

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

**REGULAR Meeting #1868
Tuesday, February 27, 2024**

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

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

I. TIME AND PLACE OF VIRTUAL MEETING

Chairman Kowalski called the **Regular Meeting #1868** of the East Windsor Planning and Zoning Commission (PZC) to Order at 6:30 p.m.

PRESENT: **Regular Members:** Michael Kowalski (Chairman), Jim Thurz (Vice Chairman), Anne Gobin, and Stacey Svoboda McKenna.

ABSENT: **Regular Member** David Leason, and **Alternate Member** Frank Gowdy.

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, and Lisa Caruso, Recording Secretary.

PZ-2024-01 Town of East Windsor-Zoning Map Amendment –

PUBLIC: Paul W. Smith, Attorney, **Smith and Bishop, LLC**; Peter LaPointe, **The Colvest Group**; Bill Grace, Jan Grace, Nancy Tschummi, Peter Sanders, and Janet Wheeler.

OTHER BUSINESS - A. Informal Discussion – James Ussery, LLS, Russo Associates; Richard Case, Attorney, Case & Case PC.

GUESTS/SPEAKERS present remotely identified as they signed in:

PZ-2024-01 Town of East Windsor-Zoning Map Amendment –

PUBLIC: Noreen Farmer.

II. ESTABLISH QUORUM

Chairman Kowalski noted a quorum was established as **four** Regular Members were present at the Call to Order.

III. ADDED AGENDA ITEMS None.

IV. LEGAL NOTICE:

A. PZ-2024-01 Town of East Windsor-Zoning Map Amendment to include new Warehouse Point Design District.

Chairman Kowalski read the following legal notice into the record.

The East Windsor Planning and Zoning Commission will hold a public hearing on Tuesday, February 27, 2024 at 06:30 p.m. Details regarding how to attend will be published on the Commission's Agenda and will be made available on the Town's website.

PZ-2024-01 Applicant/Owner: Town of East Windsor is requesting a Map Amendment to establish the Warehouse Point Design District zones WHP-Core and WHP-Transition.

A full copy of the application is available on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

Journal Inquirer Editions: February 16, 2024, and February 23, 2024.

V. PUBLIC PARTICIPATION (For Items Not Listed on the Agenda): None.

VI. APPROVAL OF MINUTES

A. January 23, 2024-Regular Meeting #1866 of PZC

Chairman Kowalski acknowledged the availability of **REGULAR** meeting #1866 minutes, held on January 23, 2024; he called for comments or revisions, or a motion of approval.

MOTION: To **APPROVE** the Minutes of Regular Meeting #1866 held on Tuesday, January 23, 2024, with the following revision: In section A., insert "request" after "extension."

Gobin moved/McKenna seconded/DISCUSSION: None.

VOTE: In Favor: Kowalski, Thurz, Gobin and McKenna.

B. February 20, 2024-Special Meeting #1867 of PZC

Chairman Kowalski acknowledged the availability of **SPECIAL** meeting #1867 minutes, held on February 20, 2024; he called for comments or revisions, or a motion of approval.

MOTION: **To APPROVE the Minutes of SPECIAL Meeting
#1867 held on Tuesday, February 20, 2023, as
submitted.**

Gobin moved/McKenna seconded/DISCUSSION: None.

VOTE: **In Favor: Kowalski, Thurz, Gobin and McKenna.**

VII. RECEIPT OF APPLICATIONS None.

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

IX. CONTINUED PUBLIC HEARINGS None.

X. NEW PUBLIC HEARINGS

**A. PZ-2024-01 Town of East Windsor-Zoning Map Amendment to include new
Warehouse Point Design District.**

Ruth Calabrese, Planning Director, displayed the map of proposed Warehouse Point Design District zoning changes. Warehouse Point zoning has been studied for about twenty years. Zoning changes present the opportunity to grow, and create a New England village atmosphere. There are locations designated residential, commercial, and both commercial and residential. P&Z commonly gets requests regarding switching commercial property to residential; this process will be easier with these proposed changes, providing more “wiggle room” for property changes.

Nothing is being forced on any residents. The goal is to, over time, transform Warehouse Point into a walkable, village space. Calabrese requested the Commission’s input.

Chairman Kowalski invited comments from the Commission.

Commissioner Gobin commented the intent is to make things more flexible for the current property owners, and for future property owners, to enhance the character of the Warehouse Point District.

Chairman Kowalski invited comments from the public attending in-person and remotely.

