

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

**REGULAR Meeting #1780 – May 12, 2020**

Meeting held via ZOOM Teleconference  
Meeting ID: 332 683 3563  
Town Hall closed to the Public by  
Executive Order of First Selectman Bowsza  
due to Coronavirus pandemic

**MEETING MINUTES**

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

Chairman Ouellette called the May 12, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

**PRESENT:**    **Regular Members:**    Joe Ouellette (Chairman), Michael Kowalski, Tim Moore (joined the Commission at 6:35 p.m.), Dick Sullivan, and Jim Thurz.

**Alternate Members:**    Anne Gobin, Frank Gowdy, and Marti Zhigailo.

**ABSENT:**     All Regular and Alternate Members signed into the Meeting.

Also present was Town Engineer Norton (assisting as temporary Town Planner), and Operations Manager Joe Sauerhoefer (assisting as temporary Zoning Enforcement Officer).

**GUESTS/SPEAKERS:**     First Selectman Bowsza hosted the meeting. Also present were: Attorney Dorian Famiglietti, of Kahan, Karensky, and Caposella, representing MMCT Ventures; Attorney Diane Whitney, of Pullman & Comley, representing the Planning and Zoning Commission for the Text Amendment related to Alcohol sales; Joe Ussery, of J. R. Russo and Associates, LLC, representing Michael Fioretti; Eric Peterson, of Gardner and Peterson, representing LaBrecque Autocraft; Eben Holmes.

**Public:**    Selectman Muska, Selectman Nordell; Sharon McCray, Jim McDougal, Kristina Nordell; Danielle Thomas.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Chairman Ouellette requested

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Alternate Member Zhigailo to join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notices were read by Chairman Ouellette:

- 1) The following public hearing will be held:

**PZ-2020-04 Zone Change Application from MMCT Venture, LLC** for parcels located at 113, 115, and 119 Prospect Hill Road for a zone change from R-2 to B-1 (residential to business), Assessor parcel ID numbers (Map, Block, Lot numbers): 112-14-005, 112-14-004, 112-14-003

Journal Inquirer editions: April 30 and May 7, 2020

- 2) The following public hearing will be held:

**PZ-2020-06 Zone Change Application from Michael Fioretti for a parcel located at 202 Main Street** for a zone change from M-1 to R-2 (manufacturing to residential), Assessor parcel ID number (Map, Block, Lot number): 101-12030

Journal Inquirer editions: April 30 and May 7, 2020

- 3) The following public hearing will be held:

**PZ-2020-07 Resubdivision Application from Michael Fioretti** to create two (2) residential lots around two (2) existing homes in the R-2 Zone and to create one (1) commercial lot for existing indoor soccer facility in the M-1 Zone, Assessor parcel ID number (Map, Block, Lot number): 101-12-030

Journal Inquirer editions: April 30 and May 7, 2020

- 4) The following public hearing will be held:

**PZ-2020-08 Application from East Windsor Planning and Zoning Commission for text amendments related to Alcohol Sales**, including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7 (Alcohol Sales in the HIZ) and 805 (general requirements for Alcohol Sales). The changes requested would remove certain distance requirements for the sale of alcohol from other uses such as

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places of worship, charitable institutions, hospitals, convalescent homes, cemeteries, libraries, public playgrounds or municipal buildings.

Journal Inquirer editions: April 30, 2020 and May 7, 2020

**ADDED AGENDA ITEMS:**

Chairman Ouellette requested Mr. Norton to bring the Commission up to date on a request to address the Commission at a future meeting.

Mr. Norton indicated there is someone who would like to speak with the Commission regarding a zoning request which will affect every eating establishment in town. Government Lamont's Executive Order 7MM allows the relaxation of current zoning regulations to enable businesses to reopen and adapt quickly to the guidelines under which they can reopen. The Executive Order would enable restaurants to create outdoor seating in ways which temporarily suspend established regulations, and expedite the approval process. Mr. Norton referenced a recent article in the Journal Inquire regarding a similar situation being considered by Suffield.

Chairman Ouellette suggested scheduling this discussion for a future meeting.

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

**APPROVAL OF MINUTES/April 28, 2020:**

Commissioner Moore joined in the rollcall vote of the Minutes approval. Chairman Ouellette noted Commissioner Moore had signed into the meeting; Commissioner Zhigailo stepped down at Commissioner Moore's arrival.

**MOTION: To APPROVE the Minutes of Regular Meeting #1779 dated April 28, 2020 as presented.**

**Sullivan moved/Kowalski seconded/DISCUSSION: None.**

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted there were no new applications to be received this evening.

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**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE**

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS: A. Zone Change Application (PZ-2020-04) – MMCT Venture, LLC** for parcels located at 113, 115, and 119 Prospect Hill Road for a zone change from R-2 to B-1 (residential to business), Assessor parcel ID numbers (Map, Block, Lot numbers): 112-14-005, 112-14-004, 112-14-003.

Attorney Dorian Famiglietti, of Kahan, Karensky, and Caposella, representing MMCT Ventures, joined the discussion.

Attorney Famiglietti reported the application for properties owned by MMCT Ventures was received by this Commission on April 14, 2020; Notice of the Public Hearing was published in the Journal Inquirer, and a copy of the application was posted on the Commission's webpage and with the Town Clerk.

Attorney Famiglietti clarified that under Governor Lamont's Executive Order 7I there was no need for the applicant to post a sign announcing the Public Hearing on the site.

Attorney Famiglietti noted that a requirement of a Zone Change application is to notify property owners within 100 feet of the subject property; the only property within the 100 feet is MMCT so they did not send out a notice of the meeting. As a courtesy, they provided an electronic copy of the Legal Notice to Sofia's Plaza and their attorney.

Attorney Famiglietti referenced a color-coded Zone Map, noting that the properties subject to this application are 119, 115, and 113 Prospect Hill Road; all are presently part of the consolidated casino property. These properties have been highlighted in yellow on the Zone Map; 119 and 115 Prospect Hill Road are each just over ½ acre in size, while 113 Prospect Hill Road is just over 1/3 of an acre. 119, 115, and 113 Prospect Hill road are all currently zoned R-2.

Attorney Famiglietti indicated that due to the court appeal by the owner of Sofia's Plaza of the casino approval, and the subsequent decision of the court

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overturning the PZC's approval the applicant, MMCT Ventures, has decided to consider an alternative way of developing the properties. In the Court's decision of the casino appeal the judge was highly critical of the HIFZ (Highway Interchange Floating Zone) Regulations. Attorney Famiglietti suggested that a revision of the HIFZ Regulations could require a comprehensive rewrite; Attorney Famiglietti felt revising the HIFZ Regulations would open the door to another legal challenge. Rather than pursue development under the HIFZ Regulations MMCT feels, with minor adjustments to this plan, they can develop these properties under the B-1 Zone Regulations.

