

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

**REGULAR Meeting #1749 – November 13, 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 6:30 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:**    Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.  
                 **Alternate Members:**    Frank Gowdy, and Ann Gobin.

**ABSENT:**    **Regular Members:**    All Regular Members were present.  
                 **Alternate Members:**    Marti Zhigailo.

Also present was Assistant Town Planner Matt Tyksinski.

**GUESTS:**    **WSG LLC:** Marek Kement, P. E. Anchor Engineering, Ben Burger, Legal Counsel, and Adam Westhaver, the applicant; **38 North Road, LLC:** Jay Ussery, J. R. Russo & Associates, and Jonathan Murray, representing USA Hauling; **Hamlet Homes, LLC:** Joe Flynn, Legal Counsel; Mark O'Neill, Manager; **ACI Auto Group:** Jay Ussery, J. R. Russo & Associates, and Peter Alberici, the applicant;

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and two 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. Alternate Members Gowdy and Gobin would also join the Board regarding discussion 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/October 9, 2018:**

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**MOTION:** To **ACCEPT** the Minutes of Regular Meeting #1748 dated October 9, 2018 as written.

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

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Application:

- Application of Hamlet Homes, LLC/Mark O'Neill Manager for Modification of an approved subdivision (Harvest View Estates) located at the northeast corner of East and Middle Roads, to eliminate sidewalk for fee in-lieu-of sidewalks on Jessie Lane, East and Middle Roads, and to modify fee in-lieu-of Open Space. (R-3 Zone; Map 50, Block 82, Not 01-22)

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS/ WSG, LLC** - Special Use Permit/Excavation to allow commercial sand and gravel excavation operation, to be done in four phases at 140 Wapping Road. [M-1 & A-1 Zones; Map 17, Block 65, Lot 8-34] (*Deadline to close hearing extended to 12/20/2018*):

Mr. Kement opened discussion on this application. He noted the application has been updated with plans revised 10/19/2018 which show the following revisions:

- The applicant is withdrawing the request for a waiver of the 100' distance from Wapping Road; the plans show regrading associated with the withdrawal of the waiver distance.
- Adding or identifying the emergency access to the site; emergency access has been shown at historic driveway locations.

Mr. Kement also noted the application has been revised to eliminate the original request to bring fill to the facility.

Mr. Kement recapped the presentation of the application to date. This is an application for a Special Use Permit for a sand and gravel operation on 48+/- acres which are divided by the railroad tracks. The parcel is located within both an M-1 Zone and an A-1 Zone. Excavation will occur in four phases; each phase will contain approximately 7 acres.

Mr. Kement noted the applicant received approval from the Inland Wetlands and Watercourse Agency in August, 2018.

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Mr. Kement reported the applicant's traffic study has indicated that the project isn't expected to adversely impact adjacent roadways. The traffic study contends Wapping Road is currently under-utilized, and roadway width is sufficient to accommodate trucks passing each other. Mr. Kement indicated that the preferred truck route would be Wapping Road to Sullivan Avenue to Route 5. The applicant also plans to use the railroad to minimize truck traffic; they are currently in discussions regarding use of the railroad.

Mr. Kement suggested this use is not new; there is an existing similar use next door.

Mr. Kement also noted the Northern Connecticut Land Trust had concerns for impact on the adjacent bog. Mr. Kement reported this proposal will have no direct impact to the bog; any disturbance will be 200 feet from the bog and there are no drainage concerns to the bog associated with this project.

Mr. Kement noted receipt of memo dated 11/9/2018 from Town Engineer Norton to Assistant Planner Tyksinski citing his continued concern for the tracking of mud and dirt onto adjacent roadways. Town Engineer Norton had recommended the inclusion of a condition suggesting action to be taken by the Zoning Enforcement Officer to address the concerns for mud and/or dirt on adjacent roads.

Mr. Kement cited one of the concerns raised by the neighbors had been noise associated with the truck traffic. He cited some things are exempt from noise complaints, two of those are noise from jake brakes and construction noise.

In conclusion, Mr. Kement indicated they feel they're met all the requirements of Section 814 of the Zoning Regulations. They have appeared before the Commission four times. Mr. Kement cited the lack of audience attendance this evening; he feels they have addressed the public's concerns.

Chairman Ouellette opened discussion to the Commission.

**Chairman Ouellette:**

- **Status of receipt of information from the State Department of Rails:** Chairman Ouellette cited that one of the reasons the Commission continued the Public Hearing was to give the State Department of Rails time to respond to the application; he questioned Assistant Town Planner Tyksinski if anyone from the Department of Rails had contacted the office? Assistant Town Planner Tyksinski responded negatively. Chairman Ouellette suggested the Commission would move on without any input from the Department of Rails.
- **Existence of agreement for rail crossing within the facility:** Chairman Ouellette questioned if there was an agreement in place for the applicant to cross the tracks for this proposal? Mr. Kement felt the agreement ran

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with the deed. Chairman Ouellette questioned if evidence of the agreement or deed had been provided with the application? Mr. Kement cited the applicant is in possession of the deed; he didn't know if a copy had been submitted with the application. Chairman Ouellette requested evidence of the deed/agreement be provided for the application file but noted the Commission would have to proceed based on the applicant's word.

- **Truck traffic – number of vehicles vs. number of trips per day:** Chairman Ouellette noted that during the past Public Hearings there was considerable discussion regarding the threshold for the number of trucks or truck trips. While he noted the decision is the purview of the Commission Chairman Ouellette indicated he was uncertain what the applicant wanted. Mr. Westhaver cited the traffic study had referenced 120. Chairman Ouellette questioned if that was 120 trucks or trips? Mr. Westhaver felt it was 120 trips, which he reduced to 90. Chairman Ouellette clarified that 90 trips was actually 45 trucks. Mr. Westhaver revised his comment to 90 trucks; Chairman Ouellette indicated that would work out to 180 trips. Chairman Ouellette suggested the regulations indicate "trips" – from one point to the facility is one trip. Mr. Westhaver suggested 120 trucks would be expected to visit the site; Chairman Ouellette clarified that would be 240 trips. Mr. Westhaver then indicated that number had been reduced to 90 trucks; Mr. Westhaver felt that number would be reduced as they're trying to work with TILCON and others to move material offsite by rail.

