

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

**REGULAR Meeting #1750 – December 11, 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:**    Anne Gobin, Frank Gowdy, and Marti Zhigailo.

**ABSENT:**    **Regular Members:**    All Regular Members were present.  
                  **Alternate Members:**    Both Alternate Members are present this evening.

Also present was Assistant Town Planner Matt Tyksinski.

**GUESTS:**    Terri Hahn, of Lada, P.C., Land Planners.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and three 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 would also join the Board regarding discussion.

**MOTION:**    **To MOVE OTHER BUSINESS/TOD Smart Growth Grant for Warehouse Point – Update to the next item of discussion.**

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

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

**OTHER BUSINESS/TOD Smart Growth Grant for Warehouse Point – Update:**

Chairman Ouellette read the description of this Agenda item. Joining the Commission was Terri Hahn, of LADA, P.C. Land Planners.

Mrs. Hahn reported they have been working on identifying the areas affected by the Blue Ditch. They have been looking at Warehouse Point to identify the flood plain, the wetlands and soils, and are now looking at the watershed areas. One of the questions that has come up is understanding how the flood plain regulations work, and how they must

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be addressed when applications come through in this area, and how that affects the future development in Warehouse Point.

Mrs. Hahn provided the Commission with an aerial of the Flood Plain. Commissioner Gobin questioned when the Flood Map was last updated, and did the update take into effect climate change? Mrs. Hahn suggested she understood the FEMA data was last updated in 2015. She felt that historically, the map presented is pretty good; it assigns an elevation of 33 feet to this area. Commissioner Gobin cited she understood there is the flood plain which is the zone where the water stands, and the flood way, which does more damage and can have huge ramifications on homeowners. Mrs. Hahn referenced the blue area on the aerial, noting that would be the flood way. Mrs. Hahn suggested the flood plain is the 100 year flood zone; homeowners would be required to purchase flood insurance. Commissioner Gobin suggested she understood the flood way to be an area where homes would have the potential to be washed away. Mrs. Hahn suggested there are 3 homes on South Water Street – 2 houses on the Southside and 1 on the Northside – which she would call extreme risks, but the issue of concern for the Commission is how the flood elevations and the Flood Plain Regulations impact future development in the Warehouse Point area. Commissioner Gobin suggested it also has ramifications to existing structures, and what can be done with them when they're damaged.

Mrs. Hahn questioned if the Commission recalled applications for structures within the Flood Plain that have been handled in the past? Commissioner Gobin noted there was an application for a home on the north side of South Water Street as you turn in from Bridge Street which the Commission had required the applicant to move further back on the lot. She also recalled that when Volunteer Park was constructed on South Water Street everything that was added to the park had to be low risk; Chairman Ouellette recalled that no permanent structures were allowed. Chairman Ouellette suggested that in recent times there hasn't been a lot of history for applications in this area. Mrs. Hahn suggested the Commission review Section 810 – Flood Plain Regulations – for the next TOD Meeting. Mrs. Hahn cited that these regulations were based on 2008 model regulations which were intended to provide guidance to the applicant as to what could be done in the Flood Plain. The model regulations also required the creation of an application form to address Flood Plain applications specifically. Mrs. Hahn indicated Assistant Town Planner Tyksinski had reviewed present application forms and wasn't able to find an applicable form.

Mrs. Hahn also noted the Commission will need to identify where the flood limit is within the Warehouse Point area; would the flood limit cause questions or concerns? Mrs. Hahn recalled that that issue hadn't been brought up in the previous Warehouse Point study. Commissioner Kowalski suggested the newest construction along South Water Street was the WPCA building and Osborn Field. Commissioner Thurz suggested both those areas were constructed before 2008.

