

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

**REGULAR Meeting #1798  
March 9, 2021**

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

***Minutes Heading: MEETING MINUTES***

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

**TIME AND PLACE OF MEETING:**

Chairman Ouellette called Regular Meeting #1798 of the East Windsor Planning and Zoning Commission dated March 9, 2021 to Order at 6:30 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 pandemic.

**PRESENT:** **Regular Members:** Joe Ouellette (Chairman), Anne Gobin, Frank Gowdy, Michael Kowalski, and Jim Thurz

**Alternate Members:** There are currently three vacancies for Alternate Members.

**ABSENT:** All members were present this evening.

Also present was Clark Chapin, Town Planner/Director of Planning and Community Development, and Planning Consultant Michael D'Amato.

**GUESTS/SPEAKERS:** First Selectman Bowsza hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Tim Coon, J. R. Russo & Associates, LLC., Bill Ezedine, Mike Frisbie.

**Public (as identified in the Meeting participation list):** Selectman Nordell, Heidi Alexander, Bob Arsenault, Elizabeth Bragg, Tom Bulgajewski Scott Cota, Nicolas Cota, Gina Couture, Brett Faraday, Paul Keenan, Bob Winot, and others identified as follows: Chris, Craig, Eric, Frodo2, Lance and Mary, Marci, Marsha, Patti.

**ESTABLISHMENT OF QUORUM:**

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A quorum was established as five Regular Members were present at the Call to Order. The Commission was advised that Commission Gowdy had been appointed a Regular Member at the March 4, 2021 Board of Selectmen Meeting. There was no need for representation of an Alternate Member at this meeting.

**ADDED AGENDA ITEMS:** None.

**LEGAL NOTICE:**

The following Legal Notices were read by Chairman Ouellette:

**PZ-2021-05 - Application from Yolanda Montalvo, for Special Use Permit for a nail salon to be located at 148 North Road, Unit 3 (Map 124, Block 24, Lot 011A). Zone: B-3.**

**LEGAL NOTICE**

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, March 9, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

Join meeting: <https://zoom.us/j/3326833563>

Meeting ID: 332 683 3563

Dial by your location  
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+1 346 248 7799 US (Houston)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US

The following public hearing will be held:

**PZ-2021-05** - Application from Yolanda Montalvo, for Special Use Permit for a nail salon to be located at 148 North Road, Unit 3 (Map 124, Block 24, Lot 011A). Zone: B-3.

A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

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**MEETING MINUTES**  
Dated February 23, 2021, East Windsor, CT.

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Joseph Ouellette, Chairman  
East Windsor Planning & Zoning Commission

**Journal Inquirer editions: February 25 and March 4, 2021**

**PZ-2021-04 - Application from Noble Energy Real Estate for a Text Amendment to the East Windsor Zoning Regulations, Section 502 Permitted Uses in Business & Industrial Districts and Section 503 Permitted Accessory Uses.**

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A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated February 23, 2021, East Windsor, CT.

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**Journal Inquirer editions: February 25 and March 4, 2021**

**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/February 23, 2021:**

Chairman Ouellette queried the Commission for a motion for approval; Commissioner Gobin offered several edits.

**MOTION: To APPROVE the Minutes of Regular Meeting #1797 dated February 23, 2021 as amended:**

**Page 6, line 256:** "...noted the POCD is renewed every 10 years; this is a good opportunity to **SEE** ~~see~~ where the..."

**Page 7, line 293:** "...steps would be to ~~priorities~~ **prioritize** the items."

**Page 7, line 299 and 300:** "Commissioner Gobin suggested even if a ~~large~~ project if its ~~good~~ **significantly impactful** for the Town maybe that should be included....."

**Gobin moved/Kowalski seconded/DISCUSSION:** Amendments noted above.

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

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following applications, which will be heard at a future meeting:

**A. PZ-2021-06, SJK Properties, LLC, Text Amendment** Application to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD).

