

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

REGULAR Meeting #1751 – January 8, 2019

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 Gowdy, and Frank Gowdy.

ABSENT: **Regular Members:** All Regular members were present this evening
 Alternate Members: Marti Zhigailo

Also present was Town Planner Ruben Flores-Marzan, and Assistant Town Planner Matt Tyksinski.

GUESTS: First Selectman Robert Maynard, Jay Ussery, of J. R. Russo & Associates, Kevin Charbonneau, Attorney Ralph Alexander, Peter Alberici, Bill Hansen, Ronald Stamm, Dick and Kathy Pippin; Terri Ann Hahn, LADA, P.C. Land Planners.

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 would also join the Board regarding discussion on all Items of Business this evening as well.

LEGAL NOTICE:

No Legal Notice for this meeting.

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/December 11, 2018 Regular Meeting:

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MOTION: To **ACCEPT** the Minutes of Regular Meeting #1750 dated December 11, 2018 with the following amendments:
Page 1, ATTENDANCE: Alternate Members: **Both ALL** Alternate Members **are WERE** present this evening.

Moore moved/Kowalski 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 Steve Moser for Renewal of Special Use Permit / Excavation for regrading of site and driveway location for property located at 55 Kreyszig Road. (A-1 zone; Map 136, Block 75, Lot 11)\
2. Application of DDJ Group Enterprises of East Windsor, LLC for construction of a 202,400 sq. ft. produce warehouse / manufacturing building, 7,500 sq. ft. maintenance building for fleet trucks, and associated parking for the following properties: 12 South Main Street (B-1 zone; Map 71, Block 11, Lot 3AI) and Wagner Lane (M-1 zone; Map 81, Block 11, Lot 2) owned by TJL Investment Trust, LLC; and South Water Street (M-1 zone; Map 71, Block 11, Lot 6A) owned by John Burnham; and South Water Street (M-1 zone; Map 71, Block 11, Lot 10) owned by John & Daniel Burnham.
3. Application of Deborah Arietti and owner Allied Community Resources for addition of paved parking lot at rear of property and addition of handicap ramp at rear of building at 6 Craftsman Road. (Map 83, Block 19, Lot 12D)

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED 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 1/15/2019*)

Chairman Ouellette read the description of this application, which is being heard under a continuing Public Hearing. Joining the Commission were the members of the application team: Jay Ussery, of J. R. Russo & Associates, representing the applicant; Kevin Charbonneau, the applicant; and Attorney Ralph Alexander.

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Mr. Ussery recalled the items which remained pending at the previous meeting:

- **Inspection by Town Engineer Norton of the new anti-tracking machinery:** Mr. Ussery referenced Town Engineer Norton's memo dated 1/4/2019 which notes the installation of a metal grating system for the trucks to drive over leaving the site. Town Engineer Norton's memo indicates the system appears to do an adequate job of removing soil from between the tires and treads. He has recommended the addition of stone beyond the grating system. Mr. Ussery indicated Mr. Charbonneau has agreed to the installation of the additional stone.

Mr. Ussery noted the new entrance at Apothecaries Hall Road currently includes 435 feet of bituminous material. Mr. Charbonneau will also add additional stone as an anti-tracking pad to that entrance as well. The entrance distance will then be over 500 feet.

Mr. Ussery felt Town Engineer Norton is comfortable with what they will be able to do regarding tracking material out onto Apothecaries Hall Road.

- **Customer letter:** Mr. Ussery also provided the Commission with a copy of a letter Mr. Charbonneau is sending to all customers noting the installation of the Rumble Rack and guiding customers to use the equipment when exiting the pit.

Commissioner Thurz noted mention in Town Engineer Norton's memo of 1/4/2019 that Mr. Charbonneau has purchased his own street sweeper. Mr. Ussery and Mr. Charbonneau concurred, noting the road will be swept as necessary. The hope is that with the institution of the new measures it will take care of the tracking issues.

(See additional comments regarding the letter below).