Commissioner Gowdy cited a recent New York Times article which suggested the current 100 year flood area will become the 500 year flood area. Commissioner Gobin suggested

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Commissioner Gowdy was saying that with climate change the 100 year flood plain would become the 500 year flood way. Mrs. Hahn cited the area of Warehouse Point is so river-based that she felt the 100 year flood plain line is still legitimate, but, you do have the Blue Ditch, which runs behind the WPCA building and then stops so you have an interesting scenario. Commissioner Gobin questioned if the WPCA building was designed to withstand the 100 year flood? Mrs. Hahn felt they have made some modifications but she felt the building was secure.

Mrs. Hahn suggested they are starting to define the limits of the Blue Ditch; they're starting at Route 5 and seeing how it affects the Blue Ditch. Mrs. Hahn described the flow of the Blue Ditch for the Commission. She noted it's a staple channel which has been there for some time; it was there in the 30s. Mrs. Hahn reported they are also identifying the locations of catch basins within the Warehouse Point area to break it up into sub-watersheds to understand the impact on the drainage calculations for impervious coverage.

Mrs. Hahn questioned the Commission if there had been recent applications which called for stormwater improvements? Chairman Ouellette cited the mixed use proposal approved for Mr. Benson on Bridge Street had significant drainage considerations which had to be resolved. Mr. Ussery, joining the discussion from the audience, recalled the big box/Lowe's project on Bridge Street which required improvements to Spring Street and Holcomb Terrace; catch basins were undersized and needed to be widened. Neither application was built; the approved improvements were not installed. Mrs. Hahn questioned what were some of the stormwater issues addressed on private property? The Commission recalled improvements were made on the Geissler's property and Maine Fish. Discussion followed regarding methods of stormwater management.

Mrs. Hahn questioned what the Commission knew about green infrastructure? Chairman Ouellette suggested the Commission has considered several applications which employed porous pavers. Commissioner Gobin suggested green infrastructure involves not only water based products but also things that have no net impact. Mrs. Hahn suggested it's a low impact development idea with infiltration based drainage.

Mrs. Hahn indicated she will be meeting with Town Engineer Norton regarding this study. Mrs. Hahn intends to return with an update in January, 2019, and will hold public workshops in the Spring.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, November 29, 2018, and Thursday, December 6, 2018, was read by Chairman Ouellette:

- Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman's Club for property located on the south side of Apothecaries Hall Road for renewal of existing

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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 & Map 48, Block 65, Lot 7]

**ADDED AGENDA ITEMS:** None.

**PUBLIC PARTICIPATION:**

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

**APPROVAL OF MINUTES/November 13, 2018:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1749 of the Planning and Zoning Commission dated November 13, 2018 as written.

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

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman's Club for 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 & Map 48, Block 65, Lot 7]
2. Application of KBT Realty, LLC for Modification of Approved Site Plan for vehicle parking at 202 South Main Street. [B-2 Zone; Map 22, Block 5, Lot 81-2]

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS – Apothecaries Hall Enterprises, LLC & the East Windsor Sportsman's Club** for 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 & Map 48, Block 65, Lot 7] (*Deadline to close hearing 1/15/2018*):

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Chairman Ouellette read the description of this Application. Appearing before the Commission was Jay Ussery, of J. R. Russo and Associates, LLC, representing the Applicants, Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman's Club. Also present in the audience was Kevin Charbonneau, owner of Apothecaries Hall Enterprises, LLC.

Mr. Ussery reported this is a Site Plan Application for renewal of a Special Use Permit for earth removal at the Charbonneau pit. Mr. Ussery reported that at the last meeting in June the Commission approved the following:

- A new proposed entrance off Apothecaries Hall Road
- Closing of Phases 1, 4, and 12.

Mr. Ussery submitted photos of the current status of the area, including the new entryway (across from Chamberlain Road), the berm, and the stop sign within the site at the new entrance.

Mr. Ussery indicated the new entryway was put in to relieve traffic on Apothecaries Hall Road as it heads to Rye Street to Route 140 or Route 5. The entryway has been paved for a distance of approximately 435+/- feet into the site. Mr. Ussery noted that the design approved 1 ½ years ago called for pavement for a distance of 200+/- feet, with a 300+/- foot anti-tracking gravel pad at this new entryway. They now have a bituminous surface and millings for the 435+/- feet, the gate and the stop sign are up, and plantings have been installed. Mr. Ussery suggested when the area gets muddy they close this entrance and use the original entrance.

