



PZC Minutes 09-10-2013

MEMBERS PRESENT: Bart Pacekonis, Viney Wilson, Betty Kuehnel, Mario Marrero, Will Butter

ALTERNATES PRESENT: Stephanie Dexter, Stephen Wagner

STAFF PRESENT: Michele Lipe, Town Planner; Jeff Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

APPLICATIONS OFFICIALLY RECEIVED:

- **Appl. 13-36P, Sudden Service** — request for a site plan modification for the addition of a 4,000 sf storage facility, on property located at 840 Sullivan Ave, GC Zone
- **Appl. 13-37P, DeMallie Coverage Zoning Amendment** – request to amend Article 3 Residential Zones, Table 3.1.1A, Residential Area, Density and Dimensional Requirements, to modify Impervious Coverage and Lot Coverage in MFA/AA and A-20 zones; to modify Article 7, Special Regulations, Open Space Subdivisions, Table 7.14.5A to add Maximum Lot Coverage, RR, A-40, AA-30, A-30 -20%; and to add to Article 10, Definitions a definition for “Lot Coverage (building)” and modify existing the definition of “Building Area”
- **Appl. 13-38P, Town Square at Evergreen Walk** – request for a site plan modification for architectural changes to the approved apartments; addition of six garage buildings (totaling 42 spaces); and an outdoor pool area with cabana, to be known as the “The Haven at Town Square”, on to be located on a portion of 151 Buckland Road [within "Evergreen Walk"], and being approximately 1,200 feet west of Buckland Road and 400 feet north of Smith Street, Buckland Road Gateway Development Zone

original application

PUBLIC HEARING/ COUNCIL CHAMBERS

CALL TO ORDER: Acting Chairman Bart Pacekonis called the Public Hearing to order at 7:30 p.m.

Secretary Commissioner Wilson read the legal notice as it was published in the Journal Inquirer on Thursday, August 29, and Thursday, September 5, 2013 into the record.

The Acting Chairman appointed Commissioner Wagner to sit for Commissioner Carroll and Commissioner Dexter to sit for Commissioner Foley and welcomed Commissioner Butter as a full member of the Commission.

- **Appl. 13-32P, South Windsor Stone & Landscaping Supply, LLC** – request for a modification to the special exception previously granted to Article 4, Table 4.1.1A and site plan approval for a landscape material sales and storage business property located at 287 Strong Road, I zone

Mr. Peter DeMallie of Design Professionals Inc representing the applicant, Mr. Art Silvestri of South Windsor Stone & Landscape Supply, presented the application with their attorney, Wayne Gerlt. He described the site plan and special exception approval which was previously granted by the Commission in July of 2009 and described the site located in the middle of an industrial zone on a map. He described one of the primary reasons for the application is to modify site access. The previously proposed reciprocal travel access easements which would have given Connecticut Light & Power (CLP) access to a driveway on the Silvestri’s property to accommodate CLP traffic and would have given the applicant access to the rear southeast corner of their property along the CLP right of way did not happen.

Mr. DeMallie described the equipment used on site for their permitted uses in the industrial zone to process the materials they use to make them the number one producer of high quality top soil in the area for their customers and area nurseries. The Silvestri’s have invested in an internal screener that does not generate unnecessary noise to produce their product and also acquired a new smaller and quieter front end loader to load vehicles. They also compost the majority of collected leaves from the town to create the top soil that is the backbone of their business.

Mr. DeMallie stated their intent is to address neighbor complaints the town has received regarding the applicant's business and to make a slight adjustment to their hours of operation during their busiest season from April to June.

At the time of approval for their 3,000 sq ft building, a strip of land along the street frontage was donated to the town per the Town's request to accommodate future street improvements and widen the right of way. Over time the Silvestri's have donated three parcels of land to the South Windsor Land Conservation Trust totaling approximately 50 acres, making them the largest private land donor to the South Windsor Land Conservation Trust in the town.

Mr. DeMallie stated Gerber Construction was hired this year for a total reconstruction of Strong Road and showed a picture board titled 'Strong Road Construction Summer 2013'. He stated that the reconstruction has been disruptive to both the neighborhood and to the Silvestri's business during its busiest time of the year. During the reconstruction there was far greater commercial traffic associated with that reconstruction than there ever was generated by the subject facility.

Sound measurements were taken on site at the residential property lines with a calibrated meter by Zoning Enforcement Officer, Pam Oliva, and Andy Krar of Design Professionals Inc and the results reflected levels within the range of the standards of the Town and State noise ordinances.

Modifications were shown on a site plan which included the originally proposed easement. That easement has now been closed off and a permanent arborvitae hedge row is proposed to be installed instead. An area in northeast corner needs to be restored to the previously required landscape area. That area presently houses bins. The original plan included a landscape island proposed in the center of the parking area which will now be installed. A few additional bins are proposed in the southeast corner of the site. Due to the loss of the reciprocal easement access a secondary means of ingress and egress is proposed to the south of the water detention basin and out to Strong Road to facilitate operations on the site and move operations away from the residential neighbors. In the northeast corner required landscaping on the original site plan was not installed instead it became a gravel area with bins facing Strong Road. The bins in that area will now be removed and the arborvitae hedge row will be restored as well as the landscape area.

There are two buildings on site. The main building houses a customer service display area, an office and a warehouse garage facility in the back. To the south of that structure is a 'hoop building' and to the south of that hoop building is where the mobile screening operation takes place. They are requesting permission to operate the mobile screener. The applicant has in recent weeks installed an underground irrigation system to control dust. The office of East Hartford Sand and Gravel, a company also owned by the applicant, is also housed on the site for business by telephone only.

Mr. DeMallie stated their traffic statement was submitted to the Town Planner today and is being submitted to the Commission at the meeting. The prior traffic statement was also referenced. He stated the volume of commercial truck traffic with loads of 6 yards and larger as eleven commercial vehicles per day on average.

Commercial truck traffic in the area has increased with the improved economy creating more commercial traffic, a bus company which uses Strong Road all the time, metal recycling and refuse recycling operations from Nutmeg Road, and trucking terminals on Strong Road, trucks also come from Redland Brick and New England Silica whose driveway is diagonally across from the site. This spring and summer Gerber Construction and their many subcontractors also generated a tremendous amount of truck traffic for the neighborhood. Many vehicles not associated with the Silvestri's business were turning around on their site. The Town Planner was notified about that situation.

In the narrative statement the applicant is asking for a modification to the public hours of operation: Monday through Friday, 7:00 A.M. to 5:30 P.M.; Saturday, 7:00 A.M. to 5:30 P.M. (April 1 through Labor Day) otherwise 7:00 A.M. to 2:30 P.M. (Labor Day through March); Sunday 10:00 A.M. to 2:00 P.M. with no screening of materials.

Attorney Wayne Gerlt, on behalf of the applicant, submitted a letter from a neighbor who lives directly across the street from the business, Ms Ann Pola, 290 Strong Road, in support of the application (Exhibit A). The Attorney stated the industrial zone includes residential houses within it which surround the business. The truck traffic unfortunately exists but is not all from the applicant's business. Steps have been made to correct the flow of traffic on the site. The applicant was surprised when CLP did not give the requested easement but amendments have been made to the industrial property by reshaping their driveway to accommodate turning radius' at the farthest point away from the residential neighbors as possible. The applicant is trying to accommodate both his small retail and commercial businesses. The main access point near the center of the property for the Stone and Landscaping business will serve residential vehicles. The screener is integral to his business for topsoil production. The attorney invited any interested persons to go on site to listen to the screener and loader in use and witness the low volumes of sound produced.

