

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

REGULAR Meeting #1746 – September 11, 2018

MEETING MINUTES

*******Minutes are not official until approved at a subsequent meeting*******

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:31 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Dick Sullivan (Vice Chairman), Michael Kowalski, Tim Moore, and Jim Thurz.

Alternate Members: Frank Gowdy, and Marti Zhigailo.

ABSENT: **Regular Members:** Joe Ouellette

Alternate Members: Anne Gobin

Also present was Assistant Town Planner Matt Tyksinski.

GUESTS: First Selectman Maynard.

SPEAKERS: **WSG, LLC:** Adam Westhaver, Applicant; Marek Kement, Professional Engineer and Land Surveyor, Anchor Engineering;

Public: Ted Arrowsmith, Kristen Bromley, Laurie Howes, Doug King, Robert Maynard, Gerald Ryglison, Margaret Ryglison, John Thompson, Bruce Zuzik, Lori Zuzik,

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members and two Alternate Members were present at the Call to Order. Vice Chairman Sullivan noted Alternate Member Zhigailo will also sit in on decisions this evening; Alternate Member Gowdy will participate in discussions

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, August 30, 2018, and Thursday, September 6, 2018 , was read by Secretary Moore::

1. Application of WSG, LLC for a Special Use Permit / Excavation to allow commercial sand and gravel excavation operation at 140 Wapping Road, to be done in four phases. (M-1 & A-1 zones; Map 17, Block 65, Lot 8-34)

ADDED AGENDA ITEMS: None.

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PUBLIC PARTICIPATION:

Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak at this time.

APPROVAL OF MINUTES/August 14, 2018:

MOTION: To APPROVE the Minutes of the Regular Meeting #1745 of the Planning and Zoning Commission dated August 14, 2018 as written.

Moore moved/Kowalski seconded/DISCUSSION:None.

VOTE: In Favor: Unanimous (Sullivan/Kowalski/Moore/Thurz/Zhigailo)

RECEIPT OF APPLICATIONS:

Vice Chairman Sullivan noted there are no new applications to be received this evening; WSG LLC is being heard as a New Public Hearing.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD

ACCEPTANCE - MMCT Venture, LLC – Request from Atty. Dorian R. Famiglietti for an extension of the time for filing mylars for the General Development Plan Special Use Permit – HIZ Designation for a commercial recreation/casino use to be located at 105 Prospect Hill Road.

Assistant Town Planner Tyksinski noted Attorney Famiglietti has submitted this request for an extension of the time period for filing the mylars until the appeal of the Commission's decisions is decided. The Commission noted the request for the extension is open-ended; the consensus of the Commission was to approve a six month extension and revisit the issue, if necessary, at the end of that time period.

MOTION: To EXTEND THE TIME FOR FILING MYLARS for MMCT Venture, LLC to March 20, 2019 for the General Development Plan Special Use Permit – HIZ Designation for a commercial recreation/casino use to be located at 105 Prospect Hill Road.

Moore moved/Zhigailo seconded/DISCUSSION: Commissioner Zhigailo noted the usual time for filing mylars would have been September 20, 2018. The consensus of the Commission was to approve a six month extension from the original filing date at this time.

**VOTE: In Favor: Unanimous (Sullivan/Kowalski/Moore/Thurz/Zhigailo)
(No one opposed/No Abstentions)**

CONTINUED PUBLIC HEARINGS: None.

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NEW PUBLIC HEARINGS - WSG, LLC - Special Use Permit/Excavation to allow commercial sand and gravel excavation operation, to be done in four phases at 4 (*should be 140*) Wapping Road. [M-1 & A-1 Zones; Map 17, Block 65, Lot 8-34] (*Deadline to close hearing 10/16/2018*):

Vice Chairman Sullivan read the description of the Application/Public Hearing. Appearing to discuss the Application was Adam Westhaver, the Applicant, and Marek Kement, Professional Engineer and Land Surveyor with Anchor Engineering.

Mr. Kement advised the Commission this is an Application for a Special Use Permit for a sand and gravel excavation and filling operation. He noted for the record that signs were posted and Certificate of Mailings were sent to abutters.

Mr. Kement noted the location of the operation is 140 Wapping Road, which is just north of the Morris Road intersection. The total parcel contains 48+/- acres; the parcel is split into two sections by the railroad tracks. The parcel to the west contains 7 ½ acres, while the parcel to the east contains 40 ½ acres. The parcel is zoned A-1 and M-1; the zone line runs north and south approximately in the middle of the parcel. The property was previously an abandoned Christmas tree farm and an historic sand and gravel operation. A single family residence is located on the south end of the parcel adjacent to a bog on Wapping Road. The parcel contains two areas of wetlands, one is to the north of the property owned by the Northern Connecticut Land Trust, and the second isolated wetlands is located near a barn to the rear of the property near the railroad. The Applicant received approval through the Wetlands Commission in August.