Commissioner Gowdy suggested the millings aren't doing their job. Mr. Ussery suggested you can see the material coming out onto the road. Mr. Ussery noted that if the Commission drove by other sites in town they have similar issues, but they're not located on Town roads. Mr. Ussery suggested the muddy conditions are weather related to some extent.

Regarding the closure of the various phases, Mr. Ussery indicated originally they were to have had the closures completed by June, at the Commission's June Meeting the closures were to have been completed by November, 2018. Part of the area has been filled and partially graded and hydro-seeded, but the finished grades have not been completed. Referencing the Site Plan Mr. Ussery suggested the area shown in green – approximately 3 acres – is finished graded and hydro-seeded, while the area in red is partially graded but not seeded.

Mr. Ussery submitted to the Commission a memo from Eversource who is presently working within the site to maintain their power lines. They had replaced every other pole and are now going back and replacing the poles in between the

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ones they didn't replace the first time. While Eversource is working within the site Mr. Charbonneau can't go into the site to complete the regrading. Mr. Ussery indicated Mr. Charbonneau won't have access to the site until after the first of the year.

Chairman Ouellette questioned if some of the Eversource trucks could be tracking some of the mud onto the road? Mr. Charbonneau indicated they're using the main entrance; Commissioner Thurz noted they have signs up warning of work nearby. Mr. Ussery reiterated they hope to get the area graded and seeded in the Spring. Chairman Ouellette suggested he would consider this extenuating circumstances; Mr. Ussery concurred.

Mr. Ussery noted Town Engineer Norton's memo suggesting use of "rumble pads" at the entrances. These devices are made of plastic and knock dirt off the trucks as they leave the site. Mr. Ussery noted Mr. Charbonneau has investigated the use of these devices; the closest available is in North Hampton. Mr. Charbonneau has found a similar alternative device which uses steel pads; the trucks drive over the steel pads, which knock the dirt off the wheels. Mr. Ussery submitted photos to the Commission. He noted the trucks drive over the anti-tracking pads; three sections of steel pads, which total 24 feet, follow the anti-tracking pad. Commissioner Sullivan questioned how well the pads work with mud? Mr. Ussery indicated they work well; they'll need to be moved to remove the dirt that falls beneath them. Commissioner Thurz suggested installing jersey barriers to force the drivers to use the steel pads. Mr. Ussery suggested the pads have only been installed for a week or so; Mr. Charbonneau would like to see how well the pads work at this entrance. He may need a second device at the new entrance. Chairman Ouellette questioned if the steel pads could be put in a centralized location so all the trucks would have to drive over them? Mr. Ussery noted when it's rainy it's important for the pads to be in a location where the pavement is installed. The trucks need to speed up to move over the pads to get the dirt off. Mr. Ussery noted the pads violently shake the trucks; it will be an improvement to the previous conditions. Although Town Engineer Norton has not yet seen the pads they'll be bringing him out to the site shortly. Mr. Ussery questioned that there was anything that would get all of the mud off the trucks. Commissioner Gobin suggested a car wash type of mechanism. Mr. Ussery noted they do have a wheel washing machine they use in the warmer weather.

Mr. Ussery acknowledged that Town Engineer Norton isn't happy with the conditions but Mr. Charbonneau is doing his best to try to alleviate the concerns. Mr. Charbonneau didn't feel the roads are as bad as Town Engineer Norton suggested. Commissioner Kowalski noted the file photos of the muddy roads. Mr. Charbonneau felt that was an isolated incident; he suggested that's the worst it's been. Commissioner Kowalski suggested perhaps it doesn't happen every day but when it does it's annoying.

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Chairman Ouellette queried the Commissioners for comments.

Commissioner Gobin indicated she's looking for Town Engineer Norton's input before she's ready to make her final decision. This is a different design than he had proposed.

