

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

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**MARCH 26, 2019**

**MEMBERS PRESENT:** Bart Pacekonis, Kevin Foley, Frank Bonzani, Stephanie Dexter, Kevin Greer, Bill Flagg, Steve Wagner

**ALTERNATES PRESENT:** Michael LeBlanc, Paul Bernstein, Kenny Young

**STAFF PRESENT:** Michele Lipe, Director of Planning; Lauren Zarambo, Recording Secretary

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING / COUNCIL CHAMBERS 7:00 PM**

**CALL TO ORDER:** Chairman Pacekonis called the Public Hearing to order at 7:00 p.m.

Chairman Pacekonis appointed Alternate Commissioner Young to be seated for Commissioner Greer.

1. **Appl. 19-08P, Redland Brick KF Plant Quarry**— request for a Special Exception to Article 7.16.4 for a 5-year earth removal permit and site plan, on property located at 1440 John Fitch Boulevard, I & RR zones (Public Hearing March 12, 2019 continued to March 26, 2019)

Mr. Darin Lemire, project engineer from HRP Associates in Farmington, continued the public hearing with a power point presentation showing a revised excavation plan and new haul road located further north and 25' lower in elevation.

Commissioner Greer arrived and confirmed for the Chairman that he had read the March 12<sup>th</sup> minutes and was briefed to be seated for the application. Alternate Commissioner Young was no longer seated. Chairman Bonzani rescused himself since he was not at the March 12<sup>th</sup> meeting and the Chairman appointed Alternate Commissioner Bernstein to be seated for Commissioner Bonzani.

Mr. Lemire referenced the site walk of the quarry that was open to the public and had taken place earlier in the day. A detail of the new haul road showed 3' high berms located on each side of the road. Sprinklers will be installed on each berm to create full coverage for dust control. Water will be supplied from the clay pit. Broken brick will be used on top of the berms and road to prevent erosion. Slope and swale details were described. The existing haul road will no longer be used for mining activities but will be occasionally used if a piece of equipment needs to go back out for general maintenance of the area. The reclamation plan has not been changed from the original plan of using top soil and seed over former mining areas. Maximum slopes will be 2:1 as noted in the details of the reclamation sheet of the plans. Redland is waiting to receive final approval from CT DEEP for their discharge permit but does have a de-watering permit good until 2027. The new haul road along the southern end will be closer to the pit. The permit required from DEEP will eventually be issued and a geotechnical study done on the northern end before construction can begin on the new road on the north side of the pit.

Mr. Steve Blomquist, plant manager of the quarry, described supervisor protocols for dust control in addition to the sprinkler system and submitted photographs, supporting documents and mining history to Director Lipe and commissioners (Exhibit A). Their parent company has approved that they will be doing their own mining which Mr. Blomquist will do going forward.

Director of Planning Michele Lipe gave staff comments noting the revised plan and narrative submitted and that staff requested under the freedom of information act and received an account of any violation notices from DEEP. The Director submitted DEEP's records which included a regular scheduled inspection in April 2018 and 2 complaints filed in August and December of 2018 for which violation notices were issued and corrective action taken. Director Lipe stated Senior Environmental Planner Jeff Folger spoke with Mr. Don

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Gonyea at DEEP regarding the applicant's pending permit and a draft copy of the permit was sent to staff today for review. (Exhibit B)

There were no additional engineering comments.

The Chairman asked for comments from the public in support of the application.

No one from the public spoke in support of the application.

The Chairman asked for comments from the public in opposition to the application or with concerns.

Attorney Mark Needleman, representing Mr. Jim Poulin and several neighbors, noted the request for a 20 year history of days mined and days hauled made at the last meeting and the 10 year mining history just submitted by the applicant. The attorney reviewed the history and requested limiting the number of mining and hauling days to the 2018 numbers of 30 days mining and 4 days hauling. He stated they are not asking to put the company out of business but to take into equal consideration the abutting neighbors. The best solution for all is to have the road moved to the north and for approval to be issued for one year, not five, and to limit work to weekdays only.

