

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

REGULAR Meeting #1688 – January 12, 2016

MEETING MINUTES

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Lorry Devanney, Frank Gowdy, Jim Thurz, and Dick Sullivan.
 Alternate Members: Michael Kowalski, and Marti Zhigailo.

ABSENT: **Regular Members:** All Regular Members were present.
 Alternate Members: All Alternate Members were present.

Also present was Town Planner Whitten.

GUESTS: Selectman Jason Bowsza, Board of Selectmen Liaison to the Planning and Zoning Commission.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members were present at the Call to Order.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None

PUBLIC PARTICIPATION:

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

APPROVAL OF MINUTES/December 8, 2016:

MOTION: **To APPROVE THE AMENDED Minutes of Regular Meeting #1686 dated December 8, 2016 amended as follows:**
 Page 12, Lines 521 to 526 regarding comments of replacement of driveway made for excavation by Commissioner Devanney added as follows: “Commissioner Devanney questioned Mr. Ussery – didn’t you say before that they could build the driveway without the

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excavation? Mr. Ussery suggested the sale of the gravel will reduce the expense of the driveway. Attorney Fader questioned what Commissioner Devanney's concerns were? Commissioner Devanney suggested they would be stirring that all up, and you wouldn't have the truck traffic.”.

Devanney moved/Gowdy seconded/

DISCUSSION: Commissioner Devanney indicated her concerns have been addressed. No one else had any additions or deletions.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)

APPROVAL OF MINUTES/December 29 2015, Special Meeting:

MOTION: To APPROVE the Minutes of the Special Meeting of the Planning and Zoning Commission #1687 dated December 26, 2016, and held at the Warehouse Point Library, as presented.

Devanney moved/Gowdy seconded/**DISCUSSION:** None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Sullivan/Thurz)

RECEIPT OF APPLICATIONS:

Town Planner Whitten referenced **Agenda Item XII under Other Business - Karen Lapienski, Elegant Clinical Corp.** – Administrative Site Plan Review to allow conservatory addition at 170 North Road. [B-3 Zone; Map 125, Block 24, Lots 21 & 22]:

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE –

Nothing presented this evening.

CONTINUED PUBLIC HEARINGS: Steve Moser - Special Use Permit/Excavation (per Section 814) for driveway relocation and parcel regrading for property located at 55 & 57 Kreyssig Road (Sunset Valley Farms). [A-1 zone; Map 136, Block 75, Lots 10 & 11] (*Deadline to close hearing 1/12/2016*)

LET THE RECORD SHOW Commissioner Devanney stepped down from service; Alternate Commissioner Kowalski will serve in her place.

Chairman Ouellette announced the Commission would be continuing discussion on this Public Hearing. If anyone from the public would like to make comments it's required under the Connecticut General Statutes that you identify yourself for the record.

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Town Planner Whitten noted the following clarifications regarding her memo dated December 2, 2015, Revised 1-7-2016:

- The Applicant is Steve Moser, not Steve Moser Club
- Under paragraph #3, line #3.....”:DEP was involved and the applicant was required to replace some wells around Margaret Drive” – it was another owner who voluntarily replaced the wells, not this Applicant.

Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates. He was accompanied by Joe of his office; also present was Steve Moser and many family members, and Attorney Bruce Fader.

Mr. Ussery began discussion by noting questions were raised at the previous Meeting regarding if there was another access to the property. Mr. Ussery provided an aerial of the area which identified the subject property, adjacent properties, and the Town line (East Windsor/Ellington). He referenced the property owned by Sunset Farms as being outlined in red, and noted the location of the proposed driveway as the dashed line running down the middle of the property. Mr. Ussery noted the question had been raised if the subject property could be accessed from the east? He noted there are several existing single family homes on Griswold Road, as well as the Bellwood Subdivision . The proposed new driveway would come up through the middle of the subject property and go off towards the east; the home would be built in the northeast corner .

