

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

**REGULAR Meeting #1784 #1785
July 28, 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*******

Vice Chairman Sullivan called the July 28, 2020 Regular Meeting #1784*of the East Windsor Planning and Zoning Commission to Order at 6:35 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. **(PLEASE NOTE:** Later in the Meeting it became apparent that the meeting number had been incorrectly identified on the Agenda as #1784; these Minutes are actually representative of Planning and Zoning Regular Meeting #1785)

PRESENT: **Regular Members:** Dick Sullivan (Vice Chairman), Michael Kowalski, Tim Moore ,and Jim Thurz.
Alternate Members: Anne Gobin, Frank Gowdy, and Marti Zhigailo.

ABSENT: Regular Member Joe Ouellette unable to attend this Meeting.

Also present was Town Engineer Norton, and Operations Manager Joe Sauerhoufer.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Selectman Muska, and Selectman Nordell. Also present were Jay Ussery, of J. R. Russo & Associates, Reinhard Von Hollander, of Windbrook Homes, LLC, Terri Hahn, of LADA Land Planners, LLC.

Public: Cheryl Alaimo, Heidi M. Alexander, Maureen M. Duclos, Jason Hoyt, Vanessa Landolina, Ryan McEleney, Michael Maciorowski, Emanuele Mangiafico, Andre Motulski, Nicole Motulski, August Phillips. Other members of the public joined the teleconference but identified themselves with only first names or nicknames, and did not take part during public participation.

ESTABLISHMENT OF QUORUM:

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A quorum was established as four Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Vice Chairman Sullivan requested Alternate Member Gowdy to join the Board regarding discussion and action on all items of business this evening as well. Commissioner Gowdy agreed, noting he had read the Minutes of the previous meeting and felt he was prepared to participate in discussions to be held this evening.

LEGAL NOTICE:

The following Legal Notices were read by Vice Chairman Sullivan:

LEGAL NOTICE

EAST WINDSOR PLANNING & ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, August 11, 2020 at 6:30 p.m. at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT, with the following public hearing to be heard:

PZ-2020-14 Application from 32 North Road LLC for Special Use Permit for autobody work in respect to restoration at 32 North Road, Map 113, Block 17, Lot 003A, Zone District: M-1.

Copies of the above application are available at the Planning & Development office. All interested persons may appear and be heard.

Dated July 29, 2020, East Windsor, CT

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: July 30 and August 6, 2020

ADDED AGENDA ITEMS:

Town Engineer Norton requested to advise the Commission of a call he received; he questioned if the discussion should occur as an Added Agenda Item? Vice Chairman Sullivan suggested Town Engineer Norton explain the situation.

Town Engineer Norton reiterated that he had received a phone call from someone who would like to place a mobile home on a private parcel and live in the home. He noted

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he's been researching the issue and felt perhaps the person could situate the mobile home on the parcel, if he met the minimum lot requirements. Vice Chairman Sullivan indicated he had not run into that situation while on the Board. Commissioner Thurz recalled the Commission had discussed allowing tiny homes to be placed on lots in addition to the main home. Commissioner Moore felt the homes in the discussion referenced by Commissioner Thurz were to be considered something like in-law apartments, not as the primary home. Town Engineer Norton indicated he felt like the person who called owned a larger parcel, and wanted to place a mobile home on the property. He had asked if the person planned to remove the wheels from the mobile home after placing it on the lot, or would it be a manufactured home? Town Engineer Norton suggested he really didn't get a clear answer.

Commissioner Gowdy questioned Mr. Ussery of J. R. Russo & Associates, if he was familiar with the request? Mr. Ussery felt that mobile homes are only allowed as temporary structures to use as residential units for situations such as a fire in the main home which would require relocation of the residents during renovations.

Vice Chairman Sullivan questioned if the person would hook the mobile home up to the sewer? Town Engineer Norton suggested the mobile home would require all the utilities of a standard home – sewer or septic, well or public water, electrical service.

The Commission suggested Town Engineer Norton research the situation further and bring the discussion back to the Commission's next meeting.

PUBLIC PARTICIPATION:

Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda.

First Selectman Bowsza requested to update the Commission on the staffing levels currently within the Planning Department. He noted that the ZEO resigned in April, and the Town Planner resigned two weeks ago. The first round of interviews for the ZEO position occurred today, and yesterday the Board of Selectmen gave First Selectman Bowsza authorization to hire a consulting firm to provide some professional continuity to the Planning Department without overburdening Town Engineer Norton and Operations Manager Sauerhoefer; the consulting firm can also develop best management practices for the department moving forward. First Selectman Bowsza suggested it may take four to five months; they are taking the staffing issue seriously.

No one else requested to speak under Public Participation.

APPROVAL OF MINUTES/July 14, 2020:

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MOTION: To APPROVE the Minutes of Regular Meeting #1784 dated July 14, 2020 as presented.

Thurz moved/Moore seconded/DISCUSSION: Commissioner Kowalski noted the agenda for the current meeting carried the same meeting number. See note regarding clarification of Meeting number under Call to Order. Commissioner Thurz confirmed his motion as presented is correct.

VOTE by show of hands: In Favor: Sullivan/Gowdy/Moore/Thurz
Opposed: No one
Abstained: Kowalski

RECEIPT OF APPLICATIONS:

Vice Chairman Sullivan noted the following new application to be received:

- **PZ-2020-14** Application from 32 North Road LLC for Special Use Permit for autobody work in respect to restoration at 32 North Road, Map 113, Block 17, Lot 003A, Zone District: M-1.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS/A. PZ-2020-09 – Broad Brook Meadows Resubdivision – Applicant: Windbrook Homes, LLC. – 15-lot residential subdivision. Property located at 131 Depot Street, corner of Depot Street and East Road; property owned by Sheila Sharos. R-3 Zone. Map 99, Block 53, Lot 005:

Vice Chairman Sullivan read the description of this item of business. Jay Ussery, of J. R. Russo & Associates, representing the developer, Windbrook Homes, joined the teleconference.