Mr. Jim Poulin of 430 Strong Road who submitted 14 signatures from others opposing the application (Exhibit C) showed clips of videos of trucks traveling past the rear of his property and noise from bulldozers and stated there was one truck going by his property every minute all day long and not traveling at 5 mph.

Mr. Keith Bowler of 598 Strong Road recounted Commissioner Wagner's comment from the last meeting that if one purchases property next to a mine expect there will be mining next door and stated he is not opposed to the mining activity but asked if there is more activity ongoing besides the mining and hauling days.

Attorney Needleman noted the proposed 5' high trees will be inadequate for dust and sound screening and asked about a 3' high berm's effect next to 8' high equipment. He asked for the business and residents to both be treated fairly.

Mr. Poulin described ongoing excavation and maintenance activities on site as constant including repair and bulldozing of all roads to keep them maintained, repair and reconstruction of deteriorating embankments, the dumping of bricks to maintain the embankment of the ¼ mile vegetated swale and annual maintenance of the swale.

Chairman Pacekonis asked for comments from commissioners.

Commissioner Wagner discussed the use of the watering truck and days of operation with Mr. Blomquist who stated the watering truck will be used on site as needed. A weekday only schedule will prove difficult since work is weather dependent but prefers weekdays since weekend labor is at a premium. Commissioner Wagner suggested using targeted back up alarms in the brick factory which goes 24/7 when in production.

Commissioner Wagner discussed the petition signed by residents in opposition with Attorney Needleman who qualified the opposition to the application as presented. The process of moving the haul road north was then discussed with Mr. Blomquist.

Commissioner Greer confirmed with Mr. Blomquist that road building work would take place on weekdays only.

Vice Chairman Foley emphasized the need for give and take by both the applicant and residents and invited Mr. Blomquist and Mr. Poulin to the podium. Mr. Blomquist confirmed that for the company to survive they will need 60 days of mining and 20 days of hauling and will be using one truck instead of the four trucks

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previously used. Mr. Poulin noted the need to move the road to the north and dropping the level of the road. An estimated time of three years was noted to get the new road up and running. Attorney Needelman noted the applicant needs to get started on the engineering for the north road immediately to move forward. Mr. Darin noted they are not yet under contract but are speaking to engineers and Mr. Blomquist stressed the need to get some of the water out and DEEP permit issued.

Commissioner Dexter suggested not limiting which days to mine but to place a limit on the number of days per week which could include Saturday but not Sundays. The commissioner recommended that the 5 year permit should include a time line of work to be done and when the road is completed to keep in dialogue with Planning throughout the 5 years and noted trees to be planted need to be taller than the 5' high.

Commissioner Flagg asked about the draft permit from DEEP. Mr. Streb, environmental engineer for Redland Brick's parent company in Ohio, stated he spoke with Mr. Don Gonyea of DEEP who expects to have the permit signed this week and acknowledged the permit was being fought by residents and their attorney. Commissioner Flagg disagreed with the attorney's request for a one year permit but recommended a three year approval as a minimum working 5 days a week but not on Sundays. The commissioner discussed building the north road and the temporary road, berms and trees proposed with Mr. Streb.

Commissioner Bernstein applauded Vice Chairman Foley for bringing both sides together and asked Mr. Blomquist about the limited days noted on their mining history which differ from the statement made by Mr. Poulin about trucks going by his property every minute. Mr. Blomquist stated when trucks were hauling this year there were 100 loads in 8 hours which could seem like every minute but going forward they will be using one truck and at best will do 50 loads in an 8 hour day.

Commissioner Bernstein asked Mr. Poulin about work done on a daily basis beyond the mining and hauling which Mr. Poulin described as maintenance work done with bulldozers for maintaining roads, repairing berms and excavating the ¼ mile swale. Attorney Needelman stated the neighbors have expressed concerns to DEEP over the granting of the permit for pumping in order to recommend monitoring systems to insure water quality standards. Their concerns will probably not continue if those monitoring systems are required along with independent monitoring.

