

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

REGULAR Meeting #1755 – March 26, 2019

MEETING MINUTES

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:32 P. M. by Chairman Ouellette.

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

ABSENT: All Regular and Alternate Members were present this evening.

Also present was Town Planner Ruben Flores-Marzan, and Assistant Town Planner/Zoning Enforcement Officer/Wetlands Agent Matt Tyksinski.

GUESTS: Linda Collins, of the East Windsor Housing Authority, and Suzanne P. Choate, P. E. of Design Professionals, and Jim and Linda Rettinger, of the Newberry Village Homeowners Association.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and three Alternate Members were present at the Call to Order. All Regular Members would sit in, and vote, on all Items of Business this evening; Alternate Members would sit in on discussions.

LEGAL NOTICE: None this evening.

ADDED AGENDA ITEMS:

Chairman Ouellette clarified that the Application from Design Professionals, Inc. for the East Windsor Housing Authority, Site Plan Modification for Park Hill, will be received this evening, and then heard under Item X – NEW BUSINESS.

PUBLIC PARTICIPATION:

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

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Jim Rettinger, Vice President of the Newberry Village Homeowners Association:

Mr. Rettinger reported that the homeowners took over from the builder of Newberry Village last Fall. He noted that the Homeowners Association has leaned heavily on the Town for help with numerous items of concern that they have had to deal with since forming the Homeowners Association. Mr. Rettinger noted assistance from the Town Clerk's Office, the Tax Office, and the Planning and Zoning Office. Mr. Rettinger thanked everyone for their help.

Mr. Rettinger cited the members of the Homeowners Association have serious concerns regarding their role in managing Newberry Village. It's been about three months since the transition; Mr. Rettinger noted the builder has a well-documented history of not complying with plans and other issues. Mr. Rettinger suggested they've found huge discrepancies with the drainage and buildings; they already have a new homeowner asking when their new trees will be planted. Mr. Rettinger noted he has 61 photos documenting issues with paving at the site.

Mr. Rettinger indicated he understands the Town holds a bond on the issues of concern, some of which they may be forced to go to the State for assistance. Mr. Rettinger indicated some of the issues they will be dealing with will entail the support of the Planning and Zoning Office.

Commissioner Gowdy questioned if Mr. Rettinger has contacted the Building Inspector ? Mr. Rettinger replied affirmatively, noting that some of the issues include building one of the homes 4 feet from the wetlands; many of the issues are not the Building Inspector's concern. Mr. Rettinger cited issues with missing resale certificates which were not properly processed by the builder. Commissioner Gowdy questioned that the Homeowners Association wasn't getting any help from the builder? Mr. Rettinger replied negatively, noting he has written documentation that the builder will not provide the Homeowners Association with information they've requested.

Mr. Rettinger thanked the Commission for their time.

APPROVAL OF MINUTES/February 25 and March 12, 2019 (regular meetings):

MOTION: To APPROVE the Minutes of SPECIAL Meeting #1753 dated February 26, 2019, AND Regular Meeting #1754 dated March 12, 2019 of the East Windsor Planning and Zoning Commission as presented.

Kowalski moved/Sullivan seconded/DISCUSSION: None.

VOTE: In Favor: Ouellette/Kowalski/Sullivan

Opposed: No one

Abstained: Moore/Thurz

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RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new Applications:

- A. Application from Design Professionals, Inc. for East Windsor Housing Authority. Modification of Approved Site Plan for Park Hill (Zone: ARHD; Assessor's Parcel ID: 078-56-37):

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/A. Sardilli – set bond; memo from L. Norton:**

Chairman Ouellette referenced memo from Len Norton, Town Engineer dated March 8, 2019, noting the recommendation is to set the Erosion and Sedimentation Bond at \$55,200. Chairman Ouellette questioned if Staff is ok with this recommendation; Town Planner Flores-Marzan replied affirmatively.

MOTION: To APPROVE the Erosion and Sedimentation Control Bond estimate of \$55,200 by J. R. Russo and Associates for Sardilli Produce & Dairy at 12 South Water Street as recommended by Town Engineer Norton.

Sullivan moved/Thurz seconded/DISCUSSION: None.

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

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/B. 34 Newberry Road, request to release bond:**

Commissioner Sullivan questioned what type of bond is being requested to be released? Assistant Town Planner Tyksinski reported this is an Erosion and Sedimentation Control Bond as well. He has not had an opportunity to inspect this property (WSJA, LLC/Sil Carr Corporations); Assistant Town Planner Tyksinski suggested the release of this bond be moved to the next meeting.

MOTION: To CONTINUE the discussion on the request to release the Erosion and Sedimentation Control Bond for 34 Newberry Road to the Commission's next regularly scheduled meeting on April 9, 2019, at 6:30 p.m. in the Town Hall Meeting Room.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

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**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/C. Meadow Farms, request to replace surety bonds with cash
bonds:**

Assistant Town Planner Tyksinski reported Mr. Ziegler, the original builder at Meadow Farms, had contacted him with a request to replace his \$14,000 Surety Bond with a \$14,000 Cash Bond. However, a written request has not yet been received by the Planning Office. Chairman Ouellette confirmed that the Zoning Regulations require that the owner of the bond must provide a written request; he questioned if Assistant Town Planner Tyksinski was suggesting continuing this request as well? Assistant Town Planner Tyksinski replied affirmatively.

MOTION: To POSTPONE discussion on the request of Jason Ziegler for replacement of Surety Bond with a Cash Bond for Meadow Farms until the Commission's next regularly scheduled meeting on April 9, 2019, at 6:30 p.m. in the Town Hall Meeting Room.

Sullivan moved/Thurz seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

NEW BUSINESS/ A.Application from Design Professionals, Inc. for East Windsor Housing Authority. Modification of Approved Site Plan for Park Hill (Zone: ARHD; Assessor's Parcel ID: 078-56-37):

Chairman Ouellette read the description of this item of business.

Appearing to discuss this Application was Suzanne P. Choate, P. E. with Design Professionals, and Linda Collins, Director, East Windsor Housing Authority.

Ms. Choate reported they are appearing before the Commission this evening to present improvements being proposed at Park Hill. The Housing Authority is seeking a grant to do emergency access improvements to the first 4 buildings as you come in off the street. The current access has been problematic. They will also be adding handicapped access to these buildings. Ms. Choate reported the existing parking lot will be milled and repaved; they're adding 26 new parking spaces. They are also proposing an emergency drive between the sidewalks, and a vehicle turn around area. They are not proposing any new lighting at this time. A bit of new landscaping will be added to the area. Erosion and sedimentation controls will include silt fence on the downside of the slopes. Ms. Choate

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reported the entire site contains 13 acres; these revisions are considered a minor Site Plan modification.

Commissioner Gowdy questioned that the new emergency access would provide accessibility for ambulances and fire trucks? Ms. Choate suggested the fire trucks would be able to get in but would have to back out; they wouldn't be able to turn around. Commissioner Gowdy questioned if the Fire Marshal has seen these plans and offered any input? Town Planner Flores-Marzan indicated the referral of the plans to the Fire Marshal will be part of the circulation of plans for comments. Commissioner Gowdy questioned if the Housing Authority would be able to get the grant if they can't turn around; he felt the grant would be based on safety standards - what if they can't back out?

Ms. Collins suggested the Housing Authority has received money from the Small Cities Block Grant Program in the past. She felt this is what the State will be looking at. Commissioner Gowdy reiterated he wanted to see comments from the Fire Marshal indicating the plans as proposed meet approval for emergency access. Ms. Choate suggested it could be made a condition of approval.

Chairman Ouellette queried Ms. Choate if she had seen the comments made by Town Engineer Norton under his 2 memos? Ms. Choate indicated she hadn't seen the memos. Chairman Ouellette noted Town Engineer Norton is looking for drainage calculations which he had requested last week; Town Engineer Norton has suggested the plans have been revised but he has still not seen the drainage calculations. Ms. Choate didn't feel there was an issue with the drainage calculations but she would be happy to provide that information to Town Engineer Norton.

Chairman Ouellette requested that someone explain the deadline for the grant submission; he's getting a sense of urgency but also feels the Commission is being rushed. He noted the Commission doesn't have response comments from Town Engineer Norton. Ms. Collins noted the deadline for the grant submission is April 12th; the plans and application must be submitted to the State by that time. Ms. Collins noted they're working with a consultant, who would like to submit the application/plans by then. Chairman Ouellette questioned how long the Housing Authority has been working with the consultant? Ms. Collins reported they were delayed finding a consultant. Wagner Associates did this in the past but have retired; they put the work out to bid but it took a couple rounds of bidding to acquire a consultant. The Housing Authority has been

working since October, 2018 to put this together. Commissioner Gowdy agreed with Chairman Ouellette regarding rushing the review; Commissioner Gobin concurred with Commissioner Gowdy.

Commissioner Thurz questioned how the sidewalks will work with the rollable gurneys used by emergency responders? Ms. Collins indicated they have new sidewalks and have

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tried to incorporate them with the vehicle access but the sidewalks weren't meant to be driven on. Currently the ambulance personnel must park in the street and bring their equipment up to the individual units. She cited some of the medical issues are serious for the residents; timing is everything for the first responders to get to the people. Commissioner Thurz noted he's seen many of these complexes; he's never seen this type of drive aisles. He suggested residents may begin to use them to drive their cars in to drop off groceries and shopping. Chairman Ouellette suggested that may be another issue for the Fire Marshal. Ms. Collins indicated they would be securing the area so people don't drive there for groceries; she feels it's safer than having the vehicle access beside the sidewalks.

Commissioner Moore questioned the purpose of the bituminous pads at the back of the units? Commissioner Thurz indicated those were for clothes lines.

Commissioner Sullivan also indicated he was uncomfortable without approval from the Fire Marshal, and input from Town Engineer Norton. He understood the need to move the project along for submittal of the grant but he didn't feel the Board can make an approval without the input from the Fire Marshal and Town Engineer Norton. Commissioner Thurz agreed with Commissioner Sullivan.

The Commission discussed the timing of submittal for the grant to the State – April 12th. Chairman Ouellette noted the Commission has a Regular Meeting scheduled for April 9th. Commissioner Kowalski questioned what the process would be if the Fire Marshal and Town Engineer Norton came back with concerns after the Commission's approval? Chairman Ouellette noted the potential for comments requiring revisions; he noted Town Engineer Norton's questions about the drainage calculation information. Commissioner Zhigailo agreed with the other Commissioners; the applicant needs to have those conversations with Town Engineer Norton and the Fire Marshal. Commissioner Gowdy had nothing further. Commissioner Gobin concurred with the comments made by the other Commissions.

Discussion followed regarding the process for plan referral and discussions with the Fire Marshal and Town Engineer Norton. Town Planner Flores-Marzan indicated the Planning Office would work with Ms. Choate; he suggested she reach out to those individuals as well.

Town Planner Flores-Marzan cited it's important for Town staff to support affordable housing; it's best to help as much as we can. He cited it's in our best interest as affordable housing is a goal in the POCD. He noted as part of the Housing Authority's submission they requested a waiver of fees. He felt the waiver of fees was not a common occurrence in Connecticut; he suggested the Commission consider that discussion.

Chairman Ouellette questioned if the Housing Authority is considered a Town agency; Town Planner Flores-Marzan felt that it was. Chairman Ouellette questioned if this

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approval then required an 8-24 Referral? Ms. Collins suggested the Housing Authority isn't subsidized; they depend on the rents from the units and haven't had an increase in a couple of years. She suggested anything the Commission could consider regarding the fees would be appreciated.

MOTION: To CONTINUE the Application from Design Professionals, Inc. for East Windsor Housing Authority. Modification of Approved Site Plan for Park Hill (Zone: ARHD; Assessor's Parcel ID: 078-56-37) until the Commission's next regularly scheduled meeting on April 9, 2019, at 6:30 p.m. in the Town Hall Meeting Room.

Moore moved/Kowalski seconded/

DISCUSSION: Commissioner Sullivan and Chairman Ouellette cited the following outstanding items to be addressed prior to the April 9th Meeting:

1. Items referenced in the 2 memos from Town Engineer Norton, be addressed:
 - a. one memo dated March 22, 2019 requesting:
 - Details for HMA Paving and concrete sidewalks
 - Recommendation that concrete sidewalks be reinforced in areas of vehicular traffic
 - Recommendation that pre and post development runoff calculations, from the existing garage to the west, be submitted for review.
 - b. memo dated March 26, 2019 regarding:
 - Recommendation that sidewalks at driveway crossing be 8" reinforced concrete.
 - The south side of the southerly handicap parking space in the area of the proposed new paving is greater than 2%.
 - Request for pre and post drainage calculations.
2. Contact the East Windsor Fire Marshal and provide him with plans to review regarding his opinion of acceptable emergency access for ambulances and/or fire vehicles; written response from East Windsor Fire Marshal to be provided for the file.
3. Investigate the possible need for an 8-24 Referral and allowance of a fee exemption for the East Windsor Housing Authority for Park Hill.

VOTE: In Favor: Unanimous (Ouellette/Kowalski/Moore/Sullivan/Thurz)

OLD BUSINESS: None.

OTHER BUSINESS/A. Memo re IBEW site plan modifications:

.Assistant Town Planner Tyksinski reported he met with Tim Coon on Friday regarding minor modifications to the Site Plan submitted by the International Brotherhood of Electrical Works for the property at 20 and 22 Craftsman Road. Assistant Town Planner

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felt the modifications were minor; he decided the applicant didn't need to return to the Commission as he could handle the revisions administratively.

The Commission questioned the proposed modifications. Assistant Town Planner Tyksinski noted the applicant had originally proposed the construction of 2 buildings in one shot. They are now proposing to do a smaller building, and make a future addition. They are now proposing to build a 15,000 square foot building, and add the second 3,000 square feet later. Assistant Town Planner Tyksinski noted they are now also creating a generator pad, which will be screened. He reported there is no change to the Wetlands disturbance.

Commissioner Kowalski questioned the timeline for construction? Assistant Town Planner Tyksinski reported they're trying to get going in the next couple of months. Chairman Ouellette noted they need to move forward unless they anticipate requesting an extension; they need to show they're starting construction. Assistant Town Planner Tyksinski reported they're confident they will be starting before the deadline.

BUSINESS MEETING/A. General Zoning Issues:

Commissioner Thurz reminded everyone this Thursday is the conference at the Aqua Turf.

Commissioner Gowdy requested Assistant Town Planner Tyksinski explain the procedure for processing complaints. Assistant Town Planner Tyksinski reported a person needs to submit a written complaint to the office; he'll then go to the site to see what's happening, and then call or send a letter to the person reported and the property owner. Assistant Town Planner Tyksinski cited the friendly notice is followed by a Notice of Violation, and then a Cease & Desist Notice. If the person being reported wants to appeal the municipal citation the issue would then go before the Town's Hearing Officer. Assistant Town Planner Tyksinski suggested he makes an opportunity to reach out to the owner or occupant; he feels the ultimate goal is compliance rather than penalization.

Commissioner Sullivan questioned if the written complaint is given to the person being reported; he can see the reluctance to submit written complaints, especially if involving neighbors, if there is a concern of retaliation. Assistant Town Planner Tyksinski indicated the complaint isn't given to the person being reported, although they have the right to ask who is complaining. He cited it's difficult to work on anonymous complaints. While he normally insists on the written complaints it should be noted he has gone out on anonymous complaints as well.

Discussion continued regarding the Town's ability to act on violations without advisement by the public. Assistant Town Planner Tyksinski cited his time is limited; if it's a blatant issue he'll go out to see what can be done. Town Planner Flores-Marzan

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concurrent regarding the limited staff. He noted the written complaint establishes a paper trail which is legally defensible. Discussion continued regarding options for enforcement. Commissioner Gobin noted the State also has limited resources; they act on complaints on a priority basis regarding risks to health and safety.

The Commission reviewed the status of the following complaints:

47 Church Street: Assistant Town Planner Tyksinski cited he's had problems acquiring a correct address for the property owner; previous attempts to send communications have come back to the office. Assistant Town Planner Tyksinski reported this complaint is a work in progress.

32 Harrington Road: Assistant Town Planner Tyksinski reported he is working on this complaint as well.

Chairman Ouellette suggested if the present process isn't working perhaps a review of what surrounding towns are doing might provide additional information. Assistant Town Planner Tyksinski agreed.

BUSINESS MEETING/B. Signing of Mylars/Plans, Motions:

Motions: None.

Mylars/Plans:

- Sardilli Produce.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:35 p.m.

Sullivan moved Moore seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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