

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

**Public Hearing #1582
January 11, 2011**

******* Draft Document – Subject to Commission Approval *******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:03 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devanney, Gowdy, O'Brien, Ouellette, and Thurz [arrived at 7:17 p.m.]) and one Alternate Member (Mulkern) were present. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Alternate Member Mulkern joined the Board regarding discussion and action on all Items of Business this evening until Regular Commissioner Thurz arrived. At that point Regular Member Thurz sat in on discussion and votes on Items of Business; Alternate Commissioner Mulkern continued to be involved in discussion. Also present was Town Planner Whitten.

GUESTS: Selectmen Burnham and Pippin; Kathy Pippin, Board of Finance.

ADDED AGENDA ITEMS: None.

APPROVAL OF MINUTES/December 14, 2010:

MOTION: To APPROVE the Minutes of Public Hearing #1581 dated December 14, 2010 as written.

Gowdy moved/Devanney seconded/

VOTE: In Favor: Devanney/Gowdy/O'Brien/Ouellette/Mulkern

RECEIPT OF APPLICATIONS: None.

WORKSHOP – PROPOSED FARM REGULATIONS (7:00 to 8:00 P.M.)

Town Planner Whitten thanked the public for attending the Workshop. She reported the Commission has been working on the Regulations for a couple of years, and have held two workshops. The Commission took into consideration the comments presented during the previous workshop, and the comments from Joan Nichols, of the Connecticut Farm Bureau, and the comments submitted by local farmers with whom Town Planner Whitten met. The revision under discussion this evening is still a draft; and, while the

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Hearing #1582 –January 11, 2011**

2

Commission is satisfied with this proposal both they and Town Planner Whitten are seeking constructive input from the audience.

Town Planner Whitten noted the Commission realizes they can't please everyone. The regulation process assumes that the farmers will become educated on their own as there is considerable information available via the Department of Agriculture, the Department of Environmental Protection (which provides an extensive manual), UCONN, the Connecticut Horse Council, and the Connecticut Farm Bureau. The Regulations are intended to assist the farmers to be productive and earth-friendly, and rely on the farmers to know and implement best management practices.

Town Planner Whitten gave examples of provisions of the proposed Regulations, noting that if a person is operating a commercial farm and they want to have any livestock they need to have 3 acres, while a person operating a non-commercial farm could have an animal if they have 1 acre of useable pasture. All livestock owners are expected to exercise best management practices and common sense. Presently, a person operating a farm needs to have the minimum acreage for the zone in which the property is located, and you must apply for a Special Use Permit.

Chairman Ouellette requested Town Planner Whitten to explain the proposed waiver process, and the grandfathering of pre-existing uses.

Town Planner Whitten indicated that under the **grandfathering provision** if you currently have a legal non-conforming farm which predates zoning you will still be able to continue to operate that farm regardless of the number of animals owned or the crop activity. She noted she and the Commission realize many farms have been operating in town forever, but the grandfathering provision has been written into the Regulations for clarity.

Regarding the **waiver process** anyone can seek a waiver of any part of the Farm Regulations being proposed under this draft. The waivers can be sought for any part of the Regulations or the Special Use Permit requirements; the Commission doesn't see a problem working with the public as long as a problem doesn't exist for the neighbors. Town Planner Whitten felt the fee for the waiver process would be lower than for other farm related applications, although the State fee must be paid regardless of the type of application sought.

Chairman Ouellette felt that the public is ready to offer input; he opened discussion to the audience:

Sharon Muska: questioned the procedure for a waiver, how long the process would take, must someone actually come before the Board to seek a waiver?

Town Planner Whitten indicated the Commission meets twice a month. The waiver application would probably be treated the same as a Site Plan Application; the waiver

Application would be submitted to the Planning Office and the fee paid at the time of submission.

Mrs. Muska questioned if the vote takes place on the same night as the Waiver Application is heard? Chairman Ouellette felt that could occur if there is enough information provided for the Commission to make a reasonable decision. Town Planner Whitten reported Planning Department Staff would try to work out any issues with the applicant before they came before the Board.

