

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

REGULAR Meeting #1778 – April 14, 2020

Meeting held via ZOOM Teleconference
Meeting ID: 300 628 564
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 April 14, 2020 Regular Meeting #1778 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.

First Selectman Bowsza is hosting, and recording the meeting for the Commission.

Chairman Ouellette called for a roll call of members present:

PRESENT: Regular Members: Joe Ouellette (Chairman), Michael Kowalski, Dick Sullivan, and Jim Thurz.

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

ABSENT: Regular Members: Tim Moore.

GUESTS: First Selectman Bowsza; Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; **LADA, P.C., Land Planners:** Terri Hahn.

Public: Attorney Dory Famiglietti; one unidentified resident.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members were present at the Call to Order. Chairman Ouellette noted the absence of Regular Member Moore. Following in accordance with the service rotation schedule Chairman Ouellette requested Alternate Member Gowdy to join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

2

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, April 2, 2020, and Thursday, April 9, 2020, was read by Chairman Ouellette:

LEGAL NOTICE

EAST WINDSOR PLANNING & ZONING COMMISSION

The East Planning & Zoning Commission will hold a regular meeting on Tuesday, April 14, 2020 at 6:30 p.m. via the remote video conferencing platform, Zoom.

Join meeting: <https://zoom.us/j/300628564>

Meeting ID: 300 638 564

Dial by your location:

+1 312 626 6799, 300628564# US (Chicago)
+1 646 558 8656, 300628564# US (New York)
+1 253 215 8782 US
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)

The following public hearing will be held:

PZ-2020-02 Application from East Windsor Planning and Zoning Commission for a text amendment to East Windsor Zoning Regulations, Alcohol Sales.

Copies of the above application are available online and at the Planning & Development office. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated March 31, 2020, East Windsor, CT.

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

ADDED AGENDA ITEMS:

Chairman Ouellette noted the following Added Agenda Item:

RECEIPT OF APPLICATOS/B. Zone Change Application (PZ-2020-04) – MMCT Venture, LLC for parcels located at 113, 115, and 119 Prospect Hill Road for a zone

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

3

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.

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/March 24, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1777 dated March 24, 2020 as written.

Sullivan moved/Thurz seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)**

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new Applications:

1. 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 I numbers (Map, Block Lot numbers): 112-14-005, 112-14-004, 112-14-003.

Public Hearing date: 5/12/2020

Legal ad dates: 4/30/2020 and 5/7/2020

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/A. Meadow Farms – calling of any and all erosion and sedimentation control bonds associated to Meadows Farms project:

The Commission had previously passed an approval motion to call the bonds posted with the Town by Jason Ziegler to complete work on the Meadow Farms Active Adult Community and Farms Road. Review of the bond history has indicated that bond balances are still being held by the Town for the Erosion and Sedimentation Bonds - \$7,000 for Phase I Farms Road and \$7,000 for Phase II Acorn Drive and Field Circle. While the Commission's intent had been to call all bonds held for Jason Ziegler the motion didn't specifically address the Erosion and Sedimentation Bonds. Staff has recommended that the Commission make another motion tonight to call the remaining

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

4

Erosion and Sedimentation Control Bond balances held by the Town on Meadow Farms, and specifically identify the bond balances being referenced.

Chairman Ouellette opened discussion with the Commission.

Commissioner Gowdy is ok with Staff's recommendation.

Commissioner Gobin suggested it was clear to her during previous discussions that there were problems with paving issues; she questioned if there were any erosion issues as well? Chairman Ouellette noted he has no evidence reflecting erosion issues. He noted Town Engineer Norton was copied on correspondence; there is no reply from Town Engineer Norton.