Attorney Famiglietti noted that 105 Prospect Hill Road is also owned by MMCT Ventures; that parcel contains approximately 26 ½ acres and is currently zoned B-1. The parcels at 119, 115, and 113 Prospect Hill Road will become part of the larger parcel; they are therefore proposing the Zone Change to B-1.

Attorney Famiglietti suggested that to determine if the proposed change is appropriate and consistent with the Comprehensive Plan we need to look at the zoning scheme in, and around, the area. Attorney Famiglietti noted that on Route 5 all parcels between the Route 140 intersection and I-91 interchange to the south where we have HIFZ property near the new Walmart development - all of those properties on the west side of Route 5 are currently zoned B-1. Included in those parcels are the MMCT parcel at the old cinema site, the next property where the old Walmart was, and the Big Y site. Attorney Famiglietti suggested zoning the three properties referenced in this application B-1 is consistent with the Comprehensive Plan. Attorney Famiglietti noted the one exception is the parcel at 91 Prospect Hill Road, which is also owned by MMCT but for reasons unrelated to this proposal they are not including that parcel in the Zone Change at this time. That parcel is currently zoned M-1.

With regard to the parcels located on the east side of Route 5, Attorney Famiglietti suggested there's a mix of B-1 and B-2. Starting on the north side of the intersection is Sofia's Restaurant, which is zoned B-1, and going south is Sofia's Plaza, which is zoned B-2, and the next parcel is B-1. Attorney Famiglietti suggested that continuing south there is currently a mix of B-1 and residential properties along this stretch of Route 5 until you get to the southerly property, which is the HIFZ interchange. This area of Route 5 is a fairly heavily commercially developed corridor. Attorney Famiglietti suggested changing the three parcels is consistent with the Comprehensive Plan. Leaving these properties residential is actually contrary to the Comprehensive Plan because you would have a small pocket of residential properties along Route 5.

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Attorney Famiglietti suggested that to determine if the proposed Zone Change is consistent with your Comprehensive Plan you also need to look at your Plan of Conservation and Development (POCD). Attorney Famiglietti referenced Chapter 3, entitled “Guiding Development”. The POCD instructs you that “business and commercial development should be geared towards increasing the tax base, employment and shopping opportunities, and creating a regional economic vitality.” Attorney Famiglietti suggested changing the properties from Residential to B-1 enables all three of those directives in the Plan. Whether it’s developed as the casino, which they intend to do, or if it’s developed for any of the B-1 uses currently allowed in the B-1 Zone, it meets the principals noted in the POCD. Attorney Famiglietti also noted it incorporates the recommendations from the Route 5 Corridor Study, which identifies these properties along this stretch, as well as these specific properties, as a “crossroads zone”; focused uses for the “crossroads zone” includes retail, services, recreation, and restaurants. Attorney Famiglietti cited the intended use for this site is the casino, which is a commercial recreational use as the Commission has previously decided. Attorney Famiglietti suggested that even if that proposed used didn’t go forward changing these properties to the B-1 Zone, and its permitted uses, allows all of the focused uses identified in the Route 5 Corridor Study. Attorney Famiglietti suggested rezoning these parcels from R-2 to B-1 is consistent not only with the Comprehensive Plan, but it’s also consistent with the directives of the POCD. Attorney Famiglietti suggested leaving these parcels R-2 is not what the Town’s guiding documents require of you, and changing them to B-1 and ultimately consolidating them into the 105 Prospect Hill property to allow integrated and consolidated development of the adjoining pieces - which is also encouraged by the Zoning Regulations - are all valid reasons to support the proposed zone change.

Chairman Ouellette opened discussion to the Commission.

**Commissioner Sullivan** indicated he no questions, but he did have a comment. Commissioner Sullivan felt that leaving it the way that it is is an example of totally irresponsible spot zoning.

**Commissioner Moore** suggested the proposal was well explained; it all makes sense.

**Commissioner Thurz** questioned why didn’t we change the zone in the first place for those parcels? Attorney Famiglietti suggested we were planning on having them developed under the HIFZ Regulations, which is an overlay zone, so there was no reason to change the underlying zone if we weren’t going to take advantage of that zone. But now that the HIFZ Regulations have been

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called into question, and because we expect those to be the subject of more litigation, we're trying to find another option for development.

**Commissioner Kowalski** felt Attorney Famiglietti did an excellent job in laying this proposal out; her line of thinking is totally understandable.

**Commissioner Gobin** concurred; she thought it was a good presentation and she agreed that the three parcels should be zoned consistent with the surrounding property.

**Commissioner Gowdy** concurred as well; he thinks it's obvious that the parcels should be B-1; there's no question in his mind. Attorney Famiglietti did a good job with the presentation.

**Commissioner Zhigailo** also agreed that the proposal makes more sense than not rezoning the parcels. She indicated she's supportive of the proposal.

**Chairman Ouellette** reported he had no questions for Attorney Famiglietti.

Chairman Ouellette opened the Public Hearing to public participation. No one requested to join the teleconference.

Chairman Ouellette questioned if the Commissioners were ready to move forward with this application? The consensus of the Commission was to consider action. Chairman Ouellette asked if Attorney Famiglietti had any further comments; Attorney Famiglietti responded negatively, and thanked the Commission for their time.

**MOTION: To CLOSE the Public Hearing on the Petition for Zone Change by MMCT Venture, LLC requesting a zone change/zone map amendment from R-2 to B1 at properties located at 113, 115 & 119 Prospect Hill Road, Map 112, Block 14, Lots 003, 004 & 005, all located on the west side of Prospect Hill Road.**

**Sullivan moved/Kowalski seconded/DISCUSSION:** None.

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**MOTION TO APPROVE** the Petition for Zone Change by MMCT Venture, LLC requesting a zone change/zone map amendment from R-2 to B1 at properties located at 113, 115 & 119 Prospect Hill Road, Map 112, Block

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14, Lots 003, 004 & 005, all located on the west side of Prospect Hill Road because the application conforms to the Plan of Conservation and Development for the Town of East Windsor, is consistent with the Route 5 Corridor planning and will promote public health and safety. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

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**Referenced Plans:**

- MMCT Casino, 113 Prospect Hill Road, East Windsor, CT 06088, 115 Prospect Hill Road, East Windsor, CT 06088, 119 Prospect Hill Road, East Windsor, CT 06088, JCJ Architecture, 120 Huyshope Avenue, Hartford, CT 06106, (860) 247-9226, Zone Change Application April 13, 2020, scale 1"=150', Zone Change Plan, Sheet C-001.

