2. Road Overlay for project is included in site work performance bond.**
- 3. Planning staff will work with Homeowners Association in issuing certificates of occupancy if failure of agreement arises. Should these requirements not be met, a letter from the Homeowners Association stating agreement will suffice**
- 4. All aspects of this project must be completed and inspected, and a certificate of occupancy must be obtained for the clubhouse and all structures prior to request for any bond release. Final as-built of road and project are required before any bond release. As-built shall include, but is not limited to roadway, catch basins, all landscaping, and all structures.**

5. **All items in Agreement as presented by developer and homeowners association, signed on August 11, 2009.**

Devanney moved/Gowdy seconded/

VOTE: In Favor: Unanimous - Devanney/Gowdy/Ouellette/Thurz/Wentworth

CONTINUED HEARING: Annette Fortune – Special Use Permit for 2 training fields to allow for dog training classes and possible show events on property located on the north side of North Road. [A-1 Zone; Map 124, Block 16, Lot 26A] (*Deadline to close hearing extended to 6/28/2011*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Annette Fortune, and Tim Coon, P. E., of J. R. Russo & Associates.

Ms. Fortune reported she is hoping to complete the Application and will be asking for a waiver of paving for the road, and the associated parking areas. Mr. Coon concurred that they are proposing a gravel surface for both the road and parking areas. Chairman Ouellette reported he had not been present at the previous Meeting but had read the Minutes; he felt the Commission had agreed to meet Ms. Fortune half way to allow the gravel surface.

Chairman Ouellette referenced Ms. Fortune's Application and noted she has asked under the Special Use Permit process to be allowed to build 2 training fields and to hold possible show events. He noted the current language of the potential approval motion doesn't reference the show events, therefore they would not be part of the approved use as the motion stands. He questioned Ms. Fortune if she had changed the intent of her Application? Ms. Fortune indicated she would like to be able to hold show events, such as agility training, etc. Chairman Ouellette questioned the potential attendance for such events? Ms. Fortune indicated it would be hard to guesstimate spectators; if there were a large number she would ask Mr. Soucy (the abutting property owner) to use his parking at the Golden Gavel facility. Chairman Ouellette questioned how spectators would reach the training fields; would people be walking along Route 140 to get to the fields? He noted he had no objection to the show events but his concern is that Route 140 is a high traffic/high speed road. Ms. Fortune suggested people could walk the field from the Soucy property which abuts the Applicant's property on the east property line; Town Planner Whitten suggested spectators could car or van pool from the Soucy property as well. Commissioner Devanney questioned how many special events would be held? Ms. Fortune suggested they would be held in the Summer or Fall; perhaps 2 in September, 2 in October, and 1 in November. Discussion followed regarding revising the language of the potential approval motion to include show events.

Commissioner Devanney questioned if any response had been received from the Fire Marshal? Town Planner Whitten replied negatively. Chairman Ouellette indicated that information would have been a valuable response with relation to the concern for emergency access on the gravel surface. Mr. Coon suggested they feel the gravel surface

for the road and turn-around would support emergency vehicle access. Commissioner Gowdy favored the waiver, as did Commissioner Mulkern and Wentworth. Ms. Fortune suggested that as she is able to see how the dog community accepts this use she may make changes to the setup of the facility. The paving would be permanent; things may change with the set up. Commissioner Thurz cited the concern was for public safety, not opposition to the proposal.

Chairman Ouellette queried the audience for comments; no one requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Annette Fortune for a Special Use Permit for 2 training fields to allow for dog training classes and possible show events on property located on the north side of North Road. [A-1 Zone; Map 124, Block 16, Lot 26A] .

Devanney moved/Gowdy seconded/

VOTE: In Favor: Unanimous -Devanney/Gowdy/Ouellette/Thurz/Wentworth

MOTION TO APPROVE WAIVER of 601.3a to allow the parking area surface and roadway to be to be non pavement , and allow a [~~grassed-or~~] graveled surface.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/Thurz/Wentworth

Opposed: Ouellette

Abstained: No one

MOTION TO APPROVE the Application of owner Annette Fortune for a Special use Permit in accordance with Section 402 of the Zoning Regulations to allow an outdoor dog training facility and show events to be located at 121 North Road, A-1

Zone [Map 124, Block 16, lot 26A] This approval is granted subject to conformance with the referenced plans as approved by the Commission and the following conditions:

Referenced Plan:

Driveway Improvement Plan prepared for Annette Fortune, North road, Rte 140, East Windsor, CT Map 7, Balk 16, Lot 26 Zone A-1 prepared by JR Russo & Assoc, LLC, 1 Shoat Rd, East Windsor, CT 06088 860/623-0569, 860/623-2485 fax scale 1" = 100', dated 5/20/10, REV 5/31/11

CONDITIONS OF APPROVAL:

General Conditions

-Conditions which must be met prior to signing of molars:

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.

2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

3. One set of final plans and one set of molars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
4. All public health, safety and building code compliance components of the project must be satisfactorily completed prior to occupancy. When all public health, safety and building code compliance components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance.

Conditions which must be met prior to certificates of compliance:

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
7. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

8. In accordance with 900.3h 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.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the site plan are subject to the approval of the town engineer.

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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.

Delaney moved/Gowdy seconded/

VOTE: In Favor: Unanimous -Devanney/Gowdy/Ouellette/Thurz/Wentworth

CONTINUED HEARING: Newberry Road Enterprises/Steve Dearborn – Special Use Permit for a Modification to Volume Reduction Facility at property located at 68 Newberry Road, East Windsor, CT. [M-1 Zone; Assessor’s Map 93, Block 19, Lot 6. (Deadline to close hearing 7/19/2011):

Chairman Ouellette read the Hearing description.