Mr. Ussery noted a letter addressed to the Planning and Zoning Commission dated 1-5-2016 which noted that Sunset Valley Farms would NOT be storing silage at the subject location. The neighbors were also concerned about the truck traffic. Mr. Ussery noted there had been discussion of 60 truckloads per day, which is typical for excavation applications. He noted the Mosers estimate construction of the driveway would call for 10 – 18 trucks per day; there would be NO truck traffic on Saturday or Sunday or holidays.

Mr. Ussery also noted the submission of a letter from Dr. Clarence Welti (dated 12-17-2015) regarding groundwater movement. Commissioner Gowdy questioned if Dr. Welti had visited the site or was the letter a summary of what he did in the 80s? Mr. Ussery clarified that Dr. Welti did groundwater monitoring in the 80s; this letter is the result of work done in the 80s. Commission Gowdy suggested that was prior to the creation of Azalea Court or Pease Road; Mr. Ussery suggested he believed so. Mr. Ussery noted Dr. Welti says the groundwater flows in a west to southwest direction. Mr. Ussery referenced his site plan, noting the direction of the groundwater flow. He also noted the surface flow runs westerly and northerly to a detention basin in Azalea Court. . Mr. Ussery suggested there is no way for the water to get over Kreyssig Road to the south.

Mr. Ussery noted Town Planner Whitten had asked that they determine the groundwater elevation. He had previously said they dug down 12’ but visited the site again and

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determined the groundwater elevation to be at 158. Mr. Ussery indicated the lowest excavation shown on the grading plan is at elevation 182, which leaves them 24' about the groundwater table. He suggested past applications used 8' above the groundwater level as a benchmark; they have determined this excavation would occur 24' above the groundwater depth.

Mr. Ussery referenced Town Planner Whitten's memo, in which she questioned the amount of volume of material anticipated to be excavated? Mr. Ussery suggested they estimated approximately 50,000 cubic yards will be excavated; some material will remain on site to fill the cellar hole (of the barn), the remainder will be moved off site. Using trucks capable of carrying 17 yards, and allowing 18 trucks per day, the estimated time to complete the excavation would be approximately 40 weeks.

Mr. Ussery also noted they visited the North Central Health District and looked at information regarding the testing of wells for the newer homes – 56 and 60 Kreyszig Road, 237 Melrose Road, and 46 Kreyszig Road, which is located directly across the street from the subject site. The tests were done in 2007; there was no evidence of manganese and the wells were potable. Commissioner Thurz suggested the new wells were obviously dug deeper. Mr. Ussery suggested the wells on Margaret Drive were shallower at 30' but were replaced at 200'. He suggested the one across the street is an older home but it reflected no problems.

Commissioner Gowdy referenced the nitrate levels for the homes at 46 and 56 Kreyszig Road; he questioned if that came from the manure? Commissioner Gowdy recalled that if the level is above 10 it could be a concern for children and people with certain health problems.

Commissioner Kowalski requested clarification that, if based on the proposed hauling schedule, it would take 40 weeks to complete the project? Mr. Ussery replied affirmatively. Commissioner Kowalski questioned if the material could be stockpiled and taken off at one time? Mr. Ussery replied that it could be; it also depends on the market for the material. Chairman Ouellette suggested the areas of stockpiling should be shown on the plans; Mr. Ussery agreed to the revision.

Commissioner Gowdy questioned if someone is removing gravel from the property already? Mr. Ussery indicated that is occurring in Ellington. Commissioner Gowdy indicated he believed the Moser family's statement that they won't store corn silage now or in the future; he questioned what happens if they sell the property? Mr. Ussery suggested the new farmer could do what he pleases. Town Planner Whitten suggested that would be a difficult enforcement situation as East Windsor is a right-to-farm community. Commissioner Gowdy suggested he wasn't questioning the Moser's motives, but he suggested the driveway could be a "road" in the future. Mr. Ussery concurred. Attorney Fader suggested the Commission could make not storing silage a

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condition of approval; if the present applicant violated that condition then enforcement could occur. Town Planner Whitten clarified that if the Commission adds that as a condition of approval the Special Use Permit can be transferred to the new owner.

