

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

**REGULAR Meeting #1748 – October 9, 2018**

*Minutes Heading: 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 6:33 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:**    Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.  
                  **Alternate Members:**    Marti Zhigailo.

**ABSENT:**    **Regular Members:**    All Regular Members were present  
                  **Alternate Members:**    Anne Gobin, and Frank Gowdy.

Also present was Assistant Town Planner Matt Tyksinski.

**GUESTS:**    **Walter E. Bass, Jr./McLellan Way:** Carl T. Landolina, **WSG LLC:** Marek Kement, P. E. Engineering, and Adam Westhaver; **ACI Auto Group:** Joe Ussery, J. R. Russo & Associates, and Peter Alberici.  
**Public:** Paul Anderson, Carol Arrowsmith, Austin Burt, Michaela Mullarky, Stan Paleski, Margaret Ryglisyn, Angie Wooding, Linda York, Gloria Zuzik, Lori Zuzik.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and Alternate Member Zhigailo were present at the Call to Order. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening; Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

**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/September 25, 2018 Regular Meeting:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

2

**MOTION:** To APPROVE the Minutes of Regular Meeting #1747 dated September 25, 2018, as written.

**Sullivan moved/Kowalski seconded/DISCUSSION: None.  
VOTE: In Favor: Unanimous (Ouellette/Kowalski/Moore/Sullivan/Thurz)**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following application:

1. Application of 38 North Road, LLC for Site Plan Approval for construction of a bituminous pavement lot for container storage at 36 North Road. [M-1 Zone; Map 113, Block 17, Lot 5].

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE: Carl T. Landolina (representing Walter E. Bass, Jr., owner)** requesting a one year extension through 10/18/2019 for a Special Use Permit/Site Plan Review per Chapters 802, 700, and 900, to allow a 20 unit multi-family residential condominium complex inclusive of 3 affordable housing units (McLellan Way) located on Winkler Road and North Road:

Attorney Landolina joined the Commission. Attorney Landolina reported he is representing Walter Bass, who received approval for the project known as McLellan Way some years ago. Mr. Bass has been trying to market the project but hasn't found a buyer willing to take on the construction. Mr. Bass and his brother are seeking to develop the project themselves.

Commissioner Zhigailo recalled that this project has received several extensions; she questioned if this was the last extension available to Mr. Bass? Assistant Town Planner Tyksinski replied affirmatively, noting this extension to November 26, 2019 would take the project to six years after the original approval. Assistant Planner Tyksinski clarified that the extension would run through 11/26/2019 rather than the date reflected on the Agenda.

**MOTION TO APPROVE Application of owner Walter E. Bass, Jr. requesting a ONE YEAR EXTENSION for Special Use Permit/Site Plan Review per Chapters 802, 600 and 900, to allow a 20 unit multi-family residential condominium complex inclusive of 3 affordable housing units (McLellan Way) located on Winkler Road and North Road (Map 114, Block 24, Lot 5). All conditions of approval will remain. Extension is granted to November 26, 2019.**

**Moore moved/Thurz seconded/DISCUSSION: None  
VOTE: In Favor: Unanimous (Ouellette/Kowalski/Moore/Sullivan/Thurz)**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

3

**CONTINUED 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*):

Marek Kement, P. E., Anchor Engineering, representing WSG, LLC, and Adam Westhaver, the applicant, joined the Board.

Mr. Kement opened the presentation by submitting a letter to the Commission dated October 4<sup>th</sup>, 2018. Mr. Kement suggested the letter offers the following clarifications:

- There is a technical issue associated with the application. The applicant is now going for only an excavation permit; he is no longer requesting the filling activity.
- The applicant is withdrawing the request for a waiver to reduce the buffer separation distance of the grading activity to the street line along Wapping Road.

Mr. Kement additionally reported the following:

- Should the application be approved Conditions #33 and #34 of the potential motion should be deleted as they relate to the filling activity.
- A mail notification has been sent to the State (DOT Office of Rail) on behalf of the applicant after the previous PZC Meeting. Mr. Kement suggested the notification is within the Statutory requirements because the Public Hearing remains open.
- A supplemental Traffic Study dated June 30<sup>th</sup>, 2018 has been submitted tonight. Submitted in addition is an aerial of the site referencing the existing entrance and photos westbound and eastbound at the site access. The supplemental study suggested that the sightlines are suitable for truck traffic, and the road is a sufficient width to accommodate two-way truck traffic.
- Letter dated September 25, 2018 from Interim Town Planner Tyksinski representing the Wetlands Commission which addresses issues related to submission of test results on fill materials discussed during the Wetlands application – Mr. Kement reiterated the request to include filling activity to the excavation permit has been removed, therefore the subject of Interim Planner Tyksinski's letter is moot.

