

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

**REGULAR Meeting #1697 – June 14, 2016**

***MEETING MINUTES***

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

The Meeting was called to order in the Park Hill Community Hall, 1-A Park Hill, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

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

**Alternate Members:** Tim Moore.

**ABSENT:**    **Regular Members:** All Regular Members were present.

**Alternate Members:** Marti Zhigailo

Also present was Town Planner Whitten, and Temporary Zoning Enforcement Officer Virginia Higley.

**GUESTS:**     Richard P. Pippin, Jr., Deputy First Selectman; Kathy Pippin, Board of Finance..

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members were present at the Call to Order. Alternate Member Moore was also present. All Regular Members would sit in, and vote, on all Items of Business this evening.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, June 2, 2016, and Thursday, June 9, 2016, was read by Chairman Ouellette:

1. Application of Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc. for renewal of existing Special Use Permit for volume reduction facility at 33 Apothecaries Hall Road. [M-1 zone; Map 57, Block 48, Lot 38].

**ADDED AGENDA ITEMS:**

Town Planner Whitten noted there are no Agenda additions this evening. She introduced Virginia Higley, who has joined the Planning Department as a part-time Zoning Enforcement Officer. She requested the Commission appoint Mrs. Higley as the temporary ZEO for East Windsor during the Business Meeting.

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**PUBLIC PARTICIPATION:**

Deputy First Selectman Pippin welcomed Alternate Member to the Commission; he indicated he is glad to have some young blood join the Commission.

**APPROVAL OF MINUTES/July 22, 2014:**

**MOTION:** To ACCEPT the Minutes of Regular Meeting #1696 dated May24, 2016 as presented.

Devanney moved/Thurz seconded/

**DISCUSSION:** None.

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

**RECEIPT OF APPLICATIONS:** None.

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

**ACCEPTANCE - Newberry Village** – Request for release of erosion control bonds for Phase 1 (Blue Heron Way, Mockingbird Trail & Red Fox Trail) in the amounts of \$17,200 and \$1,200.:

Chairman Ouellette read the description of this Item of Business.

Town Planner Whitten clarified that the amount of the first bond referenced in the description is \$17,700 rather than \$17,200. She noted that Town Engineer Norton did not visit the site but she and Zoning Enforcement Officer (ZEO) Higley performed an inspection and found Phase I to be well established. Town Planner Whitten indicated the first bond in the amount of \$17,700 had been in place for several years. She recommended full release of the bonds.

**MOTION TO APPROVE** the release of the ~~\$17,200~~ \$17,700 and \$1,200 E&S Maintenance bonds for the first phase of Newberry Village for the area around Mockingbird Trail, Blue Heron Way, and Red Fox Trail.

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

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

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS - Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc.** - Renewal of existing Special Use Permit for volume reduction facility at 33 Apothecaries Hall Road. [M-1 zone; Map 57, Block 48, Lot 38] (*Deadline to close hearing 7/19/2016*)

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Chairman Ouellette read the description of this Public Hearing.

Appearing to present the Application was Jay Ussery, of J. R. Russo and Associates, LLC, representing Recycled Concrete Products of CT and owner Herb Holden. Mr. Holden was also present to assist with the presentation.

Mr. Ussery submitted an Affidavit regarding the posting of the Public Hearing sign. He also advised the Commission he sent Certificates of Mailings to abutters as well.

Mr. Ussery reported this Application is a request for a renewal of the Special Use Permit for a volume reduction facility located at 33 Apothecaries Hall Road. Mr. Ussery gave a description of the site, noting a stockpile of material available for crushing and other stockpiled materials for sale. Mr. Ussery noted he has prepared a two-page plan set reflecting updated conditions at the site. Mr. Ussery indicated the original Application included the filling of a hole at the northeast corner of the property adjacent to the railroad which includes a drainage system incorporates a detention basin which has not yet been constructed. Mr. Ussery noted Mr. Holden has been operating at this site for 20+/- years; they are seeking a renewal of the existing permit to complete the drainage system.

Mr. Ussery noted the Application falls under the Regulations for Earth Removal and Filling, which is set up to regulate gravel pits. While this site is not a gravel operation they will be bringing in approximately 75,000 cubic yards of fill material. The hours of operation will remain the same; Mr. Holden noted they can start at 7:00 a.m. but can not start crushing before 8:00 a.m. Monday through Friday. They are also allowed to operate 8:00 a.m. to noon on Saturday and have the ability to sell to the public as well.

Commissioner Thurz questioned Town Planner Whitten if the office has received any complaints regarding this operation? Town Planner Whitten replied in the negative.

Chairman Ouellette requested clarification that the Application is for a renewal request and not an expansion of services? Town Planner Whitten replied affirmatively. She noted the Commission changed the regulations a few years ago; those changes limit the Commission to approval of a one (1) year renewal. The Commission no longer has the ability to grant waivers as was done with the original approval.

