

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

**Public Hearing #1594
July 12, 2011**

****** Document Approved via Commission Review ****
(Revisions shown as struckout, bold and underlined text)**

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:00 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devanney, Gowdy, Ouellette, Thurz, and Wentworth) and one Alternate Member (Zhigailo) were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business for which any of the Regular Commissioners stepped down.

Also present was Town Planner Whitten.

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

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION: No one requested to speak.

APPROVAL OF MINUTES/June 28, 2011:

MOTION: To APPROVE the Minutes of Public Hearing #1594 dated June 28, 2011 with the following amendment:

Page 20, **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, 4th bulletin: “Width of left turn lane onto Route 5 has been ~~reduced~~ increased to 12’.”**

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledge receipt of the following Application:

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1. Application of West River Farms, LLC c/o Kahan, Kerensky & Capossela, LLP for a proposed Text Amendment to Section 801 (Planned Residential Development – PRD) to allow multi-family units in a PRD.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Friday, July 1, 2011, and Friday, July 8, 2011, was read by Chairman Ouellette:

1. Proposed Amendments to the Zoning Regulations regarding Farms, Amendment to Section 203, *Definitions*; New Section 305 *Farm Regulations*.

OTHER BUSINESS: Leslie Hickey – Temporary Liquor Permit for wine and beer event for Hal Kresge to be held on Saturday, October 8, 2011 at 149 North Road, owned by Soucy Enterprises. [B-2 Zone; Map 125, Block 16, Lot 27].

MOTION: To **POSTPONE OTHER BUSINESS: Leslie Hickey** – Temporary Liquor Permit for wine and beer event for Hal Kresge to be held on Saturday, October 8, 2011 at 149 North Road, owned by Soucy Enterprises until to prior to the **BUSINESS MEETING** in the Agenda order, and take **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 next.

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

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 Regular Commissioner Gowdy stepped down from service on this Application; Alternate Commissioner Zhigailo will join the Commission for discussion and vote.

Appearing to discuss this Application was Guy Hesketh, of F. A. Hesketh & Associates, representing the Applicant, and Steve Dearborn, owner of 68 Newberry Road.

Mr. Hesketh presented the Commission with a new set of revised plans which now show the 50' set back line – the distance for the stockpiles from the property lines - discussed at the previous Meeting.

Chairman Ouellette addressed the group prior to opening discussion this evening. He noted that the last Meeting was somewhat of a circus, and allegations were made of someone being a liar. He reported he didn't want to hear that again this evening; such comments are not called for. He advised everyone in attendance that if the Application Hearing gets out of order this evening he will continue the Application until the last possible date. Chairman Ouellette reported he would like to conduct business in a professional manner tonight.

Mr. Hesketh reported he has assisted the Applicant, and George Logan (soil scientist for the Applicant) with the Site Plan Modifications. He has submitted plans revised yet again which reflect the following points of discussion from the previous Meeting:

- Hours of Operation
- 50' set back from property lines to stockpiles

Mr. Hesketh reported they did see a memo from Town Staff, including the potential Conditions of Approval, and comments from Town Engineer Norton regarding the discussion of impervious coverage, and comments (code definitions) from the Fire Marshal. Mr. Hesketh indicated Mr. Dearborn would like to discuss the conditions again.

Chairman Ouellette noted the previous approved Site Plan which indicated where the areas of stockpiles were to be located. Mr. Dearborn reported when he came in for the recycling operation he went for everything - concrete, stumps, and mulch. That's what he wants to do for now. Mr. Dearborn reported the mulch thing has taken off better than he thought; he doesn't take in stumps. He doesn't need to take in concrete; Herb (Holden, of Herb Holden Trucking) does that down the street. Mr. Dearborn reported he has one loader and one tub grinder; he has a screener for the topsoil; the millings are in "that" corner. Mr. Dearborn reported there is a good market for that. He suggested the top soil is basically a contractor's storage yard.

Mr. Dearborn felt they had kind of decided on the **set back distance** – 50' from the south side (Wilcox) property line. Mr. Dearborn summarized discussion from the previous Meeting; the distance was originally 25' and they added 13' to 15' to give him room to come around the stockpiles, then it went to 50'. Mr. Dearborn reported he wants it as the Commission discussed.

Commissioner Devanney requested clarification that it would be the 25' plus 13'? Chairman Ouellette queried that the additional 10' to 12' difference meant a lot to the Applicant? Mr. Dearborn suggested land is land. He reported he didn't want to go any bigger than he is; he wants to be a 2 truck operation. Chairman Ouellette requested the Applicant show him approximately the distance of the closest structure to Mr. Dearborn's property? Mr. Dearborn referenced the plans, noting over "here" it's at least 100' – at least 2 box trailers distance. Mr. Dearborn indicated he allowed "him" to put a turn-

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around on Mr. Dearborn's property. Mr. Hesketh reported there is parking between "him" and Steve Dearborn's property. Chairman Ouellette questioned if during the Meeting which Chairman Ouellette didn't attend did that person speak anything against this? Commissioners Devanney and Thurz replied negatively. Commissioner Devanney suggested the 38' went to 50' at the last Meeting. Mr. Dearborn suggested they agreed. Chairman Ouellette clarified that the Commission didn't say they agreed; it was discussed.

