

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

REGULAR Meeting #1786

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 August 11, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held via teleconference due to the continued closure of the Town Hall to the public as the result of the coronavirus epidemic.

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

ABSENT: Regular Members Joe Ouellette, and Jim Thurz.

Also present was Town Engineer Norton, and Operations Manager Joe Sauerhoufer, and Michael D'Amato, of CHA, Interim Town Planner.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting. Also present were: Selectman Muska, Selectman Nordell, Jason Hoyt, Michael Mietroski; Reinhard Von Hollander, of Windbrook Homes, LLC, and Attorney William Case.

Public: Cheryl Alaimo, Heidi M. Alexander, Maureen M. Duclos, Ryan McEleney. Other members of the public joined the teleconference but did not take part during public participation.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Vice Chairman Sullivan requested Alternate Members Gobin and Zhigailo to join the Board regarding discussion and action on all Items of Business this evening as well.

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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

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda. No members of the public requested to speak.

First Selectman Bowsza requested to introduce Mike D'Amato, of CHA, who will be assisting in the Planning Office until the Department is fully re-staffed. First Selectman Bowsza gave examples of work Mr. D'Amato has worked on in other towns.

First Selectman Bowsza also noted that effective August 24th a new Zoning Enforcement Officer will begin her tenure in the Planning Department. Ruthanne Calabrese has been hired; Ms. Calabrese has been a Zoning Enforcement Official for the towns of Cheshire, Brooklyn, and one other community. She has also worked in the utilities sector, including Eversource as a community liaison, and also as a solar consultant.

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First Selectman Bowsza reported he is still recruiting for a Town Planner. The intention is to keep Mr. D'Amato on board for a couple of months until the new staff members are acclimated with their positions.

First Selectman Bowsza also reiterated his thanks to Town Engineer Norton, and Mr. Sauerhoefer for their assistance over the past several months; he's very grateful for their willingness to step up and become part of the team.

APPROVAL OF MINUTES/July 28, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1785 dated July 28, 2020 as presented.

Moore moved/Gobin seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

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

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS: None.

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

Vice Chairman Sullivan read the description of this item of business. Mr. Jason Hoyt, and Mr. Michael Mietroski gave the Commission an overview of their proposed operation.

Mr. Hoyt reported their intention is to open a restoration shop, and do electric conversions on classic cars. Mr. Hoyt indicated they're looking for a Special Use Permit to do the autobody restoration at this location. He clarified they're not asking to operate a spray booth at this location; they sub-contract all that work out. There will not be any

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outside storage of vehicles, or vehicle parts. Mr. Hoyt reported they referred a floor plan of their shop to the Fire Marshal but haven't heard back from him as yet.

Vice Chairman Sullivan queried the Commission for comments or questions.

Commissioner Gowdy:

Town Engineer's review: Commissioner Gowdy asked if Town Engineer Norton had any concerns with the proposed operation? Town Engineer Norton reported the Commission is holding the Public Hearing because this is an auto body use. He has no concerns as the Town Engineer; from his standpoint as there is no construction or improvements anticipated. Town Engineer Norton felt the proposed use seems to meet the Town regulations.

Fire Marshal review: Commissioner Gowdy questioned if the Fire Marshal must give his approval before the Commission makes a decision? Town Engineer Norton felt input from the Fire Marshal should be received before the applicant starts working. Interim Town Planner D'Amato felt that based on their discussions unless there's a change of use related to the building code he didn't feel the Fire Marshal needed to respond before the Commission takes action; there are no modifications occurring. Mr. Hoyt indicated that to get their auto repair license from the State the Fire Marshal will need to sign off on the State requirements; he'll be taking a tour of building to see that it meets his requirements but he indicated that's later in the process. Town Engineer Norton felt the applicant was ok with regard to the Fire Marshal.

Mr. Hoyt reported he spoke with the North Central Health Department and the Water Pollution Control Authority. Their concerns were floor drains in the facility. Mr. Hoyt reported this building doesn't have any floor drains; anything they spill will be cleaned up in a timely fashion.