Vice Chairman Sullivan queried the Commissioners for additional questions on the previous discussion, or if they had any new comments.

Commissioner Thurz cited receipt of the letter from Marek Kement regarding information presented for this proposal; he questioned if Mr. Ussery wanted to respond to Mr. Kement's comments? Commissioner Moore noted he received a memo this afternoon that Tim Coon, also of J. R. Russo & Associates, had responded to Mr. Kement's letter, which covered some of the issues, except for the environmental report.

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Commissioner Gowdy and Vice Chairman Sullivan indicated they received Mr. Coon's memo as well.

Vice Chairman Sullivan suggested he was satisfied with Mr. Coon's response.

Commissioner Gowdy indicated he was satisfied with Mr. Coon's comments as well. Commissioner Gowdy noted Mr. Kement had suggested a Phase I Environmental study should be done on the property to test for contamination, if, in fact, the property is contaminated. Commissioner Gowdy noted the developer has agreed to put in public water to the subdivision; he questioned if the concerns for contamination might be less because of the availability of the public water, and if there is any contaminated soil.

Commissioner Moore questioned if Mr. Kement's concerns may be addressing something like the development of the Hyundai plant in South Windsor. Commissioner Moore indicated they found contaminated soils during construction and all the contaminated material had to be removed from the site and burned, or buried at the site. Commissioner Gowdy and Vice Chairman Sullivan felt the Phase I Environmental study should be required.

Mr. Ussery indicated that was the one point not addressed by Mr. Coon in his response letter. He indicated he was prepared to discuss that when the Commission felt it appropriate.

Commissioner Gobin noted that the Commission discussed the extension of public water to the site, she questioned if there was a need to discuss fire service? She questioned if the Fire Marshal had been contacted? Town Engineer Norton suggested that any time public water is being extended the Fire Marshal is consulted, and they will recommend if they want another fire hydrant or not. Town Engineer Norton felt there may be a fire hydrant near the intersection. Mr. Ussery reported there will be a fire hydrant on the extension going down East Road. He suggested Town Engineer Norton is correct, it would typically be as close to the end of the extension as they can get. Mr. Ussery indicated he also felt the Fire Marshal will want to review the plans, as he may want another hydrant across the entrance to Sullivan Farms because Sullivan Farms doesn't have city water. Staff advised the Commission that the Fire Marshal had been contacted at the beginning of the application process; ***Town Engineer Norton suggested the revised plans with the extension of the water main should be referred back to the Fire Marshal for a subsequent review.***

Commissioner Moore referenced page 30 of the Plan of Conservation and Development (POCD), noting that approximately 80% of the town is zoned for residential development. Commissioner Moore felt ***the Commission should consider the POCD recommendations*** as well as taking into consideration public comments. Commissioner

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Gowdy suggested the POCD is a guide; it's not the bible for development. Commissioner Gowdy cited he wasn't advocating for this proposal either way, but he felt the Commission should review this application objectively regarding what the landowner wants to do with their land and what the surrounding community wants.

First Selectman Bowsza noted he had received a long email from a neighbor, which he sent to the Commissioners, and which he wanted to be incorporated into the record (See Attachment A). Vice Chairman Sullivan concurred; the email will be included in the Public Hearing record. The Commissioners questioned that they had received the correspondence; First Selectman Bowsza indicated he had referred the email late this afternoon. The Commissioners indicated they had not had an opportunity to read the email; Town Engineer Norton suggested it was an email from Maureen Duclos, which appeared to be a synopsis of the comments made during the Public Hearing at the previous meeting. He noted it contained 16 items; he suggested it could be read into the record and considered during the deliberations.

Audio during the meeting is distorted; multiple conversations are occurring at the same time. Commissioner Gowdy requested to address the public. He requested that those individuals tuned in to the meeting mute their microphones while others are speaking. Other conversations are occurring at the same time which contain background noise, making it difficult for the Commission to hear the person speaking.

Maureen Duclos, 149 Depot Street, requested to speak, she identified herself as the person who submitted the email the Commission was just discussing. Ms. Duclos questioned if the public would get to hear the questions that Commissioner Moore is commenting on to see if they have more to say as well?

Ms. Duclos cited that with regard to concerns regarding the contamination, she suggested that while they're digging it will be up in the air and she has asthma, as do others in the neighborhood, so it's a huge concern for her. Commissioner Gowdy questioned that she knows it will go into the air? Ms. Duclos suggested she's seen digging before and has seen the particles going across the air so she assumes the particles will go up into the air as well. Commissioner Gowdy suggested that was another reason to request an environmental study be performed.

Mr. Ussery requested to speak. He noted that he's done research on the single family subdivisions in East Windsor over the past couple of decades; he didn't see requirements for soil tests on the other subdivisions, including those where there was no public water proposed. The subdivisions he researched were all built in agricultural areas; he suggested there isn't much in East Windsor that hasn't been farmed at one time. Mr. Ussery suggested this issue came up before Mr. Von Hollander became involved with the property. Mr. Ussery reported he had discussed this property with other developers prior

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to Mr. Von Hollander's interest. He suggested the biggest concern has always been the edbs because of tobacco farming. Mr. Ussery reported he had a discussion with Mike Caronna (North Central Health District) who said there was city water available on Depot Street. Mr. Caronna was aware of the edb problems; he indicated he would make the recommendation to bring city water down East Road. Mr. Ussery reiterated they've done that. In terms of the Health Department their biggest concern was the drinking water.