**Conditions:**

1. This approval does not constitute approval of a site development plan or permit for any construction or use of the subject parcel.
2. Two mylar copies of the approved zone change map must be delivered to the Planning & Development Department to be signed by the Chairman and Secretary of the Planning & Zoning Commission, one shall be returned to the applicant for recording on the Town of East Windsor Land Records. One shall be placed on file in the Planning & Development Department.
3. A copy of this motion shall be recorded on the Town of East Windsor Land Records.
4. *The effective date for this approval is May 30, 2020.*

**Kowalski moved/Thurz seconded/DISCUSSION/REASONS FOR DECISION:**

- a. That the amendment request is complete, and contains all required application information.
- b. That the amendment will promote the public's health, safety and general welfare.
- c. That any amendment to the Zoning Map has considered
  - i. The size, physical and environmental characteristics of the subject area;
  - ii. The character and supply of land currently zoned in the subject classification, as applicable;
  - iii. The effect of the proposal on existing land use in the subject area;



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- iv. The general effect of the proposal on utility and transportation system capacities; and
- v. Compliance with the Comprehensive Plan for the Town of East Windsor.

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**NEW PUBLIC HEARING/ B. Michael Fioretti (PZ-2020-06) Zone Change Application** for a parcel located at 202 Main Street for a zone change from M-1 to R-2 (manufacturing to residential), Assessor parcel ID number (Map, Block, Lot number): 101-12-030; **AND, NEW PUBLIC HEARING/ C. Michael Fioretti (PZ-2020-07) Resubdivision Application** to create two (2) residential lots around two (2) existing homes in the R-2 Zone and to create one (1) commercial lot for existing indoor soccer facility in the M-1 Zone, Assessor parcel ID number (Map, Block, Lot number): 101-12-030.

Chairman Ouellette read the description of the Public Hearing on the Zone Change application. Joe Ussery, of J. R. Russo & Associates, LLC, joined the Commission. Chairman Ouellette questioned if Mr. Ussery would be discussing the applications separately, or combining the presentations? Mr. Ussery indicated he would present the information for both applications together. Chairman Ouellette then read the description of the Public Hearing on the Resubdivision Application, and noted the Commission would then vote separately on each application.

Mr. Ussery reported the first application is for a Zone Change for property at 202 Main Street, which is currently a mixed use of commercial and residential development. Mr. Ussery noted that houses are currently located on the northwest corner of the property; the remainder of the parcel is an agricultural use and the commercial use for the Sports Dome. The proposal is to take 1.3 acres of the total parcel, which is currently zoned M-1, and change that area to a residential zone to create two residential lots – one for each house. The Resubdivision Application is to create a commercial zone for the recreational use.

Mr. Ussery reported the house located to the front of the parcel is served by public sewer, gas, and water, while the house to the rear is served by public water and a septic system. There is a shared driveway for both houses. They have created an easement for the house in the rear for driveway access and the public water; they are also retaining an easement for the Sports Dome for the detention basin located on the front lot.

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Chairman Ouellette noted the Planning Office received a memo from the North Central Health Department. Mr. Ussery concurred, noting Mike Caronna (NCHD) had on file a plan from 1989 when a subdivision of this parcel was originally proposed. File information indicated that the septic system for the rear house had failed, and Mr. Caronna had no record of the septic system being repaired. Mr. Ussery indicated the septic system seems to be function fine now, but they've created the easement to the public sewer for the house to the rear if it becomes necessary to hook up in the future.

Chairman Ouellette noted Town Engineer Norton has reviewed the plans for both the proposed Zone Change and Resubdivision, and had no comments regarding either application.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Sullivan** requested clarification of the following issues:

- **Location of lot lines:** Mr. Ussery referenced Sheet 3 of 3, noting the location of the proposed lot lines for each house.
- **Location of septic system:** Mr. Ussery noted the septic system is located to the west of the gravel driveway.
- **Location of access drive to rear house:** Mr. Ussery referenced the location of the easement for driveway access to the rear dwelling.

**Commissioner Thurz:**

- **Potential use for the commercial area:** Mr. Ussery explained that currently, near the area of the existing Sports World soccer facility, they have several outdoor fields which have already been laid out.

**Commissioner Kowalski:**

- **Creation of new lot lines:** Commissioner Kowalski questioned that the rear house is currently located in the M-1 Zone? Mr. Ussery replied affirmatively. Commissioner Kowalski questioned that currently the two houses exist on the one parcel but are not on separate lots? Mr. Ussery concurred, noting they are proposing to create separate lots for each house.

**Commissioner Moore:**

- **Gravel driveway:** Commissioner Moore questioned the intent of the gravel driveway; he recalled discussions during previous applications regarding access for fire vehicles for the Sports Dome. Chairman Ouellette suggested the gravel driveway provided access for overflow parking. Commissioner Gowdy recalled the same prior discussion

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referred to by Commissioner Moore; he felt that had been addressed by the Warehouse Point Fire Marshal.

**Commissioner Gobin** had no questions.

**Commissioner Zhigailo** had no questions.

Chairman Ouellette questioned Town Engineer Norton for comments. Mr. Norton indicated the proposal is to create two residential lots around the existing houses, and leave the commercial area as it's currently used. There are no proposals for anything else to be done with the property, except to separate out the two house lots, which perhaps could be sold separately in the future. Mr. Norton indicated he had no problems with the applications as proposed.

**Commissioner Sullivan:**

- **Wetlands referral:** Commissioner Sullivan questioned if the referral to the Wetlands Commission had been taken care of? Chairman Ouellette noted the referral has been received from the Wetlands Commission.

Chairman Ouellette opened discussion to the public.

**Sharon McCray:** Ms. McCray noted she lives near this property. She questioned that the proposal is just for the two house lots; this doesn't mean apartments will be built on this parcel? Chairman Ouellette clarified that the proposal is to create the two residential lots for the existing houses; some of the parcel perhaps could be used for agricultural purposes.

Mr. Norton reported that the Wetlands Commission did review this proposal. No work is being proposed in the wetlands area. They moved it along because no activity was proposed.

Chairman Ouellette offered Mr. Ussery the opportunity for closing comments. Mr. Ussery replied negatively. Chairman Ouellette explained the process for closing, and acting on, each application.

**MOTION:** To CLOSE the Public Hearing on the application of Michael Fioretti (PZ-2020-06) Zone Change Application for a parcel located at 202 Main Street for a zone change from M-1 to R-2 (manufacturing to residential), Assessor parcel ID number (Map, Block, Lot number): 101-12-030.

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**Kowalski moved/Sullivan seconded/DISCUSSION: None**

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**MOTION TO APPROVE** the Petition for Zone Change by Michael Fioretti requesting a zone change/zone map amendment from M-1 to R-2 at property located at 202 Main Street, Map 101, Block 12, Lot 030, located on the east side of Main Street, East Windsor because the application conforms to the Plan of Conservation and Development for the Town of East Windsor and will promote public health and safety. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

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**Referenced Plans:**

- Zone Change Map M-1 Zone to R-2 Zone, Owner Applicant EWD, LLP, Main Street, East Windsor, Connecticut, Map 101, Block 12, Lot 030, Zone R-2 & M-1, Date 4-13-2020, Scale 1"=100', Job Number 2020-005, Sheet 1 of 1.