Vice Chairman Sullivan

Hazardous materials: Vice Chairman Sullivan questioned how they would handle hazardous materials? Mr. Hoyt reported the State requires that they have separate containers for the different materials – oil, anti-freeze, etc. – the containers will be stored on pallets and won't leak into the ground. At other locations he has built a crash cart with materials for quick cleanup.

Public access: Vice Chairman Sullivan questioned if they would be open to the public? Mr. Hoyt replied affirmatively; they will have the client cars and will probably allow walk-ins for tours. Mr. Hoyt indicated that if the landlord was agreeable, he would like to have parking lot activities. Vice Chairman Sullivan questioned if they would have adequate parking for the outside events? Mr. Hoyt indicated the would like to do something like "cars and coffee" from 7:00 a.m. to 9:00 a.m. or 8:00 a.m. to 10:00 a.m. on Sundays, which would be off-hours for the other businesses; he would limit them to 10 or 20 local car enthusiasts.

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Commissioner Kowalski:

Exterior changes/signage: Commissioner Kowalski asked if Mr. Hoyt proposed any exterior changes to the building space so the public will know you're here? Mr. Hoyt reported there's a sign at the front of the property; they would get a space on that sign. He needs to speak to the landlord regarding signage on the building. Mr. Hoyt suggested he actually prefers a space in the back because of the clients he has, he doesn't actually need, or want, a giant sign; he indicated he would return to the Commission regarding signage if they are approved tonight.

The Commission had no additional questions.

Vice Chairman Sullivan queried the public for comments; no one requested to speak.

Mr. Hoyt reported that EV conversions and Tessler's are becoming more popular. They have access to people who are knowledgeable in the classic car business and they think this is a good avenue to pursue. They think this is a good business proposal, the restoration work is to fund the EV work. Mr. Hoyt indicated they have a lot of restoration work lined up, but their primary goal is to increase the EV conversions. With the impact of COVID-19 people are seeing the benefit of the EV and the impact it has on the environment.

Commissioner Moore:

Tax implications: Commissioner Moore cited the value of the vehicles they'll be working on; he questioned if that has any affect on the Town's tax base? Mr. Hoyt indicated the vehicles are taxed in the town the owner lives in.

MOTION: To CLOSE the Public Hearing on Application PZ-2020-14 – 32 North Road LLC, Special Use Permit for autobody work in respect to restoration at 32 North Road, Map 113, Block 17, Lot 003A. M-1 Zone:

Moore moved/Gobin seconded/DISCUSSION: None.

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

Commissioner Kowalski noted the approval motions traditionally include several additional conditions; he questioned if the applicant would be filing mylars related to this approval? Interim Town Planner D'Amato clarified that the activity proposed didn't require any site plan exterior modifications, therefore there isn't the need to require filing mylars. He referenced condition #2, suggesting that condition finalizes the Commission's approval. Town Engineer Norton concurred, noting often the first page of

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approval motions include plan sheets which aren't involved with this proposed use; he suggested this is really a use permit, and the applicant still needs to get the State DMV permit to operate. Commissioner Gobin and Vice Chairman Sullivan were satisfied with the clarification.

MOTION TO APPROVE APPLICATION:

Special Use Permit (PZ-2020-14) from 32 North Rd LLC (Jason Hoyt & Michael Mietroski, applicant) to occupy 32 North Rd, Unit 11 (Map 113, block 17, Lot 003A) for the purposes of conducting automotive repair in the M-1 Zoning District.

Conditions which must be met prior to issuing any permits:

1. A Certificate of Approval, as required by CT General Statutes Chapter 246, Section 14-54 shall be obtained from the East Windsor Zoning Board of Appeals within six (6) months of the issuance of this permit.
2. A copy of the Special Permit issued pursuant to this application shall be filed in the Town Clerk's Office.

General Conditions:

3. Customer vehicles or "project cars" shall not be parked or stored outside.
4. Vehicles shall not be displayed for sale on the property.
5. Materials, supplies, vehicle parts or other business supplies shall not be stored outside.
6. Any future signage on the property shall comply with Section 602 of the East Windsor Zoning Regulations.

