

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

SPECIAL MEETING MINUTES

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OCTOBER 2, 2018

MEMBERS PRESENT: Bart Pacekonis, Kevin Foley, Stephanie Dexter, Kevin Greer, Steve Wagner

ALTERNATES PRESENT: Mike LeBlanc, Kenny Young, Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

PUBLIC HEARING / COUNCIL CHAMBERS

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 6:30 p.m.

Acting Secretary Commissioner Dexter read the legal notice into the record as it was published in the Journal Inquirer on September 20, 2018 and September 27, 2018.

Chairman Pacekonis seated Alternate Commissioner LeBlanc for Commissioner Bonzani and Alternate Commissioner Young for Commissioner Flagg.

1. **Appl. 18-48P, Connecticut Soil Realty LLC-** request for site plan approval for the storing, processing and manufacturing of earth materials, on property located at 420 John Fitch Boulevard, R014 Pleasant Valley Road and L022C Chapel Road, Industrial zone

Attorney Peter Alter of Alter & Pearson, LLC representing applicant Connecticut Soil Realty LLC presented the request for site plan approval with Mr. Tim Coons, project engineer from J. R. Russo and Associates LLC and Mr. Gale Hoffnagle, senior vice president and technical director of TRC Environmental Corporation. An affidavit of posting of public hearing signs and the approval letters from the Environment Health Officer and the IWA/CC were submitted. (Exhibit A)

Attorney Alter gave a genesis of the application and the site chosen which was formally a contractor's yard that the applicant has significantly cleaned up. The completion of the clean-up will take place within 90 days and is accepted as a condition of approval. The City of Hartford is addressing issues of mixing storm sewer and raw sewage during high impact storms. The MDC is creating a tunnel to circumvent the problem. Stone and rock taken out of the tunnel will be brought to John Fitch Boulevard to be processed and then sold. Material coming to the site will be uncontaminated in order to create a high quality stone product. There is a rail spur already on the site so that a good amount of the product will be transported to the site by rail. The rail spur will be expanded as the project continues.

Trucks will enter by way of John Fitch Boulevard and exit by way of a right turn only onto Chapel Road back onto John Fitch Boulevard. No left turn will be permitted out of the site on to Chapel Road. Bubaris Traffic Associates did an evaluation of the traffic generated by the project and reported a negligible effect on the roadways. A copy of the traffic report was submitted for the record. (Exhibit B)

Attorney Alter described the 17 acre site as meeting all criteria for site plan approval with all properties to the south zoned industrial with condominiums to the southeast separated from the site by a wooded area with a great wooded area to the north.

Mr. Coons of J R Russo Associates presented the site plan he prepared on a power point presentation. The clean rock will come in on dump trucks from John Fitch Boulevard on a paved road to be weighted and dumped in a hopper where a conveyor will take the materials. Trucks will exit by taking a right onto Chapel Road. Material will be stockpiled and taken within the site to processing areas with graders, crusher and screeners. The material comes to the site wet so dust is not likely. There will be, however, misters on site to reduce dust should it occur. The pavement will be redone to create a 12' access road to provide access to the

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processing area. The exit onto Chapel Road will be a gated exit. A new drainage system is proposed. Two surface basins, wetland plantings and erosion control methods were described.

Outdoor storage will not be visible from a public street. This site is 600' from Chapel Road with some existing trees, vegetation and buildings which will act as a buffer. The 40' stockpiles will be hidden behind mature trees. When foliage is gone in the winter, a tight weave tall fence has been proposed for a 33' high screen required to screen the pile. A better solution will be to supplement the existing tree line. In lieu of the fence, the roadway will be moved back 10' from the property line where trees will be interplanted to create a better buffer. If the zoning officer determines the stock pile can be seen from Chapel Road the applicant will install the described high screen.

There are 1,700 feet to the nearest residential building shown on a plan with a buffer of 390' which is far over the 60' required buffer between residential and industrial zones.

Hours of operation were described as 7 a.m. to 5 p.m. Monday – Friday and Saturdays, 7 a.m. – 12 p.m.

A condition of approval from IWA/CC will have silt fence and haybales changed to a concrete barrier and restoration of the site with a seed mix once stone processing is complete. Attorney Alter noted another IWA/CC condition to be certain there will be no degradation of water or air quality and for the stone brought on site not to include contaminants. Mr. Gale Hoffnagel of TRC Environmental Corporation will be the independent source of testing.