Chairman Pacekonis discussed the current allowable work days and hours with Director Lipe and recommended Monday – Friday 7 a.m. to 7 p.m. with no work on Sundays going forward. The Chairman noted the most effective place for trees to be planted is shown on the plans at the highest point above the old haul road. He requested a plan for the road to the north of the pond to be engineered and started within a year and noted the Commission has been good on time frames and approvals but needs the applicant to adhere to promises made. Engineering needs to start. Approval for 3 to 5 years is requested and we need a plan to show how the work will progress in those 3 to 5 years. The Chairman asked about the time frame for mining the site under current approvals through Phase 7. Mr. Streb stated there are 10 to 15 years of total raw material left and the mine is at 40% production and assured engineers will be contracted immediately and can report back in whatever time frame the commission requires.

The Chairman spoke with Attorney Needelman who asked the commission to consider a shorter time frame of 1 to 3 years with benchmarks to insure the engineering is done and the road on the north side commenced or completed, proper permitting and water quality issues addressed and any noise or dust issues addressed.

Commissioner Wagner noted the inability to remove water causes the pond to grow larger and requires mining in new areas and suggested as water is removed new areas will be exposed to be mined. Mr. Blomquist agreed and noted the plan is to lower down to the 45' level and will allow more mining to the north side. The berm was explained to be designed for safety reasons for the road per regulations and not for

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planting of trees Commissioner Wagner thanked the applicant for taking the suggestion of Vice Chairman Foley for the installation of the sprinkler system.

Commissioner Greer asked what their plan will be if when engineering is started for the north road it is not deemed possible. Mr. Streb stated there are many options and does believe it will be solved with their plan. Vice Chairman Foley continued the discussion with Attorney Needelman and Mr. Poulin.

The Chairman then discussed the phasing of the project with Director Lipe and Mr. Blomquist.

The Chairman closed the public hearing at 8:35 p.m.

- 2. Appl. 19-12P, Educational Playcare, LTD** – request for a Special Exception to Table 4.1.1A and Section 7.4 and Site Plan of Development for a 16,000+/- sf daycare facility, located on property at L028 Ellington Road (to be known as 742 Ellington Road), RC zone (Continued from March 12, 2019)

Postponed at the request of the applicant and continued to April 9, 2019.

**REGULAR MEETING / MADDEN ROOM**

**CALL TO ORDER:**

The Chairman called the Regular Meeting was called to order at 8:40 p.m.

**PUBLIC PARTICIPATION:**

**NEW BUSINESS:** Discussion/Decision/Action regarding the following:

- 1. Appl. 19-03P, Chase Bank** - request for a site plan of development for the construction of a 3,470 sf bank with a drive thru facility at 190 and 240 Buckland Road, including minor site plan modifications at 206 and 218 Buckland Road, Buckland Gateway Development zone

Mr. Benjamin Wheeler of Design Professionals Inc. continued the presentation from the February 26, 2019 meeting with representatives from Metro Realty and Mr. Kwesi Brown, traffic engineer from Milone & MacBroom, and representatives from Chase Bank and their architect.

Mr. Wheeler stated the traffic engineer reviewed the southbound left turn lane on Buckland Road which was a point of discussion at the last meeting and a revised traffic report was submitted which indicated the existing turn lane on Buckland Road is adequate to serve the proposal before the commission for the Chase Bank and connections to M&R Liquors. The left turn lane will be reviewed as the applicant further develops the properties and is open to an approval condition that it will be reanalyzed when subsequent applications come before the commission. They have met with Town staff who agreed with this approach.

Director Lipe gave staff comments:

1. Revised plans were reviewed by both Planning and Engineering and staff comments have been addressed. Staff did meet with the applicant and agreed that the left turn lane as it stands now on Buckland Road is adequate for the Chase Bank but recommends an approval condition that it be re-examined with further development on the site.
2. A new street name for the new street created needs to be added to the plans.
3. The internal sidewalk network shown in concept on this plan needs to be designed in the next phase of development.

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4. If in the future buffer trees in the eastern boundary are disturbed in the wetlands mitigation area additional trees need to be planted in the buffer area.
5. Standard access management requirements for this plan provides for access both north and south. With all plans along Buckland Road Development Corridor, standard language is required in relationship to access management requirements requiring the developer to require easements both north and south and, at the time of future developments, the access point has to be used or another access point agreed upon.
6. With this plan 206 and 218 Buckland Road approved site plans are being changed. M&R Liquors will have a new driveway off the back and the Carter Mario site plan will be diminished and a new site plan filed showing the new access drive on it.