Commissioner Kowalski returned discussion to the current gravel operation; he questioned how many trucks are operating now? Mr. Ussery reported there are none moving gravel presently. Commissioner Kowalski questioned if that operation has a cap of 60 trucks per day? Mr. Ussery replied negatively, noting the operation is occurring in Ellington and there is no restriction on the number of trucks. Mr. Ussery noted that operation is about 75% completed; that road will go away. Mr. Moser noted that gravel operation is a small contractor who is operating about 3 trucks.

Commissioner Gowdy cited his concern is that Dr. Welty's report was done in 80s; he questioned if he/Dr. Welty came back out to the property now? Commissioner Gowdy noted the letter given to the Commission tonight was based on the 80s work and the houses on Pease Road and Azalea Court were not yet built. He questioned if some of the houses on Margaret Drive were built at that time? Mr. Ussery reported Margaret Drive was already built. Attorney Fader felt Dr. Welty's report of the work done in the 80s doesn't change over time; Commissioner Gowdy felt that it might. Attorney Fader referenced information presented at the last meeting regarding the wells. He suggested Dr. Welty's report says the groundwater flow doesn't go south. Commissioner Gowdy recalled that the residents said they didn't have water in their cellars; something has changed. Attorney Fader suggested that even if that was the cause DEEP has filed on the Land Records a Certificate of Compliance. He suggested that to criticize the current proposal based on the past activity...; what's being proposed is a land use activity for a driveway. He questioned what's the risk that that activity will cause problems? Mr. Ussery reiterated that they have provided the grades and the elevations. Discussion continued regarding differing opinions

Commissioner Sullivan suggested topsoil will be taken away when the gravel is removed and will need to be replaced; where is that coming from? Mr. Moser indicated they will be stripping away the topsoil and leaving it on the property to reuse. Town Planner Whitten and Chairman Ouellette noted the need to show the location of proposed stockpiles on the plans.

Chairman Ouellette opened discussion to the public.

Sue Clarkin, 38 Margaret Drive: read from her paperwork regarding previous problems with her well – she suggested the evidence was that the silage pile was the source of the problem, so she felt the water had to be running her way, and the State said “he”(person not identified) was responsible. Mrs. Clarkin also wanted to correct the contention/comments that “they” voluntarily got new wells; she noted the neighbors threatened a lawsuit so “he” put in the wells.

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Jan Albetski, (Melrose Road): cited her concern is the quality of life, for herself and her neighbors. She suggested 16 trucks per day is 2 trucks per hour. She referenced comments made at the December 8th Meeting that the trucks were running at that time. They were not manure trucks. She cited the noise of drivers grinding their gears coming off the site. She cited the 40 week duration of the proposed operation for those living in the area, and it being so close to the road it will be noisy.

Also, regarding dirt and dust, she suggested material was stockpiled for the Pony Ridge Subdivision; when it dried up the dirt came across to her property. Ms. Albetski suggested she didn't know how to fix that except to not do it. She suggested it's bad enough now with the excavation in Ellington.

Judy Peck, 46 Kreyssig Road: she was interested to see the report on her property. She noted they have rented their property at times and have had to install filters because of the nitrate levels, which is because of the combination of manure, fertilizers, and residue from the farms across the street.

And, regarding the proposed "road", now the trucks leave by her house and around the back of the warehouse. She questioned if she was correct that neither of those driveways will be used on this operation? Mr. Moser referenced the site plan, noting the lower driveway is owned by Oak Ridge Farms. He noted there is a 200' to 250' access strip to the rear of the property. The driveway near the warehouse will go away; it's steep in that area. They will be removing the barns. Discussion followed, with Mr. Moser and Mrs. Peck discussing the location of the accesses. Mr. Moser suggested the new location has much better visibility than the current driveway. Mrs. Peck suggested this all could have been done without the "road" – which is a driveway.