Gobin moved/Kowalski seconded/DISCUSSION: Commissioner Gobin noted the approval motion is as stated in a memo dated August 10, 2020 from Michael D'Amato, AICP, CZEO, Interim Town Planner.

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

NEW BUSINESS/A. Appointment of Michael D'Amato, AICP, CZEO as Zoning Enforcement Officer:

Interim Town Planner D'Amato reported that the Connecticut General Statutes require that the Commission appoint their agent, which enables the person to act on behalf of the Commission. Although the Town has found a qualified person to come on board to have two people able to sign is a benefit. When the new person comes on board the Commission will be appointing her as the Zoning Enforcement Officer.

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MOTION: To APPOINT Michael D’Amato, AICP, CZEO as Interim Zoning Enforcement Officer.

Kowalski moved/Gobin seconded/DISCUSSION: None.

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

OLD BUSINESS/A. Site Visits:

Mr. Sauerhoefer reported he hasn’t done much on site visits as he’s been involved in the cleanup from the storm.

Commissioner Gobin suggested Mr. Sauerhoefer brief Interim ZEO D’Amato on the status of the site visits. First Selectman Bowsza preferred that Ms. Calabrese take over when she arrives rather than bring ZEO D’Amato in temporarily.

OLD BUSINESS/B. Discussion regarding Broad Brook Resubdivision. 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 queried the Commission for comments or concerns regarding this application.

Commission Gobin cited she reviewed the previous Meeting Minutes to try to figure out what items remained to be addressed to develop an appropriated document for the Commission to consider. She offered the following open items:

Rear lots and Special Use Permit: Commissioner Gobin cited Section 408.3(e) of the regulations which indicated no more than 2 contiguous rear lots can be approved. ***She suggested that Lots #19 and #8 are contiguous; she questioned if Lot #6 would be considered contiguous?*** Commissioner Gobin indicated she reviewed “definitions” under the regulations but couldn’t find a reference to contiguous. Commissioner Gobin would like Interim Town Planner D’Amato to look at that and determine if there are more than 2 contiguous rear lots.

Open Space: Commissioner Gobin recalled that discussion occurred regarding an Open Space allocation vs. a Fee-In-Lieu of Open Space, or transfer of an Open Space allocation to another entity, such as the Northern Connecticut Land Trust to manage Open Space.

Fire Marshal advisement regarding adequacy of fire hydrants: Commissioner Gobin questioned the status of that referral?

Waiver of Sidewalks: Commissioner Gobin felt the Commission didn’t approve the waiver of the sidewalks, the question remaining is the Fee-In-Lieu of sidewalks.

Removal of decaying barn: Commissioner Gobin felt the Wetlands Commission addressed the removal of the barn during their review process.

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Contamination Claim:

Public water:

Condition to incorporate Developer's Agreement in approval motion: Commissioner Gobin requested Interim Town Planner D'Amato to assist the Commission with the appropriate wording to include the requirement of the Developer's Agreement into the approval motion.

Town Engineer Norton felt the Commission had chosen ***not to accept the sidewalk waiver request***; he felt the option left for the Commission to consider was the Fee-In-Lieu of Sidewalks. He also recalled it had been brought to the Commission's attention that there were 2 pre-existing homes in the area of the proposed subdivision; the Town would have to install those sidewalks rather than the developer.

Regarding the ***fire hydrant***, Town Engineer Norton noted the Fire Marshal has requested/required a fire hydrant at the extreme north end of the water main extension further down East Road. He noted that e-mail has been forwarded to J. R. Russo & Associates, so they are aware of the Fire Marshal's response.

Vice Chairman Sullivan suggested he left the previous meeting feeling that ***the Commission had not approved the waiver request but had wanted the sidewalks to be put in because they would be contiguous with the Depot Street sidewalk project***. He felt that the way this project is being proposed the Town could be dealing with 5 different developers; he questioned how the Commission could bond for the installation of the sidewalks? Town Engineer Norton suggested that if the Commission decides you want sidewalks you will direct the developer to install the sidewalks. The current applicant/developer will have to bond to build those sidewalks. He questioned if, in this case, the Commission would want the sidewalks built in front of each lot as it's developed; he suggested the cost should be bonded up front.

