

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

SPECIAL Meeting #1675 – June 9, 2015

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

The Meeting was called to order in the Park Hill Community Room, 1-A Park Hill, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, and Frank Gowdy.

Alternate Members: Bob Slate, and Marti Zhigailo.

ABSENT: **Regular Members:** Jim Thurz, and Dick Sullivan

Alternate Members: Michael Kowalski,

Also present was Town Planner Whitten.

GUESTS: See Applicants listed below.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members and two Alternate Members were present at the Call to Order. Chairman Ouellette noted all Regular and Alternate Members would sit in, and vote, on all Items of Business this evening.

LEGAL NOTICE:

Chairman Ouellette noted that due to the cancellation of the Commission's May 26, 2015 Meeting this is the first official reading of the following Legal Notice, which appeared in the Journal Inquirer on Thursday, May 14, 2015, and Thursday, May 21, 2015:

- Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmen's Club, Inc. for a Special Use Permit/Excavation (per Section 814) for renewal of existing earth excavation permit for property located on the south side of Apothecaries Hall Road [M-1, R-3 & A-1 zones]. Map 57, Block 49, Lot 3 owned by East Windsor Sportsmen's Club; Map 57, Block 65, Lot 1; and Map 48, Block 65, Lot 7 owned by Apothecaries Hall Enterprises, LLC]

ADDED AGENDA ITEMS:

Town Planner Whitten requested the addition of discussion of elderly housing under the **Business Meeting.**

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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/May 12, 2015:

MOTION: To APPROVE the Minutes of Regular Meeting #1673 dated May 12, 2015, with the following amendments:
NEW PUBLIC HEARINGS: King’s Crossing, LLC, Page 20,
Condition of Approval #5: “In cases where all public health and safety components have NOT been completed,.....”
Same Application, Page 21, Additional Condition of Approval #15”
“Truck trips shall not exceed 60 trips per day (clarify from record).”

Devanney moved/Zhigailo seconded/

DISCUSSION: See amendments noted above.

VOTE: In Favor: Devanney/Slate/Zhigailo
Opposed: No one
Abstained: Gowdy/Ouellette

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted there are no new Applications to be received.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE: Timothy Rodrigue – Request for extension for filing mylars for a 2-lot Resubdivision of property located at 185 Wells Road. (Map 85, Block 31, Lot 1B) [*Current deadline expired on 5/29/15*]

Chairman Ouellette noted receipt of letter from Timothy and Denise Rodrigue requesting an extension of the time period to file the mylars for the 2-lot Resubdivision at 85 Wells Road.

MOTION: To APPROVE the request for an extension of the deadline for filing mylars for the Application of Timothy Rodrigue for a 2-lot Resubdivision of property located at 185 Wells Road. (Map 85, Block 31, Lot 1B). Deadline is extended to 8/11/2015.

Devanney moved/Slate seconded/

DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Slate/Zhigailo)

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CONTINUED PUBLIC HEARINGS: Jeffrey E. and Maria B. Ewing - Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, as part of a proposed 3-lot subdivision off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] (*Deadline to close hearing 6/16/15*) (See revision of 3-lot subdivision in approval motion); **AND, OLD BUSINESS: Jeffrey E. and Maria B. Ewing** - 3-lot subdivision located off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] (*Deadline for decision 7/2/15*) (See revision of reference to the 3-lot subdivision in approval motion):

Chairman Ouellette read the description of both Items of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo & Associates, LLC, and the Applicant, Jeffrey Ewing.

Mr. Ussery opened discussion by recalling the original Application had been submitted as a 3-lot subdivision with a rear lot. Mr. Ussery submitted a letter requesting the withdrawal of that Application, with the replacement of the Application for a two lot configuration - both lots having frontage on Kreyssig Road. The lot comprising 61 Kreyssig Road contains 6.4 acres straddling the East Windsor/Ellington town line. The lot has frontage in East Windsor and will be accessed by a driveway in East Windsor. The North Central District Health Department has approved this lot for a septic system; the dwelling could be built in either East Windsor or Ellington. As requested by the Commission the Applicant has agreed to add the agricultural buffer to this lot. Mr. Ussery noted a rear portion of this lot will be conveyed to a neighbor, Sunset View Farms operated by Steve Moser; this rear portion will be combined with additional land owned by Mr. Moser.