Mr. Hoffnagel distributed a document titled 'Connecticut Soil Environmental Issues', a wind speed chart and curriculum vitae to commissioners (Exhibit C) and described the material to be processed as large stone pieces of Basalt and Portland Brownstone used in buildings throughout the state, Boston and New York City. All solid rock taken from the tunnel will have testing overseen by DEEP with the EPA. Each truckload will have a certificate. The material will be dewatered before being sent to the site and will have no smell or airborne particles. There will be misting system on the conveyor. Noise and vibration will be minimal with trucks required to travel 5 miles per hour on site, the screener using vibration and crusher with sound levels less than 80 decibels at 1 meter from the equipment. The calculated sound at Chapel Hill Condos 1,900' away, is 25 decibels. The Town noise ordinance for industrial sources at residential areas is 61 decibels in the day and 45 decibels at night. The wind chart also illustrated the minimal impact of sound. In summary, the impact on adjoining residential properties will be negligible and substantially less than most other industrial activity that could occur onsite.

Director of Planning Michele Lipe gave staff comments:

1. Request for site plan approval for the storing, processing and manufacturing of earth materials, on property located at 420 John Fitch Boulevard, R014 Pleasant Valley Road and L022C Chapel Road, Industrial zone
2. Manufacturing and processing of product is a permitted use in the Industrial zone. The PZC made that determination about this specific operation in February 2018.
3. The applicant is proposing to lease an 11 acre parcel out of the larger Botticelli Trust property, in addition to 420 John Fitch Boulevard, and will create access on to Chapel Road. The applicant's narrative explains the request for a stone product manufacturing facility for wholesale of a variety of stone products on a wholesale basis. The applicant's narrative explains the source of the material and the CT DEEP guidelines that have to be met for re-use of the rock.

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4. The proposed hours of operation are from 7:00 AM to 5:00 PM Monday through Friday with some Saturday hours from 7:00 AM – 12:00 PM. No Sundays.
5. A description of the on-site storing process is also described. It is the applicant's intent to sell the product wholesale, with plans of using the rail spur that currently services the site. All traffic will enter from Route 5 and exit via a new 26 foot paved roadway that will exit onto Chapel Road. Proposed signage would require the trucks to exit right on to Chapel Road towards Route 5. Staff would recommend that this roadway be a minimum of ten feet from the property line so that some of the existing vegetation can be preserved along the southerly property line.
6. The applicant is proposing to use the existing building in site for cold storage and equipment repairs. An area on the western portion of the site is shown to be the area where a screener and cone crusher will be used on site to prepare the rock for wholesale. Trucks will travel via gravel access road around the perimeter of the piles to the western portion of the site for loading of material. That area currently has a large amount of equipment and product stored on it; we have suggested to the applicant that area must be cleaned up as a part of this approval.
7. The applicant intends on having four employees onsite. Eleven spaces have provided adjacent to the existing office area. A traffic statement has been provided. The traffic evaluated included approximately 90 trips to and from the site initially and eventually an additional 90 trips to and from the facility for sale of the product. The rail spur will be extended further east on site for removal of processed rock. The traffic statement evaluated the site lines and the impact on existing traffic volumes and concluded this use would have minimal impact on the current traffic volumes.
8. The rock storage area shows rock stored as high as 40 feet. I have requested the applicant address the outdoor storage requirements to demonstrate that is outdoor storage pile will not be visible from Chapel Road and/or John Fitch Boulevard in accordance with our regulations for outdoor storage of products. The applicant has provided a screening alternative, however, I think the site will be better served with a vegetative screening rather than fencing which would remove the existing vegetation on site. I would recommend that interplanting of evergreen occur along the southerly property line.
9. The larger property also abuts up to the MF-A residential zone and is subject to the buffer requirements. The closest activity to the Condos property line is approximately 360 feet. Cross sections should be provided to demonstrate compliance with the buffer requirements.
10. Measures are being taken by the applicant to minimize dust on the site. The applicant has proposed agreed to engage an independent consultant to periodically test the air quality and water quality. The operation will be subject to the Town's noise ordinance.
11. There are regulated wetlands on site. IWA/CC approved the application on 9/19/18 with the recommendation of:
 - \$15,000 for erosion and sediment control measures; a bond of \$25,000 for establishment of stormwater system; a bond of \$5,000 for the establishment of plantings.
 - Erosion control blanket or matting is to be placed on the slope over the outlet pipe after back filling and grading and seeding of this area.
 - All woody and construction materials present on northern slope leading to the wetland must be removed.