LET THE RECORD SHOW Commissioner Gowdy stepped down from service on this Hearing; he reported he is stepping down because he and Steve Dearborn have spoken about procedural things and how to proceed. Although they have not discussed this Application specifically Commissioner Gowdy is stepping down to avoid any appearance of impropriety. Alternate Commissioner Zhigailo joined the Board with regard to discussion and action on this Application.

Appearing to discuss this Application was Steve Dearborn, owner of 68 Newberry Road Enterprises, LLC.

Town Planner Whitten noted the Commission can’t take action on this Application this evening as Mr. Dearborn has not completed his Application process through the Inland Wetlands Commission yet.

Chairman Ouellette noted he was not present at the previous Meeting but did read the Minutes. He noted Mr. Dearborn appears to be seeking clarification of various issues. Mr. Dearborn concurred.

Lengthy discussion occurred on the following items:

1. **Trees along Newberry Road:** after lengthy discussion Mr. Dearborn opposed planting the trees along Newberry Road; the requirement is nothing more than aesthetics; he had mentioned a possible fence along the road (like that on the Nilsson property on Rye Street) but doesn’t know when he would install it. Mr. Dearborn repeated his comments from the previous Meeting that the issues of the trees had been discussed at length during the original approval meeting; the requirement is stupid.

Chairman Ouellette polled the Commissioners regarding the need for the trees along Newberry Road; Commissioners Devanney, Thurz, and Wentworth felt they were not necessary. Chairman Ouellette felt if the trees weren't necessary then neither was the fence; Town Planner Whitten concurred, noting she had not promoted planting of the trees during the original approval.

2. **Swapping storage area for farming area:** Mr. Dearborn indicated on the plan that he wanted to swap “this” area in the front for “this area”, the soil in the north corner closest to the wetlands is sandy and shady and doesn't grow as well. The proposal would provide 1,000 square feet less of farming activities. Discussion turned to the 100' buffer requirement. Mr. Dearborn gave numerous reasons why the 100' buffer was not necessary or required. Mr. Dearborn opposed the 100' distance, suggesting instead that they had agreed to 50' at the previous meeting. Lengthy discussion continued; widths of various site features – berm, swale, access road – were again summarized. Mr. Dearborn opposed the 100' buffer; Town Planner Whitten reiterated the concern for noise of machinery and concern for emergency access. Mr. Dearborn also opposed the requirement for a landscape berm along the Tilden/Wilcox property. Town Planner Whitten noted the landscape berm wasn't required during the original approval as the buffer requirement had been 100'.

Chairman Ouellette again polled the Commissioners; Commissioners Devanney and Wentworth favored the present proposal for swapping the storage areas. Commissioners Devanney, Thurz, and Wentworth were ok with the 50' buffer.

3. **Hours of operation:** Mr. Dearborn referenced hours of operation for gravel operations and recycling operations in residential areas, noting his operation is in an industrial zone, trucks travel mostly to Route 5 and/or I-91, once in a blue moon they go to the Garden Barn in Vernon but they use smaller trucks. His business is seasonal; he gets rushes during April, May and June but business is slowing down now; he moves 10 – 15 loads during an average week but is moving 30 loads a week currently; nothing says he can't load on Sunday or after hours

Review of the previous approval found hours of operation were allowed Monday through Friday, nothing for Saturday. Mr. Dearborn argued that was unacceptable; he thought he had Saturday; he moved material last Sunday. Chairman Ouellette requested clarification that Mr. Dearborn was looking for a 7 day operation; Town Planner Whitten noted the hours are being expanded from “dawn to dusk”. Chairman Ouellette requested clarification of a definition of “dawn to dusk” from Mr. Dearborn; Mr. Dearborn replied 6 a.m. (dawn) to 7 p.m. (dusk). Lengthy discussion continued, including past lack of compliance with approval conditions which resulted in the outstanding Cease & Desist Order. Mr. Dearborn strongly expressed his opinion noting his disagreement with the

issuance of the Cease and Desist Order; he is in with the Site Plan modification in response to that action.

The Commission agreed to entertain approval of the following revised hours of operation:

April to July: 6 a.m. – 7 p.m. Monday through Sunday
August to March: 6 a.m. – 7 p.m. Monday through Friday
7 a.m. – 1 p.m. Saturday
CLOSED Sunday

4. **Impervious Coverage calculation and associated fee:** Town Planner Whitten reiterated her belief that the millings being placed on the site should be considered impervious material rather than the contention that the material is similar to a gravel (pervious) surface. Mr. Dearborn opposed that finding, referencing his engineer's (Guy Hesketh, of F. A. Hesketh & Associates) opinion that the material is pervious.

Lengthy discussion followed. Town Planner Whitten offered the Commission the definition of impervious coverage as stated in "A Planner's Dictionary"; she noted the definition had been communicated to Mr. Hesketh. Town Planner Whitten suggested Mr. Dearborn's engineer is suggesting only 1% of the site will be impervious coverage vs. 5 acres as determined by her calculations. Hydrology on the site may change which would affect the size of the water quality basin. Mr. Dearborn noted he would be required to pay an additional \$3,500 in Application fees based on Town Planner Whitten's opinion. Town Planner Whitten clarified that it would be the decision of the Commission regarding payment of the additional fee; outstanding fees would cause the Application to be incomplete.