- **Open access to facilities by ATVs and motorcycles:** Mr. Ussery indicated they've placed large boulders along Chamberlain Road but trespassers can come down the railroad, and they can come in through the overgrown fields. Mr. Ussery noted Apothecaries Hall Road is not fenced in; there are so many ways people can gain access to the site.

Commissioner Gobin advised Mr. Ussery she often walks the railroad tracks. You can tell there's lots of off-road traffic going through the area. Commissioner Gobin noted there are not any "No Trespassing" signs posted on the Charbonneau side of the railroad, while there are "No Trespassing" signs posted on the Gun Club property. Commissioner Gobin suggested Mr. Charbonneau consider posting the "No Trespassing" signs as it would tell people it's not an open space area and would help Mr. Charbonneau with liability issues. Mr. Ussery indicated they could post signs on the trees going down the rail line. Chairman Ouellette

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noted that the State owns the rail line, and there's also a gas line running along the edge of the tracks. Mr. Ussery suggested they would post the signs on the Apothecaries Hall Enterprises' property.

(See additional comments below regarding use of the site by ATVs and motorcycles.)

The Commissioners raised these additional questions:

Customer letter: Commissioner Thurz questioned if the drivers would have to drive over the metal rack all the time? Mr. Ussery indicated they will also install signage to direct the drivers; he noted they were going around it the other day as the ground was frozen. He noted the machinery shakes the trucks significantly, so if they don't have to go over it because it's dry they'll be guided to go around the Rumble Rack.

Debris on site: Commissioner Gobin noted that as she walks the tracks she sees a lot of trees in piles; is that material from the site, or people bringing in debris for processing? Mr. Ussery noted there's a pile of trees and stumps and concrete which is being recycled. Commissioner Gobin indicated she thought this was an excavation and mining permit. Mr. Ussery clarified that they are recycling blacktop and concrete and stumps and trees, which is part of this approval but it's under a separate DEEP Permit. Some of the material is from the site, and some comes in as part of the excavation permit.

CL&P Maintenance work: Commissioner Kowalski questioned if Mr. Charbonneau has received any updated information on the status of the CL&P work? Mr. Charbonneau replied negatively, noting he feels it will continue for a few more months. Commissioner Kowalski questioned if CL&P is required to provide voluntary updates? Mr. Charbonneau replied negatively. Commissioner Gowdy questioned if the CL&P drivers use the Rumble Rack? Mr. Ussery didn't think so but also didn't think they bring in a lot of trucks on a daily basis.

Cleaning road of dirt/mud: Commissioner Moore indicated he saw a little mulch on the road one day but someone was cleaning that up. He felt the applicant had been pretty diligent about cleaning the road.

Access to facilities by ATVs and motorcycles: Chairman Ouellette recalled resident statements regarding people having access to the site after hours. Mr. Charbonneau indicated that isn't true; no one has permission to use the site. Commissioner Gobin cited the "No Trespassing" signs would help with that issue.

Signage at new entrance indicating "no right turn": Chairman Ouellette cited the sign located at the new entrance for trucks exiting the site is below the required size; he indicated the minimum size is 24 inches. Mr. Charbonneau indicated he was sold a 12

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inch by 14 inch sign; he'll replace it with a larger sign. Commissioner Gobin questioned the location of the signage? Chairman Ouellette suggested the most successful location would be on the other side of the road, and the applicant would need permission from the Town for installation at that location. He also noted you can't have a "Stop Sign" and the pit sign on top of each other.

Chairman Ouellette queried the Commissioners for additional comments. Commissioner Sullivan suggested all his questions had been answered; the remaining Commissioners had no additional comments.

Chairman Ouellette opened discussion to the public.

Ronald Stamm, 53 Apothecaries Hall Road: Mr. Stamm indicated he had provided the information regarding people having permission to use the site for their ATVs and motorcycles; he had gotten that information from the Police Sargent. Mr. Stamm felt it would be prudent for Mr. Charbonneau to write a letter to the Police Department indicating no one has permission to use the site. He felt that would put that issue to rest; the Police are reluctant to do anything if they feel people have permission to use the property.