**Commissioner Sullivan:**

- **Remedy/response to Town Engineer Norton's recommendation regarding accumulation of mud on Wapping Road associated with this facility:** Chairman Sullivan referenced the memo from Town Engineer Norton regarding the anticipated problem with mud on Wapping Road; Commissioner Sullivan felt this applicant should provide a sweeper on site to address mud problems. Mr. Westhaver suggested this facility will have 300 feet of paved apron; Mr. Kement revised that to 400 feet of paved driveway - which the Apothecaries Hall site doesn't have. Mr. Westhaver noted he has a facility in Portland that they sweep twice a day. Commissioner Sullivan reiterated his question regarding a sweeper on this site? Mr. Westhaver noted there will be the enforcement action for the Town to have them step it up inside the facility any time it's needed.

**Commissioners Thurz** had no questions at this point.

**Commissioner Moore** had no questions at this point.

**Commissioner Kowalski:**

- **Town Engineer's assessment of condition of Wapping Road/anticipated repair status:** Commissioner Kowalski questioned if Town Engineer Norton had done an assessment of the conditions of the roads in town; has he given Wapping

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Road a rating, and a potential timeframe for repair? Assistant Town Planner Tyksinski replied negatively.

- **Rate of vehicle/truck traffic:** Commissioner Kowalski cited Mr. Westhaver's suggestion of 90 trucks – which is actually 180 trips – per day for a 9 ½ hour day would work out to a truck passing along Wapping Road every 3 minutes and 9+/- seconds. Mr. Westhaver didn't feel that capacity would be realized. Commissioner Kowalski suggested a truck driving by every 3+ minutes would be the situation for the 90 trucks or 180 trips per day situation. Mr. Westhaver agreed that could be the situation in theory. Chairman Ouellette noted that number would be above and beyond any other approved operation within the vicinity. Any truck has a legal right to be on those roads. Mr. Westhaver returned to the statement in the traffic study that Wapping Road was operating at only 15% capacity; he noted they observed the trucks for two weeks.

**Commissioner Moore:**

- **Estimated inception of use of rail line:** Commissioner Moore questioned how soon Mr. Westhaver would begin to use the railroad? Mr. Westhaver indicated they have begun discussions with TILCON and others who are interested in moving the material on the rail line. If they come to an agreement with TILCON they would probably bring in tracks during the Winter and install them in the Spring. Commissioner Gowdy questioned if the rail operators had been included in these discussions? Mr. Westhaver reported Meddie Bellevue has been working on this already; Mr. Westhaver indicated he spoke with him this week, he's looking forward to the opportunity as it creates business for him.

**Chairman Ouellette** referenced page 95 of the Earth Removal and Filling Regulations - 814.3 Minimum Standards, subsection "s" CURBS, SIDEWALKS AND ROADS: "It shall be the responsibility of the operator of the excavation operations to repair immediately any damage to any public roads, sidewalks, curbs, surface drains or other utilities that may be caused as a direct result of the excavation operations, including the hauling of materials and equipment". Chairman Ouellette specifically referenced damage caused as a direct result of the excavation operations, including the hauling of materials and equipment; he suggested enforcement of this provision is what becomes difficult.

**Commissioner Gowdy** indicated his concerns had been addressed.

**Commissioner Gobin:**

- **Width of Wapping Road/concern for pedestrians or bikers:** Commissioner Gobin indicated she's curious what came of the conversation regarding the narrowness of Wapping Road and the curves and slopes in the road and the lack of shoulder for walkers or pedestrians. Chairman Ouellette indicated this is one of the items he's uncomfortable with. He had asked specifically for information regarding the width of the road relative to the clearance of mirrors on trucks

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passing each other. Chairman Ouellette noted the condition exists today, but not to the threshold that it will increase to.

Mr. Kement indicated Wapping Road is between 24 feet and 28 feet wide; trucks are 10 feet side mirror to mirror. Mr. Kement referenced the comments of the traffic engineer made 11/30 that the width of Wapping Road is sufficient for trucks to pass each other if they stay in their lanes. Commissioner Gobin suggested if you field visited the area, or bicycled along the road, there's no shoulder for pedestrians. Mr. Kement suggested there aren't that many houses in that area of Wapping Road; the only house in the vicinity of the facility is the one they own. Commissioner Gobin indicated she's biked the area herself; the road is narrow. Chairman Ouellette suggested the average width of a truck is 8 ½ feet and with mirrors it's 13 feet; he cited he and the applicant have different arithmetic. Mr. Westhaver indicated they have tri-axle trucks; they measured them and found them to be 10 feet of less mirror to mirror. The width of one lane is 13 feet, and would be 23 feet for both lanes. Mr. Westhaver felt they had meet the requirements regarding the road width.

Chairman Ouellette noted this is a Public Hearing; he queried the audience for new comments.

