

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

**REGULAR Meeting #1800
April 13, 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

MEETING MINUTES

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

TIME AND PLACE OF MEETING:

Chairman Ouellette called Regular Meeting #1800 of the East Windsor Planning and Zoning Commission dated April 13, 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 presently three vacancies for Alternate members.

ABSENT: No one; all Regular Members present.

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

GUESTS/SPEAKERS: Director of Planning Chapin hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Marie DeSousa, Deputy First Selectman; Marek Kement, representing SJK Properties, Chris Smith, of Alter & Pearson; Paul Anderson, Elizabeth and Clinton Bragg, George Dieck, Marci, Chris Mickey, Jay Ussery, of J. R. Russo & Associates, LLC, Bob Arsenault, P. E., Scott Cota, Guy Hesketh, Jim Daniel, Angelo Sevarino, Brett Faraday.

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Public (as identified in the Meeting participation list): James Barton, James Bugalewski, Craig, Paul Daigle, Frodo2's iPhone, Karen Gaudreau, Gina's iPad, SkipK, Linda, Anna Mangiafico, Marsha, Brooke Massie, Nicholas.cota, Greg Spungin, Eric/Iris Spungin, Debbie and Steve Thompson.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members were present at the Call to Order. All members of the Commission will participate in discussion and action on all Items of Business this evening.

ADDED AGENDA ITEMS: None.

LEGAL NOTICE:

The following Legal Notices were read by Chairman Ouellette:

**LEGAL NOTICE
EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, April 13, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

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

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Dial by your location
+1 646 558 8656 US (New York)
+1 312 626 6799 US (Chicago)
+1 301 715 8592 US
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US

The following public hearings will be held:

- PZ-2021-06 SJK Properties LLC Text Amendment Application** to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD), 802.1, 802.4.
- PZ-2021-10 South Prospect Hill Road, LLC Text Amendment Application** to Section 502, Permitted Uses in Business and Industrial Districts, Highway Interchange Zone Special Use Permit to allow certain drive-thru establishments and to Section 502.4A, Prohibited Uses.

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- PZ-2021-11 Resubdivision Application, 24 Rockville Road, 2-lot**
Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Applicant:
James T. Daniel, Owner: Tom Crockett, et. al.
- PZ-2021-12 Special Use Permit Application, 24 Rockville Road, to allow**
the creation of a rear lot. (Map 039, Block 68, Lot 003) Zone R-3.
Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

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 March 23, 2021, East Windsor, CT

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: April 1 and April 8, 2021

ADDED AGENDA ITEMS:

Chairman Ouellette asked if there were any new items to be added to this evening's meeting? Director Chapin indicated he was not aware of any additional items.

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/March 23, 2021 Regular Meeting:

MOTION: To APPROVE the Minutes of Regular Meeting #1799 dated March 23, 2021 with the following edits:
Page 6, Line 254 and 255, "application and its Hearing date for public
awaMr. Dupuiss awareness."
Page 23, Line 968, "Devine Define what triggers a minor vs major site
modification."

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

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 new applications:

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A. PZ-2021-13, 14 Sullivan Farm Road, Special Use Permit

Application for an accessory apartment. (Map 100, Block 77, Lot 016-07) Zone R-3. Applicant/Owner: Samantha Seamans-Frizzell
(*Proposed hearing date: April 27, 2021*)

B. PZ-2021-14, 148 North Road, Unit 4 Special Use Permit

Application for a gift shop. (Map 124, Block 24, Lot 011A). Zone B-3. Applicant: James Scozzafava (*Proposed hearing date: April 27, 2021*).

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS/A. 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:

Robert Arsenault, P. E. for the project, and Scott Cota, the applicant, joined the meeting virtually.

Mr. Arsenault reported Mr. Cota received approval from the Wetlands Commission last Wednesday. They have also received comments from Town Engineer Norton, and the Town Planner. Mr. Arsenault reported the only outstanding issues for the Planning Department were:

- Sidewalks – they would be requesting to provide a Fee-In-Lieu of sidewalk installation.
- Lighting – they will provide additional information regarding the lighting proposed for the building.
- Screening for the rear storage area – they will be adding 4-foot arborvitae rather than fencing.

Mr. Arsenault reported they are also proposing to install a stop sign at their driveway at the request of a resident.

Chairman Ouellette queried the Commissioners for comments:

Commissioner Thurz indicated he had no additional questions for the applicant; he requested that information regarding the cut-offs for the lights be submitted to Staff.

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Commissioner Kowalski questioned if Town Engineer Norton's comments had been addressed? Planning Consultant D'Amato responded affirmatively.

Commissioner Gobin and Commissioner Gowdy indicated they were all set.

Chairman Ouellette opened discussion to the public. No one requested to speak.

Chairman Ouellette asked if the applicant, or Staff, had any additional comments. Mr. Arsenault felt they had addressed all the issues raised; Staff had no additional comments.

Chairman Ouellette questioned the Commission's intent regarding the Public Hearing.

**MOTION: To CLOSE the Public Hearing on Application 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.**

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 noted consideration of approval of the Special Use Permit Application will be discussed under **NEW BUSINESS.**

**CONTINUED PUBLIC HEARINGS/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.

Brett Faraday, the applicant, joined the Commission virtually.

Mr. Faraday reported his unit is in the front building of Bassdale Plaza; next to him is a bakery service, and a hair salon. His intent is to do vintage cuts, which would be similar to an old-school barber shop which would mostly service men. Mr. Faraday reported he has been working in Enfield and is very busy, which prompted him to open this location.

Chairman Ouellette requested comments from the Commissioners.

Commissioner Gowdy felt this is a good business to have in town.

Commissioner Gobin had no questions.

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Commissioner Thurz questioned if the shop will be located in the front or rear section of the plaza? Mr. Faraday reported the unit is in the front strip of shops.

Commissioner Kowalski indicated he thought the business next to Mr. Faraday was similar but if he has a different clientele then this should work for him.

Chairman Ouellette noted this application is a Public Hearing; he asked if anyone from the public would like to speak. No one requested to speak.

Chairman Ouellette questioned the Commission's intent regarding the Public Hearing.

**MOTION: To CLOSE the Public Hearing on Application 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.**

Gobin moved/Kowalski seconded/DISCUSSION: None.

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

Chairman Ouellette noted consideration of approval of this application will be discussed under **NEW BUSINESS** as well.

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

Marek Kement, representing SJK Properties, LLC, and Attorney Chris Smith, of Alter and Pearson, joined the meeting virtually.

Attorney Smith turned discussion over to Mr. Kement.