Lengthier discussion followed. Mr. Dearborn questioned why this discussion hadn't come up during the original application approval? Town Planner Whitten indicated the plans didn't show the millings placement as they do on the plan before the Commission presently. Mr. Dearborn opposed the finding; he contends their test proves the millings are pervious coverage; the water quality basin has been over-sized and over-designed; it's a ridiculous situation; he shouldn't have to pay the additional fee. Town Planner Whitten clarified the goal is to get the Applicant to be compliant with the plans as presented. She noted the Applicant is allowed to have up to 75% impervious coverage, but the plans should reflect the situation correctly so the next time the Applicant comes in the Commission knows where the operation stands. Town Planner Whitten noted Town Engineer Norton concurs with the opinion that the millings would be impervious coverage, although he has not put that opinion in writing.

Chairman Ouellette advised Mr. Dearborn he and his engineer must work out the issue of impervious coverage. Town Planner Whitten suggested Mr. Hesketh

continues to disagree with her definition of impervious coverage; Mr. Dearborn suggested there would be a lot to discuss at the next meeting.

MOTION: To CONTINUE the Application of Newberry Road Enterprises/Steve Dearborn – Special Use Permit for a Modification to Volume Reduction Facility at property located at 68 Newberry Road, East Windsor, CT. [M-1 Zone; Assessor’s Map 93, Block 19, Lot 6. The Hearing will be continued until the Commission’s regularly scheduled Meeting to be held on Tuesday, July 12, 2011, at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Thurz seconded/

VOTE: In Favor: Unanimous (Devanney/Ouellette/Thurz/Wentworth/Zhigailo)

LET THE RECORD SHOW Commissioner Gowdy returned to service on the Board.

CONTINUED HEARING: Apothecaries Hall Enterprises, LLC – Special Use Permit for renewal of gravel operation and wash plant located on the south side of Apothecaries Hall Road. [M-1, R-3, & A-1 Zones; Map 57, Block 65, Lots 1 & 7] (*Deadline to close hearing 7/19/2011*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Tim Coon, of J. R. Russo and Associates; and Kevin Charbonneau, owner.

Mr. Coon reported they have returned this evening to request a 3 year extension for the permit for a gravel pit permit. Commissioner Devanney questioned the status of the operation; Mr. Charbonneau suggested they haven’t even started in the Phase approved by the Commission last year. Chairman Ouellette noted the Commission has granted 3 year extensions for other operators in similar situations.

Chairman Ouellette queried the audience for comments; no one requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Apothecaries Hall Enterprises, LLC – Special Use Permit for renewal of gravel operation and wash plant located on the south side of Apothecaries Hall Road. [M-1, R-3, & A-1 Zones; Map 57, Block 65, Lots 1 & 7].

Devanney moved/Wentworth seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Wentworth)

MOTION TO APPROVE a waiver of Chapter 814.3 r requiring renewal to be on an annual basis. Waiver requested is for a three year extension.

Devanney moved/Wentworth seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Wentworth)

MOTION TO APPROVE Application of Apothecaries Hall Enterprises, LLC for a Special Use Permit for the renewal of Charbonneau gravel removal operation located on the south side of Apothecaries Hall Road. M-1, R-3 & A-1 Zones. [Map 57, Block 65, Lot#1 & 7]. The approval is for a 3-year duration to expire 3 years and 30 days from date of approval. This approval is granted subject to conformance with the referenced plans and the following conditions:

DISCUSSION: Chairman Ouellette noted Condition #38 - which references a one year plus 30 day extension - contradicts the three year extension voted by the Commission. Condition #38 is deleted from this approval and subsequent conditions renumbered.

Referenced Plans:

“Cover Sheet, Charbonneau Gravel Pit , Apothecaries Hall Road, East Windsor CT prepared for Apothecaries Hall Enterprises, LLC, 125 Edwin Road, South Windsor CT 06074, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 860/623-0569, fax 860/623-2485, dated 5/21/10,
Sheet 1-1/12 Compilation plan, scale 1”=100’, last revised 5/21/10
Sheet 2-11/12- Compilation Plans scale 1” = 40’, last revised 5/21/10
Sheet 12/12 - Soil Erosion & Sediment Control Notes dated 11/13/06

CONDITIONS:

Conditions that must be met prior to signing of mylars:

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
2. A \$35,000.00 (renewal of existing bond on file) performance bond with additional amount as set by Town Engineer for each additional phase (14) with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final mylars.

Conditions that must be met prior to issuance of permits:

4. Two set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed plans shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permits and on the land records
5. A full anti-tracking pad, or similar treatment must be installed prior to the paved apron leading onto Apothecaries Hall Road. Any erosion and sedimentation control measure must first be approved by the Town Engineer
6. In order to ensure the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be:
 - a) noted on the approved plan
 - b) spaced no farther than 200 feet apart; and
 - c) set in the ground with iron or steel stakes at least $\frac{3}{4}$ inches in diameter and 30 inches in length.In addition, the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan, Any deviation from the approved plan shall be a violation and cause for revocation of the permit
7. No phase may begin until the previous phase has been substantially completed except for the phase containing the reclamation plan as indicated on the referenced plans.
8. Prior to the start of any new phase, the applicant shall submit evidence of conformance to the approved plans for the previous phases including a certified as-built survey showing finished grades.