Regarding the signage at the new entrance, Mr. Stamm suggested he's seen signs where the "No Right Turn" sign is installed under the "Stop" sign. Chairman Ouellette noted Mr. Stamm may want that but it's against National standards and he wouldn't condone it. Mr. Stamm then suggested putting up curbing in the exit location. Chairman Ouellette requested clarification that Mr. Stamm was suggesting to channelize the driveway? Mr. Stamm replied affirmatively.

Mr. Stamm advised the Board he was asking them to hold up on the permit until he/Mr. Charbonneau gets the phases closed; he should only have 2 phases open at a time; maybe he should concentrate on closing the phases rather than selling the aggregate.

Chairman Ouellette questioned Mr. Ussery regarding Mr. Stamm's suggestions. Mr. Ussery felt the letter to the Police Department made sense. He noted staff in his office did discuss channelizing the traffic but they were reluctant to go forward with that due to a concern for emergency vehicle access. If an emergency vehicle was exiting the site and was taking a patient to Rockville Hospital they would want to make a right hand turn; they should be able to do that. Mr. Ussery felt the letter is a better approach, and they could also "police" the use of the driveway better.

Phasing – reclamation and criteria: Commissioner Sullivan questioned the necessity of having more than 2 phases open at one time? Mr. Charbonneau replied stockpiling. Mr. Ussery explained that when his office looks at a gravel operation they look at the working phase; he noted the location of that material at this site, noting it comprised

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about 7 acres. He explained they have a permit for a client in Somers for 12 acres but the work permit is about 1 ½ acres; the rest of the area is stockpiled material including blacktop and concrete. As with this site it takes room to move heavy equipment around. Once they get south of the power lines in the Spring they will be seeding those areas. Mr. Ussery cited similar pits in other towns, noting the working area is much smaller than the pit size.

Commissioner Gowdy questioned the criteria for phasing? Mr. Ussery suggested current regulations reference 7 acres. Commissioner Gowdy questioned how that was determined? Mr. Ussery suggested when they go into a pit they set the phases in a logical order of processing, but when you start the operation you follow the gravel and the different materials you need to satisfy your customers. He cited it would be great if you had blocks of material but the resource doesn't work that way. If this was a quarry you could do that but this type of operation doesn't work that way.

Commissioner Gobin questioned Assistant Town Planner Tyksinski if, when he wrote the draft conditions for the Special Use Permit, if he looked at the section of the regulations pertaining to wood chipping and volume reduction? Assistant Town Planner Tyksinski suggested he looked at Section 814 – Earth removal and filling; he also took excerpts from former memos when this permit was initially passed. Chairman Ouellette referenced Condition 12 on page 5 of the proposed memo talks about volume reduction facilities and a temporary crushing operation which was assumed on August 1994. Commissioner Gobin questioned that the clean fill was blacktop or concrete? Assistant Town Planner Tyksinski replied affirmatively. Commissioner Gobin questioned if those materials are included in the operation those conditions are in the proposed memo? Assistant Town Planner Tyksinski replied affirmatively.

Chairman Ouellette queried the audience for additional comments? He noted he plans to close the Public Hearing this evening; this would be the residents last opportunity to speak. No one requested to speak.

Chairman Ouellette queried the applicant and his team for additional comments. Mr. Ussery felt they had completed their presentation; he requested the Commission consider extending the Special Use Permit.

MOTION: To CLOSE the Public Hearing on 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 one year renewal through 11/28/2019 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].

Sullivan moved/Thurz seconded/DISCUSSION: None.

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

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Chairman Ouellette queried if the Commission was ready to act on this application this evening, or did they need additional information?

Commissioner Kowalski cited the need to add the letter to the Police Department and the “No Trespassing” signs. Commissioner Gobin suggested editing Condition #21 to require a “No Trespassing” sign at the entrance to the pit, and around the perimeter as well. The consensus was for the letter to the Police Department and the monitoring of the installation of the “No Trespassing” signs should be done administratively.