Mr. Dearborn turned discussion to **hours of operation**. He suggested the days will be getting shorter. They discussed April to July, 6:00 a.m. to 7:00 p.m., Monday through Sunday; he now wants to go to September. Mr. Dearborn reported he did one load last Sunday. Chairman Ouellette requested clarification that Mr. Dearborn was now taking out July and changing that to September? Mr. Dearborn reported he is changing August to March to October to March, 6:00 a.m. to 7:00 p.m., Monday through Friday. Mr. Dearborn noted there is no Saturday listed; he wants to deliver on Saturday; he might close on Sunday. Town Planner Whitten noted these hours have already been amended as Item #5 on the plan before the Commission. Mr. Dearborn suggested he was reading from Town Planner Whitten's memo; Town Planner Whitten clarified that the hours of operation have already been revised and those revisions shown on the plan presented to the Commission tonight

Mr. Dearborn reported he will be there one day a week grinding. He suggested he is a contractor's yard first; the recycling is second. Beebe's, Kement's, Mr. Dearborn's place on Rye Street, Mr. Dearborn indicated they all operate 24/7; anybody who has a contractor's yard works 24/7. Mr. Dearborn suggested that the making of the piles would only be done on Sunday; everyone else – the chicken place, the bedding place, the truck terminal – all work on Sunday. Commissioner Devanney requested clarification that the only thing Mr. Dearborn was questioning was not working on Sunday? Mr. Dearborn felt the crusher and the loader – he should be able to use them 24/7; his plow trucks are parked there in the Winter. The tub grinder is the only thing that is recycling; screening isn't recycling machinery, it's for topsoil. Mr. Dearborn indicated he did mention that he would be screening the millings but..... He reiterated he wants to be able to run and haul 7 days; no tub grinding operation on Sunday.

Chairman Ouellette questioned what was the anticipated **height for the stockpiles**? Mr. Dearborn mulled that the highest stockpile today would be if you stacked 2 trailers on top of each other it would be 26' high; the highest pile, which has been peaked to cook quicker, isn't as high as the 2 trailers. The top soil and millings are ok at 35' high. With regard to the Fire Marshal's comments, (the heights) are Connecticut Mulch's piles, not Steve Dearborn's piles. Mr. Dearborn referenced various measurements stated in the code specifications provided by the Fire Marshal, noting that at 65' high and 300' wide and 500' long the piles would be almost his whole yard. Mr. Dearborn said he didn't need 65' high; 35' would be fine; he's nowhere near that now and he felt that would be fine. Mr. Dearborn cogitated that if the Fire Marshal thought that's what the piles should be then maybe that should be put in and he would never be out of compliance.

Mr. Dearborn noted the other issue is the **impervious coverage**. He noted he got this thing from the Planners Dictionary and it references what's impervious coverage. Mr. Hesketh offered to give some background on this issue. Chairman Ouellette recalled everyone went through that 2 meetings ago. Mr. Hesketh continued that during what he believes to be the original Site Plan approval – Mr. Dearborn suggested that was in 2007. Mr. Hesketh suggested he has only been involved in this project for 5 to 6 months. He met with Mr. Dearborn and when they made the Application they applied for a modification of the approved Site Plan and Special Use Permit. He thought he had an approved Site Plan. "This" was the plan, and the Zoning table showed 0.7% impervious coverage, while the area of improvement was 5.2 acres overall. The impervious calculations included the building, and 5700 square feet of pavement, driveway, and an area near the berm. They then showed the existing area of proposed stockpiles. The topsoil was to be removed and that area would be a surface area suitable for parking. This was an area of 1.788 acres.

Mr. Dearborn scornfully suggested that everybody knows you must strip off top soil and put something down; it's a fact of life. The 1.78 acres was done first. Mrs. Kehoe (Chairwoman of the Inland Wetland Commission at that time) said he wouldn't be happy with the 1.78 acres and told him to come back to make it bigger. Then April 2007 it was expanded to 5.2 acres; nothing was ever discussed as to what was to be used. He felt it was commonly believed it would be processed material; it wouldn't be top soil. This was a modification and what Mr. Dearborn couldn't understand was that from the get go he didn't have to pay anything. Chairman Ouellette suggested the threshold for the fee is 5000 square feet. Mr. Dearborn reported that now because he has shown on the map that he wants to swap the front for the back and that has reduced the area to less than the original approved site plan. Mr. Dearborn suggested he is not making more acreage; if he would have moved faster it still would have been no fee. It's 4 years; this is a modification, not a new Application or use. It is less land than originally proposed. Mr. Dearborn indicated that's how he feels about this. Mr. Dearborn went on to describe his contention that the area of disagreement isn't like amesite that's rolled for a highway which is as smooth as a baby's butt; Mr. Dearborn feels the area is pervious. Mr. Dearborn suggested they had test pits done which showed "that". Mr. Dearborn didn't feel it was right that 4 years later he is being asked to pay a fee. And the Planner's Dictionary, Mr. Dearborn suggested it didn't mention recycled millings. Mr. Dearborn suggested other towns list everything and maybe he would suggest that you list everything so when a guy comes in he knows what he has. The State gives it (the millings) away; the Town uses it themselves; it's a reusable resource. Mr. Dearborn suggested the Planner's Dictionary is useless; it means nothing to him. It doesn't mention millings. Mr. Dearborn reiterated he didn't feel he should have to pay a fee after 4 years.

Mr. Hesketh suggested that in looking at the Regulations there isn't a specific definition. A determination was made by this Commission in the past, and the 1.78 acres of processed stone – which under the Planner's Dictionary would be impervious – wasn't

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considered at that time. Mr. Hesketh agreed he also believed the threshold was 5,000 square feet. Since this a modification to a Site Plan their interpretation in this case the application doesn't warrant the additional fee and maybe the Commission should consider a specific definition in their regulations.

Chairman Ouellette returned discussion to the mention of a zoning map on the original site plan which referenced 0.7% impervious coverage. Mr. Hesketh suggested that hasn't changed, the only additional material is the millings or processed material. Mr. Hesketh suggested there is no additional area; it's graded over the same area from the 2007 approval.