Mr. Kement advised the Commission he is appearing as a representative for SJK Properties, LLC; they are proposing a Text Amendment to Section 802.4 – Multi-Family Development District (MFDD) Regulations. Mr. Kement indicated they are proposing a development of single-family homes in a rural area which would fall under a homeowners association (hoa), also known as a community association. Mr. Kement summarized that last Summer he met with Town officials and received a favorable response; they then subsequently appeared before this Board in October of 2020 and received a favorable response as well. They then submitted a Text Amendment to the

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MFDD Regulations which was withdrawn to revise the language to more properly address the concerns from this Commission and the public.

Mr. Kement reported this application for a Text Amendment is more restrictive than the original proposal. He suggested the Text Amendment proposes housing diversity, which is promoted in the POCD (Plan of Conservation and Development). Mr. Kement referenced the Statement of Justification, noting that throughout the MFDD Regulations (Section 802) single family housing opportunities are encouraged, and permitted. Their project falls under an “hoa”, or condominium, type of development. Mr. Kement referenced a definition under 802.3 for condominiums, which states in part “...a one family dwelling unit owned in fee simple which may be part of an attached, detached, semi-detached, or multi-family structure with any other common areas owned in common with the association of other unit owners...” Mr. Kement then referenced Section 802.22 of the Regulations, regarding “change of zone”, noting the language states “...no development plan or special permit for residential condominiums shall be approved only in the MFDD Zone.”

Mr. Kement suggested the MFDD Zone is misleading as it’s not only for multi-family developments like apartments, but it also applies to single-family housing, which is what they’re proposing. Mr. Kement suggested this Text Amendment is consistent with the POCD and the Town of East Windsor Comprehensive Plan, and will not adversely impact public health, safety, and welfare.

Mr. Kement then referenced the handout provided for the Commission regarding the proposed language changes.

- Mr. Kement began with new language to be added to Section 802.4 which substitutes sub-section “d”; existing sub-section “d” then becomes “e”. Mr. Kement indicated the goal was to make the Text Amendment more restrictive to address the public’s concerns and move forward with the development of their property. Mr. Kement indicated the biggest change from the Text Amendment previously withdrawn is they are NOT requesting an increase in density. The new sub-section “d” is limited to only category “c”, which includes condominiums, residential, cooperatives, residential or community associations. New sub-section “d” is not intended for any other category but “c”; no elderly or apartments fall under this sub-section.

Mr. Kement then referenced the proposed language of sub-section “c” – “the site is located within a rural area, as identified on the Residential Growth Guide Plan in the POCD, as amended, as long as ALL of the following conditions have been satisfied.”

- 1) The property to be developed is limited to detached single-family residential units, and

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- 2) The property shall be located within the sewer service area, as amended; and
3. The minimum setback for dwelling units from any residentially zoned property shall be increased to 100 feet, and
4. Any additional means of egress, except as required by Section 802.17(h) shall only be permitted via a collector or arterial roadway.

Mr. Kement further explained that with regard to:

Condition 1 above, that there will be no common-wall buildings or multi-family structures permitted. These will all be single-family houses.

Condition 2 above, this is a new condition. Mr. Kement referenced a new Sewer Service Map, which indicates on the right-hand side, next to the Ellington town line, the white area is the Quarry Meadows Subdivision, and is the only property affected in the R-3 Zone. Mr. Kement explained his research process to investigate other properties in town which could be affected by this Text Amendment proposal. Besides the Quarry Meadows Subdivision, other properties which could be affected is a large parcel behind St. Catherine Cemetery located in an R-2 Zone, a section along the railroad tracks which is an M-1 Zone, Scantic Glen falls within a rural area, and the Mansions at Canyon Ridge – also in a rural area, and a number a properties to the northwest which are located in the A-1 Zone which are wet areas. Mr. Kement reiterated there is only one area in town in an R-3 Zone which would be affected by the proposed Text Amendment.

Condition 3 above, according to Section 802.15, sub-section c, requires a 50-foot buffer as a building setback from any boundary. This condition doubles the distance for the setback to increase the buffer requirement.

Condition 4 above. Mr. Kement indicated that Section 802.17(h) refers to access drives which is required for safety reasons. Mr. Kement explained the difference between “collector” roads, such as Depot Street, vs. an “arterial” road, such as Route 140. Mr. Kement suggested Sullivan Farm Road, as a subdivision road, is a “local” street, therefore no secondary access would be allowed through Sullivan Farm Road.

- Mr. Kement also noted the CRCOG referral dated April 8, 2021 cited no conflict with regional plans or policies.

Mr. Kement turned the presentation back to Attorney Smith. Attorney Smith recalled that the initial application came before the Commission under a Public Hearing in January of 2021; there were 2 applications, one application was for a Zone Text Amendment for the MFDD, and a Zone Change to rezone a property owned SJK Properties, LLC to an MFDD. Attorney Smith indicated both of those applications were

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withdrawn, and only the Text Amendment, with major modifications, has been resubmitted. He noted the Text Amendment is the first step, tightening up the MFDD Regulations; the next step would be an application for a Zone Change request to rezone a property that might qualify for the MFDD Zone. He cited the PZC has broad discretion to say no to a request for a change of zone. Doing a Zone Text Amendment doesn't automatically mean that any property that may qualify for a zone change suddenly has that zone. Attorney Smith felt Mr. Kement listened to the Commission and the public during the previous hearings, and has made major changes to the current Zone Text Amendment which makes it more restrictive, and provides more security to the public and the Commission. Attorney Smith reiterated there is no request for an increase in density, there's a limitation to single-family detached dwellings, there's an increase in the buffer requirements from 50 to 100 feet, and the egress/ingress is limited to major or arterial roads – you can't go through a subdivision, and any property qualifying for this MFDD use would have to be within the Sewer Service Area. Attorney Smith cited only the Text Amendment is before the Commission this evening; the next step would be a Zone Change application and then a Site Development proposal -neither of which is before the Commission this evening.

Chairman Ouellette queried the Commissioners for comments.

Commissioner Thurz indicated he had no questions at this time.

Commissioner Kowalski questioned if, by increasing the setback distance, would that affect the existing properties currently zoned MFDD? And would that cut down on the scale of development of those existing properties? Mr. Kement suggested it would only apply to this type of development under this sub-section, which would only be in a rural area; Attorney Smith concurred. Mr. Kement clarified it wouldn't make changes to the existing regulation for any other properties zoned MFDD.

Commissioner Gowdy felt Mr. Kement did a good job of responding to the neighbor's concerns. Commissioner Gowdy noted Mr. Kement specifically answered the question that he asked previously. He felt Mr. Kement and his family are concerned about the neighbors adjacent to this property. Commissioner Gowdy had no questions at this time.

Commissioner Gobin questioned if the concept of collector and arterial roads are commonly understood terms, or are they defined in the regulations? Attorney Smith felt they should be defined in the POCD, he didn't know if they were defined in the regulations; Mr. Kement didn't feel the terms were defined in the regulations, but they are defined in the Highway Design Manual for the State of Connecticut. Mr. Kement suggested it's commonly understood subdivisions are local streets; they're not collector or arterial roads.