Betty Machack: referenced **Section E, paragraph 2 (General Livestock Requirements, under Section 305.2 – Keeping of Livestock)**, she questioned how much frontage would you need to have a chicken coop? Town Planner Whitten referenced calculations for a 1 acre lot, noting probably a little over 200' frontage as the pen must be 100' from any property line. Ms. Machack questioned that someone who doesn't have 200' couldn't have a chicken coop? Town Planner Whitten suggested it would also depend on the lot configuration. She noted that the Commission is also trying to protect the residential people who don't want a farm next door. Ms. Machack questioned if the zone makes any difference? Town Planner Whitten suggested the farms are allowed in any zone.

Ruth Philips Grant, of Park Farm: suggested that when the farmers met with Town Planner Whitten they noted there could be problems because of the property line, but someone could apply for a waiver.

An unidentified audience member questioned if someone could have chickens without a coop? Town Planner Whitten noted a person can't have any animals without providing them some type of shelter. She reiterated that the Commission is trying to be kinder to allow animals but they must also protect people in residential zones.

David Tyler: questioned the restrictions of **animals shall not be permitted over land containing an on-site sewage disposal system (Section 305.2 – Keeping of Livestock, Subsection c – Site Suitability and Impact, bullet 2)** Mr. Tyler felt that made sense with regard to cows and horses but didn't make sense for goats or sheep as they don't have enough weight to harm a septic system.

LET THE RECORD SHOW Regular Commissioner Thurz arrived at 7:17 p.m. and joined the Board regarding voting privileges; Alternate Commissioner Mulkern continued to participate in discussions.

With regard to chicken coops, Mr. Tyler suggested the Commission often speaks of building lots which are often 175' by something; he felt maybe the Commission could add something to allow someone to have a chicken coop on a 175' wide lot with more depth and maybe the coop could be placed 75' from the side line. Chairman Ouellette questioned that Mr. Tyler felt the proposed language was too restrictive? Mr. Tyler felt it was for a resident lot; a few chickens are good for gardens and are not that objectionable.

Mr. Tyler also felt that the restriction on manure storage was a little too aggressive. Town Planner Whitten noted that a lot of the setback for manure storage is intended to protect the environment. Mr. Tyler indicated that a lot of manure is being put in concrete structures and shouldn't have to be 150' from the property line. Town Planner Whitten questioned what about the odor? Mr. Tyler suggested it's composted in a couple of weeks and doesn't have an odor. He is speaking of a contained manure storage area which is designed for manure storage – also compost storage areas.

Commissioner Devanney requested Town Planner Whitten to explain useable pasture. Town Planner Whitten READ FOR THE RECORD the definition of useable pasture reflected in the Definition page of the proposed Regulations. Commissioner Devanney suggested that she just wanted to clarify that the 1 acre is beyond/in addition to the house area.

Selectman Dick Pippin: indicated he agreed with Mr. Tyler that the set back distances were perhaps too aggressive. He also agreed that chickens are good for the environment. Selectman Pippin also noted he didn't see any reference to little boy chickens in the Regulations. He indicated that when you buy ornamental breeds you can't tell the boy and girl chickens until they grow up. Selectman Pippin did concur that chickens shouldn't be a nuisance to neighbors. Town Planner Whitten reported that the most complaints the department receives are about noise caused by roosters. Selectman Pippin suggested there are roosters presently located in zones that no one knows about. Ruth Phillips Grant suggested they don't get reported. Town Planner Whitten questioned how that issue could be regulated? Selectman Pippin suggested just respond when you get the calls.

Charlene Baker, Spring Street: reported she grew up on a farm and the problem is that if people leave the rooster out at night they crow in the morning, so if you put them in and then let them out later then they don't crow as loud and the neighbors won't complain. Commissioner Gowdy disagreed. Town Planner Whitten suggested under the best management practices the roosters shouldn't be left out at night.

John Thompson, 259 Rye Street: suggested he had a multitude of comments, which he has submitted in writing previously. With regard to a commercial farm the definition references an IRS Schedule F; he questioned what was required? Mr. Thompson then referenced **Section 305.2 – Keeping of Livestock**, under **(Subsection a) Commercial farms** he referenced "footnotes" 1 and 2, which he felt provided exclusions to the specific requirements (of Section 305.2). Mr. Thompson gave an example of a theoretical farm, and then suggested that definition is too open-ended. He felt it allows anything to be done at any time and is detrimental to residential homeowners because it puts them at risk.