Mr. Kement indicated the parcel to the west will be the area to be filled, while the parcel to the east will be excavated. Excavation is proposed to occur in 4 phases, each phase containing not more than 7 acres as required under Excavation Regulations. Excavation will begin with Phase 1 which is close to Wapping Road. Only 1 phase will be open at a time. They will be installing a scale house to measure the loads, and an anti-tracking pad, at the entrance; a sedimentation pond, with associated erosion controls consisting of silt fence and hay bales will be built in Phase 1. Road sweeping will occur as needed.

Mr. Kement reported Town Engineer Norton had raised comments during the Wetlands Application; he responded to those comments and provided Town Engineer Norton revised plans dated August 14th. Mr. Kement noted Town Engineer Norton had additional comments referenced under his memo dated August 29th; Mr. Kement has submitted his September 11th response to the Commission this evening.

Mr. Kement noted a Text Amendment had previously been approved to reduce the site access distance from another pit; the distance was reduced from 1 mile to 1 ½ mile earlier this year.

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Mr. Kement also noted under this Application they are requesting a waiver of the 100 foot buffer distance for all excavation and grading activity to the street line of Wapping Road. Mr. Kement noted the area abutting Wapping Road is heavily vegetated as it currently exists; they are proposing to plant additional vegetation as well. They anticipate the vegetation will screen the scale house.

The Commissioners raised the following initial questions:

Commissioner Thurz:

- **Hours of operation:** Mr. Kement responded they are proposing 7:30 a.m. to 5:00 p.m. Monday through Friday.
- **Has Town Engineer Norton provided a memo to the Commission in response to Mr. Kement's September 11th letter?** Mr. Kement suggested they were finalizing those issues today. Town Engineer Norton's response remains pending.

Commissioner Gowdy:

- **Comments from Albert Grant for the Northern Connecticut Land Trust:** Commissioner Gowdy noted the Commission had received comments from Mr. Grant this evening as well; he questioned if the Applicant had received a copy? Mr. Kement indicated he had not. Mr. Grant's comments were received this afternoon; a copy will be provided for Mr. Kement.

Commissioner Kowalski:

- **Are there any residences abutting the property along Wapping Road where the Applicant is seeking the waiver for the buffer set back?** An **unidentified member of the audience** suggested there is a residence on the corner of Wapping Road; **a second unidentified audience member** suggested there is a home nearby. Mr. Kement reported the property to the west of the single family residence owned by the Applicant is owned by the Northern Connecticut Land Trust; the property to the east is owned by Mr. Mulnate.

Vice Chairman Sullivan requested the residents to hold their comments until the Public Hearing is opened.

Commissioner Moore:

- **What's the long term plan for Phase 1B; will you sell the fill material?** Mr. Kement referenced an area on the plans, noting "this" area drops off now. They'll bring it up to grade. Mr. Westhaver noted that years ago someone mined in the area of the Culbro farm; he intends to bring it up to grade. Vice Chairman Sullivan felt the Applicant will have a third party environmental consultant looking at the material before it leaves the site of origin, and will tell the receiving party where the loads of material can go.

Vice Chairman Sullivan:

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- **None of the material coming to this site as fill will be hazardous material?** Mr. Westhaver responded that none of the material would be hazardous. He reported that the Wetlands Commission asked for reports from the consultants regarding the material coming into the site; those reports will be e-mailed to Assistant Town Planner Tyksinski.
- **What's the anticipated number of truck trips per day?** Mr. Westhaver reported he is requesting 120 truck trips per day. He noted he had a traffic study prepared; Wapping Road is currently utilized to 15% of its capacity. Trucks currently coming in from the south going to Charbonneau's pit will now go to this facility.
- **Would that be considered 60 coming in and 60 leaving?** Mr. Westhaver reported he's seeking 120 loads per day. Vice Chairman Sullivan felt that the Charbonneau pit may be capped at 90 trips per day; Mr. Westhaver felt that had been revised upwards. Doug King, Jr., speaking from the audience, suggested the regulations say 60 trips per day ; it was changed to 90. A trip is considered in and out.

Vice Chairman Sullivan requested, again, that the public hold their comments until the Public Hearing is opened; everyone will have a chance to speak.

Commissioner Moore:

- **Clarification on site access:** Commissioner Moore noted there is an historic access for Phase 3, which will be used – the access for Phase 1 or Phase 3? Mr. Kement reiterated the main access will be at Phase 1 at Wapping Road. Mr. Westhaver reported he is proposing a rail spur for use in the future. (See additional comments regarding the rail spur below and during the Public Hearing).