Town Planner Whitten suggested the approved plan showed existing pavement and existing processed stone, so it was assumed that was part of the pre-purchased lot; it was not considered as new. Mr. Dearborn reported he has put down 1 ½' to 2' deep asphalt millings, and if there were not asphalt millings on the site he wouldn't have to put in a water quality basin because water would be draining off the site. Chairman Ouellette questioned who required the water quality basin? Town Planner Whitten indicated it was a DEP requirement; it would have been because of impervious coverage and he must cleanse the water. Mr. Dearborn reported the water quality basin was a DEP requirement because of his recycling of the wood products; it was to catch the water and let it run out slowly and cleanse the water. The water quality basin has to do with the wood or sawdust from the recycling; it was a DEP requirement; it has nothing to do with the millings. The problem with the millings is you have zinc from the tires and as it wears the zinc moves. If you have any dirt it traps the zinc and the plants eat it up. When he worked at the fertilizer plant they added zinc (to the product). The main problem with the millings is the zinc and he has plenty of dirt around him. The cleansing is what DEP wanted for the wood processing.

Town Planner Whitten suggested if there were no wetlands on the site a water quality basin would still have been required because there is run off from the site that needs to be cleansed, just like any other site. She cited the recent approval of a retail facility for which that Applicant provided 3 water quality basins because there was run off from that site; the State requires treatment of run off prior to discharge from off site. The water quality basin, if there were no wetlands, would still have been required and you would still have an impervious coverage coefficient in the drainage calculations and part of the violation is the millings were put down contrary to the plan. This plan did not show that anything was going to be put down with the exception the proposed 35' drive and processed stone drive. There were no proposed details that this would have 1 ½' to 2' of millings, gravel, or anything. It was shown to be dirt; there were no topos and no grading was proposed.

Chairman Ouellette asked if the Commission had the ability to hire an independent consultant? Town Planner Whitten suggested she isn't as concerned about the fee as she is concerned that the impervious calculation is correct; today there are more millings out there than this 2007 plan called for. Town Planner Whitten indicated she believed the

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millings are impervious. She referenced Town Engineer Norton's memo which said the higher the coefficient number the greater the degree of imperviousness. They are all under the impervious coverage category under the calculations, whether you call it millings or gravel, and the millings actually have a higher number. I truly believe these are impervious; we have considered these in the past; if water runs off and is collected it has to be coming from an impervious surface, if there is sheet flow.

Chairman Ouellette questioned if the water quality basin is adequate to handle the potential drainage? Town Planner Whitten indicated she believed the water quality basin has been designed for cleansing, and maybe over-calculated. Wood chips may hold back water for awhile but the calculations should be correct; there can be 75% impervious coverage at a site. Chairman Ouellette queried that the issue is that the plans be accurate moving forward? Town Planner Whitten replied affirmatively. Chairman Ouellette questioned if the Commission has the ability to waive the fee? Town Planner Whitten responded - no. Commissioner Devaney questioned who would do that? Town Planner Whitten indicated the Commission needs to decide that. Commissioner Devaney questioned if they agree to change the amount of impervious coverage on the plan how does the Commission get around the fee issue? Town Planner Whitten suggested then the Commission would be agreeing with Mr. Dearborn. Chairman Ouellette noted that even if something did get missed we have heard this is a new application. There are parts of this that are similar to what was there before – the metal building, the driveway - as Mr. Dearborn has said everything is open to negotiation. We're treating this as a new application.

Mr. Dearborn thought the regulations need to be changed to make it clear in the future. Chairman Ouellette indicated he didn't disagree but the Commission needs to go forward on this Application tonight.

Commissioner Wentworth ~~questioned if they~~ **STATED IF HE** had a trench and Mr. Dearborn dumped millings in, for years we can see the snow melt over the ditch where these millings were put in. It's my guess water was running through there? Mr. Dearborn suggested when he rolled the millings they only compacting the top 2"; if you dug down 4" it would be so porous it would look like a sponge under there. It doesn't compact like the new stuff; it only gets a crust.

Chairman Zhigailo requested to speak of her observations. She indicated she was out to the site on Tuesday when it was dry and Friday after the recent rain. The site was well manicured, it's a pleasant site; it's a clean and orderly operation. Some potholes and cracks are obvious. There is a sloped area and even in Town Engineer Norton's notes there is a co-efficient for run off of 78% for lawn so when you have slopes you will have run off. After the recent torrential downpour I noticed something, when I left the corn field I got a little taller. The soil is a clay material and it does allow the water to stay on the surface and float for a period of time; it takes longer to get through those fines. There is a certain amount that stays above the ground and it takes time to dissipate. It seemed that the swales are working; water was working; it looked like everything was working

well. As far as a buffer Commissioner Zhigailo indicated she understood the 100' but doesn't see a reasonable reason to have it in force; the stockpiles are just stockpiles; this isn't an active excavation. She was pleased with the site. Commissioner Zhigailo did see some puddling on the millings and some run off and sheeting but she also saw, out in the open field, nowhere near the paved driveway or the stockpile area, she also saw ponding. Commissioner Zhigailo felt there didn't seem to be any dramatic difference during the downpour or the gentle rain.

Chairman Ouellette queried how Commissioner Zhigailo felt about the impervious coverage calculations and the required applications fee? Commissioner Zhigailo felt it if was pre-existing there shouldn't be any fee, the other areas she felt were top soil and lawn that has water and the stockpiles; she didn't see that much difference. Town Planner Whitten had said she was more concerned with water quality leaving the property. Commissioner Zhigailo felt that the whole part of that street is a slope and everyone gets part of the water and it moves on down. Commissioner Zhigailo concluded it's a tough call. If it was pre-existing, which was 4 years ago, and it was gravel originally then he got the millings that made his operation easier.She didn't know, was it a comedy of errors, it got missed, it wasn't clarified, if the right questions were raised? Chairman Ouellette clarified that he was present for that application and he didn't recall those questions.

Mr. Hesketh suggested if Town Planner Whitten's concern is that the map be accurate so it would limit the expansion to 75% he could put an asterisk on the map and a "sub" map of the area of millings and summate the table so it reflects Town Planner Whitten's intent but also reflects the original approved plan. Mr. Hesketh suggested Mr. Dearborn's concern is the additional fee wasn't charged and he doesn't want to pay that now.