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Commissioner Gowdy requested to hear input from Town Staff; Chairman Ouellette concurred. Director Chapin deferred to Planning Consultant D'Amato who prepared the Staff memo. Planning Consultant D'Amato indicated his understanding is that collector and arterial roads are as Mr. Kement described them. He felt the terms were NOT defined in the MFDD Regulations, or the POCD, but are a universal understanding of design. He didn't feel it would be a problem down the road; he suggested Staff could seek assistance from the Town Engineer as well. Mr. Kement read the definition from the Highway Design Manual.

Chairman Ouellette opened discussion to the public.

Elizabeth and Clinton Bragg, 17 Eastwood Drive: Mr. Bragg referenced Commission Gobin's question to (Planning Consultant) D'Amato that all properties with and without sewer that could also fall into this category. Mr. Bragg recalled 56 properties could fall within the MFDD; he questioned where these properties could be in a residential area? Planning Consultant D'Amato suggested Mr. Bragg was referencing the previous application and how the application would apply to all the parcels within the residential zones. He noted we don't have access to the GIS data to do a GIS analysis, but he did a sort and filter of the Town's Grand List using parcel size and residential qualifies the Assessor's Office has to try to show what it would look like. Planning Consultant D'Amato noted he and Mr. Bragg had e-mail exchanges providing Mr. Bragg with that information a couple of weeks ago. Planning Consultant D'Amato indicated he hadn't previously shared that with the Commission because that application was ultimately withdrawn. The caveat is it really doesn't show what we're dealing with because you could have a 35-acre parcel that has a house on it that could be considered ineligible because it's already developed, but someone could buy the parcel and knock the house down to do something else with it. Or you could have 2 or 3 parcels that are contiguous that total 30 acres or more and someone could buy them and combine them. It's a snapshot of what we're looking at but it doesn't really answer the question. Planning Consultant D'Amato indicated he wasn't able to review the information that comes from the Sewer Service information because that comes from the GIS; he indicated he could provide that, but he cautioned the Commission that it's not a complete analysis.

Mr. Bragg recalled Commissioner Gobin had said with, or without, city water and sewer - a contractor could put that in; he felt it was similar to Mr. Kement putting in sewer. Planning Consultant D'Amato indicated that was part of the previous application; he didn't include that information because this is a totally new record, and there's language in this Text Amendment, which he believed included tweaking about the sewer, that is different than the last application. Without access to GIS Planning Consultant D'Amato reiterated he didn't have access to all the parcels in town that have sewer currently. Mr. Kement indicated that was why he provided the sewer overlay so people could see what the sewer service is. It's limited, there's a small area within the R-3 Zone; no one can put

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in a sewer line if it's not within the Sewer Service Area. Mr. Bragg countered that Mr. Kement was putting one in; Mr. Kement reiterated they're within the Sewer Service Area. Mr. Bragg cited the 56 properties; he felt some of them must be near the Sewer Service Area so a contractor could tap into the lines, as Mr. Kement does.

Attorney Smith suggested the zone change discretion of the Commission is what controls where you can apply the MFDD, as they do for any other zone, and whether anyone can rezone their property from a residential to a business zone. He compared it to anyone coming in to rezone their residential property to put in a hair salon or a barbershop; the Commission has the discretion to say no, it's not appropriate for that site. Attorney Smith felt this line of review wasn't relevant regarding the consideration of this Text Amendment; he cited the confusion of the public during the previous application.

Chris Mickey, 22 Sullivan Farm Road: Mr. Mickey suggested in his reading of the proposed Text Amendment if the Text Amendment were approved he didn't see the need for the Zone Change Attorney Smith is talking about; he questioned if he misunderstood? Mr. Mickey suggested it says if the Commission grants this favor to SJK Properties they would have the ability to pursue multi-family housing or a co-op as Mr. Kement referenced on the subject property without a zone change. Mr. Mickey felt the way the POCD is currently written MFDDs are only allowed in the village areas and not out here, on the Ellington line. Mr. Mickey felt if the Commission granted the Text Amendment it would now be allowed in a rural area providing the caveats Mr. Kement mentioned are met. Mr. Mickey felt it was misleading to say there should be a requirement for a zone change.

Attorney Smith reiterated the property would have to be rezoned, a zone change would request to the MFDD would be required, and its use would be subject to a Special Use Permit.

Attorney Smith addressed the Commissioner who questioned the definitions of collector and arterial roads, he concurred with Planning Consultant D'Amato that those terms are NOT defined in the POCD. Attorney Smith suggested if the Commission was favorable to the Text Amendment they would not object to incorporating those definitions in the Text Amendment.

Mr. Mickey felt if they were changing the Text Amendment it would then change the POCD, which he felt is a community-defined document. Mr. Mickey felt this proposal should be subject to a larger community-wide discussion rather than re-writing the rules to benefit a subject property.

Attorney Smith responded that as the Commission is aware the POCD is well established as a guiding document for the various commissions, for 8-24 referrals for Town

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improvements, and for the Zoning Commission when considering Text Amendments. It's an advisory document updated every 10 years; it's flexible and doesn't control zoning.

Marie DeSousa, 10 Rice Road: Mrs. DeSousa noted Mr. Kement indicated there would be an "hoa" for single family detached units but he didn't mention the number of units; what might that be? Attorney Smith noted a site-specific application is not currently before the Commission tonight.

Mrs. DeSousa suggested the collector and arterial streets are confusing; if the development is done where would the entrance and exit be located? Mr. Kement indicated everyone knows the project; the access to the site would be off of Depot Street. He referenced condition #4 of the proposed Text Amendment, labeling it as collector or arterial roads, was to solidify that no secondary traffic would be going through the adjacent subdivision.

Paul Anderson, 89 Main Street: Mr. Anderson advised everyone he is the Chairman of the WPCA (Water Pollution Control Authority). Regarding the sewer access to this particular property that everyone is thinking about even though this is a Text Amendment – the sewer access is a "pencil line sewer connection" that will only service that property, and no other property. That was approved by DEEP. That's all it's good for; nobody can connect to it; it only allows that property to get a connection to our sewer system. Mr. Anderson indicated that was done years ago, and it still stands.

Regarding his personal opinion of the POCD, Mr. Anderson suggested it's a guideline of how the town functions; it's not a casual advisory document. The POCD was approved by the entire town at a Town Meeting and should be the primary guide for making decisions regarding development. Mr. Anderson referenced page 33, he cited "...in order to better guide multi-family development in accordance with the desired overall character and structure of the community the POCD recommends the following strategies: #1 – an application to establish a multi-family development district should not be approved unless the site is located within an area that identifies as a village area, or a non-rural area." Mr. Anderson suggested on page 34 of the POCD you can see on the map that this particular property is in a rural area. Mr. Anderson suggested this becomes an important distinction. This is what the town wants for their town. Mr. Anderson felt this has to be a major consideration for the PZC on how things get applied. Mr. Anderson cited he heard statements of other MFDDs being in other rural areas. The fact that decisions were made in the past that don't comply with the POCD doesn't mean we should continue to make those decisions in the future. Mr. Anderson suggested this is a primary consideration for him. Mr. Anderson indicated he wasn't saying this Text Amendment shouldn't happen, but he was very opposed to putting MFDDs in rural areas.