Assistant Town Planner Tyksinski noted the Traffic Study will be submitted with the application as required under the Earth Excavation Regulations.

Commissioner Thurz:

- **Is the third party consultant in compliance with State regulations?** Mr. Westhaver reported he is a licensed environmental consultant.

Commissioner Moore:

- **What's the timeframe for the rail spur?** Mr. Westhaver suggested it would depend; he doesn't have a firm date at present.
- **Request for clarification that Phase 1 would be completed prior to opening Phase 2:** Mr. Westhaver reiterated they need to close out Phase 1 before going into Phase 2. Vice Chairman Sullivan questioned if each phase would be remediated before starting the next phase? Mr. Westhaver indicated they would be doing multiple operations within the phases. They need to remove the topsoil to expose the sand and will continue to work their way back to Phase 4. They

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would then fill the area back up with the material from the tunnel project in Hartford; he noted there will be 1 million ton of material available from the Hartford project.

Commissioner Kowalski:

- **The Applicant's engineer had mentioned another project nearby, which pit is it and how close is it to this operation?** Mr. Westhaver indicated the closest pit is the Holden pit which abuts this property. They noted Mr. Westhaver had received approval for a Text Amendment earlier this year to allow access to operations within a half mile of each other.

Vice Chairman Sullivan noted this is a Public Hearing; he opened discussion to the public. He requested people state their name and address.

Laurie Howes, 54 Graham Road: Mrs. Howes apologized if she would be raising questions that had already been discussed. She is having problems hearing from the back of the room.

- **Has an environmental impact statement been done?** M. Kement reported the application was approved by the Wetlands Commission; an environmental impact study was not required. Mr. Westhaver noted an ecological study was prepared by REMA Ecological Services for the Wetlands Commission
- **Availability of the REMA study to the public:** Mr. Westhaver and Assistant Town Planner Tyksinski indicated the study would be available on request.
- **Concern for use of Wapping Road and its proximity to the intersection with Morris Road/concern for noise and traffic:** Mrs. Howes felt that Wapping Road isn't a big road; it's close to Morris Road and the intersection isn't good. Something will have to be done with that intersection. There's barely room for one car now. It will be difficult in the Winter. Wapping Road gets a lot of traffic; she questioned the traffic study. Mrs. Howes questioned if they would be using Graham Road as well as Wapping Road? She cited the noise from the current truck traffic and the impact of that noise on the homes. Mr. Westhaver indicated the traffic will be using Windsorville Road to get to Wapping Road; they will NOT be using Morris Road. Mr. Kement suggested there were seven traffic incidents in the area in the last 3 years. Mrs. Howes suggested that was because there was less traffic.
- **Was a traffic study done?** Mr. Westhaver reported a traffic study has been submitted to the Town.
- **Concern for impact on groundwater:** Mrs. Howes also questioned the impact of this operation on the groundwater. Mr. Westhaver indicated they have monitoring wells in the area; he indicated they must install the wells to provide the elevations relative to the groundwater to the Town. We have tested the groundwater and expect they will do that periodically. Mr. Kement noted the regulations require excavation to be 8 feet above the groundwater; this issue was discussed during the Wetlands Commission presentation.

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- **Restoration of phases after completion:** Mrs. Howes cited earlier discussion of what will be done after completion of the phases; it doesn't sound to her like you have a final plan after completion of Phase 4. Mr. Westhaver indicated the intent is for the use to be A-1 Agricultural after completion of the project. He suggested he can't take the topsoil out; he'll bring material in to bring the area up to grade and then return the topsoil. Mr. Westhaver indicated they haven't finalized the use after completion of the operation but the intent is for the area to be A-1 Agricultural.
- **Security to eliminate use of the pit by kids:** Mrs. Howes cited the current use of the pits by kids with ATVs or dirt bikes. Mr. Westhaver indicated use of the pits by people with dirt bikes was a pet peeve for him as well; he planned to tighten up security to lessen the use.
- **What's going on in the back now?** Mrs. Howes suggested something is going on in the back of the property now. Mr. Westhaver noted there are a couple of barns in the back which he rents to tenant farmers; they have equipment back there.
- **Mrs. Howes questioned if Mr. Westhaver would be widening that access so two dump trucks can pass?** Mr. Westhaver replied affirmatively.
- **How long will you be digging?** Mr. Westhaver indicated he couldn't tell; he expected the work would conservatively take 15 to 30 years.

