

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

**REGULAR Meeting #1787
September 8, 2020**

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

MEETING MINUTES

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

Chairman Ouellette called the September 8, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:32 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

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

ABSENT: Alternate Member Marti Zhigailo

Also present via teleconference were Michael D'Amato, Town Planner; Ruthanne Calabrese, Zoning Enforcement Officer and Wetlands Officer, and Operations Manager Joe Sauerhoufer.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting.

Public: Reinhardt Von Hollander, Maureen Duclos, Cheryl Alaimo.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and two Alternate Members were present at the Call to Order.

Chairman Ouellette was having technical difficulties accessing the meeting; he asked Vice Chairman Sullivan to Chair the meeting in the interim. Vice Chairman Sullivan confirmed that all five Regular Members were present, as well as two Alternate Members; Alternate Member Zhigailo had called in indicating she would not be able to attend this evening.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

2

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda. First Selectman Bowsza requested to speak regarding constituent e-mails he has been receiving related to the Silverman project on South Water Street. First Selectman Bowsza began his discussion by recognizing that the Commission followed the process outlined in your regulations and bylaws when considering the Silverman application. However, the residents don't feel that proper notice was given to them. First Selectman Bowsza indicated he sent an e-mail to the Commission suggesting that for future developments in either commercial or industrial zones that abut residential properties - even if the project is properly zoned - we might think about doing a notification of the proceedings to abutting residents so they have an opportunity to feel included in the process. First Selectman Bowsza indicated that would be a consideration he would ask the Commission to think about.

Commissioner Gowdy suggested he felt it was in everyone's best interest if he expressed this concern to the new Town Planner; he questioned if what First Selectman Bowsza was suggesting was within the Commission's purview.

Chairman Ouellette had re-established his connection to the meeting. He noted this was actually correspondence from a public official; he suggested further discussion occur under the **CORRESPONDENCE - Agenda item number VIII** - later in the meeting.

APPROVAL OF MINUTES/August 11, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1786 dated August 11, 2020.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS: None.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

3

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

NEW BUSINESS: None.

OLD BUSINESS/A. Site Visits:

First Selectman Bowsza introduced Ruthanne Calabrese, who is the new Zoning Enforcement Officer for the Town. She has been a regulatory officer in several communities in Connecticut and Rhode Island; she's also spent the bulk of her career working in the Public Utilities sector and a bit of time in the non-profit space. She has been with us since August 24th and has been a great addition to our team; First Selectman Bowsza feels the Commission will be pleased to be working with her.

First Selectman Bowsza noted the Commission has met Mike D'Amato from CHA previously; Mr. D'Amato is with us this evening as well.

Chairman Ouellette welcomed Ruthanne to the Commission.

Mrs. Calabrese advised the Commission she received an introduction to the Town a couple of weeks ago with First Selectman Bowsza and Operations Manager Sauerhoefer who brought her up to speed on some of the pending issues.

Operations Manager Sauerhoefer suggested this might be an appropriate time to nominate Mrs. Calabrese as the Zoning Enforcement Agent; Town Planner D'Amato concurred.

MOTION: To ACCEPT and RECOGNIZE Ruthanne Calabrese as our new Zoning Enforcement Officer.

Sullivan moved/Thurz seconded/DISCUSSION: None.

VOTE by a show of hands:

**In Favor: Kowalski/Ouellette/Moore/Sullivan/Thurz
(No one opposed/No abstentions)**

Zoning Enforcement Officer (ZEO) Calabrese continued with her report of site visits.

ZEO Calabrese reported she prioritized the sites previously handled by Operations Manager Sauerhoefer. She indicated she hasn't met any of the homeowners, other than

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

4

some residents of condominium complexes whose issues were more wetlands related. The status of the site visits are as follows:

131 North Road – **discarded motor vehicles and unsightly materials** – ZEO Calabrese indicated a letter was sent on 5/19/2020 and followed up with a notice of an intent to fine on 7/15/2020; the homeowner responded with a letter citing hardships. During the site visit of last week they noted progress has been made, items have been removed, and there is a dumpster at the location being filled. Operations Manager Sauerhoefer concurred, noting the Commission had agreed to monitor this property. The property owner has been making a reasonable effort; they'll continue to monitor the situation and follow up with another letter if necessary.

38 and 40 Pleasant Street – ZEO Calabrese reported on inspection the front of the properties had been pretty well cleared, there were no animals out front, it looked as if they were digging postholes as if they were going to put up a fence.

Reservoir Avenue: ZEO Calabrese suggested she understood this to be an issue requiring installation of silt fence and an anti-tracking pad. Operations Manager Sauerhoefer indicated the developer has paved an apron on the other side; he felt that complaint could probably be closed out.

38 Harrington Road – **auto repair activity not permitted** – ZEO Calabrese reported a letter was previously sent, which was followed up with a notice of intent to fine. She suggested when visiting the site on July 31st they found most of the vehicles had been removed; there's no evidence of auto repair activity going on. Operations Manager Sauerhoefer suggested it appears he has closed that business up. They'll continue to monitor the location and notify the Commission should they find the business has come back to life. Operations Manager Sauerhoefer indicated he's driven by and noticed the resident has had his two personal cars at the location; the resident has a nice collection of vehicles. He hasn't noticed any commercial or unregistered vehicles; he felt the letters worked with this resident as well.

Chairman Ouellette recalled that the DMV had been copied on the previous correspondence; he questioned Operations Manager Sauerhoefer if the Town has received any response from the DMV? Operations Manager Sauerhoefer questioned that they were actually aware of the situation as the person he copied on the correspondence may not have been the correct contact. Commissioner Thurz indicated that he heard that someone from the DMV did stop over. Chairman Ouellette suggested if it comes to contacting the DMV he has contact information for that agency.