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So, until the area is changed to something else, which he believed would require a vote of the town, then he didn't see how this could apply properly here.

George Dieck, 7 Eastwood Drive: Mr. Dieck felt it was clear this is to increase density for a development on the end of Sullivan Farm Road. This proposal isn't that much different than the previous application. Mr. Dieck asked that the PZC consider the citizens input for the previous application as being applicable to this one, including the petition that was signed by many of the neighbors.

Commissioner Gowdy requested Mr. Kement reiterate that there would be no roads going through the development that's presently there? Or, are there going to be roads connecting to whatever development goes there? Mr. Kement indicated it's going to follow the existing road pattern of the Quarry Meadows Subdivision that was previously approved back in 2006. That road pattern can't change because the infrastructure is in place so it doesn't make sense to change the layout within the development. The main access for that development was off of Depot Street, and will remain off of Depot Street; there will be no secondary access, except for emergency purposes as required by code. Commissioner Gowdy questioned if Quarry Meadows came through again the access would NOT go through Sullivan Farm Road? Mr. Kement replied that it would not go through Sullivan Farm Road. Commissioner Gowdy felt that was a confusion shared by many of the public. Mr. Kement concurred, noting that was the reason they added the language to limit the traffic impact. **Karen Gaudreau** joined the conversation, suggesting the language was added by Mr. Kement's lawyer. Mr. Kement clarified that he had worked hard to propose the language in response to the public's concerns.

Mr. Kement also referenced Mr. Anderson's comments about the MFDD being in a rural area, he suggested the MFDD is misleading, they are not doing multi-family structures, we're doing single family houses under a homeowners association. The feel out there will still be rural. Nothing is changing; it's still going to be single family houses. We can't do an "hoa" without being in the MFDD zone.

Marci (no additional information given): Marci questioned if Mr. Kement was saying that with the MFDD structure being changed there won't be more than 46 houses that were originally planned? Mr. Kement noted the question was site-specific but suggested there will be an increase in density as far as the 48 lots, but it's not going to be the 156 originally proposed. Attorney Smith concurred; the previous proposal did provide for a greater density when it was shown to the Commission as a conceptual example. Marci suggested her concern is doubling the number of houses as was proposed previously which would increase the traffic, and the feel of East Windsor. Her concern is changing that Text Amendment is going to open a can of worms. Attorney Smith reiterated those concerns would be considered when a site-specific proposal was made; it would require a Zone Change request and a Special Use Permit application which would be specific to the

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site; both of those proposals would require a Public Hearing. Mr. Kement wanted to clarify that this proposal prevents that concern for the secondary access through Sullivan Farm Road. Marci cited the MFDD discussion was confusing.

Elizabeth and Clinton Bragg, 17 Eastwood Drive: Mrs. Bragg questioned if the MFDD gets approved and Mr. Kement decides not to go through with his project doesn't the MFDD open it up to someone else coming in and doing whatever they want with that piece of property? Mr. Kement replied negatively, noting whoever owns that property would have to follow that regulation. If he were to sell the property to another developer that developer would have to put in single-family detached houses, they can't use a secondary access going through Sullivan Farm Road, it would have to be within the Sewer Service Area, and they would have to have the 100-foot setback.

Attorney Smith clarified for Mrs. Bragg that the use as single family detached homes would only apply to a property zoned MFDD in a rural area. Attorney Smith indicated that would include pretty much this property, and the one by the cemetery, and a couple of others identified by Mr. Kement. Attorney Smith reiterated the Zone Change wasn't before the Commission this evening. Only the uses proposed in this Text Amendment, with the specified restrictions, could be allowed in the MFDD. It would not apply to all the uses within a MFDD Zone; it would limit it to single-family detached homes.

Mrs. Bragg questioned that if Mr. Kement chose to sell that property that the MFDD would have to follow the next owner? Attorney Smith suggested the zoning runs with the property rather than the identity of the user. If a zone change were approved they would have to follow the use proposed in Mr. Kement's Text Amendment. Mrs. Bragg questioned if going forward another piece of property came before the Commission for an MFDD then they can change it to suit them? Attorney Smith suggested if someone else wanted to do something else they would have to come before the Commission for another Text Amendment. Chairman Ouellette noted anyone can propose a Text Amendment; if you have a residential property and they want to propose something different they have that right. It doesn't mean it's going to be approved but anyone has the right to make the proposal.

George Dieck, 7 Eastwood Drive: Mr. Dieck questioned how access through Sullivan Farm Road would be handled for emergency access; how will you prevent people from using it? Will it be gated or locked and will police have keys; how will that work? Attorney Smith reiterated a site-specific application – which is not before the Commission this evening - would have to be proposed; that plan for the development would include provisions for emergency access. Mr. Kement interjected that the intent was that it would be handled similar to The Mansions; it would be gated and emergency personnel would have keys. Mr. Dieck questioned that they would have keys or a key card? Mr. Kement indicated he didn't know; that's down the road.

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Chris Mickey, 22 Sullivan Farm Road: Mr. Mickey suggested Attorney Smith has said there's no site-specific plan before the Commission, but this is the first step. Mr. Mickey questioned if the Commission values the language in the POCD? If so, Mr. Mickey would suggest you stop at step one and leave it as it is. Mr. Mickey indicated he has no problem with 48 single-family houses but he is concerned with doing something else without site-specific plans.

Commissioner Gowdy questioned Mr. Mickey if he had enough faith in the Commission that they'll do the right thing? Mr. Mickey suggested his concern wasn't the Commission but he's skeptical; he's been unpleasantly surprised numerous times.

Mr. Kement indicated the driver for this proposal was they wanted to do something with the "hoa" (homeowners association) feel because people don't like to mow their lawns or shovel snow any longer. This proposal is no different than a subdivision except who's going to maintain it – the snow plowing, the mowing. The lots are imaginary; you won't see anything different; you'll see houses. By not doing the conventional subdivision you're getting away from the secondary access going through Sullivan Farm Road.

Commissioner Gowdy suggested discussion was getting away from the Text Amendment. Everything being discussed is in the future.