**B. PZ-2021-07, 142 North Road, Special Use Permit Application for a barbershop.** (Map 124, Block 24, Lot 015) Zone B-3. Applicant: Brett Faraday.

**C. PZ-2021-08, 111 South Main Street Site Plan Application for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of**

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**Agricultural and Grounds Maintenance Equipment.** (Map 052, Block 20, Lot 061)  
Zone TZ5. Applicant: United Ag & Turf Northeast

**D. PZ-2021-09, 124 Newberry Road, Special Use Permit Application for a Contractor's Office and Storage Yard.** (Map 104, Block 19, Lot 15B) Zone M-1. Applicant: Scott Cota

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/A.** Noble East, LLC – Release request of Landscaping and Road Widening Bond:

Chairman Ouellette read the description of this item of business.

Reviewing the material provided by Staff Chairman Ouellette felt Town Engineer Norton had some concerns about release of the bond for landscaping and road widening at this location, 76 North Road. Director Chapin felt Town Engineer Norton had concerns regarding the settling of the access from Winkler Road. Director Chapin reported ZEO Calabrese had inspected the site but, given the time of year, it would be difficult to do any work presently. He suggested an option would be to swap out the Surety Bond for a Cash Bond.

Chairman Ouellette questioned the Commission's action on this application? He questioned if the Applicant had made a formal request for action on the bond release, or could this be handled administratively between the parties involved? He cited if the Commission were to take action, based on the information presented, the Commission would be denying the release of the bond.

Discussion followed regarding the options. Chairman Ouellette questioned if this information had been shared with the Applicant; Planning Consultant D'Amato replied affirmatively.

**Commissioner Thurz** felt the Applicant just wasn't ready yet; **Commissioners Kowalski, Gowdy, and Gobin** agreed.

Chairman Ouellette noted the Applicant, Mike Frisbie, had joined the meeting. He questioned if there was a need on his part to act this evening? Mr. Frisbie indicated someone in his office had advised him the bond was still outstanding. He agreed to work with Town Engineer Norton and staff regarding moving forward.

**CONTINUED PUBLIC HEARINGS:** None.

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**NEW PUBLIC HEARINGS/A. PZ-2021-05 148 North Road, Special Use Permit Application** – for nail salon. (Map 124, Block 24, Lot 011A) Zone B-3. Applicant: Yolanda Montalvo:

Chairman Ouellette read the description of this item of business. Present to discuss the Application was Yolanda Montalvo.

Chairman Ouellette requested Ms. Montalvo explain the application. Ms. Montalvo reported she has been doing nails and lashes; she's ready to move on to opening a salon. Chairman Ouellette asked what some of the neighboring uses were to her location? Ms. Montalvo reported a hair salon, a dentist, a doctor, and a tattoo parlor; someone sells flowers at the end of the plaza. In the front is a gas station, someone baking cookies, and a breakfast restaurant.

**Commissioner Thurz** felt the proposed use fits with the hair salon and the doctor's offices; **Commissioner Kowalski** felt it follows the other personal services uses; **Commissioner Gowdy** felt the proposed use fits as well.

**Commissioner Gobin** suggested it wasn't clear where Ms. Montalvo's shop would be located in the plaza. She questioned what use would share a direct wall with Ms. Montalvo; she would be concerned if it were the bakery or the restaurant. Commissioner Gobin also questioned if the doctor or the dentist were nearby she questioned the air flow between units; is there any toxic emissions from doing nails? Ms. Montalvo clarified she would occupy unit #3, near the hair salon; the unit on the other side is empty. Ms. Montalvo felt the units were well ventilated. **Commissioner Thurz** indicated he's worked on a lot of nail salons; he didn't feel the need for ventilation. **Commissioner Gobin** felt if there are no emissions, and the unit on the other side is empty she's ok with the proposal.

Chairman Ouellette asked Director Chapin and Planning Consultant D'Amato for comments; neither party had any addition information to offer.