Commissioner Sullivan suggested revising Condition #46 to require street sweeping when necessary at both driveways. Chairman Ouellette suggested it would be in the applicant’s best interest to keep the roads clean. Chairman Ouellette suggested there were only so many things that can be put in the conditions; it does no good for the property to sit in its current condition; they need to move forward and complete the activity started years ago.

MOTION TO APPROVE a one year extension for a Special Use Permit for renewal and expansion of permit for the Charbonneau gravel removal operation located on the south side of Apothecaries Hall Road. [M-1, R-3 & A-1 Zones; Map 57, Block 49, Lot 3; Map 57, Block 65, Lot 1 & Map 48, Block 65, Lot 7]. The approval is for a 1-year duration to expire 1 year from last date of approval (Expiration will be on 11/28/2019). This approval is granted subject to conformance with the referenced plans and the following conditions:

Referenced Plans:

Compilation Plan – Charbonneau Gravel Pit, 33 Apothecaries Hall Road, East Windsor, CT (Zone M-1, R-3 and A-). Map 57, Block 49, Lot 3; Map 57, Block 65, Lot 1 & Map 48, Block 65, Lot 7. Prepared by JR Russo and Assoc., LLC 1 Shoham Rd, East Windsor CT 06088, 860/623-0569, 623-2485 fax, scale 1” = 120’, dated 3/31/09, last revised 3/8/13, 5/22/18, **11-19-18**.

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. A performance bond with additional amount as set by the Town Engineer for each open phase with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.

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3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.
4. 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:

5. Two sets of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed plans shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permits and on the land records.

6. A full anti-tracking pad, or similar treatment must be installed prior to the paved apron leading onto Apothecaries Hall Road. Any erosion and sedimentation control measure must first be approved by the Town Engineer.

7. In order to ensure the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be:

- noted on the approved plan.
- spaced no further than 200 feet apart.
- set in the ground with iron or steel stakes at least ¾ inches in diameter and 30 inches in length.

In addition, the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan. Any deviation from the approved plan shall be a violation and cause for revocation of the permit.

8. No phase may begin until the previous phase has been substantially completed except for the phase containing the reclamation plan as indicated on the referenced plans.

9. Prior to the start of any new phase, the applicant shall submit evidence of conformance to the approved plans for the previous phases including an as-built survey showing finished grades.

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

General Conditions:

11. 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

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and sedimentation control has been submitted for that specific phase. Such bond shall be good for the life of the permit/project. Any funds that may be withdrawn by the Town for such maintenance shall be replaced within 5 days or this permit shall be rendered null and void.

12. Operation of the gravel pit may include:

- Temporary grinding of stumps pursuant to the conditions of a Special Permit approval granted on April 8, 1997 and pursuant to provisions of Section 9 and (A.5 (New section 814).
- Temporary screening of excavated material pursuant to provisions of Section 9 and 9A.5. (New Section 814).
- Temporary crushing of rock and gravel mined on-site only with portable crushing apparatus and pursuant to provisions of Section 9 and 9A.5 (Section 814).
- Excavating, moving, piling, loading and removal of sand, gravel, fill, trees, stumps and brush. "Clean fill" as defined by Connecticut DEEP standards may be brought in to the reclamation area to bring grades into conformance with the approved plans.

- Approval of a temporary crushing operation was assumed on August 9, 1994 when, by incorporation into the approved plans, the Commission sanctioned this use. There is no mention in any of the previous motions of a crushing facility; however the use was presented to the Commission at the public hearing on July 12, 1994. Then Town Planner Jose Giner advised the Commission on that evening that the "regulations allow for crushing plants as well; both requests (a fueling tank was the other request approved) are items to be decided at the Commission's discretion." A subsequent approval on April 8, 1997 was granted with the portable crusher shown on the plans. It is my opinion that in taking this action, after the effective date of the volume reduction facilities, the Commission made this a conforming use at the site. The stump grinder, screener and excavation activities are all activities that have been explicitly approved through the Special Permit process. Though no reference in any previous motions speak to the crushing operation, its approval is implied through past Commission approval of plans which show the crusher at this location.