**Conditions:**

1. This approval does not constitute approval of a site development plan or permit for any construction or use of the subject parcel.
2. Two mylar copies of the approved zone change map must be delivered to the Planning & Development Department to be signed by the Chairman and Secretary of the Planning & Zoning Commission, one shall be returned to the applicant for recording on the Town of East Windsor Land Records. One shall be placed on file in the Planning & Development Department.
3. A copy of this motion shall be recorded on the Town of East Windsor Land Records.
4. **The effective date for this approval is May 30, 2020.**

**Kowalski moved/Sullivan seconded/DISCUSSION/REASONS FOR DECISION:**

- a. That the amendment request is complete, and contains all required application information.
- b. That the amendment will promote the public's health, safety and general welfare.

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- c. That any amendment to the Zoning Map has considered
- i. The size, physical and environmental characteristics of the subject area;
  - ii. The character and supply of land currently zoned in the subject classification, as applicable;
  - iii. The effect of the proposal on existing land use in the subject area;
  - iv. The general effect of the proposal on utility and transportation system capacities; and
  - v. Compliance with the Comprehensive Plan for the Town of East Windsor.

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**MOTION: To CLOSE the Public Hearing on the Application of Michael Fioretti (PZ-2020-07) Resubdivision Application to create two (2) residential lots around two (2) existing homes in the R-2 Zone and to create one (1) commercial lot for existing indoor soccer facility in the M-1 Zone, Assessor parcel ID number (Map, Block, Lot number): 101-12-030.**

**Kowalski moved/Sullivan seconded/DISCUSSION: None**

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**MOTION TO APPROVE WAIVERS FOR:**

- 1. Street Lights (Section 6.5) – As lots are on an existing State Road, Route 510. No new roads proposed.**
- 2. Open Space (Section 7.0) – subdivision will create lots for two existing non-conforming residences. 15+/- acres are in athletic field or agricultural use.**

**Kowalski moved/Sullivan seconded/DISCUSSION:** Commissioner Gowdy questioned if the Commission should consider a fee-in-lieu-of Open Space for this application. Chairman Ouellette noted that question has come up for the Commission before regarding the Commission's right to request fees on resubdivisions; he felt resubdivisions were a grey area and was one of the issues on the Commission's list of regulations to revisit. Commissioner Gobin felt this resubdivision doesn't create an additional demand on Open Space.

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**MOTION TO Approve the Application of Michael Fioretti, requesting a re-subdivision property located at Main Street, East Windsor. Map 101 Block 12, Lot 030 in the R-2 and M-1 zones because the application conforms to the**

**Plan of Conservation and Development for the Town of East Windsor and it preserves the public health and safety. This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:**

**Referenced Plans:**

1/3 - Cover sheet - Resubdivision, Main Street, East Windsor, CT, with key and inset maps, prepared by JR Russo and Assoc, LLC, 1 Shoham Rd, East Windsor CT 06088, scale as shown, dated 4/13/2020  
2/3 - Overall Plan, scale 1"= 100', dated 4/13/2020  
3/3 - Resubdivision Plan, scale 1"=40", dated 4/13/2020

**Conditions which must be met prior to signing of mylars:**

- I. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.

**Conditions which must be met prior to the issuance of any permits:**

4. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars, shall be filed with the Town Clerk by the applicant no later than 90 days after the decision or this approval shall be considered null and void, unless an extension is granted by the Commission. One full set of mylars, shall be filed in the Planning and Zoning Department.
5. Deeds for any easements if applicable, must be approved by the Town and filed on the land records prior to any permits being issued. It is best if these are filed with the mylars.

**Conditions which must be met prior to certificates of compliance:**

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6. Iron pins must be in place at all lot corners and angle points.
7. Any driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
8. Open Space dedication, fee paid in full or waived.

**General Conditions:**

9. This re-subdivision approval shall expire (five years from the date of approval). Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension time at least one month in advance of the expiration date to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission shall require proper bonding be in place prior to approval of any such extension.
10. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

11. **The effective date for this approval is May 30, 2020.**

**Kowalski moved/Sullivan seconded/DISCUSSION: None**  
**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore**  
**(No one opposed/No Abstentions)**

**NEW PUBLIC HEARING/ D. Text Amendment Application from East Windsor Planning and Zoning Commission (PZ-2020-08)** - for text amendments related to Alcohol Sales, including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7 (Alcohol Sales in the HIZ) and 805 (general requirements for Alcohol Sales). The changes requested would remove certain distance requirements for the sale of alcohol from other uses such as places of worship, charitable institutions, hospitals, convalescent homes, cemeteries, libraries, public playgrounds or municipal buildings.

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Chairman Ouellette read the description of this Public Hearing. Attorney Diane Whitney, of Pullman & Comley, representing the Planning and Zoning Commission, joined the discussion.

Commissioner Gowdy requested to raise a quick question. He requested clarification that the HIFZ no longer exists? Chairman Ouellette replied that it continues to exist; it's an overlay zone. Commissioner Gowdy questioned that a specific area was going to be B-1? Chairman Ouellette replied negatively, noting the HIFZ is an overlay zone on top of the B-1. It's a layered approach; the B-1 is still there. Commissioner Gowdy questioned if that made any difference regarding any limitations, or lack of limitations? Chairman Ouellette suggested giving Attorney Whitney an opportunity to give her presentation, and then engage in deliberations. Commissioner Gowdy agreed.

Attorney Whitney reported that the Commission previously approved this Text Amendment on April 14, 2020. The application is back before the Commission tonight as there were perceived deficiencies in the Notice of the Public Hearing for that approval; this is the same Text Amendment reviewed previously. CRCOG has reviewed this application a second time as well, and has rendered the same comment – they find no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Attorney Whitney cited the reason for the Text Amendment is to change some inconsistencies in the current regulations, and to ease certain restrictions that no longer make sense, and actually contradicted some existing situations in town.

Attorney Whitney reviewed the various sections of the regulations being revised in relation to alcohol sales are:

- **Section 502, Permitted Uses** – Definitions
- **Section 203** – to the notes to Permitted Uses
- **Section 504.7** - uses where alcohol sales would be allowed, which include hotels, conference centers, catering establishments, commercial recreation – which includes but is not limited to casinos, and restaurants.
- **Section 805** – which specifies that any permission for alcohol sale requires approval under a Special Use Permit, no matter which zone the facility is located in. Attorney Whitney noted that in making these changes it allows alcohol sales in other places, but it's still subject to the control of the Commission through the Special Use Permit process.

Attorney Whitney further noted the Text Amendment leaves in place a distance requirement from schools, and day care centers.