Discussion continued regarding the Commission's ability to call Erosion Bonds, and the specifics of the approval motion. Chairman Ouellette recalled the project was originally approved as one subdivision – Meadow Farms Active Adult Community; Farms Road was later split off separately. Commissioner Kowalski noted, while reviewing the original bond activity summary, that the total amount of bonds held for Jason Ziegler was \$176,000 which included the Erosion and Sediment Control Bonds. Chairman Ouellette reiterated the Commission's intent was to call any and all bonds. He noted there were partial releases of Erosion and Sediment Control Bonds in 2017- \$8,000 in March, 2017 for Phase I – Farms Road, and another partial release of \$7,400 also in March, 2017 for Phase II – Acorn Drive and Field Circle. After those partial releases, \$14,000 was retained for Erosion and Sedimentation Control Bonds – specifically a \$7,000 balance Phase I – Farms Road, and a \$7,000 balance for Phase II – Acorn Drive and Field Circle.

Chairman Ouellette noted that the Town Attorney has pointed out that the previous motion was unclear. The consensus of the Commission was to pass another motion specifically addressing the Erosion and Sedimentation Control Bond remaining balances; Selectman Baker concurred with the Commission's decision. Commissioner Sullivan questioned if referencing Meadow Farms would include Acorn Drive and Field Circle, and Farms Road? Chairman Ouellette indicated his reference to Meadow Farms was the project collectively, as Acorn Drive and Field Circle was the age restricted portion of the project and Farms Road was later approved as single family residential.

MOTION: To CALL the Erosion and Sedimentation Control Bonds for Meadow Farms, Phase I (Farms Road) for \$7,000, and Phase II (Acorn Drive and Field Circle) for \$7,000 for a total of \$14,000.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

5

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS/A. Text Amendment to East Windsor Zoning Regulations (PZ-2020-02) – East Windsor Planning and Zoning Commission for a text amendment to East Windsor Zoning Regulations, Alcohol Sales:

Chairman Ouellette noted this Text Amendment has been initiated as there appears to be conflicting opinions regarding interpretation of various areas in the Zoning Regulations regarding alcohol sales. The proposed Text Amendment has been sent to CRCOG, which has returned a finding of “no apparent conflicts with regional plans and policies or the concerns of neighboring towns.”

Chairman Ouellette opened discussion on the proposed regulation revisions.

Commissioner Sullivan indicated he read the proposed changes extensively; he didn't see that these revisions change the process for alcohol sales. Chairman Ouellette suggested the revisions were prompted by the finding in the appeal of the casino approval.

Commissioner Gobin referenced phraseology addressing recreational venues, which would include the casino. Commissioner Gobin questioned what other recreational venues these changes would apply to. If the venue was the Sports Dome she would be ok with that as the venue would be applying for a liquor permit; her concern is if this is a blanket revision she would be concerned that the language would be appropriate for venues related to kids and teenagers. Chairman Ouellette noted that just because the regulations allow the ability to have alcohol sales in a facility associated with kids the revenue can't automatically sell alcohol. As an example, Commissioner Gobin didn't feel alcohol *sale* would be appropriate at East Windsor Reservoir Park.

Commissioner Kowalski referenced Section 504.7, which does mention commercial recreation, although it doesn't specifically mention the Sports Dome. He suggested commercial recreation would be a for-profit operation; Commissioner Gobin suggested that would then address a facility such as the Sports Dome.

Commissioner Gowdy questioned if the proposed revisions had been reviewed by the Town Attorney? Chairman Ouellette noted the Town is sponsoring the change; First Selectman Bowsza is the applicant.

Commissioner Thurz felt CRCOG's approval is significant. Commissioner Gobin suggested CRCOG's determination really addresses conflict with neighboring towns.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

6

The Commission then considered several similar facilities in surrounding towns which provide alcohol sales while providing recreation for younger individuals. The Oakwood Soccer Dome in Glastonbury, and facilities in South Windsor were considered as examples. Chairman Ouellette noted that even if the Commission approves the proposed regulation revisions any facility intending to sell alcohol is still subject to the liquor permit process.

Chairman Ouellette questioned if the Commission wanted to review the proposed revisions line by line, or had they reviewed the material prior to the meeting and are ready to move forward?

Commissioners Zhigailo, Gowdy, Sullivan, and Thurz were ok with the revisions as proposed.

Terri Hahn, of LADA, P. C. Land Planners, advised the Commission that what they are considering with these regulation revisions related to commercial recreation would be relevant to the potential zones being considered under the Warehouse Point Village Study; she noted those zones include the Sports Dome. The Commission will need to develop a definition for commercial recreation.

