

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

**REGULAR Meeting #1705 – October 25, 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, Michael Kowalski, Jim Thurz, and Dick Sullivan.  
                  **Alternate Members:** Tim Moore, and Marti Zhigailo.

**ABSENT:**    **Regular Members:** None  
                  **Alternate Members:** None

Also present was Town Planner Whitten.

**GUESTS:**    Selectman Jason Bowsza (arrived at 6:50 p.m.); Kathy Pippin, Board of Finance (arrived at 6:55 p.m.).

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members were present at the Call to Order. Both Alternate Members were also in attendance.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, October 13, 2016 and Thursday, October 20, 2016 was read by Chairman Ouellette:

**ADDED AGENDA ITEMS:**           None

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. Both of the residents present declined to speak.

**APPROVAL OF MINUTES/October 11, 2016:**

**MOTION:**    **To ACCEPT the Minutes of Regular Meeting #1704 dated October 11, 2016 as written.**

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

**VOTE:            In Favor: Kowalski/Ouellette/Sullivan/Thurz  
                      Opposed: No one  
                      Abstained: Devanney**

**RECEIPT OF APPLICATIONS:**

Town Planner Whitten noted a question had been raised regarding the acceptance of the Bacher Application. She believed it was received as a Site Plan Application and subsequently changed to a Public Hearing.

**MOTION:      To TABLE the RECEIPT OF APPLICATIONS and return to this  
                      Item of Business later in the Agenda.**

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

**VOTE:            In Favor: Devanney/Kowalski/Ouellette/Sullivan/Thurz  
                      No one opposed/No abstentions**

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD  
ACCEPTANCE**

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS: Herb Holden Trucking, Inc. and owner  
Northern Capital Region Disposal Facility** - Special Use Permit for renewal of earth products removal permit for property located on Wapping Road. (A-1 & M-1 zones; Map 27, Block 65, Lot 31) (*Deadline to close hearing 11/1/2016*):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss this Application was Jay Ussery, of J. R. Russo and Associates, LLC. Mr. Holden, the Applicant, was available in the audience.

Mr. Ussery reported this Application is for the renewal of a gravel permit for excavation located at Wapping Road. The property is owned by NORCAP. The operation is occurring in 4 phases; Phase I (7 acres) has been completed, excavation is presently occurring in Phase II, Phase III, and the westerly third of Phase IV. Mr. Ussery noted that two items pending from the previous meeting have been resolved. Due to the amount of open excavation an increase in the bond amount was requested, and a Zoning Permit was required for the excavation activity. Mr. Holden has submitted an additional \$73,500 in bonding, and has submitted a Zoning Permit Application and fee.

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Mr. Ussery noted a memo has been received from Town Engineer Norton indicating he takes no exception to the renewal of the earth removal permit. Town Planner Whitten's memo noted that grading in Phase III has extended into the 100' buffer area, and stockpile locations should be shown on the plans.

Chairman Ouellette queried the Commissioners for comments/questions.

Commissioner Devaney questioned if there have been any complaints regarding this operation? Town Planner Whitten reported the office often gets complaints regarding the truck traffic on Plantation Road, but the Board lacks the ability to restrict traffic on specific roads. It's also difficult to enforce the number of trucks working any site. Commissioner Thurz reported he was out there recently; he concurred there were a number of trucks on the road but he noticed only one which was owned by Mr. Holden. Town Planner Whitten noted that due to the location of the gravel there are several excavation operations occurring at the same time in the same general area. Commissioner Thurz recalled there has always been a gravel operation there for 40 years. Chairman Ouellette suggested the truth is that anyone can travel on any road at any time. Discussion followed regarding evidence of any of the operations exceeding the 65 trucks/day limit.