20 North Road/Watermill Landing – ZEO Calabrese suggested the issue at hand was erosion control. She and Operations Manager Sauerhoefer met with the project foreman,

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

5

Dan DeMay; it appears he has some things on his mind he'd like to talk about. She understands the Town is interested in the fate of the retaining wall proposed for the back of the property. She reviewed the Site Plan; the sidewalks appear to be laid out as the plans show; she noted that Operations Manager Sauerhoefer was interested in that issue. Operations Manager Sauerhoefer indicated they look close to the edge of the detention basin; his concern was there's going to be a group of older people living there. He mentioned his concerns to Town Engineer Norton; they'll look into the issue further, perhaps the plan is to install a fence or a railing; as long as the slope is acceptable to the Town Engineer it is what it is. He indicated the review has gone through the State as well.

Gravel operations – ZEO Calabrese reported the notations in the files indicate that these issues are closed. Operations Manager Sauerhoefer suggested gravel pits are something the Town continues to monitor. We've had issues with mud coming out onto the road at the Windsorville Pit, and noise complaints about the one on Wapping Road. He suggested we advise the Commission if issues arise.

Farms Road – ZEO Calabrese reported her notes indicate work has begun on the basin at Farms Road. Operations Manager Sauerhoefer indicated that DPW is currently working to finish the site work at that location, the road has been paved, and the catch basins have been cleaned up. Operations Manager Sauerhoefer suggested he and ZEO Calabrese should walk the site prior to the next meeting; he felt there might be an area of wetlands she might want to monitor as well.

119 and 123 Bridge Street – ZEO Calabrese suggested her notes indicate there's been no response on this location.

125 and 127 Bridge Street – ZEO Calabrese indicated the Town has received communication from an individual indicating she's working on a remedy, and the Health Department has a file on this location as well. Operations Manager Sauerhoefer suggested letters be re-issued by ZEO Calabrese.

47 Church Street – Operations Manager Sauerhoefer reported that complaint is closed.

118 Phelps Road – ZEO Calabrese reported the next door neighbor is screening out the blight with fencing. Operations Manager Sauerhoefer indicated there's an old farm on the end of Phelps Road that the neighbors are tired of looking at all the old farm stuff; he suggested reissuing a letter to them also.

Nuisance complaints: ZEO Calabrese noted this category includes a complaint regarding the odor from rotting grass which a neighbor has been reporting. ZEO Calabrese reported she spoke with Maria Frankowicz today when she stopped over to

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

6

Town Hall. ZEO Calabrese referred her to the North Central District Health Department (Mike Caronna) given the nuisance nature of the odor.

Reviewing the remainder of the nuisance complaints ZEO Calabrese and Operations Manager Sauerhoefer felt they could clean up those issues.

ZEO Calabrese reported she is also going out with the Fire Marshal to review a couple of issues. One is wood recycling, and the other has to do with outside storage and auto detailing happening out in the back lot.

ZEO Calabrese asked if the Commission had any other locations or issues they might want her to take a look at? Commissioner Sullivan suggested visiting **88 Windsorville Road**; there's pretty much no lawn left since everything else has taken up the space.

Chairman Ouellette thanked ZEO Calabrese for the informative update.

Chairman Ouellette reported with regard to **Item B – Broad Brook Meadows** – he would be stepping down from the Chair and would not be participating in discussion, nor the vote, if it comes to that. Chairman Ouellette wanted the Commission to keep in mind you're free to deliberate amongst yourselves as well as Town staff; you cannot take any public comment or any information from the applicant. He acknowledged the members of the audience signed in to the meeting who are welcome to listen in; Chairman Ouellette cited the Commission couldn't take comments from them.

With that, Chairman Ouellette turned the meeting over to Vice Chairman Sullivan; Chairman Ouellette stepped down from service on Item B and he will rejoin the meeting for Item C, when Terri Hahn joins the Commission. He indicated that Vice Chairman Sullivan would have to promote someone to take Chairman Ouellette's place – either Alternate Commissioners Gobin or Gowdy - someone who's been in attendance at all of those meetings. Chairman Ouellette indicated he would be shutting off his video and recusing himself from this item of business and would rejoin the meeting for the next item of business.

OLD BUSIENSS:B. Discussion regarding Broad Brook Meadows 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 noted Alternate Commissioner Gobin was a voting member last meeting, in the order of rotation it would be Alternate Commissioner Gowdy's turn to serve, unless Commissioner Gowdy would like to defer to her. Commissioner Gowdy indicated he was ok serving on this item of business.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

7

The Commissioners serving on this item of business will be Commissioners Gowdy, Kowalski, Moore, Sullivan, and Thurz.

Vice Chairman Sullivan cited there were three unresolved items the Commission was still discussing. He suggested they begin discussion on Open Space. He recalled the applicant has offered a fee of \$2,000 for each of the 15 lots proposed, for a total of \$30,000. He queried the Commissioners for their comments or ideas?

Commissioner Gowdy was in favor of accepting the applicant's offer.

Commissioner Gobin cited there was a lot of public comment on the wonderful wildlife and the nature on that land. She recalled that the Commission was exploring the concept if there was any viable, non-Town entity interested in Open Space. Commissioner Gobin suggested she asked the Town Planner to contact the Northern Connecticut Land Trust; she questioned if that was viable or not? Town Planner D'Amato indicated that as he stated in his memo to the Commission generated Friday he did not proceed with discussion with the Land Trust because during the Public Hearing the applicant has indicated they want to give you a fee and the layout of the subdivision is set up that way. To have staff negotiating with a Land Trust after the Public Hearing is closed and potentially have a layout adjustment because now we have an Open Space parcel is not something we can do now that the Public Hearing is closed. That change is a bit beyond what you can do as a condition of approval. Town Planner D'Amato suggested that without the Public Hearing being open we can't go back and adjust the layout to deal with Open Space.