Chairman Ouellette questioned if it were realistic to expect that the drainage work could be completed within the one (1) year period? Mr. Holden indicated he felt he could complete approximately one half of the work within the year.

Chairman Ouellette queried the Commissioners for comments. Commissioner Sullivan noted none of the neighbors was present this evening. He questioned language in Condition #19 of the original approval motion which referenced the use of sixty (60)

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trucks per day; he questioned that the reference was actually to sixty (60) trips per day. Town Planner Whitten concurred.

Commissioner Kowalski questioned the actual height of the stockpiled material; he felt it might be higher than the thirty (30) feet specified under Condition #20. Town Planner Whitten indicated there have been no issues with regard to the height of the pile. Mr. Holden indicated they remove material from the top of the pile daily.

Commissioner Kowalski questioned if erosion control measures were in place at the site? Town Planner Whitten there have been no instances of erosion occurring.

Chairman Ouellette questioned if it was felt that any of the waivers were no longer applicable? Mr. Ussery indicated that in this case they will be filling within one hundred (100) feet of the railroad. Mr. Ussery suggested he felt that regulation's intent was to protect the neighbors but in this case the area is zoned industrial and Mr. Holden owns the property on the other side of the rail line. Town Planner Whitten clarified that the Commission was considering approval of a one (1) year renewal this evening; the waivers, and conditions of the permit, were approved previously. It was felt the language of Condition #17 regarding the reference to the number of trucks was understood to be truck trips as the regulations specify.

Chairman Ouellette queried the Commissioners for additional comments or concerns. The Commissioners indicated they were ready to take action on the Application.

**MOTION: To CLOSE THE PUBLIC HEARING on the Application of Recycled Concrete Products of CT and owner Herb Holden Trucking, Inc. for-Renewal of existing Special Use Permit for volume reduction facility at 33 Apothecaries Hall Road. [M-1 zone; Map 57, Block 48, Lot 38.**

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

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

**MOTION TO APPROVE a one year extension for the Application of Recycled Concrete Products of CT, and owner Herb Holden Trucking Inc. , requesting a modification for special use permit under Chapter 807 of the Zoning Regulations to fill in an area of the site to create additional area for future commercial use, in association with existing volume reduction facility for processing of concrete, bituminous concrete and stone demolition, and earth products for resale, located at 33 Apothecaries Hall Road. Modification of approval per Ch 807; and Ch 814. Conditions of previous approval granted on April 23, 2013 are still in effect. M-1 Zone. (Map 57, Block 48, Lot 38)**

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

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

**MOTION:** To TAKE A FIVE MINUTE BREAK.

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

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

The Commission RECESSED at 6:58 p.m. and RECONVENED at 7:02 p.m.

**OTHER BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**BUSINESS MEETING/(1) Approval of Ginny Higley as acting Zoning Enforcement Official:**

Town Planner Whitten requested the Commission appoint Mrs. Higley as the official temporary Zoning Enforcement Officer for the Town of East Windsor. She is currently filling the position on a temporary basis.

Mrs. Higley reported she had previously worked for the Town of Enfield for approximately twenty (20) years; she had been ZEO for Enfield from 2009 until her retirement this year.

**MOTION:** To ACCEPT Virginia Higley as the acting Zoning Enforcement Officer for the Town of East Windsor at this time.

**Devanney moved/Sullivan seconded/DISCUSSION: None**

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

Town Planner Whitten advised the Commission that she will be absent due to personal reasons for a few weeks effective June 28<sup>th</sup>. During that time an applicant who is applying for a text amendment has requested that the Commission open the Public Hearing on the text amendment so discussion may occur. Discussion followed regarding the process for text amendment approval.

**BUSINESS MEETING/ (2) Update on Plan of Conservation and Development (POCD):**

Town Planner Whitten provided the Commission with a revised draft of the Plan of

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Conservation and Development (POCD) which now includes the revisions discussed at the previous meeting. She requested the Commission review the revised document and advise her of any additional changes they thought appropriate. A hard copy of the revised draft, as well as a digital copy, has been provided to the Selectmen for their review, comments, and recommendation – hopefully during the next BOS's Meeting.. Town Planner Whitten reviewed the proposed timeline for referral to CRCOG, PZC Public Hearing, and eventual adoption.

**BUSINESS MEETING/(3) Update on Warehouse Point Study:**

Town Planner Whitten reported Mrs. Hahn of LADA is preparing a final presentation on the Warehouse Point Study.

**BUSINESS MEETING/(4) Signing of Mylars/Plans, Motions:** None.

**ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 7:36 p.m.

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

Respectfully submitted,

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