Lori Zuzik, and Bruce Zuzik, 15 Morris Road: Mrs. Zuzik reported they've been living in their home since 1985; they live in the second house from the end of Wapping Road. They chose their home because they wanted to live in a quiet area. There's farming nearby now; it's a quiet, bucolic area. And the bog is nearby; she's seen coyotes and wildlife in the bog. Mrs. Zuzik can't imagine anyone wanting to do this industrial use in this farming area. Mrs. Zuzik indicated she's opposed to the application; this isn't how she wanted to spend her retirement for the next 30 years.

Mr. Westhaver indicated they've reached out to the Northern Connecticut Land Trust who owns the bog. Mr. Westhaver suggested he likes the serenity as Mrs. Zuzik does. Mrs. Zuzik suggested but Mr. Westhaver could ruin their serenity and could go back to his quiet home. She already has a well that's contaminated. Vice Chairman Sullivan noted that contamination occurred due to agricultural activities. Mr. Westhaver indicated he would do his best to work with everyone to alleviate their concerns. Mrs. Zuzik suggested there isn't anything Mr. Westhaver could do to make her like this project. Vice Chairman Sullivan requested civility during discussion. Mrs. Zuzik said she's angry; she didn't know about this application. It sounds like it's already been decided.

Vice Chairman Sullivan:

- **Clarification of truck traffic routes:** Vice Chairman Sullivan questioned that Mr. Westhaver had said these trucks are going to the Charbonneau pit now? Mr. Westhaver replied affirmatively, noting they're running the same route now. He clarified that it would be the same amount of truck traffic; it would just be going

in and out of a different area. Mr. Westhaver indicated he's not adding any more trucks to the traffic load.

Margaret Ryglison, and Gerald Ryglison, 57 Graham Road:

- **Concern for truck traffic on Graham Road:** Mrs. Ryglison reported she's concerned if the trucks will be using Graham Road. She knows East Windsor doesn't have the resources to monitor the trucks. They speed now and the truck traffic destroys the roads.
- **What activity will be going on; will there be any blasting?** Mr. Westhaver clarified there will NOT be any blasting; it's just a sand and gravel operation.
- **Concern for reduction of set back/ concern for noise:** Mr. Ryglison had concerns for reduction of the buffer area. Mr. Westhaver reported the area has a natural area of trees now; it used to be a Christmas tree farm.. It should create a good barrier. They will be using standard sand and gravel operation equipment. Mr. Westhaver suggested the trucks should be obeying the speed limits. He suggested maybe he can do something to keep the drivers from using jake brakes. Mr. Westhaver suggested he can work with the Town Police to have someone sitting there checking the speeds. He reiterated his main route would be Windsorville to Wapping; if people see the drivers speeding he'll give them verbal warnings.

Ted Arrowsmith, 9 Morris Road:

- **Notification to residents:** Mr. Arrowsmith takes exception to the notification process; he questioned the requirements for the mailings? He felt mailers should have been sent out for an operation of this size. Vice Chairman Sullivan noted 2 Legal Notices had been posted in the Journal Inquirer; Commissioner Thurz noted Certificates of Mailings are sent to abutters within 100 feet of the proposed activity. Mr. Arrowsmith felt there should have been mailers sent to residents.
- **Questioned the buffer:** Mr. Arrowsmith questioned if the buffer will be mounded or what; how high will it be? Mr. Westhaver reported the area is natural vegetation now; he's not going up in elevation. He'll enhance the existing buffer by moving trees on the site to within the 50 foot area.
- **What type of material is coming in to replace the sand and gravel?** Mr. Westhaver indicated he's bringing in a blue and a red soil (natural glacial fill); also some bedrock.
- **Concern for residents' wells and/or groundwater?** Mr. Arrowsmith questioned if Mr. Westhaver will offer assistance if the wells are contaminated? Mr. Westhaver indicated there are no issues out there now; this operation shouldn't affect your groundwater.
- **Concern for the number of gravel operations and the potential truck traffic:** Mr. Arrowsmith suggested this will be the third sand and gravel operation in Town; he felt it will cause more truck traffic. Mr. Westhaver reiterated he's not adding truck traffic; this operation will be taking the trucks associated with their