Selectman Baker indicated he felt proposals made under these regulations would come to the Commission under the Special Use Permits, which would enable the Commission to shape the proposals. Chairman Ouellette concurred, noting the regulations didn't provide an As-Of-Right use. Selectman Baker then felt he could see other businesses who could benefit from these revisions.

Chairman Ouellette noted various members of the public in attendance at this meeting; he asked if there were any comments from the public? No one requested to speak.

Commissioner Gowdy noted First Selectman Bowsza has returned to the meeting; perhaps he could comment on the status of a legal review. First Selectman Bowsza suggested the copy of the revisions the Commission should be reviewing should address a 500 foot distance between facilities selling alcohol and convalescent homes; Chairman Ouellette concurred. Commissioner Gowdy questioned if this document has been reviewed by the Town Attorney? First Selectman Bowsza reported the proposed revisions have been reviewed by Pullman & Comley.

Commissioners Gowdy and Gobin were prepared to move forward with a vote on the proposed regulations.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

7

Discussion continued; the Commission considered referencing comments made by Town Planner Flores-Marzan. It was noted two memos had been prepared, one dated March 3, 2020, and a revision dated March 6, 2020. The Commission determined the later memo to be the appropriate reference.

MOTION: To CLOSE the Public Hearing on the Application for a Text Amendment to East Windsor Zoning Regulations (PZ-2020-02) – East Windsor Planning and Zoning Commission for a text amendment to East Windsor Zoning Regulations, Alcohol Sales

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)**

MOTION: TO APPROVE the proposed Text Amendment to the East Windsor Zoning Regulations (PZ 2020-02) as indicated in the packets for the Planning and Zoning Commission Members for tonight, including and referencing the March 6, 2020 memo from Ruben Flores-Marzan that recommends the adoption of this text amendment which makes the regulations regarding alcohol sales more clear and easier to read and interpret, and reduce interpretation conflicts.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)**

See Attachment A – Town Planner Ruben Flores-Marzan's memo of March 6, 2020 outlining Sections or Chapters revised.

NEW BUSINESS/A. To consider acceptance of zoning applications electronically, as per the Governor's Executive Orders pertaining to the COVID 19 pandemic:

First Selectman Bowsza noted that Governor Lamont has issued Executive Orders which include restrictions on social distancing, and as municipalities have tried to adjust to that the Governor has set guidelines under Section 19 of Executive Order 7I which allows the Planning and Zoning Commission (PZC) to accept applications electronically. First Selectman Bowsza noted this is an exception to the Board of Selectmen, as the governing body of the Town, but in this case this Executive Order enables the PZC to act as the governing body to accept Zoning Applications. First Selectman Bowsza suggested the Commission might consider approving this Executive Order.

Chairman Ouellette indicated he was in favor of this Order.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

8

Commissioner Thurz concurred, noting that he currently submits Zoning Permits online in Enfield; the Town gets its money instantly via payment by credit card. First Selectman Bowsza reported East Windsor is switching its permitting provider July 1st; people will be able to submit permit requests online and also track the status of their permits.

Commissioner Gobin felt the electronic submissions is a great improvement. She, too, would like to see East Windsor offer online permitting for property work.

Commissioner Kowalski suggested the only problem he could see would be proof of ownership. Chairman Ouellette suggested the applications would be submitted electronically to a secure mailbox. Discussion followed regarding the ability to submit plans/maps.

Commissioner Zhigailo agreed with the recommendation, although she, too, cited concern for the ability to receive plans.

Commissioner Gowdy agreed with Commissioner Zhigailo.

Commissioner Sullivan felt that in this time of public concern the Towns must do things that may be unorthodox with the application process; we can't stop doing business.

Chairman Ouellette indicated he supported this recommendation but questioned what happens when the Executive Order ceases? First Selectman Bowsza indicated the State isn't changing the application process; it's just suspending the current regulation requirements. He suggested he's seeing indications from staff that this may be a more efficient way of doing business. He noted he has staff in five separate locations but can now aggregate them under the ZOOM meetings so there are some adaptations that may stay around. First Selectman Bowsza suggested the municipalities may see continuing Executive Orders going forward. He indicated it's important to keep the economic activity going.