Paul W. Smith, Attorney, Smith and Bishop, LLC, Windsor Locks, CT; on behalf of The Colvest Group LTD, and Colvest East Windsor, LLC, which owns several properties that are the subject of the zone change application, asked to read two correspondence that are included in the meeting packet into the record. Peter LaPointe, VP Real Estate and Construction, The Colvest Group, is also in attendance. He noted he is also speaking in regard to the interests of Valerie Petrina, Trustee, Eugene E. Doe Revocable Trust, who is not in person.

Smith read a letter dated February 22, 2024, Paul W. Smith, Smith and Bishop, LLC addressed to Michael Kowalski, Planning & Zoning Chairman.

Smith read a letter dated February 22, 2024, from Valerie Petrina, Trustee, Eugene E. Doe Revocable Trust, addressed to Michael Kowalski, Planning & Zoning Chairman.

Smith noted the Colvest Group basically supports the concept of what is proposed, and their written objection is not an attack on the concept. Their position is that their properties are on an outlier of the zone proposal. Colvest properties are at 151 and 159 Bridge Street, while Petrina's is in between at 155 Bridge Street, at the eastern end of the proposed zone along Rt. 140. These three parcels, and the adjoining space where Sunoco is located, are, in their opinion, outliers to the rezoning goal. Ultimately, the houses owned by Colvest will be removed and replaced by some form of commercial use.

Smith added that the overall planning and concept of rezoning is excellent. However, their parcels would better serve the town by remaining in the Highway Interchange Zone (HIZ). They believe the best opportunity to develop these properties is to keep the B-1 designation, because they believe these parcels are tied to I91, not Warehouse Point development. He added he and Mr. LaPointe would be happy to address any questions from the Commission, and that they appreciate the Commission's effort.

Chairman Kowalski invited further public input.

Bill Grace, Warehouse Point, asked what an HIZ is.
Chairman Kowalski responded, Highway Interchange Zone.

Bill Grace continued, not knowing what a transition zone entails, would he have protection from a neighbor developing a commercial property next to his fence? He gave the example of a past instance where someone wanted to put a parking lot next to his fence, but needed a 50 foot buffer because of commercial versus residential regulations.

Calabrese showed the table, included in the packet and on the Town website, showing the existing zones versus the proposed zones. The question at hand is when someone comes in and wants to build a restaurant, we will still consider wetlands and storm water, and other constraints on what gets developed.

Bill Grace discussed Warehouse Point's character, noting the Maine Fish Market's history, the history of the antique shop, and general Warehouse Point history. He expressed concern that zone changes would make things easier to tear down.

Mike D'Amato, Planning Consultant, responded that what is different about the transition zone, is that for the first time we are adapting design criteria: Site parking spaces, site amenities (e.g. bike rack, seating areas), and site building designs, must all match Warehouse Point character. Likewise, rooftop and other building materials are included in these regulations. Under current zoning, a B-1 property could be demolished for the building of commercial property.

D'Amato continued, the intent is to encourage uses within the existing buildings. New development, or constructing as new, will need to meet stronger criteria.

Calabrese added, the goal is to preserve and build upon the charm that currently exists.

Jan Grace, Warehouse Point, asked for further clarification of transition zones. She noted transition makes her think of change to her 1840 house.

Calabrese responded, in renaming the zones, the most intense regulation is in the Warehouse Point core. Nothing is being forced on any property. This will relax the regulations for property changes that maintain traditional Warehouse Point history.

Jan Grace questioned could she develop a business in the barn on my property?

Calabrese: Yes, as an accessory business. If the need arises for parking development due to an influx of pedestrians, then parking lot development will have a process in place. Many historic Connecticut villages with restaurants and shops have been revitalized, which adds an additional parking need; many towns have parking lots behind buildings with foot traffic out front.

Nancy Tschummi, Warehouse Point, noted that her circa 1800 house is close to the sidewalk, was residential, and is now marked transitional. Is there any plan to reduce traffic, examples being speed bumps and additional stop signs?

Kowalski responded that this is not part of the zoning proposal.

Tschummi asked where the overhead charts can be found.

Calabrese: In the meeting materials, and on the Town website. There is a PDF download available under Planning and Zoning.

Tschummi has watched the posted online videos, and asked whether there are plans to develop the open area behind (to the north of) Geissler's? The land is on the map in the transition zone. She brought up the Geissler's land, because if the adjacent land was going to be developed next to her property, could a business be installed behind her house? She lives in a core zone next to transition.

Calabrese is unaware of any development plans.

D'Amato commended Tschummi for taking the time to watch the videos, and added the zones presented are a reflection of the most recent planning study. They originally contemplated nine total zones for the same area; however, further study showed these were not seamless zones. The zones as presented here do not represent any anticipated development; they provide flexibility moving forward. There are non-residential properties in residential zones, and the proposal tries to fix this as well. These regulations make residential changes an easier process. Kowalski added that any development will have to go through the proper channels and be approved.