13. The final grading shall conform to the proposed final grading as indicated on the referenced plans; but in no case shall any final slope be steeper than a rise to run ratio of 1:3, also known as a 33% slope.

14. In the event that the operation ceases before all phases are completed, the remaining land shall be graded to leave no slope exceeding 33%.

15. As each area or phase is graded to final contours, the ground shall be back covered with topsoil or loam to render it usable for growing agricultural products. All areas will require a minimum of 6 inches of topsoil in accordance with the regulations.

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

17. The driveway to the pit shall be maintained in a hard surfaced, paved condition from Windsorville (and Apothecaries) Roads inward for a minimum distance of two hundred feet. The driveway shall be cleaned regularly to minimize the dust nuisance created by exiting traffic.

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

19. The gate across the driveway into the pit shall be maintained in good condition and kept closed and locked during all times when the pit is not in operation.

20. A stop sign shall be maintained at the entrance to the pit during operating hours in such a way so that outgoing traffic from the pit can be reasonably expected to see it before entering Windsorville (and Apothecaries) Hall Roads.

21. A “Private Property – No Trespassing” sign shall be maintained at the entrance to the pit facing outwards toward the Windsorville (and Apothecaries Hall) Roads.

22. The total number of loaded, or partially loaded, outgoing trucks from the pit shall not exceed an average of sixty (60) trucks per day or a maximum of three-hundred (300) trucks in any one week period, counting Monday through Friday. The load counts shall increase to ninety (90) trucks per day or a maximum of four-hundred and fifty (450) trucks in any one week period once the secondary entrance has been established.

23. The pit shall not be opened or operated before 7:30am and shall not be opened or operated later than 5:00pm on weekdays, Monday through Friday.

24. The pit shall not be open or operated on weekends.

25. Measures to minimize the dust nuisance from the site shall be provided by the applicant for review and approval of Town Staff. Additional measures are to be undertaken if required by staff if field conditions necessitate.

26. The “Best Management Practices” outlined by the Hartford County natural Resource Conservation Service shall be adhered to.

27. The vegetation (trees) to be removed shall be accomplished in one step and the topsoil shall be stripped off and stockpiled immediately or a temporary vegetative cover implemented.

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28. Certified as-builts showing contours of completed and active areas shall be submitted no later than November 19, 2018, and July 1st of each year that this permit is in effect.

29. Finished grades may not be closer than 8' to the water table.

30. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such an emergency exists.

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

32. The project shall be carried out in phases as shown on the plans.

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

34. 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.

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

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

37. 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.

38. 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.

39. This approval shall expire on November 28, 2019, and subsequently one year from date of approval (or last approval) or upon completion of the project, whichever occurs first, and is renewable on an annual basis.

40. All requirements of Section 814 of the East Windsor Zoning regulations effective October 1, 2007 shall apply to this permit, inclusive of the following.

814.3.j – **Stabilization, Temporary:** Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 foot rise to 1.5 foot run.

Temporary stockpiles, and areas left open for any extended period of time should be planted with a grass seed, or other sufficient temporary ground cover. Additional erosion control measures such as spreading of hay or erosion control blankets may be required during the non-growing season.

814.3.k – **Stabilization, Permanent:** As each area or phase is graded to final contours, the ground shall be covered with a minimum of 6 inches of topsoil or loam and seeded with a perennial grass and maintained until the area is stabilized and approved by the Commission.

814.3.q – **Depth to Water Table:** A minimum of 8 feet from finished grade to depth of water table shall be maintained. At no time shall excavation exceed the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grades 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. The applicant must show the depth of existing water table relative to proposed finished grades.