**Stan Paleski, 354 Rye Street:** Mr. Paleski suggested it sounds like the applicant wants to enter the facility at Wapping Road adjacent to Plantation Road. Mr. Paleski cited that going back some years ago a proposal was brought to the Zoning Board of Appeals (ZBA) for Mitchell. The concern wasn't so much the railroad but there's a TENNCO pipeline located nearby. During that proposal they couldn't go towards the bog enough to avoid the pipeline. If that would be the access why would that be ok for TENNCO now if it wasn't back then? Mr. Paleski suggested it was probably in 2007 when Environmental Services wanted to use that pit for storage of their materials; they would have come in behind Bellsaris Christmas tree farm. Commissioner Gowdy suggested when they put the pipeline in they had to install at the correct depth. Mr. Paleski indicated the pipeline was already in there; he was on the ZBA when Mitchell wanted to use the entrance east of the railroad tracks coming in south of the golf course. Mr. Westhaver indicated he isn't using that access. Commissioner Gowdy questioned that this issue wasn't a problem with this application? Chairman Ouellette indicated he was making that deduction based on the comments raised.

**Commissioner Kowalski:**

- **Rail vs. road traffic:** Commissioner Kowalski questioned if use of the rail line will reduce the truck traffic on the roads? Mr. Westhaver replied affirmatively. Commissioner Kowalski questioned if the Commission should consider conditioning a limit for a time period for use of the roads by the truck traffic? Mr. Westhaver indicated they're sensitive to the truck traffic, although he didn't feel it would be as much as people think. Mr. Westhaver suggested if it's 90 trucks or

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180 trips – he has no problem working with the Town but he doesn't want to have restrictions imposed on him. Commissioner Kowalski asked what Mr. Westhaver wanted for a number? Mr. Westhaver suggested starting with 75. Chairman Ouellette noted that whatever is approved it's a one year permit; this condition, as well as any of the conditions, can be revisited at that time. Chairman Ouellette noted if the applicant were able to accelerate the project that would require a different set of conditions.

Chairman Ouellette questioned the applicant what makes the material in this excavation site so much more valuable? Mr. Westhaver suggested there's a lack of sand in Connecticut; there's sand in the eastern area of the state but it costs money to truck it in. If there's an opportunity to ship the material on the rail line that's better. Commissioner Gowdy asked for an estimate of the amount of material at this site? Mr. Kement suggested over a million yards; he also felt the excavation could go deeper. Mr. Kement noted they have requested an 8 foot depth but he felt they have kept the excavation higher.

Commissioner Gowdy felt if this application is approved the residents will still have a problem. Commissioner Gowdy felt it's the responsibility of the Town to make sure the regulations can be carried out by our infrastructure. If we say they can do it then we can't complain. Chairman Ouellette concurred. Commissioner Gowdy also cited the need to enforce regulations as well.

Commissioner Kowalski reviewed Assistant Town Planner Tyksinski's revised memo to the Commission; he questioned what within the conditions has changed? Assistant Town Planner Tyksinski noted condition #42 is new, and conditions #33 and #34, which were related to the fill portion of the application, have been eliminated; conditions #33 and #34 in this memo are a renumbering of the conditions in the original memo. Chairman Ouellette questioned if the numbers related to truck/trips is correct? Assistant Town Planner Tyksinski suggested it's the same number of trucks approved for a previous application like this one, although he noted the number is the Commission's decision. Commissioner Gowdy noted the traffic study has indicated that number is ok; Chairman Ouellette agreed the traffic study says there's reserve capacity on the roads to handle those trucks.

Commissioner Moore recalled a question from the previous meeting – what's in it for the Town? He suggested there really isn't anything for the Town except that the applicant will be paying higher taxes on equipment, etc. Commissioner Moore recalled that Walmart built drainage structures for the Town. Mr. Westhaver cited the Town will be gaining additional property taxes and equipment taxes. He suggested there will also be a ripple effect because he'll hire people in the town, the truckers will be purchasing lunches from the delis. Mr. Westhaver suggested he's already using people in town to install the gates and fences to keep the crazy people that come in to use the pit for the weekend; maybe he'll hire a guard on the weekend which will reduce the people coming in.

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Chairman Ouellette suggested the fact is they have a precious resource – the sand; it's the foundation for concrete, roads, many other things. Commissioner Gowdy didn't feel it's in the Commission's purview to consider the financial benefit of the application.

Ben Burger, counsel for Mr. Westhaver, requested to speak. Attorney Burger suggested, on behalf of the applicant, they have appreciated the time taken for the Public Hearing and for staff's involvement in review of the application. Attorney Burger suggested they have listened to, and responded to, the comments made by the residents. Attorney Burger cited they've removed the filling component of the application, they've heard testimony on the truck issue and the traffic issues, they've measured the roads and the trucks in conjunction with the professional traffic study – which indicated the road is under-utilized. When the Text Amendment was submitted there was some intent to concentrate these operations in this area of town. Attorney Burger indicated the State has been notified, and elected not to respond. The applicant has heard all the concerns and addressed them. The traffic study has indicated this operation won't have a negative impact on the neighborhood and the roads are adequate to accommodate the traffic. The emergency access has been addressed. Attorney Burger felt the proposed operation is consistent with the Plan of Conservation and Development.

**MOTION:**    **To CLOSE the Public Hearing on the Application of WSG, LLC** for a Special Use Permit/Excavation to allow commercial sand and gravel excavation operation, to be done in four phases at 140 Wapping Road. [M-1 & A-1 Zones; Map 17, Block 65, Lot 8-34].

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

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

Chairman Ouellette noted the five Regular members will be voting on this application. He asked if any of the Commissioners need additional time to consider any of the material presented tonight, or in the past? Chairman Ouellette indicated he, personally, is ready to vote.

Commissioner Moore questioned that when this operation is done it won't be filled, it'll be a big hole? Chairman Ouellette replied affirmatively, other than the topsoil being moved around the site. Commissioner Moore questioned if the dual zone issue is ok? Chairman Ouellette replied affirmatively.

Commissioner Gowdy noted that not long ago the Commission concluded that we, in East Windsor, have some of the best gravel in the area, and the Commission approved the half-mile radius from access points which gave the applicant the ability to jump in. If the Commission made those decisions and to now say you can't use this site.....