Chairman Ouellette queried the Commission regarding their intention for this recommendation.

MOTION: To ACCEPT Zoning Applications electronically per the Governor's Executive Order pertaining to the COVID 19 pandemic.

Kowalski moved/Thurz seconded/DISCUSSION: None.

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)**

OLD BUSINESS/A. Site Visits:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

9

Chairman Ouellette indicated he had no Staff report for this evening.

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

Terri Hahn, of LADA, P.C. Land Planners, joined the Commission for continuing discussion of the Warehouse Point Stormwater Management Plan. Mrs. Hahn indicated she's approaching the end of the study; she needs feedback from the Commission to complete the project. Mrs. Hahn reviewed the following plan updates with the Commission:

Future Use and Density Plan: This plan now includes the potential zone changes for this end of Bridge Street, and now reflects the clover leaf which provides access to I-91 north and south. The Commission considered if the permitted uses should parallel those allowed along Prospect Hill Road/Route 5, or should they reflect the uses of the village concept. Should the zones within the Warehouse Point Village mirror those along Route 5, or be new zones?

Commissioner Kowalski felt the Commission should continue the Special Use Permit process as it gives the Commission the ability to guide development. Chairman Ouellette noted the uniqueness of terrain along Route 5 provides the potential for uses seeking to benefit from the visibility of that location, while this area is more village oriented. Commissioner Zhigailo cited the current conditions related to the coronavirus; she suggested drive-through uses might be appropriate for this area. Commissioner Gowdy was ok with the addition of drive-through uses; Commissioner Kowalski wasn't opposed as long as traffic studies supported the uses.

Chairman Ouellette questioned the Commissioners how they felt regarding separate zones, or similar zones reflecting the current permitted uses under the HIFZ? Commissioners Gowdy and Kowalski felt the areas should reflect separate zones. Chairman Ouellette questioned what the new recreational zone, which includes the Sports Dome, would allow if the Sports Dome didn't exist? Mrs. Hahn noted it's a large flat area; it could be offices. She suggested commercial recreational uses would be for-profit uses. The Commission will need to define that use.

Updated Proposed Zoning Map: Mrs. Hahn suggested this map reflects the proposed mixed uses along the Bridge Street frontage going up the hill across from the Children's Place; the farmhouse architect of the dwellings is maintained. The zone continues behind the farmhouses, and could include "heavier" uses to the rear. The Commission is ok with this map.

Concept Drawing of South Water Street: This concept drawing shows the dwellings along South Water Street lifted up out of the flood zone. The living space would be on

the second floor of the dwellings; parking or garages would be under the dwellings. The dwellings have also been moved back 10 or 15 feet to provide an area for a sidewalk and bike lane.

Mrs. Hahn noted the Commission had discussed promoting 3 story dwellings. The Commission discussed the proposed building height, and its affect on visibility from adjacent streets. Mrs. Hahn suggested raising the dwellings to a third level in this location would obstruct the views from Dean Avenue, but would provide additional dwelling units to increase revenue. Commissioners Gowdy and Sullivan and Chairman Ouellette liked the concept as presented.

Commissioner Zhigailo questioned if moving the dwellings back impacted use of the rear yards? Mrs. Hahn noted these lots are fairly deep. She moved the dwellings back as the Commission had wanted to discourage parking on the street.

Phase I, Intersection of Bridge and Water Streets, looking towards Windsor Locks:

Mrs. Hahn reported this concept drawing is based on discussions between the Windsor Locks Town Planner and Town Planner Flores-Marzan. This concept shows a dedicated bike lane crossing the bridge from Windsor Locks, and continuing down South Water Street. A crosswalk is provided some distance down South Water Street rather than at the road intersections.

Chairman Ouellette noted there is a stop line on South Water Street where vehicles line up at the light at Bridge Street; would the proposed crosswalk conflict with the area where vehicles would be stacked up waiting for the traffic light? Chairman Ouellette questioned if that crosswalk would also be where pedestrians would be encouraged to cross? Mrs. Hahn indicated the proposed crosswalk is located about halfway down the block. It was her understanding this proposal came out of the discussions when a rotary was being considered for this intersection.