Chairman Ouellette noted that one of the items discussed at the previous meeting was that some of the control points which delineate the phase lines were removed during excavation. He questioned if there were any additional actions the Applicant can take to keep those control points visible? Town Planner Whitten explained the excavation process, noting the operator is often using a bucket to pull the material down which sometimes destroys the control points. Mr. Holden noted people often ride motorcycles in the pit after hours as well. Town Planner Whitten noted she reviewed the file and found that situation occurred some years ago. Chairman Ouellette suggested he's concerned with the excavation going too deep. Commissioner Thurz noted that he understands that the way they follow the veins it's difficult to keep within those phases. Commissioner Kowalski questioned if the conditions of the permit should be changed? Chairman Ouellette felt it wouldn't be appropriate to change the conditions if the regulations read as they presently do.

Town Planner Whitten suggested the Commission needs to revisit the renewal expiration. Mr. Ussery reported Ellington recently changed the annual renewal request to a staff approval, with the Applicant being required to return for an application review at the 5 year renewal. He suggested this approach reduces the expense for the applicant and streamlines the application process. As-built plans are still submitted. Mr. Ussery indicated if an operation is the subject of complaints then the process is different.

Chairman Ouellette opened discussion to the audience:

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**Paul Anderson, 89 Main Street:** Mr. Anderson reported he is 100% in favor of streamlining the review process, but it must be done in an appropriate way. He is all for making it easier for businesses.

No one else from the public requested to speak; Commissioners had no additional questions or comments.

**MOTION:** To CLOSE THE PUBLIC HEARING on the Application of Herb Holden Trucking, Inc. and owner Northern Capital Region Disposal Facility for a Special Use Permit for renewal of earth products removal permit for property located on Wapping Road. (A-1 & M-1 Zones; Map 27, Block 65, Lot 31).

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

**VOTE:** In Favor: Devanney/Kowalski/Ouellette/Sullivan/Thurz  
No one opposed/No abstentions

**MOTION TO APPROVE** the Application of Herb Holden Trucking, Inc. , and owner NORCAP for a One Year Extension , to expire *September 6, 2017*, for Special Use/Excavation Permit to allow earth products removal, and screening and crushing of products, on property located on the west side of Wapping Road, owned by Northern Capital Region Disposal Facility, Inc. (NORCAP) . A-1 & M-1 Zones. [Map 27, Block 65, Lot#31] This approval is granted subject to conformance with the referenced plans and the following conditions:

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**Referenced Plans:**

Cover Sheet – Proposed Gravel Removal Operation Wapping Road East Windsor Ct, applicant Herb Holden Trucking, Inc. 59 Broad Brook road, Broad Brook CT 06016 860/623-8855, owner Northern Capital Region Disposal Facility Inc. 321 Olcott St, Manchester CT 06040 prepared by JR Russo and Assoc., 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623-2485 fax. Dated 9/6/16  
2 of 5 – Overall Site Plan  
3 and 4 of 5 – Grading Plan  
5 of 5 – Erosion and Sediment Control Notes

**Previous Referenced Plans:**

Cover Sheet– Proposed Gravel Excavation , Wapping Road, East Windsor, CT, Applicant Herb Holden Trucking, Inc.; Owner Northern Capital Region Disposal Facility, Inc. prepared by Anchor Engineering Services, Inc, 41 Sequin Drive, Glastonbury, CT 06033 860/633-8770, 860/633-5971 fax www.anchorengr.com, dated 9/17/10  
Sheet 1/7 Pre-Excavation Site Conditions

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|             |                             |
|-------------|-----------------------------|
| Sheet 2/7   | Current Site conditions Map |
| Sheet 3/7   | Overall Site Plan           |
| Sheet 4,5/7 | Layout and Grading Plan,    |
| Sheet 5/6   | Erosion Control Notes       |
| Sheet 6/6   | Details                     |

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**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. 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:**

3. A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.
4. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed plans shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permits.
5. 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 located as per approved plans.
6. 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. Each phase must be completed and stabilized prior to the commencement of a subsequent phase.
8. Bonding shall be required for each phase.

9. 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.
10. 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.
- 11. Re-approval must be requested at expiration, at such time an as-built will be required.**

**General Conditions:**

12. 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.
13. Operation of the gravel pit may include:
  - screening of excavated material pursuant to provisions of Section 9 and 9A.5.
  - crushing of rock and gravel mined on-site only with portable crushing apparatus and pursuant to provisions of Section 9 and 9A.5.
14. Excavation shall not ever exceed the approved finished grade elevations. Subsoil must remain native.
15. 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.
16. In the event that the operation ceases before all phases are completed, the remaining land shall be graded to leave no slope exceeding 33%.
17. 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.
18. No trees, brush or stumps shall be buried on site.