Mr. Ussery noted the lot identified as 63 Kreyssig Road contains 1.7 acres, also straddling the East Windsor/Ellington town line. This parcel contains 225' frontage in East Windsor; the dwelling will be located in Ellington.

Mr. Ussery noted Mr. Ewing will be retaining one lot for himself.

Commissioner Zhigailo noted a letter received from an abutter; Commissioner Zhigailo questioned if approval of these lots is still pending in Ellington? Mr. Ussery replied affirmatively, noting discussion had occurred regarding moving the driveway, which might have allowed them to continue with the 3-lot subdivision proposal but moving the driveway wouldn't have rectified the sightline issues.

Chairman Ouellette noted that while he was not advocating for the removal of the agricultural buffer he questioned if the reduction of the one lot makes the requirement for the agricultural buffer go away? Mr. Ussery suggested Mr. Ewing

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has some animals, and he will probably also grow hay on the parcel. Discussion followed regarding what, if anything, could be constructed within the agricultural buffer.

Chairman Ouellette noted the plans still contain the notation referencing the open space allocation (fee-in-lieu-of); the note should be removed from the plans if the Application is no longer a subdivision proposal.

Chairman Ouellette noted the drainage quality structure proposed at the front of Lot 61. He noted the reference to easements to Ellington; he questioned if the easement should be extended to the people in East Windsor as well? Mr. Ussery noted the water quality structure satisfies concerns raised by the Ellington Town Engineer. This will be a private lot-to-lot easement which allows the water to cross as it now does.

Chairman Ouellette suggested the resubmission of the Application as a two lot configuration changes the Application from a Public Hearing for a 3-lot subdivision. Discussion followed; it was determined the Application is now a “splitting of one lot into two lots”, and eliminates the requirements associated with a subdivision – fee-in-lieu of open space, street lights, sidewalks, and 100’ farm buffer. Therefore, all of the waivers previously associated with the subdivision are no longer required, nor is the requirement for a fee-in-lieu of open space.

Chairman Ouellette questioned the Applicant if he would rather not have the agricultural buffer on the larger lot? Mr. Ewing preferred not to have the agricultural buffer; Mr. Ussery indicated he will remove it from the plans.

Chairman Ouellette queried the Commissioners for additional comments. Commissioner Gowdy questioned the language of Condition of Approval #9. It was agreed to discuss language revisions at a future Commission workshop.

MOTION TO APPROVE the Application of owner Jeffrey E. and Maria B. Ewing for a ~~3-lot subdivision~~ FOR A SPLITTING OF ONE LOT INTO TWO LOTS at property located on Kreyssig Road at the East Windsor/Ellington Town line [Map #136, Blk. 75, Lot 11] in the A-1- Zone

This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

Referenced Plans:

Sheet 1/4 ~~3-Lot subdivision~~ 2 LOT SPLIT, Kreyssig Rd, East Windsor/Ellington CT; owner/applicant Jeffrey E. & Maria B Ewing, 94 Reeves Rd, Ellington CT 06029, prepared by J.R.

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Russo & Associates, LLC 1 Shoham Rd, East Windsor CT
860/623-0569, 860/623-2485 (fax), dated 4/3/15, rev 6/3/15.

Sheet 2/4 Subdivision Plan, rev 6/3/2015.

Sheet 3/4 Topographic Plan, rev 6/3/2015.

Sheet 4/4 Erosion and Sedimentation control Notes & Details, rev 6/3/15.

Conditions which must be met prior to signing of mylars:

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

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

4. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant **no later than 90 days from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One set of mylars shall be filed in the Planning and Zoning Department.

Conditions which must be met prior to certificates of compliance:

5. Iron pins must be in place at all lot corners and angle points.
6. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
7. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
8. Final as-built survey showing all structures, pins, driveways, final floor elevations, landscaping and grading must be submitted.
9. 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 Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

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General Conditions:

10. A Zoning Permit shall be obtained prior to any the commencement of any site work for each parcel.
11. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
12. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.
13. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
15. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

Devanney moved/Slate seconded/

DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Slate/Zhigailo)

NEW PUBLIC HEARINGS: Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmen’s Club, Inc. - Special Use Permit/Excavation (per Section 814) for renewal of existing earth excavation permit for property located on the south side of Apothecaries Hall Road [M-1, R-3 & A-1 zones]. Map 57, Block 49, Lot 3 owned by East Windsor Sportsmen’s Club; Map 57, Block 65, Lot 1; and Map 48, Block 65, Lot 7 owned by Apothecaries Hall Enterprises, LLC] (*Deadline to close hearing 7/14/15*)

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, Inc., and Kevin Charbonneau, representing the Applicant.