Commissioner Kowalski suggested the underlying issues the Commission was trying to deal with are density and traffic. He suggested if we look at residential developments being allowed to add MFDD in an R-2 Zone it would increase the density by threefold, in an R-3 Zone it would increase the allowable density 4 times. This would put the burden of proof on the traffic study. He felt this was where everyone was leery of changing zoning because it affects density. Commissioner Kowalski questioned if the Text Amendment could include language saying "the underlying zone's density would remain the same"; he felt that would alleviate concerns about density and over-crowding, and over-development.

Chairman Ouellette queried Commissioners for additional comments.

Commissioner Gobin referenced the April 8th Staff memo from Planning Consultant D'Amato, noting he had mentioned additional criteria related to community amenities or open space. She questioned why mention of the proposed amenities was not part of the proposed language of this Text Amendment?

Mr. Kement suggested Section 802.6 of the current regulations covers open space requirements.

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Mr. Kement cited Commissioner Kowalski's comments, noting that when he made his proposal in October to increase density due to economic constructability of the development it wasn't feasible to go for 48 lots with the current construction costs and the expense of the sewer station. They did propose a four-fold increase in density, but it was a talking point, which they scaled back. If we had to go with the underlying zone there would be no reason to go for this Text Amendment.

Commissioner Kowalski suggested Mr. Kement had suggested the increased density to make it a (homeowners) community but the local community is concerned about density. He suggested the sticking point was how much density to allow in a residential area to make it economically viable for you, but to also satisfy the concerns of the community; they are also concerned with traffic. Commissioner Kowalski clarified he wasn't thinking about Mr. Kement's site specifically, we're talking Text Amendment. Now anyone can buy a piece of property and increase the density four-fold by applying under this new Text Amendment.

Attorney Smith reiterated the steps for site development, which would include a traffic study. Attorney Smith referenced the Commission's discretion regarding application review. Commissioner Gowdy suggested the Commission understands the process, but questioned that the public had confidence in the Commission's ability to act accordingly.

Chairman Ouellette asked for additional comments.

Attorney Smith indicated he had nothing to add. Mr. Kement felt he has put teeth into this Text Amendment to address the public's concerns, as well as the Commission's. He indicated they've been transparent with this proposal; Mr. Kement thanked everyone for their time.

Planning Consultant D'Amato requested to note FOR THE RECORD that the Commission did receive two submissions regarding this application; both documents had been included in the meeting packet provided to the Commission. One was from the Town of Ellington, and the second was from Paul Robert.

Chairman Ouellette queried the Commission regarding closing the Public Hearing.

MOTION: To CLOSE the Public Hearing on Application PZ-2021-06, SJK Properties, LLC, Text Amendment Application to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD).

Gobin moved/Kowalski seconded/DISCUSSION: None.

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

Chairman Ouellette noted the Commission had not yet received a Staff memo summarizing the application and including a draft motion. He noted the Commission isn't obligated to act on this application this evening; he polled the Commissioners for their preference regarding action tonight. The consensus of the Commission was to postpone a vote until receipt of a Staff memo.

Chairman Ouellette advised the public the Commission would not take action on this application this evening.

NEW PUBLIC HEARINGS/B. PZ-2021-10, South Prospect Hill Road LLC, Text Amendment Application to East Windsor Zoning Regulations Section 502 Permitted Uses in Business and Industrial Districts and Section 504.2A Prohibited Uses.

Jay Ussery, of J. R. Russo & Associates, LLC, joined the Commission. Mr. Ussery is representing the applicant, Eric Spungin. Mr. Ussery noted Mr. Spungin is a member of an LLC which owns a parcel within the HIZ.

Mr. Ussery reported the application is for a Text Amendment for the HIZ (Highway Interchange Zone) which allows for drive-thrus; the use had initially been allowed, and had subsequently been removed. Mr. Ussery referenced Mr. Coon's letter dated March 12, 2021 which accompanied the application; the request is to return the use under the HIZ as an allowable use by Special Use Permit. The Text Amendment applies to Section 502, and under the "Other Uses" applies to properties located within the HIZ between Exits 44 and 45. Mr. Ussery noted the inclusion of "footnote 14", which limits the drive-thrus to "businesses whose principal use is: a) to provide banking services, b) to sell food or non-alcoholic beverages, and c) to dispense prescription drugs, or d) as an automotive filling station." Mr. Ussery also indicated the Text Amendment proposes to revise Section 504.2A – "Prohibited Uses", to delete item "d" – Drive-Thru, while re-identifying the letter designations for remaining uses accordingly.

Mr. Ussery explained the proposed Text Amendment would allow the members of the LLC to further develop their property by including the parcel to the rear. Mr. Ussery suggested that when looking at highway interchange businesses the inclusion of drive-thrus is a good use to allow through the Special Use Process.

Chairman Ouellette opened discussion to the Commission.

Commissioner Thurz indicated he had no questions. He noted the Commission has been through this discussion a couple of times; his concerns had been answered.

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Commissioner Kowalski indicated he's good with the language as proposed.

Commissioner Gobin is ok with the proposal; she felt they did a good job.

Commissioner Gowdy felt they did a good job with the proposed Text Amendment.

Chairman Ouellette opened discussion to the public. No one requested to speak.

Chairman Ouellette asked Staff if they had any final comments. Director Chapin replied negatively, noting the limitations to business whose business was a principal use was based on feedback from the Commission when we discussed this issue informally.

Chairman Ouellette gave the public another opportunity to speak; no one requested to speak this time either.

Chairman Ouellette asked if Mr. Spungin, or Mr. Ussery, had any final comments. Neither party wished to address the Commission.

Chairman Ouellette called for a motion to close the Public Hearing.

MOTION: To CLOSE the Public Hearing on Application PZ-2021-10, South Prospect Hill Road LLC, Text Amendment Application to East Windsor Zoning Regulations Section 502 Permitted Uses in Business and Industrial Districts and Section 504.2A Prohibited 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 noted the Commission had received a Staff memo. He questioned if the Commission intended to take action this evening; the consensus of the Commission was they were ready to vote.

Motion to Approve: Application #PZ-2021-10 for Text Amendment Application, Section 502 Permitted Uses in Business and Industrial Districts and Section 504.2A Prohibited Uses.

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.

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Findings:

1. The Commission finds that drive-thru's are an appropriate Other Use in the HIZ under certain circumstances and by Special Use Permit.
2. The proposed amendment is not in conflict with the East Windsor Plan of Conservation and Development.

Gobin moved/Gowdy seconded/DISCUSSION: Commissioner Gobin noted motion is provided in Staff memo from Director Chapin dated April 8, 2021 as noted above.

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

NEW PUBLIC HEARINGS/C. PZ-2021-11, 24 Rockville Road, Resubdivision Application, 2-lot Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

Joining the Commission were Guy Hesketh, P. E., representing the applicant, Jim Daniel. Mr. Daniel was also present to discuss this application.