Joyce O'Donnell: indicated she is concerned with the additional truck traffic. She invites everyone to walk on Kreyssig Road; she suggested there are blind spots.

Phil Clarkin, 38 Margaret Drive: questioned Mr. Ussery's interpretation of the direction of the water flow to Margaret Drive. Mr. Ussery referenced the site plan, showing the direction of the flow. Discussion continued, with differing opinions expressed.

Ellen Hubbard: had nothing new to add; she cited she had the same concerns as everyone else.

Phil Clarkin, 38 Margaret Drive: he is concerned, as you would be, with the truck traffic. He questioned the need to remove where the silage was? Mr. Ussery noted the back of the barn being removed backs up to where the silage pile was.

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Jan Albetski: felt the “road” could be done without this operation occurring and selling off the gravel; she felt this sounds more like a money making venture. Chairman Ouellette clarified that it was reported at the last meeting that is also an economic issue.

Mr. Ussery referenced Dr. Welts’ letter, noting it’s dated in 2015. Dr. Welts has reviewed his information from the 80s and 90s. Discussion continued regarding differing opinions relative to the direction of water flow.

Town Planner Whitten suggested it appeared the contamination was from the silage and that doesn’t exist any longer; it’s been removed for 10 years. She questioned if anyone has had problems in those 10 years? Commissioner Thurz noted that the (replacement) wells were dug much deeper. Mr. Clarkin indicated his well was 35’ to 50’ and it’s now 230’. He suggested there was minor contamination on other properties which wasn’t severe enough to get new wells. Mr. Moser recalled when his Dad ran the operation there were 1400 head of beef cattle on the property; now he has 19 – he suggested that’s a huge difference. Attorney Fader concurred that the vast majority of the cows have been reduced; the manure has been reduced as well so if the manure was the cause of the contamination.....

Attorney Fader submitted FOR THE RECORD a list of reasons for approval of the application. Chairman Ouellette questioned the noise? Attorney Fader suggested the farm is located within a farm zone, and the excavation isn’t going to be anywhere near the allowable 60 trucks per day so the noise won’t be what could be permitted in this zone. The dust is a function of the wind and rain.

Mr. Ussery noted Town Planner Whitten had questioned if there would be any crushing or screening occurring with the proposed operation? Mr. Ussery replied negatively, noting this will be simply an excavation. Commissioner Gowdy questioned the residents if, when they purchased their homes, was there a note on their deeds that this was a farming area? Mr. Clarkin indicated he wasn’t sure; no one else responded. Town Planner Whitten clarified that the right-to-farm notation has only been required for the last 4 or 5 years.

Commissioner Kowalksi suggested he’s getting the feeling that living near the excavation will be like living near a construction zone; 40 weeks is a long time. He questioned if there was any way this operation could be expedited so they won’t have to deal with it so long? Mr. Moser suggested they will be tearing down the barn and removing some of the dirt. He would like to take out the hill to pay for tearing down the barn. Mr. Moser cited this will clean up the area so it will be a much better view from Kreyssig Road.

Chairman Ouellette noted that during the previous Hearing discussion we talked about it not being uncommon to set a duration for the operation. The permits are usually issued for a 1 year period, the Commission can see how the operation goes, and the Commission

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can then consider an extension. Town Planner Whitten noted that's proposed as Condition #33.

Chairman Ouellette questioned the audience if they had anything new to present? No one requested to speak.

Chairman Ouellette queried the Commission for comments. Commissioner Sullivan questioned that the surface water runs north to northwest, and that won't change? Mr. Ussery replied that was correct. Mr. Ussery referenced the site, noting that Kreyssig Road is elevated at "this" location; the water runs into the brook under Azalea Court and into the detention basin. There is a culvert under the farm road for Oak Ridge Farms to the first house on Azalea Court. Commissioner Sullivan questioned who was responsible for the maintenance? Mr. Ussery suggested that would be Oak Ridge Farms.