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Attorney Whitney cited comments included in Town Planner Flores-Marzan's memo dated 3/6/2020, which suggested how this proposal makes sense for the Town, and why it conforms with the Plan of Conservation and Development.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Sullivan** indicated he had no questions.

**Commissioner Gowdy** suggested he feels much more comfortable with the proposal now; he had no questions or concerns.

**Commissioner Thurz** indicated he had no concerns.

**Commissioner Kowalski** concurred with his fellow Commissioners; this Text Amendment has been discussed previously. This presentation is a procedural process to correct inconsistencies.

**Commissioner Gobin** felt the Text Amendment has been approved previously; she had no issues.

**Commissioner Zhigailo** indicated she's ok with the presentation; this is only dotting "i's" and crossing "t's".

**Commissioner Moore** agreed with his fellow Commissioners.

**Chairman Ouellette** agreed as well; he had no comments or concerns.

Chairman Ouellette opened discussion to the public. No one attending the teleconference requested to join the conversation.

Chairman Ouellette called for a motion to close the Public Hearing and take action on the Text Amendment.

**MOTION: To CLOSE the Public Hearing on the Application from East Windsor Planning and Zoning Commission (PZ-2020-08) - for text amendments related to Alcohol Sales, including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7 (Alcohol Sales in the HIZ) and 805 (general requirements for Alcohol Sales). The changes requested would remove certain distance requirements for the sale of alcohol from other uses such as places of worship, charitable institutions,**

hospitals, convalescent homes, cemeteries, libraries, public  
playgrounds or municipal buildings.

Kowalski moved/Sullivan seconded/DISCUSSION: None

VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)

**MOTION TO APPROVE the Petition for Text Amendments by East Windsor Planning and Zoning Commission requesting text amendments related to Alcohol Sales, including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7 (Alcohol Sales in the HIZ) and 805 (general requirements for Alcohol Sales) in order to make the Town regulations more consistent and to remove unnecessary barriers to some businesses in Town, because the application conforms to the Plan of Conservation and Development for the Town of East Windsor and will promote public health and safety. This approval is granted subject to the following conditions:**

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**Conditions:**

1. A copy of this motion shall be recorded on the Town of East Windsor Land Records.
2. The effective date for this approval is May 30, 2020.

**Kowalski moved/Sullivan seconded/DISCUSSION/REASONS FOR DECISION:**

- a. That the amendments request is complete, and contains all required application information.
- b. That the amendments will promote the public's health, safety and general welfare.
- c. That the amendments are in conformity with the Comprehensive Plan for the Town of East Windsor.
- d. That the amendments were reviewed by the staff of the Regional Planning Commission of the Capitol Region Council of Governments and find no apparent conflict with regional plans and policies or the concerns of neighboring towns.
- e. This application was previously approved on April 14, 2020, but is approved again on May 12, 2020.

VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)

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**NEW BUSINESS/ A. LaBrecque Autocraft, LLC (PZ-2020-05) Site Plan**

Review for construction of a new commercial building for automotive repair at 63 Newberry Road, MBL 093-17-024, Zone District: M-1.

Chairman Ouellette read the description of this item of business. He noted that the PZC can't take action on this application this evening as the Wetlands Commission hasn't taken action on their application yet. The PZC received this application at its April 28, 2020 meeting; the Commission can begin discussion on the application.

Joining the Commission via teleconference was Eric Peterson, of Gardner & Peterson, who is representing the applicant, Mike LaBrecque, owner of LaBrecque Autocraft. Mr. Peterson concurred with Chairman Ouellette's assessment of the Wetlands Commission's position. Mr. Peterson reported he expects the Wetlands Commission will act on this proposal at their June 3, 2020 Meeting, and this application can be wrapped up at the June 9, 2020 PZC Meeting.

Mr. Peterson indicated this business has been at this location for 20 years. It's an auto repair business that specializes in classic cars. The 63 Newberry Road parcel contains 2 ½ acres and is located in an M-1 Zone. There is an existing building which is shown on the left side of the Site Plan submitted with the application. The property is served by public water and sewer. Mr. Peterson indicated Mr. LaBrecque is trying to expand his business and construct a 9,000 square foot building to the right of the existing building. The new building would be a metal building with a stone decorative feature that breaks up the front of the building. There will be a security fence between the two buildings so people can't try to drive through to the back of the property. Mr. Peterson is proposing to install night-friendly wall mounted light fixtures on the front and west side of the building. They are also proposing a landscaped bed, and the addition of two trees, in front of the new building with a concrete sidewalk and parking lot in front as well. Mr. Peterson indicated there's a parking lot in front of the existing building, which the applicant has said hasn't been filled in 20 years so they're reducing the number of parking spaces in that lot which helps offset the increase in impervious coverage resulting from the construction of the new building. The drainage will flow in an easterly direction where they'll build a rain garden to help with infiltration of the water before it flows into a low point – which is the wetlands area.

Mr. Peterson indicated that currently there is storage of old vehicles and parts in the rear. Part of this project is to clean up the site and get rid of some of the older vehicles. They will be repaving the entire back part of the rear parking lot

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which is currently breaking up. Mr. Peterson indicated he felt this project will give a nice look to the property.

Mr. Peterson reported there's a lateral sewer line available; the new building will be served by public water and sewer. The WPCA is ok with their proposal. They will install an oil/water separator and floor drains in the new building.

Chairman Ouellette opened discussion to the Commission.

**Commissioner Sullivan:**

- **Town Engineer Norton's memo of 4/23/2020:** Commissioner Sullivan questioned if Mr. Peterson had read, and was in agreement, with Town Engineer Norton's comments stated in his April 23<sup>rd</sup> memo? Mr. Peterson indicated he had seen the memo; he has no problem with Town Engineer Norton's comments.
- **Wetlands concerns:** Commissioner Sullivan questioned what concerns the Wetlands Commission had? Mr. Peterson indicated he didn't know. He reiterated there's no direct impact to the wetlands so he thought staff could have approved the application, but they decided they want to hear a full presentation. Town Engineer Norton indicated he tried to impress on the Wetlands Commission there is minimal impact on the wetlands, and no work is being done in the wetlands. He cited the report from the soil scientist who concluded the wetlands were low quality and there shouldn't be a significant impact due to the new construction. Ultimately, the Wetlands Commission decided they wanted to review the application rather than approve an Agent Decision.
- **Abutting ownership:** Commissioner Sullivan questioned that the land to the east is owned by Mr. LaBrecque? Mr. Peterson concurred, noting that area was more or less all wetlands. While that area wasn't delineated it's fairly wet.
- **Approval timeframe:** Commissioner Sullivan questioned the PZC's ability to move the decision along before the June meetings. Chairman Ouellette indicated the timeframe is a legislative issue; the Wetlands Commission needs to take action before the PZC can render a decision.