General Conditions:

9. A zoning permit shall be obtained prior to the start of any work or new phase. No zoning permit shall be issued until a cash or passbook bond for site restoration, erosion and sedimentation control has been submitted. Such bond shall be good for the life of the permit/project. Any funds that may be withdrawn by the Town for such maintenance shall be replaced within 5 days or this permit shall be rendered null and void.
10. Operation of the gravel pit may include:
 - a. Temporary grinding of stumps pursuant to the conditions of a Special Permit approval granted on April 8, 1997 and pursuant to provisions of Section 9 and 9A.5.(New section 814)
 - b. Temporary screening of excavated material pursuant to provisions of Section 9 and 9A.5. (new section 814)

- c. Temporary crushing of rock and gravel mined on-site only with portable crushing apparatus and pursuant to provisions of Section 9 and 9A.5*.(new section 814)
 - d. Excavating, moving, piling, loading and removal of sand, gravel, fill, trees, stumps and brush. “Clean fill” as defined by Connecticut DEP standards may be brought in to the reclamation area to bring grades into conformance with the approved plans.
- * Approval of a temporary crushing operation was **assumed** on August 9, 1994 when, by incorporation into the approved plans, the Commission sanctioned this use. There is no mention in any of the previous motions of a crushing facility, however the use was presented to the Commission at the public hearing on July 12, 1994. Then Planner José Giner advised the Commission on that evening that the “regulations allow for crushing plants as well; both requests (a fueling tank was the other request approved) are items to be decided at the Commission’s discretion.” A subsequent approval on April 8, 1997 was granted with the portable crusher shown on the plans. It is my opinion that in taking this action, after the effective date of the volume reduction facilities, the Commission made this a conforming use at the site. The stump grinder, screener and excavation activities are all activities that have been explicitly approved through the Special Permit process. Though no reference in any previous motions speak to the crushing operation, its approval is implied through past Commission approval of plans which show the crusher at this location.
- 11. The final grading shall conform to the proposed final grading as indicated on the referenced plans; but in no case shall any final slope be steeper than a rise to run ratio of 1:3, also known as a 33% slope.
 - 12. In the event that the operation ceases before all phases are completed, the remaining land shall be graded to leave no slope exceeding 33%.
 - 13. As each area or phase is graded to final contours, the ground shall be back covered with topsoil or loam to render it usable for growing agricultural products. All areas will require a minimum of 6 inches of topsoil in accordance with the regulations.
 - 14. No trees, brush or stumps shall be buried on site.
 - 15. The driveway to the pit shall be maintained in a hard surfaced, paved condition from Windsorville Road inward for a minimum distance of two hundred feet. The driveway shall be cleaned regularly to minimize the dust nuisance created by exiting traffic.
 - 16. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.

17. The gate across the driveway into the pit shall be maintained in good condition and kept closed and locked during all times when the pit is not in operation.
18. A stop sign shall be maintained at the entrance to the pit during operating hours in such a way so that outgoing traffic from the pit can be reasonably expected to see it before entering Windsorville Road.
19. A “Private Property – No Trespassing” sign shall be maintained at the entrance to the pit facing outward toward Windsorville Road.
20. The total number of loaded, or partially loaded, outgoing trucks from the pit shall not exceed an average of sixty (60) trucks per day or a maximum of three-hundred (300) trucks in any one week period, counting Monday through Friday.
21. The pit shall not be opened or operated before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday.
22. The pit shall not be open or operated on weekends.
23. Measures to minimize the dust nuisance from the site shall be provided by the applicant for review and approval of Town staff. Additional measures are to be undertaken if required by staff if field conditions necessitate.
24. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
25. The applicant shall adhere to all conditions of their Inland Wetlands Permit.
26. The vegetation (trees) to be removed shall be accomplished in one step and the topsoil shall be stripped off and stockpiled immediately or a temporary vegetative cover implemented.
27. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department no later than July 1 of each year that this permit is in effect.
28. Finished grades may not be closer than 8’ to the water table.
29. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
30. There shall be no bulky waste or debris disposal allowed on the site. The operator of the pit shall provide adequate security measures to prevent unauthorized waste disposal. Any unauthorized disposal shall be cleaned up and disposed of off site by the operator of the pit.

31. The project shall be carried out in phases as shown on the plans.
32. All trucks and equipment shall be parked off-street.
33. Upon completion of the excavation, the land shall be cleared of all debris and a minimum of six (6) inches of topsoil shall be spread over any disturbed areas.
34. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
35. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
36. This project shall be executed and maintained in accordance with the approved plans and conditions. Minor modifications to the approved plans which result in lesser impacts may be allowed subject to staff review and approval.
37. By acceptance of this permit and conditions, the applicant and owner 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.
38. All requirements of Section 814 of East Windsor Zoning regulations effective October 1, 2007 shall apply to this permit, inclusive of the following:
 - 814.3j - STABILIZATION , TEMPORARY: Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 foot rise to 1.5 foot run. Temporary stockpiles, and areas left open for any extended time should be planted with a grass seed, or other sufficient temporary ground cover. Additional erosion control measures such as spreading of hay or erosion control blankets may be required during the non growing season,
 - 814.3k - STABILIZATION, PERMANENT: As each area or phase is graded to final contours, the ground shall be covered with a minimum of 6 inches of topsoil or loam and seeded with a perennial grass and maintained until the area is stabilized and approved by the Commission.
 - 814.3q - DEPTH TO WATER TABLE: A minimum of 8 feet from finished grade to depth of water table shall be maintained. At no time shall excavation exceed the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grade shall be submitted once grade reaches 18 feet above water table. Reports shall be submitted at every 2 foot intervals, or quarterly, whichever occurs first. The applicant must show the depth of existing water table relative to proposed finished grades

814.3 r - EXPIRATION OF PERMIT: **The Special Use Permit shall expire one year from date of approval.** Permit may be renewed on an annual basis. An as-built of the entire site prepared by a licensed land surveyor or engineer will be required before an extension can be granted. Failure to renew a permit is cause for revocation. **See WAIVER**

814.4c1 – the amount of material to be excavated or removed per phase should be submitted.