No one else had any additional comments.



**MOTION TO APPROVE the Application of owner WSG, LLC requesting a special use permit/site plan approval to allow a commercial sand and gravel excavation operation at 140 Wapping Road in an A-1 and M-1 Zone. – Map 17, Block 65, Lot 008-34.** 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:**

Cover Sheet: Site Plan, 140 Wapping Road, East Windsor, CT prepared for WSG, LLC 100 Pearl Street, 17<sup>th</sup> Floor, Hartford CT, 06103. Prepared by Anchor Engineering Services, Inc. 41 Sequin Drive, Glastonbury, CT 06033. P: 860-633-8770, F: 860-633-5971 [www.anchorengr.com](http://www.anchorengr.com)

1/7- Existing Conditions Plan (Scale 1" = 100')

2/7- Overall Site Plan (Scale 1" = 100')

3/7- Detailed Site Plan – Phase 1A (Scale 1" = 40')

4/7- Detailed Site Plan – Phase 1B (Scale 1" = 40')

5/7- Detailed Site Plan – Phase 2 & 3 (Scale 1" = 40')

6/7- Detailed Site Plan – Phase 4 (Scale 1" = 40')

7/7- Construction Details (Scale 1" = 40')

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

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
2. 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.
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.

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

4. A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.
5. The applicant has filed a bond with the Commission in an amount acceptable to the Town Engineer and the Commission and form acceptable to the Town Attorney

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guaranteeing completion of those items specified by the Commission and the Town Zoning regulations.

6. One 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 and Zoning Office by the applicant prior to issuance of any permits

7. The applicant shall be required to provide the Zoning Enforcement Official 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 violation and cause for revocation of the permit.

8. Each phase must be completed and stabilized prior to the commencement of a subsequent phase.

9. Bonding shall be required for each phase.

**10. No phase may begin until the previous phase has been *substantially* completed.**

11. 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.

**12. Re-approval must be requested at expiration, at such time an as-built will be required.**

13. Plans shall adhere to the standards outlined in **Section 814.3** of the Town's Zoning Regulations.

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

14. 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 Enforcement Official may issue a certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

15. Final grading and seeding shall be in place or a bond for the unfinished work submitted.

**General Conditions:**

**16. A zoning permit shall be obtained prior to the start of any work or new phase. No zoning permit shall be issued until a cash or passbook bond for site restoration, erosion and sedimentation control has been submitted. Such bond shall be good for**

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the life of the permit/project. Any funds that may be withdrawn by the Town for such maintenance shall be replaced within 5 days or this permit shall be rendered null and void.

17. Excavation shall not ever exceed the approved finished grade elevations. Subsoil must remain native.

18. 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 to render it usable for growing agricultural products. All areas will require a minimum of 6 inches of topsoil in accordance with the regulations.

19. The final grading shall conform to the proposed final grading as indicated on the referenced plans. Final slopes shall not be steeper than 33%, or one foot rise to three feet of run.

**20. In the event that the operation ceases before all phases are completed, the remaining land should be graded to best meet the remaining natural grade.**

21. No trees, brush or stumps shall be buried on site.

22. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.

**23. There shall be a gate across the driveway of the property that shall be maintained in good condition and kept closed and locked during all times when the site is not open for operation. "Private Property – "No Trespassing" sign shall be maintained at the entrance of the operation along Wapping Road.**

**24. The total number of loaded, or partially loaded outgoing trucks from the site shall not exceed an average of ninety trucks (90) per day.**

25. The earth excavation site shall not be operated before 7:30 a.m. and shall not be opened or operated later than 5:00pm on weekdays, Monday through Friday.

26. The "Best Management Practices" outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.

27. The applicant shall adhere to all conditions of their Inland Wetlands Permit.

28. A minimum of 8 feet from the finished grade to depth of water table shall be maintained.

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29. At no time shall excavation exceeded the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grade shall be submitted once grade reaches 18 feet above the water table. Reports shall be submitted at every 2 foot intervals, or quarterly, whichever occurs first.

30. Accessibility for emergency vehicles and equipment should be supplied, preferably as a secondary means of ingress.

31. There shall be no bulky waste or debris disposal allowed on site. The operator of the earth excavation operation shall provide adequate security measures to prevent unauthorized waste disposal. Any unauthorized disposal shall be cleaned up and disposed of off-site.

**32. The project shall be carried out in phases in accordance with the plans, no more than 7 acres per phase.**

33. All trucks and equipment shall be parked off-street.

34. Vertical and Horizontal control points must be set up around the perimeter in order to ensure that the site is graded in accordance with the approved plan.

**35. 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.**

36. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate it.

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

38. 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.

**39. In accordance with Chapter 900.3h of the Zoning Regulations, any approval of the site plan application shall commence site work within one year from the date of approval.**

40. A zoning permit shall be obtained prior to the commencement of any site work.

41. 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.

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**42. If the tracking of mud/dirt onto the road during and after rain events becomes a reoccurring issue, the Zoning Enforcement Official shall take action in accordance with their authority outlined in the Connecticut General Statutes and within the Town's Zoning Regulations.**

**Sullivan moved/Kowalski seconded/**

**DISCUSSION:** Chairman Ouellette suggested that in his opinion the Applicant has gone above and beyond to try to address the concerns of the Board and the residents. Chairman Ouellette noted his greatest fear, if, in fact, the application is approved, is that the approval goes with the land and if it's sold it may be sold to an applicant less diligent. Commissioner Kowalski liked the one year renewal requirement; if the Commission makes a mistake the longest we have to live with this is one year. Chairman Ouellette noted he lived on Graham Road at one time, he understands the concerns for the truck traffic but the trucks have a public right to use the road. If everyone behaved in a reasonable manner maybe there wouldn't have been as many complaints.