Bridge Street West, Option 1: This drawing reflects development potential based on a unified building plan; individual property lines are not considered for this concept. This option for development would look like one building but would have only one access along Bridge Street, which would reduce curb cuts. A second entrance could be provided off of North Water Street and run behind the proposed building to an area of shared parking.

Chairman Ouellette felt this option would be more difficult as it would require aggregating the properties. Commissioner Kowalski suggested it would require a large scale developer; Commissioner Thurz suggested this concept would require significant funding. Commissioner Gowdy liked the concept but felt it would be difficult to accomplish in the near future.

Bridge Street West, Option 2: This option includes the current access to the dwelling to the rear of Bridge Street; the concept also is based on existing property lines.

Chairman Ouellette had concerns regarding the current access. Mrs. Hahn suggested this proposal would be subject to DOT review.

Chairman Ouellette noted that both option 1 and option 2 depend on shared parking. Mrs. Hahn concurred, noting the need to be able to calculate the number of parking spaces allocated to each building. She suggested the Town could own the parking lot via a Parking Authority and would be responsible for insurance; the property owners would be responsible for maintenance of the parking area. Commissioner Sullivan indicated this proposal requires a lot of cooperation, or for all of the properties to be owned by one owner. Commissioner Kowalski suggested this proposal would require more up front investment but would also provide the property owner more revenue.

Bridge Street West – Option 3: This option shows the access on the north side of Bridge Street lining up with Dean Avenue. The street view is similar to Option 2, and also requires shared parking, and a maintenance agreement. Under this concept the building becomes a complex, with a shared street view but could be individual building units internally.

Commissioner Gowdy liked this option best. Commissioner Zhigailo liked this option and likes that the access lines up with Dean Avenue.

Chairman Ouellette questioned if the Commissioners had a preference, or would all 3 options be shown to the public? The consensus of the Commission was to retain all 3 concepts for public discussion.

Intersection of Bridge and North and South Water Street, looking from Windsor Locks:

This concept drawing shows a sidewalk along the street which is lower than the sidewalk closer to the building. There is a signature building on the corner of North Water Street, and a 3 story apartment building on the corner of South Water Street. Mrs. Hahn suggested perhaps the first floor of either building could be retail, with underground parking associated with the building on the corner of South Water Street.

Commissioner Zhigailo liked the architectural style of the buildings in this concept plan; Commissioners Gowdy and Sullivan liked the proposal as well.

Commissioner Sullivan questioned why the crosswalk couldn't be located at the intersection? Mrs. Hahn suggested the intent is for there to be a dedicated bike lane

which continues up South Water Street. Bridge Street lacks the room on the street to continue the bike path in that direction.

Intersection of Bridge and North and South Water Street, looking towards Windsor

Locks: This concept drawing shows the street view just before the intersection of Bridge and South and North Water Street, looking towards Windsor Locks.

Commissioner Gowdy questioned the amount of distance of the green space/lawn between the street sidewalk and the sidewalk closer to the buildings on the north side of Bridge Street? Mrs. Hahn estimated about 50 feet. Commissioner Gowdy questioned why the sidewalks couldn't be connected? Mrs. Hahn suggested that would require all the connections to be handicapped ramps because of the change in grade between the two sidewalk locations.

Town Hall Annex Renovation: This plan proposes for either the renovation of the existing building, or construction of new buildings at the current location of the Town Hall Annex. An interior parking lot is shown, which would be shared. Mrs. Hahn has suggested store fronts could occupy the first level along School Street. Additional parking could be shared with the convalescent home, and those individuals who currently park along Dean Avenue. A neighborhood park could be constructed at the corner of Dean Avenue and School Street. Mrs. Hahn suggested this would be a municipal project to some extent.

The Commission liked this proposal.