Chairman Ouellette noted this is a Public Hearing; he asked if there were any comments from the public. No one requested to speak.

Chairman Ouellette requested a motion to close the Public Hearing.

**MOTION: To CLOSE THE PUBLIC HEARING on Application PZ-2021-05 148 North Road, Special Use Permit Application – for nail salon. (Map 124, Block 24, Lot 011A) Zone B-3. Applicant: Yolanda Montalvo.**

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**Gobin moved/Thurz seconded/****DISCUSSION:** None.

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

Chairman Ouellette asked the Commissioners if they were ready to take action tonight; the consensus of the Commission was to consider an approval motion.

**Motion to Approve:**

Application #PZ 2021-05 for Special Use Permit Application for a nail salon to be located at 148 North Road, Unit 3 (Map 124, Block 24, Lot 011A) Zone B-3.

This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation (as may be modified by the Commission and this approval) and the following conditions/modifications.

**Findings:**

1. The proposed location is in compliance with the standards set forth by Section 502 and Section 701.
2. 148 North Rd, Unit 3 is within the B3 zone which allows for Service Establishments,

Personal/Professional uses.

3. **The proposed use is in harmony with adjacent uses.**

**Conditions:**

1. **A copy of the Certificate of Action shall be filed on the Land Records prior to the commencement of nail or eye lash extension services on the property.**

**Gobin moved/Thurz seconded/****DISCUSSION:** None.

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

**NEW PUBLIC HEARINGS/B. PZ 2021-04, Noble Energy Real Estate, Text Amendment Application.** Section 502 Permitted Uses in Busines & Industrial Districts and Section 503 Permitted Accessory Uses:

Chairman Ouellette read this item of business. Tim Coon, of J. R. Russo & Associates, was available to represent the Applicant, Mike Frisbie, who was also present.

Mr. Coon recalled that Mr. Frisbie had appeared before the Commission for an informal discussion regarding a proposal for car wash adjacent to Noble Gas located at 76 North Road. Mr. Frisbie intends to purchase the parcel to the east for the car wash. Based on the positive feedback from that informal discussion they began the process to submit a formal application.

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Mr. Coon reported that a significant area along Route 140 has been changed to a B-3 Zone. Review of the current Zoning Regulations indicated a car wash is not currently allowed in a B-3 Zone. Mr. Coon and Mr. Frisbie are proposing a Text Amendment to allow an automotive – car wash as an accessory use to an Automotive – Filling Re-Energizing Station within the B-3 Zone by Special Use Permit.

Mr. Coon reviewed the Text Amendment in detail. Mr. Coon noted if the Text Amendment is approved, Mr. Frisbie would return with an application for the car wash under a Special Use Permit.

Chairman Ouellette queried the Commissioners for comments.

**Commissioner Thurz** had no comments; he indicated his questions had been answered during the application presentation.

**Commissioner Kowalski** questioned if we currently have any fueling stations located within the B-3 Zone with access to sewers? Mr. Coon suggested the B-3 Zone is limited to North Road only; North Road has access to sewers. There are presently no car washes within that area. Planning Consultant D'Amato concurred; the B-3 Zone is limited to a specific area of North Road which stops around Wells Road.

**Commissioner Gowdy** recalled the previous informal discussion, and is ok with the presentation made tonight.

**Commissioner Gobin** indicated she had also been interested in the availability of sewer access. She also questioned if there is access to public water, and will it require the involvement of the North Central District Health Department? She understands the water used for a car wash is recycled. Mr. Coon indicated that public water is available along a portion of North Road. The water is recycled but the property could also be served by a well.

Chairman Ouellette suggested that it's unlikely that the primary use will change. If this were approved as an accessory use he questioned Mr. Coon, or Town Staff how that would impact this use; would it be grandfathered? Or would the car wash have to cease? Planning Consultant D'Amato suggested if the car wash would have been approved as an accessory to an automotive filling or reenergizing station then the car wash would go away because car washes are otherwise prohibited. If this location became a Dollar General then the car wash would go away. Commissioner Gobin felt if the Dollar General had a recharging station then it would be able to stay.