Town Planner Michele Lipe gave staff comments:

- Request for modification to the special exception and site plan approval for a landscaping supply center, on property located at 287 Strong Road, I zone. This request is in front of the PZC because of complaints received by our office is May and subsequent zoning enforcement for non-compliance with the original approval granted.
- The original approval granted in 2009 was for a special exception to table 4.1.1A is for landscape materials sales and storage for his business, South Windsor Stone and Landscaping which included a showroom and office area. Additional zoning provisions for this use

state:

- Primary building shall be minimum 2,000 sq. ft. (excluding greenhouses);
- Except plant materials, outdoor storage/sales area shall not be visible from a public street.
- Also, at the time of the original approval, self storage units were approved on site and as originally designed, these buildings were to screen some of the bins and outside activities. The applicant's original plan also included the use of the existing ROW owned by CL&P located on the easterly border for access; however the was not able to reach an agreement with CLP.
- The storage units were never built. Changes made on site included a temporary structure; removed existing required landscaping islands and added several bins around the property. In addition, the nature of activities on site has expanded and the applicant now has a screening operation resulting in more truck traffic that stated with the original approval. It appears that now two businesses are operating from the site – East Hartford Sand and Gravel as well as the original South Windsor Stone and Landscaping business.
- Today's request is in response to that violation notice. The applicant is requesting to expand the original special exception approval.
- The applicant is proposing expanded hours of operation. Changes from the previous approval include the additional of Sunday hours and later hours on Saturday April 1 through Labor Day.
- Other changes include additional bins. The original approval was for 18 bins; the new site plan shows in excess of 30 bins. Several of these bins do not appear to meet the screening requirement in the regulations which states, "Except plant materials, outdoor storage/sales area shall not be visible from a public street".
- The rear of the property originally showed an equipment storage area where vehicles (tri-axles, trucks and a trailer) would be parked after hours. Staff originally expressed concern about potential conflicts with customer traffic in this area; the applicant had indicated that the equipment will not be on site during hours the business is open to the public.
- The applicant is now requesting approval to operate the screening operation in that area – and again we have concerns that there is adequate room to do all that is stated on the plans.
- The applicant has proposed a new 12 foot wide access drive on the far westerly end of the adjacent residential property (that he owns) for trucks. The new traffic pattern is a little unclear. Will this be for one way traffic? Is there adequate room to turn around with the screener and the number of piles currently on site?
- The original traffic study indicated approximately 85 total vehicle trips on a week day with 6 vehicles in the am and 11 vehicles in the pm peaks. They anticipated 1-2 trucks per hour over the course of the day. The complaints received by this office have documented a significantly larger number of trucks on a daily basis. We just received this information today and have not yet had a chance to complete our review.
- Maximum impervious coverage allowed is 65% allowed; 58% shown. It appears that the adjacent property is being used as a part of the operations, either that site needs to be included with zoning information and request approval for the areas that are part of this operation, etc or activities currently occurring on that site need to be pulled back on to 287 Strong Road with all activities supported solely on the lot that is subject of this application.
- Parking requirement (retail, office) is 10 spaces; 10 spaces are shown.
- Two temporary signs are currently depicted in the pictures and have not been permitted; a permit is required and only the sign in front of the lot where the actual business is being conducted is allowed.
- If this application is approved, the planning department would request that the public hearing remain open for the applicant to address some of the concerns raised by staff this evening and for an updated site plan.

Town Engineer, Jeff Doolittle, began staff comments clarifying information about the reconstruction of Strong Road which happened this spring. The work at the western end of Strong Road happened partially in May and primarily in June. It was a period of approximately two to three weeks when there was a lot of work intensely being done on the western end of Strong Road. The contractor was instructed to keep driveways to all businesses and properties open during that time. There were a few days when parts of the road were inaccessible when large excavations were made in the road but the contractor did their best to keep access open to all businesses and if we received complaints, we responded to them. Mr. Doolittle noted the traffic report that was just received shows an increase in truck traffic to this site this May and June over last May and June which infers the business was not affected significantly by the reconstruction of Strong Road.

Engineering has reviewed the site plan modification received on 9/3/13 for the above site and has the following comments:

- This site plan does not clearly show the traffic patterns on site, where the screener and other equipment is located and all the soil stockpiles and how the surface drainage flows on site. It is also not clear what activities may be taking place and are proposed on the lot at 275 Strong Road with the house. These issues need to be clarified on the site plan and business operation narrative.
- What is the purpose of and what vehicles will be using the proposed access driveway on 275 Strong Road that leads to the south west part of 287 Strong Road? There is already an existing driveway serving the house and garage on this property. Is the proposed access a one-way driveway? Is there a place for vehicles using this driveway to turn around on either property? How many vehicles will be using the business at 287 Strong Road (via all proposed and existing driveways) and what is the proposed traffic flow for this business?

- This proposed driveway comes very close to the large 32" diameter birch tree on 275 Strong Rd. What measures will be taken to protect this tree from damage?
- Clearly show the location of all equipment being used on 287 and 275 Strong Rd and the location of all soil stockpiles on both properties.
- The plan shows two 6" spruce trees on the front western portion of 275 Strong Road and three 3" pine trees on the south west portion of 287 Strong Road. These trees are not all visible from the street. Insure the site plan accurately shows all trees and vegetation on both properties.
- There are several sections of plastic vinyl fence that cross the property lines between 275 and 287 Strong Road. These need to be accurately shown and labeled. Why are they across the property lines?
- The approved site plan called for a drainage swale along the western side of the building at 287 Strong Road to convey storm water from the building and front area to the water quality basin in the south west corner of this property. The spot elevations do not clearly show this swale. Where is the stormwater from property at 275 and 287 going? Is any storm water flowing to the water quality basin?
- The proposed access driveway and possibly the soil stockpiles and equipment are up close to the existing water quality basin. There need to be some measures to protect this water quality basin from sediment, debris and other impacts from the operations proposed and/or occurring around it.
- Show all (granite) posts along the side of Strong Road in front of 275 and 287. Any (granite) posts in the Town's ROW need to be moved out of the ROW because they are a hazard so close to the road, and may be damaged by snow plows and other vehicles.
- Show the new radius of the driveway to the CL&P property on the eastern side of the site, where it has been reduced and (mostly) moved off 287 Strong Rd property.

Mr. James Throne, a customer of South Windsor Stone and Landscaping, spoke in favor of the application stating he did not understand the complaints being raised against a successful business working in an industrial area.

Mrs. Virginia Bamber, resident of Strong Road representing some of the neighbors of Strong Road, spoke in opposition to the application stating she filed a complaint in April because the truck traffic had increased dramatically over the last seven months. Mrs. Bamber stated Mr. Silvestri was issued a notice of violation on May 13th which required him to come before the Commission with new plans. Two of the violations have been taken care of as of today. The 1st was for a 'hoop house' which was put on the property without the benefit of a permit. The 2nd violation concerned the CLP driveway for which in 2009 the Commission required a letter of approval from CLP to exit the end of his property onto theirs which he never provided. She stated the applicant has been trespassing for three years on private property. For the last three years the business and neighborhood coexisted peacefully but in March the tri-axle dump trucks, screener and payloaders came in. She described the volume of noise and dust from three pay loaders and screeners and bins that have been enlarged, jersey barriers which have been heightened and safety issues with piled up pallets and the unkempt site. She stated 39 dump trucks were counted in one day and that Mr. Silvestri is doing all of this without the permission of the Commission. Ms Bamber thinks Mr. Silvestri is moving his East Hartford Sand & Gravel business to the site. She stated even after he was not given permission to use the CLP driveway he has moved the barrier and let trucks through. The property is too small for what he wants to do. She submitted documentation of activities on the site to the Commission (Exhibit B).