Public Participation: Mrs. Hahn indicated her original intent was to hold a public workshop at the end of May, 2020, and then prepare her final report. The COVID-19 outbreak has eliminated the ability for public gathering. Mrs. Hahn reviewed the following options:

- **ZOOM presentation with publication of public notice.** *Disadvantage* - public participation is not as prolific as the public workshops.
- **Conduct a Survey Monkey survey.** *Disadvantage* – surveys are generally question based and don't include the drawings/graphics; feedback is limited.
- **Prepare a more detailed survey, including drawings/graphics, and create a link for feedback.** *Disadvantage* – requires proficiency with technology.
- **Prepare a paper mailer to be sent to Warehouse Point residents; mailing would not require use of the internet.** *Disadvantage* – requires return of mailer to the Planning Office.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

13

- **Create a public access or ZOOM call in session.** *Disadvantage* – requires proficiency with technology.

Commissioner Gobin suggested including the presentation as part of a regular Planning and Zoning Commission meeting makes for a long period of time for people to listen. Commissioner Gobin cited the strong presence of a Facebook community within town; she suggested doing a Facebook blast to present the material and take comments in return. She also suggested doing the direct mailer to the property owners.

Chairman Ouellette didn't disagree with the Facebook approach but cited the ease for misinformation to become the information. He suggested with the traditional Public Hearing the Commission is able to control the misinformation. Commissioner Gobin suggested the Commission could use the Facebook presentation as an advertisement for people to participate in the ZOOM presentation.

Mrs. Hahn suggested the Commission mull the options to discuss for the next meeting. She'll look into other options, including a YouTube presentation.

OTHER BUSINESS/A. Increase in Town permit Application Fees by \$10 effective July 1, 2020 – information item, no action required:

Chairman Ouellette requested information on this item. First Selectman Bowsza reported the Town is initiating a new permitting process effective in July. The new provider includes a processing fee, which should be passed on to the permittee. This fee would be applied to Zoning Permits but the same fee would be applied to Building Permits as well.

Chairman Ouellette indicated he wasn't opposing the Town's choice of service provider but he questioned if the approval of the fees should be made by the Board of Selectmen. He noted the Commission had discussed fee changes often in the past under previous Town Planner Whitten; he questioned that the process might be a recommendation from the PZC to the Board of Selectmen. Chairman Ouellette indicated his question related to who has the final say regarding approval of the fees. First Selectman Bowsza reported that he also had thought the final approval should be made by the Board of Selectmen but he had been advised by Town Planner Flores-Marzan that this Commission should approve the fee increase; First Selectman Bowsza indicated he would research the Statutes regarding final approval. He noted the Town processes approximately 1500 permits annually; the additional cost would be costly for the Town.

Commissioner Thurz indicated he pulls permits in a number of towns; East Windsor's current fees are lower than surrounding towns. He suggested as a contractor, this is just the cost of doing business.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1778 – April 14, 2020
ZOOM Meeting ID 300 628 564
MEETING MINUTES**

14

First Selectman Bowsza noted that when was campaigning people told him they wanted more economic development. The Town is part of a customer service industry; staff needs to present a customer friendly face to the public. First Selectman Bowsza indicated he also wanted to review the current approval processes.

Chairman Ouellette indicated this was an informational discussion for the Commission; no action is necessary on the Commission's part. First Selectman Bowsza indicated he'd review the Statutes regarding the approval process.

CORRESPONDENCE: None.

BUSINESS MEETING/A. General Zoning Issues:

No one raised any comments or questions.

BUSINESS MEETING/B. Signing of Mylars/Plans: Approval Motion for Zone Change Approval, Gema Guanco, 143 Bridge Street:

Chairman Ouellette noted he didn't recall signing this approval motion for 143 Bridge Street but he noted the process has changed with the change in staffing levels. Commissioner Sullivan thought he had received a signed copy for his signature. Chairman Ouellette requested Staff review the status of this approval motion.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:04 p.m.

Sullivan moved/Gowdy seconded/DISCUSSION: None.

VOTE: In Favor: Unanimous (Ouellette/Kowalski/Sullivan/Thurz/Gowdy)
(No one opposed/No abstentions)

Respectfully submitted,


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

Attachment A – Town Planner Ruben Flores-Marzan's memo of March 6, 2020 outlining Sections or Chapters revised.