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- company which are currently going to the Charbonneau pit and bringing those trucks to this location.
- **Clarification of regulations regarding truck traffic:** Mr. Arrowsmith indicated he understood the Town had a regulation regarding the amount of truck traffic associated with a pit. Mr. Westhaver cited the Town has a regulation that allows 90 trucks per day, which may be increased.
 - **Concern for increased activity of dirt bikes and ATVs:** Mr. Westhaver agreed, noting that as much of a nuisance as this use is to the neighbors it's a liability issue for him. Mr. Arrowsmith asked if Mr. Westhaver would be willing to put that in his agreement with the Town – to help alleviate that activity. Mr. Westhaver suggested he couldn't promise the people using the pit illegally will go away, but he agreed to work with the neighbors. Mr. Westhaver suggested he didn't feel it's right to have people coming down from Springfield, Massachusetts riding their bikes on private property; he cited examples of incidents at the property. Commissioner Zhigailo questioned if Mr. Westhaver had caught anyone? Mr. Westhaver replied affirmatively, noting that about 6 months ago people came in through the Culbro property and entered through the back of the property near the railroad tracks. The Police were called, and the people were booted out. Mr. Westhaver reiterated he'll work with the neighbors. Mr. Arrowsmith suggested his experience with the Police Department for the past 2 years hasn't been positive; they've basically given up. Mr. Westhaver reiterated again he's willing to work with the neighbors to the extent that he can.

Kristen Bromley, 4 Plantation Road: Mrs. Bromley felt a lot of the neighbors' frustration is that everyone has gone through this with the Charbonneau and Holden pits; the kids have been doing this for many years. They come in on Plantation Road; there are parties there all night long. The Police have pretty much given up on trying to catch them; the Police have borrowed ATVs from South Windsor because East Windsor doesn't have ATVs for the Police Department. And that's half of the problem; the Police can't get in there to alleviate the problem. Mrs. Bromley indicated people moved here for the peace and tranquility. Plantation Road has become a nightmare. There doesn't seem to be any enforcement. Holden had said he wouldn't use Plantation Road but trucks do use that route. The farm trucks have been there for years and the people knew that. Mrs. Bromley suggested the roads are crumbling; Morris and Graham are shrinking on the sides and it's difficult to get by as the trucks pass by. Speed is also an issue. And the dirt bikes; it's an ongoing issue. If you don't live in the area you don't know. Mrs. Bromley said nothing has happened to help them. People go in the back and shoot guns. Mr. Westhaver indicated he understood the neighbors' frustrations.

Vice Chairman Sullivan sympathized with Mrs. Bromley. He suggested that having Mr. Westhaver using the area might actually be a silver lining; the more legal activity going on the less illegal activity may occur. He suggested the illegal activity is everyone's problem. Vice Chairman Sullivan noted he lives on Rye Street and he has them going through his back yard. The Police can't respond quickly enough to catch them.

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Lori Zuzik, 15 Morris Road:

- **Appropriateness of location:** Mrs. Zuzik questioned if the property is located in an agricultural/residential area why are we putting in a commercial business? Mr. Kement clarified that the majority of the property is located in an industrial zone; the remainder of the property is agricultural on the west side.

Doug King, 341 Rye Street:

- **Access through different zones:** Mr. King reported this is agricultural/industrial. The last he knew it's 600 feet wide from the tracks that's industrial. There is no access to the industrial. You can't access this industrial from agricultural land; it's never been allowed.
- **Soil/Material testing:** Mr. King suggested that he downloaded the Minutes of the Wetlands Meeting and the Minutes indicate that Chairman Baker asked Mr. Westhaver if the materials had been tested yet. The Minutes indicate that the operation will start in 2 to 3 months; Mr. King questioned that the soils haven't been tested yet? Mr. Westhaver clarified that the materials on the site haven't been tested yet. If they receive approval from the Town they'll test the material to see what product they have. The material coming in will be tested prior to the product being brought into this property; Mr. Westhaver suggested Mr. King already knew that because he works for Pagnelli and you know the process. Mr. Westhaver indicated the soils coming in haven't been tested yet because the work hasn't started in the area where the material he is seeking would be located. The shaft has been drilled; they are 200 feet down under the surface and are starting to dig 7 miles – Mr. King interjected 5.2 miles. Mr. Westhaver continued to explain that the material will come out into 2000 foot piles; the samples will go to a lab for testing, if the sample meets the criteria it will come to this site. Mr. King suggested there are 55 test borings. Mr. Westhaver suggested that was for the bidding process. Before the material is brought off the (Hartford) property they do a waste characterization test; Mr. Westhaver referenced several tests performed. Mr. Westhaver suggested the screening is rigorous because the owners don't want the liability of bringing that material somewhere it shouldn't be going. Mr. King countered that the tests had already been done; he referenced several tests as well. Vice Chairman Sullivan suggested this exchange was getting into technicalities that won't affect the decision as the Commission has no way to study those results. Mr. King countered that the Town should know before you turn this site into a hazardous waste dump. Mr. Westhaver responded that he wouldn't be turning the site into a hazardous waste dump; he won't be doing anything to devalue the property. Nothing will be coming onto the property that hasn't been tested - regardless what the material is. Mr. Westhaver noted that DEEP is also overseeing this. Mr. King suggested there is naturally high occurring arsenic in this material. Commissioner Moore noted that material is going to be sent to Massachusetts. Mr. Westhaver cited material is sent to Massachusetts, Alabama and other locations; it's tested by licensed consultants; it

goes to wherever that material can go. Mr. King replied “no”; it’s going to come here.