814.3.r – **Expiration of Permit:** *The Special Use Permit shall expire on November 28, 2019. Permit may be renewed on an annual basis. An as-built of the entire site prepared by a licensed land surveyor or engineer will be required before an extension can be granted. Failure to renew a permit is cause for revocation.*

814.4.c.1 – The amount of material to be excavated or removed per phase should be submitted.

814.4.c.2 – the proposed time frame for excavation activities should be addressed. This should include the timing of all phases which are under operation.

814.4.c.3 – The proposed number and types of trucks should be addressed. This should include all proposed truck traffic with all open phases. (*See condition # 22*)

A full anti-tracking pad, or similar treatment must be installed prior to the paved apron leading onto Apothecaries Hall Road and *properly maintained. Town Engineer Norton should approve any such treatment, which must be installed as soon as agreed upon.*

41. An annual as-built survey of the excavation completed is required, to show that the excavation conforms to the approved site plan per Chapter 814.4.

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

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43. All phases south of the power line shall be closed and remediated.

44. NO RIGHT TURN sign shall be placed in exit drive to Apothecaries Hall Road.

45. The vegetated area mid-point along Phase 17 along Apothecaries Hall Road shall be supplemented with conifers per Staff review at the time of excavation, and evaluated at time of posting of the bond.

46. Street sweeping shall occur 2 times per week AND WHEN NECESSARY at both driveways and streets.

47. Mulch must be utilized at top of slope to minimize dust where applicable.

Moore moved/Sullivan seconded/DISCUSSION: None.

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

NEW PUBLIC HEARINGS – None.

NEW BUSINESS: KBT Realty, LLC - Modification of Approved Site Plan for vehicle parking at 202 South Main Street. [B-2 Zone; Map 22, Block 5, Lot 81-2] (*Deadline for decision 2/14/2019*)

Chairman Ouellette read the description of this item of business. Appearing to discuss the application was Jay Ussery, of J. R. Russo & Associates, Peter Alberici, and Bill Hansen.

Mr. Ussery recalled that the Commission recently approved a Site Plan Modification under the application for ACI Auto, the property to the south. The remaining area, containing 1.14 acres, was to have been combined with that parcel.

Commissioner Gowdy noted the application description lists the property location as 202 South Main Street; he questioned if that was the correct street number? Mr. Ussery indicated the number is actually 206.

Mr. Ussery indicated that after the approval of the ACI Auto modification it was found that this parcel needs to be a standalone parcel because it carries a separate mortgage. Mr. Ussery also indicated that the original plan for this location approved in June or July of 2003 included parking for 100 vehicles, which was a larger number of vehicles than the current Site Plan. The recent approval includes parking for 72 vehicles. The parking area will be partly gravel and partly bituminous to meet the impervious coverage requirements; 65% is the allowable maximum impervious coverage; this plan utilizes 57% of the parcel. Mr. Ussery indicated there will not be any changes to grading, or the drainage pattern. Town Engineer Norton has provided a memo indicating he has no

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exceptions to the plans. Mr. Ussery suggested this application is somewhat of a housekeeping item.

Commissioner Gowdy questioned if any lighting was being provided? Mr. Ussery replied negatively, noting it was a condition of the original approval but not the modification.

Chairman Ouellette queried the Commissioners for additional comments; no one raised any questions.

MOTION TO APPROVE the Application for Lot Split Modification of an approved Site Plan for the modification of vehicle parking. Located at 202 206 South Main Street, East Windsor, CT 06088 in a B-2 Zone. Map 022, Block 05, Lot 81-2. (As may be modified by the conditions).

Referenced Plans:

- KBT Realty, LLC 202 South Main Street, East Windsor, CT prepared for Bill Hansen, 206 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.jrusso.com

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

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

4. 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.
5. 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.

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

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. 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:

10. 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.
11. 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.
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

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Moore moved/Sullivan seconded/DISCUSSION: None.

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

OLD BUSINESS: None.