Mr. Ussery submitted an affidavit regarding the posting of the Public Hearing sign. He reported the Application is for the renewal of the gravel excavation permit currently held

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by Apothecaries Hall Enterprises. He noted that a year ago they added a phase which involved a land swap with the East Windsor Sportsman's Club; he noted that none of the work proposed under that phase has been done.

Mr. Ussery referenced a site plan, noting the areas which comprise the various phases and what resource (sand, gravel, etc.) exists within the phases. He also noted an area which was initiated perhaps three years ago when the need arose to stockpile, and then chip, brush and trees which came down during the severe October storm experienced throughout our local area. Apothecaries Hall Enterprises was issued a permit through DEEP (Department of Energy & Environmental Protection) to accept storm debris and chip the material for reuse. Mr. Ussery noted most the materials involved with that permit have now been removed.

Mr. Ussery noted the total acreage for this site is under 80 acres spread over 16 phases. Mr. Ussery discussed the status of various phases with regard to excavation and reclamation. He noted that some of the area towards the back of the site has not been reclaimed but has experienced regrowth of shrub materials and other vegetation. He estimated that in actuality 35.5 acres of the site have been reclaimed, while 46.3 acres are presently disturbed. Mr. Ussery submitted a dozen photos of various phases. Discussion followed regarding the various phases, the grades of various phases, and the proximity to groundwater within the phases. Mr. Ussery noted they have not yet started Phase 16, which involves the land swapped with the East Windsor Sportsmen's Club. Mr. Ussery also suggested he didn't see any issue with the floor levels/grades vs. the groundwater level. Town Planner Whitten suggested Commissioners might want to visit the site to better understand Mr. Ussery's comments relative to the photos submitted, and to see how the various operations occur on the site.

The Commissioners raised the following questions:

Bonds: Chairman Ouellette questioned if the Town retains separate bonds for each phase? Town Planner Whitten suggested she would need time to research the various files. She discussed the protocol for valuation of the bonds and release of same.

Duration of Renewal Extension: Chairman Ouellette suggested he understood the request is for a two year extension. Mr. Ussery indicated they are requesting the two years as the phasing has not changed, the work being done isn't visible from the road, he felt dust and noise isn't an issue. Mr. Ussery indicated they wanted to continue the approval for the wash plant; they continue to do the work allowed under the DEEP Permit which is renewed via DEEP, and they currently have no intention of doing anything in the area south of the power lines. He noted they submit as-built plans of the site annually.

Later in the meeting Chairman Ouellette queried the Commissioners regarding the request for the two year extension. Commissioner Gowdy felt the two years was reasonable/warranted due to the current economy; he also suggested the Applicant's past

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history for maintaining the site has been great. Commissioners Devanney and Zhigailo concurred. Commissioner Slate suggested the Applicant hadn't been a problem in the past; he favored the two year extension.

Limitation of number of trucks accessing the site: Chairman Ouellette questioned the number of trucks allowed daily under the current Zoning Permit? Mr. Ussery replied 60 trucks/day. Chairman Ouellette questioned that the intensity of the usage wouldn't increase if this permit is extended? Mr. Ussery replied they could not exceed that limit.

Town Planner Whitten noted the Planning Department had received complaints this week regarding the condition of the road. She understood they are bringing in clay from excavation in Hartford and in return they are taking out gravel. Town Planner Whitten reported the road is slick from the clay, and it appears more than the 60 trucks/day are accessing the site. Mr. Charbonneau reported he is meeting with representatives in Hartford tomorrow morning regarding how long this additional work will continue; he can update Town Planner Whitten tomorrow. Town Planner Whitten reported she and Zoning Enforcement Officer Newton had been out to the site; they recommend Mr. Charbonneau have equipment on site to wash the truck wheels. They have had reports of cars sliding on the clay on the road before it dries. Mr. Charbonneau questioned if the tire/wheel wash would help; he noted he currently has Capitol Sweeping cleaning the road. Town Planner Whitten indicated the road sweeping must continue daily. He noted he is present at this site daily; if he notices a problem he takes care of it. Mr. Ussery concurred, noting Mr. Charbonneau responds quickly to complaints.

