

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

REGULAR Meeting #1743 – July 10, 2018

MEETING MINUTES

******Minutes are not official until approved at a subsequent meeting******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:34 P. M. by Vice Chairman Sullivan.

PRESENT: **Regular Members:** Dick Sullivan (Vice Chairman), Tim Moore, and Jim Thurz.

Alternate Members: Anne Gobin, Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** Joe Ouellette, Michael Kowalski,

Alternate Members: All three Alternate members are present this evening.

Also present was Town Planner Whitten, and Assistant Town Planner Tyksinski.

GUESTS: Dick and Kathy Pippin.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members and two Alternate Members were present at the Call to Order. Alternate Member Zhigailo arrived shortly. Vice Chairman Sullivan noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Members Gobin and Gowdy would also join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, June 28, 2018, and Thursday, July 5, 2018, was read by Vice Chairman Sullivan:

- Application of owner Laird Building, LLC for a Special Use Permit/Site Plan Approval for modification of use to allow natural gas fueling of fleet vehicles at 3 Shoham Road. [M-1 Zone, Map 113, Block 17, Lot S003]

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

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Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda.

Kathy Pippin: Mrs. Pippin congratulated Town Planner Whitten on her new employment venture with the Town of Enfield. She noted Town Planner Whitten has been a pleasure to work with; East Windsor will miss her.

Vice Chairman Sullivan felt we all need to show gratitude to Town Planner Whitten for a job well done.

APPROVAL OF MINUTES/June 19, 2018 Special Meeting:

MOTION: To APPROVE the Minutes of Special Meeting #1741 dated June 19, 2018 as written.

Moore moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Moore/Sullivan/Thurz/Gowdy
Opposed: No one
Abstained: Gobin

APPROVAL OF MINUTES/June 26, 2018 Regular Meeting:

MOTION: To ACCEPT the Minutes of Regular Meeting #1741 dated June 26, 2018 as written.

Moore moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
No one opposed/No abstentions

APPROVAL OF MINUTES/June 27, 2018 Special Meeting:

MOTION: To ACCEPT the Minutes of Special Meeting #1742 dated June 27, 2018 as written.

Moore moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
No one opposed/No abstentions

RECEIPT OF APPLICATIONS:

Vice Chairman Sullivan noted receipt of the following new Applications:

1. Application of North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement for a Special Use Permit to allow Soil Management

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Facility with construction of material storage bins at existing construction yard located at 297 North Road. (A-1 & A-2 zones; Map 117, Block 36, Lots 43B & 43C)

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS: None; Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmans Club Public Hearing closed June 26, 2018.

NEW PUBLIC HEARING – Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc. - Property located at 33 Apothecaries Hall Road for renewal of existing Special Use Permit under Section 809 to fill in an area of the site to create additional area for future commercial use in association with existing volume reduction facility. [M-1 zone; Map 57, Block 48, Lot 38] (*Deadline to close hearing August 14, 2018*))

Vice Chairman Sullivan read the description of this Public Hearing. Joining the Commission was Jay Ussery, of J. R. Russo and Associates, LLC, representing the Applicant, Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc.

Mr. Ussery reported this is an Application for renewal of a Special Use Permit to operate the facility at 33 Apothecaries Hall Road. Mr. Ussery described the location of the facility; the railroad tracks are the easterly boundary of the property. The facility is also across the road from the Gun Club.

Mr. Ussery noted there have been some minor changes over the years; hours of operation were extended to Saturday. The site hasn't changed; access is still provided via Apothecaries Hall Road, as trucks enter the site they pass a scale house, and then pass material bins. Various stockpiles of material on located within the site.

Mr. Ussery referenced Town Engineer Norton's memo which recommended a timeline for completion of the infiltration basin should be established. Mr. Ussery reported Mr. Holden had recently advised him that they have finished installation of the piping and roughly graded the basin. This would now allow water to get to the basin and infiltrate back into the ground. The outlet pipe is higher than the basin so water can infiltrate rather than discharge from the site. Mr. Ussery reported he has not yet had an opportunity to review the work, but based on previous observations no water is retained on site. Mr. Ussery suggested that although the basin isn't completed it appears to be working as designed.