Regarding the dust concerns during construction, Mr. Ussery suggested the dust that comes off the row crops of the commercial farms is much more than that which would come off a single family residential subdivision. Once the subdivision is built the dust issue will go away, the properties will have lawns instead of open fields. Mr. Ussery noted that Sullivan Farms, across the road, was built on a farm property; they don't have city water. The developments further up on the east side of East Road were built on farm properties; they have city water. Further up East Road on the west side near the brook was another piece of agricultural land developed 10 or 12 years ago; no city water. Perri Lane, Skinner Road, Pierce Lane – they're all part of the Sargent farm, the same farmers we're talking about here, the same activities, the same crops; it was all the same. Mr. Ussery reiterated the developer is installing the public water; they're not using wells. He suggested typically, this isn't a concern with city water. Mr. Ussery indicated as far as they know there are no issues, but he felt the developer wouldn't be adverse to doing a Phase I Environmental study if that was the Commission's preference.

Maureen Duclos, 149 Depot Street: Ms. Duclos indicated they're not disputing the use of the property as farmland. She suggested they know more about chemicals now. Ms. Duclos indicated she and Ms. Alexander have lived at their property for about 5 years, and in that time the land was only farmed for one year since they purchased their home. They connected to city water because of that. Ms. Duclos suggested their concern is dust in the air during the construction period, which could go on for some time for the development of 15 lots. Mr. Ussery suggested the continued farming for decades to come will create more dust issues than construction of any single family subdivision.

Ryan McEleney, grandson of the seller, and great great grandson of the original property owner: Mr. McEleney reported he lives across from an active farm being developed with four times the number of lots being proposed here. Mr. McEleney indicated he appreciates the concerns of the public; he requested to bring up a couple of additional points for consideration.

Mr. McEleney indicated he supports the questions regarding the health implications of the dust and dirt. He felt this isn't the first time that question has been brought up and felt there was science out there to answer those questions vs continuous delays based on unscientific conjecture. The property hasn't been farmed for several years, something has to be done with it, this isn't just sitting vacant for scenery for public use. This is

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about his 85 year old grandmother waiting for a year and a half for a contract to close on this property and, out of respect, going through the steps necessary to close; it was on the market to be available to the neighbors and the farmers. Mr. McEleney suggested it's important that this is handled correctly for the public and the people on the other side as well, and not delay action because of any claim that can't be proven otherwise.

Andre Motulski, 148 Depot Street: Mr. Motulski cited there's been a lot of discussion that the soils aren't an issue because they are putting in city water, but there are several homes in close proximity that are not on city water. After the last meeting it was said drainage wasn't an issue because capping the soil would actually reduce runoff, and if the water isn't running off it's likely sinking in. At the same time, they'll be digging foundations and working the soil deeper down into the earth; he has concerns how that will affect his water table? The water doesn't just come from under his property; this farm is very close. Mr. Motulski is concerned the edbs in this well will exceed the limits of his filter. He suggested they're saying that water is available, that comes at a cost, and it's not just \$20. Mr. Motulski is concerned about his current well. Those 15 lots are not in isolation, there are several properties around them, many of which are still on wells.

Nicole Motulski, 148 Depot Street: Mrs. Motulski reported that when you guys do start digging the wind is insane, it's a dust storm. It's the chemicals that concern her; they're going to go deeper, they'll be on her kid's pillows, on her dishes, it's going to be everywhere; it's going to be airborne. Mrs. Motulski suggested it's not rocket science that chemicals cause cancer so what happens in 15 years when we're still developing these homes. The houses being built doesn't bother her, the view doesn't bother her, it's the chemicals for her family that bothers her. Commissioner Gowdy questioned if Mrs. Motulski's questions would be answered if a soil scientist and the appropriate people did a test? Mrs. Motulski replied she knows the answer that it's not safe, the chemicals have been in the ground for decades; it doesn't just disappear. You're digging deeper and deeper; it's just going to seep deeper into her well Mrs. Motulski suggested this will cause harm to her family; she knows it will; to say that it's not is silly. Commissioner Gowdy indicated he wasn't saying that, but he gets the impression that no matter what the developer wanted Mrs. Motulski wouldn't be satisfied.

Andre Motulski, 148 Depot Street: Mr. Motulski countered they weren't saying that, but he would like the report to address specific wells in the area. Will it cause issues, not just for those 15 lots being proposed that will be on city water. Commissioner Gowdy requested clarification that Mr. Motulski presently has a well that has edb in it, as Commissioner Gowdy has, and it's being filtered and the State comes in and they test it and you're satisfied with the results that your water isn't contaminated but he's getting the impression you wouldn't be satisfied if that same organization said there was no problem, or there is a problem. Mr. Motulski cited his concern is that 8 months down the

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road the State comes in and says the filtration system wasn't enough; they're not actively monitoring it on a daily basis, and the capping and the digging the soil can cause the concentration to increase is what he's concerned with; he wouldn't know until after the fact.

Vice Chairman Sullivan clarified that it's been established that the soil may be contaminated, and by working on the soil it may cause a problem. He queried the audience for additional comments.

August Phillips, 130 Depot Street: Mr. Phillips felt that after the test is done that should tell you everything you need, and what will be a problem. He suggested the water goes downhill the other way anyways. Mr. Phillips didn't feel it would be a problem if this development went through with the 15 homes with this developer. Mr. Philip's audio was breaking up, Vice Chairman Sullivan noted the Commission was unable to hear if he had additional comments.

First Selectman Bowsza requested to advise the Commission that the Board of Selectman has approved use of the Developer's Agreement as a contract between the Town and developers so if the Commission moves forward that should be a condition of their approval. Vice Chairman Sullivan concurred.

No one else requested to speak.

