

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

**REGULAR Meeting #1707 – November 22, 2016**

***MEETING MINUTES***

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Jim Thurz, and Dick Sullivan.

**Alternate Members:** Tim Moore, and Marti Zhigailo.

**ABSENT:**    **Regular Members:** Lorry Devanney

**Alternate Members:** Both Alternate Members were present.

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance....

**ESTABLISHMENT OF QUORUM:**

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

**LEGAL NOTICE:**                    None.

**ADDED AGENDA ITEMS:**            None.

**PUBLIC PARTICIPATION:**

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

**APPROVAL OF MINUTES/November 8, 2016:**

**MOTION:**    **To ACCEPT the Minutes of Regular Meeting #1706 dated November 8, 2016 as written.**

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

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

**RECEIPT OF APPLICATIONS:**

No new applications to be presented to the Commission this evening.

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

**ACCEPTANCE: Newberry Village** – Request for release of the bonds associated with the final phase of Newberry Village:

Chairman Ouellette read the description of this item of business. Town Planner Whitten reported Jim Giorgio has requested release of all, or the majority, of bonds being held associated with completion of Newberry Village. She referenced memo dated 11/16/2016 from Town Engineer Norton outlining incomplete items, and the costs associated with their completion. Also provided is Staff documentation of bonding currently being held.

After review of the bonding, and inspection of the existing conditions at Newberry Village, Staff is recommending release of 2/5 (\$20,000) of the wetlands bonding, and \$7,654 of the Performance Bond. Town Planner Whitten indicated it's difficult to associate the work with the bonding figures as the phases were changed during construction. Some remediation work remains to be done; wetlands plantings can't be installed until next year. Chairman Ouellette questioned that if the Commission chooses to approve the recommendation for release of bonds does that represent 15% of the bond amounts being held? Town Planner Whitten replied affirmatively. Commissioner Zhigailo referenced item #2 under Town Engineer Norton's memo; she questioned if enough money is being retained if the WPCA wants the sewer installation redone? Town Planner Whitten indicated they believe they have enough for reworking the sewer line; Town Engineer Norton and Art Enderle, of the WPCA, have been working closely regarding the sewer installation. Commissioner Sullivan indicated he's ok with Staff recommendations; Commissioner Moore agreed as well.

**MOTION: To APPROVE THE RELEASE of the \$20,000 wetlands bond, and \$7,654 Performance bonds for final phase of Newberry Village.**

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

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

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS – NEW BUSINESS - Carl Crane and owner Crane Properties** - Modification of Approved Site Plan to conduct a more intensive wood processing,

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storage and loading business with associated site improvements at 118 Prospect Hill Road. [M-1 zone; Map 112, Block 17, Lot PA & 2A1] (*Deadline for decision 1/12/2017*):

Chairman Ouellette noted the Application submitted by Carl Crane is not subject to a Public Hearing; the Application is a Site Plan Modification to be heard under **NEW BUSINESS**.

Appearing to discuss this Application is Brian Denno, of Denno Land Surveying and Consulting, and Carl Crane, the Applicant.

Mr. Denno described the site as a 7 ½ acre industrially zoned parcel to the rear of Prospect Hill Road. The site includes an existing building. Mr. Denno suggested the building is not being enlarged but they will be improving the façade. They are adding a sewer line, and a new entrance. The site is currently served by public water. Mr. Crane wants to add millings in the area provided for mulch storage. Mr. Denno advised the Commission they have received approval from the Conservation (actually Inland/Wetlands) Commission to fill in the area which he referenced on the plan. Mr. Denno reported they currently have 32% hard surface, but will be increasing that percentage to 50% after completion of the improvements. Mr. Denno noted they have cut trees “here” to accommodate the installation of the sewer, however, they understand something may happen “here” with housing so they are willing to add additional trees to maintain a 100 foot buffer. Parking for employees will be located on the east side of the building. Mr. Denno noted Staff had questioned if the parking could be relocated to the west side; he indicated they would be willing to do that if the stake company moves out.

Mr. Denno referenced Staff comments; he indicated hours of operation and notes will be added to the plan as required. He has satisfied Town Engineer Norton’s concerns regarding stormwater flow and treatment.