Commissioner Gowdy again cited Dr. Welti's letter. Mr. Ussery suggested none of the surface water from this site can get across Kreyssig Road. Chairman Ouellette questioned the maximum depth of the cut to the first grade? Mr. Ussery replied 8' to 10'; Town Planner Whitten suggested the average is more like 4' to 6'. Mr. Ussery suggested at the top it's 198, then down to 190, then 188; the average cut is probably 6'. Chairman Ouellette questioned if that work will change the groundwater flow? Mr. Ussery replied negatively.

Chairman Ouellette queried the audience for comments for the last time.

Phil Clarkin, 38 Margaret Drive: questioned if the original test wells might still be there? Mr. Ussery felt there were 3 test wells dug originally; Mr. Moser reported he filled in 2 which were on his property. **Mrs. Ellen Hubbard** reported there is a remaining test well in the northeast corner of her property (235 Melrose Road); she questioned if that was considered as one of the original test wells?

No one else from the public requested to speak. Chairman Ouellette queried the Commission again.

Commissioner Kowalski noted the issue of dust control has been addressed in Condition #16.

MOTION: To CLOSE the Public Hearing on the Application of Steve Moser for a Special Use Permit/Excavation (per Section 814) for driveway relocation and parcel regrading for property located at 55 & 57 Kreyssig Road (Sunset Valley Farms). [A-1 zone; Map 136, Block 75, Lots 10 & 11]

Gowdy moved/Thurz seconded/DISCUSSION: None.

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

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Chairman Ouellette announced the Public Hearing is closed; the Commission can't take any additional testimony. He questioned the Commissioners regarding their preference to take action tonight, or take time to consider the information presented? Commissioner Gowdy questioned if the Commission could see the information from the State (which Mrs. Clarkin referenced earlier)? Chairman Ouellette reiterated the Public Hearing is closed; the Commission can't take any additional information. Town Planner Whitten concurred; that information should have been requested prior to closing the Public Hearing.

Chairman Ouellette summarized potential conditions: one year duration for permit; showing stockpile locations on plans; no storage of corn silage on site. The Commission mulled their options. The recording secretary requested a short break.

MOTION: To TAKE A BREAK.

Gowdy moved/Thurz seconded/DISCUSSION: None

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

The Commission RECESSED at 7:45 p.m. and RECONVENED at 7: 53 p.m.

Upon their return the Commission noted the addition of a condition prohibiting crushing, grinding, or screening. Commissioner Thurz noted Condition 12 cites the finished grades shall not be 8' close to the water table; Chairman Ouellette suggested the plans submitted show nothing close to that.

MOTION TO APPROVE the Application of owner Steve Moser requesting a special use permit for excavation associated with re-grading of the site and relocation of a driveway for the East at 55 & 57 Kreyssig Road, in the A-1 Zone Map 136, Blk. 75 Lot 10 & 11. This approval is granted subject to conformance with the referenced plans and the following conditions:

Referenced Plans:

- 1 of 3 Cover – Driveway relocation/grading plan, Kreyssig Rd, East Windsor CT prepared by JR Russo and Assoc, LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrusso.com dated 10/26/15
- 2 of 3 Grading Plan
- 3 of 3 Erosion and Sedimentation Control Notes and Details

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. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for review and approval of Town Planner.

Conditions that must be met prior to issuance of permits:

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.
4. One set of final mylars shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permit, one set shall be filed on the land records in Town Clerks Office.
5. A performance bond with amount to be approved by Town Engineer, with surety acceptable to the Town Attorney shall be provided by the applicant.
6. A full anti-tracking pad may be required. Any erosion and sedimentation control measure must first be approved by the Town Engineer
7. A curb cut permit shall be applied for and approved by the Town Engineer.
8. 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.
9. 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.

General Conditions:

10. 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.
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. Finished grades may not be closer than 8' to the water table.
13. No trees, brush or stumps shall be buried on site.