Commissioner Kowalski felt the Commission was looking at a subdivision approval, not a site development approval. He felt there were things that would need to be done in the future to develop and get Building Permits. He felt the time to get the environmental study may be at the point that the developer is getting Building Permits for the lots. He felt the Commission was getting ahead of itself. Vice Chairman Sullivan concurred, especially since this is going to be a lot by lot subdivision. Commissioner Kowalski felt it's not a single one development plan coming forward.

MOTION: TO CLOSE THE PUBLIC HEARING on for the application of Windbrook Homes, LLC for a resubdivision of a 15 lot residential subdivision and a Special Use Permit to allow three rear lots and the waivers to Sections 2.11.3 - sidewalks, Section 5.7 - landscape design, and Section 6.5 to the subdivision regulations, property located at 131 Depot Street, corner of Depot Street and East Road, property owned by Sheila Sharos.

Kowalski moved/Thurz seconded/DISCUSSION: None.

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

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Commissioner Kowalski noted the Commission needs to consider additional conditions; he suggested Condition #24 will address the Developer's Agreement. He questioned how that would be applied to the Subdivision approval process?

First Selectman Bowsza suggested the Developer's Agreement was accepted by the PZC two weeks ago and approved for use by the Board of Selectmen two days later. The agreement codifies and outlines the obligations of the developer as the process moves forward, including posting of adequate security to protect the Town's interest as the development unfolds. The PZC incorporates the agreement into the approval process, while the Board of Selectmen is the contracting authority. The template previewed by this Commission requires the Town Engineer to do assessments as to what the security needs to be at the outset, and then the Planning Department to review that security on an annual basis with the Town Engineer to ensure what is securitized is sufficient to cover the cost of completion. So, the Town Planner and the Town Engineer will need to make a determination as to what the security obligations are, and then that template will be signed by the developer and approved by the Board of Selectmen. Commissioner Kowalski questioned if a condition stating "that the applicant will comply with all aspects of the Town's Developer's Agreement" would cover the Town's needs; First Selectman Bowsza concurred. Vice Chairman Sullivan suggested the Developer's Agreement in its entirety should be part of the application approval. Commissioner Kowalski suggested the Developer's Agreement will then need to become a standard condition for subdivisions going forward; Vice Chairman Sullivan concurred.

Commissioner Thurz suggested Condition #25 should be added regarding the Fire Marshal's review and recommendation related to the number of fire hydrants necessary to serve this area, as mentioned earlier by Mr. Ussery

Commissioner Gowdy noted the developer has requested various waivers; Vice Chairman Sullivan cited the waivers include Section 2.11.3 regarding sidewalks, Section 5.7 regarding landscaping design, and Section 6.5 regarding streetlights.

Vice Chairman Sullivan opened discussion to the Commission regarding the waiver requests.

Commissioner Moore indicated he wasn't really comfortable with the subdivision as proposed.

- ***Waiver for landscape architect:*** Commissioner Moore felt to cut out the requirement for a landscape architect was a disservice to the town. Commissioner Moore suggested a lot of Town and community planning falls under that, you need to offset open space with the buildings; without the input from a landscape architect he felt the development will be out of place.

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- ***Waiver of street lights:*** Commissioner Moore also felt there should be another street light along the road for safety purposes. He noted there's already one on the corner, but with the 15 new houses he felt an additional street light would be a benefit to the Town.
- ***Waiver of sidewalks/Fee-in-Lieu of same:*** Commissioner Moore cited if the sidewalks are not built then the developer should be contributing 60% of the cost of the sidewalks elsewhere in town.

Vice Chairman Sullivan indicated that when reading Mr. Kement's letter and Mr. Coon's response the waiver of sidewalks would give the Town slightly less than 4 acres of land. He cited the need to balance sidewalks to nowhere vs. 4 acres of land maybe in the middle of nowhere.

Commissioner Gobin:

- ***Fee-in-Lieu of Open Space vs Open Space:*** Commissioner Gobin cited she recalled the comments made by the public regarding how valuable the area is as a wildlife habitat, she questioned if the North Central Land Trust would be interested in a 3 ½ acre parcel to maintain for open space. She questioned if anyone had approached them?

First Selectman Bowsza:

- ***Sidewalks:*** First Selectman Bowsza reported that the sidewalks under discussion are not that far from where the connectivity trail is going to be. First Selectman Bowsza suggested that in the Spring of next year we're doing a walking loop from Perri Lane, down Depot Street, up Main Street, up Reservoir – there isn't much distance missing between the subdivision and the northmost corner of that trail. Town Engineer Norton reported the Town is proposing an aggressive sidewalk program in the area. He would be in favor of sidewalks but if the Commission was thinking of considering the waiver he would suggest taking the Fee-In-Lieu of the proposed sidewalks.

Commissioner Gowdy:

- ***Sidewalks:*** Commissioner Gowdy indicated he isn't in favor of sidewalks to nowhere, but in this case, with the topography on the street and people walking and biking he would be in favor of sidewalks in that development.

Commissioner Moore

- ***Fee-in-Lieu of Open Space:*** Commissioner Moore questioned if the developer was offering a Fee-in-Lieu of open space? He felt the wetlands in the rear of the property was unusable; he questioned if the wetlands would qualify for open space. Commissioner Moore indicated he felt open space was to be a lot out of

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the subdivision. Town Engineer Norton felt the developer was offering a Fee-in-Lieu of open space at \$2,000 per lot. Commissioner Moore questioned if the Town would be allocated 3 ½ lots, which would reduce the amount of the subdivision, or would it be back land that was unusable and the Town would have to maintain? Commissioner Thurz suggested it's usually the back land that's unusable. Commissioner Moore cited as the agency who's supposed to be concerned with the health and safety of the town, could the acreage be located in the corner and maintained as a small park where the neighborhood kids could play?