Mr. Kement felt the applicant meets the requirements of Section 814, in that:

- The access is outside the half-mile distance.
- There is a neighboring pit next door so the activity isn't new.
- The sightline questions have been addressed.
- Town Engineer Norton's comments have been addressed.
- Should they need more time to present the application they are prepared to grant an extension of the application timeframe.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

4

Chairman Ouellette clarified that the notification to the abutters should have been made before the Public Hearing. He referenced an e-mail sent today, October 9<sup>th</sup>, from Julie Thomas of CTDOT, Office of Rail, indicating receipt of the site plan, but notes the lack of time to prepare a thorough review of the plans. Ms. Thomas has requested additional time to complete her review.

Chairman Ouellette suggested the Commission can keep the Public Hearing open by asking for an extension from the applicant, or the Commission can deny the application without prejudice, which enables the applicant to reapply again within the year. Chairman Ouellette suggested the Public Hearing shouldn't have been opened as the application was incomplete. Chairman Ouellette suggested he's leaning toward requesting the extension as he felt the public didn't want to return and repeat this process again. Mr. Kement felt they complied statutorily but he understood the Commission's concerns.

Chairman Ouellette suggested that prior to opening discussion to the public he questioned if the Commissioners had any questions regarding the testimony given tonight?

**Commissioner Zhigailo:**

- **Timeline for CTDOT – Rail review:** Commissioner Zhigailo cited the State has acknowledged receipt of the plans, but the e-mail lacked a timeline for a reply. Assistant Town Planner Tyksinski cited this is the most recent e-mail; Chairman Ouellette didn't know the timeline for the Office of Rail either. Commissioner Kowalski questioned if there's a maximum amount of time for them to respond? Chairman Ouellette replied negatively, noting there will be a time when the Commission runs out of its statutory time period and will have to make a decision based on what information we have at that time. Mr. Kement suggested that in theory the Commission could close the Public Hearing tonight and you could still take their response.

**Commissioner Sullivan:**

- **Restoration of land after completion of excavation activity:** Commissioner Sullivan questioned that if the application is now only asking for an excavation permit how will the land be left if fill can't be brought in? Mr. Westhaver suggested that although he didn't want to commit to anything at this point the land would be left as an agricultural area a few years down the road. Commissioner Kowalski questioned that the applicant would be required to restore each phase as it's completed? Chairman Ouellette replied affirmatively.

**Chairman Ouellette:**

- **Emergency Access:** Chairman Ouellette noted the new map submitted this evening shows an emergency access at an existing rail crossing; who has permission to use that crossing? Mr. Westhaver indicated they do; they have

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

5

permission with the railroad. Chairman Ouellette felt the Commission would want to see documentation of that use.

Hearing no further comments from the Commissioners at this point, Chairman Ouellette noted this is a continued Public Hearing. He opened discussion to the public.

**Paul Anderson, 89 Main Street, Broad Brook:** Mr. Anderson suggested that in looking at the change from one mile to a half-mile the map defines it as entrance to entrance but the operation is much closer; he questioned if that was the way the regulation read – entrance to entrance? Chairman Ouellette believed so.

**Angie Wooding, 21 Plantation Road:** Ms. Wooding cited they have bald eagles near the bog, and several woodpecker species, one that is very distinct. Ms. Wooding requested the application be denied for environmental purposes.

**Margaret Ryglison, 57 Graham Road:** Mrs. Ryglison questioned stopping the Public Hearing tonight; if there is new information it can't be presented. They still have the issue of the trucks and road maintenance from the damage from the trucks. Mrs. Ryglison didn't feel the taxes paid by the applicant will pay for the repairs for the roads, or the Police monitoring the after-hours activity. She noted the applicant changed things tonight but it's new information; Mrs. Ryglison didn't feel the Public Hearing should be closed until we can study that.

**Linda York, 33 Graham Road:** Ms. York requested the Commission keep the Public Hearing open. Ms. York questioned if they are adjusting the application could the fill be added later? Chairman Ouellette clarified they couldn't fill without submitting another application, which would require another Public Hearing notice. Ms. York is also concerned with the air quality in the neighborhood. Ms. York indicated that last week she spoke of the impact on children; this week she'd like to talk of the impact on the Senior citizens. She noted many of the people have owned property for over 40 years, they brought their properties to raise their children and then to grow old there. This is the 5<sup>th</sup> time they've had their area compromised or threatened. Ms. York cited the dump, and the shooting range, and the nuclear waste dump. Ms. York suggested it seems like every 10 years they're in a fight for their nice residential area. As Seniors they're dealing with medical issues, one being that their doctors are telling them they need to walk. How can they walk on these roads with this traffic? Mrs. York noted she was doing work outside her home today and she counted 10 dump trucks going by in 15 minutes; she didn't feel it was acceptable to add more. Many people have asthmatic or COPD issues; adding the dust will make it more difficult. Some people have Alzheimers or dementia; having more trucks adds to that problem. Ms. York urged the Commission to think about that as you make this decision.