Chairman Ouellette queried what that would accomplish for Town Planner Whitten? Town Planner Whitten indicated she still disagrees; it was not really an error in the beginning because it was more of a discussion of topo changes. There was top soil being removed, and as Mr. Dearborn said, everyone knows that once it's compacted..... Commissioner Thurz suggested it was common knowledge that top soil would have to be removed to put down another surface. Town Planner Whitten reiterated she continued to disagree with Mr. Dearborn's and Mr. Hesketh's assessment, but the map revision would move the Application forward.

Chairman Ouellette questioned what would happen if the millings were removed? Mr. Dearborn reported the trucks would sink out of sight; gravel would go down to clay, even with processed, he would have to put down thousands and thousands of dollars of fabric instead. Chairman Ouellette clarified that from Mr. Dearborn's opinion it isn't feasible? Mr. Dearborn gave an explanation of his operation; he suggested he couldn't keep the yard clean with gravel. Connecticut Mulch hauls in thousands of yards of millings and used to put 3' to 4' of wood chips down; they stripped the top soil down to clay and put wood chips down but trucks were sinking in so now they put down the millings. There is

no other way to go other than to put pavement down; Mr. Dearborn suggested he couldn't afford that.

Chairman Ouellette advised the Commission that Staff has brought to the Board's attention that they have the ability to require a bond. He queried Mr. Dearborn for his opinion on posting a bond? Mr. Dearborn suggested the bond is if he moves out; he doesn't plan to move out; his mother and father are buried over here; he ain't going anywhere.

Chairman Ouellette queried the audience for comments.

Kim Dearborn: reported she has lived with this issue for 4 years. Steve (Dearborn) isn't right all the time; everyone knows he is stubborn. He has worked for the town for 40 years so he isn't going anywhere. Let's make a good mulch operation successful.

Chairman Ouellette returned discussion to the outstanding issues. He polled the Commissions on the following issues:

- ❖ **50' side yard setback:** Commissioner Zhigailo felt the 25' plus the 13' was enough. Chairman Ouellette questioned her about any concern for material blowing around? Commissioner Zhigailo felt that wouldn't happen; it's just a stockpile; he isn't screening 30' from the property line; maybe the operation should stay 50' or 100' to prevent drift or blowing. Mr. Dearborn interjected they would get more blowing from plowing the fields; the stockpiles get vegetation over the surface; they look like a grassy mound. Commissioner Zhigailo questioned that he didn't work on that side of the stockpile? Mr. Dearborn reported he works towards the street. Commissioner Wentworth indicated he didn't see anything that he has a big problem with; he felt it was time to dot the "I's" and cross the "t's" and get the hell out of here. Commissioner Thurz is good with the 50' setback; he has been out to the site. Commissioner Devaney is good with 38' to the west and 50' on the south side.
- ❖ **Height of stockpiles:** Commissioner Wentworth suggested Mr. Dearborn is 50% below the limit. Commissioner Zhigailo had no problem with the height of the piles. Mr. Dearborn indicated he would be comfortable with 35'. Chairman Ouellette clarified that the latest plans shows a 20' stockpile height.
- ❖ **Hours of operation:** Chairman Ouellette questioned if anyone objected to the variation of October to March, with a Sunday closing? Mr. Dearborn indicated he does no tub grinding after hours as he stated. Chairman Ouellette questioned if the grinding is a mobile operation? Mr. Dearborn indicated the tub grinder moves anywhere within an acre/210' x 210' area, which is what he got from DEP. Commissioner Wentworth suggested Mr. Dearborn has a building on one side and storage on the other 3 sides; you can't see it. Mr. Dearborn clarified that you can see it from the back of the Tilden side. DEP doesn't care about the processed stuff; DEP requires a permit for the ground material; his permit is for 1 acre – 210' x 210'. Chairman Ouellette questioned if **field markers** could be installed to assure anyone the piles aren't creeping? Mr. Dearborn questioned why would

he put wood chips in a corn field? The field markers would be in the way; he'll run over them; the wetlands people wanted jersey barriers. Chairman Ouellette reiterated his query for a way to help the Town set the borders of the piles. Commissioner Zhigailo suggested Mr. Dearborn could have mafia blocks out there. Mr. Dearborn suggested that's as far as he can go because of the wetlands, which are shown on the plan. Chairman Ouellette questioned what besides the blocks could you put in the side yards? Commissioner Wentworth suggested installing a pole at each end of the piles. Discussion continued; Mr. Hesketh suggested installing 4' x 4' posts on the fence line and (referencing another location on the plan) suggested maybe another one "here". Mr. Dearborn objected, suggesting the poles will get knocked down. Chairman Ouellette advocated to Mr. Dearborn that he consider doing something to meet the Commission half way regarding the Application requirements. Town Planner Whitten requested clarification that they are discussing locations along the property lines? Mr. Hesketh indicated they agreed to 3 locations for field markers.

- ❖ **Number of truck trips/day:** Chairman Ouellette opened discussion on 30 trips/day. Mr. Dearborn suggested that's not going to happen; that's overkill, but it does give him an insurance policy. Town Planner Whitten requested clarification that Mr. Dearborn was ok with 30 trips/day? Mr. Dearborn replied – yes.
- ❖ **Trees and/or fence along Newberry Road:** Town Planner Whitten noted deletion of that requirement has been agreed to. She noted she never felt that requirement was needed.

Chairman Ouellette queried the Commissioners for additional comments or questions. Commissioners Devanney, Thurz, Wentworth, and Zhigailo indicated they were ok with discussion at this point.

MOTION: TO TAKE A FIVE MINUTE BREAK.

Devanney moved/Wentworth seconded/

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

The Commission RECESSED at 8:25 p.m. and RECONVENED at 8:35 p.m.

Chairman Ouellette returned discussion to the map/plan; he questioned where the location, and the extent, of the proposed millings would be? Mr. Dearborn began referencing various locations, indicating "this" was the area to be swapped, "this" area has been done. Chairman Ouellette clarified that the areas on the plan that identify the proposed wood chip storage pile and amesite pile – those areas don't have millings on them at present, those are areas proposed for millings; everything else on the site has millings on it.