Chairman Ouellette noted this Application was a Public Hearing; he queried the audience for comments. No one requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmen's Club, Inc. for a - Special Use Permit/Excavation (per Section 814) for renewal of existing earth excavation permit for property located on the south side of Apothecaries Hall Road [M-1, R-3 & A-1 zones]. Map 57, Block 49, Lot 3 owned by East Windsor Sportsmen's Club; Map 57, Block 65, Lot 1; and Map 48, Block 65, Lot 7 owned by Apothecaries Hall Enterprises, LLC]

Devanney moved/Slate seconded/

DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Slate/Zhigailo)

The Conditions of Approval were reviewed prior to the Commission's vote; references to the two year extension were made where considered appropriate as noted during discussion.

MOTION TO APPROVE the Application of Apothecaries Hall Enterprises, LLC for a Special Use Permit for renewal 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 Blk 65 Lot 1; Map 48 Blk 65 Lot 7]. The approval is for a 2-year duration to expire 2 years (through 6/28/2017) from last date of approval. This approval is granted subject to conformance with the referenced plans and the following conditions:

Referenced Plans:

“As Built Plan, Charbonneau Gravel Pit , Apothecaries Hall Road, East Windsor CT prepared for Apothecaries Hall Enterprises, LLC, 125 Edwin Road, South Windsor CT 06074, prepared by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 860/623-0569, fax 860/623-2485, dated 5/7/15

CONDITIONS:

Conditions that 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 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.
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 mylars.

Conditions that must be met prior to issuance of permits:

4. Two 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 & Zoning Office by the applicant prior to issuance of any permits and on the land records.
5. 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.

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6. 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:
 - a) noted on the approved plan
 - b) spaced no farther than 200 feet apart; and
 - c) set in the ground with iron or steel stakes at least $\frac{3}{4}$ 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
7. 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.
8. 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.

General Conditions:

9. 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 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.
10. Operation of the gravel pit may include:
 - a. 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 9A.5.(New section 814)
 - b. Temporary screening of excavated material pursuant to provisions of Section 9 and 9A.5. (new section 814)
 - c. Temporary crushing of rock and gravel mined on-site only with portable crushing apparatus and pursuant to provisions of Section 9 and 9A.5*.(new section 814)
 - d. Excavating, moving, piling, loading and removal of sand, gravel, fill, trees, stumps and brush. "Clean fill" as defined by Connecticut DEP 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

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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 Planner José 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.

11. 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.
12. In the event that the operation ceases before all phases are completed, the remaining land shall be graded to leave no slope exceeding 33%.
13. 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.
14. No trees, brush or stumps shall be buried on site.
15. 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.
16. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
17. 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.
18. 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) Roads.
19. A “Private Property – No Trespassing” sign shall be maintained at the entrance to the pit facing outward toward Windsorville (and Apothecaries) Roads.

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20. 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.
21. The pit shall not be opened or operated before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday.
22. The pit shall not be open or operated on weekends.
23. 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.
24. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
25. The applicant shall adhere to all conditions of their Inland Wetlands Permit.
26. 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.
27. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department no later than July 1 of each year that this permit is in effect.
28. Finished grades may not be closer than 8’ to the water table.
29. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
30. 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.
31. The project shall be carried out in phases as shown on the plans.
32. All trucks and equipment shall be parked off-street.
33. 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.

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34. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
35. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
36. 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.
37. 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.
- 38. This approval shall expire ~~one~~ TWO years from date of approval (or last approval) or upon completion of the project, whichever occurs first, and is renewable on an annual basis.**

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

814.3j - 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 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,

814.3k - 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.

814.3q - 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 grade shall be submitted once grade reaches 18 feet above 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 one year from date of approval.** 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

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required before an extension can be granted. Failure to renew a permit is cause for revocation.

814.4c1 – the amount of material to be excavated or removed per phase should be submitted.