Commissioner Kowalski questioned if the \$2,000 per lot is a standard fee for Open Space? Town Planner D'Amato suggested the Commission has a formula in your regulations that outlines how to calculate your Open Space fee. He noted Condition #23 – which he read for the Commission - in his proposed approval motion, should the Commission consider approving the application. He noted he would work with the Assessor to determine the amount; it's not subjective, it's a clear formula. His recommendation would be to go with the section outlined. Commissioner Kowalski asked if the Fee-In-Lieu should be a separate motion; Town Planner D'Amato felt it could be included in the proposed approval motion as it's a process already delineated in the regulations.

Town Planner D'Amato advised the Commission he read the record of the last couple of meetings, and reviewed the questions that came up at the last meeting and his notes taken during discussion, and the staff report written by Ruben Flores-Marzan, and the report written by Town Engineer Norton. He indicated he summarized that information into his staff memo as follows:

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

8

His comments follow:

- Regarding the *Open Space*, if you want to go with an Open Space parcel rather than a fee you can't do it with this application because the Public Hearing is closed.
- There was a question about *an existing barn*, he reviewed the plans approved by the Wetlands Commission, the barn was on there so that would be part of their approval provided it was done while the project was happening.
- Regarding *site contamination*, Town Planner D'Amato indicated he talked with the Health District. They're not going to be allowing private wells on this property because of the edbs so that shouldn't be an issue. He didn't feel the commission should roll an environmental report into consideration here.
- *The contiguous rear lots* – Town Planner D'Amato indicated that neither the Zoning or Subdivision Regulations include a definition of contiguous. He tried to research the history of the regulation changes to see if the language had changed, but, based on what is in the regulations Town Planner D'Amato felt the layout is in violation of the regulations; the regulations don't allow more than 2 contiguous rear lots based on a standard land use definition of contiguous. Town Planner D'Amato advised the Commission he's offered you an option of how to move this forward without denying it because this should have been brought up earlier in the first staff report written by the previous Planner so it's a bit unfair to bring this up at the eleventh hour.

Town Planner D'Amato advised the Commission he received information today from the applicant that it may be a common interpretation by the Commission that what contiguous means is where the driveways are on the road, not necessarily where the lots adjoin. he didn't feel that's what the regulations say, but there is a feeling in talking to the applicant to see if this issue had been addressed already. Town Planner D'Amato indicated the feeling on their end was that this is a common interpretation by the Commission - that you have generally focused on where the driveways are, not the lots themselves. Town Planner D'Amato advised the Commission he was giving them a condition that allows you to approve, with a modification, so that everything will comply. Town Planner D'Amato suggested they need to get a Special Permit for the rear lots, which means you need to approve both applications; they don't live unless they both are approved.

- **Waivers**
 - *Sidewalks* - Town Planner D'Amato indicated he has no problem taking the Fee-In-Lieu of the sidewalks because the Commission can decide if it's more appropriate to put them in after, or if there's a more appropriate place in Town. That fee would be approved by the Town Engineer.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

9

- ***Landscape design*** – waiver approved July 28th. Town Planner D’Amato suggested there’s a difference between the plantings shown on the plan vs. landscape design. The plants that are here now, the shrubs along the rear lots and some of the street trees, those don’t go away because you waived the landscape design requirement. That’s a separate issue.
- ***Streetlights*** – waiver approved July 28th.

In summary, Town Planner D’Amato indicated he’s given the Commission both a motion to approve with conditions that are separate based on the Special Permit and the Subdivision, and, because it’s the Commission prerogative to decide on the application, he’s also given you conditions to deny. He’s also provided a condition to deny based on his belief that there’s a violation.

Vice Chairman Sullivan opened discussion of the contiguous rear lot issue and how it’s addressed in the regulations. He felt the regulations are ambiguous; under Section 408.3(c) is a maximum of one lot or 20% of the lots in the subdivision, whichever is greater, may be rear lots...and in section (e) it says no more than two contiguous lots may be approved. Vice Chairman Sullivan felt the applicant was asking for the 20%, which equals the 3 lots.

Town Planner D’Amato suggested the issue wasn’t the number, but that no more than 2 rear lots may be contiguous. The condition that he wrote allows them to keep their layout with the total number of lots; everything will basically be the same, but lots number 6 and 10 will no longer share a property line. The modification allows the applicant to have the 3 rear lots but not 3 contiguous rear lots; lot number 8 becomes a popsicle shaped lot that will separate lots number 6 and 10. Functionally, it doesn’t help anyone but without having a new Public Hearing Town Planner D’Amato cited he can’t go back and talk to the applicant about redesigning the lots. In lieu of denying the application Town Planner D’Amato suggested this was an option he came up with tonight to allow them to move forward if that was what the Commission wanted to do.

Vice Chairman Sullivan questioned if the Commission denied the application, could the applicant return with a new application for redesigned rear lots? Town Planner D’Amato suggested the Commission could deny the application based on the violation of Section 408.3(e), and the applicant can return with a new application and, during the Public Hearing, the Commission could discuss options for that layout. Vice Chairman Sullivan questioned if denying the rear lots would affect the rest of the subdivision approval? Town Planner D’Amato suggested that part of the Subdivision Application is the Special Use Permit for the 3 rear lots; he suggested that to approve the subdivision but deny the rear lots/Special Use Permit leaves the applicant in limbo; he reiterated that the Commission needs to approve, or deny, both the subdivision and the Special Use

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

10

application. He reiterated he had not discussed this possibility as the Public Hearing has been closed.