Discussion followed regarding the Commission's previous decisions regarding open space allocations. Commissioner Kowalski cited the Commission more recently has favored the Fee-in-Lieu option rather than accepting postage stamp parcels that the Town then has to maintain. – unless the open space offered was contiguous with other open space that the Town owns. Commissioner Gowdy and Vice Chairman Sullivan agreed; Town Engineer Norton cited a current example of a maintenance problem for an open space parcel; he suggested they're not feasible for the Town to maintain.

Selectman Baker concurred; the Town has taken many small parcels over time which become unusable. He felt the Fee-in-Lieu was the Commission's preference; he noted the Town recently conserved high quality farmland that will never be built on. He suggested that the money could then be added to the Open Space Fund, which has been depleted by previous purchases. Selectman Baker noted the open space can't be built on; it's not meant to be parkland, which the Town then has to maintain. Regarding this subdivision Selectman Baker suggested the wetlands at the rear of this parcel is open space; it harbors wildlife; there are environmental benefits associated with it. Selectman Baker suggested the Fee-in-Lieu of open space was probably the Commission's preference.

Commissioner Kowalski felt this proposal isn't a single development of 15 properties; it's going to go lot by lot and there is no guarantee it will be the same developer. Who is the onus put on for the sidewalks? The Town could be dealing with 15 lots and 15 developers; the lots will be sold off as individual building lots and the property owners could hire whoever they want to develop it.

Commissioner Gowdy felt that would be the developer's responsibility; if he wants to do it all at once he can. Commissioner Gowdy felt it shouldn't be the Commission's concern who builds the house or when they build the house, the Commission's concern should be it would be 15 lots eventually, and should there be a sidewalk there.

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Vice Chairman Sullivan felt that every front lot should have a sidewalk, except the rear lots. Vice Chairman Sullivan suggested that, personally, he felt sidewalks on Depot Street and East Road won't be used enough to make them worthwhile.

Commissioner Gowdy cited First Selectman Bowsza's comment about the potential sidewalk network. Commissioner Gowdy reiterated, in general, he's not in favor of sidewalks to nowhere, but from what he understands this would be a good deal to have sidewalks.

Vice Chairman Sullivan questioned First Selectman Bowsza how close would the sidewalks come to making the continuity? First Selectman Bowsza suggested he understood the distance would be about 250 feet, but requested that Town Engineer Norton clarify the distance. First Selectman Bowsza indicated he understood the loop comes to the top of Perri Lane, and the southwest of this development would be at the bottom of the hill. Commissioner Moore suggested it's a half mile from the corner of East and Depot Street to Perri Lane, and it's .15 miles from the end of the subdivision to Perri Lane. Town Engineer Norton calculated the distance to be less than 1000 - 1100 feet. Commissioner Moore concurred; it's less than 1000 feet. He felt people purchasing this subdivision would be from New York and would have kids and they would be used to sidewalks. Vice Chairman Sullivan requested clarification that the 1000 feet would be the total distance without sidewalks. Town Engineer Norton replied affirmatively, noting that would be the distance between the Perri Lane intersection and the most westerly corner on this development.

Commissioner Kowalski noted there are two private homes currently on Depot Street which would have no obligation to install sidewalks; then we would have segmented sidewalks. Vice Chairman Sullivan felt the Town owned some distance along all road frontage. Town Engineer Norton clarified that the Town owns a 50 foot right-of-way, which is measured 25 feet each side from the middle of the road. He questioned if installation of those two sidewalks would be the developer's responsibility or the Town's? Commissioner Moore suggested that equated to 400 feet of road frontage on the 2 houses combined, and there would be 2000 feet of road frontage the developer would have to put in if they went from the corner out to each boundary of the parcel.

Commissioner Kowalski reiterated his interpretation that this is just individual lots being sold off, it's not a traditional subdivision. We don't know the order of development, or who do you put the obligation on if you want to put sidewalks in in front of an existing property? Commissioner Moore questioned if this could be a condition of approval? Commissioner Kowalski felt this would be handled differently if a developer came before the Commission and said he wanted to build 15 houses. Commissioner Kowalski suggested there was no development plan at this point; it's just a plan drawing lot by lot and dividing the property up. Commissioner Gowdy noted this is one person coming

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before the Commission with this application, he questioned that isn't it the applicant's obligation to meet our requirements, no matter what he does? Maybe he'll decide to build them all at once. Commissioner Gowdy felt it's his obligation as the applicant to go by what the Commission says. Commissioner Kowalski suggested they're just dividing a piece of property. It would be the same as if you owned 2 acres next to your house and you wanted to split it into two 1 acre lots. You're not doing anything else than splitting up the land and putting it on the market; there's no development plan; all they're doing is cutting up the property into 15 pieces. Commissioner Gowdy felt he was considering a subdivision application but Commissioner Kowalski is saying it's not. Commissioner Kowalski felt there was nothing presented saying that there was a developer with a plan to put anything in there; he sees it that they're drawing lines on a map into 15 segments and then put it on the market as 15 available building lots. Commissioner Gowdy felt they were submitting this as a subdivision application.

Town Engineer Norton suggested this proposal is a little bit of a different situation. It's all frontage lots so you can require sidewalks. The Town would bond for the installation of the sidewalks, which would be part of the Development Agreement. It will be noted in the Development Agreement that there will be "x" number of feet of sidewalks; the bond will be held until the sidewalks are completed. You could do sidewalks when they sell individual lots, or tell the developer we want the sidewalks put in when they put in the water main, which would be when he puts in the first lot on East Road.

Mr. Ussery cited the Public Hearing had been closed but as the Commission was asking for additional information he concurred with Town Engineer Norton's assessment. Windbrook is the applicant/developer, and if the Commissions wants sidewalks it's his responsibility; he would have to put the sidewalks in. They would be considered a public improvement in the subdivision approval. They would be bonded and be part of the Development Agreement with this developer and they would have to be built.