Mr. Crane joined the discussion; he questioned that some areas/operations at the site are grandfathered? Town Planner Whitten replied affirmatively, noting the operations pre-date the current regulations. Mr. Crane questioned that he could continue to work within 25’ of the property line; he felt he could do that before. Chairman Ouellette suggested Mr. Crane has the right to maintain the use but questioned his ability to intensify it? Town Planner Whitten questioned Mr. Crane if he had been working in that area before? Mr. Crane replied affirmatively, suggesting that he had worked up to the tree line, but clarified that he wanted to add millings up to the sewer line. Town Planner Whitten suggested she would have to review the previous approvals as to what was allowed, and that it was a 100 foot buffer; she felt the addition of the millings would be a new use. Discussion followed regarding if the work area currently being used is the area previously approved or if it’s the work area actually being utilized. It was noted the original approval was granted three regulation changes prior to the current regulations; the operations grandfathered would depend on what was approved at that time. Mr.

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Denno explained that they must maintain a certain amount of greenspace. Discussion continued regarding approved vs. actual use of the site.

Chairman Ouellette queried the Commissioners for comments:

Commissioner Zhigailo noted that renovations are proposed for the building. She was happy to hear of agreement regarding the buffer between uses. Mr. Crane reported the stake company that works inside may be leaving; if so, he would like to return the use to a trucking company as it was in the 60s. Town Planner Whitten clarified the parking areas would need to be designated on the plans; the area to the north is currently designated for use for the mulch. Mr. Crane indicated he is presently trying to rent the building. Commissioner Zhigailo suggested the reuse as a trucking terminal should be a new application. Mr. Denno explained reuse as a trucking terminal wouldn't require any additional drainage work. Commissioner Sullivan noted reuse as a trucking terminal would require designating hours of operation, number of trucks per day, etc. Commissioner Kowalski suggested a lighting plan would be required as well.

Discussion continued. Commissioner Kowalski suggested he felt what's being proposed tonight isn't really what Mr. Crane wants to do; this isn't really his master plan. He questioned if it's just an interim proposal? Mr. Crane indicated he wanted to do "this" but now the tenant may be leaving; it's difficult to get a tenant other than a trucking company. Commissioner Kowalski suggested the driveway access being proposed tonight may not be adequate for a trucking terminal. Mr. Crane suggested maybe shifting the location of the access somewhat. Discussion continued regarding the turning radius, etc.

Commissioner Kowalski noted the area being proposed for additional millings is being expanded to the tree line; he suggested that's not what's shown on the plans tonight.

Commissioner Thurz asked Mr. Crane to explain the current operation. Mr. Crane referenced the Site Plan, noting he rents "this" piece of the property to a mulch company from Vermont. They drop off materials during the Winter and process it during the Spring. Some of it is logs; some is stump disposal. Commissioner Thurz suggested if the mulching operation is being enhanced then it's an expansion of the mulch area. Mr. Crane disputed the expansion; he suggested it's more storage for the bagged material. He suggested he didn't see a lot more processing occurring, just more storage. Commissioner Thurz questioned how many grinders will be used? Mr. Crane felt there wouldn't be more; they have 3 now, which are only run occasionally. Commissioner Kowalski questioned if the only access is through the main access? Mr. Denno replied affirmatively. Commissioner Kowalski suggested the hours of operation could conflict with the trucking company. Commissioner Thurz questioned what lighting is being provided? Mr. Crane reported he isn't planning anything now; there are a couple of light poles but they're inactive. Mr. Denno reported there are wall packs on the building now; the light poles have been shown on the plans.

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Chairman Ouellette noted that if this Site Plan is approved it goes in the archive and becomes the approved Site Plan. Mr. Denno replied he would show the approved area for the limit of work area, and the area approved for the stumping. Discussion followed regarding the proposal before the Commission. Town Planner Whitten clarified that the applicant was showing a modification of the existing use and the impervious area – no change of use. She understands there might be a different use in the future, which would require that the Commission review the proposal again. As long as they are willing to landscape to the north against the Calamar site the conditions on the site can be a condition. Commissioner Kowalski questioned showing the relocation of the parking to the other side; would it require another Site Plan modification? Town Planner Whitten indicated they couldn't do that now; she felt that would be a reasonable field change; it would be the same number of spaces. Town Planner Whitten indicated she doesn't have any problem with the milling area he has been working on.

Chairman Ouellette suggested on the northeast property line shared with Calamar, which will be a new residential area to the north – the operation of the site won't be any different post approval vs. pre-approval. Town Planner Whitten replied not at this time. Chairman Ouellette indicated he wasn't opposed, but questioned what's the rational of requiring the landscaping on the Calamar side of this property? Town Planner Whitten suggested it's because he is changing that area by eliminating the tree line for the sewer and the regulations call for that – the buffer. Chairman Ouellette noted the Applicant isn't changing the intensity of the operation. Commissioner Kowalski suggested the Applicant is modifying the existing buffer so he needs to provide additional landscaping. Mr. Denno reported Mr. Crane has no problem adding additional evergreens.