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- Understory buffer plantings along eastern border to be approved by town staff, preferably conifers and/or evergreen shrubs with wildlife value.

12. The Fire Marshal's office has reviewed the plans and does not have any concerns.

13. The office on site is serviced by an existing well and an existing septic system. There is a second septic system that will be removed and will not be replaced. The Health Department has issued an approval for the change of use pending PZC approval.

14. If this application is approved, the Planning Department has a few recommendations:

- A note be added to the plans stating that the remaining land is not a building lot and any further use of the property would require additional approval from this Commission;
- This approval is for virgin rock as represented by the applicant, any other storing of rock would require further approval.
- A restoration plan be added to the plans to include the stabilization of the site with a mine restoration seed mix.

Town Engineer Doolittle gave two outstanding staff comments:

1. There needs to be large concrete (mafia) blocks or gabion baskets filled with rock lined up between both sides of the rock stockpile and infiltration basins 1 and 2 to keep rocks from rolling into the basins. These can be spaces a slight distance apart (6") to allow water to drain between them if necessary the final plans need to be revised to show this also.
2. The final plans need to include a note about a restoration plan for this site consisting of, at a minimum, grading the site at a slight slope to drain to the north or to infiltration basins 1 and 2 and seeding the bare earth on site with a mine restoration seed mix. The site shall be restored after the rock stockpile has been removed and provided no other use has been approved for this site.

Acting Secretary Commissioner Dexter read the memo from the IWA/CC dated 10/2/18 with conditions outlined. (Exhibit D)

Chairman Pacekonis asked for public comment in favor of the application.

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

Chairman Pacekonis asked for public comment with concerns or against the application.

Mr. John Moreland of 1 St Marc Circle voiced concern about the added truck traffic on Chapel Road and its effects.

Ms. Lucy Graham of 6 St Marc Circle asked about the additional sound levels from the railroad especially in winter months when the vegetation has dropped and noted the noise they already hear noise from Route 5.

Another gentleman resident from Chapel Hill Condominiums voiced concern about how dust and machine noises will impact their children and asked how the truck traffic will work with school buses which stop on both sides of Chapel Road.

Mr. Poorna Jyotula of 8 St Marc Circle asked if an independent study was done on the impact of dust from the project and how it will affect his two children on a daily basis as well as the nearby KinderCare facility and asked if this type of dust triggers asthma in children.

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Ms. Kim Silverman of 1 St Marc Circle, stated noise from the crusher, beeping sounds from trucks backing up, sounds from the excavator moving the stone from the stockpile to the crusher, the railroad cars, the conveyor belt and rocks coming off the truck onto the conveyor to the stock piles were not included in the sound study. She voiced concern that no one will be looking out for neighbor concerns once the application is approved.

Mr. Michael Moriarti of 415 Chapel Road had prepared a statement on behalf of several commercial, industrial and residential land owners in the immediate vicinity with concerns and asked to return to the podium with his full remarks when others had finished speaking.

Mr. Scott Cadieux of Chapel Hill Condominiums stated he attended the IWACC meeting and showed a sample of the basalt material to be processed will produce a lot of noise because of its hardness. Quality of life issues were raised for the 4 year project which will process 800,000 to 1,000,000 tons of rock with 100 tri-axial trucks on a small piece of land. Mr. Cadieux noted nothing had been mentioned about a statement from the IWA/CC meeting that material will only be stockpiled and not crushed or milled during the winter months. He asked if the stockpiling will be by calendar date or weather dependent.

Mr. Moriarty returned to the podium and asked the commission to deny the application based on concerns about the site plan, the business entity and affiliates, and ongoing monitoring and maintenance of the site outlined in the written statement he prepared. He asked for the relocation of the driveway to Chapel Road in order to strike a balance with the needs of the community and voiced concern the applicant is under-capitalized and should unforeseen circumstances arise they would not be covered by the bonds. The abstract was submitted as part of the written record. (Exhibit E)

The resident of Chapel Hill Condominiums who previously spoke asked if the same dump trucks used in alleged illegal dumping will be used on this site.

Mr. Lesley Paine resident of Chapel Hill Condominiums asked why Mr. Moriarty could not read his statement if the information presented is relevant to the residents and their quality of life.