Ms Fay Durfee, resident of Strong Road for 36 years where the CLP driveway runs between their property and the Silvestri's, spoke in opposition. She described Mr. Silvestri as a very disrespectful neighbor especially since this spring describing the site with balloon 'hoop house', trucks and dust as a mess with barriers piled high. She stated the site now is too small for the business taking place there and application approval should not be granted.

Mr. Lionel Harris, resident of Strong Road, agreed with the prior speakers describing their neighborhood as formally quiet but now very different. He stated his daughter almost had an accident being run into by a dump truck. He described his ceiling cracking and his house shaking because of the heavy truck traffic and emphasized the increased truck traffic this year.

Mr Rick Bamber, resident of Strong Road supported his wife and neighbor's complaints. He described the sounds he hears through the day within his house when tri-axle vehicles come into the site and dump their loads as loud and frightening. He stated concern about property values of their homes and that there is not enough room for the gravel business on the site.

Ms. Nancy Jackson stated she is a 30 year resident of Strong Road and that the last few months have been very difficult for health issues. The land is too small to have two businesses on one property. She has witnessed near accidents and has safety concerns for school buses on the road and the neighborhood which they are proud of.

Commissioner Wagner asked about non-conforming residential properties. Planner Lipe stated the houses are existing in the industrial zone and although non conforming to current uses allowed in the industrial zone, they have every right to exist. Their right to be there is not taken away even in the industrial zone and can be sold as residential homes or as industrial property. Commissioner Wagner read the town ordinance concerning noise and asked to what extent the noise regulations apply to the business. The Town Engineer answered they do apply in the industrial zone and those limits need to be looked at in this case and will return with comments. The Commissioner stated noise and dust are impacting residents. He stated safety issues in respect to any children occupying the house or visiting need to be addressed and asked if the house could be sold in the future as a separate lot. Attorney Gerlt replied in the unlikely event the house was sold separately an easement would have to be created or the driveway removed. Wagner asked the Town Engineer to comment about complaints that the site is too small for what the applicant is doing.

Mr. Doolittle stated the size of the site is based on coverage ratios and if the activities can fit on the site and more information is needed to determine if it can fit. The Commissioner stated he did not think the number of trucks using the site could be limited in an industrial zone but that the other issues raised need to be addressed.

Commissioner Butter asked whether a sound study was done on the site. Mr. DeMallie stated Engineer Andy Krar from Design Professionals Inc took sound readings on site accompanied by Zoning Enforcement Officer, Ms Pam Oliva, as witness. Mr. DeMallie will submit the sound study into the record and described where the study was taken and what was being measured. Town Planner Lipe asked Mr. DeMallie to distinguish between the types of noise being measured since screener and front end loader operations were recorded but not the customer's trucks unloading. She stated the noise ordinance addresses impulse noise and its associated noise levels. Commissioner Butter shared Commissioner Wagner's concern that the driveway is located within another property and whether an easement would be asked for today as part of the application. The Planner stated they are presently separate lots which could be sold at any time and referenced Attorney Gerlt's prior comment that if the property was to sell an easement would be added. From a planning perspective the lot is not part of this site.

Commissioner Marrero agreed with town staff stating the proposed access drive is not adequate for truck traffic as well as for bi-directional traffic. He stated customers will also be competing with the truck traffic on that same drive. The Commissioner voiced concerns also with competing truck traffic from the brickyard across the street. He and the Town Engineer discussed the property's frontage on Strong Road which had been donated to the town for a right of way.

Commissioner Wilson stated she remembers the applicant's prior approval in 2009 and stated the conditions of approval have not been met. She asked what happened seven months ago to have generated so many complaints from the neighbors. She asked if the applicant amended their business without coming before the Commission. The Planner stated she would defer to the applicant to answer but that the screener presently used on site was not part of the original approval. Commissioner Wilson stated they have not adhered to the original conditions of their approval. The Planner stated they were sited because they exceeded the scope of their approval and some conditions had not been met. Expansion of the original approval is what the applicant is seeking with this request.

Commissioner Kuehnel stated the Town Planner and Engineer have raised questions and comments which have not been addressed. The Planner replied they have requested the public hearing remain open in order to address some of the concerns. Mr. DeMallie stated they will address all concerns at that time.

Acting Chairman Pacekonis asked about the birch tree near proposed driveway which may be impacted. Mr. DeMallie replied the branches and root system may be impacted but this will not be known until digging begins and that it is the Sylvestri's preference to save the tree. The Acting Chairman requested the noise from trucks dropping off their loads be included in the next sound study. Mr. DeMallie stated the average truck numbers submitted to the Commission are accurate and reflect all loads in excess of six yards and will confirm whether the sound from vehicles that are licensed to operate on highways is regulated under the town noise ordinance or by state law or at all. The Acting Chairman requested a list of equipment used on site be provided at the next meeting, as well as the complaint about barrier heights increasing from four to six feet be addressed, and to have truck traffic logs which were presented to Town Planner from the neighbors and truck logs from the business be submitted to have a better understanding of how many trucks access the business. He also requested information about the excess pallets being stored on site and requested to know when East Hartford Sand & Gravel started operating out of this facility and whether it is temporary or if the activity will increase. Mr. DeMallie stated he knows the business portion has been incorporated on site but will find out if the physical business of East Hartford Sand & Gravel has been moved to the site.

Commissioner Wagner asked when the screener was installed and was it associated with the 7 month period of increased activity on the site. Mr. DeMallie stated he believes the screener was acquired late last year. The Commissioner asked what has changed in the request for a special exception since 2009. Mr. DeMallie answered to build a new driveway which in part will be located on the other lot the applicant owns, to revise the site plan to show where the bins are located, to modify landscaping elements, to modify their weekend hours of operation and for the screener itself. To extend a special exception we have to review the criteria of no traffic or hazards being created, safety issues, and minimum or no adverse affects on existing uses in the area. We have heard from these residents that adverse effects are happening now. Attorney Gerlt stated they are not asking for another special exception and that this is a site plan modification and then expounded on the details. Commission Wagner stated the application is a request for a modification to the special exception previously granted. And asked what will happen if the modification is not granted. The Attorney stated they would be back to their special exception and operate out of the one driveway.

Commission Butter requested to see truck logs for trucks carrying less than six yards. Mr. DeMallie stated would look into what other records exist for small vehicles.

Acting Chairman Pacekonis made a motion to extend the public hearing until September 24th

Seconded by Commissioner Wagner . The motion carried the vote unanimous.

The Public Hearing of September 10th ended at 9:22 p.m.

REGULAR MEETING / COUNCIL CHAMBERS

CALL TO ORDER: Acting Chairman Pacekonis called the Regular Meeting to order at 9:26 p.m.