Commissioner Kowalski noted the permit allows for 25' high stockpiles; he questioned that an elevation change exists between the Calamar property and this property. He questioned if this operation will stick out? Town Planner Whitten noted Mr. Crane was operating first. She also suggested the first floor of the Calamar property is about 30' below this site.

Commissioner Moore questioned how thick the layer of millings would be? Mr. Denno suggested 8+/- inches. Town Planner Whitten suggested Town Engineer Norton and the Wetlands Commission had also reviewed that.

Chairman Ouellette questioned Mr. Denno if he was clear as to what he needed to add to this plan? Mr. Denno replied affirmatively, noting he understood he must make the revisions before filing the final mylars.

Chairman Ouellette queried the Commission regarding taking action this evening.

**MOTION TO APPROVE, the Application of Carl Crane, and owner Crane Properties LLC, requesting a modification to Site Plan Approval for activity previously permitted by Special Use Permit per Chapter 600**

**and 816 of the Zoning Regulations, to conduct a more intensive wood processing, storage, and loading business with associated site improvements at 118 Prospect Hill Road. M-1 Zone. (Map 112, Block 17, Lot PA-2A1) This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:**

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**Referenced Plans:**

- 1 of 6 Title Sheet - Revision to the Site Plan, 118 Prospect Hill Road – East Windsor CTR Applicant Carl Crane; Owner – Crane Properties, LLC, Site Planner – Denno Land Surveying and Consulting, LLC, 2 Tunxis Rd, Ste #210, Tariffville, CT 06081, dated 8/2/16, last revised 11/2/16
- 2 of 6 Existing conditions Plan scale 1" = 40'
- 3 of 6 Revision to Site Plan
- 4 of 6 Grading, Utility, Landscaping and Erosion Control Plan
- 5 of 6 Sedimentation and Erosion Control Details
- 6 of 6 Construction Details Plan

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

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

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

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

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

- 4. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
- 5. The Fire Marshall must review application and sign building permit application. Concerns such as height of wood chip piles, location of fire hydrant, and adequate management of saw dust should be considered and addressed.
- 6. Limits of clearing are shown. All existing and proposed vegetative buffers to be maintained on site
- 7. This application specifically allows the storage and processing of wood products on the subject site. This includes wood mulch, sawdust and other similar wood by-products. In addition, the applicant may sell at wholesale or retail, such wood

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- by-products.
8. Any process which includes sawing, milling, or shaping of wood products shall occur within the enclosed structure.
  9. Conditions as set forth in the original special use permit dated February 9, 2006 are hereby incorporated into this permit. Conditions within this new permit may supersede the previous conditions.

**General Conditions:**

10. Conditions as set forth in Ch. 816 of the East Windsor Zoning Regulations shall be adhered to.
11. In accordance with Ch. 900.3.h 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.
12. A zoning permit shall be obtained prior to the start of construction or change in use of a composting/wood chipping facility. All zoning permits are valid for one year. Zoning permit renewals shall be accompanied by a current as-built and documentation showing compliance with the provisions of this regulation and the special use permit conditions.
13. 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.
14. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
15. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
16. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town Staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval

**Additional Condition:**

17. **Show previously approved limit of work area on current plan.**

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

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

**OTHER BUSINESS:** None.

**OLD BUSINESS:** None.

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**NEW BUSINESS:** See Crane Application above.

**CORRESPONDENCE:**

Town Planner Whitten noted she had provided the Commissioners with the completed draft of the POCD, including a cd.

**BUSINESS MEETING/(1) Election of Officers:**

Chairman Ouellette noted this item of business will be postponed as all members must be present for the elections.

**BUSINESS MEETING/(2) Bylaws :**

Chairman Ouellette noted discussion can occur this evening; action can then occur at the Commission's next meeting. No changes were proposed this evening.

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

**Signing of Mylars:**

None presented this evening.

**Motions:**

- **Bacher Corporation and owner Richard A. Montgomery** - Special Use Permit / Site Plan Approval to allow construction of a two-phase commercial building and associated parking for property located at Wells Road and North Road. [B-3 zone; Map 125, Block 24, Lot 24].

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:29 p.m.**

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

Respectfully submitted,

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