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Mr. Ussery reported they sent notification to neighbors of the Public Hearing, and also posted signs as required.

Vice Chairman Sullivan questioned if the pipe under the railroad is their responsibility? Mr. Ussery replied that the pipe being referred to by Vice Chairman Sullivan was installed by the railroad back in the 20s or 30s. Vice Chairman Sullivan suggested that pipe bleeds back onto the Holden property. Mr. Ussery noted the east side of the railroad is 6 to 7 feet above the property around it; there would have to be considerable ponding to send any water off the railroad property.

Commissioner Thurz suggested the concrete pile is getting bigger and bigger. Mr. Ussery agreed it is large. Commissioner Gobin cited that when this facility was originally approved she was concerned that the site would become a landfill; she questioned if there is any data on what material is brought in vs. what's taken out? Commissioner Gobin questioned if there should be a condition regarding the length of the permit? Mr. Ussery cited this is an ongoing business. Commissioner Thurz recalled a height restriction of 30 to 35 feet for the stockpile; Mr. Ussery felt it's close to that height. Mr. Ussery also noted that they moved some of the material to create the basin and install the pipe; they'll need to move more material to complete the basin.

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

Vice Chairman Sullivan referred discussion back to the Commissioners. Town Planner Whitten noted current condition #20 specifies a height limitation of 30 feet for the stockpiles. Commissioner Gobin questioned if As-Builts are submitted annually to monitor the height, or if anyone checks on the height? Town Planner Whitten noted that to enforce the height requirement Staff would have to receive As-Built plans. Discussion continued regarding the aesthetics of the stockpiled material. Commissioner Gobin requested an additional condition requiring annual As-Builts to verify the height.

Commissioner Zhigailo questioned when the basin might be completed? Mr. Ussery reiterated that all the piping is in; they need to finish the grading and then seed the area in the Fall.

Vice Chairman Sullivan suggested condition #19 should be updated to 90 trucks per day to be consistent with other permits. Town Planner Whitten queried Mr. Ussery if the applicant would want that revision; Mr. Ussery replied affirmatively. Commissioner Gobin cited the neighbor's complaints regarding truck traffic related to the Charbonneau pit; she questioned if this applicant should be required to do a traffic study on the impact of increased truck traffic if the daily trips are increased to 90 per day? She suggested study might give residents a level of comfort.

Commissioner Gowdy requested an additional condition (#28) that the infiltration basin should be completed and seeded by September 30th.

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Commissioner Gobin requested an additional condition (#29) that updated As-Builts be submitted annually. Town Planner Whitten questioned if that information was being requested currently, or for the permit renewal? Commissioner Gobin would like that information currently, and the condition added to the approval motion.

Vice Chairman Sullivan questioned if the Commission was ready to take action on this Application this evening?

MOTION: To CLOSE the Public Hearing on the Application of Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc. - Property located at 33 Apothecaries Hall Road for renewal of existing Special Use Permit under Section 809 to fill in an area of the site to create additional area for future commercial use in association with existing volume reduction facility. [M-1 Zone; Map 57, Block 48, Lot 38].

Moore moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
No one opposed/No abstentions

MOTION TO APPROVE a one year extension for the Application of Recycled Concrete Products of CT, and owner Herb Holden Trucking Inc. requesting a one year extension for the volume reduction facility located at 33 Apothecaries Hall Road. M-1 Zone. (Map 57, Block 48, Lot 38) One year extension would expire on June 14, 2019

Referenced Plans:

1/2: Special Permit Plan – Volume Reduction Facility, 33 Apothecaries Hall Road, East Windsor CT prepared for Recycled Products of CT, Inc, 59 Broad Brook Road, East Windsor CT Zone R3 & M1, Map 57, Blk 48, Lot 38, prepared by JR Russo and Assoc, LLC 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, 623-2485 fax, scale 1" = 100', dated 3/31/09, last revised 3/8/13, 5/22/18

2/2: 1"= 40', last revised 4/5/13; 5/22/18

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, landowners, 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.
3. The 24-hour emergency contact name and phone number for sediment and

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erosion control problems shall be added to the final plans

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

4. 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
5. An erosion control bond, in an amount to be determined by the Town Engineer shall be submitted for proposed activities.