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Chairman Ouellette asked for input from the applicant. Mr. Frisbie indicated the plan is to install “dc fast chargers” because that’s where the future is going.

Chairman Ouellette noted this is a Public Hearing; he opened discussion to the public.

**Selectman Nordell** requested a screen shot of the footprint of the proposed location. Chairman Ouellette felt that they haven’t gone that far with the proposal, as the Text Amendment would have to be approved for them to move forward. At that point they would present a Site Plan application indicating the location to this Commission. Mr. Frisbie advised Selectman Nordell he has purchase agreements pending for the 2 lots to the east; the two parcels combined would provide nearly 3 acres.

Hearing no further requests for public comment Chairman Ouellette asked if the Commission is ready to close the Public Hearing?

**MOTION: To CLOSE THE PUBLIC HEARING on Application PZ 2021-04, Noble Energy Real Estate, Text Amendment Application. Section 502 Permitted Uses in Business & Industrial Districts and Section 503 Permitted Accessory Uses.**

**Gobin moved/Thurz seconded/****DISCUSSION:** None.

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

Chairman Ouellette asked Staff if a motion had been prepared for the Commission’s consideration. Director Chapin indicated his experience was that Towns don’t take action the same night as closing the Public Hearing. His experience has also been that preparation of an approval motion could be construed to mean that the application is pre-disposed for approval before hearing all the testimony. Chairman Ouellette suggested the Commission continue that discussion later in the meeting. He noted that historically the Commission has been provided with Staff memos including potential approval motions; he questioned if Staff input will be available for the Commission for the next meeting? Chairman Ouellette asked the applicant if a 2 week delay would be acceptable? Mr. Coon and Mr. Frisbie suggested the delay wasn’t the end of the world but quicker would be preferable.

Discussion continued regarding the Commission’s ability to take action tonight. Planning Consultant D’Amato suggested adding further discussion under **NEW BUSINESS**, which would give him time to prepare a potential motion.

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**MOTION:** To ADD under NEW BUSINESS, Item D, Noble Energy Real Estate, Text Amendment Application. Section 502 Permitted Uses in Business & Industrial Districts and Section 503 Permitted Accessory Uses.

**Gobin moved/Thurz seconded/**DISCUSSION: None.

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

**BUSINESS/A. PZ 2020-19, 198 South Main Street:** (Map 022, Block 05, Lot 079)  
Site Plan Application for the demolition of an existing house and construction of a 9,600 SF building and parking lot for an automobile workshop. Zone B-2. Applicant: Central AS, LLC:

Chairman Ouellette read the description of this item of business. Tim Coon, of J. R. Russo & Associates was available to represent the Applicant, Bill Ezedine, who was also available virtually.

Mr. Coon suggested he understands the outstanding issues to be:

- An architectural rendering of the potential building
- Revision of the Site Plan to line the driveway up with the driveway across the street.

Mr. Coon virtually shared plans with Commission. He indicated the proposal is to demolish the existing dwelling to construct a 9,600 square foot building for automotive uses. The proposed building has the potential to provide 8 rental spaces. Since the previous meeting they've prepared an Architectural Rendering of a Butler building with metal roof and siding. Mr. Coon reported that Planning Consultant D'Amato has recommended the building include a split façade with stone blocks on the bottom portion of the building. Mr. Coon indicated they're proposing a cheaper alternative – a textured material on the side facing the street – which would also provide the aesthetics Planning Consultant D'Amato is looking for.

Regarding the realignment of the driveway entrance, Mr. Coon reported their original proposed driveway was located 30+/- feet north of the existing driveway across the street perpendicular to Route 5. Mr. Coon indicated they could provide the access as requested without losing any parking spaces but it would require an "s" curve entering the site. Mr. Coon suggested the Applicant's preference would be to retain the original access location.