Mr. Daniel opened discussion by advising the Commission he's lived in town most of his life. He's a 1985 graduate of the High School, and now lives in Ellington. Mr. Daniel would like to move back to East Windsor to build a house next to his in-laws on Rockville Road. He has a disabled son that was hurt in a motorcycle accident several years back; they plan to build a ranch so it will be easier to get around the house. Mr. Daniel indicated they were looking forward to getting back to East Windsor.

Mr. Hesketh introduced himself, noting he's a licensed Professional Engineer with F. A. Hesketh and Associates; they have offices in East Granby, CT. Mr. Hesketh reported they are presenting 2 applications to the Commission. The first is a Resubdivision Application. Mr. Hesketh reported that in investigating the parcel, and in discussions with Staff they found a rear-lot subdivision wouldn't be permissible on this lot because of the requirement for 20% of the maximum lots. He indicated that apparently a rear lot was carved out of this parcel a few years ago. Mr. Hesketh reported they amended the application and submitted revised plans to still propose a 2-lot subdivision but without the rear lot component. The revised plans are similar to the original plans, but show increased frontage to now comply with a lot within that zone. Mr. Hesketh requested Planning Consultant D'Amato share the plans for the Commission's review.

Chairman Ouellette noted he had a couple of administrative questions regarding the applications. He indicated that he had introduced the application as a resubdivision

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application for a 2-lot resubdivision; is there going to be a request for a Special Use Application, or, because of the revision to the plans that application will no longer be required? Mr. Hesketh indicated Chairman Ouellette's assumption was correct; the rear lot will no longer be applicable; they would request to withdraw the application for the rear lot. Chairman Ouellette indicated that was no problem.

Referencing the Site Plan being shared, Mr. Hesketh noted the driveway being proposed on the left of the page. Then referencing sheet RS-1, Mr. Hesketh indicated that Lot #6 is Tom's (Crockett) lot which fronts on Rockville Road. There is a "u" shaped parcel of land surrounding Tom's lot; they are proposing to split the "u" shaped lot into 2 lots – Lot 3-3 on the left would contain 2.77 acres, while the remaining lot on the right would contain 3.20 acres. They are providing 150' frontage on Rockville Road. Mr. Hesketh noted there's a 25-foot strip on the left of Tom's parcel; that would be merged into Tom's lot (Lot 6) which becomes a bit larger.

Referencing the Site Plan, Mr. Hesketh noted the driveway is proposed to be on the left side of the lot; the house would be located in the rear of the lot because of the depth of the groundwater on the site, and the ability to do a septic system. Mr. Hesketh indicated they met with representatives from the NCHD (North Central Health District), and did some test pits, the location of the septic primary and reserve area are depicted on the plans in front of the house. He felt the NCHD had submitted an approval saying the house is suitable for the construction of the sub-surface sewer disposal system. They are showing a "placeholder" for a well, which is located behind the house; they meet the 75-foot separation distance between the septic system and the well as required by health code; the basement of the proposed house would be 1+/- feet above the seasonal high groundwater table.

Mr. Hesketh noted they are showing sedimentation and erosion controls, which include a construction exit at the driveway, with silt fence around the perimeter of the construction area.

Mr. Hesketh noted they've shared the plans with Town Engineer Norton, who had a couple of comments initially. Those comments have been addressed; he indicated Town Engineer Norton's memo dated March 25th, 2021 noted the comments have been addressed.

Mr. Hesketh indicated they have notified the abutters; Mr. Daniel posted the sign advertising the Public Hearing, and submitted the sign affidavit to the Town.

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Mr. Hesketh recalled that the applicant is family member; his wife is Tom's daughter. They are requesting a waiver of the Open Space requirement under the subdivision regulations, or to be allowed to USE the Fee-In-Lieu of Open Space. They are also requesting a waiver of the requirement for streetlights, and a waiver, or Fee-In-Lieu of sidewalks as there are no sidewalks on Rockville Road.

Mr. Hesketh concluded his presentation and requested an approval this evening.

Chairman Ouellette queried the Commissioners for comments.

Commissioner Gowdy felt they had covered everything in their presentation; he is ok for now.

Commissioner Kowalski noted the issue of sidewalks comes up all the time with subdivision applications. He noted there are no sidewalks on Rockville Road. Many times the Commission accepts the Fee-In-Lieu of sidewalks rather than the waiver but he could be convinced either way.

Commissioner Thurz is in agreement with the waivers; there are no sidewalks there and probably never will be sidewalks in that area. Commissioner Thurz indicated it's good to see a local person come back to town.

Commission Gobin indicated she's fine with the proposal.

Chairman Ouellette questioned Town Staff if, administratively, is there anything different with how they prepare notes for the Commission regarding this subdivision application now that the Special Use Application for the rear lot is no longer part of the application request? Planning Consultant D'Amato indicated he did the review of the revised plans this morning. He noted his previous memo cited several questions, which were subsequently reviewed with the applicant/engineer, the revised plans were then submitted. Planning Consultant D'Amato indicated his guidance to them was to not withdraw prior to the meeting because he wanted them to have the dialogue with the Commission, and he wanted anyone coming to the meeting would then understand why the Commission wouldn't move forward with the rear-lot if the Commission was in agreement that the revised plans made sense. Chairman Ouellette questioned if the proposed motion required any additional conditions? Planning Consultant D'Amato indicated the revised Staff memo, which he prepared today, reflects all of that; Planning Consultant D'Amato noted he didn't include approval of the waivers for the sidewalks and the streetlights because those requests weren't on the first application.

Chairman Ouellette questioned in your revised memo, that was not part of the information submitted under SharePoint, correct? That was done by e-mail? Planning

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Consultant D'Amato indicated the revised memo is included in SharePoint; under the folder "24 Rockville Road" there should be a sub-folder for "revised plans and Staff memo". Chairman Ouellette questioned that the revised plans came into the office today;

Planning Consultant D'Amato felt they were submitted on Friday and completed on April 9th. Mr. Hesketh clarified that the plans were sent out Friday afternoon; they realize that Town Hall closes at 1 p.m. and is not staffed after that time. He also felt there may have been a computer issue, but he spoke with Town Staff Monday and was told everyone had received them by noon Monday; they are part of the record. Mr. Daniels indicated he hand-delivered them to Planning Staff and felt they were sent "pdf"; he indicated he was advised by Planning Consultant D'Amato not to withdraw the Special Use Permit application and the Commission would go over that tonight. Chairman Ouellette thanked everyone for the clarification.

Chairman Ouellette noted this is a Public Hearing; he questioned if any members of the public would like to speak?