Tschummi commented that developing underdeveloped areas, especially those affected by flooding, is a good idea. She thanked the Commission for hearing her concerns.

Peter Sanders, Warehouse Point, noted there are properties in the residential zone not being used as residential. He asked if someone was planning to look at the properties to determine what meets the zoning criteria; and if a parcel does not meet the criteria, and is for example,

blighted, what is the enforcement? How will the Town respond to people that do not take care of their properties regarding trash, etc.?

Kowalski responded that going to a transitional zone from a residential zone will not address blight. This is something the Town has tried to address while receiving a lot of pushback. Even though it can adversely affect a lot of people, there has been a live-and-let-live attitude. What is currently allowable and not allowable is an enforcement issue. The zoning proposal does not change enforcement.

Sanders asked if the Commission will be observing the zones for compliance.

Kowalski responded that compliance should be addressed beginning with a complaint to a zoning enforcement officer.

Commissioner Kowalski asked if anyone online would like to join the discussion.

Noreen Farmer, South Water Street, via ZOOM, thanked the Commission for spending many years on this project, and she appreciates the effort for improving Warehouse Point; and she is confident the Commission will do what is best.

Commissioner Kowalski asked if anyone additional online would like to join the discussion. Hearing none, he acknowledged the next in-person speaker.

Janet Wheeler, Dean Avenue, asked if the map reflects whether her property is in two different zones. Her backyard is adjacent to the Warehouse Point Library, and, on the map, it looks like part of her property is in green (core) and part is in orange (transitional).

Kowalski noted there is no intent to split properties into two zones.

D'Amato noted her property is entirely in transition.

Wheeler asked if her neighbor, in a different zone, could build a repair shop, for example.

D'Amato responded that with the exception of the parcels on the corner of Dean Avenue and Bridge Street, all of the parcels coming up Dean Avenue are in the transition zone, so her neighbors will be held to the same zoning standards.

Bill Grace asked whether the core zone will stay as is.

Kowalski responded that we currently do not have a core zone; this proposal is creating a core zone. The intent is to make it easier for the existing homeowner to make improvements to their home.

Janet Wheeler noted her driveway access is often blocked, and a neighbor is doing auto repair on their property and on the street. Will this be allowed under the new zoning?

Kowalski responded that auto repair is not an allowed use, and should be reported by complaint to zoning enforcement; and that blocking driveway access is an issue for East Windsor police.

Kowalski noted he does not intend to close this Public Hearing. He thanked the attendees for their public comments.

MOTION:

To CONTINUE *public participation* regarding PZ-

**2024-01 Town of East Windsor-Zoning Map
Amendment to include new Warehouse Point
Design District, at the next PZC meeting, March
12, 2024, at 06:30 p.m.**

Gobin moved/McKenna seconded/DISCUSSION**: None.**

VOTE: In Favor: Kowalski, Thurz, Gobin and McKenna.

MOTION: To RECESS for five minutes (07:30 – 07:35 p.m.).

Gobin moved/McKenna seconded/DISCUSSION**: None.**

VOTE: In Favor: Kowalski, Thurz, Gobin and McKenna.

XI. OLD BUSINESS None.

XII. NEW BUSINESS None.

XIII. OTHER BUSINESS

A. Informal Discussion – 10 lot subdivision Reservoir Ave. and East Road

James Ussery, LLS, Russo Associates, distributed a packet including handouts regarding Thomas and Marilyn Taylor's 10 Lot Subdivision property in East Windsor; along with handouts on Connecticut Water Regulations, water filters, and from the Connecticut Department of Energy & Environmental Protection (DEEP). Ussery is joined by Richard Case, Attorney, Case & Case PC, in regard to the Taylor's.

Ussery gave background that this is a subdivision property Russo started working on approximately 10 years ago on the behalf of the Taylor family, and added a history of Taylor properties. The property in question is at the intersection of East and Reservoir, and defined on the map handout. Reservoir Road continues to Depot Street, an unpaved road, on the East Windsor and Ellington line. It has been an ongoing property project that has gotten to a soil testing phase. They were told by North Central Health the soil has EDB (ethylene dibromide) and TCP (chlorinated hydrocarbon), both hazardous tobacco fumigants.

Ussery continued an approval letter and memo from the Connecticut Health Department came through late in 2023. The health department memo strongly recommended a move to city water. The list of affected properties is in the presented packet; properties with contaminated wells are listed.

Commissioner Gobin asked if the properties with addresses on the map reflect those contaminated.

