

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

**REGULAR Meeting #1864
Tuesday, December 12, 2023**

***THIS MEETING IS BEING HELD IN-PERSON
In the John Daly, Jr. Meeting Room,
Town Hall, 11 Rye Street, Broad Brook, CT 06016***

AND

***VIA REMOTE ACCESS
via ZOOM Teleconference
Meeting ID: 714 897 1799***

DRAFT MEETING MINUTES

********Minutes are not official until approved at a subsequent meeting********

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Kowalski called the Regular Meeting #1864 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via teleconference as well.

PRESENT: **Regular Members:** Anne Gobin, Michael Kowalski (Chairman), David Leason, and Jim Thurz (Vice Chairman).

Alternate Member: None

ABSENT: Regular Member Svoboda-McKenna and Alternate Member Gowdy were unable to join the Commission this evening.

GUESTS/SPEAKERS present in-person: Director of Planning and Development/Planning Director Ruth Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato; Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Deputy First Selectman DeSousa; **Application PZ-2023-31 257 South Water Street** –Applicant/Owner: Pedro Vega, Jay Ussery, of J. R. Russo & Associates representing the applicant; **297 North Road Enforcement:** D. Scott Atkin, LEP from Barton & Loguidice

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GUESTS/SPEAKERS present remotely identified as they sign in:

Carman Vega, Xavier, Jimmy, Heidi Alexander, Peg Hoffman,
Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Kowalski noted a quorum was established as four Regular Members were present at the Call to Order. Chairman Kowalski noted all Members of the Commission would participate in discussions and votes this evening.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE:

Chairman Kowalski read the legal notice for application PZ-2023-31 257 South Water Street – requesting a special use permit for a lot split and creation of a rear lot. Map 071 Block 05 Lot 034, Zone R-3 & A-2.

V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED ON THE AGENDA):

Chairman Kowalski queried the meeting attendees present and attending virtually for discussion items that were not on the agenda. No one came forward.

VI. APPROVAL OF MINUTES:

A. November 28, 2023 Regular Meeting of PZC:

Chairman Kowalski acknowledge the availability of Regular #1863 held on November 28th, 2023, he called for comments or revisions, or a motion of approval.

MOTION: **To APPROVE the Minutes of Regular Meeting #1863 held on Tuesday, November 28, 2023, with the following two revisions: Page 15, Line # Line 600, Condition #3, the word “(working)” should be deleted, and Page 24, Line 997, “Planning Consultant D’Amato clarified that the Commission isn’t required to exceed the scope of the project”, the word “required” should be “allowed.”**

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Gobin moved/Leason seconded/DISCUSSION: None.

VOTE: **In Favor:** **Gobin/Leason/Kowalski**

Opposed: **No one**

Abstained: **Thurz**

VII. RECEIPT OF APPLICATIONS: None.

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

IX. CONTINUED PUBLIC HEARINGS: None.

X. NEW PUBLIC HEARINGS:

PZ-2023-31 for 257 South Water Street, for Special Use Permit – requesting a Special Use Permit for a lot split and creation of a rear lot. Map 071, Block 05, Lot 034, Zone R-3 and A-2. **Applicant/Owner: Pedro Vega:**

Chairman Kowalski read the description of this new Public Hearing.

Jay Ussery, of J. R. Russo & Associates representing the applicant, provided a detailed visual explanation of the lot. The property owner was in attendance via Zoom.

Chairman Kowalski queried the Commission for any questions or comments.

Commissioner Gobin asked if there was an open space requirement should the property be transferred within 5 years. Jay Ussery responded that because the rear lot was being created as a lot split and not a subdivision, no open space requirements apply.

Chairman Kowalski questioned whether the easements shown on the plan were going to be included in the deeds for the property. Jay Ussery replied affirmatively.

Chairman Kowalski asked who would be responsible for maintaining the landscape buffer along the private drive. Jay Ussery stated it would be the responsibility of the rear lot owner to maintain the landscape buffer.

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Town Planner, Ruthanne Calabrese stated that the barn depicted on the rear lot would need to be permitted separately. She also noted that the accessory building located on the front lot can not be used as dwelling without permission.

Chairman Kowalski noted the Commission is considering the Special Use Permit for a lot split and creation of a rear lot. He called for a motion to CLOSE THE PUBLIC HEARING.

MOTION: **To CLOSE THE PUBLIC HEARING on**
Application PZ-2023-31 for 257 South Water
Street for a Special Use Permit for a rear lot.

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: **In Favor: Gobin/Leason/Kowalski/Thurz**
(No one opposed/No abstentions)

MOTION TO APPROVE:

Application #PZ-2023-31: Special Use Permit at 257 South Water Street for a lot split and creation of a rear lot. Map 071, Block 05, Lot 034, Zone R-3 and A-2.

MOTION: **To APPROVE Application PZ-2023-31 for a**
Special Use Permit for a rear lot at 257 South
Water Street, the Owner/Applicant is Pedro Vega.
The referenced plans, Findings, and 13 of the 14
Conditions are in a December 5th memo written by
Ruthanne Calabrese, and we are adding a
Condition 14 that will state that “The rear lot is
responsible for maintaining screening of the
driveway access.”