Conditions which must be met prior to certificates of compliance:

6. 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 not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
7. 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 sawdust should be considered and addressed.
8. This application specifically allows the storage and processing of wood, earthen and concrete, and asphalt products on the subject site. Additionally, storage and processing of topsoil, and asphalt and concrete is permitted. The applicant may sell at wholesale or retail finished by-products.

General Conditions:

9. In accordance with Chapter 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, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
10. In accordance with Chapter 814.4f, any deviation from the plan shall be cause for the Commission to revoke the permit provided the owner shall have the opportunity to address the Commission regarding why the permit should not be revoked.
11. In accordance with Chapter 814.4 g, any permit shall expire 1 year from the date of issuance unless renewed by the Commission
12. A Zoning Permit shall be obtained prior to the commencement of any site work.
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.

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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
17. Hours of operation for the accessory sales operation determined to be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00 a.m. to 1:00 p.m. on Saturday
18. Hours of operation for the volume reduction activities shall be limited to 8:00 am to 4:30 pm Monday through Friday. There shall be no operation of the facility on Saturdays, Sundays, and holidays.
19. There shall be no more than ~~sixty (60) trucks~~ **ninety (90) trucks** utilizing the site on any given day.
20. No material shall be stockpiled higher than thirty (30) feet above the existing grade. In no case shall the stockpiles be visible above the tree line from Apothecaries Road.
21. Material to be stockpiled shall be limited to those areas specified on the approved plans. Any additional stockpile areas shall require an amendment to the approval.
22. The anti-tracking pad shall be maintained throughout the life of the project. Additional measures including, but not limited to, road sweeping shall be employed if necessary to keep the project dirt from accumulating on Town Roads.
23. This Site Plan Approval is specifically for the processing and subsequent removal of clean fill and shall not constitute approval for any use that requires a permit under Section 12 of the Zoning Regulations. Inactivity for a period of two years or the removal of incoming or stockpiled material shall constitute a fill operation subject to special Permit requirements of Section 12.
24. The volume reduction use shall be maintained and operated in conformance to all the provisions and standards of Sections 9.1.2 through 9.1.12 and Chapter 807 as currently effective the East Windsor Zoning Regulations, inclusive. Failure to meet or maintain any of those standards shall result in the voidance of this approval.
25. The proposed fill operation shall meet the standards as set forth in Chapter 814.

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26. Expansion of the volume reduction facility or any other new commercial use into the regraded area will require a new or modified permit from the PZC.
27. Conditions of previous approval granted on April 23, 2013 are still in effect, unless subsequently modified, and incorporated into this approval.

See revision in Condition #19.

Additional Conditions:

28. **Improvements to infiltration basin to be completed and seeded by the end of September, 2018.**
29. **Verification of stockpile As-Built shall be provided to Staff within 30 days.**

Moore moved/Gobin seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
 No one opposed/No abstentions**

NEW PUBLIC HEARING: Laird Building, LLC - Special Use Permit / Site Plan Approval for modification of use to allow natural gas fueling of fleet vehicles at 3 Shoham Road. [M-1 zone; Map 113, Block 17, Lot S003] (*Deadline to close hearing August 14, 2018*)

Vice Chairman Sullivan read the description of this Public Hearing. Joining the Commission were Tim Coon, of J. R. Russo & Associates, LLC, and Jonathan Murray, representing the Applicant, Laird Building, LLC.

Mr. Coon referenced the location of the property at 3 Shoham Road, noting the site is currently used by USA Hauling to fuel their fleet with natural gas. The property currently includes two fueling stations, one slow-fill which provides overnight fueling for their fleet of vehicles, and a fast-fill station which enables them to top off the vehicles during the daily runs.

Mr. Coon recalled that the Commission approved a Text Amendment in February which allowed them to fuel other vehicles under a Special Use Permit; they're currently fueling vehicles for Eversource, who provides them with the natural gas. They are applying under this application for a Change of Use to allow them to fuel other service providers, such as taxi cab fleets, and Eversource. Mr. Coon referenced a traffic impact study which has proposed the additional use to be 24 vehicles per peak hour, or 48 trips per peak hour, for both stations. The traffic impact study has indicated there will be no significant impact related to this change of use.