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19. The driveway to the pit shall be maintained in a hard surfaced, paved condition from Wapping Road inward for a minimum distance of two hundred feet. The driveway shall be cleaned regularly to minimize the dust nuisance created by exiting traffic.
20. An oversized 300 foot gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
21. 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. “Private Property – No Trespassing” sign shall be maintained at the entrance to the pit facing outward toward Wapping Road.
22. The total number of loaded, or partially loaded, outgoing trucks from the pit shall not exceed an average of sixty (60) trucks per day or a maximum of three-hundred (300) trucks in any one week period, counting Monday through Friday.
23. 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.
24. The pit shall not be open or operated on weekends OR HOLIDAYS.
25. Measures to minimize the dust nuisance from the site shall be provided by the applicant for review and approval of Town staff. Additional measures are to be undertaken if required by staff if field conditions necessitate.
26. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
27. The applicant shall adhere to all conditions of their Inland Wetlands Permit.
28. 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. Stockpiled soil shall remain on site for future reclamation of site.
29. Finished grades may not be closer than 20’ to the water table, and must adhere to approved plans.
30. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
31. There shall be no bulky waste or debris disposal allowed on the site. The operator of the pit shall provide adequate security measures to prevent unauthorized waste

- disposal. Any unauthorized disposal shall be cleaned up and disposed of off site by the operator of the pit.
32. The project shall be carried out in phases as shown on the plans.
  33. All trucks and equipment shall be parked off-street.
  34. Upon completion of the excavation, the land shall be cleared of all debris and a minimum of six (6) inches of topsoil shall be spread over any disturbed areas.
  35. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
  36. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
  37. This project shall be executed and maintained in accordance with the approved plans and conditions. Minor modifications to the approved plans which result in lesser impacts may be allowed subject to staff review and approval.
  38. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
  39. This approval shall expire [**one year**] from the date of approval, or upon completion of the project, whichever occurs first.
  40. A double row of trees shall be planted along the roadway frontage before the start of phase 2.
  41. No trucks will travel on Plantation Road unless required for delivery in the local plantation road area.
  42. All existing gravel operations on the NORCAP property must be completed prior to start of this excavation project.
  43. Monitoring wells should be provided for each phase.
  44. Quarterly monitoring reports shall be submitted to the planning department for review
  45. Anti-tracking pad should be 300 feet long per Town Engineer.



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

**VOTE:           In Favor: Devanney/Kowalski/Ouellette/Sullivan/Thurz  
                  No one opposed/No abstentions**

**NEW PUBLIC HEARING: Adoption of the 2016 Plan of Conservation and Development (POCD):**

Town Planner Whitten reported she has been working on this POCD revision for 3 years. It's a statutory requirement that the plan be updated every 10 years; if that's not done discretionary funding can be withheld from the Town.

Town Planner Whitten advised the Commission she has 2 minor changes to add to the final document: 1) under acknowledgments she would reference those who participated in the revision process, and 2) page 57, should include a reference to CRCOG website.

The Commissioners offered the following revisions:

**Commissioner Thurz:**

- page 9, Action Item 4, “Develop a ~~rapport~~ relationship.....”
- Page 31, in the graphic change the blue on blue to another color combination. Town Planner Whitten indicated the graphic provides good information; she lacks the source file to change the color combination.

**Commissioner Devanney:** reported she didn't see anything she didn't like or felt wasn't right. She reported she's proud of Town Planner Whitten and the report she prepared.

**Commissioner Sullivan:** reported this is a good, concise, easy read; he didn't see anything to be changed.

**Commissioner Kowalski:**

- page 57, item 24, last sentence: “See Warehouse Point's Master Plan on Page \_\_\_\_”. Town Planner Whitten noted the blank is a page holder for the actual page number which will be added after the final draft is completed and becomes the adopted documented.
- Page 84, in the bottom photograph the language on the sign is reversed.