Commissioner Gobin questioned if the Commission could approve the subdivision conditioned on only 2 abutting rear lots, and then the applicant could come back with a modification to the subdivision plan on how they wanted to do the rear lots? Town Planner D'Amato felt the Commission couldn't modify a lot in the approval motion without getting into the same issue as the Open Space. Revising the language of the condition needs to be very linear so people understand how the Commission got to this point. Discussion continued regarding potential wording. Commissioner Gobin suggested Town Planner D'Amato's current wording could continue to be used; she felt there's nothing to stop the applicant from coming back in and applying for a modification to what was approved. If they didn't like your popsicle lot configuration they could come in with something different. Town Planner D'Amato indicated the popsicle stick lot was the easiest solution, but the motion is just that lots 6 and 10 can't be contiguous. Town Planner D'Amato acknowledged Commissioner Gobin was correct; if they can't adjust that line and it requires a more substantial alteration of the plan they have the option of returning with a plan modification application.

Commissioner Thurz questioned the developer's perception of the Commission's past interpretation of the contiguous lots. Town Planner D'Amato suggested in speaking with the engineering team their impression was that the Commission has historically viewed the contiguous requirement to mean driveways, to where the lots connect to the road. He indicated he didn't have the history of the Commission's past decisions, or if you concluded that contiguous simply meant the access strips to the driveway. The problem is there's no definition in the Zoning or Subdivision Regulations to tell us what the town meant when they said "contiguous"; he's reviewed previous minutes and there's nothing there to help. Commissioner Thurz felt Town Planner D'Amato's definition is correct; in the 11 years he's been on the Commission it's been property line to property line – never driveway to driveway. Commissioner Gowdy cited he's been a Commission member for 25 years and the Commission has considered the definition of contiguous to be touching one another, not separated by a driveway. Commissioner Gowdy felt Town Planner D'Amato has done a good job laying this out for the Commission; he's in favor of what Town Planner D'Amato has suggested.

Commissioner Moore agreed with Commissioner Gowdy; he felt Town Planner D'Amato picked up that these are contiguous lots and don't conform to our regulations. He felt the proper avenue would be to deny the application and they could come back and apply with an adjusted plan and we can start from scratch on it to make the plan the way it should be. Commissioner Gowdy clarified that his opinion was the opposite of what Commissioner

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

11

Moore had just said; Commissioner Gowdy agreed with Town Planner D'Amato's proposal.

Commissioner Kowalski questioned if anyone knew of anywhere else in town where we have 3 rear lots next to each other? He cited there are 2 rear lots next to each other on Windsorville Road, but he couldn't recall 3 contiguous rear lots. Commissioner Gobin suggested if the Commission had made a mistake in the past it doesn't mean they have to live with that into the future. Town Planner D'Amato cited the applicant's engineer brought up Melrose Road, but he agrees with Commissioner Gobin – if the Commission realizes you haven't administered the regulations correctly you're under no obligation to make the same decision over and over again. If the Commission felt it was necessary you can do a Text Amendment. Commissioner Thurz noted the Melrose Road lots were approved in the 1980s. Commissioner Gobin felt the regulations were clear; she questioned that they need a Text Amendment.

Commissioner Thurz noted for the Commission members that this is 15 lots, and they'll be sold separately; this will take a long time to sell them.

Vice Chairman Sullivan noted the Commission is considering lots 6 and 10 to be contiguous, but there's a lot of land between lots 10 and 11. That's something the developer could change on the plans as he goes. Town Planner D'Amato suggested revising the condition to include - "lots 6, 10, and 11 shall be revised so not more than 2 are contiguous, subject to final approval of Town staff" to give the developer some flexibility.

Vice Chairman Sullivan felt that made more sense than denying the application and starting the process over again; this condition revision would give the developer the option to decide if he wants 2 or 3 rear lots.

Commissioner Thurz favored denying the application.

Commissioner Kowalski questioned if, by adding the language requiring Town staff approval, the applicant returned with something that touched almost all 15 of the parcels would Town Planner D'Amato have the ability at that point to say this is a substantial change and require a new Public Hearing and a new application? Town Planner D'Amato suggested if the change becomes too substantial under subdivision case law you can't modify so much of the subdivision without them having to come back. Town Planner D'Amato indicated he hasn't reviewed the timeclock on this application, but, the Commission has 65 days from the close of the Public Hearing; he doesn't believe you've used any of the extensions for making this decision. He also noted you have an additional 90 days under the COVID Executive Order beyond that – if you closed the

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

12

Public Hearing in July you may still have time. Or, it may be possible to reopen the Public Hearing - not issue a decision, advertise and hold the Public Hearing again and have this discussion with the applicant, and the staff report would still stand. Town Planner D'Amato suggested it appears the Commission is looking for feedback from the developer and he can't ask them and provide that information to the Commission because of the Public Hearing being closed.

Commissioner Kowalski questioned if the Commission left the condition as written, and consider it a minor modification between lots 6 and 10, could the applicant request a reopening of the Public Hearing if the applicant wasn't in agreement with the Commission's decision? Town Planner D'Amato suggested if the applicant isn't happy with the Commission's decision they would more likely appeal the decision vs. reapplying. Town Planner D'Amato suggested if that's what you're considering he would see if we can get the Hearing reopened. Commissioner Kowalski indicated he wasn't suggesting that; he was questioning if the Commission approved the application with the condition as written for just lot 6 and 10 the applicant can accept that decision, or, if they say the layout doesn't work for them that they want to reopen the Public Hearing and present a different layout? Town Planner D'Amato indicated that once the Commission makes the decision you can't reopen the Public Hearing; it has to be a new application. The applicant would have to come with a subdivision modification.

Commissioner Gowdy felt the way Town Planner D'Amato has written this condition regarding "the layout of the proposed lots shall be modified so lots 6 and 10 are not contiguous", and then referenced that "rear lots shall meet and comply with Section 408.3(e) subject to final review by Town staff" covers the Commission's intent.