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: **In Favor: Gobin/Leason/Kowalski/Thurz**
(No one opposed/No abstentions)

XI. OLD BUSINESS: None

XII. NEW BUSINESS:

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A. PZ-2023-27 for 52 Main Street for Modification of Approved Site Plan for parking spots located at 52 Main Street. Map 061, Block 05, Lot 041, Zone TZ5. Applicant: Yanal Oneider:

MOTION: To EXTEND THE DECISION DEADLINE for PZ-2023-27 for 52 South Main Street for a request for a Site Plan Modification to parking for an existing business. The owner/applicant is Yanal Oneider for Black Iris LLC/Toro Auto to January 9th, 2024.

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Leason/Kowalski/Thurz
(No one opposed/No abstentions)

XIII. OTHER BUSINESS: None

XIV. CORRESPONDENCE:

A. 8-24 Referral for vacant property at Morris Road, Lot 017-67-009:

Ruthanne Calabrese: We have received a request for referral from the Board of Selectmen on the adjacent property owner Loraine Ross, who expressed an interest in owning the lot so she could maintain the property. It is an older lot with a lot of trees. So, when the leaves fall, it becomes unsightly. Therefore, she has expressed an offer to own the property so she would be able to go in and clean up. Consequently, she has expressed her interest to the Board of Selectmen, and they are asking for the Commission's feedback.

Chairman Kowalski directed the Commissioners to look into their packets to the requested referral from the BOS which is the open space lot on the opposite side of the Stepping Stone Drive and that it would satisfy the easement.

Ruthanne Calabrese: It would be restricted to not being developed and matches the open space easement.

Chairman Kowalski: It does not conform to the Town's open space parcels and that this one would definitely meet those criteria. And, that it would need some maintenance.

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Goblin: How much of the Fair Market value would that 729 acres of land be?

Ruthanne Calabrese: 10 percent of the market value equaling to \$2,000 per acre.

Question: Is Loraine Ross asking for a separate parcel with the conservation of perpetual ownership that could not be developed?

The Board Commissioners discussed the concept of open space as being not accessible to public and that it was a wildlife conservation lot. And, that it would be with the condition of not being developed or owned by any entity to take advantage of the lot to be used for any other means.

Ruthanne Calabrese: We have a Conservation Commission to make the inquiries regarding this request.

Chairman Kowalski: So, is there a process that we could apply this concept of this approach?

Ruthanne Calabrese: We believe the best way is to have it as an open parcel with restrictive conditions.

Goblin: We must also insure there is a language placed in the parcel that would prevent of this kind of restrictive conditional lot not to be confused with the existing one.

Ruthanne Calabrese: I believe we must approve this request with the conditional restrictions at this time and then develop the required modification for future requests.

Chairman Kowalski advised to have some language developed that provide some modifications for such requests with conditional restrictive parcel.

No motion has been made for this request and that it was tabled for the next meeting.

B. North Central Department Health District, letter regarding proposed subdivision on East Road:

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Chairman Kowalski stated that the Commission has received a letter from the North Central Department Health District.

Ruthanne Calabrese stated that the letter had been received that evening from Westford Lirot who is a Registered Sanitarian with the North Central District Health Department. It is a letter pertaining to private drinking water wells. He discussed the public water within 200 feet being a trigger for requiring the subdivision to be hooked up and the concerns that there could be contaminated private wells in the area and the hardness of the water requiring the treatment.

Goblin: It is not a subdivision issue?

Ruthanne Calabrese: No. It is a pre-emptive letter notifying the property owners of this issue.

XV. BUSINESS MEETING

A. 297 North Road Enforcement:

Scott Atkin - Licensed Environmental Professional with Barton and Loguidice presented a history of the enforcement action related to the filling that had taken place at the 297 North Road property. Corrective actions to assess the overfill materials have been taken. Approximately 20,000 -25,000 cyds of overfill. Sampling results indicated two areas where polluted soil was found. These were excavated and removed for disposal. The material will be used as landfill cover in Manchester. The site still needs to be stabilized. Staff requested authorization to close the consent order upon finding the site to be stabilized.

MOTION: To AUTHORIZE STAFF to close the September 7, 2022 Cease and Desist Order for 297 North Road once the bank stabilization has been confirmed by Staff.

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: Gobin/Leason/Kowalski/Thurz

(No one opposed/No abstentions)

B. ZEO Report

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Ruthanne reviewed highlights from the ZEO report. The Zoning Official has had good success with the recent sign sweep and the previous sweep of automotive businesses.

XVI: EXECUTIVE SESSION: None.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:40 p.m.

Leason moved/Gobin seconded/DISCUSSION: None

VOTE: In Favor: Leason/Gobin/Kowalski/Thurz
(No one opposed/No abstentions)

Respectfully submitted,

Sabohat Khalilova, Recording Secretary, East Windsor Planning and Zoning Commission