Chairman Ouellette opened discussion to the Commission.

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**Commissioner Gobin** indicated she was curious to hear Planning Consultant D’Amato’s comments regarding the façade alternative. Commissioner Gobin also noted the condition referencing the acquisition of a Certificate of Location from the Zoning Board of Appeals and questioned how that related to the Commission’s approval?

Regarding the Certificate of Location from the Zoning Board of Appeals (ZBA), Mr. Coon indicated that because this would be automotive uses for dealerships or repairs that use must be approved by the ZBA. Mr. Coon indicated that different town require the approvals in different sequences; East Windsor approves the Site Plan first and then refers the Applicant to the ZBA for location approval.

**Commissioner Thurz** asked if the roof for the proposed building is pitched to the back to manage the snow load? Mr. Coon replied affirmatively. Commissioner Thurz asked if wall packs would be located on the building? Mr. Coon referenced the Utility Plan, noting he had not submitted the cut sheets to the Planning Office. Mr. Coon suggested 12 wall packs are proposed around the building; they will be LED lighting.

**Commissioner Gowdy** indicated his questions had already been raised; he’s good with the presentation.

Regarding the alternative driveway plan, **Commissioner Kowalski** questioned if the sightline for a vehicle pulling out was adequate? Mr. Coon suggested the alignment of the alternative driveway plan is only a 10% segue; he felt the sightline will be fine. If they came in straight they would have lost parking spaces.

**Chairman Ouellette** suggested while the proposed driveway access isn’t optimal it’s much better than the original proposal. He indicated he made the recommendation because if someone turned left into the driveway across the street it would be within the same space as this driveway access. Chairman Ouellette indicated he favored the revised driveway plan. Chairman Ouellette questioned if a tractor trailer came in from the north could they access the site? Mr. Coon suggested they don’t anticipate tractor trailers; they expect deliveries to be via box trucks.

Chairman Ouellette felt the alternative façade was acceptable; he questioned Staff for comments. Planning Consultant D’Amato indicated he was ok with the alternative façade. He noted a similar requirement was made of the Warehouse Point Fire Department regarding their addition. Planning Consultant D’Amato indicated he had no issues with the proposed curb cuts.

Director Chapin indicated he was ok with the façade alternative; he deferred to the Commission regarding the curb cuts.

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Chairman Ouellette questioned the timeline for action on this Application. Planning Consultant D'Amato reviewed the various dates from receipt through extensions; if the Commission defers action this evening a request for another extension would be required. The consensus of the Commission was to take action this evening; Planning Consultant D'Amato revised conditions to reflect the alternative façade, and the driveway revisions.

**MOTION TO APPROVE:**

Application #PZ 2020-19 for Site Plan Approval. Map 2, Block 5 Lot 79, known as 198 South Main St. Applicant/Owner: Central AS LLC. B-2 Zone.

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

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**Referenced Plans**

1. "Site Plan Central AS LLC" 198 South Main St. Prepared by J.R. Russo & Assoc. Sheets 1-8 inclusive. Dated: 11-24-20. **Revised 3-9-21**
2. "AE Design Group" Architectural Rendering Sheets 1 and 2

**Conditions which must be met prior to signing mylars:**

1. A copy of this approval motion has been incorporated into the plans
2. A copy of the final approved plans with any necessary revisions shall be submitted to the Planning & Development Office for review and comment.
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
5. The plans shall be revised as follows:
  - a. Indicate the location of all on site lighting including specifications and/or details for all proposed site lighting demonstrating that fixtures will be fully shielded or full cutoffs.

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- b. Indicate that the front building wall facing South Main Street will be constructed with a split face, textured façade.
- c. A copy of the Certificate of Location Approval from the East Windsor Zoning Board of Appeals shall be incorporated.
- d. To address any outstanding comment required by the Town Engineer.
- e. The plan shall be modified such that the curb cut design is aligned with the driveway across South Main Street as presented.