Commissioner Thurz felt the Commission should deny the application and start over; he felt it's not the Commission's job to change the math and change the lots around, that's the applicant's job. Commissioner Gowdy felt the way Town Planner D'Amato is proposing the condition makes the lot layout the developer's job. Commissioner Moore felt the reason the developer proposed the rear lots was instead of putting in a road to the back. Town Planner D'Amato suggested the intent of this motion was to make it clear in the record so someone would know exactly what the Commission asked the developer to do. I'm trying to make the revision very narrow so anyone who's a neighbor or anyone who might want to buy the properties know exactly what revisions the Commission expects of the applicant. Town Planner D'Amato offered revising the condition to say "lots 6, 10, and 11 shall be revised so that no more than two shall be contiguous, subject to approval of Town staff." Town Planner D'Amato suggested we can't have this whole thing adjusted by them because we're past that.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

13

Commissioner Kowalski questioned if there was a waiting period for the applicant to reapply? Town Planner D'Amato indicated that once the Commission issues your decision without prejudice they can come back; it's fairly clear what they would have to do.

Town Planner D'Amato suggested it appears the Commission closed the Public Hearing on July 28th, but under COVID Executive Order you have an additional 90 days so if you're not comfortable and you want to think about this or have more questions for us to answer you don't need to take action tonight.

The Commission considered taking a straw vote. Town Planner D'Amato cited there isn't a motion on the table so you're not voting. If each of the members seated to vote gave their opinion on their comfort level with the motion as written in the staff report it might be helpful. –Commissioner Gowdy indicated he's comfortable with the motions as written by the acting Town Planner. Vice Chairman Sullivan is also comfortable with this as written because it stays within the regulations but also gives the builder the opportunity to be creative. Commissioner Thurz is 100% not comfortable. Commissioner Moore is not comfortable. Commissioner Kowalski didn't need any more information, he's good with the motion as written. Although Commissioner Gobin was not a voting member tonight he indicated he would like to hear Commissioner Gobin's opinion. Commissioner Gobin indicated-she's comfortable with what the Town Planner has proposed; it leaves flexibility for the developer to come back with another design of the lots in a revised application. It doesn't stop him from going forward. If they don't like the revisions in the approval they can come back with revisions in the future. Commissioner Thurz reiterated it will be 15 individual lots, which will take years to develop. He felt the Commission has never approved a subdivision owned by one person selling individual lots. Commissioner Kowalski felt the developer has time to fix the rear lot problem.

Vice Chairman Sullivan opened discussion on the sidewalks. Commissioner Thurz cited that with 15 individual lots we'll have 15 individual sidewalks. Commissioner Kowalski indicated the 2 houses in between the development and the proposed sidewalks doesn't make sense to him. Commissioner Gowdy indicated that usually he's opposed to sidewalks, but in this case he felt the Commission's concern was the safety of the residents on East Road. He realizes there is the issue of construction vehicles running over sidewalks already installed but he felt the Commission's concern was safety of the residents. Commissioner Gobin recalled Town Engineer Norton suggesting another option was the Town could take a bond for the sidewalks and put them in when appropriate. Vice Chairman Sullivan suggested if the Commission takes the Fee-In-Lieu of sidewalks we have the option of using the money anywhere. He questioned if the Fee-In-Lieu was provided on a lot by lot basis, or the entire development? Commissioner

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

14

Kowalski indicated he understood the developer will bond for the Fee-In-Lieu. Town Planner D'Amato concurred, noting the developer is required to either provide you with the material, or provide you with a bond.

Vice Chairman Sullivan queried the Commission on their intent to vote this evening, or reword some of the motions? The Commissioners indicated they were ready to vote tonight. Discussion turned to wordsmithing the motions.

Regarding the Special Use Permit motion, Town Planner D'Amato suggested the Commission consider revising General Condition 1 to include at the end "...subject to approval by Town staff." He noted that in discussions the Commission seems comfortable that as long as that staff review is included nothing that the Commission didn't intend would be approved. Vice Chairman Sullivan questioned where the approval of the Developer's Agreement will appear? Town Planner D'Amato referenced Condition #10 of the Subdivision approval motion. He noted the approval of the Developer's Agreement is made by the Board of Selectmen as was discussed during previous meetings.

MOTION TO APPROVE:

Application #PZ 2020-09 "Broad Brook Meadows" Windbrook Homes, LLC. (Applicant), Sheila Sharos (Owner). Special Use Permit to allow 3 rear lots. Property located at 131 Depot Street, corner of Depot Street and East Road. R-3 Zone. Map 99, Block 53, Lot 005, as stated in a memo from Mike D'Amato dated September 4, 2020.

Referenced Plans:

1. "Broad Brook Meadows" 15 lot re-subdivision. (131 Depot Street) Prepared for Windbrook Homes LLC (applicant), PO Box 370455 West Hartford, CT 06137 and Sheila Sharos (owner), 17 Standish Rd, Windsor, CT. Plans prepared by JR Russo & Associates LLC. Dated May 28, 2020. Revised June 18, 2020. Sheets 1-7 inclusive.

General Conditions:

1. The proposed lot layout shall be revised so that Lot #6 and Lot #10 are not contiguous, the revised plan is subject to approval by Town staff.
2. In accordance with Section 900.2e of the Town's Zoning Regulations, any approved Special Permit shall become null and void if the Special Permit activity or any

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

15

construction or renovation required prior to activity is not commenced within 12 months of the date of approval and an extension of time has not been granted by the Commission.

Kowalski moved/Gowdy seconded

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

Vice Chairman Sullivan called for a motion on the resubdivision application.

During review of the proposed motion it was noted that Sidewalks (as Fee-In-Lieu of) have been incorporated in the terms and conditions; because the Public Hearing was closed a condition requiring Open Space couldn't be included.