Angelo Sevarino: Mr. Sevarino also introduced Jean Sevarino and Courtney Sevarino who is identified on the Site Plan as Courtney Gonszalez, the adjacent property owner at 16 Rockville Road. Mr. Sevarino indicated on his daughter's rear lot, which abuts the proposed plans, there's a line of trees that provides a degree of privacy; would they be removed, or would they remain? Mr. Daniel responded that he might have needed to cut down a couple of trees where the driveway was going in because they were on his property, but with the change in the frontage he'll be moving his driveway over and has no intention of cutting those trees down, especially on her back property line. Mr. Daniel indicated he would be cleaning up a woodshed and scrap wood in that area as well.

Chairman Ouellette called for other comments from the public. No one else requested to speak.

Chairman Ouellette referenced the Staff memo, noting it talks about the Fee-In-Lieu-of sidewalks. Noting the Commission's intention to treat applications consistently, Chairman Ouellette indicated he supported this proposal, as there are no sidewalks in the area of the proposed subdivision; he felt Condition #18 was appropriate. He queried the Commissioners for their thoughts regarding the Fee-In-Lieu-of the sidewalk proposal.

Commissioner Gobin concurred; she felt it was part of the cost of creating a development lot that the applicant contributes to the sidewalk Fund of the Town. Mr. Daniel reiterated that he grew up in town; there were not a lot of sidewalks in town during that time. He cited there's nothing remotely close on Rockville Road; he could understand contributing if there was something close. Chairman Ouellette indicated there is now a

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separate Sidewalk Fund that developers contribute to and the community makes a decision where future sidewalks are going to be installed. We draw down from this account to supplement installation of sidewalks. Chairman Ouellette gave as an example there's a proposal to put in sidewalks along Reservoir Road, basically around Broad Brook School where there are no sidewalks today. Some of that is being funded by community dollars, and some is being funded by the Sidewalk Fund. If this application passes we would take the fee from this subdivision and add it to the fund for the installation of sidewalks at another location in East Windsor. The sidewalks might not be anywhere near where this house is. Mr. Daniel indicated he understood Chairman Ouellette's explanation; he has no objection.

Chairman Ouellette queried the Commission regarding closing the Public Hearing; the consensus of the Commission was in agreement. Chairman Ouellette called for a motion.

MOTION: To CLOSE the Public Hearing on Application PZ-2021-11, 24 Rockville Road, Resubdivision Application, 2-lot Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: Tom Crockett et al, Owner: James T. Daniel.

Gobin moved/Thurz seconded/DISCUSSION: It was noted the names of the Applicant and Owner had been read in reverse.

AMENDED MOTION: To CLOSE the Public Hearing on Application PZ-2021-11, 24 Rockville Road, Resubdivision Application, 2-lot Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

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 queried the Commission regarding taking action on this application this evening; the consensus of the Commissioners was to vote this evening.

Discussion of the process for approval followed. Commissioner Gobin cited consideration of the waiver for streetlights; Chairman Ouellette noted that approval of a waiver requires a super-majority.

MOTION: To WAIVE the requirement for streetlights under Section 6.4 of the Resubdivision Regulations for Application PZ-2021-11, 24

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**Rockville Road, Resubdivision Application, 2-lot Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Owner: Tom Crockett, et. al.,
Applicant: James T. Daniel.**

Gobin moved/Gowdy seconded/DISCUSSION: None.

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

MOTION TO APPROVE APPLICATION:

PZ 2021-11: 2 lot Re-subdivision application. 24 Rockville Rd. Owner: James Daniel. Applicant: Tom Crockett, et al.

Referenced Plans:

1. Resubdivision Plan. 24 Rockville Rd. Prepared by F.A.Hesketh & Assoc. for Thomas Crockett. Pages 1-4 inclusive. Dated 12-11-20 (pg.1,2) and 3-18-21. (pg.3,4) **Revised: April 9, 2021**

Findings:

1. The requirements set forth by Section 2.11 of the Subdivision Regulations are found to generally not be applicable to this individual application. As such, any improvement required by this Section shall be not required unless indicated on the approved plans or included within the conditions below.
2. The Commission finds it appropriate to grant the applicants request for waivers from as requested.
3. There is no proposed activity within 150ft of a wetland or watercourse, therefore a report from the Inland Wetland Commission is not required.

Conditions which must be met prior to signing mylars:

1. A copy of the final approved plans with revisions shall be submitted to the Planning & Development Office for review and comment.
2. 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.
3. 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.

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4. The plans shall be revised to include:
 - a. A notation indicating that any lot subject to the open space 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.
 - b. A copy of this approval.
 - c. The expiration date of this approval.

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

5. The final mylars with signature shall be filed in the Town Clerk's office and digital PDF shall be provided to the Planning and Development office.
6. A road cut permit shall be obtained from the Department of Public Works.
7. An Erosion and Sedimentation Control bond shall be provided in a format acceptable to the Town of East Windsor to the Planning & Development Office. Such bond amount shall be determined by the Town Engineer.
8. The applicant shall enter into and adhere to the Town's Development Agreement subject to final approval by the Board of Selectmen unless otherwise determined to be not applicable by Town staff based on the improvements (or lack thereof) proposed.

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

9. Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
10. A final as built survey, showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
11. 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 Enforcement Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

12. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
13. Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
14. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.

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15. 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.
16. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
17. A fee in lieu of open space shall be provided. Such fee shall be determined and paid in accordance with Section 7.5 of the East Windsor Subdivision Regulations and CGS 8-25, subject to final approval by the Town Planner and Assessor.
18. A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.3(5) and approved by the Town Engineer.
19. **The existing vegetative buffer along the Southwest property line should be preserved to the maximum extent practicable.**

Gobin moved/Thurz seconded/DISCUSSION: Commissioner Gobin noted motion is provided in Staff memo from Planning Consultant D'Amato revised to April 13, 2021.

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

Chairman Ouellette requested a motion to accept the withdrawal of Application #PZ 2021-12 for the Special Use Permit Application for 24 Rockville Road.

NEW PUBLIC HEARINGS/D. PZ-2021-12, Special Use Permit Application, 24 Rockville Road, to allow the creation of a rear lot. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

MOTION: To ACCEPT the WITHDRAWAL of Application PZ-2021-12, Special Use Permit Application, 24 Rockville Road, to allow the creation of a rear lot. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

Gobin moved/Kowalski seconded/DISCUSSION: None.

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

OLD BUSINESS: None.

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NEW BUSINESS/A. 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. *Action Possible:*

Chairman Ouellette read the description of this application. He noted the Public Hearing has been closed; he queried the Commission regarding further discussion.

Commissioner Gobin noted the Commission needs to consider the sidewalk issue on this application as well; Chairman Ouellette noted that's been referenced in the Staff memo. Chairman Ouellette indicated that commercial developments require the installation of sidewalks. He noted there are current no sidewalks in this area of Newberry Road, nor does he feel there are any plans for the installation of sidewalks. Chairman Ouellette suggested he feels it's reasonable for the applicant to contribute a Fee-In-Lieu-of sidewalks to be installed in a more appropriate location in town. Commissioner Gowdy agreed. Commissioner Kowalski felt it was consistent.