Commissioner Zhigailo is ok with Town Engineer Norton's input.

Commissioner Gowdy had no comments at this time.

Commissioner Kowalski agreed that the proposed reclamation process has been hindered by conditions beyond Mr. Charbonneau's control. He has restored what he could, and he's looking into the anti-tracking pads.

Commissioner Thurz is ok for now.

Commissioner Moore felt the steel should work better than the plastic. Commissioner Kowalski felt they'll need to clean the area daily. Mr. Charbonneau suggested the plastic devices freeze; what he's purchased is better for Connecticut. He noted Manafort used the steel models for the Fed Ex facility in Middletown; they're not cheap. Commissioner Kowalski reiterated the need to maintain them. Commissioner Moore questioned if Eversource will drive through them? Mr. Charbonneau replied affirmatively. Mr. Charbonneau suggested it's dry now; there's nothing on the roads.

Commissioner Sullivan cited he uses Apothecaries Hall Road a lot. He felt a better job could have been done when it was muddy and dirty; the dirt went on for a half a mile or so. Commissioner Sullivan felt Mr. Charbonneau could have been more pro-active.

Chairman Ouellette questioned if there is any security at the new gate? He cited he drove past there tonight and saw people bypassing the gate and getting into the property; he noted there's a path right near the gate. Commissioner Moore noted someone also drove up and down the mulch. Commissioner Gobin suggested they come up the railroad tracks. Chairman Ouellette questioned if the mulch minimizes the dust when the wind blows? Mr. Charbonneau replied affirmatively.

Chairman Ouellette opened discussion to the public.

**Ronald Stamm, 53 Apothecaries Hall Road:** Mr. Stamm indicated that as much as he appreciates the fact that the Commission sympathizes with Mr. Charbonneau he felt Mr. Charbonneau has had a year to reclaim the area. Eversource hasn't been working there for a year. Mr. Stamm indicated he gets the dust from the open areas; his gutters are full and when the wind blows they get a lot of dust. Mr.

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Charbonneau should reclaim each phase as he completes it. Mr. Stamm suggested the original approval indicated Mr. Charbonneau was to have two phases open at a time; he needs to close some of those phases. Referencing his cell phone Mr. Stamm indicated he has pictures of the mud. Chairman Ouellette suggested if Mr. Stamm choses to show the photos to the Commission he should then make photo copies and send them to the Planning Office for the file.

Mr. Stamm also suggested it's difficult to see the stop sign going out of the new driveway. The sign that's there is too small; the drivers can't see it. They come out of the driveway and go down Apothecaries Hall Road the wrong way. Mr. Stamm suggested it needs to be a bigger sign, or put jersey barriers so they have to go left leaving the pit.

Mr. Stamm indicated the motorcycles are still a problem. He spoke to a Police Sargent who said their hands are tied; they can't do anything because it isn't a life or death situation where they have to chase them down. The Police Sargent told him they caught some people and gave them tickets; the people returned with letters giving them permission to use the pits so the Police Department had to tear up the tickets. Mr. Stamm suggested the permission needs to stop. The gate is no way to keep the people out; now that they've excavated at the tracks they can go right in. The property owner must ask to keep people out; a non-property owner can't. If they do have permission no one should be allowed in the pit on the weekends or after 5 p.m. Mr. Stamm reported he still has the dust on the weekends with the motorcycles. They add the berms and the dust comes over them. Mr. Stamm indicated his house has a red tint because of the dust; he has dust under his shrubs. Mr. Stamm suggested the Commission must see why he's perturbed when you have people here; Mr. Stamm felt the Commission should be protecting the people. Mr. Stamm requested the Board deny the permit extension until Mr. Charbonneau closes all the phases, and when he does he can repetition to reopen.

**Dick Pippin:** Mr. Pippin reported he owns property on Deerfield Drive; Eversource is working there as well. He can vouch that Mr. Charbonneau was telling the truth; Mr. Pippin can't go into his property either.