Commissioner Moore offered his opinion before the Commission vote. He felt that the Open Space was a major issue on this site; that's what everyone in the public spoke up about, and that's the piece that would be the most disservice to the public is using up the Open Space and making less space for wildlife. He felt a big portion of this whole project is the Open Space. It doesn't matter if there's a subdivision there; that's fine as long as there's some space for the things that the people of the town have spoken to us about and told us that was their biggest concern was the Open Space. Vice Chairman Sullivan referenced the plans, noting there is quite a bit of space that won't be developed because it's wetlands and whatnot; that's open space, wildlife can be there.

MOTION TO APPROVE:

Application #PZ 2020-09 "Broad Brook Meadows" Windbrook Homes, LLC. (Applicant), Sheila Sharos (Owner). Re-Subdivision application for 15-lot residential subdivision, and waivers to Section 5.7 (landscaping), and Section 6.5(streetlights) of the Subdivision Regulations. Property located at 131 Depot Street, corner of Depot Street and East Road. R-3 Zone. Map 99, Block 53, Lot 005, as stated in a memo from Mike D'Amato dated September 4, 2020.

This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission and this approval) and the following conditions:

Referenced Plans:

1. "Broad Brook Meadows" 15 lot re-subdivision. (131 Depot Street) Prepared for Windbrook Homes LLC (applicant), PO Box 370455 West Hartford, CT 06137 and Sheila Sharos (owner), 17 Standish Rd, Windsor, CT. Plans prepared by JR

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

16

Russo & Associates LLC. Dated May 28, 2020. Revised June 18, 2020. Sheets 1-7 inclusive.

Conditions which must be met prior to signing mylars:

1. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparing the plans.
2. The plans shall be revised to include an additional fire hydrant in a location satisfactory to the Fire Marshall.
3. The final mylars shall contain the street numbers and the Map, Block and Lot numbers assigned by the East Windsor Assessors Department.
4. The exemption from the open space requirements shall be noted on the final mylars along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
5. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns. A copy of this approval shall be filed in the land records and affixed to the final mylars.
6. Deeds for any easements must be approved by the Town and files on the land records prior to any permits being issued.
7. The expiration date of this approval shall be noted on the final plans.

Conditions which must be met prior to issuing any permits:

8. Two (2) sets of final mylars, with any required revisions shall be submitted for the Commissions signature. One set of signed mylars shall be filed in the Town Clerk's Office.
9. 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 for the duration 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 approval shall be null and void. The applicant's engineer shall submit an estimated cost of E&S

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

17

controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.

10. The applicant shall enter into and adhere to the Town's Development Agreement subject to final approval by the Board of Selectmen.

Conditions which must be met prior to the issuance of Certificates of Zoning Compliance:

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

12. A final as built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted for each lot.

13. 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:

14. The layout of the proposed rear lots shall be modified so that lot #6 and lot #10 are not contiguous.

15. A Zoning Permit shall be obtained before the commencement of site work for the development of each individual lot.

16. Additional Erosion and Sedimentation Controls may be required by Town staff as onsite conditions necessitate.

17. Any modifications to the proposed drainage or grading for the re-subdivision is subject to the Town Engineer's approval.

18. This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.

19. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

18

subject property for the purpose of determining compliance with the terms of this approval.

20. All improvements shall be completed within five years of the date of approval per Chapter 126, Section 8-26c of the Connecticut General Statutes.

21. Applicant must abide by any additional conditions outlined by the Inland Wetlands and Watercourses Agency's approval process. Where those approval conditions conflict with the conditions of this approval, the more restrictive shall apply.

22. A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be approved by the Town Engineer.

23. A fee in lieu open space shall be provided. Such fee shall be determined and paid in accordance with Section 7.5 (1) of the East Windsor Sub-division Regulations, subject to final approval by the Town Planner and Assessor.

Kowalski moved/Gowdy seconded/DISCUSSION: Nothing further

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

Vice Chairman Sullivan turned the Meeting back to Chairman Ouellette.

OLD BUSINESS/C. Warehouse Point Planning Study to include Terri Hahn of LADA, P. C. Land Planners:

Staff advised Chairman Ouellette it was unclear if Mrs. Hahn would be presenting this evening. Town Planner D'Amato reported he's trying to catch up on pending issues; he reached out to Mrs. Hahn recently regarding this grant and is currently working on filing documentation with the State.

OTHER BUSINESS: None.

CORRESPONDENCE/A. E-mail from First Selectman Bowsza to Planning and Zoning Commissioners regarding review of application process – Silverman project:

Chairman Ouellette cited an email sent to the Commissioners by First Selectman Bowsza regarding a review of application processes. Chairman Ouellette indicated he doesn't disagree with First Selectman Bowsza's comments but he cited the need to use this consideration of public hearings which aren't statutorily required judiciously.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

19

Chairman Ouellette suggested it's very clear with the new leadership we have in East Windsor that this town is open for business, responsible business in the right part of town. And the reason for that is that when developers or applicants come to town they know what to expect. The zoning requirements should be very clear in many cases, and developers and applicants can minimize their risk, depending on what type of approvals they need to jump through. So, the minute you start introducing public hearings you elevate the risk for developers. A perfect example is the prior discussion the Commission had. There's a lot of risk associated with that. The vote could have gone either way. And developers put a lot of resources and investment into trying to do business in a community. And when you open it up to a public hearing there is additional risk, and the additional risk might be that their investment has just gone down the drain because it's not approved for whatever reason, and they choose not to appeal it, or choose not to resubmit.