**Lori Zuzik, 15 Morris Road:** Mrs. Zuzik suggested the changes she's heard tonight make this application a whole different thing. Also, the comments about there being a

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

6

precedent for not using agricultural land to access commercial land – she questioned if that was ever answered? Mrs. Zuzik referenced a JI editorial written by Richard Caraballo, who lives on Windsorville Road. Mrs. Zuzik read the following: “At the present time, without adding any trucks, he’s describing air pollution wherever the trucks travel, some trucks spewing black smoke, leaving a stench lingering for some time unless the wind carries it off somewhere else. Noise pollution is the worse, with most trucks loud enough to disturb the peaceful, residential neighborhood throughout the day. Some think the traffic starts at 7:30? We live on Windsorville Road, a heavily traveled road for trucks. Trucks start at 6:00 a.m. We can attest to the air pollution, noise pollution, road damage, and, of course, the effect on our property values.” Mrs. Zuzik suggested the people who live on Windsorville Road are already experiencing the air and noise pollution.

**Michaela Mullarky, 43 Graham Road:** Ms. Mullarky cited she heard at the last Hearing that the applicant said the trucks wouldn’t be coming only from Hartford but from other areas of the State; she assumed they will be coming (Route) 84, not just 91; it’s a straight shot to Buckland. If you think about it you get off 84, you go to Buckland, it’s a straight shot to Graham. If Morris isn’t going to be where the trucks turn, which is what was indicated, that means they’ll turn past that point on Graham. Ms. Mullarky would like more clarification on that, as that seems to be the pattern now, and those are the first shots where there aren’t stop signs or lights, and the trucks go down there so incredibly fast. Ms. Mullarky indicated they’ve lived with this, they’ve been through all the battles, the previous speaker forgot the wood chipping operation. Ms. Mullarky suggested it’s at a level now where it’s already at the tipping point. Ms. Mullarky didn’t feel the Town has the resources, and the proposal doesn’t adequately address the issue of the trucks. Ms. Mullarky would like more information.

Mr. Westhaver suggested the trucks will be coming Windsorville to Wapping directly; they’ll be advising/directing the drivers to use that route. Commissioner Thurz suggested that in reality the drivers will come the shortest route. Mr. Westhaver indicated they can’t control other trucks or other drivers that are already accessing other sites within the town. Right now the congestion the he presumes that’s going through Graham and Plantation Roads are going to other facilities than theirs because theirs isn’t operational right now. Mr. Westhaver suggested that when they do use their facility the only sensible route is Windsorville to Wapping; it’s a  $\frac{3}{4}$  mile drive where there are no residential properties – only agricultural or business properties, and then it goes to South Windsor. Mr. Westhaver suggested they will be directing them to come off Route 5 and come through that area.

Chairman Ouellette asked if Ms. Mullarky’s question had been adequately answered? Ms. Mullarky appreciated those comments but indicated she’s cognizant that time is money, and we’re talking a lot of trucks; the reality is it’s a straight shot. Ms. Mullarky felt Mr. Westhaver was doing everything he can to direct them, but we can’t enforce that.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

7

**Carol Arrowsmith, 9 Morris Road:** Ms. Arrowsmith reported that a couple of weeks ago she went outside for a half hour and she counted 9 trucks going past the Quonset hut. There's a house right after the tracks, and then they go by her house. Does it matter that there are 100 houses vs. the 2 families that live there and have them go by their houses? Each individual family is affected the way they're affected. And to have more? Why don't the rights of the 2 individual families matter? They have properties that they care for. We're paying our full share of taxes. She's lived here for 35 years; they've kept up their properties. And then the trucks will go through South Windsor and those people have no say. It's a fairly populated area; it goes by Rye Street Park. The person who wrote the editorial was pleading with us to do something. Mr. Westhaver suggested you have trucks going by to the other facilities now, and a good majority of the trucks they utilize as well so if they control the routes of the trucks the impact of those trucks you're seeing on the ancillary roads, such as Plantation, Graham, and Morris, you're likely to see a reduction in the activity you're currently seeing from the trucks that are there. Mr. Westhaver suggested it doesn't make sense to use Morris Road; it's too steep of an incline and is too much of a turn, so from a safety standpoint they wouldn't have their trucks going down that road. Mr. Westhaver indicated he understands what Ms. Arrowsmith has been dealing with in the past but he suggested if we can go into this together this is impact that we can lessen on every side. His ears are open. Mr. Westhaver suggested he didn't know if that was the case with the other facilities.