814.4c2 – the proposed time frame for excavation activities should be addressed. This should include the timing of all phases which are under operation.

814.4c3 – the proposed number and types of trucks should be addressed. This should include all proposed truck traffic with all open phases. See note #20.

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.

40. 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

Devanney moved/Slate seconded/

DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Slate/Zhigailo)

MOTION: TO TAKE A FIVE MINUTE BREAK.

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

The Commission RECESSED at 7:50 p.m. and RECONVENED at 7:53 p.m.

OLD BUSINESS: West River Farms, LLC - Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 zones; Map 3, Block 34, Lots 60, 62 & 62A] (*Hearing closed 5/12/15; Deadline for decision 7/16 /15*); **AND, OLD BUSINESS: West River Farms, LLC** - 69-lot PRD Subdivision located at 329, 331, 339 and 341 Scantic Road. [MFDD & A-1 zones; Map 3, Block 34, Lots 60, 62 & 62A] (*Deadline for decision extended to 6/9/15*)

Chairman Ouellette read the description of the Items of Business. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates.

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Commissioner Gowdy noted he had read the Minutes for the previous Meetings; although he was not present during one of the meetings he felt he could vote on the Applications.

Town Planner Whitten noted during the previous meeting it become evident that additional conditions would be necessary with regard to the wells of the Schanck Road residents. That language is now included in the motion presented to the Commission this evening. The Commission reviewed the various conditions.

Commissioner Zhigailo questioned that no reference was made to “water quality” for the residents of Schanck Road. Town Planner Whitten recalled that some of the residents have said during the Public Hearing that their wells are already contaminated; she suggested if the residents feel their water quality is good they will now have a test which reflects that.

The Commission also reviewed Condition 8 regarding the conveyance of the Open Space to the Scout Hall Building Committee, Inc., and the availability of the Open Space to the general public.

The Commission reviewed the requested waivers; the following motion was made:

MOTION TO APPROVE waivers of

Subdivision Section 6.1.7 – A waiver to construct temporarily with phasing, a cul de sac which will contain more than 20 homes, as it is more cost effective and less intrusive to property owners during construction.

Subdivision Appendix 2 – Section 1.4 for cover over a storm pipe in order to avoid conflict with sewer laterals

Subdivision Appendix Section 1.9 for storm pipe material as CPEP-S is preferred over RCP

AND,

MOTION TO APPROVE the 18.55 ac. open space, mostly located adjacent to the subdivision in the town of South Windsor in fee simple to be granted to the Scout Hall Organization, with specific deed restrictions.

Devanney moved/Zhigailo seconded/

DISCUSSION: *None.*

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Slate/Zhigailo)

MOTION TO APPROVE the Application of owners West River Farms, LLC requesting a Special Use Permit for a Planned Residential Development and a 69 lot Subdivision to be located at 329-341 Scantic Road, in the MFDD/A2 Zones. Map

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03, Bl. 34, Lots 060, 062, & 062A. with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

Referenced Plans: Update with Latest modification dates. All 25 sheets last revised 4/21/15 (See additional revision dates noted below as well):

Sheet 1 of 25, Cover Sheet, West River Farms, 69 Lot Residential Subdivision (PRD), Scantic Road, East Windsor, CT. , prepared for West River Farms, 172 Amston Road, Colchester, CT. 06415, prepared by J. R. Russo & Assoc. LLC, 1 Shoham Road, East Windsor, CT. 06088, 860/623-0569, www.jrusso.com, dated – revised 3/6/2015, latest revision 4/21/2015

Sheet 2 of 25 – Key Map, scale 1" = 200', dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 3 of 25 – Existing Conditions Plan, scale as noted, dated 11/17/2014 – revised 12/8/2014, latest revision 4/21/2015

Sheet 4 of 25 – Overall Site Layout, scale 1" = 100', dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 5 of 25 – Phasing & Soil Erosion Control Plan, scale 1" = 100', dated 11/17/2014 - revised 3/6/2015, latest revision 5/8/2015

5A of 23 – Landscape Plan 1" = 60" dated March 23, 2015

Sheet 6 of 25 – Subdivision Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015

Sheet 7 of 25 – Subdivision Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 8 of 25 – Subdivision Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 9 of 25 – Subdivision Plan, scale 1" = 40', dated 11/17/2014 – revised 2/2/2015, latest revision 4/21/2015.