**VOTE:**           **In Favor:**       **Ouellette/Kowalski/Sullivan**  
                      **Opposed:**       **Thurz**  
                      **Abstained:**   **Moore**

**REASONS FOR APPROVAL:** Chairman Ouellette felt the proposal is consistent with the POCD (Plan of Conservation and Development), and is in harmony with other surrounding uses. In his opinion the Applicant has done everything possible to make this tolerable on the affected landowners. Commissioner Sullivan felt when the Commission changed the distance between access points from one mile to a half mile and if we didn't allow this application for what they approved the Commission would lose their credibility with the applicant and the public. Commissioner Sullivan suggested that the one year permit puts the ball in the applicant's court and if you don't act responsibly you'll suffer the consequences. Commissioner Moore cited concern because the approval goes with the land and the Commission must consider the health, safety, and welfare of the public who had some valid concerns. Mr. Westhaver indicated that whether the public is against him or not he'll do everything possible to run a reasonable operation. Commissioner Thurz voted against the application as he didn't feel it meets the POCD; he also cited concern for property values and the traffic will tear up the roads quicker and the Town is responsible for repair of the roads. Commissioner Kowalski indicated he voted in favor of the proposal as the applicant presented new information regarding use of the rail line; he truly hopes the applicant will use that to its full potential. Commissioner Kowalski also cited the one year permit renewal as well.

**NEW PUBLIC HEARINGS :**       None.

**NEW BUSINESS/38 North Road, LLC** – Site Plan approval for construction of a bituminous pavement lot for container storage at 36 North Road. [M-1 Zone; Map 113, Block 17, Lot 5] (*Deadline for decision 12/13/2018*):

Joining the Commission to discuss this application was Jay Ussery, of J. R. Russo & Associates, and Jonathan Murray, representing USA Hauling. Mr. Ussery indicated that this is an application for a Site Plan the Commission saw in 2014. The property was

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formerly owned by Marsh Motorcycle; the parcel was purchased in 2010 by U.S.A. Hauling. The parcel sat there for some time until USA Hauling decided to use the parcel for storage of containers. In 2014 they came before the Commission for Site Plan approval. In the last 6 months USA decided to move forward with their plan and began work on the parcel. They had not applied for a Zoning Permit, and it was found that the original Site Plan approval had expired. They are before the Commission this evening for a re-approval of the Site Plan, and to get a bond in place for the Zoning Permit. Mr. Ussery indicated the work is mostly completed. They cleared trees from the site and graded the area; a drainage system including a pipe was installed along the western property line. Paving of the site has not yet occurred. Installation of fencing and signage remains to be done.

Mr. Ussery indicated that under the original proposal they had intended for the site to have a gravel surface; they're now changing that to pavement of the entire surface. Mr. Ussery suggested that the change from gravel to pavement would cause someone to question if that changed the drainage? He indicated that when J. R. Russo designs drainage systems and considers the various types of surfaces they treat them all as pavement so the drainage doesn't change because of the change in surface. Mr. Ussery noted Town Engineer Norton had no concerns regarding the change from processed gravel to pavement.

Mr. Ussery also noted the original proposal included a gate and fence at the front of the building. The concern was for through traffic going from this site onto North Road because there's a sight line issue looking to the east at the hill. All of USA Hauling traffic had to exit through Shoham Road so they added signage to direct trucks to the neighboring property at 10 Shoham Road. Now they need to move the gate for this property to the rear of the site. Mr. Ussery noted the existing building will remain on the site. If there's a vendor in the future it's likely that the vendor will want to exit onto North Road from this site but there is no proposal for that presently.

Mr. Ussery also noted this proposal includes the addition of a retaining wall along the east side of the property line. Although they originally graded the area with a 2:1 slope they have now installed a block retaining wall. Installation of the wall doesn't change the amount of impervious surface, but it is a change to the original Site Plan approval.

Mr. Ussery indicated there are lights on the exterior of the building although this facility won't be used at night. USA Hauling will be using 38 North Road and 36 North Road as container storage. There are no plans for use of the building at this time.

Mr. Ussery suggested they would like to pave the site this year.

Commissioner Gowdy requested clarification that the building will stay? Mr. Ussery indicated affirmatively, noting the building needs some work. Commissioner Gowdy felt the proposal was essentially the same as the last time but they ran out of time; he felt the improvements were for the better.

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Commissioner Gobin indicated she was glad to see the traffic using Shoham Road rather than exiting onto North Road.

Commissioner Kowalski questioned how wide the gate opening would be? Mr. Ussery indicated it would cover the entire driveway. Commissioner Kowalski questioned if the intent is to keep the gate closed? Mr. Ussery replied affirmatively.

Commissioner Thurz suggested that by moving the gate back they could now use that building for another business. He questioned if there was any concern for cars crossing 2 lanes of North Road to access the site? Mr. Ussery indicated they would have to return for a change of use.

Commissioner Moore suggested the proposal makes sense to him.

Commissioner Sullivan questioned the size, and type, of containers to be stored at the site? Mr. Murray indicated they'll be mostly front loaded 2 to 8 yard containers, and roll off containers like you put at the curb. The containers will come into the site empty. Commissioner Sullivan noted the fencing proposed along the side of the site; he questioned the proximity of the Calamar site to this location? Is Calamar an abutting property owner? Mr. Ussery suggested the next property is the Shoham property containing the granite company, next to that going west is the Killam property, next to that is the Calamar site. Commissioner Sullivan questioned if there was any consideration for planting a hedge?

Commissioner Gowdy questioned if there would be any odors from the container storage? Mr. Murray replied negatively.

Chairman Ouellette had no comments.

Mr. Murray indicated the delay is his fault; they aren't trying to hide the work.