Town Planner Whitten indicated that currently the number of animals is not restricted on 3 acres. She suggested that if you only 2 acres then that person probably wouldn't be following best management practices.

Mr. Thompson felt the draft Regulations create something so open-ended – they put residents at risk. Town Planner Whitten suggested the protection is offered through the Department of Agriculture (DOA). Mr. Thompson questioned what protection the Regulations offer? Town Planner Whitten suggested people should be following the best management practices. Commissioner Devaney questioned how many acres beyond 3 acres Mr. Thompson would recommend? Mr. Thompson suggested it should be what it's been – was it 4 acres? He felt commercial farms should meet all the criteria that non-commercial farms do; he reiterated he felt the exclusions exclude commercial farms from all the regulations. Town Planner Whitten cited the need to meet the requirements of site suitability, and proper drainage, and submission of a site plan to show commercial farms are meeting the requirements. Mr. Thompson questioned why commercial farms aren't subject to all the Regulations, like the number of animals, etc.? Town Planner Whitten noted the numbers of allowable animals vary from town to town; the Commission was guided by professionals who suggested using best management practices as the criteria. Mr. Thompson questioned what was a commercial farm? Town Planner Whitten suggested it's the livelihood of the owner; they are running a business as a commercial farm. She clarified that the reference to the IRS document was being deleted from the Regulations because it's not up to the Town to decide if a person is meeting the IRS standards. Mr. Thompson suggested he isn't comfortable with the proposed Regulations; he still felt regulations were being outlined for non-commercial farms but not for commercial farms.

Mr. Thompson noted he had submitted other comments; he requested that they be considered - as he felt none of his suggestions had been addressed in this proposed draft. He would like to work with someone regarding his comments and would like to refine them even more. Town Planner Whitten indicated that Mr. Thompson's letter had been provided for the Commissioner's review.

Scott Thomas: questioned if **Section 305.2 – Keeping of Livestock, Subsection c – Site Suitability, bullet 7** (regarding information provided on a sketch map/diagram) – applied to commercial and non-commercial farms? Town Planner Whitten replied affirmatively.

Mary Hayes Tromley Road: reported she has a Masters in and crop production, and they have had a farm for 30 years. Mrs. Hayes suggested to put a horse on 2 acre which could become a sandpit wouldn't work; she felt someone would need 2 to 4 acres. She suggested someone who only owns a small horse farm wouldn't know it's a problem; if you allow more land it won't be a problem.

Mrs. Hayes also suggested the DEP manual is 18 years old; she questioned how referencing such an old document would work?

Ron Hocutt: reported he has been working with the Horse Council; they have been working on an updated manual.

Tom Muska, East Road: indicated his questions would involve signage. Mr. Muska questioned what was meant in the Regulation “mission statement” by the language to promote “viability” – was that a reference to a farm being sustainable, or self-sufficient? He suggested there is a difference in operating a farm as a business vs. a labor of love. He felt the proposed Regulations really cut someone off at the knees for a business; he didn’t see them as unfriendly, but..... Mr. Muska felt he would need a 15% increase in sales to make his farm totally sustainable. A farm like his really needs to sell perishable crops as quickly as they can; he cited problems from past seasons but noted they are still doing ok and signage has helped.

With regard to signs, he suggested 3 1/2’ off the ground is fine but some intersections are in gullies so people wouldn’t see them. Chairman Ouellette noted the intent was to not create a sightline problem for drivers.

Mr. Muska then gave an example of a two sided sign (two separate sign boards attached to a pole in the center) and questioned if that would be considered one sign or two? Town Planner Whitten suggested that would be calculated as one sign.

Ruth Phillips Grant, Park Farm: referenced **Section 305.2 – Keeping of Livestock, Subsection c – Site Suitability, bullet 7** (regarding information provided on a sketch map/diagram) – Mrs. Grant suggested she found that requirement Orwellian. She indicated she understood this Commission just wanted a sketch but that left it open to the next Commission to say that’s not suitable and they require an engineered plan. Mrs. Grant felt that requirement hadn’t been mentioned in an earlier meeting amongst the farmers and Town Planner Whitten; she questioned where this requirement came from? She questioned why the Commission would care where her grain was stored – it’s in a grain bin in her barn.