**Commissioner Zhigailo:** concurs with everyone else; she likes the document. Maybe an index and explanation of acronyms.

**Commissioner Moore:** agrees with everyone else.

**Chairman Ouellette:** had no substantive changes; his only revisions are grammatical (reference his draft for changes).

Town Planner Whitten acknowledged the assistance and proficiency of Amanda Schroll in the First Selectmen's Office for reformatting the various drafts.

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Chairman Ouellette questioned the process if this document is updated prior to the next 10 year mandate; is the same process followed? Town Planner Whitten replied affirmatively; she felt the results of the Route 5 Corridor Traffic Study and the Warehouse Point Study will result in future revisions. The date of those revisions would then move the 10 year mandated revision out 10 years from that update. Chairman Ouellette questioned if those revisions would then become an addendum? Town Planner

Whitten suggested the degree of change would determine if the information became an addendum or became just a swap of information.

Chairman Ouellette suggested the statistics are terrific but are a snapshot in time; he wondered if they are that important to include? As an example the numbers on the housing stock will be out of date within a short time. Town Planner Whitten felt that everyone knows the numbers are good at the time the document is issued; the numbers are available for someone considering bringing their business to East Windsor because they would see that there is available housing stock for their workers. Commissioner Devanney felt the statistics were a good addition as they support the document.

Chairman Ouellette questioned how the Commission measures the progress of the document? Town Planner Whitten suggested that would be a priority of the Implementation Committee; the Commission should define how often that committee should meet. She suggested perhaps monthly meetings should be held initially to measure how the boards and commissions work on their tasks; meetings might then become less frequent as tasks are accomplished. Chairman Ouellette questioned if the boards and commissions are aware of the need to complete the tasks outlined in the document? Town Planner Whitten suggested she will be going back to those boards to explain the goals going forward.

Chairman Ouellette opened discussion to the audience:

**Paul Anderson, 89 Main Street:** referenced page 65, the concept of the municipal campus. He indicated his comment is more of a question rather than a comment. The Selectmen just negotiated a new lease agreement with Glenn Reichle for a part of the land; does that affect this concept? Town Planner Whitten cited the Action Plan for that concept is on the prior page; she read an excerpt from that goal. Renting the land to a renter for farming is a placeholder until the Town has a plan or an actionable item. She suggested the new lease requires the Town to give the farmer a year's notice of termination rather than 60 days. She clarified that this is the one parcel that the Town owns which isn't restricted to an agricultural use. She felt the change in expiration of the lease wouldn't impact use of that property that much.

**Selectman Bowsza:** felt the Commission has done a fantastic job being open and inclusive inviting the public to participate in this process; he suggested he would be

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remiss in not pointing that out. Selectman Bowsza suggested this Commission has set the bar for others.

**Kathy Pippin:** ditto.

Discussion followed regarding the timeline for closing the Public Hearing and taking action on adoption of the document. It was noted none of the changes referenced are substantive; all are minor language revisions or formatting changes.

Chairman Ouellette queried the Board regarding their preference. The consensus of the Board was to close the Public Hearing and adopt the document tonight.

**MOTION: To CLOSE THE PUBLIC HEARING on the adoption of the 2016 Plan of Conservation and Development.**

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

**VOTE: In Favor: Devanney/Kowalski/Ouellette/Sullivan/Thurz  
No one opposed/No abstentions**

**MOTION: To ADOPT the 2016 Plan of Conservation and Development to take effect on November 1, 2016 after staff comments and minor changes are incorporated.**

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

**VOTE: In Favor: Devanney/Kowalski/Ouellette/Sullivan/Thurz  
No one opposed/No abstentions**

**OTHER BUSINESS: None.**

**OLD BUSINESS: None.**

**NEW BUSINESS: None.**

**BUSINESS MEETING/(1) Signing of Mylars, Plans, Motions.**

Nothing presented this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:18 p.m.**

**Devanney moved/Kowalski seconded/VOTE: In Favor: Unanimous**

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Respectfully submitted,

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