Commissioner Kowalski questioned if they anticipated any run off issues if the paving isn't completed before the end of the year? Mr. Murray indicated the site is stable for the Winter.

**MOTION TO APPROVE Application for Site Plan Approval by owner 38 North LLC for the construction of a bituminous pavement lot for container storage. located at 36 North Road, East Windsor, CT 06088 in an M-1 Zone. Map 113, Block 17, Lot 5**

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**Referenced Plans:**

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USA Hauling & Recycling, Inc. 36 North Road, East Windsor, CT 06088, prepared for 38 North Road, LLC, 15 Mullen Road, Enfield, CT 06082. Prepared by J.R. Russo & Associates, LLC. 1 Shoham Road, East Windsor, CT 06088 P: 860-623-0569. [www.jrrusso.com](http://www.jrrusso.com)

1/2- Site Plan (1" = 40')

2/2- Details (1" = 40')

**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.
3. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comments prior to the submission of final plans.

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

4. One set of prints and one set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature by the Planning and Zoning Commission. Sets shall be filed in the Planning and Development Department.
5. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall rendered null and void. The applicant's engineer shall submit an estimated cost of the Erosion and Sedimentation controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

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

6. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
7. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
8. All public health and safety components of the projects must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**



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9. In accordance with Ch 900.3.h of the Town's Zoning Regulations, **A Site Plan approval shall become null and void in one year from the date of approval if the activities have not commenced, and the site plan shall be considered to be disapproved.**

10. A Zoning permits shall be obtained prior to the commencement of any site work.

11. This project shall be maintained and constructed 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.

12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the Town Engineer.

13. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.

14. 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.

15. ONLY containers may be parked/stored in designated areas per site plan.

16. All landscaping shall be maintained.

17. Permits and approval from the Town of East Windsor is required for any work to be performed on Town property.

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

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

**NEW BUSINESS/ Hamlet Homes, LLC/Mark O'Neill, Manager** – Modification of an approved subdivision (Harvest View Estates) located at the northeast corner of East and Middle

Roads, to eliminate sidewalks for fee in-lieu-of sidewalks on Jessie Lane, East and Middle Roads, and to modify fee in-lieu-of Open Space. [R-3 Zone; Map 50, Block 82, Lot 01-22] (*Deadline for decision 1/17/2019:*

Joe Flynn, Counsel for Hamlet Homes, and Mark O'Neill, Manager, joined the Commission. Attorney Flynn reported the applicant appeared before the Commission in April for an approval of a 22 lot subdivision; he then started construction. Since then two issues have come up as stated in Assistant Town Planner Tyksinski's memo of 11/7/2018:

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- **Fee-in-lieu of Sidewalks:** A fee-in-lieu of sidewalks was approved in April. Attorney Flynn suggested that when reading the formula the fee was 10 times higher; rather than the \$6 to \$8 per foot it was written at \$68 per foot. Attorney Flynn indicated they went to the First Selectman, who came up with a fee of \$10 per foot. Commissioner Thurz questioned that the rate had been set by the First Selectman? Assistant Town Planner Tyksinski suggested the fee had been set by Town Engineer Norton.

Chairman Ouellette suggested the \$10 per foot is the fee now; when the subdivision was approved in April the fee was \$17 per foot. He noted receipt of Town Engineer Norton's memo supporting the \$10 per foot fee-in-lieu of sidewalks. Discussion continued regarding the wording of the regulations as defined in the memo. Attorney Flynn felt the Board must approve the modifications.

- **Fee-in-lieu of Open Space:** Attorney Flynn noted a fee-in-lieu of Open Space at the rate of \$2,000/lot was approved in April. Attorney Flynn contends that because they are coming back for reapproval of the subdivision that they can request, under Section 7.5 of the Subdivision Regulations, a fee-in-lieu of 10% of the fair market value of the property split over the 22 lots instead of a flat \$2,000 per lot. Attorney Flynn contends that since the subdivision approval has expired they can request the appraisal option.

Chairman Ouellette concurred agreed that the regulations do offer that option but the way he reads it it's 10% of the fair market value of the land prior to the approval of the subdivision. How do you determine the value prior to development now? Commissioner Moore suggested researching the fair market value in 2008; Attorney Flynn suggested taking the value of comparative land. Chairman Ouellette read on, noting that if there's a dispute about the fair market value then the fair market value shall be determined by an appraiser jointly selected by the Commission and the developer and the appraiser shall be paid for by the developer.

Discussion continued regarding interpretation of the regulation. Commissioner Kowalski felt that once the subdivision has been approved that option is no longer valid. Commissioner Gowdy perhaps the fair market value would be what the developer paid for the property; Commissioner Kowalski suggested that what was paid isn't necessarily the value.

Chairman Ouellette noted the request is unc customary. Attorney Flynn referenced a comment made during a prior application as to what's in it for the Town? In this regard the Town would have 500 feet of road being paved as they are proposing to pave East Road at an approximate cost of \$41,000 to \$42,000. Commissioner Thurz recalled that when the developer came in in April he said he would pave East Road at that time. Commissioner Moore suggested paving East Road wouldn't benefit anyone but the people living in that area. Commissioner Gowdy suggested again that he didn't feel determination of financial benefits wasn't within this Commission's purview. Attorney Flynn suggested it might be good to have that done; it's a cost equivalent to the fee-in-lieu of Open Space.

Chairman Ouellette questioned if the Commissioners had any questions with regard to the sidewalk calculations? Mr. O'Neill, the manager/developer, suggested the fee-in-lieu of

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sidewalks came in in April at \$17 per square foot or \$68 per linear foot. He understands that fees-in-lieu of sidewalks can go to sidewalks elsewhere in Town; he felt no one knew that at the time of the approval. Mr. O'Neill indicated he needs a new approval to clear title to the houses for sale. He suggested if you consider the fee-in-lieu of Open Space he'll pave the road instead. Chairman Ouellette clarified that the sidewalk fund and Open Space fund are separate funds for those specific uses; the fees can't go for paving roads.