Ms. Arrowsmith questioned if the Commission could clarify the limit of the number of truck trips? She suggested 120 trips, for a 10 hour day, that's 12 trucks an hour, that's one truck every 5 minutes. Mr. Westhaver cited the total was reviewed by a professional and they said the road is only being used to 15% of its capacity during the working hours of 7:00 to 5:00, so when those activities are taking place he felt that most of the residents would be at work and the children would be at school, so they wouldn't be a safety concern. Ms. Arrowsmith cited the road is being degraded. They were approached by the Town Engineer to improve the road because it's being degraded; they want to do a drainage swale and widen the road which would require removal of some of their trees. Ms. Arrowsmith indicated she didn't know if that was related to this? Ms. Arrowsmith felt since they were approached by the Town then the Town must feel that the road needs to be upgraded. Ms. Arrowsmith cited the pit that's there now that's causing the degradation was to have been closed in 10 years and for this to go on for 30 years is going to require repairs, is going to require taxpayer money, and probably is going to require their property being cut into and that's one of the things they're objecting to.

Mr. Westhaver replied he didn't know what was going on with the road; it's not a part of what they're doing. Maybe it's part of the continuing process of road repair; it doesn't have anything to do with this application. Ms. Arrowsmith felt if the road is being used to 15% capacity and you're seeing that amount of damage with trucks going by every 5 minutes if we can reduce the trucks then perhaps it wouldn't need the kind of repairs we're seeing now.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

8

**Doug King, Jr, 341 Rye Street:** Mr. King noted that currently you have 3 facilities permitted in that end of town at 90 trucks per day, is that correct? Chairman Ouellette indicated he wasn't sure but that's probably in the ballpark. Mr. King suggested that's 270 trucks a day, and we're going to add another 90? By Statutes, by your laws, it's 90 trucks a day if we give them a permit - by your regulations. Chairman Ouellette suggested there are no regulations regarding truck trips; it's an independent assessment of every application. There's nothing in the Zoning Regulations saying "x" amount of facilities can have only so many trips a day. That number does not exist. Mr. King questioned that there wasn't a limit on the number of trucks; it could be anything? Chairman Ouellette concurred, noting it was for the Commission to decide; the applicant makes an ask and it's for the Commission to see what's reasonable. Mr. King questioned that the 3 that are there are for 90 a day? Chairman Ouellette reiterated Mr. King was in the ballpark. Mr. King questioned that he's asking for 100 or 90? Chairman Ouellette indicated he's asking for something different; 90 trucks a day is 180 trips. Mr. King questioned so a trip is in and out? Chairman Ouellette indicated that's the argument he made last time; people get mixed up about the definition of what a truck and what a trip is. A trip is a one way destination to a location. Chairman Ouellette indicated the applicant is asking for 90 trucks per day which is 180 trips. Mr. King questioned that that was on top of what was already permitted? Chairman Ouellette replied affirmatively.

**Dick Pippin, 37 Woolam Road:** Mr. Pippin suggested the record should reflect a clarification. You've heard testimony for Windsorville Road when in fact we're on Wapping Road; Windsorville Road doesn't start until the town line in South Windsor. And this may confuse you in the minutes by not stating the proper road. Mr. Pippin doubted they would drive all the way up around Windsorville and go through Broad Brook to get in here. Mr. Pippin suggested that clarification should be in the record that you define the town that you're talking about.

Chairman Ouellette noted Mr. Westhaver had wanted to make a comment. Mr. Westhaver suggested the initial assessment by the traffic report said that 120 "trucks" would be sufficient for this project; he felt that they then dialed it down to 90 "trucks" or "trips". Chairman Ouellette cited the second sentence says 90 "trucks" per day, which is 180 "trips". Mr. Westhaver cited he was saying the assessment from the report was at 120 and what they talked about previously was 90. Mr. Westhaver suggested just because it has 90 "trucks" per day in there it doesn't necessitate that they will have 90 "trucks" every day in and out of that facility. That's something that may occur at random times or events when you have a high spike in volume. Chairman Ouellette suggested it was a maximum threshold, like a speed limit on a road. Mr. Westhaver concurred, he suggested they wouldn't be exceeding that, or going over that, or even getting close to that.

**Angie Wooding, 21 Plantation Road:** Ms. Wooding indicated that where they are going to be coming in and out there are tractors on that road with that many trucks going through there. Chairman Ouellette asked Ms. Wooding to clarify which road she was



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

9

speaking of; Ms. Wooding indicated she meant Plantation Road. Ms. Wooding suggested the road isn't that wide, and the trucks go pretty fast while the tractors only go about 15 miles an hour and they're pulling long trailers with hay. Ms. Wooding suggested it's nice to watch the tractors going by; they probably make 20 or 30 trips back and forth. Ms. Wooding indicated that's a big concern. Mr. Westhaver suggested it's not his intention for any of his vehicles to use Plantation Road; it doesn't make sense; it's out of the way.