OTHER BUSINESS: 8-24 Referral – Purchase of Sabonis property at 29 Scantic Road, (Map 74, Block 32, Lot 001B) from the Open Space Fund:

Chairman Ouellette noted receipt of Assistant Town Planner Tyksinski's memo regarding this Open Space acquisition. He questioned if there was any additional information to discuss? Assistant Town Planner Tyksinski referenced the Board of Selectmen's Minutes regarding this parcel; he noted the vote was unanimously in favor of the purchase although there was a question of the value. Chairman Ouellette questioned if the economics of the decision falls to the PZC or if it lies with other Boards? Assistant Town Planner Tyksinski suggested it should fit the plan for overall Open Space.

Commissioner Sullivan noted that the first piece owned by the Town along this section of Scantic Road was donated by the Sabonis family; this new area adjoins the donated parcel. If this parcel is taken care of it will provide a good recreation area for the people of the Town. Commissioner Gowdy indicated he didn't disagree but questioned how to put a value on the parcel? He didn't feel the need to get an appraisal; he didn't feel it was in the Commission's purview to determine the value of the parcel. Commissioner Gowdy was in favor of the acquisition.

Commissioner Gobin recalled that through the Planning and Zoning process the Commission accepts fees-in-lieu of open space from developers; she didn't recall if the PZC weighs in on how that money is spent. She questioned if there was a priorities list for Open Space acquisition; does this parcel fall into that list? Commissioner Gowdy felt pretty much all of the Scantic River was considered favorable. Chairman Ouellette suggested the POCD documents the Scantic River as Open Space. Commissioner Gobin agreed but cited there may be a greater need; would a basketball court in Warehouse Point be preferable? She cited she doesn't know what the priorities are. Commissioner Moore noted the entire parcel is wooded; Commissioner Sullivan agreed; it's all woods and brush; you can't do anything with it as it has terrace escarpment slopes. Assistant Town Planner Tyksinski suggested anything impacted by terrace escarpment slopes should go before the Inland Wetlands Commission. Commissioner Moore indicated he understood the parcel couldn't be used because the soils are unstable; he questioned if the \$16,000 could be used elsewhere? Town Planner Flores-Marzan noted you wouldn't have the connectivity you have with this parcel. Commissioner Kowalski suggested that during his time on the board he felt the thinking has shifted from always accepting open space; the Board has looked at the connectivity of various parcels. Commissioner Kowalski felt this parcel fits the direction the Commission has been following. Commissioner Thurz also noted the Commission doesn't want quarter acre parcels here and there. Discussion continued regarding the use of the parcel. Commissioner Sullivan

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felt the POCD almost dictates that the Town purchase this parcel. Commissioner Gowdy cited as an example the Tschummi property; it's useable open space; the Ketch Hollow Club continues to hunt on that property.

Chairman Ouellette suggested removing the value from the motion; Commissioners could then vote as they feel appropriate.

MOTION TO MAKE A POSITIVE REFERRAL per CGS 8-24, and RECOMMEND TO THE EAST WINDSOR BOARD OF SELECTMEN to APPROVE the purchase of the Sabonis Property at 29 Scantic Road, MAP 075, Block 032 Lot 001B using \$16,000 from the Town's Open Space fund and move the purchase to a Town Meeting.

Moore moved/Sullivan seconded/DISCUSSION: None.

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

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

Terri Ann Hahn, of LADA, P.C. Land Planners joined the Commission. Mrs. Hahn is acting as a consultant to the Town for the TOD (Transit Oriented Development) Project.

Mrs. Hahn provided the Commission with a paper copy of her PowerPoint presentation (copies are available in the Planning Office); the work studies the flow of the Blue Ditch and investigates its effect on South Water Street and the Connecticut River. Mrs. Hahn reported they are gathering data to begin a multiple stage process which will continue through December, 2019.

Mrs. Hahn noted that since she began this project in November of 2018 she has been in Warehouse Point weekly or more to take photos of how the stormwater is acting. Mrs. Hahn reported she's taking what we know of the stormwater pattern and matching it to plans and other data. The study encompasses an area beginning behind Geissler's Plaza on Bridge Street, and continues on to the boat launch area across from the Water Pollution Control Plant on South Water Street.