Commissioner Greer asked about access for the abutting neighbor to the south, Mr. Krawski. Mr. Wheeler indicated a meeting had been held with the applicant and Mr. Krawski.

Chairman Pacekonis and Commissioner Wagner discussed access to the site and queueing for cars turning into the site with Mr. Wheeler and Mr. Brown.

Commissioner Wagner made a motion to approve with the following conditions:

This site plan approval includes new construction at 190 Buckland Road and modification to existing sites at 206 Buckland Road, 218 Buckland Road and 240 Buckland Road.

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$25,000 to ensure compliance with the erosion and sediment control measures and \$25,000 to ensure establishment of storm water system and \$20,000 for wetlands and habitat plantings.
4. A landscape bond in the amount of \$5,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. The building street number must be included on the final plan.
10. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
11. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
12. Engineering comments dated 3/12/19 must be incorporated into the final plans. Details for the intersection upgrades are to be finalized with Engineering and Police Departments.

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13. A Town approved street name shall be included on the final plans.
14. The concept internal sidewalks shown on the plans shall be designed and constructed with any further interior development of these properties.
15. The buffer requirement is currently being met by existing vegetation. In the future, if the buffer trees are disturbed by the wetlands mitigation, additional buffer trees may be required.
16. In accordance with Section 5.5. Access Management requirements, with the approval of these modified site plans, approval has been granted to allow the existing entrance to 206 and 218 Buckland Road to remain as right and right out with a connection being made to the new roadway to the east.

The access road is approved subject to the following:

- An easement allowing cross access to and from the adjacent property on Buckland Road to the north and south must be shown granting irrevocable permission to enter upon and perform all activities needed to construct the driveway, on both properties on which the driveway will be constructed.
- At such time as a site plan is approved for the property to the immediate south, an interconnection shall be constructed in the area shown on the subject site plan OR as agreed by the two property owners and further approved by the Planning and Zoning Commission. Failure to construct the site interconnection shall be construed as a zoning violation and shall be pursued via the remedies available to the Town of zoning violations.
- Also, in accordance with the provisions of Section 5.5.4E, the applicant shall record on the land records an agreement that remaining access rights along 190 Buckland Road will be dedicated to the Town.

17. The southbound left turn lane must be examined with any further development.

Commissioner Bernstein seconded the motion.

Mr. Krawski, abutting neighbor at 130 Buckland Road, spoke about his property and discussed its access with Director Lipe, Chairman Pacekonis and Mr. Geoffrey Sager of Metro Realty.

The motion carried and the vote was unanimous.

- 2. Appl. 19-08P, Redland Brick KF Plant Quarry**— request for a Special Exception to Article 7.16.4 for a 5-year earth removal permit and site plan, on property located at 1440 John Fitch Boulevard, I & RR zones (Continued from March 12, 2019)

Chairman Pacekonis acknowledged the discussions and deliberations held through the public hearing and indicated time will be needed for Town Staff to craft approval conditions. The Commission has 65 days in which to make a decision.

Commissioner Wagner noted that days and hours of operation need to be clarified. Vice Chairman Foley stated weather does control operations but in fairness to neighbors work on Sunday needs to be eliminated with days and hours during the week for operations in the mining area as Monday through Friday 7 a.m. -7 p.m. and Saturdays 7 a.m. to 5 p.m. (but not including the manufacture of bricks in the factory that goes 24/7). Commissioner Flagg discussed winter and fall hours of operation with Director Lipe. The Vice Chair

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noted safety issues regarding working after dark, height of berms and back up alarms are determined by the mining commission.

Commissioner Bernstein noted the following bullet points for approval conditions: development of the north road including the engineering aspect; water monitoring which Director Lipe stated is done by DEEP; limiting the total number of days for mining and hauling per year which commissioners concluded not to limit; and trees known as 'Green Giants' proposed at a height of 5' high at time of planting at the height of the neighbors' elevation. Commissioner Wagner also noted the whole operation has been moved down 25'. Maintenance bull dozing was discussed regarding noise levels and clarified that if the level of noise does not violate the noise ordinance it is an industrial right to take place 24/7.