**Stan Paleski, 354 Rye Street:** Mr. Paleski offered a clarification on the previous comment; he noted the tractors are for tobacco riggings, they also run hay. Those tractors run from South Windsor; they go from Windsorville Road in South Windsor from Windsorville Road turning into Wapping Road. There's a new farmer renting Mulnite's property; they're running hay and riggings there too. Plantation Road is Markowski's; you also have traffic from the Foster's from Ellington from Pinney Road down through Windsorville Road, Plantation Road – same tractors, same riggings.

Mr. Paleski reported he took Monday off to do yard work. He reported trucks passing his home before 7 using their jake brakes; Mr. Paleski felt we need to put a limit on the trucks because of the use of the jake brakes. Mr. Paleski reported seeing an orange truck passing by his home at least 7 times; they're "wildcats truckers" with no names on the trucks. And he had another 8 friends coming through in addition to the other traffic coming through Rye Street. Mr. Paleski noted that section where you come up over and come down into South Windsor, that's a blind hill when you come over that hill. Mr. Paleski didn't feel the people in South Windsor have even been notified.

Mr. Paleski felt with the retraction of the fill you have time to look on Google to see the number of builders that actually have to pay to get rid of their fill. The only time they get paid is when they bring fill into remediation sites that have to be covered over.

Mr. Paleski indicated that looking at the lay of the land he didn't see that ever being brought back to an agricultural use.

Mr. Paleski then referenced the track crossing for the second emergency entrance. He suggested you have to go down Markowski's property and then go over the tracks to get into the old Wagon Shed property he bought, so you're crossing over someone else's property again to get into the emergency access. The other access that was there was the right-of-way; the Planning and Zoning or the Zoning Board of Appeals – there was a lot of discussion that they wanted to bring Environmental Services stuff down the side of the tracks. That way has concrete blocks that are in place that can't be opened quickly so unless Markowski says it's ok they'll be stuck with the one entrance to get in and out.

Another 120 trucks, Mr. Paleski suggested they're going to go the shortest route. Mr. Paleski suggested it's Summertime, the schools are out, you have the kids there, they'll be running all year long. Mr. Paleski felt it was a quality of life issue; Mr. Paleski didn't feel another set of trucks will do us any good.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

10

Chairman Ouellette noted that Monday had been a holiday; they shouldn't have been working. Mr. Paleski felt they were going to Holden's, they were all wildcats, no names on the side of the trucks; he saw a lot of construction sites were out on Monday but these guys were booking down the road.

**Carol Arrowsmith, 9 Morris Road:** Ms. Arrowsmith questioned if the fill application came through later, would the abutters be notified at that time? And, if they choose to do the fill, if you're 100 feet away would that be considered an abutter, or would she need to try to keep track of what was going on? Chairman Ouellette noted the applicant would have to post Public Hearing signs at the site; Ms. Arrowsmith noted she doesn't go that way. Chairman Ouellette suggested the residents could also check the Town website for Commission Agendas listed on the home page usually a week prior to the meetings, legal notices are advertised in the Journal Inquirer prior to a Public Hearing, and certified mailings are sent by the applicant to the abutters who live within 100 feet of the site.

Ms. Arrowsmith questioned if the emergency access has to be one-half (1/2) mile away? Chairman Ouellette suggested the half mile distance is for public access, not the emergency access.

Ms. Arrowsmith concurred that the other sites use a lot of trucks. She noted she saw 5 trucks going and coming in a minute's time at the intersection where Wapping Road meets Windsorville Road in Broad Brook, they all went up Graham Road. Ms. Arrowsmith suggested they know there are a lot of trucks using the access, but when is enough enough?

**Margaret Ryglison, 57 Graham Road:** Mrs. Ryglison cited she knows the Commission can't put a limit on the number of trucks. Chairman Ouellette suggested the Commission has the right to put a limit on the trucks but there's no prerequisite number. Mrs. Ryglison felt there was no way to monitor or enforce that. He felt that there could be more trucks, they could be working on Saturday or Sunday. Mrs. Ryglison felt there was no way to control it; there will be more trucks.

**Austin Burt, 43 Graham Road:** Mr. Burt didn't feel opening up a new area was beneficial; he felt it would only increase the night time activity – maybe drug use – at the site. Mr. Burt felt the Police don't enforce it now; it will just invite more activity. Mr. Burt suggested you get micron sized pieces of rock which are inhaled and you get silicosis in the lungs; Mr. Burt questioned how that would be addressed? And, Mr. Burt didn't see an upside to this.

