

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1670 – March 24, 2015
MEETING MINUTES**

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APPROVAL OF MINUTES/March 10, 2015:

MOTION: To APPROVW the Minutes of Regular Meeting #1670 dated March 10, 2015, as presented.

Devanney moved/Gowdy seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Kowalski)

RECEIPT OF APPLICATIONS: None.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE None.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS – West River Farms, LLC – A Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 332, 339 and 341 Scantic Road. {MFDD & A-1 Zones}; Map 3, Block 34, Lots 60, 62, & 62A (*Deadline to close hearing 4/28/2015*); **AND, NEW BUSINESS: West River Farms, LLC - a 69-lot PRD Subdivision in 4 phases located at 329, 332, 339 and 341 Scantic Road. {MFDD & A-1 Zones}; Map 3, Block 34, Lots 60, 62, & 62A (*Deadline to close hearing 5/14/2015*):**

Joining the Commission for discussion were Dana Steele, Professional Engineer, and Jay Ussery, of J. R. Russo & Associates, LLC; Mr. Ressler (representing West River Farms, LLC); and Attorney Len Jacobs.

Chairman Ouellette read the description of the Applications. He advised the audience that the Applicant will be making a presentation this evening, the Commission will then ask their questions, and the Public Hearing will be opened to discussion from the public. Chairman Ouellette advised the audience the Commission would NOT be closing the Public Hearing this evening.

Mr. Steele reported the Application is for a 69 lot PRD (Planned Residential Development) subdivision to be located at 331 Scantic Road, which was formerly known as 329 Scantic Road – formerly owned by Victory Outreach Church. That parcel is zoned MFDD (Multi-family Development District). The parcel to the south is 341 Scantic Road; that parcel was the subject of a 41 unit condominium project approved previously by this Commission but never constructed. That parcel is also located within the MFDD. The proposal also includes a parcel known as 339 Scantic Road which is an existing residential parcel near the southerly entrance to the proposed development; that parcel is zoned A-1.

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Mr. Steele noted the parcels described contain 41 acres; 21 acres are located within East Windsor and the remaining 17 acres are located in South Windsor. The parcels are bordered to the west by Scantic Road with residential and agricultural uses across the street; to the north is the Aslan Horse Farm. The parcels are bordered to the east by the Scantic River. Schanck Road, which is a paved road, also borders the parcels.

The proposal would provide 19.5 acres of Open Space; 2.5 acres are located in East Windsor and includes Schanck Road while the remaining 17 acres are located in South Windsor. The Open Space would include a 16' wide gravel access road beginning at Schanck Road; both the East Windsor and South Windsor Fire Departments have agreed on/requested the proposed road width. The access road would include two "turn-around" areas. The Applicant is proposing to transfer the Open Space to the Scout Hall Building Committee. The Open Space would be open to the general public subject to reasonable rules, such as no alcohol, open dawn to dusk, etc.

Mr. Steele reported the subdivision would contain 69 lots. The minimum lot size is 7,500 square feet with 60' frontage. The average lot size is 10,000 square feet. Mr. Steele referenced the plans, noting the various roads.

Mr. Steele noted they have received comments from Town Planner Whitten. At her recommendation they are submitting a preliminary landscaping plan this evening, which shows street trees, evergreen plantings abutting areas which don't have natural vegetation – such as near the Mulka property, along Schanck Road and near South Windsor Auto Parts.

Mr. Steele reported they are requesting a waiver for sidewalks as none currently exist in the area or along Schanck Road; they are proposing to pay a Fee-In-Lieu of sidewalks instead.