Discussion continued regarding the appraisal option to determine the fee-in-lieu of Open Space. Chairman Ouellette suggested he hasn't seen a lot of applicants asking to go for the appraisal option; he questioned why that might be? Commissioner Gowdy cited he has seen anyone request the appraisal option in his 25 years on the Commission. Attorney Flynn suggested most subdivisions don't take this long.

Chairman Ouellette questioned the Commissioners for their opinions. Commissioner Kowalski felt the value of the fee-in-lieu would become lower; Attorney Flynn concurred, suggesting it would be more like \$700 to \$800 per lot but noted the Town would be getting the road. Commissioner Thurz felt the rate has always been \$2,000 per lot. Mr. O'Neill cited he only purchased the subdivision a year ago. The original owner came back in 2014 for a 5 year extension; Mr. O'Neill purchased the subdivision in 2017. Now he needs to close on the houses but the mylars were never filed in 2014, and now he's in a quagmire. Chairman Ouellette suggested the conditions run with the land. Attorney Flynn felt the \$2,000 per lot expires after the 5 years. Commissioner Moore felt it would be better for the Town to have the Open Space fee rather than the paved road. Chairman Ouellette felt paving of the road wasn't in the Town's best financial interest; if it had been a safety concern it would have been a condition of approval the first time.

Discussion continued regarding the applicant's requests relative to the reapproval of the subdivision. Mr. O'Neill ultimately withdrew his request for the change to the appraisal option to determine the fee-in-lieu of Open Space; he agreed to pay a fee-in-lieu of Open Space at \$2,000 per lot.

The Commission reviewed the proposed conditions of reapproval.

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

**Moore moved/Kowalski seconded/DISCUSSION: None**

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

The Commission RECESSED at 8:25 p.m. and RECONVENED at 8:30 p.m.

**MOTION TO APPROVE The modification of an approved subdivision (Harvest View Estates) located at the northeast corner of East and Middle Roads, to eliminate sidewalks ACCEPT THE fee in-lieu-of sidewalks on Jessie Lane, East and Middle Roads AT THE NEW RATE OF \$10/SQUARE FOOT and to modify ACCEPT THE fee-in-lieu-of Open Space AT \$2,000/LOT. R-3 Zone [Assessors Map 50, Blk.**

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**82 Lot 002 (01 -22)] This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following conditions:**

**Referenced Plans:**

Cover Sheet: Harvest View subdivision, East Road & Middle Road, East Windsor, CT, August, 2008, Rev Sep and Oct 2008, Owner Fred Spielman, Jr. P.O. Box 49, 283 Paris Hill, Paris, ME 04271, Developer, ZP Group, LLC 11 Bassette Lane, West Hartford, CT 06117, prepared by William R. Palmberg & Son, LLC, 264 Hazard, Ave, Enfield, CT 06082, with the following sheets :

2/22	Key Map
3/22	Property Survey
4-8/22	Subdivision Plan
9-13/22	Grading and Utility Plan
14-15/22	Plan and Profile – Jessie Lane
16/22	Plan and Profile – East Road
17/22	Plan and Profile – Drainage Outlet
18/22	Proposed Water Main Extension
19/22	Erosion and Sedimentation Control Plan
20/22	Landscape Plan
21/22	Test Pit Data
22/22	Detail Sheet
23A/23	Phasing Plan dated 8/25/08, amended 11/9/15

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**NEW SHEETS 3/20/18**

13/13	<i>Grading and Utilities Plan, 1"=40' dated 8/25/08, REV 3/16/18</i>
1/1	<i>Water Quality Volume Analysis 1"=60', dated 3/16/18</i>
9/23	<i>Overall Grading &amp; Utilities Plan 1"=60', dated 3/16/18</i>
1/1	<i>Middle Road Sidewalk Plan – As Approved 1" = 20' dated 3/16/18</i>
1/1	<i>Middle Road sidewalk Plan (Alternate Layout)</i>

**Conditions that 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. The final mylars shall contain the street numbers assigned by the East Windsor Assessor's Departments and the Map, Block and Lot numbers assigned by the Assessor's Office.
4. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final mylars.

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

5. *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 mylars, shall be filed with the town clerk by the applicant, or this approval shall be considered null and void unless an extension is granted by the Commission. One set shall be filed in the Planning and Zoning Department.*
6. A detailed site plan with sediment and erosion control plan shall be submitted for each lot at the time of application for Zoning Permits.
7. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer and the final amount of said bond shall be determined by the Town Engineer. (This bond covers public improvements, not individual lots.)

**General Conditions:**

8. This subdivision modification does not change the overall expiration dates. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26c, as amended. The Commission shall require proper bonding be in place prior to the approval of any such extension.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the resubdivision is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
14. All deeds for public land, and easements shall be submitted at the time the applicant makes application for street acceptance. All deeds shall first be submitted in draft form and approved by the Town Attorney. Final bond release for public

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improvements shall not be approved until all public improvements are complete, accepted by the Town, and all deeds and maps have been filed on the Land Records.

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

**VOTE:**           **In Favor:**           **Ouellette/Kowalski/Sullivan/Thurz**  
                  **Opposed:**           **Moore**  
                  **Abstained:**       **No one**

**OLD BUSINESS/ ACI Auto Group** – Site Plan Approval for construction of a 10,500+/- square foot building for used car sales and auto repair at 206 South Main Street, owned by KBT Realty, LLC. (B-2, M-1 & A-2 Zones; Map 22, Block 5, Lot 81] (*Deadline for decision 1/29/2018*) :

Jay Ussery, of J. R. Russo & Associates, and Peter Alberici, the applicant, joined the Commission for discussion of this application.