Commissioner Gobin questioned if the installation of the sidewalks and the water main prior to the lots being sold could be a condition of approval? Town Engineer Norton indicated the water main has to go in on East Road in full accordance with the Connecticut Water Company standards; once a house is going in on East Road the whole water main needs to go in. Interim Town Planner D'Amato suggested if the developer agrees to the cost of the sidewalks it's worth a discussion with him regarding scheduling. The issue with putting them in early is that they may get damaged by the construction vehicles. Commissioner Gobin suggested Interim Town Planner D'Amato had not had the benefit of hearing the proposal is for the developer to sell off the lots; it may not all be done by one developer. Commissioner Gowdy cited the concern that once the sidewalks are put in for one house people will want to use them; he noted East Road is dangerous because of its topography. He felt the sidewalks should all be put in at the

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same time. He indicated he understood the possibility of vehicle damage but questioned if that was the Town's problem?

Commissioner Moore offered the following comments:

Open space: Commissioner Moore felt that discussion had not been completed. He questioned if the Town could have a lot on the corner?

Water line: Commissioner Moore felt the Connecticut Water Company will require people to connect if they live within 200 feet of the water line. Commissioner Gobin suggested Commissioner Moore was referring to the public health code; she didn't feel people could be required to connect to the public water unless their well was contaminated. Commissioner Gowdy reported that if you have a well and you have edbs and a water line comes down the street you need to connect to it; you don't have a choice. Discussion followed regarding State funding for filters for homeowners who have edbs in their wells; Vice Chairman Sullivan indicated he has a contaminated well and the State is no longer funding for water filtering systems. Commissioner Gowdy felt the State is no longer paying for Aquapura but if your level of edbs is high the State continues to fund; Commissioner Gowdy indicated he is also in the same situation and he continues to get funding.

Sidewalks: Commissioner Moore questioned if the Commission could require the developer to put in the sidewalks for the pre-existing homes on Depot Street? Commissioner Zhigailo felt the Town couldn't impose sidewalks on private property owners and then require them to maintain them. Vice Chairman Sullivan felt the area of the sidewalks would be Town property; Commissioner Zhigailo felt the area was the Town right-of-way. Town Engineer Norton clarified that Perri Lane already has sidewalks, the (connectivity) plan was to come up Depot Street to Main Street to Reservoir Avenue; the Town will be running the sidewalks in front of a lot of houses. Commissioner Kowalski suggested the plan referred to by Town Engineer Norton is a Town project; he felt the Commission couldn't require this developer to install those extra sidewalks.

Interim Town Planner D'Amato suggested there's case law that you can't require off site improvements of a developer; you can only require improvements within the development.

Commissioner Kowalski indicated the Commission needs a ***proposed approval motion containing the revised conditions***; the only memo before the Commission is previous Town Planner Flores-Marzan's memo dated July 11, 2020, which is not correct. Commissioner Kowalski felt the Commission is trying to put together a motion on the fly. He agreed some of the waiver requests and actions still require additional discussion. Commissioner Gobin concurred; she suggested the Commission review the outstanding issues to give to Interim Town Planner D'Amato to draft an approval motion. Interim

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Town Planner D'Amato noted he's been taking notes of the issues the Commission has mentioned. He'll work with previous Town Planner Flores-Marzan's memo and add additional conditions for the Commission's consideration. Commissioner Gobin requested that Interim Town Planner D'Amato also review the decisions made by the Commission at the previous meeting. Town Engineer Norton felt the only outstanding items were the sidewalks and the fire hydrants. Commissioner Gobin noted the fire hydrant issue has been resolved; ***consideration of Open Space remains unresolved, additional conditions related to the inclusion of the Developer's Agreement are needed, as well as a motion related to the rear lots.*** Town Engineer Norton suggested he had provided some revisions to previous Town Planner Flores-Marzan's memo; no one on the Board had received an updated motion.