PZC Minutes 02-11-14

MEMBERS PRESENT: Bart Pacekonis, Viney Wilson, Billy Carroll, Mario Marrero, Frank Bonzani

ALTERNATES PRESENT: Cody Guarnieri

STAFF PRESENT: Michele Lipe, Town Planner; Jeff Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

APPLICATIONS OFFICIALLY RECEIVED:

- Appl. 14-08P, Vigurs Major Home Occupation dba Your Hair – request for renewal of a 5-year major home occupation for a hair salon at 643 Pleasant Valley Road, A-20 zone

PUBLIC HEARING / COUNCIL CHAMBERS

revised application

CALL TO ORDER:

Chairman Bart Pacekonis called the Public Hearing to order at 7:30 p.m.

Secretary Commissioner Wilson read the legal notice into the record as it was published in the Journal Inquirer on Friday, January 31, and Thursday, February 6, 2014 (revised).

Chairman Pacekonis seated Alternate Commissioner Guarnieri for Commissioner Kuehnel.

Commissioner Foley, by means of memorandum, disqualified himself from participation in matters concerning Appl. 14-07P, South Windsor Stone & Landscaping Supply, LLC.

- **Appl. 14-07P, South Windsor Stone & Landscaping Supply, LLC** – request to expand the special exception granted to Article 4, Table 4.1.1A for a landscape material sales and storage business located at 287 Strong Road to include the property at 275 Strong Road, and site plan modification for the combined properties, I zone

Mr. Peter DeMallie, Design Professionals Inc. representing Art and Cindy Silvestri of South Windsor Stone & Landscaping Supply, LLC, recounted the previous approval granted in 2009. The business has been operating since 2010. The current application is to modify the special exception and site plan approval by including 275 Strong Road to be combined with 287 Strong Road to total 2.29 acres. On site there is a 3,000 sq. ft. building which was erected in 2010 and a 1,000 sq. ft. hoop house erected in 2013. The two additional buildings of 275 Strong Road, a single family home and a garage are in residential use for family members and will remain residential. The original intention of the approval granted in 2009 was to use the CLP driveway for truck access to the rear yard. A reciprocal easement agreement with CLP to use their driveway was never agreed upon. As a result, access to the property from the CLP access on the easterly side of the property has been removed from the plan and has been replaced by an arborvitae hedge row.

A revised narrative was submitted to include the sales and processing of landscape material along with the sale of nursery stock. Sales are primarily for business to business with 70% of their sales for top soil sold to contractors. The Silvestri's have been top bidder for the last 10 years to buy the entire town stock of leaves for leaf mulch. In the 1980's East Hartford Sand & Gravel provided mason sand, a business which has shrunk over the years, and has been replaced by top soil sales.

The plan shows 34 bins to the rear of the site for storage of top soil, crushed brick aggregate, stone and tailings (clean fill material). The Silvestri's acquired a low profile topsoil screener which meets state and local requirements for sound. A sound testing report was submitted to the Commission which met all State and Town standards. The testing was witnessed by the Town Zoning Enforcement Official and in part by the Town Planner.

Nightly parking of equipment, consisting of tri-axles, bobcat and payloader, will be done to the rear of the site abutting the CLP yard.

A third driveway curb cut out to Strong Road on the westerly side of the property is shown on the plan for a two way 12 foot gravel driveway with a paved apron at the northerly end. The driveway is proposed to provide entrance and exiting for the majority of the business' truck traffic moving the truck traffic to the west away from existing residential properties.

Modified hours of operation are proposed. April 1st through Labor Day, Monday through Saturday, 7:00 a.m. to 5:30 p.m. Labor Day through March Saturday hours would be reduced to 7:00 a.m. to 2:30 p.m. Operations on Sundays would be 10:00 a.m. to 2 p.m. for sales only with no material processing. The highest volume of business is in May through June.

They have updated the site plan. Some bins facing Strong Road in the northeast corner have been removed and the area has been restored. An area in the front has been restored and landscaped. Three bins facing Strong Road on the north side of the hoop house have been reduced to two and have been turned 90 degrees so not to face Strong Road with arborvitae installed for screening. The driveway which served the residential garage to the railroad property has been removed and restored. An irrigation system was installed last year as a dust control system so no dust emits from the site. The landscape island in parking lot has been completed. The areas of the bins are now included in the calculations for impervious coverage. A 6' vinyl fence has been added and partially installed from the garage to the southwest corner of the house. The fencing has not yet been completed from the northeast corner toward the existing fencing near the main commercial building. Additional fencing recommended by the Town Planner can also be installed.

An additional report on observed traffic counts on Strong Road observed by the Town Zoning Enforcement Officer has been submitted. The average in peak months is 10 to 11 trucks per day with a maximum of 20 trucks daily. An equipment list is included in the narrative.

Mr. Andrew Krar, P.E. with Design Professionals Inc, prepared the site plans, sound report and traffic statement for the application. He performed the sound measurements to confirm whether the site operations were in conformance with the Town's noise pollution control ordinance particularly the screener. The town ordinance restricts decimal levels to 61 decibels. He conducted the test on Friday a.m. on 9/20/13 in ideal conditions with Zoning Enforcement Officer, Pam Oliva, in attendance for all the measurements and with the Town Planner on site for some of the testing. The tests were taken from three locations close to residential properties. A combined test with the screener running with trucks going in and out showed decimal levels of 54.9, 57 and 52.3. The impulse (banging) noise levels allowed in the town ordinance cannot exceed 100 decibels and they were recorded on site at no more than 66 decibels.

Mr. Krar stated the intersection site differences for the new proposed driveway fall well within the suggested limits of the CT Department of Transportation and described the surrounding terrain.

Mr. DeMallie stated the area for the mobile screener is in the southwest corner of the original property behind the commercial building and the area for maneuvering vehicles has been expanded.

Mr. DeMallie summarized their request to modify the 2009 special exception/site plan approval by eliminating the CLP driveway easement and replace it with a new driveway on the Route 5 westerly side of the property for the majority of the business' truck traffic and to approve the combined site with layout of the yard, bins, landscaping, and gravel areas. Approval is also sought for the operation of industrial processing of earth materials on site. They also are seeking an increase in hours of operation on Saturdays until 5:30 p.m. and on Sundays from 10:00 a.m. to 2:00 p.m. with no screening activities on Sundays. There will be reduced hours of business from Labor to March on weekends.