Commissioner Gowdy questioned if the applicant would need a dealer's

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license for this proposal? Mr. Murray replied negatively, noting they're currently operating similar facilities in New Haven and Hartford. He suggested perhaps because they're dealing with natural gas it's not something that's being controlled yet because it's so new.

Vice Chairman Sullivan questioned that this would be businesses with whom the applicant would have a signed contract to supply the gas; it's not just anyone driving through that needs to refuel? Mr. Murray replied affirmatively, noting it would be Eversource, and taxi cabs. Commissioner Thurz asked if they have plans to expand the tanks in the future, to serve others?

Commissioner Thurz noted the applicant brought the Commission to this point in baby steps; he recalled the Commission was dead set against this use as a public fueling station. Mr. Murray suggested it's a possibility but this hasn't taken off as expected. He reiterated that USA Hauling has converted their fleet to gas, UPS has just converted their fleet, but he doesn't see it taking off like that. Mr. Murray noted they currently have a lot of capacity. He reiterated their other fueling stations in New Haven and Hartford, which does see more use from people coming off the highway, such as the taxi cab drivers. Commissioner Gobin suggested passenger vehicles don't currently have the technology for gas use, but for trucks natural gas is better than diesel.

Commissioner Thurz felt the Commission should wait for Commissioner Ouellette to return so he can weigh in on the traffic study. Mr. Coon suggested they're limited for now; the traffic study is based on the current conditions. If they expanded they would have to return with an updated traffic study. Mr. Coon noted there's a traffic light at Shoham Road and North Road; the traffic study indicates there's no change in the level of service at that intersection and this change of use will not have a significant impact on traffic to the surrounding roadways. Commissioner Gobin suggested traffic would back up on Shoham Road if the number of vehicles was higher.

Commissioner Thurz questioned if anyone has complained about noise from the compressors? Mr. Murray and Town Planner Whitten replied negatively.

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

MOTION: To CLOSE the Public Hearing on the Application of Laird Building, LLC for a Special Use Permit / Site Plan Approval for modification of use to allow natural gas fueling of fleet vehicles at 3 Shoham Road. [M-1 zone; Map 113, Block 17, Lot S003]

Moore moved/Thurz seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)

No one opposed/No abstentions

MOTION TO APPROVE the Application of owner Laird Building, LLC for a Special Use Permit / Site Plan Approval for modification of use to allow natural gas fueling of fleet vehicles at 3 Shoham Road in an M-1 Zone. – Map 113, Block 17, Lot S003. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

1. Site Plan/Carport Modification, 3 & 5 Shoham Road, East Windsor, CT Key Map 1" = 20' for USA Hauling & Recycling, Inc. 3 & 5 Shoham Road East Windsor, CT 06088 prepared by JR Russo and Association, 1 Shoham Road, East Windsor, CT 06088 P: 860-623-0569, F: 860-623-2485 www.jrrusso.com

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. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
4. An erosion and sedimentation control bond must be submitted for all site activities.

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. 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 not 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:

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7. In accordance with Chapter 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work **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.

8. A Zoning Permit shall be obtained prior to the commencement of any site work.

9. 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.

10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

12. 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 the compliance with the terms of this approval.

Moore moved/Gobin seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
No one opposed/No abstentions**

NEW BUSINESS: None.

OLD BUSINESS: Apothecaries Hall Enterprises, LLC and the East

Windsor Sportsmans Club - Property located on the south side of Apothecaries Hall Road for renewal of existing Special Use Permit for earth excavation. [M-1, R-3 & A-1 zones; Map 57, Block 49, Lot 3; Map 57, Block 65, Lot 1 and Map 48, Block 65, Lot 7] (*Deadline to for decision August 30, 2018*)

Vice Chairman Sullivan referenced this Item of Business, noting the Public Hearing on this Application had been closed during the June 26, 2018 Planning and Zoning Commission Meeting.

Town Planner Whitten provided the Commissioners with an updated potential approval motion; included in that motion are additional conditions #44 through #47 which address questions/concerns the Commissioners raised during the Public Hearing.