Emanuele Mangiafico, Attorney for the seller, requested to speak regarding his input on the sidewalk issue. It was noted that the Public Hearing had been closed; the Commission can no longer take public input.

Vice Chairman Sullivan queried the Commissioners regarding their preference for the installation of sidewalks.

MOTION: To NOT APPROVE the request for a waiver for sidewalks under Section 2.11.3 of the Subdivision Regulations.

Kowalski moved/Moore seconded/DISCUSSION: See comments prior to vote.

VOTE by rollcall: In Favor of denying the waiver:

Gowdy/Kowalski/Moore/Sullivan/Thurz

(No one opposed/No abstentions)

Vice Chairman Sullivan queried the Commission regarding the request for the waiver of the landscape design.

MOTION: To DENY the request for a waiver for landscape design under Section 5.7 of the Subdivision Regulations.

Moore moved/motion failed for lack of a second.

MOTION: To APPROVE the request for a waiver for landscape design under Section 5.7 of the Subdivision Regulations.

Kowalski moved/Gowdy seconded/

Commissioner Thurz requested clarification that Commissioner Kowalski wanted the developer to have landscape design? Commissioner Kowalski replied he is not looking for them to hire a landscape architect. Vice Chairman Sullivan questioned that the motion was to not hire a landscape architect; Commissioner Kowalski replied – correct, it's to approve their request for a waiver.

DISCUSSION: Commissioner Moore suggested waiving this regulation hurts the Town and benefits the developer, who plans to put in only two trees in front of the frontage lots. Commissioner Gowdy questioned if the Town has had problems with developers regarding landscape design in the past? Commissioner Moore cited three homes on Middle Road. Although he agreed about the Middle Road subdivision Commissioner Gowdy recalled many times in the past when the Commission has asked the developer to do more than they offered. Town Engineer Norton suggested that most subdivisions require the street trees, and the rear lots require the line of shrubs for a buffer. He questioned the Commission's ability to require additional landscaping unless it's a PRD or MFDD application; he cited this isn't a Special Use Permit application where the Commission can add special requirements. Commissioner Moore questioned the reason this waiver was requested?

VOTE by rollcall: In Favor: Kowalski/Gowdy/Sullivan/Thurz
Opposed: No one
Abstained: Moore

Vice Chairman Sullivan opened discussion on the request for the waiver of streetlights. Vice Chairman Sullivan suggested that personally, he would like to all the utilities be installed underground, and he would like to see lamp lights. Commissioner Thurz felt if the houses are within CL&P's purview they could run overhead utilities. Town Engineer Norton noted there are already telephone pole in the area; he didn't feel they will put in

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the decorative lights next to existing poles. He suggested if they had a subdivision lot along interior roads maybe the Commission could require the decorative pole. Commissioner Thurz felt the rear lots may have underground utilities because of the distance from the road. Commissioner Moore noted there's a street light on the corner of Depot Street and East Road now. Discussion continued regarding the waiver request.

MOTION: To APPROVE the request for a waiver for street lights under Section 6.5 of the Subdivision Regulations for Windbrook Homes, LLC.

Gowdy moved/Kowalski seconded/DISCUSSION: See comments prior to vote.

VOTE by rollcall:

In Favor:	Gowdy/Kowalski/Thurz/Sullivan
Opposed:	Moore
Abstained:	No one

Discussion continued regarding completing the approval process at this meeting or at the Commission's August 11th meeting. The Commission requested input from Mr. Ussery, who suggested that in the past this Commission, and any other commission he's appeared before, regarding subdivision and resubdivision applications, once they start and vote on waivers they have completed the process.

Mr. Ussery also cited the Commission has denied the waiver for the sidewalks; *he's assuming the Commission wants the Fee-In-Lieu of sidewalks instead.*

Commissioner Thurz questioned if the Commission needed to vote on the rear lots separately? Mr. Ussery concurred with Commissioner Thurz; the Commission must vote on the rear lots separately. First Selectman Bowsza suggested if the Commission had questions regarding procedures postponement might be the better choice. He suggested Town Engineer Norton and the consultant can work together to draft a motion for the next meeting.

Commissioner Kowalski cited his concern with the closure of the Public Hearing and the need to continue discussion within the Commission; do we need to have another Public Hearing? Town Engineer Norton suggested the Commission has held the Public Hearing and taken the public's comments, and your own comments, you'll have the record of those comments the meeting minutes, and you closed the Public Hearing. Town Engineer Norton suggested the Commission has the right to deliberate with Town Staff to work out the rear lot issues and other conditions. Town Staff will read the minutes and take the comments of the public into consideration. Town Engineer Norton didn't feel the Commission needed to have another Public Hearing.

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MOTION: To **POSTPONE** the vote on the Broad Brook Meadows Resubdivision – Applicant: Windbrook Homes, LLC. – 15-lot residential subdivision. Property located at 131 Depot Street, corner of Depot Street and East Road; property owned by Sheila Sharos. R-3 Zone. Map 99, Block 53, Lot 005. Discussion continued until the Commission's next regularly scheduled meeting to be held via ZOOM teleconference on Tuesday, August 11, 2020, at 6:30 p.m.

Kowalski moved/Gowdy seconded/DISCUSSION: See comments prior to vote.
VOTE by rollcall: In Favor: Gowdy/Kowalski/Moore/Sullivan/Thurz
(No one opposed/No abstentions)

Ryan McEleney, representing his grandmother, the seller, requested to speak. Vice Chairman Sullivan reiterated the Public Hearing has been closed; he can't take comments from the public at this time.

NEW PUBLIC HEARINGS: None.