Town Planner, Michele Lipe, gave staff comments:

- This is a request for modification to the special exception and site plan approval for a landscaping supply center, at 287 Strong Road to include the property at 275 Strong Road, I zone. The two properties total is 2.3 acres.
- The original approval granted in 2009 was for a special exception to table 4.1.1A is for landscape materials sales and storage for his business, South Windsor Stone and Landscaping which included a showroom, office area as well as storage units. The zoning officer received complaints in May of 2013 about truck traffic and other activities taking place on site and our office started zoning enforcement for non-compliance with the original approval granted.
- Some of the issues to be resolved included: Closing off access to the existing ROW owned by CL&P located on the easterly border for access because the owner never executed an agreement with CLP for use of the ROW; permitting of changes made on site, particularly the temporary structure that was added and the rearrangement and addition of landscape bins; and completion of required landscaping islands. In addition, the nature of activities on site had expanded to include a screening operation and traffic associated with this operation.
- The applicant filed an application to amend his original approval last fall; however it was withdrawn withdrew before any action was taken. Over the past several months the applicant has made efforts to bring the site back into conformity with the original approval. Changes made include on site included: adding the required landscape island; removing and replanting an area in the front where bins had been placed; adding the require arborvitae to screen the bins up front; closing of the rear access drive by adding plantings, and addition a of a irrigation system to control dust.
- With this proposal, the applicant is proposing to combine the two properties he owns and expand his business on to 275 Strong Road and is requesting to expand the original special exception approval to allow for a top soil screening operation, a new 12 foot wide access drive on the far westerly end of the property for trucks, and associated screening of activities.
- The Special Exception criteria include:
 - The goals and objectives of the Plan of Development are met;
 - Adverse traffic impacts are not created;
 - Negative impacts on property values are not created;
 - The land is physically suited for the proposed use;
 - Adverse environmental impacts are not created;
 - There is a balance between neighborhood acceptance and community needs;
 - Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use
 - Historic factors are adequately protected; and
- The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
- The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.
- The applicant is proposing expanded hours of operation to be Monday - Friday 7:00 am to 5:30 pm and Saturdays from 7:00 am to 5:30 pm (April 1 through Labor Day) otherwise until 2:30 pm; and Sunday 10 am – 2 pm (no screening of materials). The changes from the previous approval include the additional of Sunday hours and later hours on Saturday.
- The designated area for top soil screening is shown between the existing building and the house. How high of a pile is anticipated and will the fencing shown adequately screen the activities in the rear of the site?
- The original site plan showed 18 bins; the bins in the front were to be a maximum of 4 feet and the bins in the rear were to be a maximum of 6 feet The new site plan shows in excess of 34 bins. Are the bins still proposed to be 4 and 6 feet in height? Several of these bins do not appear to meet the screening requirement in the regulations which states, "Except plant materials, outdoor storage/sales area shall not be visible from a public street". This screening may need to be reevaluated once spring comes and additional screening may be necessary.
- The original traffic study in 2009 indicated approximately 85 total vehicle trips on a week day with 6 vehicles in the am and 11 vehicles in the pm peaks. They anticipated 1-2 trucks per hour over the course of the day. Based on the traffic information submitted by the applicant, during the busiest time over the past two years, the average number of large trucks on a daily basis was 11. The numbers also support the applicant's narrative which indicates that April – June are the busiest months for truck traffic to and from the site.
- Maximum impervious coverage allowed is 65% allowed; 64% shown. Parking requirement (retail, office) is 10 spaces; 10 spaces are shown. There are no additional parking requirements.
- If this application is approved, the planning department has the following suggested approval condition to request:

- The properties at 287 and 275 Strong Road must be combined by deed to be filed in the office of the town clerk.
- Once the house is no longer used for residential purposes, the residential drive will have to be removed.
- If this application is approved, Planning Dept. has no further recommendations to request.

Town Engineer, Jeffrey Doolittle, gave staff comments:

- This site plan needs to clearly show the traffic patterns on site, especially around the area where the screener and the soil stockpiles are shown. The plan shows a new 12 foot wide gravel access drive on the western portion of the site to be two way, but there is also a "Do Not Enter" sign shown by the entrance to this driveway from Strong Road. Clarify traffic patterns in this driveway, how many vehicles and what size/type vehicle will use this driveway and post it accordingly.
- The proposed gravel drive on the west side of the property should have a 30 foot long bituminous apron.
- The combined property of 287 and 275 now will have 3 driveways because of the different uses but this would not normally be permitted for this property. One driveway will have to be removed at such time as the residential use of the house changes or the use of the proposed western driveway is no longer necessary.
- The mobile screener and temporary soil stockpile appear to be in the drainage swale that carries surface drainage from the west side of the landscape center building to the water quality basin. What measures will be taken to insure the surface water will flow to the water quality basin without soil and silt? For example, the swale could be protected with stone in this area.
- The erosion control measures around the water quality basin will have to be maintained in good condition to protect this water quality basin from sediment, debris and other impacts from the operations occurring around it.
- The Storm drainage memorandum proposes a new 6 inch outlet orifice be installed in the outlet structure for the water quality basin, however the existing basin and outlet structure are reported to have been working well since they were built. Therefore, I do not recommend the outlet structure be modified at this time. The outlet structure may be modified in the future if necessary and the applicant should notify the Town at that time.
- On Sheet 1, it says "See Note 6" by the well for the house, but where is Note 6?

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

Ms Virginia Bamber, resident of Strong Road, spoke in opposition and distributed information packets to the Commission (Exhibit A). She stated up until 2013 there was limited business and activity on the site but starting early in 2013 trucks were coming in to drop off soil and pick up screened soil. She stressed the problems with noise come from the banging of the dump trucks and payloader more than from the screener. The entire summer they were bombarded with noise from trucks coming from the quarry where East Hartford Sand and Gravel is located and lining up on Strong Road. South Windsor Stone and Landscape was a retail operation but they have the impression from the activities last year it is now being merged with East Hartford Sand and Gravel on a .6 acre site which includes a residential house. She stated the neighbors have concern that, once given permission by the Commission, Mr. Silvestri will expand his business and go beyond what the site can handle. She questioned the suggested average truck count of 11 trucks a day and stated they counted 38 dump trucks coming to the site in one day.

Ms Bamber stated she was emailed by the zoning enforcement officer in June that noise testing was to be conducted on the site by the engineer which she would witness and provide a copy of the report to her but no report was ever available. Ms Bamber questioned the dates of the noise testing reports which show a date of June 20, 2013 and a start time of September 20, 2013. She stated her concern about the validity of the sound testing of delivery trucks dumping. On the day of the testing they observed trucks taking 10 minutes to dump a single load which is usually done quite quickly resulting in banging sounds from the trucks. She directed the Commissioners to the information in the packet regarding emails with Town staff and logs of the volumes of truck activity. She questioned the lack of measurements of areas on plans submitted.

Ms Nancy Jackson, resident of Strong Road, agreed with Ms Bamber's comments and expressed her concern about the water basin and drainage system and how trucks will be able to turn around on the site from the new driveway proposed. She spoke about safety concerns about the how bus traffic on Strong Road would be affected. She noted the hoop house was installed without a permit; permission was never given for access to the CLP driveway and was denied

to Mr. Silvestri in June. Dump trucks continued to use the driveway in July. A new driveway was started in the fall near the house and was later told by the Town to remove it.

Ms Fay Derby, 40 year resident of Strong Road abutting the site, stated they never had an issue with Mr. Silvestri's business until last year when everything changed. She is not in favor stating the expanded business does not belong there with the noise and traffic that has been created and they endured last year.

Mr. Rick Bamber, resident of Strong Road, described unbearable conditions they had last year with dirt, noise and trucks coming in and out of the property continually. They recognize the area is industrially zoned and the traffic is heavier since Strong Road has been repaired but has concern that the increase in truck traffic generated will create a safety hazard with a 12' two way driveway for trucks. The residents cherish their weekends especially in the summer and have concerns about the expanded Saturday hours until 5:30 p.m. proposed. He stated the business is already open on Sundays without permission. The residents have been OK with the Stone and Landscape business and wish them success but when it was co mingled with East Hartford Sand and Gravel everything changed. Mr. Bamber stated there is not enough room on the site and it will create a safety hazard and he asked not to be harassed by the applicant again.

Commissioner Guarnieri asked about the new driveway and the direction traffic will take. Mr. DeMallie stated the majority of truck traffic will go toward Route 5 but some will travel east. The Commissioner asked if deliveries were coming from East Hartford. Mr. DeMallie stated East Hartford Sand & Gravel has been located in South Windsor for many decades and now operates out of the same office as South Windsor Stone & Landscape Supply and are owned by the same people. The Commissioner asked about the discrepancy with the dates of the sound study. Mr. Krar stated it is a typo. The date of the report and when the measurements were taken is September 20, 2013. The Commissioner noted in the Findings Section the loudest measured sound was a dump truck unloading 62.3 and customer pick up at 68.7 both greater than 61 decibels. Mr. Krar stated there are impact sounds which exceed 61. The study was done in conformance with ANSI and it is allowed to take an average of sounds over a period of time. They used a 10 minute period of time. Impulse sounds cannot exceed 100 decibels.

Commissioner Marrero commented about the prior site plan and asked how the proposed 12 foot driveway will work with entering vehicles. A 12' drive is adequate for a one way drive but not two way and asked what will happen when retail car traffic uses the entrance. He asked how trucks will circulate and maneuver in the site. Mr. Krar stated the intention was to make the driveway as narrow as possible and they anticipate no more than 20 dump trucks a day. The other entrance will be open to dump trucks as needed. A 'No Entry' sign is proposed at the end of driveway to deter retail traffic. The 'Do Not Enter' will be removed and a 'Trucks Only' sign will replace it. The Commissioner suggested a bypass area on the driveway in order to prevent trucks backing out onto Strong Road and impacting traffic. Mr. Krar proposed widening the driveway midway down to Strong Road and stated traffic circulation on the site will go around the pond heading north toward the new building taking a right to the stock pile. The truck can then back up and back track the same way or drive around the hoop house and exit the site that way. Space has been created by combining the lots in order to house the stock piles, have traffic circulation of dump trucks and to house the payloader and screener.

Mr. DeMallie stated the Silvestri's own a total of two tri-axles not six. They have a lease through 2017 to operate behind Redland Brick as their main processing yard for the processing and storage of earth materials. Commissioner Carroll asked why the processor could not be moved to that site. Mr. DeMallie stated they have a larger processor for their rough processing there but for efficiency of staff and time they have the smaller processor on site on Strong Road which meets noise standards for the Town and State. Ms Cindy Silvestri stated they process material continually to keep up with supply and demand during their peak season. It could be done at the other site but it is more convenient to have it on Strong Road with their limited staff.

Commissioner Carroll asked about queuing of trucks on Strong Road. Mr. DeMallie stated they do not anticipate trucks lining up on Strong Road. One or two may occur but as can be seen in the volume of truck logs kept by Mrs. Silvestri the volume is just not there. Strong Road was being reconstructed last year which did affect the neighborhood. Total truck traffic is historically less than about 11 vehicles a day with a maximum up to 20 vehicles in the highest peak season. Traffic will use all driveways however will be encouraged and directed to use the proposed driveway to the west. There will be a total of 10 parking spaces for the low volume business.

Commissioner Wilson stated even though Strong Road was reconstructed in 2013 is not an excuse for nonconformance with an original approval. She understands the neighbors concerns. She asked how the trucks will maneuver the site. Mr. Krar showed the travel path on the site plan.

Commissioner Bonzani referenced the photos submitted and asked how the business expanded to a much larger operation with the screener without approvals. The Commissioner verified dump trucks have variable dumping speeds and can slam three or four times a truck load while unloading. He stated with the estimates of 11 to 20 trucks a day creating 44 to 80 slams a day could get very loud. Mr. DeMallie replied truck volumes have been submitted and they do not expect more than 20 trucks a day on the busiest day of the year and on average to be 11 trucks but like all business' they hope their business will grow.

Chairman Pacekonis asked when the mobile screener was purchased. Mr. DeMallie stated it was acquired in September of 2012. The Chairman asked if the Sunday hours for the business are proposed for year round. Mr. DeMallie stated the narrative indicates Sunday hours as year round but they are amenable for Sunday hours to be only April through Labor Day. The Chairman asked about the number of trucks relative to the screening taking place. Mr. DeMallie estimated the weekly hours of screening to be approximately 20. Mrs. Silvestri described the business' truck activity to be the same as prior to the screener being use stating it is a small business averaging 11 trucks a day. They have been in South Windsor 25 years. The Chairman asked about their lease at the KF Redland Brick area. Mrs. Silvestri stated their lease is until 2017 and hopes to extend it another 10 years. The Chairman asked about the location of the screener. Mr. Krar showed the approximate location on the site plan and explained the screener is meant to be moved because it is a mobile unit. The Chairman repeated the Town Planner's concern with how high the piles of earth material will be since they previously did not conform to the 4 to 6 foot high fencing and bins. Mr. DeMallie stated they could be as high as 14' and will be located in the rear of the property as a temporary condition until it is moved. He stated the abutting CLP property has piles of stuff at least that high. The Chairman asked for the peak truck traffic a day and Mr. DeMallie stated it will never exceed 20 trucks a day in their peak times with 20 entering and 20 exiting.

The Chairman asked the Town Engineer, Jeff Doolittle, about his comments about the right of way. Mr. Doolittle stated the setback line encroaching on the porch should not be a factor but the Town will work with the applicant through an easement process or reducing the amount of right of way. The Planner stated it will be 4' and be in conformance with set backs. Mr. DeMallie stated it will not be an easement but be deeded to the Town.

Chairman Pacekonis asked where the majority of the unscreened material comes from. Ms Sylvestri stated they buy material from job sites, process the material and sell it.

Commissioner Carroll asked for a description of how the screening operation works. Mr. DeMallie stated it comes in as amended top soil, which have been pre-mixed at the yard behind Redland Brick, which is brought in and placed in the screener by a payloader and then is placed in trucks to leave or into bins to be sold. The Town Planner asked Mr. DeMallie to confirm the only material to be screened on site to be topsoil which was confirmed.

The pubic hearing closed at 9:42 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Chairman Bart Pacekonis called the Regular Meeting to order at 9:47 p.m.

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

THE FOLLOWING ARE MOTIONS MADE DURING THE SPECIAL MEETING OF THE PLANNING & ZONING COMMISSION HELD IN THE MADDEN ROOM

- **Annual Meeting**
- Election of Vice Chairman continued from 1/28/14

Chairman Pacekonis opened the floor for nominations for Vice Chairman.
 Commissioner Bonzani nominated Commissioner Wilson for Vice Chairman.
 Chairman Pacekonis closed the nominations.
 Having no opposition the secretary casts one ballot for Viney Wilson for Vice Chairman.

- **Appl. 14-07P, South Windsor Stone & Landscaping Supply, LLC** – request to the expand the special exception granted to Article 4, Table 4.1.1A for a landscape material sales and storage business located at 287 Strong Road to include the property at 275 Strong Road, and site plan modification for the combined properties, I zone

Commissioner Marrero asked to table the application to see if the modified access drive can accommodate the proposed use. The Town Planner stated the public hearing is closed but the applicant could submit revisions to Town staff to be brought to the Commission for review.

Commissioner Carroll asked why all the screening could not be done at the Redland Brick location since that operation is of biggest concern to the neighborhood. The Chairman and Commissioner Bonzani agreed. Chairman Pacekonis stated the screening process was done prior to 2012 at the other site and having it now on Strong Road is to the detriment of the neighbors and appears will get worse if it is allowed to continue.