Referencing the various slides Mrs. Hahn noted the watershed begins at the Enfield town line and flows through the Blue Ditch to the Connecticut River. The south part of the watershed goes towards Route 5, while the north part crosses Bridge Street, Holcomb Terrace, and Spring Street. They are studying only the north part of the watershed. Mrs. Hahn reported Town Engineer Norton is doing an analysis of the 72 inch pipe to see if it should be larger or smaller; they're also looking at the impervious surfaces in relation to future development.

Mrs. Hahn reported they're taking information from various storm events – the length of the event, how long from the peak run off to where the river backs up, how the

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stormwater comes through the Blue Ditch – and comparing it to the timing of the river rising. From the north the stormwater comes from Pleasant Street and the wetlands area in back of Geissler's and goes through the parking lot and flows to an area identified by Mrs. Hahn on the slides and continues on to flood elevation 35 at Bridge Street; the stormwater continues on a relatively flat path to a culvert at Spring Street and Holcomb Street at elevation 32. From there the stormwater flows down to the back of the athletic fields adjacent to the Water Treatment Plant on South Water Street.

Mrs. Hahn continued to review pre-flooding and flooding conditions at various locations along the stormwater path.

Commissioner Thurz noted that during the 80s all of South Water Street was flooded; Commissioner Gowdy cited a similar condition in the 50s. Commissioner Kowalski questioned how much the Spring thaw relates to a flood event? He noted that almost every year South Water Street is closed at some point. Mrs. Hahn suggested the 100 year flood elevation is 35 feet, and flood for South Water Street is at elevation 33 feet. She noted that in 2017 FEMA added about a foot to the flood elevations.

Mrs. Hahn reported they will be doing a technical drainage report and noting what that means for land use. She cited that while we can't do much about the Connecticut River there may be things that can be done with regard to future development as it relates to the conditions of the stormwater and how the impervious coverage should be handled. Town Planner Flores-Marzan suggested Mrs. Hahn is looking for adaption; Mrs. Hahn concurred.

Commissioner Gobin questioned if there's a way to make incentives for the people living on South Water Street to adapt to the flooding conditions? Mrs. Hahn suggested some of that is in the Flood Plain Regulations. Commissioner Gobin questioned what about the people who have flooded basements? Mrs. Hahn suggested that's a different problem. She indicated that the standard practice for flood management is to make the first floor at 35 or 36 feet. Commissioner Gobin suggested that becomes a beach community, and people park their cars on the first floor and they give it away when it floods. She suggested she understands how this relates to new development but can't see how to encourage existing homeowners to adapt their homes to the flood conditions.

Mrs. Hahn reported she'll return to the Commission with updated information in the next month.

CORRESPONDENCE: None.

BUSINESS MEETING/(1) General Zoning Issues:

Assistant Town Planner Tyksinski advised the Commission he's been in discussions with the owner of 155 Main Street, Broad Brook, regarding permitted uses at that location.

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Commissioner Thurz suggested if that location is the grocery store with the 3 apartments it's been there forever. Assistant Town Planner Tyksinski cited an existing regulation that allows residential units above or below commercial uses in business and industrial zones. He questioned where that regulation came from?

Chairman Ouellette suggested it was related to the apartments below the Main Street Grill location. He questioned if that answered the question? Assistant Town Planner Tyksinski replied affirmatively; he was seeking background on the regulation as the property owner (at 155 Main Street) wants to review his options.

Chairman Ouellette asked if Town Planner Flores-Marzan wanted to add anything? Town Planner Flores-Marzan suggested he sees many opportunities for the Town; he's looking forward to that.

BUSINESS MEETING/(2) Discussion on Aquifer Protection Regulations:

No discussion this evening.

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

No mylars or plans or motions presented for signing this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:25 p.m.

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

Respectfully submitted,

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