14. The driveway and roadway in close proximity shall be cleaned regularly to minimize the dust nuisance created by exiting/entering traffic.
15. Activity on the site shall not occur before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday, or holidays and weekends.
16. 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.
17. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
18. All trucks and equipment shall be parked off-street
19. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
20. Any 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.
21. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department
22. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
23. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
24. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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,

31. 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.
32. 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
33. 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 required before an extension can be granted. Failure to renew a permit is cause for revocation.

Additional Conditions:

34. **No silage may be stored on site.**
35. **All temporary stockpiles shall be shown on plans and approved by Staff.**
36. **No crushing, grinding, or screening will be allowed on site.**

Sullivan moved/Thurz seconded

DISCUSSION: Commissioner Gowdy indicated this is a tough decision for him – living close to that area. He knows the drainage is good but he has reservations regarding the hydrology of the site. He has heard there might be some problems with the water flow and he isn't sure that the regrading will not add to the problems. Commissioner Gowdy felt the Applicant has the obligation to convince him why the water flows as it does and from what he has read he isn't convinced.

VOTE:

In Favor:	Kowalski/Ouellette/Sullivan/Thurz
Opposed:	Gowdy
Abstained:	No one

REASONS FOR VOTE: Chairman Ouellette also agreed that this a difficult Application and the level of scrutiny and the additional information asked of the Applicant was somewhat uncommon. To him there was no evidence that the excavation will change the direction of the flow. The Application met the requirements of the Planning and Zoning Regulations. Commissioner Thurz

indicated he believed the wells were contaminated and it was from the corn silage and that has been removed. The wells have been dug down 200'; he doesn't see that the removal of the material will cause problems. Commissioner Sullivan believed the Applicant has bent over backwards to make sure there will be no problems in the future. The Applicant is really just knocking down the hill and that won't change the way the groundwater goes. Commission Sullivan suggested change is difficult. The Commission could be talking about a 30 lot subdivision. Commissioner Sullivan felt this will enhance the neighborhood. Commissioner Kowalski suggested he understood there were problems in the past but he truly believes the new excavation will not cause the problems to reoccur. Commissioner Kowalski felt the problem was the silage and taking down a 10' hill won't cause the contamination to reoccur. If this was a property with no opposition to it there would be no problems at all. Commissioner Gowdy voted in opposition; he indicated he believed someone should be able to do what you want with your property but this is different, and members of the community are opposed. He wasn't convinced because he didn't have a hydrology study; he wasn't convinced.

Chairman Ouellette thanked the members of the audience who participated in the discussion. He suggested that maybe the decision didn't go the way they wanted but their comments helped the Commission make their decision. Chairman Ouellette clarified that if the Application meets the Zoning Regulations it must be approved.

LET THE RECORD SHOW Commissioner Devanney returned to service on the Board.

NEW PUBLIC HEARINGS – None.

OTHER BUSINESS: Karen Lapienski, Elegant Clinical Corp. – Administrative Site Plan Review to allow conservatory addition at 170 North Road. [B-3 Zone; Map 125, Block 24, Lots 21 & 22]:

Town Planner Whitten noted this business trains cognitively challenged individuals. They are proposing to construct a 20' x 20' addition to the rear of the building for use for yoga and as a meditation room. The addition will be on a slab; both the Town Engineer and the Building Department will be reviewing the work. The area to the rear is currently used for parking; the addition will have no impact on the parking area. The business is presently hooking up to the sewer line in North Road because their septic system has failed. This location was previously two parcels; both parcels have now been combined. Town Planner Whitten felt this was a minor Site Plan modification which could be approved administratively if the Commission concurs.

The Commission agreed to let Town Planner Whitten handle this Site Plan modification administratively. No motion was made.

OLD BUSINESS: None.

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NEW BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/(1)Bylaws:

Discussion followed regarding the public participation process. Review of bylaw revisions will continue at the next meeting.

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

Nothing presented for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:40 p.m.

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

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(5462)