Mr. Moriarty asked for the commission to consider the information in the report before making a final decision. The Chairman verified one copy was submitted.

Mr. Cadieux showed a picture of the type of truck to be used and voiced concern about the sediment that will be tracked onto Chapel Road from the 100 trucks per day as well as the diesel, vibration, and noise that will result. He asked for controls to be in place to monitor and someone to contact if problems arise and noted it was said on the tape there would be no crushing or milling done in the winter.

Ms. Diane Tanquay of 15 St Marc Circle asked if trucks will be serviced on site and oil deposited on the ground from the trucks and railroad and asked what will happen to the re-sale values of their condos.

Mr. John Bereuter of 4 St Marc Circle stated 15 years ago a similar proposal was made for a construction debris recycling facility on the property which had extensive hearings and suggested a great deal of information would be on file about that plan.

Mr. Ali Syed of 6 St Marc Circle asked how the extracted dewatered rock which will be stored could remain wet during processing.

Mr. So Seung Yub of 13 St Marc Circle, moved from Manchester to South Windsor with his 2 children for a peaceful and quiet quality of life based the school bus stop at the entrance to their condominium and voiced concern about truck traffic and health and safety of his children.

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Mr. John Klimas of 18 St Marc Circle asked the commission to consider the zoning regulation concerning industrial zones abutting residential zones which should not interfere with the quality life and character of a residential neighborhood.

Acting Secretary Commissioner Dexter read a letter written in opposition into the record from Ms. Lucy Graham of 6 St Marc Circle. (Exhibit F)

The Chairman asked for comments from commissioners.

Alternate Commissioner Young asked if there will be crushing of stone during winter months. Attorney Alter answered no and verified water would be used when crushing takes place.

Commissioner Greer asked how often loads taken out of Hartford would be tested. Attorney Alter stated every truck load will be manifested and tested by DEEP and EPA protocols. A commitment was made at the IWA/CC meeting which will result in quarterly testing of water discharged from the stormwater system and air quality testing. They will also continue to test the material to be certain it is the rock expected from the MDC project. Commissioner Greer stated he visited the site and found the cleanup that has taken place to be impressive.

Vice Chairman Foley verified the conveyor, crusher and stacker are electric and not diesel powered. He suggested 'white noise' back up alarms to be used on site. Attorney Alter stated all equipment under the applicant's control on site will be equipped with back up 'white noise' alarms and noted trucks coming from off site are outside of their control. Mr. Mitchell Flynn from Connecticut Soil described the process used to dump the materials that did not involve banging truck tailgates.

Commissioner Dexter asked how the right turn only onto Chapel Road will be constructed and about the railroad spur. Attorney Alter stated there will be 'Right Turn Only' signage and the driveway can be segued to the right with most trucks running a circuit directly back to Route 5 and onto the highway. The railroad spur is incredibly effective in moving large amounts of material without truck traffic and the extension of the rail spur will allow for a longer stack of cars to be left to be filled and later picked up by the 'tender' with little noise or vibration.

Commissioner Wagner stated he toured the site and asked what will happen when the project is finished. Attorney Alter stated within 3-4 years if there is no other suitable source of materials they will come back to the commission and have a restoration plan in place if there is no other use. The commissioner asked about the possibility of contaminated material which the attorney noted as MDC's problem to dispose of properly. The type of stone and method of processing was described and the commissioner asked about noise from trucks affecting the condo residents. Mr. Gale and Attorney Alter described trucks moving at 5 mph on the industrially zoned site structured with one-way traffic and buffers ten times what is required. Commissioner Wagner asked for specific dates for the winter schedule. Attorney Alter confirmed the schedule will be weather dependent on freezing temperatures when misting cannot take place and no processing will occur.

Alternate Commissioner LeBlanc asked how the site will handle tracking mud onto street from the significant truck traffic. Attorney Alter stated the applicant will be responsible for street sweeping.

Chairman Pacekonis discussed having a truck washing station with Attorney Alter and Mr. Coon described the entire route from Route 5 to Chapel Road as paved. The Chairman asked for clarity on the process for contaminated loads of stone. The attorney stated there is a plan in place to test the stone as it comes out of

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the tunnel. If testing reveals contamination, the stone will not be sent to South Windsor because there is a manifest supplied for every load that it is not contaminated.