Sheet 10 of 25 – Topographic Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 11 of 25 - Topographic Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015.

Sheet 12 of 25 – Topographic Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015.

Sheet 13 of 25 – Topographic Plan, scale 1" = 40', dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015.

Sheet 14 of 25 – Plan and Profile – Riverside Way, scale 1" = 40'H/4'V, dated 11/17/2014 – revised 12/8/2014, latest revision 5/8/2015.

Sheet 15 of 25 – Plan and Profile – Riverside Way, scale 1" = 40'H/4'V, dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015.

Sheet 16 of 25 – Plan and Profile – Cathy Lane, scale 1" = 40'H/4'V, dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

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Sheet 17 of 25 – Plan and Profile – Cathy Lane & Hilltop Circle, scale 1” =40’H/4’V, dated 11/17/2014 – revised 3/6/2015, latest revision 5/8/2015.

Sheet 18 of 25– Plan and Profile – Hilltop Circle, scale 1” = 40’H/4’V, dated 11/17/2014 – revised 3/6/2015, latest revision 4/21/2015.

Sheet 19 of 25 – Soil Erosion and Sedimentation Control Notes, scale as noted, dated 11/17/2014 – revised 12/8/2014, latest revision 5/8/2015.

Sheet 20 of 25 – Detail Sheet, scale as noted, dated 11/17/2014 – revised 12/8/2014, latest revision 5/8/2015

Sheet 21 of 25- Detail Sheet, scale as noted, dated 11/17/2014 – revised 12//8/2014, latest revision 5/8/2015.

Sheet 22 of 25 – Detail Sheet, scale as noted, dated 11/17/2014 – revised 12/8/2014, latest revision 4/21/2015.

Sheet 23 of 25 – Detail Sheet, scale as noted, dated 11/4/2014 - revised 3/6/2015, latest revision 4/21/2015.

Sheet 24 of 25 - Detail Sheet last rev 4/21/15

Sheet 25 of 25 – Detail Sheet last Rev 4/21/15

Elevations -Dated 4/28/15 prepared by RPM Architecture 63 Foxbrook Rd, East Hartland, CT 06027 , 860/841 2339

Broad Brook Elevation & Plan

Scantic Elevation and Plan

East Windsor Elevation and Plan

Windsorville Elevation and Plan

Melrose Elevation and Plan

Columbia Elevation and Plan

Copeland elevation and Plan

Eaton Elevation and Plan

Conditions that must be met prior to signing of mylars:

- 1.The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylar copies for signing by the Commission.
- 2.The final plans shall contain the street numbers (unit numbers) assigned by the East Windsor Assessor’s Office.
- 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 mylars.

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

4. Two sets of mylar plans shall be submitted to the Commission for signature. All plans shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant no later than 90 days from date of decision has elapsed or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, inclusive of elevations and floor plans, shall be filed in the Planning and Zoning Department.
5. Executed Deeds for any proposed conservation, access, or drainage easements, and open space dedication must be approved by the Town Attorney and filed on the land records prior to any permits being issued. These should be filed with the mylars.
6. With the permission of the following abutting property owners on Schanck Road (n/f Louis P. Chagnot, Carlos & Manuela Cristovao [12 Schanck Rd], Arthur B. Jr. & Ellen B. Sias [10 Schanck Rd], Diane Schanck [8 Schanck Rd], and Robin & Rebecca Schanck [6 Schanck Rd]), the Developer will pay for a qualified independent contractor to perform a pre-construction yield test of each well. If within 2 years of the completed installation of all sanitary, storm and water mains within Phases 1 & 2, any of the five tested property owners report a reduction of their well yield beyond normal seasonal fluctuations, the Developer, will take immediate action to retest the well yield, confirm the reduction and drill a deeper well if necessary to restore yield to pre-construction conditions, unless a qualified independent professional concludes that the reduction was not caused by the development. Professional qualifications will be subject to approval by the Town Engineer. However, if any property owner does not grant the Developer permission to perform the yield tests, then the Developer will not be responsible to restore well yield for that property.
7. In accordance with the recommendation of the Town Engineer to provide additional groundwater recharge, the Developer's engineer shall revise the plans to eliminate Yard Drain #1 and regrade the back of lot 1 to collect and infiltrate lawn & roof runoff from phases 1 & 3 at the low point of lot 1 near Scantic Road
8. Deed/Title for Open Space to be transferred to East Windsor Scout Hall Building Committee, Inc. , a non-profit organization, in fee simple, and must state that as a condition of approval for West River Farms:
 - i) that the property is to remain open space in perpetuity for all people to have access (subject to hours of operation and reasonable rules);
 - ii) That the ROW known as Schanck Road be maintained as an access for residents on the road and to access the open space and detention basin;
 - iii) That the developer will be responsible for building the detention basin;