Mr. Steele submitted a traffic report prepared 2/2/2015 by Bubaris Traffic Associates. Mr. Bubaris has concluded that Scantic Road carries 1500 "two way" vehicles per weekday and 850 – 950 "two way" vehicles on a weekend. Mr. Dubaris contends the Scantic Road carries 186 vehicles per hour during the weekday a.m. peak hour and 165 vehicles per hour during the weekday p.m. peak hour. Mr. Dubaris indicated the average speed limit along Scantic Road is 45 miles per hour. The sightlines proposed for the development exceed 500' in both directions which exceeds the DOT standards for the 85th percentile. Mr. Dubaris concluded that the level of service A will continued in 2017 after completion of this project. Mr. Dubaris concluded that the proposed 69 unit development will generate an additional 60 – 80 trips per hour during the "two weekday a.m. and two weekday p.m. peak hours"; 70% of the traffic is anticipated to be turning left to access Route 5 while the remaining 30% will turn right to head towards Broad Brook. Mr. Dubaris didn't feel any improvements to Scantic Road were warranted, nor would the proposed development adversely affect traffic. See Dubaris Traffic Study in the Planning File for specifics.

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Mr. Steele reported the project will be served by a gravity sewer which will be brought in from Scantic Road; public water will be brought in from Scantic Road as well. The project will be developed in 4 phases; Phase I will include construction of the sewer line and 20 units along Riverside Way, and a cul-de-sac which will be removed (as it will be attached to the continuation of Riverside Way) as Phase II begins.. Phase II includes the continued construction of Riverside Drive, and construction of Cathy Lane and several units. Cathy Lane will also provide a second emergency access during construction. Phase III will include the completion of Riverside Way and the construction of 14 units. Phase IV will include the construction of Hilltop Circle and the remaining 20 units; Phase IV will also include the completion of the roadway widths to their full 26' width. Mr. Steele indicated they will be providing a separate bond for each phase of construction

Mr. Steele described the drainage system as including roof infiltration units as recommended by DEEP and the South Windsor Inland Wetlands Commission. The drainage system will run along the north shoulder of Schanck Road along the gravel access road to the water quality basin which will be located within the Open Space in South Windsor. The drainage system will include easements to the Town of East Windsor to provide maintenance to the drainage basin.

Mr. Steele noted they have received approval from the South Windsor Inland Wetlands Commission and the South Windsor Planning and Zoning Commission regarding the Open Space.

Mr. Steele introduced Bob Mowkowski, of rpm Architecture, who presented the Commission with revised architectural drawings of the proposed dwelling units. They had provided the Commission with four styles originally; Mr. Mowkowski is submitting five styles this evening and will submit the sixth style subsequently. The current units range from two story Colonial or Farmhouse style dwellings to a single story ranch. All of the units will contain basements - some of which can be walkout. The color scheme for the development is proposed to be beige, cream, and white; the homes will be vinyl sided with pitched roof and gables on the two story units. The homes will contain 1600 to 2300 square feet. The owners will have options for interior features, and will have options for decks or patios. Chairman Ouellette requested Mr. Mowkowski provide the Commission with a complete set of the six proposed architectural styles at the next meeting.

Chairman Ouellette reviewed the status of the following administrative requirements:
Submission of Certificates of Mailings to abutters: Mr. Steele indicated a copy of the mailing form has been submitted to the Planning Office.

Correspondence ascertaining the availability of sewer capacity: Mr. Steele indicated they will be appearing before the East Windsor Water and Pollution Control Authority tomorrow evening

The Commissioners initially raised the following questions:

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Memo from Town Engineer: Commissioner Devanney questioned if the PZC had received any comments from Town Engineer Norton yet? Town Planner Whitten noted this is a preliminary discussion during the Hearing to present information; Town Engineer Norton will provide a memo for the April PZC Meeting.

Cathy Lane/Emergency Access: Commissioner Devanney questioned if Cathy Lane will be the only emergency access? Mr. Steele reported Cathy Lane will be a 17' bituminous driveway off of Scantic Road to a location he referenced on the plans. Mr. Ussery indicated that this entrance will NOT remain as a permanent emergency access; it will serve as an emergency access during construction only. It will eventually be widened to the full roadway width and be connected to Riverside Way. Town Planner Whitten questioned if they might be proposing using that access as the construction entrance for Phases II, III, and IV rather than using the new/completed Riverside Way? Mr. Steele took note.