**Commissioner Gowdy** felt Mr. Peterson made a good presentation.

**Commissioner Thurz:**

- **Lighting package:** Commissioner Thurz questioned what night-friendly lights were? Mr. Peterson indicated the lighting packages would be mounted on the building. Night-friendly means no light will be shining up into the sky, or onto other properties.

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**Commissioner Zhigailo:**

- **Dumpster location/oil storage:** Commissioner Zhigailo referenced the drawings, noting she didn't see any indication of a dumpster location or plan for oil storage. Mr. Peterson indicated he would get back to Commissioner Zhigailo on that.

**Commissioner Kowalski:**

- **Dumpster location/photometric plan:** Commissioner Kowalski noted the plans usually show the dumpster location, and the proposed screening. The Commission often sees a photometric plan as well, but if there is no light spillage onto other properties as Mr. Peterson indicated he's ok with that. Town Engineer Norton noted that part of the application submission was a small cut of the wall mounted lights and a small photometric drawing; he questioned if Commissioner Kowalski wanted that added to the plans? Chairman Ouellette suggested that to be consistent with other application submissions the information regarding the light fixtures and photometric drawing should be added to the plans for this applicant. Mr. Peterson agreed to add the additional information.
- **Additional signage:** Commissioner Kowalski questioned what signage is planned? Mr. Peterson indicated nothing additional is being proposed for signage; the applicant will continue with the current signage on the existing building.

**Commissioner Gobin** had no comments.

**Commissioner Moore** had no comments.

**Chairman Ouellette:**

- **Proposed building/future building:** Chairman Ouellette referenced Sheet 2 of 3 of the Site Plan, noting that it shows the proposed building and to the north it shows a future building. He questioned if the future building was part of the 9,000 square feet of construction the Commission is currently considering? Mr. Peterson replied affirmatively; he indicated that at the time of his original meeting with Town Planner Flores-Marzan they didn't know which building they would go with. He indicated Town Planner Flores-Marzan suggested going with the larger square footage as that would cover the smaller building if that was the applicant's choice when submitting the application.
- **Pedestrian foot traffic:** Chairman Ouellette noted there is a concrete sidewalk in front of the existing building. His concern is how pedestrians

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- will get from the new building to the existing building; he is concerned with foot traffic between the buildings. Mr. Peterson indicated he didn't perceive a lot of pedestrian traffic between the buildings, but he felt the applicant will set up procedures for customers.
- **Sheet A101 – Floor Plan:** Chairman Ouellette noted that when reviewing Sheet A101, the floor plan, and calculating the square footage based on the building dimensions, he comes up with a different number for square footage than is presented on the application. Mr. Peterson indicated the area shown on sheet A101 doesn't include the future building. Chairman Ouellette questioned if the future building would be 7,200 square feet; Mr. Peterson concurred.
  - **Dumpster for new building:** Chairman Ouellette noted that if a dumpster is being proposed for the new building the location should be shown on the plans; screening should be shown as well. Mr. Petersen suggested he'll review that question with the applicant.

**Commissioner Zhigailo:**

- **Review by Fire Marshal:** Commissioner Zhigailo questioned if the Fire Marshal is happy with ability to get to the back of the buildings? Did the Fire Marshal have any issues? Mr. Peterson indicated he hadn't heard anything from the Fire Marshal; Town Engineer Norton indicated he hadn't heard anything either. Commissioner Gowdy asked if the plan had been referred to the Fire Marshal? Town Engineer Norton indicated he wasn't acting as Town Planner at the time the application was submitted; he'll contact the Fire Marsal (Rich Austin) and ask for comments. Commissioner Gowdy suggested he would be more comfortable if he knew the Fire Marshal approved of the plan.

Hearing no further questions from the Commissioners, Chairman Ouellette called for a motion to continue this application.

**MOTION: To CONTINUE the Application of LaBrecque Autocraft, LLC (PZ-2020-05) Site Plan Review for construction of a new commercial building for automotive repair at 63 Newberry Road, MBL 093-17-024, Zone District: M-1. Discussion of Application is continued to the Commission's next regularly scheduled Meeting to be held on June 9, 2020.**

**Kowalski moved/Sullivan seconded/DISCUSSION: None**

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

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**MOTION: To GO OUT OF ORDER to take OTHER BUSINESS/ A. Informal discussion regarding Chamberlain Road Zone Change to include Eben Holmes.**

**Kowalski moved/Sullivan seconded/DISCUSSION: None**

**VOTE by rollcall: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Moore  
(No one opposed/No Abstentions)**

**OTHER BUSINESS/ A. Informal discussion regarding Chamberlain Road Zone Change to include Eben Holmes:**

Chairman Ouellette welcomed Mr. Holmes to this discussion.

Mr. Holmes introduced himself, advising the Commission he is a steel erector and fabricator. He is looking at property which abuts the fertilizer plant on Chamberlain Road. The property contains approximately 49 acres; he is seeking advice on the possibility of rezoning 10 acres of the property to M-1 so he could construct a building to do his steel work. He would also like to build a house on the remaining acreage. The building would be 10,000 to 12,000 square feet of workspace. He's spoken to Eversource about extending power to this parcel, as electrical service currently ends at the fertilizer plant.

Chairman Ouellette questioned the height of the building? Mr. Holmes reported he needs room inside the building to operate an overhead crane; he estimates the height of the building would be 22 to 24 feet.

Mr. Holmes reported in researching the property he found old paperwork from 2008 when someone wanted to build 30 houses on this parcel. The report indicates that the parcel contains disturbed soil.

Chairman Ouellette questioned if Mr. Holmes would use the railroad to transport his materials? Mr. Holmes indicated the railroad doesn't abut this property; Herb Holden Trucking owns the land next to the railroad. He would use 550 work trucks, and 24-foot flatbed trucks. Mr. Holmes noted the fertilizer plant creates a fair amount of traffic next door.

Mr. Holmes indicated there is currently no public water or sewer service to this property. He would install a septic system for the shop, and the home. He would employ about 6 people; the shop would contain bathroom facilities but no showers.

Chairman Ouellette also noted that this property is located within an Aquifer Protection Area, which could impose restrictions on the use of the property. He noted that

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information is online for Mr. Holmes review. Mr. Holmes indicated he wouldn't be using oil in his work; it's just welding.

Commissioner Sullivan indicated he was familiar with the property. Mr. Holmes referenced the test results from the 2008 – 2009 project; the person wanted to build 30 or 40 homes and the tests all came back disturbed soil. Commissioner Gowdy felt that information was related to the use of septic systems for the homes.

Mr. Norton suggested that with regard to the disturbed soils, this property was the Norton gravel pit. They removed a tremendous amount of soil, and often when someone works a pit the soil gets moved around to find the gravel vein. Rejean Jacques was the developer who wanted to put in about 30 houses, but the land wasn't acceptable for what he wanted to do. Mr. Norton suggested Mr. Holmes might find that the property would be acceptable for a septic system for one house; maybe the location of the house would be dictated by the condition of the soil.