Town Planner Whitten noted past discussion on Regulation revisions found the Commission asking how they would know the Regulations were being adhered to so they came up with this. She suggested the Planning Office can assist by using the GIS information, or using other sketches on file. A concern would be if anything was stored over septic systems. Mrs. Grant felt that would be covered under site suitability; how do you know anyone is doing anything? Why do you care what barn she’s keeping her livestock in? Town Planner Whitten noted the setback requirements for animal shelters. Mrs. Grant felt that requirement was over-stretching the intent of the farm viability grant, and if you do this you’re not doing what the grant was intended to do.

Commissioner Devanney noted the Commission is trying to take care of the neighbors also. Mrs. Grant felt the Commission was repeating the Regulations in this section. Town Planner Whitten questioned if Mrs. Grant was saying that if you are putting up a structure we are already asking for a sketch? Mrs. Grant replied affirmatively.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Hearing #1582 –January 11, 2011**

7

Mr. Tyler indicated he also felt the requirement is too restrictive, and gave multiple comments to support his opinion. Chairman Ouellette recalled the Commission had already agreed to review the Regulations again.

Selectman John Burnham, 178 Scantic Road: suggested he appreciated what the Commission was doing; he suggested the Regulation revisions are looking better than previous drafts. Nothing will be chiseled in stone forever. Chairman Ouellette concurred, noting the same held true for any Zoning Regulation. Selectman Burnham suggested if the Commission trips on one regulation they can come back and work on that again. He felt Town Planner Whitten did a good job of getting the word out to everyone.

Selectman Burnham questioned if someone has to come in every year? Town Planner Whitten suggested that once the Planning Office has the information, unless they receive a complaint, they won't be going out to look, and if there is a complaint the problem is more than not adhering to regulations.

Alan Baker, Spring Street: suggested the Commission and Town Planner Whitten have done a great job on the Regulations; they've been doing a lot of work and he appreciated the opportunity to come in and ask questions.

He questioned the definition of manure storage; if you have a backyard poultry farm and are putting it on the garden, or if you're piling it up. He suggested you are typically reusing it.

Christian Ruoss, 125 Rockville Road: reported he's a resident but supports the farmers. Mr. Ruoss questioned if some of the directional farm signs would be allowed on public property? Town Planner Whitten replied affirmatively. Mr. Ruoss felt it's public property in front of his house for about 10'; he felt signs could be in your front yard. Mr. Ruoss indicated his house faces the intersection of Griffin Road. He felt an intersection wasn't defined; he suggested the regulations don't say signs are allowed within 20' of an intersection. Mr. Ruoss indicated he would like to allow signs but wouldn't want them to be intrusive; he wouldn't like to see a dozen of them as there are many farms in that area. He noted most residents assume the public property in front of their home is part of their front yard and take care of that property. Town Planner Whitten concurred the Regulations should include language noting the signs should be located within the public right-of-way. Mr. Ruoss felt that if someone is maintaining that public property maybe they should be able to come to the Commission to discuss placement of signs.

Joan Nichols, Connecticut Farm Bureau (located in Windsor): felt that Town Planner Whitten had been doing a great job taking into consideration comments and the Commission has been great bringing people in.

Ms. Nichols opened her comments by referencing **the Definitions Section, definition for Agricultural Buildings or Structures**. Ms. Nichols suggested the language shown in

blue which specified types of buildings could be eliminated. Chairman Ouellette questioned if the language was wrong, or redundant? Ms. Nichols felt it was redundant.

With regard to **Section 305.X – Raising of Crops** – Ms. Nichols questioned the Commission’s intent with this section; she felt the raising of crops was addressed further in the Definitions. Town Planner Whitten reported that the Commission felt they had not addressed crops within the Regulations; everything seemed to be focused on animals. Ms. Nichols felt the definition of crops was included in agriculture. Town Planner Whitten felt people would question if they could grow crops; it doesn’t say anything elsewhere in the Regulations that people can grow crops. Ms. Nichols then felt it was ok to leave Section 305.X in the Regulations.

Regarding **Section 305.2 – Keeping of Livestock, Subsection a – Commercial Farms** – Ms. Nichols suggested the CT Department of Environmental Protection’s Manual for Best Management Practices of Agriculture is old and technology is changing; she would recommend reference to the most recent techniques as provided by the Department of Agriculture.