Streetlights: Commissioner Thurz questioned the location of the street lights? Mr. Steele suggested they will be located approximately 250' apart, one at each intersection. Commissioner Thurz questioned that when these roads become town roads would the Town become responsible for the street lights? Mr. Steele replied affirmatively.

Homeowners association: Commissioner Kowalski questioned if the Applicant plans to create a homeowners association? Mr. Steele clarified this project is a subdivision; each owner will own their own land in fee. This will be like any other subdivision

Construction/completion timeline: Commissioner Gowdy questioned the anticipated timeline to complete this project. Mr. Ressler, of West River Farms, LLC, indicated he would like to start right away. Mr. Ressler indicated he would like to complete Phase I in a year; he anticipated the full project could be completed in 3 years.

Noting that the Application is subject to a Public Hearing Chairman Ouellette opened discussion to the Public:

Janine Monson, 345 Scantic Road: Mrs. Monson felt the traffic survey had been done during February when there was a significant amount of snow and less traffic than usual. Noting that living in the area she sees a lot more traffic she disagreed with the number presented in the traffic report.

Kim McFadden, 325 Scantic Road: cited concern with ending the proposed construction road for the project near her property line. Mrs. McFadden also reported there is a high water table in the area; the well servicing her property is only 27' deep; she is concerned with the effect of this construction on her groundwater. Mr. McFadden and Commissioner Gowdy described the well as being a driven point well. Chairman Ouellette noted the natural vegetation which exists between the proposed road and the McFadden property; Mrs. McFadden clarified the vegetation is a small row of pines.

Ellen Sias, 10 Schanck Road: Mrs. Sias agreed with Mrs. Monson; she also felt there is more traffic than is portrayed in the study. Ms. Sias suggested this proposal seems to be a dense development; there are no sidewalks on Scantic Road and none are proposed

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within this development. Mrs. Sias also suggested they are proposing drainage along Schanck Road; she questioned if it remain paved? Mr. Steele reported the drainage will run along a grass area north of Schanck Road, which is paved and will remain the same as it is now, but, the Scout Hall Building Committee will have ownership of the right-of-way. Mr. Steele reported they won't be tearing up Schanck Road for the drainage.

Mrs. Sias reported when the church owned the property her land flooded, and "they" put in a berm; she hoped the berm will remain.

Commissioner Devaney questioned if Mrs. Sias was for or against sidewalks? Mrs. Sias felt there should be some.

Mrs. Sias questioned what the sales price for the homes would be? Mr. Ressler (representing West River Farms, LLC) indicated the home prices would be the low \$300,000 to upper \$300,000.

Mrs. Sias questioned if the development would allow school aged children? She felt the present school system was already overcrowded, and already has issues with the proposal for modulars. Commissioner Gowdy suggested the effect of the number of school children on the school system couldn't be predicted.

Doug Monson, 345 Scantic Road: reported people speed on Scantic Road; they travel well in excess of the posted speed limits and the road isn't patrolled that much. Mr. Monson also suggested the condition of Scantic Road is atrocious with potholes. Mr. Monson suggested with a 69 lot subdivision that would easily add 140 additional cars in and out of the development which will increase the traffic on Scantic Road. Mr. Monson suggested Scantic Road will have to be rebuilt. He also suggested Scantic Road is a cut-through to Ellington.

Kim McFadden, 325 Scantic Road: noted there are trees behind her home which separate her property from the horse farm. Mrs. McFadden felt she owned about 10+/- feet into that tree line. She questioned if the trees would be taken down? Mr. Steele suggested they are not proposing any fencing or screening; they haven't formally discussed that issue.

Ellen Sias, 10 Schanck Road: reported she would like some kind of privacy provision; she is seeing open fields now.

Commissioners raised the following questions/comments:

Drainage basin: Chairman Ouellette noted the outlet for the drainage basin is located within the Open Space area; his concern is the depth of the water quality basin. Is there a need for a fence around it? Will it be a dry basin or will it be wet at times? Mr. Steele reported the basin is designed as a wet basin which will contain water all the time; it will

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be hydrated as part of the design. The basin is designed to be 4' deep as a permanent pool, but it can rise to a deeper depth during storms. Mr. Steele reported they are proposing 4:1 slopes as recommended by the DEEP manual. Chairman Ouellette suggested that aesthetically a fence wouldn't look good but he did question if there was a danger? Mr. Steel felt the Scantic River would be more of a problem.

Sidewalks: Chairman Ouellette indicated he felt roads are for cars, not pedestrians. He indicated he is a big advocate of sidewalks; he felt he couldn't support the project without the inclusion of sidewalks. He cited the internal roads won't be 40' in width; he didn't want to see pedestrians in the roadway. He would like to see sidewalks on at least one side of the roads. (See additional comments under "Curbing" regarding sidewalks).

Curbing: Chairman Ouellette questioned the type of curbing proposed along the public street? Mr. Steele reported it would be bituminous. Commissioner Devaney concurred with Chairman Ouellette. She, also, is a big advocate of sidewalks; she felt this project was the perfect place for them.

Drainage: Commissioner Kowalski questioned that the drainage system would be collecting everything running off the internal streets; he questioned if the Applicant had prepared volume calculations? Mr. Steele replied affirmatively, noting they have submitted an analysis for 2, 5, and 10 year storms. Mr. Steele also noted the detention basin can handle a 100 year storm.

Open Space/Walking Trails/Uses: Commissioner Gowdy requested clarification that the proposed Open Space would be transferred to the Scout Hall Building Committee? Mr. Steele indicated that proposal is under discussion. Commissioner Gowdy questioned if any walking trails are being proposed? Mr. Steele indicated that was a suggestion made by Town Planner Whitten. He reported there will be a 10' right-of-way between Lots #55 and #56 which will become a stone dust walking trail to connect the gravel access road for pedestrian access within the development to the Open Space. Commissioner Gowdy questioned what is represented by the "triangle" towards the rear of the project? Mr. Steele indicated that is 1.4 acres. Discussion continued. Town Planner Whitten suggested the Open Space is intended to be passive. Commissioner Gowdy suggested maybe some of the people residing within the development would like a picnic area up in back. Mr. Steele clarified that the Open Space is mostly wetlands; a picnic area might require an Inland Wetlands Permit. Commissioner Gowdy questioned that they could not build ballfields in East Windsor? Mr. Steele replied negatively. Commissioner Thurz suggested the small triangular area might become a party area.

Town Planner Whitten questioned if the Applicant had had any discussions with the Scout Hall Building Committee regarding their intent for use of the Open Space? **Paul Anderson, Vice President of the Scout Hall Building Committee**, joined the conversation. He confirmed that the Scout Hall Building Committee would like to acquire the land under discussion. They have discussed security measures for the property. The uses would all be passive, maybe an outdoor pavilion. Mr. Anderson noted that 324 Scantic Road across from the West River Farms parcel contains 22 acres of open land as well. This Open Space parcel would tie into the 324 Scantic Road parcel and provide walking trails from Abbe Road to the Scantic River. The (East Windsor)

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American Heritage River Commission would like to use this parcel to provide access to the Scantic River as well. Commissioner Devaney questioned if she could be able to walk the trails herself, or would she have to get permission from the Scout Hall Building Committee? Mr. Anderson felt she could probably just use the trails, but, if she wanted to use the area for larger crowds the Scout Hall Building Committee should be consulted.

Open Space – Referrals, Use, Ownership/Responsibility for Access Roadway:

Chairman Ouellette suggested part of the conditions will be related to use of the Open Space; he questioned what other municipal commissions/agencies – such as the Board of Selectmen – would need to be considered? Town Planner Whitten suggested theoretically no one else, but some type of uses might require a Temporary Event Permit. Town Planner Whitten clarified that the area has to be available to the public. Mr. Ussery interjected, noting they had prepared a package regarding the Open Space when they presented before the South Windsor boards; he suggested he can make that available for this Commission and the residents as well. Chairman Ouellette noted that Schanck Road is paved; will easements be created to allow people to use the Open Space? Mr. Ussery replied easements will be created to the Town of East Windsor to maintain the drainage basin, the Scout Hall Building Committee will own Schanck Road so there will be easements in place for the residents to use that access. Commissioner Thurz questioned who plows Schanck Road presently? Mr. Ussery indicated the owner of South Windsor Auto Parts plows the road now; Mrs. Sias indicated the people who property on Schanck Road assist as need as well. She questioned if she would lose her easement to use Schanck Road now? Mr. Ussery replied negatively, noting it would be the same access. Mrs. Sias questioned that there would be more access to Schanck Road, and now the Scout Hall Building Committee would be maintain that access? Chairman Ouellette suggested that was what he was hearing. Commissioner Thurz questioned what would happen if South Windsor Auto Parts went out of business; would the Scout Hall Building Committee be responsible for plowing the road? Attorney Len Jacobs suggested the people on the street have a right to a piece of the street, although he didn't think it was a deeded right. Attorney Jacobs then gave a lengthy interpretation of responsibility associated with the transfer of ownership of Schanck Road - which is currently private and maintained/plowed by residents and the owner of South Windsor Auto Parts – to the proposed owner - the Scout Hall Building Committee as owner- of the Open Space associated with this project. Attorney Jacobs suggested no one has an obligation to plow but the people who live on the street have been doing that. If the Scout Hall Building Committee becomes the owner but never steps foot on the property and did nothing the folks that are doing it today would continue to do it then. Commissioner Thurz felt if the Scout Hall Building Committee is the legal owner they would have to do it. Attorney Jacobs suggested the legal ownership of the property belongs to West River Farms, and before that the church owned it, but he neighbors still took care of the road – no one has an obligation to take care of the road but if the people living on the road didn't come up with a methodology to do it it would have to be done. Mrs. Sias reported they don't mind doing it now; the owner of South Windsor Auto Parts helps and puts in cold patch,

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but she felt if the road would be getting more traffic then there needs to be some compromise. Mrs. Monson noted that even though her address is on Scantic Road her driveway is off of Schanck Road, and for the most part, South Windsor Auto Parts takes care of Schanck Road. Commissioner Thurz suggested the Commission must consider what happens if South Windsor Auto Parts goes out of business. Mrs. Sias suggested that if South Windsor Auto Parts went out of business they have friends who would help; most of the homeowners in the neighborhood have all wheel drive vehicles. Chairman Ouellette requested the Applicant to prepare a plan regarding maintenance of Schanck Road. Mr. Anderson, speaking as the Vice President of the Scout Hall Building Committee, questioned if a developer builds an access road to the Open Space, and then you go away; how does the access road get maintained? Mr. Steele suggested it would be part of the Open Space.

Open Space relative to what phase of development: Chairman Ouellette questioned if the Open Space is part of Phase I; what happens if the economy isn't doing well and the subsequent phases don't get built? Mr. Steele indicated the drainage basin and access road is proposed for construction in Phase I; the walking path is part of Phase II. Commissioner Gowdy recalled that the walking path is a 10' strip between two lots? Mr. Steele indicated it is a deeded 10' strip between two 8' side yards; the walking path would be a 10' stone dust path between both lots.

Dwelling locations relative to lot size: Chairman Ouellette indicated he understood the dwelling locations are conceptual, but he questioned what type of flexibility is built into the lot sizes? What does the installation of the sidewalks do the ability to add a front porch on a dwelling? Mr. Steele indicated there would be no effect; the houses would located a minimum of 25' from the right-of-way.

Schanck Road in relation to houses backing up to Schanck Road but access is provided via internal streets: Town Planner Whitten noted several lots would have their back yards facing Schanck Road. Mr. Steele reported 11 houses - #59 through #69 – would have their back yards facing Schanck Road; they are proposing evergreen plantings for screening.

Town Planner Whitten questioned that if someone owning one of the over-sized lots had a garage backing up to Schanck Road could they go through Schanck Road to get to the garage? Mr. Steele suggested such a situation would be the concern of the Scout Hall Building Committee.

Pools and sheds/lot sizes/house size: Commissioner Thurz questioned if the lots are big enough to have pools? Mr. Steele suggested the average building coverage is 2600 square feet; he felt they probably could have pools and sheds. Mrs. Sias questioned the lot sizes; Mr. Steele suggested the minimum lot size would be 7500 square feet, but the average lot size is over 10,000 square feet. Commissioner Thurz questioned that the proposed homes would be 1600 square feet to 2300 square feet? Mr. Steele replied affirmatively.

Agricultural Buffer: Town Planner Whitten noted the regulations call for an agricultural buffer between residential uses and actively farmed parcels. She noted this property abuts the horse farm, which is commercial; she questioned if the buffer would

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apply with regard to this proposal? She noted several lots would be adjacent to and look down on the horse farm ; she suggested it would be beneficial to have the standard note on the deeds. Chairman Ouellette felt that wasn't an unreasonable suggestion; Mr. Steele indicated he would be agreeable to adding the note to the plans/deeds.

Mr. Steele acknowledged the Applicant's request for the following waivers:

Waiver/drainage: they are asking for a waiver of the use of the RPC pipe generally recommended by the Town Engineer; they would rather use corrugated pipe instead.

Waiver/Pipe cover: Mr. Steele indicated they will be asking for a waiver of the cover over the pipe.

Waiver/Sidewalks: Mr. Steele indicated they will be asking for a waiver of sidewalks.

Chairman Ouellette noted the next time this Application will be discussed will be the Commission's meeting scheduled for April 28th.

MOTION: To CONTINUE the Public Hearing on the Application of West River Farms, LLC_– A Special Use Permit to allow a 69-lot PRD Subdivision in 4 phases located at 329, 332, 339 nd 341 Scantic Road. {MFDD & A-1 Zones}; Map 3, Block 34, Lots 60, 62, & 62A; Public Hearing continued to the Commission's April 28, 2015 Regular Meeting to be held at 6:30 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. (NEW BUSINESS: West River Farms, LLC for a 69-lot PRD Subdivision in 4 phases located at 329, 332, 339 and 341 Scantic Road. {MFDD & A-1 Zones}; Map 3, Block 34, Lots 60, 62, & 62A TABLED until the Commission's April 28, 2015 Regular Meeting as noted above).

Devanney moved/Gowdy seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Kowalski)

MOTION: To TAKE A FIVE MINUTE BREAK.

Gowdy moved/Thurz seconded/DISCUSSION: None

VOTE: In Favor: Unanimous (Devanney/Gowdy/Ouellette/Thurz/Kowalski)

The Commission RECESSED at 8:00 p.m. and RECONVENED at 8:10 p.m.

OLD BUSINESS: None.

NEW BUSINESS: West River Farms, LLC A 69-lot PRD Subdivision in 4 phases located at 329, 332, 339 and 341 Scantic Road. (*Deadline for decision 5/14/2015*):

Tabled; see motion above associated with Public Hearing.

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OTHER BUSINESS: None.

CORRESPONDENCE:

- Town Planner advised the Board the PZC has been served by Kevin Saunders as a sovereign citizen with regard to the West River Farms Application. Mr. Saunders no longer owns the land; however, he has initiated a summons to the Planning and Zoning Commission and the Inland Wetlands Commission.
- Referral from the Town of Enfield/Planning and Zoning Commission concerning a proposed Medical Marijuana Dispensary Facility and medical Marijuana Production Facility.
- Referral from the Town of Enfield/Planning and Zoning Commission regarding proposed Home Husbandry Regulations.

**BUSINESS MEETING/(1) Discussion on Aquifer Protection Regulations and Map:
TABLED:**

BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:28 p.m.

Gowdy moved/Thurz seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(4696)