- iv) That the Town of East Windsor has the right of ingress/egress for maintenance of the detention basin once established;
 - v) That an easement for public utilities be established
 - vi) That the open space remain passive in nature, inclusive of hiking, picnicking, boat access and camping;
 - vii) That any changes in use be approved by the Town of East Windsor and The Town of South Windsor, if legally required;
 - viii) That should the Scout Hall cease to exist or desire to sell the property, that the Town have right to first refusal. Should the town not want to take ownership, that the property be transferred to only another non-profit agency that will maintain the property per these conditions.
9. Final architectural elevations and floor plans shall be approved by the Town Planner and/or Commission
10. One copy of the final site plan mylars shall be filed on the land records and in the planning office
11. **The applicant and/or developer shall schedule and attend a pre-construction meeting** with the Town Planner and Town staff prior to the issuance of any permits or the start of construction, and prior to the start of any phase being opened.
12. **A Zoning Permit for site work must be applied for and approved prior to the start of construction and opening of any phase.** A Plot Plan with detailed grading for each lot will be reviewed and approved by the Town Engineer prior to each building permit.
13. A detailed sediment and erosion control plan for each phase shall be submitted at the time of application for the site improvement Zoning Permit. The plan shall include the engineers estimated costs for E&S controls and landscaping, and road improvements if they are to be bonded. The Town Engineer will review the plan and cost estimates and will set the bond amounts.
14. A cash (escrow) or passbook bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. (Site bond must be in place before any permits will be issued). 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.
15. A bond, suitable to the Town, shall be submitted for all site improvements (road, sidewalk & drainage) prior to a new phase being opened if road has not been completed. The applicant's engineer shall submit an estimated cost of the site

improvements to the Town Engineer and the final amount of the bond shall be determined by the Town Engineer. (Said bond shall be in place before any permits are issued.). The Road may be bonded by the applicant, however it is the applicants discretion as to when the bond is posted (PA 11-79). However, the Town will not accept any portion of the Road until it is complete with top coat, sidewalks, etc. Should the applicant wish to open a new phase, the road and sidewalk must be bonded, or completed, as PA 11-79 no longer allows the Town to require a performance bond for roads after acceptance

16. A landscape bond, suitable to the town, shall be submitted for all street trees, landscaping, and plantings. The applicant's landscape specialist shall prepare an estimated cost to the Town Planner and the final amount shall be determined by staff. Said bond shall be in place prior to any permits being issued and any new phase opened.
17. A **Zoning Permit** and parcel specific site plan is required for each building lot, which also requires a separate erosion control bond, and sidewalk bond if necessary.
18. Foundation as-built surveys for each building lot shall be submitted and approved before framing and/or the issuance of a Certificate of Occupancy.
19. All buildings/units must be identified by meeting the East Windsor House Numbering Ordinance requirements.
20. Additional requirements and procedures may be implemented by the Town Planner.

Conditions that must be met prior to the issuance of any Certificates of Occupancy for Each Parcel:

21. Final approval and connection fees must be paid for WPCA connections on individual units/building lot prior to the issuance of a Certificate of Occupancy.
22. Site improvements inclusive of sidewalks and stabilized landscaping and soil must be completed up-to and around the individual parcel and structure at the time of CO.
23. Final grading, seeding, landscaping on each parcel shall be in place for one year before the E&S bond can be released or reduced.
24. Additional bonding may be required by the Planning Department.

25. All inspection fees must be paid
26. Iron pins must be in place at all lot corners and angle points.
27. Driveways must have a 15' paved apron or if weather does not permit, a bond for such submitted.
28. Final as-built survey showing all structures, pins, driveways, final floor elevations, and grading must be submitted per lot
29. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
30. All landscaping elements included in the approved landscaping plan shall be maintained in a manner sufficient to ensure its continuing performance and survival of all plantings.

Conditions that must be met prior to the issuance of any Certificates of Completion for the Total Project:

31. A final as-built mylar of the entire project showing parcels, roads, sidewalks, easements, open space shall be submitted and signed by the Commission at the completion of the final phase.

General Conditions:

32. This special permit subdivision/site plan approval shall expire **five years from date of approval**. Failure to complete all required improvements within that time shall invalidate the approval. The developer may request an extension of time to complete the improvements from the Commission, in accordance the Connecticut General Statutes. The Commission shall require proper bonding be in place prior to the approval of any such extension.
33. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
34. Any modifications to the proposed drainage or grading is subject to the approval of the town engineer.

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35. Additional erosion controls are to be installed as directed by town staff if field conditions necessitate.
36. All improvements and development must be performed in accordance with the East Windsor Zoning Regulations and applicable Town policies.
37. 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.
38. Should the property transfer ownership before all work is completed, or before a certificate of occupancy is issued, the new owner must place new bonds in their name, at which time the original bond may be released.

Requirements for Road Acceptance:

39. Three copies of a final as-built map for the road, along with an **application for street acceptance** is required. Once approved by the Town Planner, Town Engineer and PZC, and provided that all other requirements are met, the application will be scheduled for acceptance by the Board of Selectmen and Town Meeting. Two mylar copies of the final as-built mapping are required after acceptance. One copy filed in the Planning Department and the other on the Land Records
40. Final bond release for public improvements shall not be approved until all public improvements are complete, accepted by the Town, and all deeds and maps have been filed on the Land Records.

Devanney moved/Gowdy seconded/

DISCUSSION: None.

VOTE: **In Favor:** **Devanney/Gowdy/Ouellette/Slate/Zhigailo**

OLD BUSINESS: Jeffrey E. and Maria B. Ewing - 3-lot subdivision located off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11] (*Deadline for decision 7/2/15*) (See revision of 3-lot subdivision in approval motion):

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This Item of Business was heard in conjunction with **CONTINUED PUBLIC HEARINGS: Jeffrey E. and Maria B. Ewing** - Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, as part of a proposed 3-lot subdivision off of Kreyssig Road, along the East Windsor / Ellington town line. [A-1 zone; Map 136, Block 75, Lot 11].

NEW BUSINESS: None.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/(1) Aquifer Protection Regulations and Map – Review for June 23, 2015 meeting

Town Planner Whitten noted the Commission will review these proposed regulations at the next Commission Meeting.

BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions

Mylars:

- **Mercury Fuel Service, Inc. and owner Nick Tartsinis** - Modification of Approved Site Plan for the development of a gas station and convenience store located at South Main Street and Thompson Road – to allow changes to ingress and egress. [B-2 Zone; Map 81, Block 19, Lot 102].
- **Timothy Rodrigue** – Request for extension for filing mylars for a 2-lot Resubdivision of property located at 185 Wells Road. (Map 85, Block 31, Lot 1B)
- **McCuda, LLC** - Site Plan Approval for construction of a 16,800 sq. ft. industrial building and 14,000 sq. ft. future warehouse addition, and associated parking, driveway and utilities at 4 New Park Road. [M-1 zone; Map 72, Block 19, Lot 99]

Motions:

- **Kings Crossing, LLC** - Special Use Permit to allow construction of material storage bins at existing contractor's storage yard at 297 North Road, owned by the Kement Family Limited Partnership. [A-1 & A-2 zones; Map 117, Block 36, Lot 43C]

Business Meeting/General Discussion:

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Town Planner Whitten reported she has been contacted by an individual who would like to appear before the Commission to discuss a concept for apartments geared toward the elderly/mature individuals. The Commission welcomed the discussion.

Town Planner Whitten questioned the Commission regarding areas they would like to discuss/investigate more fully. The following subjects were offered:

- Consider Transit Oriented Development for areas of Warehouse Point which will connect to similar projects proposed for Windsor Locks.
- Development of regulations for the Route 5 Business Corridor

Town Planner Whitten noted she continues to refine the revisions for the Plan of Conservation and Development.

ADJOURNMENT:

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

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(8452)