

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

**REGULAR Meeting #1829
June 28, 2022**

***THIS MEETING IS BEING HELD IN-PERSON
In the John Daly, Jr. Meeting Room,
Town Hall, 11 Rye Street, Broad Brook, CT 06016
AND
VIA REMOTE ACCESS
via ZOOM Teleconference
Meeting ID: 714 897 1799***

SCHEDULE OF MOTIONS

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Gobin called the June 28, 2022 Regular Meeting #1829 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via telconference as well.

PRESENT: **Regular Members:** Anne Gobin (Chairman), Frank Gowdy, Michael Kowalski (Vice Chairman), Joseph Sauerhoefer, and Jim Thurz (Secretary).

Alternate Members: David Leason. There are presently two vacancies for Alternate members.

ABSENT: No one; all Regular and Alternate Members present.

GUESTS/SPEAKERS present in-person: Director of Planning and Development/Town Planner Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato; Jay Ussery of J. R. Russo & Associates, LLC, representing Wapping Sand & Gravel; Deputy First Selectman Marie DeSousa; Albert Grant; Jerry Rudolph.

GUESTS/SPEAKERS present remotely identified as they sign in: Joe; Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

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Chairman Gobin noted a quorum was established as five Regular Members, and one Alternate Member were present in-person at the Call to Order.

VI. APPROVAL OF MINUTES:

a. June 14, 2022 – Regular Meeting of PZC:

MOTION: To APPROVE the Regular Meeting Minutes for Meeting #1828 held on June 14, 2022 as presented.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz
Opposed: No one
Abstained: Sauerhoefer**

X. NEW PUBLIC HEARINGS:

a. PZ-2022-11 140 Wapping Rd – Special Use Permit for renewal of their Earth Excavation Permit. Applicant: Wapping Sand & Gravel:

MOTION: To CLOSE THE PUBLIC HEARING on Application #PZ-2022-11, for 140 Wapping Road for a Special Use Permit for renewal of an Earth Excavation Permit for Wapping Sand & Gravel, Map 017, Block 65, Lot 008-034, A-1 and M-1 Zones.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Gowdy/Kowalski/
Sauerhoefer/Thurz
(No one opposed/No abstentions)**

MOTION TO APPROVE:

Application (PZ-2022-11) of WSG, LLC for a renewal of Special Use Permit for earth excavation at 140 Wapping Road (Parcel ID: 017-65-008-034, Zone: A-1 and M-1).

This approval is subject to conformance with the referenced plans and all previously approved conditions.

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As-Built Plan, Prepared for WSG, LLC, 140 Wapping Road, East Windsor, Connecticut Map 017, Block 65, Lot 8-34 Zone: M-1 & A-1; Prepared by JR Russo & Associates, LLC Dated 6-09-22 revised 6-27-2022.

Previously Approved Conditions to Remain:

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 Development Department.
2. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final 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.
4. A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the final plans.
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 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 Development Department by the applicant prior to issuance of any permits.
7. The applicant shall be required to provide the Town with two (2) elevation points indicating the lowest elevation of each open and/or active phase with the submission of the Quarter 2 and Quarter 4 activity reports 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.

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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. 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:

13. 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.

General Conditions:

14. 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 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.
15. 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.

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16. 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.
17. In the event the operation ceases before all phases are completed, the remaining land should be graded to best meet the remaining natural grade.
18. No trees, brush or stumps shall be buried on site.
19. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
20. 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.
21. The total number of loaded, or partially loaded outgoing trucks from the site shall not exceed an average of ninety (90) trucks per day.
22. The earth excavation site shall not be operated before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday.
23. The "Best Management Practices" outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
24. The applicant shall adhere to all conditions of their Inland Wetlands Permit.
25. A minimum of 8 feet from the finished grade to depth of water table shall be maintained.
26. At no time shall excavation deviate from 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 two-foot interval, or quarterly, whichever occurs first.

27. Accessibility for emergency vehicles and equipment shall be maintained, preferably as a secondary means of ingress.

28. 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.

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

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

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

32. 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.

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

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

35. 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.

36. 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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37. 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.

Additional Conditions:

38. An aerial color image of the project site shall be submitted by November 1st annually, the photo will have been taken within the previous 30 days.

39. An electronic activity report that certifies the number of trucks entering and exiting the property, the date, time of day and volume of material removed shall be submitted to the Town quarterly, as follows:

Quarter 1 Report: Due by March 15

Quarter 2 Report: Due by June 15

Quarter 3 Report: Due by September 15

Quarter 4 Report: Due by December 8

40. A site improvement bond shall be established for the active phase no later than August 1, 2022. The applicant shall provide an estimate for the stabilization of the site post excavation. This bond shall be valid for the life of the excavation operation. The improvement bond estimate shall be rerun annually and submitted for review and approval by the Town Engineer.

41. Beginning on November 1, 2023, the applicant shall provide an annual compliance statement and an as-built site plan showing approved and existing contours. The Commission may request a new permit application be submitted should it be found that a substantial or material change (outside of approved conditions) to site conditions exists.

42. The owner/applicant shall coordinate with Town staff to arrange a site inspection at least quarterly, as defined above unless determined to not be necessary by Town staff.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

VOTE: **In Favor:** **Gobin/Gowdy/Kowalski/
Sauerhoefer/Thurz**

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(No one opposed/No abstentions)

XVIII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:26 p.m.

Gowdy moved/Thurz seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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