Mr. Pippin also indicated the plastic does work. He referenced the use of a plastic model in Lebanon; they work well but don't have as much capacity for the dirt.

Chairman Ouellette questioned Mr. Ussery and Mr. Charbonneau how they wished to proceed? Mr. Ussery indicated they would like some time to contact Town Engineer Norton and ask that he visit the site to see the steel pads that have recently been put in place. Mr. Ussery felt they can do that before the next meeting and then return for further discussion of the new system, how it functions, and how Town Engineer Norton feels about the mechanism. Mr. Ussery suggested



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they'll continue with the reclamation under the power lines as soon as Eversource is done with their work.

Commissioner Gowdy questioned if there was anything Mr. Charbonneau could install as a deterrent to address Mr. Stamm's complaints? Mr. Ussery suggested they could put up a fence but.... He noted he had been driving by last week and there were two trucks parked back from road unloading motorcycles. Mr. Ussery recalled the only person who had been able to deter others from accessing his site was Dennis Botticello, who put up a row of stumps. Commissioner Thurs indicated there's a lot of paths and trails from there to Enfield. Commissioner Moore suggested people get permission from the farmers to ride back there. Commissioner Gobin reported they also park at the fertilizer plant and go down the railroad tracks.

Chairman Ouellette questioned what could be done about the trucks making the illegal turn onto Apothecaries Hall Road? The traffic route is a condition of the approval, the sign is up, enforcement is up to the Police Department, but can Mr. Charbonneau influence the contractors in any way to obey the signage? Mr. Charbonneau indicated he couldn't get anyone to do it; they can do it right seven times and the eighth time they'll go the other way. Commissioner Sullivan suggested Mr. Charbonneau could make it impossible to go right but then the truckers will go down Chamberlain Road and then take the right onto Windsorville Road. Commissioner Sullivan concurred Mr. Charbonneau was between a rock and a hard place, but he felt that after all this time the people on Apothecaries Hall Road have a legitimate gripe.

Chairman Ouellette cited there's an extension that expired in November and the Commission didn't meet in November, so, in theory, the permit has expired; so legally, there is no valid permit the Commission is in the process of deliberating on. He questioned what would happen if Eversource were done in two weeks, and the Commission hasn't made its approval permit and there's activity in the facility and there isn't a permit? Commissioner Gowdy felt that at the time the Applicant didn't know the Commission wouldn't be meeting in November; if the Applicant knew he probably would have come before the Commission earlier.

Commissioner Gobin questioned if there have been other instances where someone has applied and its permit, which is pending before the Commission, has expired?

Chairman Ouellette didn't recall. Commissioner Gobin suggested that in the environmental world the rule for permits acts differently than the scenario laid out by Chairman Ouellette. In the environmental world the Applicant could continue to work under the existing permit until the application could be acted on.

Commissioner Kowalski felt it was common practice that once the application has been made you can continue to work until the permit has been reviewed.

Chairman Ouellette requested the date of the next Commission Meeting; Assistant Town Planner Tyksinski indicated the next meeting would be held on January 8<sup>th</sup>,

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2019. Chairman Ouellette questioned if that would be enough time for the Applicant to respond; Mr. Ussery replied affirmatively.

**Mr. Stamm, 53 Apothecaries Hall Road,** questioned how long the Commission would continue the Public Hearing? He recalled that the previous year the Commission had three Public Hearings and the neighbors threw their hands in the air with the Commission's indecisiveness. Chairman Ouellette clarified that the Commission tries to be fair to the Applicant and other parties. Mr. Stamm felt Mr. Charbonneau isn't in compliance; he shouldn't be coming down Apothecaries Hall Road. It will take years to open Phase 17, which will open the berm in front of his house, which will cause unbelievable dust until it gets established. On the other side of the road they have the trees to block the dust. Chairman Ouellette indicated Mr. Stamm's comments will be a part of the public record.