Commissioner Kowalski suggested the segregation of the zones shouldn't be a problem. He felt the property had bigger issues than the zone change request.

Commissioner Thurz suggested the fertilizer plant was probably grandfathered. He wasn't a big fan of bringing more business to this area.

Commissioner Gobin questioned the groundwater table in this area? She questioned the ability to put in a private well if that became necessary. Discussion continued regarding the proximity to the fertilizer plant.

Commissioner Moore he didn't see a problem with creating the M-1 Zone for the business, while building the house in the residential zone. Commissioner Moore noted that many of the homes in the area were contaminated with edb, although the source was not established. Commissioner Moore didn't feel Mr. Holmes business would increase the traffic that much.

Commissioners Gowdy and Zhigailo suggested Mr. Holmes should continue to research the property before making his decision.

Chairman Ouellette suggested the Commission is offering informal comments before Mr. Holmes makes his business decision.

**OLD BUSINESS A. Site visits:**

Mr. Sauerhoefer offered the following update on Zoning Enforcement issues and property complaints:



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- **47 Church Street:** Mr. Sauerhoefer reported he recently did a site visit; the individual has removed most of the vehicles and debris. Mr. Sauerhoefer reported he spoke with the individual today; he feels the property has been sold and the individual is being forced to clean the property up. If the individual has not complied with Mr. Sauerhoefer's directive by the end of the month then he'll begin charging fines from 2019. Mr. Sauerhoefer felt the individual is receptive to working with him. Chairman Ouellette suggested Mr. Sauerhoefer continue with his current approach.
- **38 and 40 Pleasant Street:** Mr. Sauerhoefer reported these properties are owned by separate individuals, although they are family members. Mr. Sauerhoefer reported he has done several site visits. There are farm animals and a lot of debris around the property. He's received numerous complaints from residents who live down the street. Mr. Sauerhoefer reported he felt this resolution will be challenging.

Chairman Ouellette questioned how this issue has been handled in the past? Mr. Sauerhoefer didn't know; he indicated he was unable to find records on this issue. He's starting fresh. First Selectman Bowsza indicated his office has been getting complaints for the past two years, one from a Town Official and also from other residents. He understands there's a 300 pound pig sitting on the front steps.

Mr. Sauerhoefer felt this issue has been going on for some time; this is a tough situation. Mr. Sauerhoefer felt the Town would need to involve the Town Attorney, as he doesn't see these property owners seeking compliance.

Chairman Ouellette suggested Mr. Sauerhoefer send the property owners a letter to initiate the process.

- **64 Main Street, Broad Brook:** Mr. Sauerhoefer indicated this case can be considered closed. The property owner has gotten rid of the unregistered vehicle, and has moved his tractor to the back yard. The individual has complied; he's done everything Mr. Sauerhoefer has asked him to do.
- **3 Broad Brook Road:** Mr. Sauerhoefer reported someone has complained about the location of a shed. He has spoken with Building Official Stanley, who suggested this is more of an issue with the

property being a rear lot, which has different zoning requirements than regular lots. Mr. Sauerhoefer felt the Building Department came to the conclusion there's no real issue here; it's been more of an informal discussion than a complaint. Chairman Ouellette questioned if a formal complaint had been issued? Mr. Sauerhoefer suggested staff would have to return to the office to discuss the issue; he's unaware of any records or complaints.

- **10 to 14 Craftsman Road - IBOE site:** Mr. Sauerhoefer reported after he sent an email citing the issue of mud being tracked out of the site onto Craftsman Road they have stopped dragging the mud onto the road and installed an anti-tracking pad. They've also put down the first course of paving material. Mr. Sauerhoefer feels they will be completing landscaping and moving in shortly.
- **85 – 87 Reservoir Avenue:** Mr. Sauerhoefer reported these are the new residential lots on Reservoir Avenue. The developer hasn't installed anti-tracking pads, or installed erosion controls. He's using wood chips as his anti-tracking pads, although he's been told those aren't acceptable erosion controls. Mr. Sauerhoefer reported the developer did install a more formal anti-tracking pad on the first lot but the problem is the contractors are using the dirt area to enter the property. He understands the developer is looking for a permit to start work on the second house. Mr. Sauerhoefer suggested there needs to be more inter-office communication between the Planning Office and the Engineering Office regarding the need for the installation of silt fence before a permit is issued. Mr. Sauerhoefer felt this was an ongoing issue for this developer; he needs to comply with the regulations better.
- **12 Griffin Road – unpermitted site work complaint:** Mr. Sauerhoefer reported he met with the property owner and visited the site; this is the location of the Griffin Road School House which has now been moved off site. Mr. Sauerhoefer reported this was actually land clearing; no heavy equipment was used; no excavation occurred. The property owner also owns the adjacent property. The property looks 1000% better than it previously did; the neighbor is ecstatic with the results.
- **Meadow Farms:** Mr. Sauerhoefer reported this paving work has been done; the contractor is doing a little clean up. There was one minor

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issue with a gas cover being paved over but the contractor is working on that. He expects the work to be completed by July 1<sup>st</sup>. Chairman Ouellette questioned if he has had any conversations with the homeowners association? Mr. Sauerhoefer indicated Mr. Norton has e-mailed them; he feels they are happy with what's been done.

- **277 North Road/The Mansions re: 14 Yosky Road:** Mr. Sauerhoefer received a complaint from a tenant of the Mansions regarding being able to see old vehicles from their apartment. Mr. Sauerhoefer recalled that Mr. Yosky was a collector; there are a couple of old pickup trucks and boxes from old trucks that he probably used for storage in the rear woods of the property. Mr. Sauerhoefer suggested the trucks are technically unregistered vehicles so he can send a letter regarding their removal. The box containers are 10 feet off the property line. Mr. Sauerhoefer suggested this is a farm; the items are difficult to see but someone can see them from their apartment. Mr. Sauerhoefer indicated he's seeking advice from the Commission.

Commissioner Thurz felt the items were grandfathered. Commissioner Moore concurred, if the items are located on the Yosky property. Mr. Sauerhoefer reported this property is an old farm; the items have been there for years; there's trees growing around them. Mr. Sauerhoefer questioned if he should suggest screening? Commissioner Gowdy questioned what the problem was? Chairman Ouellette questioned what the zoning violation was; it seems to be an issue of someone not liking what they see out of their window. Chairman Ouellette suggested following up on the unregistered vehicles, but other than that he didn't see a zoning issue.

Mr. Sauerhoefer suggested he'll reach out with the property owners and suggest screening, and let them know the neighbors aren't happy with them. The Commission concurred with Mr. Sauerhoefer's suggestions.