Chairman Ouellette reported the Commission needs to close the Public Hearing, but there are a couple of issues he would like revised on the plan. He suggested Mr. Hesketh had a

good idea of updating the zoning table to clarify the impervious coverage area. Chairman Ouellette requested the he would like the values updated on the plan to reflect what has been agreed to this evening. Chairman Ouellette suggested he heard from the Commission this evening that they would like to go with a reduced buffer along the west property line. Chairman Ouellette clarified that the plans can't be revised tonight. Mr. Dearborn questioned if the application could be approved with conditions? Chairman Ouellette suggested that was a possibility but there was still the issue of the impervious coverage. Chairman Ouellette suggested he, personally, isn't sold with Mr. Hesketh's interpretation. Chairman Ouellette noted he weighs heavily on Staff comments and recommendations. Chairman Ouellette suggested that based on Staff comments, and his own engineering background, he respectfully disagreed with Mr. Hesketh's interpretation, although he suggested he felt he heard different comments from the other Commissioners.

Chairman Ouellette reported the Public Hearing could be closed tonight, but he felt that wasn't in the best interest of the Applicant, as inconsistencies remain on the plan. If the Public Hearing were closed tonight the Commission would be voting on the plans before them. If the Applicant could extend the Application timeframe the Public Hearing could be kept open to allow the submission of new plans.

Mr. Dearborn indicated he wanted to go with conditions to get it done; he suggested the Commission does that all the time. Chairman Ouellette turned to his fellow Commissioners, asking if they preferred to go with conditions or request tweaks to the plans? Chairman Ouellette reiterated he, personally, doesn't agree with the zoning table and felt additional fees were due. Commissioner Wentworth questioned if the Commission could approve a part of the Application and leave it open for one of the issues? Chairman Ouellette noted the Application is incomplete if the area is considered impervious coverage. Chairman Ouellette suggested again he felt the area is impervious coverage but he felt other Commissioners might feel differently. Under that scenario the Application would stay as it has been presented and would set the same precedent and affect any other applications coming through for impervious coverage.

Commissioner Thurz questioned the amount of the additional fee? Town Planner Whitten suggested \$3,000+/- . If the area considered existing under the previous Application were taken out the amount of the fee would go down.

Chairman Ouellette reiterated it is up to Mr. Dearborn to grant the Commission an extension of the Public Hearing to consider revised plans. The Commission must do something tonight on this Application; we either vote on the Application or get an extension from Mr. Dearborn. We have that latitude under the State Statutes. The Commission can't vote positively on this Application if in fact it is impervious coverage; the additional fee must be paid or the Application is considered incomplete. It is very clear in the regulations.

Mr. Dearborn suggested the Commission take a vote on if it's **pervious or impervious coverage**; Chairman Ouellette concurred they could take a straw vote. Mr. Dearborn urged the Commission to take a vote. Mr. Dearborn suggested the Commissioners raise their hands. Chairman Ouellette queried the Commission if they considered the area of millings pervious coverage? Chairman Ouellette felt the area under discussion was impervious coverage; Commissioners Devanney and Thurz raised their hands for pervious coverage; Commissioner Wentworth felt it was pervious, and suggested they had seen water flowing through this since 1974. Commissioner Zhigailo felt it was limited.

Chairman Ouellette queried the Commission for any further comments?

Mr. Dearborn noted for the Commission that a vote was taken; he questioned if they were going to go with conditions for the other issues? Chairman Ouellette suggested it was up to him if the Commission would vote this evening; personally he isn't comfortable to vote on this Application this evening. He suggested again that the Public Hearing can be closed tonight, but there would be no further input from the Applicant. The Commission can talk amongst themselves at a future meeting. Chairman Ouellette suggested the Commission is under no obligation to vote on this Application this evening; the Commission has an obligation to close the Public Hearing, or ask for an extension from the Applicant. Mr. Dearborn questioned if a revised plan could be submitted in 2 weeks? Chairman Ouellette replied affirmatively, noting the Public Hearing would still be open and the Applicant could ask questions. Chairman Ouellette queried Town Planner Whitten if there were any other administrative issues to be considered? Town Planner Whitten suggested if the Public Hearing was closed this evening and the Applicant wanted to make changes to impervious coverage on the map or in the zoning table they wouldn't be able to discuss, or prove, the changes.

Mr. Hesketh requested to speak with Mr. Dearborn regarding his options. Mr. Hesketh and Mr. Dearborn left the room at 8:48 p.m., and returned at 8:49 p.m.

Mr. Dearborn reported he will go with the 2 weeks. Chairman Ouellette thanked everyone, noting he felt they had made good progress.

Mr. Hesketh queried that the areas of revision included:

- Hours of operation
- Zoning Map with asterisk as discussed during the Public Hearing
- Marker posts
- Reduced buffer

Chairman Ouellette agreed with the revisions noted.

Mr. Dearborn submitted a written request for a two week extension.

MOTION: To CONTINUE the 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]. Hearing continued until the Commission's regularly scheduled Meeting on July 26, 2011 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Wentworth seconded/

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

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

NEW HEARING: Proposed Amendments to the Zoning Regulations regarding Farms, Amendment to Section 203 Definitions; New Section 305 Farm Regulations:

Town Planner Whitten reporting the Commission has been discussing the Farm-Friendly Regulations for 3 years. They have held numerous workshops, and have been working with Joan Nichols of the Connecticut Farm Bureau and the local farmers. Town Planner Whitten noted there has been a lot of give and take with regard to the proposed regulations; everyone is a little bit unhappy – little boy chickens will always be an issue. She recommended the Commission adopt the draft proposed into the Regulations.