Commissioner Moore suggested the quicker Mr. Charbonneau gets the sand out of the area the better. Mr. Stamm replied negatively, suggesting the quicker he closes the phases the better. Eversource hasn't been there a year. He/Mr. Charbonneau was on notice last year to close these areas up; he said there was still good aggregate there but Mr. Stamm felt he should close the areas up and then go back. The pit has a lot of open area; the only way to deal with this is to pinch him in the pocket. Mr. Stamm felt no one has compassion for him; he has all the dust and is breathing the silicone.

Chairman Ouellette asked if anyone else in the audience had any comments? No one requested to speak.

Chairman Ouellette queried the Commission regarding action on this Application.

**MOTION: To CONTINUE the Public Hearing for the Application of Apothecaries Hall Enterprises, LLC & the East Windsor Sportsman's Club for 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 & Map 48, Block 65, Lot 7] until the Commission's regularly scheduled meeting on January 8, 2019, at 6:30 p.m. at Town Hall, 11 Rye Street, Broad Brook, CT.**

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

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

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

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**OTHER BUSINESS: TOD Smart Growth Grant for Warehouse Point – Update:**

See discussion on page 1 of the Minutes.

**BUSINESS MEETING/(1) Meeting Schedule for 2019:**

**MOTION:** To APPROVE the Planning and Zoning Commission 2019 Meeting Schedule with the amendment of the January 2019 Meetings to the January 2020 Meetings on January 14<sup>th</sup> and 28<sup>th</sup>.

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

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

**BUSINESS MEETING/(2) General Zoning Issues:**

- Assistant Town Planner Tyksinski reported the new Town Planner will begin employment in East Windsor on December 17<sup>th</sup>. He has been the Town Planner for Ware, Massachusetts. He'll join the Commission for the January 8<sup>th</sup>, 2019 Meeting.
- Mr. Ussery, speaking from the audience, noted the Commission has received the Application for KBT Realty earlier this evening. KBT Realty is part of the Application approved in December for ACI Auto. Peter Alberici (ACI Auto) and Bill Hanson (KBT Realty/Best Sellers) are here with Mr. Ussery tonight. Mr. Ussery noted the application for KBT Realty will be heard at the Commission's January 8<sup>th</sup>, 2019 Meeting. He questioned if he could have a few minutes to discuss some issues which have arisen which are causing a glitch in the closing on the property.

Chairman Ouellette cited this request is uncustomary in his experience as a Commissioner. Mr. Ussery suggested other Commissions, such as the Inland Wetlands and Watercourse Commission, will hold informal discussions. Chairman Ouellette suggested the request should have been added as an Added Agenda Item, but.....

Mr. Ussery referenced the Site Plan for KBT Realty, LLC, 202 South Main Street. Mr. Ussery identified the 1.4 acre parcel located next door to the ACI parcel; that parcel was to have been combined with the KBT/Best Sellers' parcel. During the sale process it's been determined there are two separate mortgages on the KBT parcels. Mr. Ussery referenced a location on the Site Plan, noting "this" parcel was to be used as ancillary parking to "this" area. The parcel was to be used for storage. Mr. Ussery suggested the parcel will become smaller, the existing curb cut will remain, but the parcel will stay pretty much as shown to the

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Commission for the ACI Application. Because of the mortgage issues it will now remain a separate parcel, and require a Site Plan Modification.

Commissioner Sullivan requested clarification that Mr. Ussery was suggesting that business A will own a certain parcel of land and will be renting another part of that land to business B? Mr. Ussery replied affirmatively. Commissioner Sullivan questioned if Mr. Ussery was asking if the Applicant can be approved as a Site Plan Modification in one meeting? Mr. Ussery replied affirmatively, noting they were not aware of the issue at the first meeting or it would have been done at that time.

Chairman Ouellette requested that Commission members convey their questions to Assistant Town Planner Tyksinski as quickly as possible.

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

No discussion this evening.

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

**Mylars/Plans:**

- **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] .
- **Hamlet Homes, LLC/Mark O'Neil, 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] .

**Motions:** None tonight.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:00 p.m.**

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

Respectfully submitted,

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