**Stan Paleski, 354 Rye Street:** Mr. Paleski felt the trucks were too clean to be dropping rock.

Mr. Paleski referenced the ATV activity on Saturday and Sunday, they drive u-hauls from Massachusetts loaded with 6 or 7 ATVs, they come by on a regular basis, Police

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

11

officers have found shell casings in the pits, Mr. Markowski's shed was burned down; someone else complained about the ATVs and lost a bunch of windows. Mr. Paleski isn't looking for any increased ATV activity. They bring in motorcycles from Hartford or Springfield. Mr. Paleski suggested if you do a Google search you find "the pit". Chairman Ouellette agreed the illegal activities at the sites are a concern; it will happen if this is approved or not. The Police Department says you must call them – often. Chairman Ouellette noted he called the Chief but he wasn't available at the time. Chairman Ouellette asked Mr. Westhaver if he had a plan? Mr. Westhaver indicated it's a concern for him as well. Guys came up to him when he was at the site and when he called the Police they did boot the people out. Mr. Westhaver noted that someone from the tobacco farm blocked the site with a tree. Mr. Westhaver will be putting fencing and a gate to block the entrance. There's another access to the property where they've already put a chain and blocked the access; he plans to put up another gate. Mr. Westhaver suggested the steep embankments with the trees also make it difficult to get through and maybe he'll put in more thorn bushes. Mr. Westhaver suggested he can only limit what happens on his property. Chairman Ouellette questioned how practical would it be to fence in the whole property? Mr. Westhaver indicated there's some fence there now; he planned to put barbed wire on the top to act as a deterrent. Mr. Westhaver reported they won't be there on the weekends but if people call him.....

Chairman Ouellette asked the Commissioners if they had any additional questions?

**Commissioner Thurz:**

- **Site Access:** Commissioner Thurz noted he's lived in town for 50 years, there are a thousand ways for someone to get in through the back. Mr. Westhaver replied – potentially, yes. He was pleased to see the tobacco farmer made the mound near his property.

**Commissioner Moore:**

- **Site accessibility for quads/ATVs:** Commissioner Moore noted that the owner of the Recycled Concrete site has a gate and people still get through. Commissioner Moore felt the only way to limit the ATVs would be to have the pit open Saturdays and Sundays. He felt the people with the quads will come back.
- **Traffic:** Commissioner Moore noted he lives on Rockville Road, he gets woken up at 2 a.m. by people riding by with motorcycles.

**Commissioner Kowalski:**

- **Road improvement plan:** Commissioner Kowalski asked if Town Engineer Norton has done a study of the conditions of the roads? Chairman Ouellette noted the Town seeks assistance for road repairs via the State TAR (Town Aid for Roads) Fund. Commissioner Kowalski questioned where these roads fit in Town Engineer Norton's road improvement plans? Commissioner Thurz recalled that last year DPW paved Wells Road and then ran out of money. Assistant Town Planner Tyksinski suggested he'll contact Town Engineer Norton for follow-up.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

12

Chairman Ouellette asked the public for additional comments; no one requested to speak.

**Chairman Ouellette:**

- **Emergency access:** Chairman Ouellette questioned who would use the emergency access road? The Police Department and the Fire Departments if the main access is blocked? How would an emergency vehicle get to that point? Mr. Kement indicated he wanted to re-evaluate that reference. He noted there are 2 access points from Wapping Road so he would like to look at the emergency access further. Mr. Kement felt it was intended to be an “additional access” and it became an “emergency access”.

**Lori Zuzik, 15 Morris Road:** Mrs. Zuzik reiterated the major concerns are air pollution, noise, reduced property values; it disrupts our quiet residential life. We have enough trucks in town already. Mrs. Zuzik felt the people who do this make out financially but for the people living nearby it’s a problem. Mrs. Zuzik doesn’t feel safe on Morris Road because of the truck traffic; she drives to South Windsor to walk. Mrs. Zuzik reported she enjoys her peace and quiet.

**Carol Arrowsmith, 9 Morris Road:** Ms. Arrowsmith reported that today they drove up Wapping Road to Windsorville Road, up at the curve you can’t see and the side is worn away. A truck was coming down the hill so she went towards the side but there was a large log there on the side so she couldn’t go to the side. It’s a steep hill near the house; it’s extremely dangerous. The road issues are a problem, and adding more trucks won’t help this.

Chairman Ouellette queried the audience for comments again; no one expressed a desire to speak.

Chairman Ouellette questioned Mr. Kement regarding their intent to request an extension of the Public Hearing, as there were still open issues to be considered. Mr. Kement submitted a written request for an extension, noting that he believed statutorily they have 65 days from next Tuesday. Commissioner Thurz suggested the extension would run to December 20<sup>th</sup>. The Commission reviewed the meeting schedule, noting the only Commission Meeting in December is the 11<sup>th</sup>. Chairman Ouellette clarified that the deadline to close this Public Hearing is now December 20, 2018.

**MOTION: To GRANT AN EXTENSION to December 20, 2018 to Close the Public Hearing on 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].**

**Moore moved/Kowalski seconded/DISCUSSION:** None

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

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

13

Chairman Ouellette encouraged the public to check the Town website for PZC Meeting schedules. He noted the applicant doesn't have to send any more notifications to abutters. Chairman Ouellette noted the PZC meets the second and fourth Tuesdays monthly; meeting agendas are usually posted a week in advance of a meeting. Residents are also welcomed to call the Planning Office.

**MOTION: To TAKE A FIVE MINUTE BREAK.**

**Moore moved/Sullivan seconded/DISCUSSION:** None

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

**The Meeting RECESSED at 7:45 p.m. and RECONVENED at 7:50 p.m.**

**NEW PUBLIC HEARINGS:** None.

**NEW BUSINESS: ACI Auto Group** – Site Plan Approval for construction of a 10,500+/- square foot building for used car sales and auto repair at 206 South Main Street, owned by KBT Realty, LLC. (B-2, M-1, & A-2 Zones; Map 22, Block 5, Lot 81):

Joe Ussery, of J. R. Russo & Associates, and Peter Alberici, the applicant, joined the Commission.

Mr. Ussery noted ACI Auto is presently located at 187 South Main Street. Their intention is to move their operation to 206 South Main Street and build a 10,500 square foot building for used auto sales and repairs. 206 South Main Street is currently occupied by overflow parking for the dealer located to the north. They are proposing gravel parking in the front, side, and rear for employees, inventory, and storage space. The parcel contains a small structure which will remain as a storage building.

Mr. Ussery indicated the site is designed to handle drainage from the east and west which will flow through a stormwater drainage system to a retention pond. During a normal storm event the stormwater will infiltrate back into the ground, while during a larger event the water would reach the outlet before overflowing.

**Commissioner Zhigailo:**

- **Parcel reconfiguration:** Commissioner Zhigailo questioned that ACI Auto would be consolidating their operation on one side of the site? Mr. Ussery replied affirmatively, noting this proposal includes a lot line reconfiguration as well. The parcel presently contains 11 ½ acres; ACI Auto will purchase 10 acres, while the remaining 1 ½ acres will be retained by the current owner.

**Commissioner Kowalski:**

- **Site access:** Commissioner Kowalski questioned that the parcel presently contains 2 entrances? Mr. Ussery concurred. Commissioner Kowalski questioned if they would be eliminating one of the curb cuts? Mr. Ussery suggested they will be widening the entrance and shifting it to the south.
- **Parking surface:** Commissioner Kowalski noted the intent for the parking surface to be gravel. He noted this will be a repair facility with the potential for fluid leakage; he understood that the vehicles can't be stored on dirt or gravel. Mr. Alberici noted he doesn't do collision repair. Commissioner Kowalski questioned that it's more like mechanical repairs? Chairman Ouellette referenced Section 603.1.a of the Zoning Regulations, which requires that "*All parking spaces, loading facilities, and access roadways shall be paved with an adequate all-weather surface. Gravel surfaces may be permitted for seasonal or overflow parking*". Chairman Ouellette noted the plans show 3 areas of gravel surface. Commissioner Thurz questioned how the parking area could be striped for handicapped and other parking? Commissioner Kowalski cited the gravel is permitted for overflow or seasonal parking, but isn't intended for inventory parking. Commissioner Moore cited the difficulty plowing a gravel surface. Chairman Ouellette questioned that the drainage calculations were based on the gravel surface? Mr. Ussery replied affirmatively, noting all the stormwater will go to the same structure and then into the infiltration basin.
- **Site lighting:** Commissioner Kowalski questioned what was proposed for site lighting; were any pole lights proposed? Mr. Ussery replied they will have lights on the buildings; they're not proposing any pole lights. Commissioner Kowalski questioned if they had prepared a photometric plan? Mr. Ussery replied negatively. Chairman Ouellette suggested the free-standing lighting is a business decision so he feels the applicant must feel what they are proposing is sufficient for security and safety. If the building lights are down lit they won't spread light onto the abutting property. Commissioner Kowalski noted the legend on the plans shows existing light poles but he doesn't see them shown on the plans. Mr. Alberici suggested that was meant to be a utility pole.
- **Status of existing building:** Commissioner Kowalski questioned if the building was occupied; he had a question regarding access to that structure if it were to be used for residential purposes. Mr. Alberici indicated the building is vacant. Commissioner Kowalski noted the only access to that building is through the commercial/business property; he questioned if a residential use could be continued.

**Commissioner Moore:**

- **Signage:** Commissioner Moore questioned what was proposed? Mr. Ussery noted there is an existing 32 square foot sign on the site; nothing additional is proposed.