- **20 North Road- Calamar – silt fencing down/water running off site:** Mr. Sauerhoefer reported the contractor responded within a day of his communication with him. They have fixed the silt fence which had come down, and have stabilized the construction site. Mr. Sauerhoefer reported he recommended they install more stone to the site to keep the mud down.
- **West River Farms/off Scantic Road:** Mr. Sauerhoefer reported this

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site had significant erosion control problems. He sent an e-mail to the developer and the silt fencing was reinstalled within two days.

- **12 Aspen Drive:** Mr. Sauerhoefer reported this was a complaint by someone who was getting a lot of water in their backyard from an adjacent property. He and Mr. Norton visited the site and determined the property next door needs to regrade on their property to get the water to drain better. Chairman Ouellette questioned if this property is new construction? Mr. Sauerhoefer reported 10 Aspen Road is a new home, which will have the same problem. Mr. Sauerhoefer suggested this was just an issue of reaching out to the property owner/developer.
- **34 Harrington Road:** Mr. Sauerhoefer concurred; this property owner is operating a business out of his residential home. Mr. Sauerhoefer reported he's been by the property several times a day; it's apparent he's running a business out of his home. Mr. Sauerhoefer suggested issuing a Cease & Desist Order immediately, citing the \$1,000/day fine until compliance occurs. Mr. Sauerhoefer suggested perhaps also copying the Motor Vehicle Department.

Commissioner Gowdy questioned if someone could go in and inspect for contamination; if the property owner is working on engines, or doing oil changes what's being done about those fluids? Mr. Sauerhoefer suggested the vehicles rotate around; maybe he's doing repairs for an auto dealer.

Chairman Ouellette questioned First Selectman Bowsza if the Town is willing to stay the course with this issue; resolution could involve the Town Attorney. First Selectman Bowsza indicated he tries to impress on employees the Town is a service industry and must be resident and business friendly, but we also must be sure that people are complying with regulations. First Selectman Bowsza felt the Town must take a more aggressive stance when necessary. He indicated Mr. Sauerhoefer has done a great job of deciding when it's necessary to work with someone and when it's necessary to be more forceful. First Selectman Bowsza indicated he can't express his gratitude enough for Mr. Sauerhoefer and Mr. Norton stepping in to assist the Planning Office. Commissioner Gowdy suggested Mr. Sauerhoefer and Mr. Norton have done more in two weeks than has occurred in the past two years; Commissioner Thurz concurred.

- **73 Middle Road - illegal burying of materials:** Mr. Sauerhoefer

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reported he has photos of materials being buried, it's debris and mattresses. He also has photos of what's still sitting there – more mattresses and propane tanks. Mr. Sauerhoefer questioned the Town's rights in this situation. The person living at the property isn't the owner; the property is now owned by a mortgage company whose lawyer is out of state. Is it illegal to bury wood? He cited we're accusing someone of doing something we can't verify. Chairman Ouellette suggested Mr. Sauerhoefer continue monitoring the activity.

- **140 Wapping Road – WSG, LLC gravel pit – vehicles using Morris Road/noise complaints:** Mr. Sauerhoefer reported this is one of the most impressive gravel sites he's ever visited; it's state of the art. Mr. Sauerhoefer suggested he recommended the owner or site manager talk to the truckers and tell them not to use Morris Road, but we can't legally prohibit them from using specific roads. Mr. Sauerhoefer reported he couldn't verify the noise complaints; the person who complained also spoke of vibration issues at their property from work at the gravel pit. Mr. Sauerhoefer reported there are other pits nearby which have been operating for some time.
- **131 North Road:** Mr. Sauerhoefer reported this is a property that goes back to 2009. There are many unregistered vehicles in the yard, maybe 30 or so; there's a camper in the back yard but he can't verify if someone is living there. That's been there for years. Chairman Ouellette suggested it's also a working farm as chickens and goats round around. Mr. Sauerhoefer reported he's sent a Cease & Desist letter to get rid of the unregistered vehicles.
- **Rockville Road:** Mr. Sauerhoefer reported someone had a couch at the property, but it's been taken care of.
- **Dempsey Road:** Mr. Sauerhoefer reported the Building Official feels someone may be living in a camper at the back of Dempsey Road, and there are a lot of unregistered vehicles at the property. Mr. Sauerhoefer reported they continue to investigate this situation.
- **Napolean Drive – Phase II of Kingshire Subdivision:** Mr. Sauerhoefer reported they've been doing research on this property as the paving hasn't been completed. To date they haven't found a bond associated with this property; Mr. Sauerhoefer feels the Town will be on the hook for paving this road. When one developer signed the

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project over to another developer he used a Letter of Credit which expired in 2015. No one is currently paying for the street lights, which the Town will pay for when they take over the road.

Mr. Sauerhoefer suggested this comes back to the discussion regarding reducing bonds; the Commission needs to get information from the Town Engineer regarding the status of projects before reducing bonds. Better communication would be good. This is going to be an expensive issue. First Selectman Bowsza questioned the cost? Mr. Sauerhoefer indicated they'll have a better idea tomorrow. This is an update for the Commission.

Commissioner Gowdy thanked Mr. Norton and Mr. Sauerhoefer for doing a great job, and for updating the Commission on these issues. Commissioner Sullivan suggested hands on is better than anything else. Commissioner Gobin thanked Mr. Sauerhoefer for giving the Commission the report; she noted it's been difficult getting information in the past.

Mr. Sauerhoefer indicated he will be preparing a database of zoning enforcement issues for whoever will be taking this work over.

**OLD BUSINESS/B. Continued discussion regarding Warehouse Point Planning Study to include Terri Hahn of LADA P.C. Land Planners:**

Chairman Ouellette noted the Commissioners had received an e-mail from Terri Hahn regarding how to deal with the public hearing part of the Warehouse Point Stormwater Management Study. He questioned if the Commissioners had any comments to pass on to Mrs. Hahn?

Commissioner Gowdy indicated he liked the first option, although it's not as good as a conventional public hearing. Chairman Ouellette suggested the Commissioners review the potential options, and send comments to Peg for referral to Mrs. Hahn. He indicated Mrs. Hahn will need a significant amount of time at the Commission's next meeting to discuss the project.

No one else offered any comments.

**OTHER BUSINESS/ A. Informal discussion regarding Chamberlain Road Zone Change to include Eben Holmes:**

See earlier discussion.

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**BUSINESS MEETING/A. General Zoning Issues:**

Chairman Ouellette wanted to thank Mr. Norton, Mr. Sauerhoefer, and Mrs. Regan for stepping up and helping the Planning Office; he indicated he really appreciates their assistance. Commissioner Sullivan suggested this is much more the atmosphere of a team. The rest of the Commission concurred.

**BUSINESS MEETING/B. Signing of Mylars/Plans, Motions:**

Mr. Sauerhoefer reported he has mylars for 143 Bridge Street which require Chairman Ouellette and Vice Chairman Sullivan's signatures.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:20 p.m.**

**Sullivan moved/Kowalski seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission