

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

REGULAR Meeting #1791

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 Meeting #1791, the November 24, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:31 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), Anne Gobin, Michael Kowalski, and Jim Thurz.
 Alternate Members: Frank Gowdy – two vacancies for Alternate Members.

ABSENT: Regular Member Tim Moore.

Also present was Interim Town Planner Michael D’Amato.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting. Also present were: Marek Kement, of Barton & Loguidice, representing WSG, LLC, and Adam Westhaver, owner, WSG, LLC; Jay Russo, of J. R. Russo & Associates, LLC, representing 26 Rye Street, Christopher Donahue, owner of 26 Rye Street; Terri Hahn, of LADA, LLC, Land Planners.

Public: Selectman Charlie Nordell; Chris Donahue; Lori Suzik.

ESTABLISHMENT OF QUORUM:

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

2

LEGAL NOTICE:

The following Legal Notices were read by Chairman Ouellette:

- A. WSG, LLC (PZ-2020-16)** - Special Use Permit Renewal for earth excavation at 140 Wapping Road, Map 017 Block 65 Lot 008-034, A-1/M-1 Zone (Deadline for decision: January 14, 2021)
- B. Resubdivision Application, 26 Rye Street (PZ-2020-17)** - Christopher Donahue, 26 Rye Street, for a 1-lot residential subdivision, Map 077, Block 40, Lot 001, Zone R-2. (Deadline for decision: January 14, 2021)

ADDED AGENDA ITEMS:

Chairman Ouellette noted he will acknowledge under **RECEIPT OF APPLICATIONS** a Zone Change Application for 87 South Main Street submitted by David Mason. Public Hearing to be opened on December 8, 2020.

PUBLIC PARTICIPATION:

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

APPROVAL OF MINUTES/November 10, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1790 of the East Windsor Planning and Zoning Commission dated November 10, 2020, 16 pages, as presented.

Gobin moved/Gowdy seconded/DISCUSSION: None.

VOTE by show of hands: In Favor: Ouellette/Gobin/Kowalski/Thurz/Gowdy
(No one opposed/No Abstentions)

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following:

- A. APPLICATION TO BE RECEIVED PZ-2020-18 – Zone Change Application from Dave Mason**, 87 South Main Street, for a zone change from TZ5, R-3, and A-1 to TZ5 and A-1. Map 052, Block 20, Lots 029 069 Public Hearing date: 12/08/2020 Legal ad dates: 11/25/2020 and 12/2/2020.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

3

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. WSG, LLC (PZ-2020-16) - Special Use Permit
Renewal for earth excavation at 140 Wapping Road, Map 017 Block 65 Lot 008-034, A-1/M-1 Zone (Deadline for decision: January 14, 2021)

Chairman Ouellette read the description of this Agenda item. Marek Kement, of Barton & Loguidice, joined the Commission virtually representing WSG, LLC. Also present virtually was Adam Westhaver, owner of WSG, LLC.

Mr. Kement noted a copy of the Certificate of Mailing regarding notification to abutters had been submitted to the Planning Office.

Mr. Kement reported he is appearing before the Commission regarding the renewal of the Special Use Permit originally approved in November, 2018 for this gravel operation. Mr. Kement indicated they are seeking a three-year renewal of the current permit.

Mr. Kement described the location of the property on Wapping Road. The parcel contains approximately 40 acres located within two zones, A-1 and M-1; the parcel is bisected by the railroad. Mr. Kement indicated Phase I included installation of the access road to the site and the scale, as well as the drainage structures associated with the project. Mr. Kement reported that an As-Built Plan indicating the limits of disturbance in 2020, as well as drone photos of the site, were submitted with the application. The operation has begun Phase II.

Mr. Kement indicated he has been corresponding via e-mail with Interim Town Planner D'Amato regarding this renewal. Mr. Kement felt that some of issues raised by Interim Town Planner D'Amato had been dealt with through the previous Planner.

Chairman Ouellette opened discussion to the Commissioners.

Commissioner Gowdy suggested he wanted to hear Interim Town Planner D'Amato's comments.

Commissioner Gobin questioned if the applicant has received any complaints from the neighbors?

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

4

Interim Town Planner D'Amato indicated his staff memo lists the conditions of approval when the application/permit was approved in 2019.

- Two of the conditions address bonding. Discussions with Town Engineer Norton have determined the bonding was related to Phase I. Interim Town Planner D'Amato reported the Planning Office was unable to find the As-Built plans requested in 2019.
- He noted that the current phase being worked on must be closed prior to opening a new phase; the Planning Office needs evidence that has occurred. Interim Town Planner D'Amato recalled Mr. Kement has indicated they have begun Phase II; the Commission needs to determine what the bonding should be for the new phase.
- Citing the condition requiring a geo-referenced aerial color image of the project to be submitted November annually, Interim Town Planner D'Amato noted drone photos were submitted with the application but lack a date for verification
- And, the condition requiring an electronic activity report documenting the truck activity being submitted to the Town quarterly appears to not have occurred.

Chairman Ouellette questioned if Interim Town Planner D'Amato had received any recent complaints? Interim Town Planner D'Amato indicated he'll confer with Zoning Enforcement Officer (ZEO) Calabrese regarding the status of complaints.

Mr. Kement suggested the As-Built Plans submitted with the application indicate the level of compliance. He reiterated that Phase I included the construction of the access road and scale, which should have been reflected on the 6 month As-Built. Mr. Kement suggested Phase I couldn't be closed as it provides access to the site and the scale. Regarding the geo-referenced aerial, it was unclear what was wanted by the previous Planner; they have submitted the drone photos instead.

Adam Westhaver, owner of WSG, LLC.: Mr. Westhaver offered the following comments:

- he will provide an activity report to the Planning Office tomorrow.
- Regarding closing Phase I, he concurred with Mr. Kement; Phase I is the access to the site, including the scale, and can't be closed.
- Regarding the bonding, he has been discussing with Town Engineer Norton the option of rolling over the Performance Bond as the project progresses through the various phases. Interim Town Planner D'Amato reiterated the need to establish what bonding amount is required regarding Phase II.

Chairman Ouellette asked Mr. Westhaver if he had been contacted personally regarding complaints from the neighbors? Mr. Westhaver indicated he can't control what streets

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

5

the haulers use, although they do tell contractors to use Route 5 and Windsorville Road. Chairman Ouellette noted signs have been installed at Windsorville Road and Wapping Road telling drivers not to use Graham Road; he questioned if Mr. Westhaver had installed those signs? Mr. Westhaver replied negatively, but suggested if they direct the trucks correctly that benefits everyone. First Selectman Bowsza reported the Town had installed those signs.

Commissioner Gobin reiterated she is looking for documentation regarding neighbor complaints.

Commissioner Thurz felt the drone photos were what the Commission was looking for to be able to see what's going on in the pit.

Interim Town Planner D'Amato cited some of the conditions aren't clear; it's difficult to confirm compliance. He suggested submission of the Activity Report, and confirmation of the bonding requirement for Phase II and what's available from Phase I to apply to Phase II prior to the next meeting would be appreciated. Interim Town Planner D'Amato indicated he also needs to touch base with ZEO Calabrese regarding complaints. He advised the Commission this permit hasn't expired yet; he would prefer to provide the Commission with an updated staff memo for the next meeting.

Commissioner Gobin indicated she's interested in hearing from ZEO Calabrese what complaints have been filed, especially about the hours of operation and activity during the night.

Chairman Ouellette noted this application is a Public Hearing; he questioned if anyone in the audience would like to comment?

Lori Suzik, 15 Morris Road: Mrs. Suzik reported she has made complaints about noise, and vibration she can feel in her home. Mrs. Suzik felt her neighbor, Ted Arrowsmith, had made complaints to First Selectman Bowsza. First Selectman Bowsza indicated he will share his information with Interim Town Planner D'Amato. He noted he doesn't have the specific information with him this evening but he recalls about 10 complaints since he took office; the complaints involved vibration, noise, frequency of trucks using Morris Road, especially in the morning. He reiterated the complaints of the use of Morris Road was the impetus for installing the signs referenced by Chairman Ouellette. First Selectman Bowsza noted there were numerous complaints made to the previous ZEO. Mrs. Suzik thanked the Town for installing the signs; she suggested it has helped with the traffic.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

6

Chairman Ouellette noted the Commission has not closed the Public Hearing tonight as they are seeking additional information, including:

- Submission of the activity report
- Clarification of what's been submitted to the Planning Office as the current files are incomplete.
- Review of complaints with ZEO and First Selectman Bowsza, with input from the applicant regarding solutions.
- Review of bonding regarding what can be transferred from Phase I to Phase II, and the bonding requirements for Phase II.

MOTION: To CONTINUE THE PUBLIC HEARING for Application PZ-2020-16, WSG, LLC - Special Use Permit Renewal for earth excavation at 140 Wapping Road, Map 017 Block 65 Lot 008-034, A-1/M-1 Zone – Public Hearing continued until the Commission's Regular Meeting scheduled for Tuesday, December 8, 2020 via ZOOM.

Gobin moved/Gowdy seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Gobin/Kowalski/Thurz/Gowdy
(No one opposed/No Abstentions)**

NEW PUBLIC HEARINGS/B. Resubdivision Application, 26 Rye Street (PZ-2020-17) - Christopher Donahue, 26 Rye Street, for a 1-lot residential subdivision, Map 077, Block 40, Lot 001, Zone R-2. (Deadline for decision: January 14, 2021)

Chairman Ouellette read the description of this application/Public Hearing, noting the deadline to make a decision is January 14, 2021.

Joining the Commission virtually was Jay Ussery, of J. R. Russo & Associates, representing the applicant, Chris Donahue. Mr. Ussery suggested Mr. Donahue may also be signed in to the meeting via phone.

Mr. Ussery shared the screen with the Commission, referencing a Site Plan of the resubdivision. Mr. Ussery described the parcel as containing 1.87 acres located in an R-2 Zone on the southwest corner of Rye Street and Old Ellington Road, across the street from the Broad Brook Elementary School; the Town Hall is located across the street from the school. The parcel currently contains an existing ranch style dwelling on Rye Street with attached garage; a large grey tobacco shed is located on Old Ellington Road. The owner, Chris Donahue, proposes to cut out a new lot on Rye Street. The lot size requirement within the R-2 Zone is 25,000 square feet. Sewer, water, and gas are available at Old Ellington Road.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

7

Mr. Ussery indicated the new lot meets regulation requirements for frontage, set backs, and square footage; the new lot doesn't meet requirements for building coverage because of the size of the existing barn. Mr. Donahue received a variance for the required building coverage in November, 2020. Mr. Ussery indicated Mr. Donahue didn't want to cut off the barn as it was constructed in 1934+/- and is used for storage.

Mr. Ussery reported Town Engineer Norton is comfortable with the proposal. They are waiting for input from the Water Pollution Control Authority (WPCA) regarding the sewer.

Mr. Ussery indicated they are requesting the following waivers:

- Section 6.3 – sidewalks
- Section 6.5 – street lights

Mr. Ussery indicated they are offering a Fee-In-Lieu of the Open Space requirement. Mr. Ussery noted the Open Space requirement wouldn't apply if Mr. Donahue occupied the new home, but if the parcel is sold within a specified time period the Open Space requirement would then kick in.

Mr. Ussery reported the signs notifying the public of the Public Hearing were posted; a copy of the Certificate of Mailing was provided for the Planning Office.

Regarding the request for the sidewalk waiver, Mr. Ussery noted there is approximately 800 feet of frontage on both roads. Lengthy discussion followed.

Commissioner Thurz cited that although he usually favors sidewalks, in this case, he felt homes were already established on Rye Street, and sidewalks would go to nowhere; he didn't feel sidewalks were necessary in this case.

Commissioner Kowalski felt the Commission was migrating towards accepting a Fee-In-Lieu of sidewalks if they didn't make sense with the proposed application; he would like to pursue that aspect rather than completely waive the sidewalk requirement. Commissioner Kowalski indicated he had no other issues with the proposal.

Commissioner Gowdy indicated he agreed with Commissioner Thurz; in this instance they would be sidewalks to nowhere. Commissioner Gowdy questioned the Commission's ability to require the Fee-In-Lieu option; Chairman Ouellette noted the option is contained in the regulations.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

8

Commissioner Gowdy questioned where the access would be provided for the new lot? Mr. Ussery indicated it is proposed to be on Rye Street, although the Site Plan is conceptual.

Mr. Ussery noted there's an existing catch basin on Rye Street which extends to a pipe in Old Ellington Road; Mr. Ussery was unable to find any easement regarding the drainage. There are wetlands on the parcel, which extend to the neighbor's property. Mr. Ussery indicated they are proposing a drainage easement in favor of the Town on the side of Mr. Donahue's property in case the pipe needs to be replaced.

Commissioner Kowalski noted they are also proposing a utility easement; he requested clarification. Mr. Ussery indicated Mr. Donahue is giving the easement to himself to be able to connect to the water, sewer, and gas; the proposed lot is located in the sewer service area. Commissioner Kowalski questioned that the utilities were not available on Rye Street? Mr. Ussery replied negatively, noting the water ends at the intersection.

Commissioner Gobin suggested she felt the area was a prime location for sidewalks due to the proximity to the school. The sidewalks would keep kids out of the street, and if there was a crossing guard at Old Ellington Road it would be safer.

Chairman Ouellette noted the Town made an application to the State to enhance sidewalks in the area; he questioned if Interim Town Planner D'Amato or Mr. Ussery was familiar with the project? Mr. Ussery indicated his firm did survey work for the project; he suggested the Town will be installing sidewalks on Old Ellington Road to Reservoir Park, the Dog Park, and the Community Garden area; sidewalks will then continue down Skinner Road to Depot Street back to the center of Broad Brook. The grant was approved; money is available; the design work is underway. Mr. Ussery agreed with Commissioner Gobin; this is a good location for sidewalks, but he also agreed with Commissioner Thurz; the homes along Rye Street are older, there are no sidewalks on Hayfield Lane, and St. Catherine Cemetery has significant frontage. Mr. Ussery suggested unless the Town gets another grant it's unlikely that sidewalks will be built on Rye Street.

Chairman Ouellette noted the Connectivity Grant was one of the last things previous Town Planner Whitten undertook. She and Chairman Ouellette discussed areas in town where sidewalks made sense; the current loop described by Mr. Ussery was a Town decision. Chairman Ouellette indicated this area didn't come up because it wasn't used that much. Chairman Ouellette noted there is another State solicitation going on.

Chairman Ouellette indicated he didn't personally feel sidewalks associated with Mr. Donahue's proposal were necessary, but the regulations give the Commission the ability to consider the Fee-In-Lieu of sidewalks option. Commissioners Thurz, Gowdy, and

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES

9

Kowalski agreed with the Fee-In-Lieu option. Interim Town Planner D'Amato clarified that the amount of frontage to be considered was the 150 feet along Rye Street associated with the new lot, not the frontage associated with the existing lot; the computations wouldn't include the Old Ellington Road frontage.

Chairman Ouellette noted this application is a Public Hearing; he offered the public an opportunity to comment. No one offered any comments, or raised any questions.

Chairman Ouellette noted the Commission is considering the option of the Fee-In-Lieu of sidewalks rather than the waiver; he offered Mr. Ussery the opportunity to have a conversation with Mr. Donahue. Mr. Ussery felt Mr. Donahue would agree to the Fee-In-Lieu based on the 150 foot frontage of the proposed/new lot.

Discussion continued regarding modification of the potential approval motion. Chairman Ouellette questioned Mr. Ussery on Mr. Donahue's timeline for this project? Mr. Ussery felt the Commission could take time to revise the motion appropriately, and follow-up with the WPCA regarding a potential sewer connection; he felt continuing the Public Hearing until the Commission's December 8, 2020 meeting was fine.

Chris Donahue, the applicant, joined the discussion and concurred with Mr. Ussery's suggestion; he can wait until December 8, 2020.

Chairman Ouellette queried the Commission on their preference for keeping the Public Hearing open in case additional information becomes available? The consensus of the Commission was to leave the Public Hearing open.

Interim Town Planner D'Amato noted he is asking the Commission to consider the existing street trees along Rye Street, rather than requiring the applicant to install new streets.

Mr. Ussery noted that in past years the Fee-In-Lieu of Open Space has been \$2,000 per lot; he questioned if that has changed? Interim Town Planner D'Amato cited the regulation reference to a discussion with the Town Assessor to set current values. He noted that during the last subdivision approval the Fee-In-Lieu for Open Space was set at a percentage of the appraised value. Chairman Ouellette suggested Mr. Ussery discuss the value with Interim Town Planner D'Amato prior to the next meeting.

Hearing no requests for additional discussion Chairman Ouellette called for a motion to continue the Public Hearing on the resubdivision application for 26 Rye Street.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

10

MOTION: To CONTINUE THE PUBLIC HEARING for Application PZ-2020-27, Resubdivision Application, 26 Rye Street (PZ-2020-17) - Christopher Donahue, 26 Rye Street, for a 1-lot residential subdivision, Map 077, Block 40, Lot 001, Zone R-2 - Public Hearing continued until the Commission's Regular Meeting scheduled for Tuesday, December 8, 2020 via ZOOM.

Gobin moved/Gowdy seconded/DISCUSSION: None.

VOTE by show of hands: In Favor: Ouellette/Gobin/Kowalski/Thurz/Gowdy
(No one opposed/No Abstentions)

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

Terri Hahn, of LADA P.C. Land Planners joined the Commission.

Mrs. Hahn noted the Department of Economic and Community Development (DECD) is requiring the finalization of this project by the end of 2020, with the submission of a final report in January, 2021. Mrs. Hahn held a lengthy discussion with the Commission regarding the following pending items:

- Current review of updated version of Survey Monkey resident survey. Mrs. Hahn noted she has revised the survey with comments previously made by the Commission; she requested they review the new/updated version prior to the survey's mailing to Warehouse Point residents in the study area, and prior to posting a link to the survey on the Town website.
- Videos of the project scope will be posted – via a link – on the Town website. The videos have been split into 4 separate sections for ease of review.

Discussion followed regarding the timing/availability of the Commission's review. Chairman Ouellette noted the videos had been posted for the Commissioners this evening prior to this meeting; he hadn't had time to review them. Commissioners Thurz, Gowdy, Kowalski, and Gobin also requested time for review. The Commissioners will review the videos over the next week and send comments directly to Interim Town Planner D'Amato for referral to Mrs. Hahn.

- Commission's review and acceptance of draft Zoning Regulations specific to the Warehouse Point area. Chairman Ouellette offered Mrs. Hahn 4 minor changes; Commissioner Kowalski offered one revision. Commissioners Thurz, Gowdy, and Gobin were ok with the draft regulations as presented; Commissioner Gobin requested time for review of the revised draft regulations. Mrs. Hahn suggested

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

11

the Commission's acceptance of the regulations would be separate from the DECD report.

- Potential for scheduling Special PZC Meetings to take public comments, and the Commission's review and acceptance of the final report.

Chairman Ouellette cited the Town is seeking approval from OPM; he questioned if the expectation is that the Commission refer this material to the Board of Selectmen for approval as well? Interim Town Planner D'Amato suggested the PZC is the authority handling the grant; the Board of Selectmen will be looking for a recommendation from the PZC.

NEW BUSINESS: None.

OTHER BUSINESS/A. Site Visits:

Report scheduled for Commission's first monthly meeting.

CORRESPONDENCE:

Nothing presented this evening.

BUSINESS MEETING/A. General Zoning Issues:

Chairman Ouellette queried Interim Town Planner D'Amato for comments.

Interim Town Planner D'Amato offered the following:

- The current regulations identify about 60 uses but only offer definitions for a small number. He cited the difficulty when explaining the regulations to applicants, and suggested the Commission should consider review of the current definitions.
- There are several Site Plan standards but they're not consistent in all sections; the Commission should consider review of the Site Plan standards.

Chairman Ouellette suggested both issues be Commission objectives for consideration early in 2021.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:23 p.m.

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1791 – November 24, 2020
ZOOM Teleconference
Meeting ID: 332 683 3563
MEETING MINUTES**

12

Respectfully submitted,

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