Chairman Ouellette indicated he recognized the other side of the story in certain areas, or business zones or industrial zones that abut residential developments. He suggested there is care built into the regulations. We do have additional landscaping buffers, we do have additional mechanisms to try to minimize the uses for the neighbors and abutters. There are things built in; the Commission does have existing tools that we can use to protect neighbors from noise, nuisance, light, whatever you want to call it, from development. Chairman Ouellette indicated that it wasn't that he's not receptive to revisiting when a public hearing is, or isn't required; those would require a total redo of the regulations but when you do that you open yourself up to being not a business-friendly community. He offered the example of the Commission talking about the Warehouse Point development. We're considering doing a lot of those things as-of-right with the proper zoning in place. That's going to minimize risk for developers who want to build quality developments in our town. The minute you start opening up the public hearings all bets might be off. Chairman Ouellette indicated he appreciates the neighbors. Few people want commercial or business or industrial development in their backyard. But Chairman Ouellette felt there are safeguards in place to minimize those impacts without having public hearings.

Chairman Ouellette queried the Commissioners for their opinions on First Selectman Bowsza's letter.

Commissioner Gowdy indicated he agreed with Chairman Ouellette 100%. Everyone says they don't like it because it's in their backyard.

Vice Chairman Sullivan agreed also; as an example, that's what we planned to have at the location where Sardilli and Silverman located. We can ask the developer to minimize the impact as much as possible to surrounding citizenry. It seems to him that that would

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

20

be something they/the developer would want to do to begin with. Vice Chairman Sullivan was in agreement; he didn't think that opening all this to public hearings is productive.

Chairman Ouellette cited something he failed to mention is the Commission often encourages pre-development meetings between perspective applicants and Town staff. Town staff generally has a heartbeat on what's going on in the community; they kind of understand what issues might come up because of active neighbors in the past. Even before an application is submitted to the Commission for consideration some of these issues might even have been resolved at a working level before an application is ever submitted. Maybe an applicant will submit a very aggressive, or very creative landscaping plan, they would put their driveways in a location that's least destructive to neighbors. The applicant will try to minimize the lights shining from headlights exiting from properties or the light spillage to adjacent properties – those type of things.

Commissioner Gowdy agreed, we've always been fortunate in the past that we had a Town Planner that had a feel for what was going on in the community, and before he or she would even recommend coming before the Commission she would tell the developer here's how the Commission generally has felt in the past regarding certain situations. He felt the onus for what First Selectman Bowsza has said should be on the Town Planner. Commissioner Gowdy indicated he agreed with Chairman Ouellette's comments.

Commissioner Gobin suggested the way she looks at it is there are public hearings that are required and there's public informational meetings. She suggested the people who came through on the gravel pits and other solar projects did a nice job on just doing informational meetings. Commissioner Gobin felt nothing stops the Town Planner from suggesting to the developer that they do an information meeting.

Chairman Ouellette noted the Commission has had presentations from perspective developers showing perspective layouts but if those types of meetings are informational only there isn't dialogue with the public. Commissioner Gobin suggested nothing stops the public from listening; she recalled with one of the solar projects there was a neighbor who got into a conversation with the developer.

Town Planner D'Amato reported the office started getting calls a week ago about this project, and in reviewing that the office is being responsive to the complaints coming in the one thing that he felt was important to point out is that this property is not being used. This property is under construction. These complaints are related to the construction of the proposed project, not the use that you approved. The construction activities are much harder to regulate. This is something we discuss but the Commission doesn't tell them what trucks to use, whether they use a roller or a dozer, that seems to be where the

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

21

complaints are coming at this point because that's what's going on. We're very limited what we can do there, we don't have a noise ordinance, or control their hours of operation.

First Selectman Bowsza indicated he is getting bombarded with e-mails from people, and the two underlying concerns are that they feel as though they weren't notified that this was even going to be happening near their homes. He's very sensitive to the notion that this project going in is appropriately sited for the zone that it's located in. He felt it would be unfair to also not recognize that that parcel on just the other side of the same road is a residential neighborhood, with many residents. And because there wasn't a hearing required for this parcel, both as Sardilli and later as Silverman Group, they feel like the town basically just proceeded without consideration for their concerns.

First Selectman Bowsza indicated his second point is that one of the benefits that a public hearing would bring to light would be those concerns of the neighbors in close proximity to it and if a hearing were held, or even if there were an opportunity for written comment to be received, the Commission would be able to make determinations in their conditions of approval based on the concerns of what those neighbors were that wouldn't necessarily have come forward absent that. The notion that that particular intersection is highly walked, or that there's a bald eagle that nests in close proximity to the site wouldn't have occurred to him because he doesn't live there. But the Commission could have made as a condition of approval that the Silverman Group would put in a sidewalk so people wouldn't worry about runaway 18 wheelers taking them out while they're on their walking route near their home. First Selectman Bowsza indicated he understood this parcel has been zoned that way for a long time and it was going to be Sardilli's and when it wasn't Sardilli's it became the Silverman Group and if it wasn't the Silverman Group it would become something else. But he cited he can also empathize, having just gone through an experience with the last item on this Commission's agenda, that he as an abutting property owner to a development, he was notified that there was going to be a discussion of that parcel and there was going to be an opportunity for a hearing on that parcel and people would have the opportunity to speak. A lot of the neighbors' concerns were discussed as the final approval process was taking place. That same opportunity, although not required, wasn't availed to the residents in close proximity to the Silverman Group. I'm suggesting that their might be an opportunity for a process improvement that doesn't become anti-business but is also inclusive of the concerns of the property owners if they're in a residential zone abutting a commercial or M-1 Zone that, in those cases, where the two zoning uses are in close proximity, some opportunity is available to them to plead their case.

Chairman Ouellette questioned that we can have it both ways. He wished there was a common ground between being business-friendly and satisfying the legal requirements of

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

22

the State of Connecticut, and actually include hearing the concerns of neighbors. He noted that generally the type of concerns you get from the neighbors is not-in-my-backyard; build it somewhere else.