John Thompson, 259 Rye Street:

- **Clarification of anticipated traffic on Rye Street:** Mr. Thompson reported he lives west of the subject property; they experience truck traffic from 6 in the morning to the evening and it’s continuous. Does this mean there won’t be any increased traffic on Rye Street? Mr. Westhaver suggested that’s not their planned traffic pattern; he didn’t see a reason to come down Rye Street.
- **Buffer on Wapping Road:** Mr. Thompson noted another resident suggested that 50 feet is close to the road. The width of the road is 50 feet. He would recommend that the Commission not consider anything less than 100 feet.

Gerald Ryglison, 57 Graham Road:

- **What’s the depth of the excavation?** Mr. Westhaver indicated he’s allowed to excavate to within 8 feet of the groundwater so it could be 30 to 50 feet. Mr. Westhaver suggested it would be roughly the same footprint as the Holden pit.

Ted Arrowsmith, 9 Morris Road:

- **How long ago did you purchase the property?** Mr. Westhaver indicated 1 ½ years ago. Mr. Arrowsmith suggested that was the same time that the Town asked to use his property to widen up the road; was that for you? Mr. Westhaver replied negatively.
- **Widening Wapping Road:** Mr. Arrowsmith questioned that if the road does need to be widened would Mr. Westhaver give up property on your side? Mr. Westhaver suggested if the Town comes to him he would be willing to negotiate with them. He would like to go along the side of the road and clear it but he questioned if he could do that as it’s Town property.

Kristen Bromley, 4 Plantation Road:

- **Road restrictions regarding use:** Mrs. Bromley noted a condition of Holden’s approval was that he not use Plantation Road. She questioned if that could be done with this application as well?
- **Restitution for repair of roads:** Mrs. Bromley questioned if a condition could be added to provide something, because the roads are crumbling, especially around Morris Road, or funds set aside for the repaving of that road on a regular basis. When they patch the road the holes come back from the drainage from the Holden property. Could funds be put aside to repave the roads to make them safe for the people using the roads? Mrs. Bromley felt the responsibility for destruction of these roads should be made by these trucking companies using the roads. Commissioner Gowdy suggested Mrs. Bromley should be addressing your concerns to Len Norton (Department of Public Works/DPW). Mrs. Bromley reiterated that a restriction of road use was made for the Holden application. Commissioner Gowdy suggested the Commission couldn’t legally do that. Mrs.

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Bromley suggested that something should be done to make sure the roads are taken care of; it should be a team effort for the people driving on the roads and the people using the trucks. Commissioner Gowdy agreed but suggested the responsibility for the infrastructure lies with the DPW. Commissioner Thurz noted that every year DPW repaves several roads but it's a question of money. Mrs. Bromley suggested the road is crumbling on the sides; it's at the point that 2 cars can hardly pass.

Bruce Zuzik, 15 Morris Road: Mr. Zuzik felt before this project is approved there should be a study of the roads to see if it's passable for trucks.

Lori Zuzik, 15 Morris Road: Mrs. Zuzik recalled seeing signs posted for trucks not to use these roads. Vice Chairman Sullivan clarified the language of the signs is the trucks are "requested" not to use a road.

Laurie Howes, 54 Graham Road:

- **Notification to residents:** Mrs. Howes questioned if there was any other notification other than the notice stuffed in residents' mail boxes? Assistant Town Planner Tyksinski reported a Legal Notice had been posted in the Journal Inquirer twice by the Planning Office; the Applicant had sent notification to abutters within 100 feet of the application, and there were the notices Mrs. Howes was referring to.
- **Groundwater testing:** Mrs. Howes questioned if WSG would be willing to have the groundwater tested periodically for the neighbors? Mr. Westhaver indicated that wasn't their responsibility; there's no way to make a connection to what's in your groundwater and what they will be doing at this location.
- **Availability of the REMA Ecological Report and the Traffic Report:** Mrs. Howes questioned where she could get a copy of the REMA Report and the Traffic Report? Assistant Town Planner Tyksinski indicated he could provide Mrs. Howes with copies.