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Town Planner Whitten also advised the Commissioners Kevin Charbonneau, the Applicant, has provided the Planning Office with a letter dated July 10th from Lisa Kuhns, President of Capitol Sweeping, indicating they have entered into a contract with Apothecaries Hall Enterprises, LLC to sweep the roads going into the pit twice a week; they are also on call for Apothecaries Hall Enterprises, LLC as needed. Town Planner Whitten read the letter for the record.

Vice Chairman Sullivan queried the Commissioners for further comments, and their intent regarding renewal of this permit extension.

Commissioner Thurz suggested there are farm fields adjacent to the pit on Apothecaries Hall Road which also produce dust. He also noted the pit has been at that location before the houses were constructed. Commissioner Gobin suggested the excavation used to be further back from the road; she felt it appears that the complaints are coming in as the excavation moves closer to the Apothecaries Hall Road.

The consensus of the Commissioners were in favor of voting on the permit renewal request.

MOTION TO APPROVE the Application of Apothecaries Hall Enterprises, LLC for a Special Use Permit for renewal and expansion of permit for the Charbonneau gravel removal operation located on the south side of Apothecaries Hall Road. M-1, R-3 & A-1 Zones. [Map 57, Block 49, Lot 3; Map 57 Blk 65 Lot 1; Map 48 Blk 65 Lot 7]. The approval is for a for a permit to expire November 28, 2018. This approval is granted subject to conformance with the referenced plans and the following conditions:

Referenced Plans:

“As Built Plan, 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 5/18/17
Sheet 1 thru 12 of 12 : Compilation Plan dated 1/23/04, last revised 5/22/17

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.

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2. A performance bond with additional amount as set by Town Engineer for each open phase 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 ¾ 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 for that specific phase. Such bond shall be good for the life of the permit/project. Any funds that may be withdrawn by the Town

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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.

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15. The driveway to the pit shall be maintained in a hard surfaced, paved condition from Windsorville (and Apothecaries) Roads 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 (and Apothecaries) Roads.
19. A “Private Property – No Trespassing” sign shall be maintained at the entrance to the pit facing outward toward Windsorville (and Apothecaries) Roads.
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. The load counts shall increase to ninety (90) trucks per day or a maximum of four-hundred and fifty (450) trucks in any one week period once the secondary entrance has been established.
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.

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27. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department no later than November 19, 2018, and 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 offsite 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. This approval shall expire on November 28, 2018, and subsequently one year from date of approval (or last approval) or upon completion of the project, whichever occurs first, and is renewable on an annual basis.
39. 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.

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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~~ on November 28, 2018. 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.

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.

40. 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

41. Berm shall be constructed and stabilized prior to Phase 17 opening. Berm shall be constructed with topsoil.

42. All phases south of power line shall be closed and remediated prior to ~~June 30~~ Nov. 28, 2018.

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43. NO RIGHT TURN sign shall be placed in exit drive to Apothecaries Hall Road.
44. The vegetated area mid-point along Phase 17 along Apothecaries Hall Road shall be supplemented with conifers per Staff review at time of excavation, and evaluated at time of posting of bond.
45. Street sweeping shall occur 2 times per week at both driveways and streets.
46. Mulch must be utilized at Top of Slope to minimize dust where applicable.
47. Items to be completed by November 28, 2018 include:
 *completion of haul road and gate area to Apothecaries Hall Road
 * phase 4 and 5 to be closed

Moore moved/Thurz seconded/DISCUSSION: None.
VOTE: In Favor: Unanimous (Moore/Sullivan/Thurz/Gobin/Gowdy)
No one opposed/No abstentions

OTHER BUSINESS: None.

BUSINESS MEETING/(1) TOD Smart Growth Grant for Warehouse Point:

No Discussion.

BUSINESS MEETING/(2) Zoning Compliance Issues:

No discussion.

BUSINESS MEETING/(3) Discussion on Aquifer Protection Regulations:

No discussion.

BUSINESS MEETING/(4) Signing of Mylars/Plans, Motions:

Nothing presented for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:20 p.m.

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

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