Regarding **Section 305.2 – Keeping of Livestock, Subsection b – Non-Commercial Farms** – Ms. Nichols noted roosters are not permitted; she would eliminate that language as she felt the keeping of roosters would be covered under Site Suitability. Commissioner Gowdy reiterated the numerous complaints received by the Planning Department regarding roosters; he felt the language should remain.

With regard to **Section 305.2 – Keeping of Livestock, Subsection c – Site Suitability, bullet 7, all language in blue print** – Ms. Nichols felt this Commission was looking for a map so they can know what’s going on but she cautioned that she works with 169 towns, and while this Commission might want just a sketch the next Commission may consider the need for a site plan rather than something some farmer drew on the hood of his truck. She noted the Commission is asking for location of wetlands, fences; farms move. If I need to expand my woodland and I need to clear more for farmland do I have to come in again? Chairman Ouellette noted the Commission had agreed to review this requirement again.

Betty Machack: felt agriculture is treated one way and residents are treated another. Town Planner Whitten suggested these Regulations are trying to marry both entities; the Commission is trying to have both work together without having either use be offensive to the other.

Paul Anderson, 89 Main Street: suggested passage of a waiver requires a positive $\frac{3}{4}$ vote of 3.7 members of a 5 member Board. Town Planner Whitten clarified, as the Commission’s Bylaws state, a $\frac{3}{4}$ vote is 3 out of 5 Commission members.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Hearing #1582 –January 11, 2011**

Ruth Phillips Grant: addressed the public, noting that she has fought for inclusion of the roosters but if the roosters need to go to the chopping block for the greater good then so be it.

Charlene Baker: the noise of roosters is nothing compared to barking dogs, so if someone complains about roosters.....

Selectman Dick Pippin: suggested that you can write beautiful Regulations but a lot of farms are located within residential zones. He realized the zoning isn't the Commission's fault but.....

John DeRham, Thompson Farm, Melrose: returned to **Section 305.2 – Keeping of Livestock, Subsection c – Site Suitability, bullet 7** – many farms are old and predate zoning, he suggested the zoning was put on them, how do they locate every structure unless it's within 100' of a property line? If the Commission is asking for an A-2 Survey he could see it for a 1 acre farm but for farms owning multiple acres

With regard to manure storage he suggested there should be nothing more than 1 cubic yard – 3' x 3' x 3'.

Chairman Ouellette noted the Commission had allowed an hour for this discussion on the Agenda; that hour has expired. Discussion was closed for the present workshop. Town Planner Whitten advised the audience the Commission will take all these comments under consideration and hold another workshop in a month or so, perhaps in February. Chairman Ouellette noted that none of the draft Regulations will be adopted without a Public Hearing.

Paul Anderson: suggested there are 3 documents on the Town website, if the Commission doesn't adopt them together they won't work. Town Planner Whitten noted the **Right to Farm Ordinance** and the **Subdivision Agriculture Buffer Strips** have been reviewed and pretty much accepted by the Commission, they are presently being reviewed by the Town Attorney.

MOTION: TO TAKE A FIVE MINUTE BREAK.

Gowdy moved/Devanney seconded/

VOTE: In Favor: Devanney/Gowdy/O'Brien/Ouellette/Thurz

The Commission RECESSED at 8:15 p.m., and RECONVENED at 8:30 p.m.

OLD BUSINESS: Armster Reclaimed Lumber Co. – Modifications of Approved Site Plan for property at 232 & 244-246 South Main Street, owned by All American Products Corp. and Balch Bridge Street Corp., to add a concrete loading dock to the existing building. [M-1, B-2 & A-2 Zones; Maps 33/38, Block 5, Lots 84-1 & 87]. (*Deadline for decision 2/17/2011*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC., and Klaus Armster, owner of Armster Reclaimed Lumber Co.

LET THE RECORD SHOW Regular Commissioner Thurz will be voting on this Application, as Alternate Member Mulkern had stepped down from service with the arrival of Regular Commissioner Thurz.