TOWN OF EAST WINDSOR

Planning & Development Department

11 RYE STREET, BROAD BROOK, CT 06016

Tel.: (860) 623-6030

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Rubén Flores-Marzán, AICP, Director/Town Planner
DATE: March 6, 2020
SUBJECT: **Proposed Text Amendments to Zoning Regulations – Alcohol Sales (PZ-2020-02)**

The East Windsor Planning & Development Department staff presents herein proposed text amendments to the adopted zoning regulations concerning alcohol sales. Per Chapter 124, Zoning, of Connecticut's General Statutes (CGS) and Capitol Region Council of Governments (CRCOG) guidance, a public hearing to discuss this matter shall take place on April 14, 2020.

List of Proposed Zoning Regulations Text Amendments

Table of Contents

Page 4, Chapter V – Business and Industrial Districts, Section 504.7

- Delete text so it reads "Alcohol Sales" instead of Alcoholic Beverages

Page 6, Chapter VIII – Special Regulations

- Add text so it reads "CHAPTER VIII SPECIAL REGULATIONS"

Page 7, Section 805, Alcoholic Beverages

- Delete text so it reads "Alcohol Sales" instead of Alcoholic Beverages

Chapter II - Interpretation

Page 13, Section 203 – Definitions

- Add definition of "Alcohol Sales"
 - ALCOHOL SALES: The sale or manufacture of alcoholic beverages, at wholesale or retail, for consumption either on or off the premises.

Chapter V – Business & Industrial Districts

Page 41, Chapter V, Section 502 – Permitted Uses in Business & Industrial Districts

- Delete language from footnote number (2) under "Notes to Permitted Uses in Business & Industrial Districts" so it reads "See Chapter VIII"

Page 48, Section 504.7 Alcoholic Beverages

- Delete the header so it reads "Alcohol Sales" instead of Alcoholic Beverages
- Add "catering establishments, commercial recreation (specifically including, without limitation, casinos)" and delete "the sale of alcoholic beverages for on premises consumption" so it reads "Buildings and premises used for hotels, conference centers, catering establishments, commercial recreation (specifically including, without limitation, casinos), and restaurants may be used for in accordance with Section 805 except that such proposed uses in the HIZ shall be exempt from the dimensional requirements set forth therein."

Chapter VIII – Special Regulations

Page 93, Section 805 Alcoholic Beverages

- Delete header so it reads "Alcohol Sales"
- Delete "The sale or manufacture of alcoholic beverages, at wholesale or retail, for consumption either upon or off the premises" and add "per Section 502" to the first sentence of the section so it reads "Alcohol sales shall be permitted only by Special Permit per Section 502 subject to the following regulations:"
- Delete from 805(a) the word "use" and "public place of worship, charitable institution, hospital, convalescent home, cemetery, library, public playground, or any municipal building." so it reads "No alcohol sales shall be permitted within 500 feet of any public or private school (defined as: the instruction of children under 18 years of age and giving instruction at least 3 days a week for 8 or more months a year) or daycare center."
- Add "the" and "main entrance" to 805(c) so it reads "The required minimum distance shall be determined by the two nearest main entrance points of both properties as measured on the Town Assessor's Maps."
- Delete 805(c), 805(e), and 805(f) as these are redundant and somewhat confusing given that Section 502 – Permitted Uses in Business & Industrial Districts already provides the necessary guidance to implement the purpose and intent of the zoning regulation for uses in the Business and Industrial zoning districts.
- Re-label 805(g) so it reads "805(d). All live or amplified entertainment/music must be approved for the site with the special use permit to ensure that noise pollution is avoided. Jukeboxes may be permitted provided that noise does not disturb the neighborhood. (amended/effective 7/28/14)"
- Add 805(e) so it reads "805(e). All sales or serving of alcoholic beverages are subject to the requirements of the Liquor Control Act of the State of Connecticut."
- Add 805(f) to the last paragraph in the Section so it reads "805(f). Temporary liquor permits for non-profit or non-commercial organizations may be granted by the PZC Commission as a zoning permit, providing the sales are limited to no more than 4 calendar days per year for any organization and that all other applicable zoning, building, fire, State and other codes are satisfied. Once a site has been approved, permits may be granted administratively. Should the property change ownership, a new permit must be sought. (amended/effective 7/28/14)"