Commissioner Wilson stated the neighbors gave lots of documentation and the business appears not to be adhering to prior approval conditions. The Saturday hours of 7 a.m. to 5:30 p.m. could be difficult for the neighbors. The business and neighbors were cohabiting until the screening process came onto the property. She expressed thanks to the applicant for bringing in the irrigation system to reduce the dust.

Commissioner Marrero noted the applicant stated it is a man power issue to have all the screening done at the other site. The Chairman clarified the applicant stated the mobile screener was being used as a matter of convenience. The Commissioner stated the applicant has not helped the issues by being non-compliant for quite some time. A limit on the number of trucks is not enforceable.

Commissioner Carroll asked about the easement and setback from the road. The Town Engineer stated a 4' right of way would provide room for a snow shelf at the side of the road and will keep the house in compliance with set back requirements.

The Chairman asked the Town Engineer if there will be impacts on the wells in the area. Mr. Doolittle replied he did not have information on the condition of all the wells in the area but the site plan shows a well for the house on site which would be the closest well to the detention basin and could be the one to be impacted.

BONDS: Callings/Reductions/Settings

MINUTES:

OLD BUSINESS:

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the meeting at 9:59 p.m. was made by Commissioner Marrero
 Seconded by Commissioner Bonzani
 The motion carried and the vote was unanimous.

Respectfully Submitted,
 Lauren L Zarambo
 Recording Secretary

to include the property at 275 Strong Road, and site plan modification for the combined properties, I zone (action by 4/17/14)

The Chairman took the agenda out of order to accommodate the Commissioners present and business at hand and proceeded to the next item on the agenda.

- Stop and Shop Change Order – request to add storage lockers outside the store to accommodate pickup of on-line grocery purchases (see attached letter)

The Town Planner described the concept and that Mr. Dick Kelly, property owner, observed like installations at other Stop & Shops around the state and has approved the idea for the South Windsor store. The Chairman asked if the bike rack is displaced will it be relocated to another area. The Planner stated it will be a condition of approval.

Commissioner Bonzani made a motion to approve the change order with conditions

Commissioner Marrero seconded the motion

The motion carried and the vote was unanimous.

- Preliminary discussion with Dave Caron regarding property located at the southerly end of Patria and Schwier Roads for an outdoor motor-cross recreational facility (see attached letter)

Discussion cancelled by Mr. Caron until a later date.

Commissioner Carroll arrived at 8:28 p.m. and was reseated. Commissioner Dexter was no longer seated for the Commissioner.

• Election of PZC Secretary

Chairman Pacekonis opened the floor for nominations for Secretary.

Commissioner Bonzani nominated Commissioner Marrero for Secretary.

The Chairman closed the nominations

The Secretary casts one ballot for himself for Secretary.

Denial

Commissioner Foley (who had previously recused himself from Appl. 14-07P), Commissioner Kuehnel and Alternate Commissioner Dexter left the meeting at 8:35 p.m.

- **Appl. 14-07P, South Windsor Stone & Landscaping Supply, LLC** – request to expand the special exception granted to Article 4, Table 4.1.1A for a landscape material sales and storage business located at 287 Strong Road to include the property at 275 Strong Road, and site plan modification for the combined properties, I zone (action by 4/17/14)

Chairman Pacekonis stated a draft was sent to the Commissioners earlier in the day with denial conditions to review.

Vice Chairman Wilson made a motion to deny with the following modifications:

The Commission is denying the application as they have determined that the proposal does not meet the requirements of the zoning regulations and the criteria for approval of a special exception as outlined in Section 8.4 of the Zoning Regulations in the following ways:

- The applicant has failed to establish that the site can safely accommodate the proposed truck and retail traffic as required by Section 4.1.5 and 8.4. The proposed plan evidences the potential for adverse traffic impacts resulting from the conflict of trucks entering and exiting the proposed 12 foot wide drive. Also, adding a third driveway along the property frontage creates the potential for conflicts with vehicles entering and exiting the site at multiple points.

There also is the concern for safe on site vehicle maneuvering given the site size constraints and the location of the proposed truck driveway in relation to the residential home. The location of the new access drive (approximately 18-20 feet from the side of the residential house) is not safe.

- The land is not physically suited for the proposed use. The Commission is concerned that the use of the existing site already exceeds the bulk requirements for the zone. The site is a very tight site and does not have adequate room for top soil processing and screening in addition to the retail sales and storage of landscaping materials.
- The existing and proposed conditions on site do not and will not meet the zoning regulations. For example, the site currently exceeds the bulk requirements for the zone. The applicant's truck circulation, activities and equipment storage currently is taking place on the adjacent property (owned by another of the applicant's LLC) without the benefit of any zoning approvals.
- In addition, *Sec. 2.11 Commercial and industrial Storage and Display* allows for the storage of any material outside a building provided that it is not visible from the public way. Existing piles are already visible from the public way. The applicant represented that dirt piles could be as high as 14 feet and would be visible from Strong Road; however only a six foot fence is proposed to visually screen the top soil screening activities.
- Other existing violations include: the addition of a several landscape bins not originally shown on the site plan; removal of landscaped areas, (in one location resulting the removal of a 60 inch tree to add more bins), and expansion of graveled areas.
- The proposed use creates adverse environmental impacts on the neighbors in that significant dust and tracking of mud have been documented while the screening operations were ongoing on site.
- The Commission has considered the balance between neighborhood acceptance and community needs and finds that, although screened top soil certainly is a worthwhile commodity, the applicant already owns another more appropriate location within town where screening and processing is already permitted and is conducted without negatively impacting residential neighbors.
- Neighbors also have provided evidence of violations of the original site plan; pictures and documentation of truck traffic; complaints about truck noise related to the screening operation. The Commission noted that no complaints had been filed until this screening operation started up in the spring of 2013. The screening activities went on all summer despite the applicant being under zoning enforcement.
- On balance, the lack of neighborhood acceptance of the proposed use weighs heavily in favor of denying the modifications to the special exception.
- Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use. The drainage swale leading to the stormwater pond that was to be established has been eliminated and the area is now gravel to accommodate traffic circulation. No provision to correct this drainage issue was presented.
- The overall physical appearance of the proposed development will not be compatible with surrounding development and the Commission's goals for the neighborhood/corridor. As already noted, there is an inadequate ability to hide the huge stockpiles of material from visibility by a public way, much less the neighbors.
- The applicant has failed to establish that the proposed modifications will not have a negative impact on neighboring property values. Neighbors stated that the new activities on the site have had a negative impact on their quality of life and, therefore, their properties' resale values.

Commissioner Bonzani seconded the motion.

Chairman Pacekonis stated the applicant had not resolved the driveway conflicts. Commissioner Bonzani stated he had visited the site which he found to be too tight for the operations proposed. The Chairman agreed the layout of site and bins create potential for conflict and accidents occurring. Commissioner Bonzani stated the truck traffic arriving and backing up combined with retail traffic by car and then when customers are on foot on site is too much for the site but has no problem with selling the top soil on site.

Chairman Pacekonis stated the applicant had a problem complying with the past conditions of approval and would rather seek compliance rather than expansion. The bulk issues with the site increasing may not change recalling 6' fencing retaining 14' piles. Commissioner Bonzani stated he has no problem with anyone expanding their business but it is not the right site to expand the business the way the applicant would like with the real potential of unsafe conditions for unloading trucks backing up with limited site lines and parked cars.