After discussion about the need to pump water out prior to engineering the new road, Commissioner Wagner suggested setting benchmarks such as an engineering study within a year. The Director suggested a condition that within one year's time a preliminary engineering study with an update for a timeframe for putting the roadway in.

Commissioner Wagner made a motion to extend the meeting past 9:30 p.m.

Commissioner Dexter seconded the motion.

The motion carried and the vote was unanimous.

Commissioner Wagner suggested when the new roadway is designed a new site plan needs to be submitted and Director Lipe stated a wetlands impact application will need to be submitted first.

Conditions for dust control include that a water truck must be kept on site and that the irrigation system must be operable in order for hauling to occur. A log of operations must be maintained and available for review upon request.

Commissioner Dexter asked about the transitional road which will be put in before the north road and before any hauling occurs. Director Lipe stated a preconstruction meeting will be required before any construction occurs.

Vice Chairman Foley asked about vegetating the existing upper road but noted they do have to have access to maintain the swale. Director Lipe noted that in the first public hearing the applicant indicated they would need it to get equipment there and the Vice Chair noted maintenance of the swale is a critical component of their operation. An approval condition will be crafted for its use.

The Commission determined the permit be granted for 3 years and then if everything is compliant a 5 year permit can be granted.

Director Lipe summarized the sequencing that within one year a report would be submitted from the geotechnical survey and the possibility of a roadway. If the roadway can be done in the 2<sup>nd</sup> year the applicant would come in to modify the site plan. The special exception use for the mining would still be in place and in the 3<sup>rd</sup> year if everything is compliant a permit can be issued for 5 years. A draft of all the approval conditions will be sent out with the next meeting's packets for commissioners' review.

**BONDS: Callings/Reductions/Settings**

**Subdivision Bonds**

1. Appl. 03-31P, Chapel Hill Subdivision Bond in the amount of \$2,800 to be reduced by \$2,800 to leave a balance of -0-.

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Commissioner Dexter made a motion to reduce the above mentioned bond. Commissioner Wagner seconded the motion. The motion carried and the vote was unanimous.

2. Appl. 16-59P, Sunset Hill Estates Subdivision Bond in the amount of \$99,996 to be reduced by \$41,116 to leave a balance of \$58,880\*.  
\*Maintenance bond expires on 3/12/20.

Commissioner Dexter made a motion to reduce the above mentioned bond. Commissioner Bernstein seconded the motion. The motion carried and the vote was unanimous.

**APPLICATIONS OFFICIALLY RECEIVED:**

1. Appl. 19-19P, Truth Baptist Church – request for a special exception to Table 3.1.A and site plan modification to add 2+ acres to the church property including a parking lot addition, on property located at 60 Burnham Street, RR zone
2. Appl. 19-20P, Town of South Windsor Summer Farmers Market - request for renewal of a 2-year temporary & conditional permit to allow a farmers market weekly from June through October, offering produce and other items such as vegetables, fruits, cheeses, meats, baked goods, soaps, and candles at the Charles Enes Community Center, 150 Nevers Road, RR zone

**MINUTES:** 02/26/19 and 03/12/19

Approved by consensus with a correction to the 3/12/19 minutes removing Commissioner Greer from the list of members in attendance.

**OLD BUSINESS:** *see page 2*

**OTHER BUSINESS:**

Director Lipe described a request for the planned walkway in the open space area behind Schoolhouse Drive to be removed to create an open area for children to play. The Commissions agreed the request will be handled as a change order by staff.

Commissioners were reminded of the Economic Development Forum to be held on March 27<sup>th</sup>.

A request has been received from the School Superintendent to come before the Commission to discuss school enrollment numbers and demographics.

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting 9:41 p.m. was made by Vice Chairman Foley. Seconded by Commissioner Flaggs. The motion carried and the vote was unanimous.

Respectfully Submitted,  
Lauren L. Zarambo  
Recording Secretary