Findings of Consistency with the Plan of Conservation and Development (POCD)

Per Connecticut General Statutes (CGS), Chapter 124 Zoning, Section 8-3, the proposed text changes to the zoning regulation are consistent with the East Windsor Plan of Conservation and Development (POCD) in the following areas:

- Overall Visions for East Windsor's Future (page 2): "Economic development must be retained and expanded to support the community with services, jobs, and taxes, while remaining sensitive to the community's environment and quality of life."
- Growth Management Principle # 6 (page 4): "Promote integrated planning across all levels of government to address issues on a statewide, regional and local basis."
- Highlighted East Windsor Objectives (page 5): "The POCD encourages adopting a village district designation or other zoning amendments to protect and enhance the historically mixed-use centers at Warehouse Point and Broad Brook." "...The current town plan identifies distinct areas along the corridor and establishes a coordinated system of goals for the future zoning and design of these areas. These areas include a northern and central business corridor, each of which will have an emphasis on developing a mix of retail, office, hospitality and restaurants."
- Chapter 2 – Conserving Community Resources (page 7): The Town of East Windsor is in the unique position of being able to continue to preserve our rural character, particularly east of the Scantic River, while promoting economic development along the business corridors."
- Commercial Development – Business Strategies and Actions (page 47): "Encouraging development that provides economic benefit to the Town is one of the basic visions of this plan. The Town should pursue several land use policies and structural options that will complement economic development efforts."
- "Revise Regulations (page 49): Consider revisions to regulations to make development more streamlined."
- Principles and Standards for Business Development (page 51): "2. A variety of uses is desirable. A variety of uses can: a.) help avoid a "cookie-cutter" or monotonous appearance; b.) generate activity day and evening, weekdays and weekends, all seasons of the year, and; c.) collectively draw in more customers to patronize many of the businesses, which in turn could spur additional businesses (e.g., an office building that draw workers could spur the demand for a restaurant or services)."
- CRCOG Regional Plan – Workforce Trends (page 55): The CRCOG Regional Plan concludes that millennials, now entering the workforce, "will be looking for compact, walkable, mixed-use communities with a selection of restaurants, shops, services and cultural amenities."
- Redefine Commercial Zoning (page 57): "...In retrospect, the regulations have made it difficult for businesses to establish themselves..." "c.) Modify the zoning regulations accordingly."
- Primary Strategy: Improve Municipal Economic Development Capability (page 61): "Action – Consider new approaches to commercial development: 1.) Investigate and develop public-private partnerships whenever possible; 2.) Work with business owners to devise strategies for development; 3.) Develop guidelines of permitting processes for new technologies and businesses to utilize."

Findings of Necessity to Amend the Zoning Regulations

Per Connecticut General Statutes (CGS), Chapter 124 Zoning, Section 8-3(c), the proposed text amendments to the zoning regulations are necessary for the following reasons:

- Zoning regulations must promote public health, safety and general welfare. Whenever there are potential issues in their application and interpretation, it is incumbent for planning staff and the town's regulatory bodies to periodically amend its zoning regulations so these continue to serve their general intent and purpose.
- Zoning regulations enhance and protect the value of property. Thus, it is in the best interest of the community for its planning staff, boards and commissions to regularly examine the effectiveness of zoning regulations in enhancing and preserving property values.
- In the past, there has been some conflicting views with the adopted language in the zoning regulations concerning alcohol sales. The proposed zoning text amendments seek to clarify such language so it is easier to understand for those interested in pursuing business opportunities that involve the sale of alcohol.
- Clear, easy to interpret zoning regulations reduce interpretation conflicts that may translate into issues between regulators and property owners.
- More concise, clear zoning regulations in place allow the Town to fairly evaluate applications, therefore ensuring an ethical, honest consideration of these based on the applicable regulatory framework and the respective merits of each development proposal.