814.4c2 – the proposed time frame for excavation activities should be addressed. This should include the timing of all phases which are under operation.

814.4c3 – the proposed number and types of trucks should be addressed. This should include all proposed truck traffic with all open phases. See note #20. A full anti-tracking pad, or similar treatment must be installed prior to the paved apron leading onto Apothecaries Hall Road and properly maintained. Town Engineer Norton should approve any such treatment, which must be installed as soon as agreed upon.

39. An annual as-built survey of the excavation completed is required, to show that the excavation conforms to the approved site plan per Chapter 814.4

Devanney moved/Wentworth seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Wentworth)

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 8:29 p.m. and RECONVENED at 8:35 p.m.

NEW BUSINESS: KROS East Windsor, LLC – Site Plan Approval to construct a single-user commercial retail/service establishment as approved by the PZC as part of the applicant's GDP Special Use Permit, on property at 44 and 54 Prospect Hill Road. The retail/service use may include some or all of the following accessory uses: restaurant, financial institution, personal/professional service and pharmacy. 44 Prospect Hill Road is owned by The 1010 Broadway, LLC; and 54 Prospect Hill Road is owned by WLF Realty, LLC. [Zoned HIFZ; Map 92, Block 17, Lots 30 & 29 (*Deadline for decision 8/18/2011*):

Chairman Ouellette read the Hearing description. Appearing to discuss this Application was Attorney Thomas Fahey, representing the Applicant; Attorney Robin Pearson, Co-counsel; Eric Spungin and Rob Oris, Applicants; and the following team members from Milone and MacBroom: Darin Overton, Professional Engineer; Jason Williams, Landscape Architect; and David Sullivan, Traffic Engineer.

Town Planner Whitten requested to clarify the following items mentioned in her memo dated 6/23/2011:

- **Overall Site Plan, Paragraph 1:** “.....,accessory uses may include some or all of the following accessory uses: restaurant, financial institution personal/professional services, and pharmacy.....”
- **Overall Site Plan, Paragraph 2:** “..... to mitigate this filing action, the applicant will be performing off site mitigation measures (the applicant will not be doing the work)....”
- **Attorney Pearson had questioned if the Application would require a permit under Section 814 – Earth removal;** Town Planner Whitten reported that would not be necessary as the earth removal would be associated with the development of this project and it had not been the practice of the Commission to require a separate earth removal permit for similar past large scale developments submitted via the Site Plan Approval process.
- **Under the proposed approval motion, General Conditions, #11:** the following language revisions shall be implemented – “In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence ~~the construction of buildings~~ *all activities* within one year from the date of approval and ~~complete~~ *all improvements will be completed* within five years of the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission.”

Attorney Fahey introduced the Application design team and advised the Commission which individual would speak to which function of the Application.

Attorney Fahey concurred with the statements made by Town Planner Whitten regarding the following:

- **Possible uses:** for the proposed building include not only those shown on the floor plan but also those uses outlined in Attorney Pearson’s cover letter and all uses allowed under local regulations.
- **Off-site mitigation and question of the need for an earth removal permit under Section 814:** off-site mitigation will be handled for, rather than by, KROS. Town Planner Whitten has confirmed that this development is not subject to acquisition of an earth removal permit under Section 814 as the removal of materials from this site will be associated with construction of the retail building and site grading. Removal of those materials are part of the Erosion and Sedimentation Plan; the Commission has review of that activity under Section 900.3.h under which they can set reasonable conditions if warranted. Attorney Fahey submitted FOR THE RECORD Town Planner Whitten’s e-mail response to Attorney Pearson regarding this issue.

Attorney Fahey submitted FOR THE RECORD resumes for the following presenters who are members of the Milone and MacBroom design team: Darin Overton, Professional

Engineer; Steve Dietzko, Professional Engineer; Jason Williams, Landscape Architect; and David Sullivan, Professional Engineer.

Darin Overton, Professional Engineer, of Milone and MacBroom: Mr. Overton reported they have submitted a new rendering of the building under a 40 scale plan; the rendering includes a footprint of three sides of the building. He reviewed the following information:

- No changes made to curb cuts.
- More definition reflected for the loading docks.
- The 200,000 square foot building proposed under the General Development Plan (GDP) has been reduced to 191,244 square feet.
- Area shown in dark yellow represents a garden center with poly-carbonate roof and a storage area for mulch.
- Reduction in number of parking spaces to 775 based on reduction in building size; number of parking spaces still exceed the minimum required under local regulations. The number of handicapped spaces remain at 22, which exceeds the State requirement of 15 handicapped spaces. They are looking to eliminate the parking spaces further away from the building.
- Redesigned entrance islands for better traffic flow.
- They have submitted a photometric plan of parking lot lighting poles; none of the poles exceed 25' in height.
- Erosion and Sedimentation Plan includes initial clearing of the site and earth removal during the initial stages of construction; phasing of the erosion controls will occur during construction of the parking lot.
- The storm water management drainage plan remains the same as previously presented.

Mr. Overton reported he had received Staff memos regarding recommendations from Town Engineer Norton and Town Planner Whitten. All recommendations have been included in plan revisions or will be addressed during construction. With regard to **Town Engineer Norton's comments, of specific interest were:**

- Advisement that Newberry Road is currently being resurfaced; any road cuts for utilities or widening will require milling and overlay rather than simple butt joints. Mr. Overton reported the Newberry Road improvements will be submitted as part of the curb cut permit process.
- Concern for pipe capacity (alleged to be undersized) regarding specific locations for roof collection system: Mr. Overton reported they can increase the size of those pipes if necessary.

Mr. Overton offered the following response to **Town Planner Whitten's comments regarding erosion and sedimentation controls and earth work on site:**

- Amount of soil to be removed: An estimated 15,000 cubic yards of excess material will be removed from the site. They anticipate moving material from the

- higher elevations to the lower elevations; wetlands will be filled with organic material.
- Estimated truck trips per day: The number of trips would vary based on the number of contractors working the site; price of the work includes where the excess material is hauled to so local contractors with a deposition site would have less distance to haul and could submit a lower price. Weather will also dictate the work schedule.
 - Hours of operation: 6:00 a.m. to 8:00 p.m. for earth work.
 - Anticipated truck route off site: routes for hauling will depend on contractor selected; both frontage roads – Newberry Road and Route 5 - experience heavy traffic currently. The main construction entrance will be Route 5; if the selected contractor has a local deposition area they may use Newberry Road.
 - Estimated time for completion: Estimated build-out time for project – building pad, foundation - is about a year, earth removal is estimated to be 3 months.
 - Demolition Schedule and Demolition Permit requirements: Demolition sequence has been shown on revised plans.
 - Submission of lighting details: Detail submitted for review, and added to plans.
 - Signage: Submitted with the GDP; copy of ST-15 submitted tonight.

Attorney Fahey offered the following additional information received via e-mail:

- Fire Marshal: READ FOR THE RECORD by Town Planner Whitten; Fire Marshal Christy Delvey (dated 6/23) has no issues with the submitted Site Plan.
- Police Chief: (dated 6/27) Chief Demarco's only concern is the lack of a traffic light at the Newberry Road entrance. Attorney Fahey suggested Mr. Sullivan will address that issue during his presentation.

Jason Williams, Landscape Architect, of Milone and MacBroom: Mr. Williams offered the following update to the Landscape Plan:

- Plantings: All plantings proposed under the GDP remain the same. They are adding a few additional trees and ornamental grasses.
- Stone wall: During previous discussion Chairman Ouellette questioned if the proposed stone wall was in the "clear zone" for Prospect Hill Road. As the wall has been found to be proposed to be built within the "clear zone" they have shifted everything 12" to the interior; the stone wall and grasses no longer intrude on the sight line.

Dave Sullivan, Professional Engineer, of Milone and MacBroom: Mr. Sullivan reported there have been some changes in the traffic report since the GDP submittal and subsequent discussion; he offered the following updated traffic information:

- **Traffic Report:**
 - Application: Has been submitted to the STC (State Traffic Commission) as the originally proposed 200,000 square foot building; no reductions made to the actual building size under the STC submission.

- “Weaving” lanes: They have also added a section regarding the weaving action which will occur coming off the Exit 44 off ramp.
 - Have eliminated one of the worse “weave” scenarios – southbound on I-91 a vehicle operator can now only turn onto Route 5.
 - Signage and pavement striping will be adjusted to draw operators into the appropriate “weave” lane to access the site.
 - Width of left turn lane onto Route 5 has been reduced to 12’.
 - Length of left turn lane increased an additional 50’ to 200’.
- **Newberry Road Traffic signal:**
 - Warrant Study performed; additional traffic light NOT warranted by the STC.

Chairman Ouellette queried the Applicant’s position regarding installation of the additional traffic light. Mr. Oris indicated that if the light is warranted they will put it in; it is not currently considered to be warranted. If in the future it becomes warranted the tenant would consider putting in the light.

Chairman Ouellette raised the following questions for Mr. Overton regarding the overall Site Plan:

- Where would the mechanicals be located and what would their visibility be from any public street: The HVAC will be located on the roof, while the refrigeration units will be on the ground with a fence/screening around them. Chairman Ouellette indicated he would prefer that the mechanicals not to visible to the public.
- Dumpster locations: There will be areas in the back for a compactor and an area for recyclables and cardboard to be taken off-site. The compactor would sit below grade and would have a fence around it; both areas would be behind the building near the loading dock. Town Planner Whitten questioned how visible these locations would be for the neighboring property owner? Mr. Overton reported there is a 2’ to 4’ retaining wall but the upper part will be exposed.
- Inclusion/location of cart corral system: Several cart corrals will be located in the parking lot; a storage area will be located near the entrance.
- Location of bulk pick-up: Mr. Overton felt it would be in the area of the garden center.
- Status of illegal encroachment on right-of-way for the main drive off Newberry Road by tenant of the adjacent property owner: Mr. Spungin indicated he has spoken with the property owner who understands they can no longer use that access. Mr. Overton indicated they will install ramps up to the side of the access drive to deter continued use through the adjacent property. The retaining wall will also limit access.
- Depth of retention basin in front of property, and how accessible would this feature be for people in the parking lot: Mr. Overton suggested the retention basin will be 4’ to 6’ at its deepest area; they have designed the basin to handle up

- to a 100 year storm and have followed the DEP Storm Water Management Manual to provide a level of retention time to allow the first flush to mix with fresh water before outletting out of the basin. They will install a chain link fence around the retention basin to limit access.
- Where is measurement regarding location of the stone wall from the “clear zone”: The measurement is taken from the actual striping on Route 5.
 - End point of sidewalk on Route 5: Chairman Ouellette liked the manner taken to channel pedestrians through the site but thought the end point of the sidewalk was in a peculiar location; he questioned if that could be tweaked as he sees people crossing Route 5. Mr. Overton indicated that in the future they envisioned a bus stop along Route 5, at which point the end of the sidewalk would have a meaningful place. Attorney Fahey suggested the pedestrian access point will make more sense when there is a bus stop at this location; he agreed we wouldn't want people walking across Route 5 to get to the bus stop.
 - Status of existing easement with property owner to the west: Mr. Overton reported they spoke to that property owner; the easement currently remains in existence and some parking spaces were removed from the plan in case that access happens in the future.
 - Parking lot lighting fixtures: Commissioner Thurz noted the proposed lighting fixtures are new, and are very bright; he questioned if Mr. Overton could give us the location of another large scale project which has used them, and what their experience with them is. Mr. Overton agreed the fixtures can be bright if you look directly at the light but felt they would function the same as current lighting. Commissioner Thurz noted regulation requirements that the fixtures incorporate shields; he questioned if shields were available for these fixtures. Mr. Overton reported he will research use in other projects, and discuss these questions with the manufacturer.
 - Pole height: Chairman Ouellette questioned where the measurement for the pole height was taken from? Mr. Overton felt the 25' height measurement was taken from the ground surface adjacent to each fixture.
 - Lack of signal light on Newberry Road/warrant analysis: Various Commissioners cited concern for the lack of support to install an additional traffic signal at the Newberry Road entrance. Mr. Oris reiterated that the warrant analysis doesn't support installation of a traffic light at this time but they would consider/would put in a traffic light if it is deemed warranted in the future. Mr. Sullivan suggested one of the considerations during the warrant analysis is how the traffic flow functions currently, and it currently operates well. For the result to change from NOT warranted to warranted would require a much greater level of traffic on Newberry Road.
 - Identity of Tenant: Commissioner Thurz questioned if the Applicant could tell the Commission who the tenant will be? Mr. Oris reiterated their position is to not disclose the tenant until further in the development of the project. Mr. Spungin reassured the Commission the tenant would not be an adult video store.

- Queuing for loading dock: Mr. Overton reported the queuing allows 3 trucks to come in, turn around, and back into the loading dock; there should be no need for trucks to park on the road.
- Snow storage: Commissioner Zhigailo questioned how snow would be stored on the property; Mr. Overton explained the storm drainage system and run off requirements.
- Emergency Vehicle Pre-emption System: Chairman Ouellette noted that there is a provision along Route 5 that should emergency vehicles be responding to a call as the trucks approach the intersection the strobe lights on the trucks interact with the signal light and advances the light to green so the trucks can proceed through the intersection; he suggested the Town should ask for that system to be implemented at the Route 5 lights as well. The Commission agreed to **add a request for the emergency Vehicle Pre-emption System as an additional condition of approval.**
- Request for Overhead signage relative to “weave” lanes: Chairman Ouellette suggested that an estimated 40% of all traffic going to this site will be using those lanes off I-91. He indicated he is in agreement with the change of lane assignments and the road striping, but someone coming off I-91 can’t see where you need to go until you’re at the intersection. Chairman Ouellette submitted photos taken 200’ back from the intersection to illustrate his point. He indicated he understood the argument that once someone had come to the building they would know where to go but he indicated he felt overhead signage was a must. Chairman Ouellette suggested the Applicant needs to go above and beyond the generic 3’ directional signage; he is asking for overhead signage indicating the “weave” lanes at the Exit 44 interchange. Chairman Ouellette noted traffic is going through that area quickly and a driver doesn’t have time to decide which lane to use; the overhead signage would make that decision much easier. He felt the overhead signage was critical to the success of the project.

Mr. Sullivan suggested he would like to review this request with the STC and DOT as there may be a more economically feasible resolution. Chairman Ouellette felt that suggestion left an unresolved issue up to another entity on an application the Commission had already approved. He acknowledged that the Commission doesn’t have the jurisdiction for that road but felt the Town does have the right to request the Applicant explore installation of overhead signage at Exit 44 off I-91 with the STC and the DOT. Mr. Sullivan conferred with the Applicant; it was agreed the Commission could **add a condition relating to exploration of the request for additional signage.**

Chairman Ouellette noted there is a property on the southeast corner of Newberry Road and Route 5, he questioned Town Planner Whitten what the zone was for that property? Town Planner Whitten indicated the property is zoned industrial. Chairman Ouellette suggested that in order for the Applicant to fit in 2 lanes going straight across Route 5 they will need to chip away from the raised island to provide for those lanes. If the

property he mentioned is sold it could be developed commercially, which might impact traffic on Newberry Road.

Chairman Ouellette queried the Commission for additional comments; no one raised any questions.

Attorney Fahey reported he felt the design team had complied with, or exceeded, the requirements of the GDP. Although they have submitted reports this evening those documents simply prove they have met Regulation requirements. They have received administrative approvals (Inland Wetlands Permit); he noted the Commission has provided some important input tonight which they will address during development of the site. Attorney Fahey requested the Commission vote on this Application this evening.