Director Chapin indicated that the regulation allows for a minimum of 40% of the cost of sidewalks for the Fee-In-Lieu; is that the Commission's desire to set the cost at 40%? Discussion followed regarding past practice. Chairman Ouellette indicated that the unit price of sidewalks is set by Town Engineer Norton; it changes due to the market and the Commission has no control over that cost; it should be reviewed at intervals by the Town Engineer. The Commission continues to use Town Engineer Norton's recommendation until he changes it. Chairman Ouellette felt Director Chapin was referencing the percentage identified in the regulations; it's a minimum of 40% and the Commission has the latitude to charge more. Chairman Ouellette suggested that consideration is a decision for the Commission. Chairman Ouellette indicated he couldn't recall a past application when the Commission asked for more than 40%. Chairman Ouellette suggested further discussion of the sidewalk issue should be a larger discussion when considering regulation revisions, but suggested, personally, he felt the 40% was appropriate for this application. Commissioner Gobin concurred, suggesting this applicant should be treated as everyone else has been. Commissioner Gowdy indicated he's ok with the 40%. Director Chapin indicated he was comfortable with the clarification.

Chairman Ouellette called for a motion for approval.

MOTION TO APPROVE:

Application #**PZ-2021-09**: 124 Newberry Rd. Special Permit for Contractor's Office and Storage Yard. Applicant: Scott Cota. Owner: Newberry Group, LLC.M-1 Zone

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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.

Referenced Plans

1. **Site Plan:** “Newberry Group LLC”. 124 Newberry Rd. Prepared by Gary LeClair, LLC. Sheets 1-3 inclusive. Dated: 7-8-2020 with Revisions to March 26, 2021
2. **Architectural Plan:** “Cota Construction” 124 Newberry Rd. Prepared by Pelletier Builders. Dated: February 2, 2021

Conditions which must be met prior to signing mylars:

1. A copy of this approval motion has been incorporated into the plan
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. To indicate the location of all on site lighting and include specifications and/or details for all proposed site lighting demonstrating that fixtures will be fully shielded or full cutoff.
 - b. To include screening along the West side of the property to screen the outdoor storage area from public view.
 - c. To indicate that a sidewalk is to be installed along Newberry Rd unless a fee in lieu has been provided, in accordance with Section 606.

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. If required, tree preservation fencing along the dripline of the trees shall be installed at the time erosion and sedimentation controls are

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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.

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.**
19. **No vehicle, equipment or material storage shall be allowed within the parking lot.**
20. **Any expansion to the outdoor storage area shall require modification of this Special Permit.**

Gobin moved/Thurz seconded/DISCUSSION: Commissioner Gobin noted motion was provided under Staff memo from Planning Consultant D'Amato revised to April 8, 2021.

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

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NEW BUSINESS/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. *Action Possible.*

Chairman Ouellette read the application description, noting the Public Hearing has been closed earlier this evening.

Director Chapin noted the Staff memo references a unit number in the back building rather than unit indicated by Mr. Faraday earlier. Mr. Faraday was also

present virtually, Director Chapin requested he clarify the correct unit number and letter; it's Director Chapin's understanding that Jean's Salon is unit E and the bakery is unit F. Director Chapin noted Mr. Faraday is going into a unit between the other two units; he questioned if that would that make Mr. Faraday's unit E+? Mr. Faraday was unable to clarify the unit designation during the meeting. Chairman Ouellette suggested that was an administrative issue that could be worked out by Staff.

Chairman Ouellette asked if the Commission was ready to act on the application.

Motion to Approve:

Application #PZ 2021-07 for Special Use Permit Application for a barbershop to be located at 142 North Road, Unit E (Map 124, Block 24, Lot 015) Zone B-3.

This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation 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. 142 North Rd, Unit E 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 barbershop services on the property.

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Gobin moved/Gowdy seconded/DISCUSSION: Commissioner Gobin noted motion was provided under Staff memo from Director Chapin dated March 15, 2021.

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

OTHER BUSINESS: None.

CORRESPONDENCE/A. Letter dated April 6, 2021 from Pullman and Comley regarding a Solar Project to be located in Ellington.

Chairman Ouellette indicated this correspondence was for the Commission's information only.

BUSINESS MEETING/A. Elect Officers:

Chairman Ouellette recalled that the Commissioners had graciously nominated him for Chairman in November. The Commission didn't have full membership at that time, so no one was appointed for Vice Chairman or Secretary.

Chairman Ouellette opened nominations for Vice Chair.

Commissioner Thurz nominated Commissioner Gobin; Commissioner Gowdy seconded the nomination. Chairman Ouellette asked if there were other nominations; no one responded. Chairman Ouellette questioned Commissioner Gobin if she would accept the position of Vice Chairman; Commissioner Gobin responded affirmatively.

Chairman Ouellette called for nominations for Secretary.

Commissioner Thurz nominated Commissioner Kowalski; Commissioner Gowdy seconded the nomination. Chairman Ouellette asked if there were other nominations; no one responded. Chairman Ouellette asked Commissioner Kowalski if he would accept the nomination; Commissioner Kowalski responded affirmatively.

Chairman Ouellette called for a motion of approval of the slate of officers as presented.

MOTION: To APPROVE the slate of officers as presented: Anne Gobin as Vice Chairman, and Michael Kowalski as Secretary.

Gowdy moved/Thurz seconded/DISCUSSION: None.

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

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BUSINESS MEETING/B. ZEO Report:

Chairman Ouellette noted the Commissioners had received an updated Zoning Enforcement Report from ZEO Calabrese. He asked if the Commissioners had any questions?

Commissioner Gobin questioned if the listing for Quarry Meadows the same proposal the applicant keeps bringing before the Commission; Commissioner Gowdy indicated he noted that listing on the ZEO Report also. Commissioner Gobin suggested it appears to be a complaint about historic filling to the Wetlands Commission.

Director Chapin clarified that the report is a compilation of complaints to the Zoning Commission and the Inland Wetlands Commission. The complaint referenced by Commissioner Gobin is one that was brought to the attention of the Planning Office, and was brought to the Inland Wetlands and Watercourse Commission at their last meeting. He understands ZEO Calabrese is preparing a Staff Report for their next meeting. Commissioner Gobin suggested her concern is if the applicant gets to the point of presenting a Site Plan and the issue needs to be corrected, then the office needs to be aware of the issued. Director Chapin indicated the issue would require Wetlands approval first.

Chairman Ouellette asked if Director Chapin or Planning Consultant D'Amato had any closing comments for the Commission; neither gentleman requested to present additional discussion.

Hearing no requests from the Commission for additional discussion, Chairman Ouellette called for a motion to adjourn.

EXECUTIVE SESSION: None this evening

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:55 p.m.

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

Respectfully submitted,

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