Chairman Ouellette questioned what had been the tweaks since the last meeting? Town Planner Whitten suggested there were minor language tweaks, and the proposed regulations were sent to CRCOG (Capitol Region Council of Governments) for review; CRCOG found no conflicts with regional plans, policies, or concerns of neighboring towns (signed: Sandra Bobowski, Karl Robert Profe, and Lynn Pike DiSanto.).

Chairman Ouellette opened discussion to the audience:

Tom Muska, East Road: questioned the approval process, is this Public Hearing the last time for discussion, and what's the timeline for adoption? Town Planner Whitten reported that should the regulations be adopted/approved there is a 15 day appeal period; the regulations would be adopted after the completion of that 15 days, which would be approximately August 1st.

Mr. Muska questioned if the waiver for signage continued as part of the regulations? Town Planner Whitten replied affirmatively; the waiver provision and the sign regulations are part of the Farm Regulations. Mr. Muska felt the regulations weren't really that friendly but he could live with them. He reiterated his past concern regarding visibility of his signage. He noted there are some intersections where there are drops in the elevation; a customer wouldn't really see a 3 ½' sign. Chairman Ouellette clarified that the intent of the 3 ½' height is that it is the height of a driver's eye when someone checks sight distances. Chairman Ouellette and Town Planner Whitten reiterated that Staff would work with Mr. Muska regarding waivers.

Sharon Muska, East Road: with regard to the process for adopting the Farm Regulations Mrs. Muska felt the Commission frequently tabled discussion in favor of other business, and there was talk about after a year the regulations would be discussed again. Mrs. Muska felt the farmers got bumped too much; she would like the Commission to commit to the farmers that they not be put off again.

Chairman Ouellette indicated he appreciated Mrs. Muska's comments but noted everyone is a volunteer; he, personally, has been present for all the workshops. In some cases it was best to hold off on subsequent discussion; as volunteers the Commission does the best it can with Commission business. Chairman Ouellette clarified that he couldn't make predictions that the regulations may not need to be tweaked in the future. Mrs. Muska felt the farmers business is like everyone else's; it should be considered as a full-time business; it isn't just a hobby. They are keeping the rural character for the community. They need to be respected.

Commissioner Thurz suggested the review of the regulations was a long process; the Commission processed multiple mailings that were sent out to the farmers. Chairman Ouellette noted the Commission was sensitive to the timing and considered holidays when it might not have been as convenient for people to attend the workshops. Mrs. Muska asked if the Commission felt they were getting a bad rap? Chairman Ouellette replied negatively, noting he is proud of what the Commission is doing.

Joan Nichols, Connecticut Farm Bureau: raised a point of clarification. She noted under Definitions, Commercial Farms require a minimum of three contiguous acres.... while under Section 305.2 – Raising of Crops – there is no acreage specified. Ms. Nichols questioned if she could assume someone operating a commercial endeavor didn't need to have 3 acres? Town Planner Whitten replied affirmatively, noting the 3 acres was really geared towards owning animals.

Chairman Ouellette noted the Farm Friendly Regulations was new to Commissioners Wentworth and Zhigailo. He noted the Commission has spent an exorbitant amount of time going over these proposed regulations, and have held workshops with the farmers. The Commission has been going over these regulations and have made numerous revisions and wordsmithed the draft on the table. He suggested he didn't know if Commissioners Wentworth and Zhigailo had read the minutes, which have been detailed; he questioned if they had any concerns regarding the Farm Friendly Regulations.

Commissioner Zhigailo referenced the signage requirements, noting if a farm is someone's livelihood and they are trying to attract clients – as long as there is a waiver provision. She questioned if there was a fee for signage? Town Planner Whitten cited the waiver provision exists; the signage fee is nominal. Commissioner Zhigailo felt the size of the signage was small. Town Planner Whitten noted currently there are no signage regulations, and as Chairman Ouellette said, the size was based on sightline

visibility. Chairman Ouellette noted there was a rationale when the Commission chose the size for the signage but a reasonable person could apply for a waiver.

Commissioner Wentworth questioned if everyone has the ability to speak at every Commission Meeting? Chairman Ouellette advised Commissioner Wentworth of the recent initiative of the Board of Selectmen for every Commission to provide a public participation item – under which residents could express their concerns - at their meetings. Commissioner Wentworth questioned that if someone in the resident's position was wondering why something was done they could ask? Chairman Ouellette clarified if the discuss was occurring under Unfinished Business then the resident couldn't speak from the floor. Chairman Ouellette also suggested anyone has the ability to come into the Planning Office for Staff assistance/discussion, and there are Agenda Items of Staff Reports and Correspondence which also give the public an opportunity to express their concerns. He summarized there are several mechanisms available to the public. Commissioner Wentworth suggested that maybe someone in the audience would know that now. Chairman Ouellette questioned Commissioner Wentworth if he had any concerns with the proposed Farm Friendly Regulations; Commissioner Wentworth suggested he was ok with the proposal.

Selectman Pippin clarified that the initiative for public participation was a Charter requirement, not a requirement of the Board of Selectmen.

Sharon Muska, East Road: advised Commissioner Zhigailo that the signs her husband referenced were signs that the farmers have to attract business and guide people to their farm.

Hearing no further requests to speak Chairman Ouellette called for a motion to close the Public Hearing.

MOTION: To CLOSE the Public Hearing on the Proposed Amendments to the Zoning Regulations regarding Farms, Amendment to Section 203 Definitions; New Section 305 Farm Regulations.

Devanney moved/Gowdy seconded/

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

Against: No one

Abstained: No one

MOTION TO APPROVE the Proposed Amendments to the Zoning Regulations regarding FARMS, primarily and inclusive of amendments to Section 203 definitions; and a New Section 305, as recorded with the Town Clerk, and referred to CRCOG. Said Regulations will become effective August 1, 2011.

Devanney moved/Gowdy seconded/

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

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**Against: No one
Abstained: No one**

NEW BUSINESS: Steven Farmer – 3-lot Subdivision of property located at 247/249 South Water Street. [R-3 & A-2 Zones; Map 71, Block 5, Lot 33]. (*Deadline for decision 8/18/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Steve Farmer, owner.