Kristen Bromley, 4 Plantation Road:

Reasons for residents' frustration: Mrs. Bromley returned to the condition for restriction of using Plantation Road in the Holden application. She noted the Commission imposed the condition and Holden agreed to it. Part of the residents' concern is there are promises made and there is no one to enforce them after the fact. And they don't have the Police support. Commissioner Thurz concurred; the Commission can make it a condition of approval but then there's no one available to sit there with a clicker counting the trucks. He noted the Commission's frustration with conditions of placement of vehicles along the roads and yet car dealers park the vehicles where they want to; we have no one to enforce that issue either. Mr. Westhaver suggested there's no reason for people to drive down Plantation Road; he'll work with the residents.

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- **Saturday and Sunday hours:** Mrs. Bromley questioned if this application would include Saturday hours? Commissioner Moore suggested only the Holden Recycling facility can be open on Saturday.

MOTION: To TAKE A FIVE MINUTE BREAK.

Moore moved/Kowalski seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Sullivan/Kowalski/Moore/Thurz/Zhigailo)
(No one opposed/No Abstentions)**

The Commission RECESSED at 7:44 p.m., and RECONVENED at 7:50 p.m.

Vice Chairman Sullivan opened discussion to the public again.

Gerald Ryglison, 57 Graham Road:

- **Financial benefit to the Town/favoritism:** Mr. Ryglison questioned what financial benefit this operation would have for the Town? Vice Chairman Sullivan indicated he didn't have that information. Mr. Ryglison questioned if this is a favor for this guy? Vice Chairman Sullivan replied negatively.

Ted Arrowsmith, 9 Morris Road

- **Restitution for enforcement costs:** Mr. Arrowsmith questioned if Mr. Westhaver would be willing to pay for the cost of the Police enforcing to see this operation is not affecting their properties? Mr. Westhaver indicated he would be paying taxes and will be excavating our material and removing it. Mr. Arrowsmith questioned that there would be no benefit to the Town? Commissioner Moore cited the benefit of the rail spur if Mr. Westhaver puts that in. Mr. Westhaver suggested there will be job opportunities; there's a ripple effect from this operation – the people working the site, the truck drivers, the people using the material to build will have jobs.

Vice Chairman Sullivan clarified that the Commission is considering this application for this site; he requested people keep their comments specific to this application.

Vice Chairman Sullivan also noted that the Commission would keep this Public Hearing open because the Commission received information at this meeting that they haven't had an opportunity to digest. The Public Hearing, and discussion, would be continued to the Commission's next meeting scheduled for September 25th.

Doug King, 341 Rye Street:

- **Reuse of site after completion of operations:** Mr. King suggested he understood the Applicant had entered into discussions with (former Town Planner) Laurie Whitten that when this operation is over the land will be deeded back to the Town as Open Space. Mr. Westhaver replied that was correct; the

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property will be maintained as an A-1 Agricultural area as it is now.
Commissioner Zhigailo clarified that would occur 30 years from now.

- **Hiring a consultant:** Mr. King questioned if the Applicant would be willing to hire a third party LSP to review the analytics of all the materials coming in to be sure we don't pollute our groundwater and we don't end up with a deeded property that's a superfund that we have to give the Town away to clean up; Mr. King suggested those could be conditions of approval. Commissioner Gowdy recalled that Mr. Westhaver had said that no material coming to the site will have pollutants; he'll have paperwork indicating that the material is safe. Mr. King questioned who will review that paperwork? He cited the Town lacks staff to stop the dirt bikes. Commissioner Gowdy suggested Mr. King's suggestion would require hiring additional staff, which would raise residents' taxes. Mr. King questioned why we should shoulder these costs for a business? Commissioner Thurz cited they have a third party test facility which is monitored by the State of Connecticut. Mr. Westhaver reiterated the analytical documentation will come to Assistant Town Planner Tyksinski; he felt Mr. King could have a copy of that material if he chose. Citing no disrespect to Assistant Town Planner Tyksinski, Mr. King felt Assistant Town Planner Tyksinski wasn't qualified for that review. We need a third party LSP to protect the Town's interest; the Applicant needs to pay for that.

Bob Maynard, 7 Blue Heron Way: Mr. Maynard questioned what will happen to the pit after the gravel is removed from this pit? He felt it would be nice if they fenced it off to prevent the dirt bikes from entering. He noted a dug out pit can't perc so they can't build anything on it; there's no sewer connected to it. What will it be when the pit is exhausted? He realized as the Planning and Zoning Commission you plan for the future; he urged the Commission to think ahead for our children and our children's children.

Mr. Westhaver indicated the site currently contains an A-1 Agricultural area. The top soil on the site remains on site; when the area is filled the top soil will be put back on over the fill material. Mr. Westhaver indicated it's their intent to keep the area as an A-1 Agricultural area. If it's Open Space or farming or a Farm-to-Table operation it would be up to the Town.