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

- 6. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office. A copy of this approval motion shall be incorporated.
- 7. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.
- 8. A zoning permit has been obtained from the Planning and Development Office for the project.
- 9. An Erosion Control Bond has been provided, such estimate shall be reviewed and approved by the Town Engineer.
- 10. Tree preservation fencing along the dripline of the trees shall be installed at the time erosion and sedimentation controls are installed and shall maintained throughout the course of construction.

**Conditions which must be met prior to the issuance of a Certificate of Compliance:**

- 11. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
- 12. One electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways, final floor elevations and spot grades shall be submitted.

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**General Conditions:**

13. In accordance with Section 900.3(h) of the Zoning Regulations, the construction of any buildings associated with this approval shall commence within one year of this approval date and all improvements shall be completed within five years. Such approval shall otherwise be null and void unless an extension has been granted by the Commission.
14. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
15. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
16. Additional erosion control measures may be required by Town staff if field conditions necessitate.
17. By acceptance of 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 subject property for the purpose of determining compliance with the terms of this approval.
18. The approval granted by the East Windsor Inland Wetland and Watercourses Agency is hereby incorporated into this approval. Any deviations from plans approved by the IWWA shall be subject to the requirements of the Inland Wetlands and Watercourses Agency Regulations.

**Gobin moved/Gowdy seconded/DISCUSSION:** None.

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

**NEW BUSINESS/A. Review and discussion of proposed Open Space Assessment Ordinance:**

Director Chapin noted that during his attendance at his first Conservation Commission meeting it was brought to his attention that the Commission had been trying for some time to pass an ordinance which would enable property owners to assess their excess 490 land, which is determined by use, lower than regular open space, which is assessed on property value.

Director Chapin reviewed the proposed ordinance with the Commission, noting First Selectman Bowsza and Selectman Baker have also reviewed this and feel it's a good option for property owners. Director Chapin suggested the PZC's role, as noted in the POCD (Plan of Conservation and Development) is to identify Open Space.

Chairman Ouellette noted the Subdivision Regulations reference Open Space for each subdivision; he questioned if the proposed ordinance would be complementary. Director Chapin indicated the proposed ordinance would require 4 acres of excess land to be considered for the lower assessment, while the Open Space referenced in the Subdivision Regulations is usually smaller and wouldn't be able to take advantage of this ordinance. **Commissioner Kowalski** questioned if land determined to be Open Space by the Commission becomes Town land, and therefore not taxable? He questioned if terminology in the Subdivision Regulations should be "undevelopable land or public space" rather than Open Space to avoid confusion. Director Chapin suggested C.G.S. 12-107b is specific on the definition of Open Space.

Discussion continued regarding examples of how the ordinance would apply to varying sized parcels. Selectman Baker suggested he felt the intent of the Conservation Commission was for larger parcels that are not leased for farming; he suggested this ordinance incentivizes conservation.

**Commissioner Gobin** questioned if anyone had done a fiscal analysis of the tax impact? Selectman Baker indicated that needs to be reviewed. **Commissioner Kowalski** questioned if this ordinance would apply to any zone; could someone who owns a large commercial parcel apply for this because they have no intent to do something with the remaining land? Commissioner Kowalski felt this proposal could have a large impact on tax revenue; anyone owning large parcels could apply for this.

Discussion followed regarding continuing discussion amongst various parties to refine the ordinance. The process for approval of such an ordinance would be referral to the Board of Selectman, and, if approved, referral to Town Meeting, with the opportunity for public input.

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The Commission requested Director Chapin and Selectman Baker to continue discussion with the Conservation Commission and return to this Commission for an update.