**Chairman Ouellette:**

- **Width of drive aisles:** Chairman Ouellette noted the plans show drive aisle of 14 and 20 feet on the north side of the building. Citing Section 601.3.d of the Zoning Regulations Chairman Ouellette noted drive aisles must be 24 feet wide unless the Fire Marshall waives the width. Chairman Ouellette noted the Commission will want a written confirmation from the Fire Marshal regarding the width of the aisles.
- **Ornamental stone wall:** Chairman Ouellette noted the ornamental stone wall is presently located within the State right-of-way. He indicated that the DOT will require its removal. Chairman Ouellette noted that decision was outside of the Commission's purview but he questioned if the wall had any purpose other than ornamental? If it served no purpose Chairman Ouellette would suggest it be removed. Mr. Alberici indicated he probably would remove it.
- **Show spaces for display vehicles on plans:** Chairman Ouellette referenced notations on the plans for display parking parallel to Route 5, and also to the north and to the south of building but the spaces are not shown on the plans as areas for display parking. Chairman Ouellette requested that the plans be revised to reflect the display parking.
- **Construction phasing:** Chairman Ouellette noted the intent for 2 phases for the project; he questioned if they were to be completed at the same time? Mr. Alberici suggested that would depend on the cost. Chairman Ouellette suggested his question was related to how the need for parking, for employees or others, would be handled if the construction was phased. Commissioner Kowalski questioned what the surface material would be for Phase II if that isn't a building? Mr. Alberici indicated he thought they were paving to the rear of Phase I and as Phase II came along ..... Mr. Alberici indicated he wasn't opposed to paving the whole area.
- **Discussion with DOT:** Chairman Ouellette questioned if they had had any preliminary discussions with DOT in Rocky Hill regarding the curb cuts? Mr. Ussery indicated they would meet with DOT after receiving the local approval.

Commissioner Sullivan:

- **Location of western parking lot:** Commissioner Sullivan noted the western parking lot is located in the wetlands; did this application go through the Wetlands Commission? Assistant Town Planner Tyksinski and Mr. Alberici replied affirmatively.
- **Parking lot surface/impact on drainage:** Commissioner Sullivan cited he understood the preference for the gravel surface for the parking lot because of cost but he felt the gravel surface wouldn't be good otherwise. Commissioner Kowalski suggested that if the lot is paved it will increase the amount of impervious surface, which will change the drainage calculations. Assistant Town Planner Tyksinski indicated that question didn't come up at the Wetlands Meeting.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

16

**Commissioner Thurz:**

**Oil/Water separator:** Commissioner Thurz indicated he didn't see any reflection of an oil/water separator on the plans. Mr. Ussery suggested it's shown on the Utilities Plan.

Chairman Ouellette noted there are some elements of the plan that require engineering revisions, including:

- Discussion of paved vs. gravel parking
- Consider status of ornamental wall; if it serves no purpose it should be eliminated.
- Review lighting within site
- Confer with Fire Marshal regarding aisle widths

Assistant Town Planner Tyksinski questioned if the present sign would remain with the applicant's parcel or would it remain with the cut off acreage? A site can only have one sign.

Assistant Town Planner Tyksinski also noted that should this plan be approved the applicant needs to go to ZBA to acquire a dealer's license for 206 South Main Street. Chairman Ouellette questioned if that should have been completed prior to this approval? Assistant Town Planner Tyksinski understood that the dealer's license was dealt with after seeking PZC approval.

Chairman Ouellette noted concern with the Commission's ability to establish a quorum for the next PZC Meeting. He questioned when the applicant would be prepared to return? Mr. Ussery felt they could be ready for the next meeting.

**MOTION: To CONTINUE the Application of ACI Auto Group for Site Plan Approval for construction of a 10,500+/- square foot building for used car sales and auto repair at 206 South Main Street, owned by KBT Realty, LLC. (B-2, M-1, & A-2 Zones; Map 22, Block 5, Lot 81). Application is continued until the Commission's next regularly scheduled Meeting on October 23, 2018, at 6:30 p.m. at the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

**Moore moved/Kowalski seconded/DISCUSSION: None**

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

**OLD BUSINESS: None.**

**OTHER BUSINESS: None.**

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



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1748 – October 9, 2018  
MEETING MINUTES**

17

Assistant Town Planner Tyksinski reported there will be a meeting of the Route 5 Corridor Study group this Thursday at 3:00 p.m.

**BUSINESS MEETING/(2) General Zoning Issues:**

Assistant Town Planner Tyksinski reported he has nothing new to report on MMCT, or Calamar; there is also nothing new regarding enforcement issues.

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

No discussion this evening.

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

Nothing presented this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:30 p.m.**

**Moore moved/Sullivan seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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