Lori Zuzik, 15 Morris Road: Mrs. Zuzik indicated she's having a hard time understanding how the change occurred from Agricultural to Industrial. Commissioner Moore referenced the Zoning Map; he indicated that half of the site is Agricultural and the other half is Industrial. Mrs. Zuzik but it's going to be a new business on a previously agricultural area. It's ok for it to be agricultural again in 30 years but it can't stay agricultural now?

Kristen Bromley, 4 Plantation Road: Mrs. Bromley suggested one of the residents' concerns is they had the NORCAP disaster where chemicals spilled into the water; we're just asking you to take that into consideration. Mr. Westhaver suggested if you look at

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the map the groundwater flows away from your properties towards the railroad; it's flowing away from your properties. It's flowing towards the river.

Vice Chairman Sullivan suggested the Commission needs time to review the material provided this evening, as well as the residents' comments. He suggested continuing the Public Hearing to the Commission's next meeting. Vice Chairman Sullivan noted everyone is welcome to return for that meeting.

MOTION: To CONTINUE the Public Hearing for the Application of WSG, LLC for a Special Use Permit/Excavation to allow commercial sand and gravel excavation operation, to be done in four phases at 140 Wapping Road. [M-1 & A-1 zones; Map 17, Block 65, Lot 8-34]. Public Hearing is continued until the Commission's regularly scheduled Meeting to be held on Tuesday, September 25, 2018, in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Moore moved/Kowalski seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Sullivan/Kowalski/Moore/Thurz/Zhigailo)
(No one opposed/No Abstentions)

NEW BUSINESS: None.

OLD BUSINESS: None.

OTHER BUSINESS: None.

BUSINESS MEETING/(1) : (1) TOD Smart Growth Grant for Warehouse Point:

Assistant Town Planner Tyksinski reported he and First Selectman Maynard will be meeting with Terri Hahn of LADA tomorrow. He'll give the Commission an update at the September 25th meeting.

BUSINESS MEETING/(2) General Zoning Issues:

Commissioner Gowdy questioned Assistant Town Planner Tyksinski on the status of zoning violations? He noted he has mentioned an individual on Harrington Road who is doing auto repairs out of his home; the issue is still pending. Commissioner Gowdy acknowledged that the department is understaffed; Assistant Town Planner Tyksinski is currently the acting Town Planner and Zoning Enforcement Officer. He questioned the status of the replacement for the Planning position? Commissioner Gowdy suggested the Town has not appropriated enough money to handle the current problem. The Town must decide if they want to spend the money to get the job done.

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First Selectman Maynard indicated Assistant Town Planner Tyksinski is doing the best job he can. The previous Planner left quickly. He acknowledged Commissioner Gowdy made a good point. First Selectman Maynard reported they have advertised the Planner position; perhaps they can hire people to come in to do the enforcement work. First Selectman Maynard agreed we currently have a problem; he urged the Commissioners to come to the Budget Workshops to support what the department needs.

Vice Chairman Sullivan cited enforcement is an involved process. People don't respond to letters; it can take some time to have them acknowledge the violation.

Commissioner Gowdy indicated he understands there is a problem, but it needs to be looked at. Avoidance of the problem has been this way for years. First Selectman Maynard concurred that the department is understaffed; maybe they could look into hiring a contractor to fill in.

BUSINESS MEETING/(3) Discussion on Aquifer Protection Regulations:

No discussion this evening.

BUSINESS MEETING/(4) Signing of Mylars/Plans, Motions:

Mylars: None.

Motions:

- **North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement** – Special Use Permit to allow Soil Management Facility with construction of material storage bins at existing construction yard located at 297 North Road. (A-1 & A-2 Zones; Map 117, Block 36, Lots 43B & 43C)
- **Invulnerable, LLC and owner Sofia's Plazas, LLC** – Special Use Permit/Commercial Recreation to use 2,500 sq. ft. of space for commercial Cross Fit Training at 2 North Road, Unit #7. (B-2 Zone; Map 112, Block 17, Lot 1)

EXECUTIVE SESSION: In accordance with CGS Sec. 1-210 (b-4) to discuss Pending Litigation:

MOTION: To GO INTO EXECUTIVE in accordance with CGS Sec. 1-210 (b-4) to discuss Pending Litigation at 8:14 p.m. Attending the Executive Session were Vice Chairman Sullivan, Commissioners Gowdy, Kowalski, Moore, Thurz, and Zhigailo.

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Moore moved/Kowalski seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Sullivan/Kowalski/Moore/Thurz/Zhigailo)
(No one opposed/No Abstentions)**

LET THE RECORD SHOW the Recording Secretary left the Meeting.

ADJOURNMENT:

Vice Chairman Sullivan ADJOURNED the Meeting at 8:25 p.m.

Respectfully submitted,

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