Commissioner Carroll stated it is not meeting the conditions of the special exception which has rules to conform to the neighborhood and get along with neighbors. Chairman Pacekonis stated the drainage swale leading to the storm water pond is not compliance.

Commissioner Marrero suggested the applicant move the screening operation to their other site and bring the screened material in for a viable business to sell top soil where the bins are located. This is not meant to prevent the applicant from doing what he is doing. Commissioner Carroll noted for a regular consumer to come in on site to buy the product is different than dump trucks coming in to unload to a screener, to reload, and move the material to another area on site. Commissioner Bonzani stated trucks coming on site to safely unload product is part of the business even if a site is tight but for trucks to load a screener, which also takes up room, with materials is asking too much of the site.

The vote was called and the motion to deny carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

MINUTES: 2/25/14 with corrections adopted by consensus.

OLD BUSINESS:

OTHER BUSINESS:

A Special Meeting will be scheduled for March 25 at 6:15 p.m., prior to the regular meeting, for a discussion with Glen Chalder of Planimetrics regarding drafting zoning regulations for the Town Center.

CORRESPONDENCE / REPORTS:

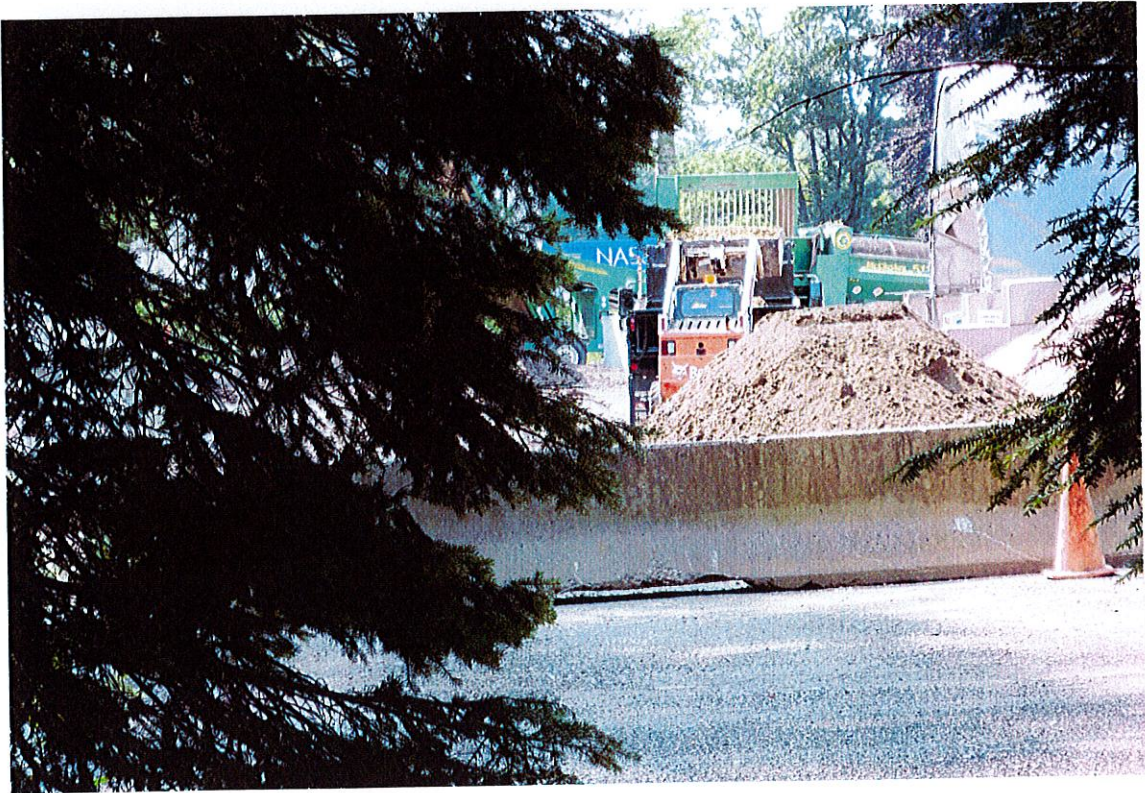
ADJOURNMENT:

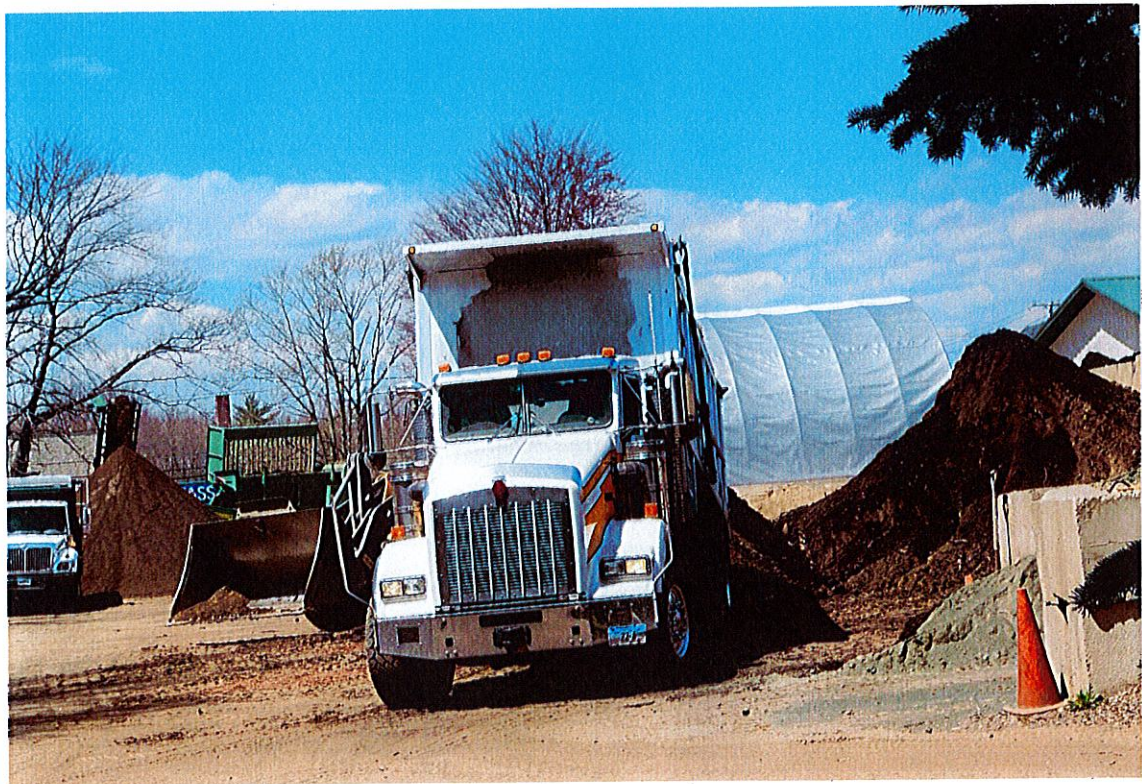
Motion to adjourn the meeting at 8:51 p.m. was made by Vice Chairman Wilson
Seconded by Secretary Commissioner Marrero
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L Zarambo
Recording Secretary



2013



















9/19/21