Mr. Ussery recalled that the Commission had advised Mr. Armster to move whatever lumber was necessary to get 20' accessibility around the building, and then to have the Fire Marshal come out and do an inspection. That inspection was done, but the Fire Marshal requested 25' accessibility rather than the 20' discussed. Mr. Armster had indicated that it would be a lot of work to move the lumber again; in response Mr. Ussery measured the area and found the following distances: 25.6' to the closest piece of lumber sticking out, 30' from the corner of the loading dock, 30' on the north side of the building, 30' on the Southside of the building and 20' on the east side. Mr. Ussery indicated he has not yet revised the plans but will do so, and will also add a note reflecting the 25' distance must be maintained.

Mr. Ussery noted the Fire Marshal also noted there is currently a fence around the propane tank; he has requested the installation of concrete bollards in front of the fence at a distance of 5' apart to keep vehicles from getting through the fence.

Mr. Ussery also clarified the approved heights of storage piles, noting page 2 of the original plan reflects Conditions #9 and #10 under "Conditions to be approved before issuance of a CO (Certificate of Occupancy)" – requires a maximum height of 6" below the height of the fence. Mr. Armster reported the height of the front fence is 7' 11", therefore the maximum height of the stockpiles is 7' 6". Mr. Ussery suggested page 3 of the plan originally proposed a height for the storage piles in the rear to be 20'; that was modified to not exceed 14'. Mr. Ussery noted these clarifications need to be reflected on these plans as well.

Chairman Ouellette noted he wanted to be reasonable about the bollards due to the present frozen conditions of the area but he suggested a time certain needs to be reflected in the conditions. He suggested someone could argue that a Site Plan Approval is good for 5 years and might delay installation of the bollards until expiration of the Site Plan, and that was not the intent of the Fire Marshal. Mr. Ussery offered a date of April 30th as he felt frost comes out of the ground in March.

Commissioner Thurz questioned if Building Official Stanley had been out to the site? Mr. Armster reported he had visited the site with the Fire Marshal; they went through a punch list of various items and most were checked off before he left. Mr. Armster must install a railing and weld something around another area so a forklift couldn't get into the area.

Commissioner Devanney questioned if the Fire Marshal had signed off on his approval? Mr. Armster felt he was waiting for something from this Commission.

Chairman Ouellette noted there had been considerable discussion about drainage at the previous meeting; he questioned if Mr. Ussery would be amending the drawings? Mr. Ussery indicated Town Planner Whitten had asked that a note requiring all drainage be directed to the yard drain be added to the plans; Mr. Ussery indicated that note would be one of the plan amendments.

Mr. Ussery indicated he will show Town Planner Whitten a print of the plan revisions for her review, and then provide her with a mylar as the final plan.

The Commission determined that the bollards should be installed by May 1, 2011.

MOTION TO APPROVE the Application of Armster Reclaimed Lumber Co, and owners Balch Bridge Street Corp. and All American Products Corp. requesting a site plan modification to add a loading dock to the building of a reclaimed lumber company located at 232, 244 and 246 South Main Street, Assessor's Map 33/38, Block 5, Lot 84-1 & 87 – M-1, B-2 and A-2 zones. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions)

Referenced Plans:

- Improvement Location survey – prepared for Armster Reclaimed Lumber Co, 232 & 244-246 South Main Street, East Windsor CT Zone B2, A2, & M1, Map 38, Blk 5 Lot 84-1&87 prepared by JR Russo and Associates, 1 Shoham Rd, East Windsor CT 06088 860/0569, 623-2485 fax dated 11/30/07, last rev .12/3/10 , scale 1" = 40'

-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 full 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. Re-location of all lumber stockpiles shall be completed within 45 days from date of this approval or the applicant and/or owner may be cited and fined for a zoning violation.
8. Wood stacks must be kept to below maximum heights per the approved plan. Drive aisles among the stacks must be kept clear AT ALL TIMES for fire safety and proper access.
9. Wood stacks in the front may not exceed the height of the fencing that is erected.
10. A building permit is required for any fencing over the height of 6 feet.
11. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
12. Final as-built survey showing all structures, pins, driveways, access drives, storage areas, and grading shall be submitted.
13. 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:

14. In accordance with Section 13.5.4 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.
15. 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.
16. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
17. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
18. 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
19. All required landscaping shall be maintained.