With regard to the ***sidewalks***, Commissioner Gobin felt the Commission had approved the waiver of the sidewalks, and the Fee-In-Lieu of sidewalks would apply.

Commissioner Gobin ***felt the consideration of Open Space was still an issue for the Commission.*** Town Engineer Norton indicated he doesn't like Open Space that the Town has to maintain; he would rather see the Commission take the Fee-In-Lieu of Open Space. Commissioner Gobin questioned if anyone had contacted the Land Trust regarding the Open Space; Commissioner Moore suggested perhaps another entity would accept the Open Space; perhaps it could be maintained by the neighborhood. He questioned who decides on where the Open Space is located on the property? Town Engineer Norton questioned if the Commission is able to dictate where the Open Space would be located. Interim Town Planner D'Amato suggested there is some flexibility, but the Commission doesn't get to say what they want for Open Space. Commissioner Kowalski recalled that with other applicants unless the Open Space was contiguous to other land owned by the Town the Commission had preferred to accept the Fee-In-Lieu of Open Space to prevent owning a lot of small, postage stamp parcels. Commissioner Moore felt the corner parcel would connect to the sidewalks going out to Reservoir Park.

Commissioner Gowdy felt the issue of an ***assessment of the property by a soil scientist*** hadn't been addressed; he cited the concerns raised by the neighbors.

Commissioner Gobin suggested she would like to propose for the next meeting:

- that the Commission ask Interim Town Planner D'Amato to come up with recommended conditions to be considered for approval, starting with Town Engineer Norton's comments.
- She would also ask that he have a discussion with the Land Trust and the developer to give the Commission a path to consider. If nothing comes of that then to recommend that the Commission consider a Fee-In-Lieu of Open Space. She would like to see a draft of choices and the Commission can decide.

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- That Interim Town Planner D’Amato look into the issue of the 3 rear lots, are they a violation of Section 408.3(e)?
- Review the vote on the sidewalk waiver; Commissioner Gobin felt the Commission has already waived the sidewalks. Commissioner Moore didn’t interpret the vote as the sidewalks being waived; he referenced line #599 of the Minutes of the previous meeting. Town Engineer Norton recalled that the request for the waiver of sidewalks was denied; he suggested the Commission must decide if they prefer the sidewalk installation or the Fee-In-Lieu of sidewalks. Commissioner Kowalski referenced line #670 of the previous meeting minutes. Commissioner Moore felt the Commission didn’t vote on the sidewalk issue. Vice Chairman Sullivan concurred, he felt the developer was to return with the answer to some of the questions raised by the public and the Town.

A member of the public identified himself as Attorney William Case, representing the applicant, Mr. Von Hollander/Windbrook homes. He requested to speak. Vice Chairman Sullivan noted the Public Hearing has been closed.

Town Engineer Norton suggested he felt the Commission has time to review the outstanding issues at your next meeting. While the Commission did start the approval process by voting on the waivers you can ask Interim Town Planner D’Amato to review what’s occurred at the previous meetings and advise the Commission on the pending items. Town Engineer Norton felt the outstanding items were the rear lots, the Open Space, and the sidewalks.

Commissioner Gobin suggested it would be helpful to the Commission if Interim Town Planner D’Amato could also give them the deadline for making this decision. Interim Town Planner D’Amato cited that the Commission had closed the Public Hearing, he suggested the Commission has an additional 90 days to take action. The Commission can continue to discuss this application at its next meeting.

MOTION: To POSTPONE the vote on Broad Brook Resubdivision. 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 until the Commission’s regularly scheduled meeting to be held via ZOOM on September 8, 2020, at 6:30 p.m.

Moore moved/Kowalski seconded/DISCUSSION: None.

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

OTHER BUSINESS: None.

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BUSINESS MEETING/A. General Zoning Issues:

No discussion this evening.

BUSINESS MEETING/(7) Signing of Mylars/Plans, Motions: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:57 p.m.

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

Respectfully submitted,

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