The Chairman asked how tall are the evergreens to be planted in lieu of fencing and suggested 15' to 20'. Mr. Coon stated the evergreens are being planted as infill for the over-story of existing trees and could be 6' but will work with Town Staff to determine size and type to be planted. Attorney Alter indicated if the infill not does work well and a violation comes from lack of screening the screen will be installed to comply.

Chairman Pacekonis asked if the property will be marketed for different clients once the project is completed. Attorney Alter indicated it will not unless a similar project should arise in Hartford.

The Chairman confirmed with Attorney Alter there will be an approval condition for noise testing if numerous complaints should arise, voiced appreciation for 'white noise' backup alarms to be in use on site and asked if there are regulations or testing concerning diesel fumes. Mr. Flynn described how trucks will function without slamming tailgates and verified the only place on site the trucks will be dumping material will be at the top of a ramp. Attorney Alter stated there has been no study on diesel fumes and the site is more than 500' away from the nearest unit at Chapel Hill Condo and noted two tree lines and a marsh within the 500' buffer.

Chairman Pacekonis asked about site lighting. Attorney Alter indicated no new lighting is proposed for the site. Director of Planning Lipe noted any new lighting will be dark sky compliant. The Chairman asked how trucks will be serviced onsite. The attorney stated the trucks are not owned, serviced or stored by the applicant but come through a company hired by MDC to haul the material off the site in Hartford to South Windsor. Those trucks will have been previously equipped with white noise equipment and the few internal trucks of the applicant will have white noise equipment and will be serviced in the two buildings onsite.

The Chairman asked Mr. Moriarty about his concerns about the site who stated the company is undercapitalized and is underfunded to mitigate any potential issues that could arise as his main concern.

Commissioner Dexter discussed Saturday hours of operation with Attorney Alter which were determined to be 8 a.m. to 1 p.m. on occasional Saturdays.

Alternate Commissioner Bernstein noted the traffic pattern for exiting trucks.

Commissioner Wagner asked if equipment will be stored in the existing buildings on site and about white noise alarms. Attorney Alter stated all equipment will be stored under cover overnight and described the alarms with sound directed only behind the vehicle and which does not carry beyond the rear of the vehicle.

The Chairman closed the public hearing at 9:17 p.m.

SPECIAL MEETING / COUNCIL CHAMBERS

CALL TO ORDER:

PUBLIC PARTICIPATION: none

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

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1. **Appl. 18-48P, Connecticut Soil Realty LLC-** request for site plan approval for the storing, processing and manufacturing of earth materials, on property located at 420 John Fitch Boulevard, R014 Pleasant Valley Road and L022C Chapel Road, Industrial zone

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

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 \$15,000 to ensure compliance with the erosion and sediment control measures, \$25,000 to ensure establishment of storm water system and \$5,000 for the establishment of wetland plantings.
4. A landscape bond in the amount of \$10,000 is required and must be submitted prior to the start of the work.
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. The building street number must be included on the final plan.
9. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
10. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
11. An independent consultant shall perform quarterly testing of the air and water quality and submit quarterly reports to the Planning Department.
12. Engineering comments dated 10/2/18 must be incorporated into the final plans.
13. If the source of the rock changes, information regarding other products brought to the site must be submitted to the Planning Department and may be subject to further approvals by this Commission.
14. The access road shall be a minimum of ten feet from the property line.
15. The processing area shown in the westerly portion of the lease area shall be cleaned and all items removed prior to January 1, 2019. If the area is not cleaned, enforcement procedures will be initiated.
16. A restoration plan for the site shall be submitted and the site restored with strip mine restoration grass seed mix when the rock processing operations are completed.
17. Screening along the southern boundary shall be achieved with a vegetative treatment.
18. In the event that dirt is tracked onto Chapel Road, the applicant shall be responsible for cleaning of the street.
19. The hours of operation are Monday – Friday 7 a.m. – 5 p.m. and Saturday 8 a.m. – 1 p.m.
20. The exit on to Chapel Road shall be designed to force right hand turns out of the one-way driveway.
21. Multiple frequency, lower decibel rear directed alarms (‘white noise alarms’) shall be required for all equipment on site under the applicant’s control.

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22. No rock crushing without misting equipment available and operational.

Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

ADJOURNMENT:

Meeting adjourned the Special Meeting at 9:34 p.m.

Respectfully Submitted,

Lauren L. Zarambo

Recording Secretary