**NEW BUSINESS/B. Discussion regarding POCD Action taken on January 23, 2018:**

Director Chapin indicated that during his research of action taken at the January 23, 2018 meeting with regard to changes to the HIFZ, he discovered that not all of the necessary steps required by statute were followed in amending the POCD. The Commission approved adding the HIZ to the Residential Growth Guide Plan in the POCD and deleting the Residential Densities Plan from the POCD. As an example, Director Chapin suggested there is no evidence that the POCD plan was revised accordingly on the Town's website.

Director Chapin questioned if the Commission prefers to revisit this issue as a separate issue, or would it be an action item for the POCD Implementation Committee?

Chairman Ouellette suggested bundling proposed POCD changes to move forward as quickly as possible; the consensus of the Commission agreed.

Commissioner Kowalski questioned if, because the process wasn't followed, does that invalidate the entire HIFZ proposal? Director Chapin suggested these would be language changes; he suggested the POCD is a guiding document. Director Chapin didn't feel these revisions invalidate any zoning applications. Planning Consultant D'Amato concurred. Commissioner Kowalski indicated he didn't want any delay to prohibit anyone from moving forward with development plans.

**NEW BUSINESS/C. ZEO Report:**

The Commission requested ZEO Calabrese attend the next meeting to discuss the status of issues reflected in her report.

**NEW BUSINESS/D. PZ 2021-04, Noble Energy Real Estate, Text Amendment Application.** Section 502 Permitted Uses in Business & Industrial Districts and Section 503 Permitted Accessory Uses:

Planning Consultant D'Amato shared his screen with the Commission to review his proposed motion regarding the Text Amendment for Noble Energy Real Estate. The Commission felt the proposed motion was appropriate for action.

**Motion to Approve:**



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Application #PZ 2021-04 for Text Amendment Application, Section 502 Permitted Uses in Business and Industrial Districts and Section 503 Permitted Accessory Uses. Applicant, Noble Energy Real Estate.

This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation (as may be modified by the Commission and this approval) and the following conditions/modifications.

**Findings:**

1. The Commission finds that carwashes are an appropriate accessory use only when subordinate to an “Automotive Filling or Re-Energizing Station” as defined by the East Windsor Zoning Regulations.
2. The proposed amendment is not in conflict with the East Windsor Plan of Conservation and Development.

**Gobin moved/Kowalski seconded/DISCUSSION:** None.

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

**OTHER BUSINESS:** None.

**CORRESPONDENCE:** None.

**BUSINESS MEETING/A. General Zoning Issues:**

Planning Consultant D’Amato presented the Commission with a **task list of potential regulation revisions for consideration**. He would like the Commission to prioritize the items and advise him where to start.

Chairman Ouellette noted he, also, has a list of items the Commission has been struggling with, including Fee-In-Lieu of sidewalks and how it applies to residential and commercial development, conflicting language within the regulations, and other issues.

The Commission shared items of concern as well. Chairman Ouellette requested the Commissioners share their lists with Planning Consultant D’Amato and Director Chapin.

Chairman Ouellette opened discussion on the **process for staff support** to the Commission when reviewing applications. He noted in the past the Commission has

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reviewed applications and tried to take action as quickly as possible while acquiring sufficient information to make an informed decision. While he understands it may be different from town to town, he noted that the past practice has worked well in the past decade.

Commissioner Gowdy felt Director Chapin's point was that the staff memos and motions could be perceived to be a pre-approval of an application before hearing the presentation; he was concerned with public perception. Director Chapin concurred, noting the Commission had approved a Text Amendment tonight that may be contentious. Chairman Ouellette suggested the Commission is trying to be transparent and yet move the applications along as quickly as possible for the applicants. He suggested staff's role is advisory to the Commission, and laying out information for the Commission to make an informed decision. Discussion continued regarding options for presentation of Staff reports/memos/motions.

Director Chapin reported discussion of the **POCD Implementation Plan** will be a continuing agenda item. ZEO Calabrese will be making a presentation to the Board of Selectmen as well.

The Commission briefly discussed the presentation of **Meeting Minutes**, revisions, and content.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:46 p.m.**

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

Respectfully submitted,

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