Ussery confirmed the addresses on the map do reflect contamination, on also on the spreadsheet handout.

Ussery continued that public water comes down Depot Street from Ellington. There is a Connecticut Water booster station by Broad Brook Road, so the water is there. On the first page of the map handout, footages have been defined. The associated cost to run water to these properties is about \$47,000 per lot, \$210 per linear foot; and \$3,500 per lot for installing standard water service. At this cost for these properties installing this service will likely never happen.

Ussery noted they shifted to look at installing Granular Activated Carbon (GAC) Filter Systems, and he showed the working process on the packet handout. This system is commonly used, and typically installed by Aqua Pump, Co., Stafford, CT. Aqua Pump informed Russo they do 300-400 services for these systems for DEEP, installing 30-40 per year in Connecticut. The associated cost is about \$4,000 per house. In regard to service and maintenance, they recommend installing a two cubic foot GAC system, changing the filter every three – five years. The user can go back directly to Aqua Pump for water testing and canister install, costing the user \$900 every three to five years.

Gobin asked how you get the homeowners to do the maintenance. Can it be put on the property deeds?

Case responded it can be part of the deed to the property; without requiring the use of any specific filter company.

Ussery added that while Aqua Pump did not say the length of the modules life, he was given the impression these modules last decades.

Ussery noted people rarely drink tap water, with most people using bottled water. He has reverse osmosis at home. His street does not have water.

Ussery wanted to informally begin the conversation. He has begun the dialogue with Chairman Kowalski and Ruth Calabrese, and now to the Commission, before submitting an application. City water is too expensive for these properties, and moving forward they would likely use a GAC system. Before coming in with an application they would like to see what the Commission's comfort level is going to be.

Ussery continued not every house has the issue, and we will not know if they have the issue until they dig and do testing.

Vice Chair Thurz added that is what happened at his property. After testing they found they had salt water. He has reverse osmosis and filters and bottled water; they do not drink the tap water.

Kowalski asked is there a plan to build these houses on spec?

Case responded that the builder typically builds a model house, then sells additional properties with homes based off the model. They may have 2 – 3 home options, but they will still build only one. In the financing stage, it is unlikely to get a bank to spec more than one home.

Gobin asked who has to pay to pave or improve the dirt road.

Ussery responded the road does not necessarily have to be paved; improvement or paving falls on the Town.

Kowalski asked about paying for additional subdivision requirements like sidewalks and open space.

Ussery replied open space, etc., and drainage costs fall on the builder.

Case asked whether the Town has grant money for improvements.

Ussery explained most towns have funds for improvements.

Thurz noted that this is likely a common problem. Changing a water filter is like changing your furnace filter; it is something that just needs to be done.

Gobin added that the homeowners need to be informed.

Kowalski noted that the deed needs to include that something for the water has to be installed.

Ussery added it will have to be in the deed before the homeowner purchases the property.

Case noted Kowalski and Calabrese had longtime viability concerns for GAC installation. The due diligence included in the packet is a response to that.

Case and Ussery thanked the Commission for their time.

B. ZEO Report

Calabrese noted that regarding the 140 Rear South Main illegal filling issue on the report, the Inlands & Wetlands Watercourse Agency (IWWA) is looking at this, and the owner has hired a wetlands consultant to look at the mediation plan. They are looking at enhancement as a possible option as they move forward.

Thurz asked for a status on Skylark Air Park, and who is the owner.

Calabrese responded she believes it is the same owner, and the owner owes IWWA correspondence responses.

XIV. CORRESPONDENCE

A. Federation of Planning and Zoning Agencies

Calabrese distributed the Connecticut Federation of Planning and Zoning Agencies *Quarterly Newsletter*. Kowalski and Thurz are attending the 76th Annual Conference March 28, 2024 in Plantsville, Connecticut, beginning at 05:00 p.m. McKenna will check her calendar. March 26 is the registration deadline.

Gobin asked what the current training requirements are. Are they yearly or quarterly?

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D'Amato responded in 2024 it is based upon term limit. Some commissions have staggered terms. The website shows all eligible trainings. New members have to get up to speed, but moving forward requirements are within one's term. Calabrese will put together requirements.

XV. BUSINESS MEETING None.

XVI. EXECUTIVE SESSION None.

XVII. ADJOURNMENT

MOTION: To ADJOURN this Meeting at 08:07 p.m.

VOTE: Thurz moved/McKenna seconded/DISCUSSION: None
In Favor: Kowalski, Thurz, Gobin and McKenna.

Respectfully submitted,

—
Lisa Caruso, Recording Secretary, East Windsor Planning and Zoning
Commission