Town Planner Whitten noted she had read through the memos submitted this evening, which indicate that all of her comments, and those of Town Engineer Norton, have been addressed. The Fire Marshal had no comments, other than that she had no objections to the plans as submitted. Comments made by the Chief of Police will be addressed during review by the STC. Chairman Ouellette noted the two additional conditions of approval regarding the request for implementation of the Emergency Vehicle Pre-emption System and the Overhead signage relative to “weave” lanes; he queried if the Applicant and design team were ok with the additional conditions? Attorney Fahey suggested they were ok with the conditions with the language proposed – that is, “being considered”.

Chairman Ouellette queried the Commissioners regarding action on this Application. Commissioner Devaney suggested it wouldn’t change things for her but she would be more comfortable knowing who the tenant might be. Town Planner Whitten noted the Commission is approving the use; if it changed substantially they would have to come back for a modification.

MOTION TO APPROVE. the Application of owners The 1010 Broadway LLC, and WLF Realty, LLC, and applicant KROS East Windsor, LLC, requesting a Site Plan Approval for a 191,244 sq. ft single user commercial retail/service establishment with potential internal accessory uses, located at 44 and 54 Prospect Hill Road, East Windsor, CT, Map 92, Block 17 Lots 29 & 30, in the HIFZ Zone. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

DISCUSSION: None.

Referenced Plans:

- Cover Sheet – Proposed commercial Development , 44 & 54 Prospect Hill Rd, East Windsor CT, June 13, 2011, including Project Site Vicinity Map, scale 1” = 200’

and Vicinity Map scale 1" = 1000', prepared by Milone & MacBroom, 99 Realty Drive, Cheshire CT 06410, 203/271-1773, fax 203/272-9733, www.miloneandmacbroom.com
Set includes the following sheets:

- N-1 Notes and Legend.
- EX (1&2) Existing conditions
- RM (1&2) Site Plan - Removals
- OC 1 Overall Composite Site Plan revised 6/16/11
- L (1&2) Site Plan – Layout, revised 6/16/11
- LA (1&2) Site Plan - Landscaping, revised 6/16/11
- GR (1&2) Site Plan – Grading revised 6/16/11
- UT (1&2) Site Plan – Utilities, revised 6/16/11
- SE (1&2) Site Plan – Sediment & Erosion controls – Phase 1
- SE (3&4) Site Plan – Sediment & Erosion controls – Phase 2
- SD (1-3) Sediment and Erosion Control Notes & Details
- SD (4-14) Site Details
- PM 1-5/RW 1-5 Off-Site Roadway Improvement Plans
- *OV Overall Site Plan – STC – Roadway Improvements, June 2011, 1" = 80'*
- *Elevation Sheet 1, dated June 2, 2011*
- *Floor Plan Sheet 2, dated June 2, 2011*
- *Perspective Sheet 3, dated June 2, 2011*
- *Property Survey – Sheet 1 & 2 of 2ALTA/ACSM Land Title Survey, August 12, 2010, 1" = 40'*

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

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

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

5. Two sets of final plans, one mylar and one paper set, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.
6. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration

shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

7. A cash (escrow) or passbook bond shall be submitted for all proposed landscaping. Any funds that may be withdrawn by the Town for such maintenance or restoration of required landscaping shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer/landscape architect shall submit an estimated cost of the Landscaping to the Town. The amount of said bond shall be determined by the Town Planner or Town Engineer.
8. A preconstruction meeting with Town Staff, representatives of KROS, East Windsor, LLC., and all contractors and subcontractors performing the field work must be held.

Conditions which must be met prior to the issuance of certificates of compliance:

9. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
10. Final as-built survey showing all structures, pins, driveways, sidewalks, parking areas and final floor elevations as well as spot grades shall be submitted.
11. Final as-built plan for all landscaping shall be submitted. A maintenance bond may be required.
12. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

13. In accordance with Chapter 900.3.h of the Zoning Regulations, **any approval of a site plan application shall commence all activities within one year from the date of approval and all improvements will be completed within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
14. A Zoning Permit shall be obtained prior to the commencement of any site work.
15. 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.

16. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
17. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
18. 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
19. All landscaping shall be maintained.

Additional Conditions:

20. **Town requests an Emergency Vehicle Pre-emption System at new signal at Prospect Hill Road be explored.**
21. **Town requests that use of overhead or guide signs be explored and considered at the I-91 connector at Exit 44 with STC.**

Devanney moved/Gowdy seconded/

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Wentworth)

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 10:05 p.m. and RECONVENED at 10:10 p.m.

BUSINESS MEETING/(1) Meeting Dates for Route 140 Study:

A two hour workshop was scheduled for Thursday, July 28th, 2011 to prepare for the Visioning Workshop on the Route 140 Study. Site walk with Commissioners and property owners to be scheduled for week of August 1st through 5th. Visioning Workshop for public scheduled for September 8, 2011.

BUSINESS MEETING/(2) August Meeting Date – Possible Change:

August Meeting date remains on August 9, 2011 as originally scheduled.

BUSINESS MEETING/(3) Correspondence:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Hearing #1593 –June 28, 2011**

27

Draft Regulation review for Incentive Housing Zone (IHZ) received but not discussed.

BUSINESS MEETING/(4) Staff Reports: None.

SIGNING OF MYLARS/PLANS, MOTIONS:

- Boyer Carpentry – 115 Bridge Street
- 53 Bridge Street, LLC
- KROS Site Plan

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:29 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(10181)