Mr. Farmer advised the Commission he is seeking to subdivide the current parcel into 2 additional lots – one 5.1 acre lot which presently contains 2 dwellings, and two additional lots. The larger lot will remain as it is presently considered today, a non-conforming lot. Town Planner Whitten clarified that the lot will be conforming, but the use – with two structures – is legally non-conforming.

Mr. Farmer advised they will provide river access to the new lots via a Conservation Easement in lieu of Open Space. He is also asking for a waiver for the installation of sidewalks. Mr. Farmer indicated the current sewer line is on the river bank; they are proposing a single trench to serve the two new homes. The Town also has access to the existing sewer line. Chairman Ouellette referenced Sheet 3 of 4, noting there is a hammerhead for lot 1 which extends into the turnaround area for the driveway. Town Planner Whitten suggested that could be addressed during the Site Plan Approval process.

Commissioner Devanney noted the plans reference a driveway access to the second house on the existing lot. Mr. Farmer concurred.

Chairman Ouellette noted the Applicant has received approval from the North Central Health District and the Water Pollution Control Authority.

Town Planner Whitten noted she has no concerns regarding this Application.

Chairman Ouellette noted approval of the waivers require a 4 out of 5 vote of the Commissioners.

MOTION TO APPROVE A WAIVERS FOR

Sidewalks – (Section 6.3) – As none exist in the area. Applicant shall be subject to fee in lieu of sidewalks per Section 6.3.5 of the subdivision regulations.

Devanney moved/Gowdy seconded/

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

**Against: No one
Abstained: No one**

MOTION TO APPROVE Open Space to be in the form of a conservation easement

Devanney moved/Gowdy seconded/

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

Against: No one

Abstained: No one

MOTION TO approve the **Application of owner Steven Farmer, requesting a 3 lot subdivision located at 247-249 South Water Street, Map 71, Block 5, Lot 33 in the R-3/A-2 Zone** . This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

Referenced Plans:

- 1/4 –2 Lot Subdivision, South Water Street, East Windsor CT property of Steven L & Noreen P Farmer, 247 S. Water St. East Windsor, CT 06088, Site Location Map 1 “ = 200’ , prepared by Engineer JR Russo & Assoc., LLC 1 Shoham Rd, East Windsor CT, 06088 860/623-0569, 860/623-2485 fax dated 5/3/11
- 2/4- Subdivision Plan, dated 5/3/11
- 3/4 – Topographic Plan, dated 5/3/11
- 4/4 – Erosion & Sediment Control Notes, dated 4/21/10

Conditions which must be met prior to signing of mylars:

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. *If a \$2,000 fee per lot is required, payable to the Town Treasurer, is not paid prior to the filing of the final mylars, the mylars shall contain a clearly visible notation for each applicable lot stating, “Any sale or transfer of this property within five (5) years of the original (re)subdivision approval to a person not exempt under section 7.6 of East Windsor’s Subdivision Regulations shall result in the liability of payment (\$2,000) to the Town of East Windsor for the total fee as defined in Section 7.5 of East Windsor’s Subdivision Regulations”. (Not Applicable for this application)*
4. Landscaping details shall be shown on the plans.
5. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.

6. Addresses for each parcel must be placed on the respective lot on the plans.
Addresses are assigned by the Tax Assessor.

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

7. **Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, shall be filed in the Planning and Zoning Department.**
8. Detailed sedimentation and erosion control plans shall be submitted with the site plan for each parcel at time of application for a zoning permit.
9. Deeds for any conservation easements and/or drainage easement must be approved by the Town and filed on the land records prior to any permits being issued. It is best if these are filed with the mylars.

Conditions which must be met prior to certificates of compliance:

10. Iron pins must be in place at all lot corners and angle points.
11. Any driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
12. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
13. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
14. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted.
15. 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:

16. This subdivision approval shall expire **(five years form the date of approval)**.
Failure to complete all required improvements within that time shall invalidate the

subdivision. The developer may request an extension of time at least one month in advance of the expiration date to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.

17. A Zoning Permit shall be obtained prior to any the commencement of any site work.
18. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
19. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
20. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
21. 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.
22. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

Discussion: Chairman Ouellette questioned if the PZC needs to reference special markers for the Conservation Easement, or is that a requirement of another Commission? Town Planner Whitten there are special markers to define Conservation Easements but that's a Wetlands issue.

Devanney moved/Gowdy seconded/

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

Against: No one

Abstained: No one

OTHER BUSINESS: Leslie Hickey – Temporary Liquor Permit for wine and beer event for Hal Kresge to be held on Saturday, October 8, 2011 at 149 North Road, owned by Soucy Enterprises. [B-2 Zone; Map 125, Block 16, Lot 27]:

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Leslie Hickey.

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Mr. Hickey reported he will operate this function the same as he has in the past; they will hire off duty police to assist.

Chairman Ouellette questioned the hours of operation; Mr. Hickey suggested 3:00 p.m. to 9:00 p.m. Town Planner Whitten advised Mr. Hickey he must apply for a Zoning Permit for a Temporary Event.

Commissioner Thurz questioned if there were any complaints; Town Planner Whitten replied none that the Planning Office is aware of. Mr. Hickey concurred.

Chairman Ouellette questioned if there is a need for overflow parking? Mr. Hickey replied they are presently talking to Staff about parking in the rear of the building. Town Planner Whitten noted that in the past Mr. Hickey has said they have had overflow parking across the street, with a second officer to direct people across Route 140. Mr. Hickey concurred, noting there are also several volunteers available to direct people to the event. Chairman Ouellette questioned if the event is becoming more successful? Mr. Hickey replied affirmatively, noting it is handled well.

Chairman Ouellette queried the Commissioners for additional questions; no one raised any other issues.