NEW BUSINESS/A. 68 Newberry Road – Informal Discussion regarding Zoning/Wetlands Issues:

Town Engineer Norton reported issues have arisen regarding two abutting property owners located on Newberry Road. Jerry Wilcox has initiated a complaint against Steve Dearborn, owner of 68 Newberry Road. Jerry Wilcox sent emails to DEEP's Hazardous Materials Unit, who did not find any hazardous materials on the site. The DEEP person did refer the complaint to his Water Resources person. Town Engineer Norton reported that person at DEEP has not responded to his requests for an update.

Town Engineer Norton suggested one of Mr. Wilcox's concerns is that the 100 foot buffer should be vegetated; Steve has harrowed the area and reseeded it with grain so if we get some rain it will be grass.

Town Engineer Norton suggested Mr. Wilcox isn't happy because we don't have permanent staff in the Planning Department. Town Engineer Norton felt this issue should be delayed until permanent staff can take it through from the beginning to the end. Town Engineer Norton indicated he and Mr. Sauerhoefer tried to get out there to view the situation before the meeting but were unable to do so due to an overabundance of duties. He would rather see what the DEEP Water Resources person has to say before the Town gets involved. Town Engineer Norton cited there have been numerous emails exchanged with the Town regarding this issue. Discussion of this complaint has been included in the Wetlands Agenda as well.

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Town Engineer Norton reported he has been to Mr. Dearborn's location several times; he seems to run a neat operation regarding the grinding of mulch. He understands Mr. Wilcox has complaints.

NEW BUSINESS/B. PZ-2020-13 – TBK Venture, LLC and KBT Realty, LLC – 200 South Main Street (Warehouse Point). Request for Site Plan Modification for construction of an 1,874 SF building in an existing paved area. Map 022, Block 05, Lots 080, 081, and 081-01. Zone B-2, M-1 and A-2:

Vice Chairman Sullivan read the description of this item of business. Jay Ussery, of J. R. Russo and Associates, joined the discussion virtually.

Mr. Ussery indicated this application is a Site Plan Modification for the construction of two buildings totaling 4,202 square feet. He noted the application was posted incorrectly with construction of an 1,874 square foot building; it should have included two buildings – one at 2,308 square feet and one at 1,874 square feet – rather than the single building. Mr. Ussery shared his screen with the Commission as he reviewed the Site Plan.

Mr. Ussery indicated this proposal was actually approved some time ago (2013) but they are currently completing the construction. This proposal actually makes the total square footage of the additional buildings smaller. Mr. Ussery indicated that one of the buildings is actually a replacement for a building which was destroyed by fire. The buildings will be constructed on a gravel area, which will reduce the amount of impervious coverage. Mr. Ussery noted they had some drainage problems at the back of the property which has been corrected; a detention basin was built in the rear in 2014. Mr. Ussery indicated this proposal meets all requirements for parking and set back distances.

Commissioner Kowalski questioned if they would be adding any additional site lighting? Mr. Ussery replied negatively, noting the only lighting is wall mounted units on the buildings. They are not proposing any additional signage.

MOTION TO APPROVE the Application #PZ 2020-13 – TBK Ventures, LLC and KBT Realty, LLC – 200 South Main Street. Request for a modification of approved site plan for the construction of two commercial buildings totaling 4,202 square feet. Buildings to be utilized for automotive-oriented business. Property owned by TBK Ventures, LLC and KBT Realty, LLC. B-2, A-2 and M-1 Zone. Map 22, Block 5, Lots 80, 81-1 and 81-2.

Referenced Plans:

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1. Cover Sheet – Site Plan Modification, TBK Ventures, LLC by J.R. Russo and Associates, 1 Shoham Road, East Windsor CT 06088, www.jrrusso.com, (860-623-0569, Sheet 1 of 4, Scale 1" = 40' dated 7/10/2020.
2. Layout Plan – Property of TBK Ventures, LLC by J.R. Russo and Associates, 1 Shoham Road, East Windsor CT 06088, www.jrrusso.com, (860-623-0569, Sheet 2 of 4, Scale 1" = 40' dated 7/10/2020.
3. Grading & Utilities Plan – Property of TBK Ventures, LLC by J.R. Russo and Associates, 1 Shoham Road, East Windsor CT 06088, www.jrrusso.com, (860-623-0569, Sheet 3 of 4, Scale 1" = 40' revised to 7/10/2020.
4. Details – Property of TBK Ventures, LLC by J.R. Russo and Associates, 1 Shoham Road, East Windsor CT 06088, www.jrrusso.com, (860-623-0569, Sheet 4 of 4, Scale 1" = 40' dated 7/10/2020.

Conditions which must be met prior to signing of mylars:

1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans 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, landowners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the construction of the project. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

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6. A zoning permit as issued by the Town Planner shall be obtained by the applicant prior to the commencement of any site work. Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.

8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.

9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work. General Conditions:

10. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within one year from the date of approval and complete all improvements within five years of the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission.

11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

14. 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

15. All landscaping shall be maintained.

16. Applicant must abide by any additional conditions outlined in a Wetlands Approval.

Kowalski moved/Thurz seconded/DISCUSSION: Commissioner Kowalski noted motion and conditions are from Town Engineer Norton's memo dated July 27, 2020.

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

OLD BUSINESS/ A. Warehouse Point Planning Study discussion to
include Terri Hahn of LADA P.C. Land Planner:

Mrs. Hahn presented the Commission with updated maps of the proposed zones based on the amount of allowable impervious coverage and the impact of the flooding conditions along the Blue Ditch and South and North Water Street. Mrs. Hahn also reviewed stormwater calculations for six areas, which she refers to as “ponds”, within the Warehouse Point area which are impacted by the flooding. The Commission is at the point of reviewing potential allowable uses related to the impervious coverage allowances, and then creating regulations specific to the Warehouse Point area.

Mrs. Hahn also discussed potential options for the public input aspect of this study. Public meetings remain restricted for in-person meetings.