Mr. Ussery noted this is continued discussion from the previous Commission meeting. Plans have been revised to include the following:

**Pavement surfaces:** Mr. Ussery noted that originally Mr. Alberici had intended to pave the area in front of the parcel, going back to the phase line; the remainder of the property would have been processed material. Mr. Alberici is now intending to pave in the front, and the back, as well. Mr. Ussery suggested the question now comes up if paving the larger surface changes the drainage system? Mr. Ussery reiterated that when his office creates drainage designs they treat the gravel as pavement. When the gravel becomes frozen it acts like pavement, so it doesn't affect the drainage system, or run off. Mr. Ussery indicated Town Engineer Norton is comfortable with the design.

**Access for emergency vehicles:** Mr. Ussery noted that originally on the north side they had shown parking spaces located at a 60 degree angle, with an access lane 17 or 18 feet wide. They have now revised the parking spaces at a 55 degree angle, which increases the lane width to 19 feet. Mr. Ussery reported they have discussed this access with the Warehouse Point Fire Marshal as recently as last Thursday; if they want to go through with a pumper truck it would now be able to get around the building. Mr. Ussery provided information regarding vehicle lengths and turning access. The design presented this evening now includes a 25 foot turning access, which will accommodate an ambulance. Chairman Ouellette questioned if they hadn't changed the angle of the parking spaces would it still have worked? Mr. Ussery indicated it would have worked but it would have been tight.

**Lighting:** Mr. Ussery indicated they have added a Lighting Plan to the plan set. There are lights on the front of the building, which has an over-hang; the lights are located in the ceiling of the over-hang. There are also wall packets around the building. Mr. Ussery suggested they considered if they needed lights in the parking lot. Mr. Ussery noted there are 2 pole mounted lights in the parking lot currently; running conduit to those lights would add a cost of \$10,000 to the project. Mr. Alberici has indicated the

business isn't open during the evening, and he would have the option of adding them in the future. Mr. Ussery indicated they've added a note to the plans that the pole lights will be installed in the future.

**Display space:** Chairman Ouellette noted he's having a problem calculating the number of required display spaces. Mr. Ussery indicated there's a labeling issue on the plans; the plans will be revised to provide the required spaces.

**Stone wall in front of building:** Mr. Ussery noted they've not included the wall on the plans as the wall is actually located within the State right-of-way. They feel when they apply for the State permit they'll be asked to remove it.

**Second phase of building:** Commissioner Kowalski recalled that Mr. Alberici had indicated he planned to do a second phase to the building. Mr. Ussery felt Mr. Alberici would build the concrete pad for the entire building, and construct the building as he can. He cited the new cost of paving the larger area of the site as an additional project cost.

Chairman Ouellette queried the Commissioners regarding action on this application.

**MOTION TO APPROVE the Application for Site Plan Approval by owner KBT Realty LLC for the construction of a +/- 10,500 square foot building for used car sales and auto repairs. Located at 206 South Main Street, East Windsor, CT 06088 in a B-2, M-1 and A-1 zone. Map 022, block 05, lot 081. (As may be modified by the conditions).**

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**Referenced Plans:**

Cover Sheet: 1 of 9 – ACI Auto Group, 206 South Main Street, East Windsor, CT prepared for ACI Auto Group, 187 South Main Street, East Windsor, CT 06088. Prepared by J.R. Russo & Associates, LLC. 1 Shoham Road, East Windsor, CT 06088 P: 860-623-0569. [www.jrrusso.com](http://www.jrrusso.com)

2/10 – Lot Line Reconfiguration Plan (Scale 1" = 60')

3/10 – Existing Conditions Demolition Plan (Scale 1" = 20')

4/10 – Layout Plan (Scale 1" = 20')

5/10 – Grading Plan (Scale 1" = 20')

6/10 – Storm and Utility Plan (Scale 1" = 20')

7/10 – Lighting Plan (Scale 1" = 20')

8/10 – Erosion and Sediment Control Notes & Details (Scale: As Noted)

9/10 – Detail Sheet (Scale: As Noted)

10/10 – Detail Sheet (Scale: As Noted)

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

1.A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.

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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 mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
4. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
5. A zoning permit shall be obtained prior to the commencement of any site work

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

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

**General Conditions:**

9. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.



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10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
14. All landscaping shall be maintained.
16. Applicant must abide by the additional conditions outlined in the Wetlands Approval.

**Sullivan moved/Thurz seconded/**

**DISCUSSION:** Chairman Ouellette noted the approval by the Fire Marshal has not been received in writing but he anticipates Staff will make a good faith effort to acquire that information for the file.

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

**OTHER BUSINESS:**       None.

**CORRESPONDENCE:**       None.

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

**MOTION:**   **To APPROVE the existing officers as Chairman, Vice Chairman, and Secretary for another year.**

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

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

**BUSINESS MEETING/(2) TOD Smart Growth Grant for Warehouse Point:**

Assistant Town Planner Tyksinski reported Mrs. Hahn has visited the office and given staff 50 plans to copy so she can develop the paper map of the Warehouse Point area. He

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understands Mrs. Hahn plans to appear before the Commission again on either November 27<sup>th</sup> or December 11<sup>th</sup>.

**BUSINESS MEETING/(3) General Zoning Issues:**

- The Commission discussed the status of pending staff changes.
- Assistant Town Planner Tyksinski indicated zoning enforcement issues are down at present.

**BUSINESS MEETING/(4) Discussion on Aquifer Protection Regulations:**

No discussion this evening.

**BUSINESS MEETING/(5) Signing of Mylars/Plans, Motions:**

**Mylars/plans:**

- **North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement** – Special Use Permit to allow Soil Management 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).

**Motions:**

Nothing presented this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:00 p.m.**

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

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