MOTION TO APPROVE the Application of Leslie J. Hickey and owner Soucy Enterprises LLC, requesting a temporary liquor permit per Section 805, for property located at 149 North Road, Map 8, Block 16, Lot 27, in the B-2 Zone. Event will be held in the Golden Gavel Tenant space, and parking areas on October 8, 2011. Hours of operation will be 3:00 p.m. to 9:00 p.m.

Devanney moved/Wentworth seconded/

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

Town Planner Whitten congratulated Mr. Hickey on his selection as Businessman of the Year. She noted the honor is well deserved.

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission recessed at 9:30 p.m. and RECONVENED at 9:41 p.m.

BUSINESS MEETING/(1) Informal Discussion – Mitchell Property, Wapping Road:

Appearing for this discussion was Attorney Wayne Gerault, representing the Mitchell family, and Karen Isherwood, P.E.

Attorney Gerault reported his client has been operating a contractor's storage yard since it's earlier approval. They recently received a Notice of Violation, and have been working with Town Planner Whitten and Assistant Town Planner Newton to seek resolution. Attorney Gerault reported they have hired Ms. Isherwood to survey the property; plans showing the existing conditions have been submitted to the Commission this evening.

Commissioner Thurz questioned where the property was located? Town Planner Whitten suggested the property couldn't be seen from anywhere unless you drive in or fly over the property. Attorney Gerault reported NORCAP is located on two sides of the property, the railroad on the third side and Herb Holden's pit on the fourth side.

Attorney Gerault reported they were originally approved with the provision to install a large concrete block wall which was never built because of the cost. The lack of the wall is part of the violation. Attorney Gerault suggested they are trying to run a contractor's storage yard which holds clean fill – gravel, loam, and sand, no asphalt. Environmental Services, a business owned and operated by the Mitchells – uses this material all hours of the day or night.

Attorney Gerault reported they have come before the Commission for advice, as they are unable to comply with the originally approved Site Plan. They are proposing to submit a modified Site Plan to allow using the specified materials located in the areas within the borders shown on the map, and dispense with the wall. Attorney Gerault reported it isn't a messy site; they have letters of support from Herb Holden and NORCAP.

Commissioner Thurz questioned what was the purpose of the wall? Attorney Gerault suggested it was required to define the storage areas. He suggested the contractor storage regulations are flexible, but they didn't want to apply for the modification until they discuss Town Planner Whitten's concern that the modification should be filed under an Excavation permit.

Commissioner Thurz questioned what was Environmental Services involvement with the site? Attorney Gerault clarified that this site isn't used for storage of any environmental waste; that operation is heavily regulated and bonded. It was noted storage areas marked on the plans already exist on the site; stockpiles exceed the 20' indicated on the plan. Attorney Gerault conceded they are probably 30' + in height.

Town Planner Whitten clarified that under Section 814.13 – Earth Removal - regulates earth removal over 100 cubic yards. The Planning Office received complaints regarding the number of trucks coming out of NORCAP, which is also used by Herb Holden for access. Herb Holden's permit limits truck traffic to 30 loads/day. On investigation it was found the excess trucks belonged to the Mitchell operation. Town Planner Whitten suggested she felt the amount of truck traffic could be limited under the regulations for a contractor's storage yard but after discussion with Assistant Town Planner Newton the question arose if this operation should be regulated under Section 814.13.

Attorney Gerault suggested the Mitchell operation is limited to 35 trucks/day; Town Planner Whitten clarified that the truck traffic does exceed that amount. Attorney Gerault argued that they didn't do that all the time; the hours of operation are being followed. Town Planner Whitten suggested the question is if the Commission wants to see the application submitted under a Contractor's Storage Yard or under the Earth Removal section, and the number of trucks should be limited.

Commissioner Zhigailo questioned if any processing was done at this site? Attorney Gerault replied negatively, noting the material comes in and goes out. Attorney Gerault later clarified that Herb Holden buys top soil from this pit, but it's not generally used for sale to others. Mr. Holden is allowed to purchase topsoil because of his proximity to the Mitchell pit. Commissioner Gowdy questioned what was done with the tree stumps? Attorney Gerault suggested they use them around the perimeter to discourage the use of the pit by dirt bikes. Chairman Ouellette questioned what happens to the run off? Attorney Gerault suggested it stays on the property because of the slope of the sides of the pit.

Town Planner Whitten reiterated that based on the definition of earth removal this site qualifies but it's used as a contractor's storage yard. Commissioner Wentworth suggested it wasn't intended to be an earth removal operation. Town Planner Whitten clarified that truck traffic could be a concern, and they do exceed their limits. Commissioner Gowdy questioned if anyone monitors the number of trucks going in and out of the site? Town Planner Whitten indicated Staff hasn't been able to do that but it is being monitored by someone as the complaint has been submitted to the Planning Office. After further review of the existing site plan conditions Town Planner Whitten suggested she felt this could be handled as a contractor storage yard modification; it's a permitted use but the Commission could add conditions. Attorney Gerault suggested they had no problem with that.

Commissioner Gowdy questioned if there was any restriction on the height of the piles? Town Planner Whitten suggested that would depend on if there are any drainage issues caused by changing the topography; this is a massive operation. Attorney Gerault suggested his client would be agreeable to the 35' height discussed during the previous (Dearborn) application.

BUSINESS MEETING/(2) Meeting Dates for Route 140 Study:

Town Planner Whitten suggested the visionary workshop meeting date will be Thursday, September 15th at Scout Hall. The Commission will be meeting with the facilitator on Thursday, July 28th, at Town Hall. The public can sit in and listen.

BUSINESS MEETING/(3) Correspondence:

- Letter from Gerald Wilcox regarding Dearborn Application.

BUSINESS MEETING/(4) Staff Reports: None.

SIGNING OF MYLARS/PLANS, MOTIONS:

- Annette Fortune – Special Use Permit
- KROS – Site Plan
- Apothecaries Hall Enterprises, LLC – Motion – Special Use Permit/Gravel Removal Operation - Extension

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 10:05 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(9752)