Additional Conditions:

20. **Incorporate the memo from Brian K. Long, Deputy Fire Marshal of the Warehouse Point Fire District dated January 5, 2011 into the Site Plan.**
21. **Solid barrier protection, in the form of bollards, shall be provided in the area around the propane tank by May 1, 2011.**
22. **Site Plan shall be revised to reflect the following note: “The site must be graded so the area drains to the existing yard drain, and the drainage must be maintained.”**

Gowdy moved/Devanney seconded/

VOTE: In Favor: Devanney/Gowdy/O’Brien/Ouellette/Thurz

NEW BUSINESS: SJK Properties (Skip Kement) – Extension and modification of approved 48-lot subdivision (Quarry Meadows) located on the north side of Depot Street,

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Public Hearing #1582 –January 11, 2011**

14

to be constructed in 8 phases. [R-3 Zone; Map 27, Block 77, Lots 6 & 9] (*Approved 1/30/2006; Expires 1/30/2011*):

Chairman Ouellette read the description of this Item of Business, noting the Application is only for an approval extension, and consideration of a phasing plan. Appearing to discuss this Application was Skip Kement, and Marek Kement.

Chairman Ouellette questioned if Phase I was constructed first would there be a turn-around included in the phase rather than have people have to turn around in an owner's lot or driveway? Marek Kement indicated there will be a continuous gravel thoroughfare from Phase A(I) to Phase B(II). Marek Kement indicated the reason for two sections of Phase I is that there are two ways to get into the property.

Town Planner Whitten reported that she, Skip Kement, and Town Engineer Norton met with Art Enderle of the WPCA (Water Pollution Control Authority) to review the phasing. She noted the gravity sewer, drainage, and pump station have already been put in. It was agreed that the Kements would submit an As-Built showing what has already been installed to date. The revised plans would assist in determining the bonding required for each phase based on the improvements already put in. Town Planner Whitten suggested it was assumed that they would lay a base course of road through all phases so access would be available for all traffic, but it would not be the finished course.

Commissioner Gowdy questioned the sequence of the phasing. Marek Kement suggested they would start from the main road for economic reasons; Skip Kement indicated he would like to see a model home out on Depot Street for marketing purposes. Marek Kement questioned if the phasing had to be done in order of phase I through V? Chairman Ouellette reiterated that each phase must be bonded. Town Planner Whitten felt the phasing was up to the developer; Marek Kement indicated they intended to go from Phase I to V anyway. Commissioner O'Brien questioned what would happen if someone wanted to buy a house in the middle of the project? Marek Kement indicated they would have to wait until that phase was available.

MOTION TO APPROVE A FIVE YEAR EXTENSION FOR Quarry Meadows, Assessor's Map 27, Blk 77, Lots 6 & 9; said extension shall expire on January 30, 2016; AND, MOTION TO APPROVE an eight phase development of the 48 lot subdivision named Quarry Meadows, per phasing plan sheet one of one, dated November 18, 2010, as may be revised per conditions of approval.

Devanney moved/Gowdy seconded/

VOTE: In Favor: Devanney/Gowdy/O'Brien/Ouellette/Thurz

BUSINESS MEETING/(1) Route 140 Sewers : Tabled.

BUSINESS MEETING/(2) Correspondence:

Town Planner Whitten noted submission of a report on the status of sign violations from Zoning Enforcement Officer Newton. Chairman Ouellette requested follow-up with the owner of Coachlight Motors. Town Planner Whitten noted vehicles for that business are now being parked across the street as well. Chairman Ouellette suggested the current parking is a safety hazard as people can't see oncoming vehicles.

BUSINESS MEETING/(3) Staff Reports:

Town Planner Whitten reported on the following:

- Cliff Nelson has been appointed as the Hearing Officer for Zoning Violations. Zoning Enforcement Officer Newton can now move forward with follow-up on violations.
- The Economic Development Commission is holding a "Meet and Greet" on January 27th at LaNotte's; these events have been well received by the business community in the past as they like the casual atmosphere. Commissioners Devanney and O'Brien plan to attend; Chairman Ouellette and Commissioner Mulkern will check their calendars; Commissioner Gowdy will be in Florida.
- A Workshop for the Incentive Housing Zone is planned for 6:30 p.m. at the next Commission Meeting on January 25, 2011. The Commission discussed set up for the meeting – separate discussion tables vs. general discussion.

SIGNING OF MYLARS/PLANS, MOTIONS: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:08 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(6146)