Mrs. Hahn will continue discussion at the Commission’s next meeting.

OTHER BUSINESS/A. Site Visits:

Mr. Sauerhoefer reported on the following site visits/violations:

131 North Road – Letter sent to property owner to clean up the property, advisement of potential fines. Mr. Sauerhoefer referenced the property owner’s response which indicates he is working towards compliance. Mr. Sauerhoefer’s recommendation would be to continue to monitor his progress weekly.

Pleasant Street – Mr. Sauerhoefer indicated the property owners continue to work on cleaning up the property; they have moved the animals to another lot in Enfield.

Harrington Road – Mr. Sauerhoefer reported the activity at this location seems to have slowed down; the number of vehicles at this location are less. Commissioner Thurz suggested that last week he had some vehicles going through but he agrees, the activity has slowed down; Commissioner Gowdy concurred as well. Mr. Sauerhoefer indicated he has advised him if he is fixing vehicles he should find a licensed garage to work from.

20 North Road/Calamar - this site is progressing well; the detention basin looks good.

West River Farms – looks good.

Craftsman Road – may be coming in for a CO.

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119/123 Bridge Street – sent letter, he received a phone call today that they are cleaning up the property and taking the vehicles out.

Unidentified location – complaint of smell from rotten grass which the neighbor is piling at the property line.

118 Phelps Road/the old Winn Farm – complaint of abandoned vehicles.

Mr. Sauerhoefer reported he has not received any new complaints in the last couple of weeks.

Vice Chairman Sullivan thanked Mr. Sauerhoefer for his efforts, noting he's done more in a couple of months regarding action on and reporting than the Commission has seen in a couple of years. The Commissioners thanked Mr. Sauerhoefer as well.

BUSINESS MEETING/A. General Zoning Issues:

No discussion this evening.

BUSINESS MEETING/(7) Signing of Mylars/Plans, Motions:

Motions:

- Approval Motion for PZ-2020-11 West River Farms
- Approval Motion for PZ-2020-12 ACI Auto Group

Mylars: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:08 p.m.

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

Respectfully submitted,

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

ATTACHMENTS:

A – Email from Maureen M. Duclos regarding Broad Brook Meadows

BROAD BROOK MEADOWS – 7/28/2020 PZC Continued Public Hearing

SUBMISSION BY FIRST SELECTMAN BOWSZA OF E-MAIL SENT TO HIM BY RESIDENTS
MAUREEN M. DUCLOS AND HEIDI M. ALEXANDER, 149 DEPOT STREET

~ Jay to PZC Commissioners 7/28/2020 for Public Hearing on Application of Broad Brook Meadows
Subdivision, 131 Depot Street.

Jason E. Bowsza
First Selectman
Town of East Windsor
11 Rye Street
Broad Brook, CT 06016



[Take the 2020 Census!](#)

From: Maureen <maureenduclos039@gmail.com>
Sent: Tuesday, July 28, 2020 5:02 PM
To: Jason Bowsza <jbowsza@eastwindsorct.com>
Subject:

Heidi M. Alexander & Maureen M. Duclos, 149 Depot Street, 7/14/20, 6:30 pm, 15 Lot resubdivision,
35.29 acres, JR Russo / Windbrook Homes LLC

1. Property lines - on page 2 it appears ours is being moved. Our property was previously surveyed by the same company. Why is it being moved? Both back pins and ? On front East Road pin. At end of all adjacent houses being finished want to assure you pins and markers are installed.

2. Trees being planted. 8 evergreens, doesn't note what kind, to back our property. Evergreens, are not a pretty tree when they are grown and overgrown. Requesting arborvitae as they have planned for these lining the backlot access driveways. Also want them on East and west side of the property to Block the neighbors side \ backyard. If planted on their property we won't have choice on if they are dug up or moved. Requesting them on our property. All sides on our property.
 3. Fencing. Have seen the fencing on the homes being built on Reservoir. Falling down and not fixed. Their plan is to check within set amount of time... not being done there. Why would we assume it would be done here. They are not adequate due to the windiness of this property.
 4. Wind - Very windy property. Need the fencing on all sides around our home. Not just the East Road side. Requesting it all to be put in immediately. From the start thru the end of the entire project. Not just the lot being worked on. Entire length of construction on the full length of all land sides of our property, for it to be checked and kept in good repair throughout for lots 3-6. Only noted as partial for lots 4 and 5. All silt fencing and trees need to be planted prior to the start of any digging and maintained until completion
 5. Gas line. Is it being brought down Depot? If no, Why not?
 6. Farming land. Water treatment systems were put in all homes around here due to chemicals on land. What are the potential issues with digging the earth and putting it in the air to all neighbors? Will potential buyers be told what was used there and the past issues with the water / wells. Health issue to have it put into the air. I have asthma. Health issue for me.
 7. Homes being built. 4 bedroom. How many square feet? What style? Have the homes on Reservoir been purchased? Where will the homes be on each lot?
 8. You have said, the builder will develop properties and that the owners will all drive what is done. No real answers
 9. What happens with the run off, questioning the existing plan for drainage.
 10. Our understanding that the builder is developing the two lots on Reservoir Road and built Perry Lane also. We have seen first hand that they don't fix the fencing and there is already siding off one of the homes.
 11. What is the process?
 12. Are all lots cleared, leveled at the start of the project? Prior to each lot being built? What is your time line?
 13. Sidewalks were brought up this evening, we DO NOT want sidewalks
 14. Concerns about drainage, run off once the soil is disrupted. Where will the catch basins be located?
 15. Surprised about backlots, thought it was going to be a development with a street
 16. Animals, especially birds, in these fields. You will be displacing them
- On page one. 6. Maureen M & Alexander Duclos is inaccurate. Maureen M Duclos & Heidi M Alexander is correct

Sent from my iPhone