First Selectman Bowsza indicated he's gotten that e-mail, in addition to 15 of its closest iterations, relative to this project. He's also seen the Commission open and close a hearing on the same night, and then take action the following meeting; he didn't think that's an onerous delay. Particularly if that becomes part of the understood process. Chairman Ouellette indicated he hoped that could occur organically between staff and the developer, prior to even getting to this. Chairman Ouellette indicated he wasn't saying this is a non-starter; he's open to all process improvements. He felt this would be an impediment from a business perspective because of the uncertainty of going through the public process and the expense.

Vice Chairman Sullivan questioned if there was a requirement when something like this is proposed or going in all adjacent property owners are given a certified mailing? First Selectman Bowsza suggested not if it's an appropriate use for the zone; Town Planner D'Amato concurred by shaking his head negatively. First Selectman Bowsza noted that in this case, it is - it's just on the edge of the zone.

Commissioner Gowdy suggested as many years as he's been on the Commission he doesn't recall the Commission ever having a public hearing where we've had the propensity of people in favor of something. Everyone has their little slice of heaven where they live but just don't build it in my backyard. He felt the Town Planner can take care of a lot of that. He felt the Commission should have some discussion on some of the projects, but on majority he agrees; he felt you can't have it two ways.

Chairman Ouellette indicated he wasn't suggesting this happens on the PZC but he could see the potential for the following situation happening. This is not a popularity contest whether a type of development belongs in a type of town. The fact that it meets the regulations is the only thing you should be making your decision on – does it meet the regulations? If it does, you're obligated to approve it. If you can't live with those rules you shouldn't be on the Commission. And if it means we need a process improvement to change the regulations so be it, but that process, in itself, requires a public hearing.

First Selectman Bowsza agreed that many of these things might be handled at the staff level. He noted we've been in a period of staff uncertainty for a long time; he indicated that would continue for a few months and then staff needs time to familiarize themselves. He cited concern with finding ourselves in the same position in the next few months where we're leaving the residents feeling like we're not being responsive to their concerns. First Selectman Bowsza indicated struggling with the fact that the Commission

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

23

is a regulatory board and he's not; he's looking for that middle ground; it's not black and white.

Commissioner Gowdy agreed with Chairman Ouellette. If the application meets the regulations and the Commission has input from staff then it's very difficult to listen to someone say I don't want it in my backyard. If the regulations have to be changed we'll change them.

Chairman Ouellette noted that when this Commission deliberates on zone changes they're very cautious. They look at it from all different scenarios - what could possibly go in there, the type of different uses - and we try to make an educated decision regarding is this the right fit for this piece of property? We always go through that process. And that is always part of public hearing process for a Zone Change. Unfortunately, there is not a lot of public participation when parcels are rezoned for whatever reason; it's only when something is going to be built there. People may think that property was going to be farming for perpetuity; that's not the case. The owner had different plans for that.

First Selectman Bowsza suggested he could argue the Silverman's case here, too. They are the property owners of record now; they brought the property understanding a certain use was available to them, and then when they tried to avail themselves of that use that the rug gets pulled out after they've become the owners of the property. I get that side of it, too. I'm just trying to find a way so that we're aware that there are unintended consequences. And certainly I would think if it were coming to my Board that I don't know what all of those unintended consequences are.

First Selectman Bowsza suggested he didn't know what the solution is. I don't know if the letter I sent you is the solution, I just wanted to make sure it was a conversation that I raised with the Commission. And, as always, I thank you for your deliberation on it.

Chairman Ouellette thanked First Selectman Bowsza for offering his point of view. Commissioner Gowdy thanked First Selectman Bowsza as well; you're obviously concerned about the public and the residents of East Windsor and that's admirable. Vice Chairman Sullivan suggested communication is an important thing.

BUSINESS MEETING:

Chairman Ouellette indicated he wanted to discuss a couple of issues.

- **Communication** – Chairman Ouellette recognized that we're in a tough time with COVID, and with the turnover of Planning and Development staff and current staff working their tails off. But he's noticed that information that would be of

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1787 – September 8, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

24

- interest to public on the Planning and Development Commission webpage is incorrect; he hoped, when time is available, that the information can be updated.
- **The Warehouse Point Planning Study** – Chairman Ouellette cited Terry Hahn and LADA and the staff is doing a wonderful job but the study has been going on for four years. In the beginning it was a hydrology study, which became a plan of development of what could occur in Warehouse Point and provide the Commission the opportunity to make some regulation changes to be more business-friendly in Warehouse Point. He recalled that prior to COVID the Commission had discussed options for holding the public hearing; Chairman Ouellette suggested the Commission needs to bring the study to a close. Chairman Ouellette noted Town Planner D'Amato needed some time to familiar himself with this project and file some paperwork with the State.

Town Planner D'Amato concurred, noting previous staff had not filed some paperwork with the State which is now overdue; his first priority is to get that done. He indicated he hoped to have an update for the Commission at the next meeting.

Discussion continued regarding Town Planner D'Amato's role with the Commission and the Town. While he's a part-time consultant, Town Planner D'Amato advised the Commission they should consider him full-time; completely committed support. His priorities are to review and suggest some changes for processes and regulation revisions but if the Commission has something they want to deal with they need to bring that to his attention.

Chairman Ouellette queried the Commissioners for comments or concerns.

Commissioner Gobin cited the hard part for her on the Warehouse Point study was she never saw the contract; she agreed – in the beginning it was a hydrology study but she never got a clear sense of what the hard deliverables were and when they were due. Had the Commission been aware of that information it would have been easier to manage.

Hearing no further requests for discussion Chairman Ouellette called for a motion to adjourn the meeting

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:32 p.m.

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

Respectfully submitted, _____
Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission