

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

**REGULAR Meeting #1803
May 25, 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 #1803 of the East Windsor Planning and Zoning Commission dated May 25, 2021 to Order at 6:30 p.m. The Meeting is being held via teleconference due to the closure of the Town Hall to meeting participants due to the the coronavirus pandemic.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Anne Gobin, Frank Gowdy (signed in at 6:32 p.m.), 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 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; Jay Ussery and Tim Coon, of J. R. Russo & Associates; David Grigely, Betsy Grigely Leborious.

Public (as identified in the Meeting participation list): Selectman Nordell, and others identified only as follows: Marci, Pixel 3.

ESTABLISHMENT OF QUORUM:

Chairman Ouellette noted a quorum was established at 6:30 p.m. as four Regular Members were present at the Call to Order. Regular Member Gowdy signed in to the meeting at 6:32 p.m. to establish a quorum of five Regular Members.

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ADDED AGENDA ITEMS: None.

LEGAL NOTICE:

Chairman Ouellette noted there were no new Legal Notices for this meeting.

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/May 11, 2021 (tabled to 6/8/2021):

Chairman Ouellette noted the Meeting Minutes for May 11, 2021 had been provided to the Commissioners for review prior to this meeting but were not posted for approval. He requested a motion to consider approval at the June 8, 2021 Commission Meeting.

MOTION: To REVIEW and APPROVE the Minutes of the Planning and Zoning Commission Regular Meeting #1802 dated May 11, 2021 until the Commission's next meeting scheduled for June 8, 2021.

Gobin moved/Thurz 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 noted receipt of the following new application:

1. **PZ-2021-20**, Renewal of an existing earth excavation permit for Apothecaries Hall Enterprises, and co-owner East Windsor Sportsman Club, at Apothecaries Hall Road, M-1 Zone, Map 057, Block 49, Lot 003; Map 057, Block 65, Lot 001; and Map 0448, Block 65 Lot 007.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS/A. PZ -2021-17, 8 Church Street, Resubdivision Application, 1-lot Resubdivision. (Map 097 Block 30 Lot 052) Zone R-2. Applicant/Owner: Mae A. Grigely Trust:

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Chairman Ouellette read the description of this item of business. Joining the Commission to discuss the application was Jay Ussery, of J. R. Russo & Associates, LLC, representing the applicants. Also present representing the family were David Grigely, and Betsy Grigely Leborious.

Mr. Ussery summarized the application is for a resubdivision to create one new building lot on the northside of Church Street. The property backs up to the Intermediate School; a pedestrian access to Church Street from the school is located to the east of the existing home at 8 Church Street.

Mr. Ussery indicated that at the previous meeting it was established that the parcel has been in the Grigely family for 60 to 70 years. An existing home is located at 8 Church Street; the resubdivision will create the new lot, as well as convey a small piece in the rear of the Leborious parcel to the Leborious family.

Mr. Ussery recalled that the family has requested a waiver of the Open Space requirement because it had been documented that in 1965 the family had donated, for no cost, 11+/- acres to the Town to construct the Intermediate School. Discussion had followed regarding how to memorialize that the conveyance had occurred, and was considered by the Commission to fulfill the Open Space requirement. Mr. Ussery noted it had been agreed to at the previous meeting that a note would be added to the plan sheet reflecting the 1965 conveyance by Wendell and Anna Grigely to the Town. Mr. Ussery suggested if the Commission is comfortable with that approach the plans will be filed on the Land Records in the Town Clerk's Office; the filing will cover the Open Space donation.

Mr. Ussery indicated the Commission is still considering the applicant's request for a waiver for streetlights, and a waiver of installation of sidewalks vs. offering a Fee-In-Lieu of the sidewalk.

Mr. Ussery noted Town Engineer Norton's comments have been addressed; Mr. Ussery wasn't sure if Town Engineer Norton had responded to the revisions yet.

Chairman Ouellette opened discussion to the Commission.

Commissioner Gobin:

- **Open Space:** Commissioner Gobin suggested Mr. Ussery and Planning Consultant D'Amato did a good job documenting the donation of the Open Space.
- **Sidewalks vs. Fee-In-Lieu:** Commissioner Gobin indicated previous discussion indicated the Commission was agreeable to the Fee-In-Lieu option; if the condition isn't already in Planning Consultant D'Amato's memo it needs to be

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added. Chairman Ouellette cited Condition #9 references the Fee-In-Lieu contribution. He questioned if Commissioner Gobin was comfortable with the Commission's consensus? Commissioner Gobin indicated as much as she would like sidewalks near the school the small portion of sidewalk at this lot wouldn't accomplish anything; she would rather see the money go into the sidewalk fund so the Town can install sidewalks in a more appropriate place.

Commissioner Thurz:

- **Streetlights:** Commissioner Thurz felt there is an existing streetlight at the proposed location of the new lot.
- **Sidewalks:** Commissioner Thurz agreed with Commissioner Gobin regarding accepting the Fee-In-Lieu of sidewalks.
- **Open Space:** Commissioner Thurz thanked the family for the donation of land for the Intermediate School.

Commissioner Kowalski:

- **Streetlights:** Commissioner Kowalski concurred; there is an existing streetlight at the location of the new lot.

Commissioner Gowdy indicated he read the Minutes and listened to the Commissioners; all proposals are ok with him.

Chairman Ouellette asked Planning Consultant D'Amato for closing comments.

Planning Consultant D'Amato indicated his Staff memo includes a condition to reflect the Commission's acceptance of a Fee-In-Lieu of sidewalks. Planning Consultant D'Amato felt the Regulations provide enough flexibility that the previous donation of land will satisfy the Open Space allocation, especially as it's been documented via submission of the deed; the amount of the donation of land also exceeds the amount of Open Space that would have been required for this resubdivision.

Chairman Ouellette indicated he didn't have any questions. He complimented Mr. Ussery and Planning Consultant D'Amato for the great job they did documenting the previous conveyance of land which satisfied the **Open Space** requirement.

Chairman Ouellette opened discussion to the public.

David Grigely: Mr. Grigely thanked the Commission for the consideration of the past conveyance towards the Open Space requirement.

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Betsy Grigely Leborious: Mrs. Leborious also thanked the Commission for considering the previous conveyance as complying with the Open Space requirement. She also thanked the Commission for their comments regarding the family's donation; the family appreciates them.

Chairman Ouellette requested action by the Commission. He called for a motion to close the Public Hearing.

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2021-17, 8 Church Street, Resubdivision Application, 1-lot Resubdivision. (Map 097 Block 30 Lot 052) Zone R-2. Applicant/Owner: Mae A. Grigely Trust.

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 called for a motion regarding the request for the waiver of the installation of streetlights.

MOTION TO APPROVE: Request for a waiver to Section 6.5 of the East Windsor Subdivision Regulations pertaining to the installation of streetlights for application **#PZ 2021-17: 1 lot Re-subdivision application. 8 Church Street. Owner/Applicant: Mae Grigley Trust**

Findings:

1. The existing street lighting in the vicinity of the proposed lot is adequate.

Gobin moved/Kowalski seconded/DISCUSSION: Commissioner Gowdy questioned the section identification, as the section is referenced as 6.4 in the Staff comments and 6.5 in the motion. Planning Consultant D'Amato clarified the correct section referencing streetlights is 6.5 as identified in the motion.

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

Chairman Ouellette called for a motion to approve the resubdivision application, which includes Condition #9 regarding a Fee-In-Lieu of sidewalks.

MOTION TO APPROVE:

**#PZ 2021-17: 1 lot Re-subdivision application. 8 Church Street.
Owner/Applicant: Mae Grigley Trust**

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

Referenced Plans:

1. 1 Lot Resubdivision. 8 Church Street. Owner: Mae Grigely Trust prepared by JR Russo & Associates. Sheets 1&2 inclusive. Dated 4/21/21.

Findings:

1. The proposed layout is in conformance with the Towns Zoning and Subdivision Regulations.
2. There is no proposed activity within 150ft of a wetland or watercourse, therefore a report from the Inland Wetland Commission is not required.
3. The 8+/- acre parcel donated by the Town of East Windsor via Volume 0087 Page 0571 on July 16, 1965 satisfies the open space requirements of the East Windsor Subdivision Regulations.

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.
4. **The plans shall be revised to include:**
 - a. The parcel now owned by the Town of East Windsor known as MBL 97-30-40, including a notation that an 8AC portion donated by the Grigley shall serve as the open space for this subdivision.
 - b. A notation indicating that the existing 24" tree on the proposed lot is "to be preserved".
 - c. A copy of this approval.
 - d. 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.

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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.
9. 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.

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

10. Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
11. A final as built survey, showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
12. 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:

13. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
14. Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
15. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.
16. 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.
17. 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.

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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)

CONTINUED PUBLIC HEARINGS/B. PZ-2021-18, 76 and 84 North Road and 7 Winkler Road, Special Use Permit Application, for construction of an automatic car wash accessory to an existing automotive filling station. (Map 113 Block 24 Lots 002, 002-1, 003) Zone B-3. Applicant/Owner: Noble Energy Real Estate.

Chairman Ouellette read the description of this Public Hearing.

Joining the Commission virtually was Tim Coon, of J. R. Russo & Associates, LLC, representing the applicant, Noble Energy. The owner of the property, Michael Frisbie, was unable to attend this meeting.

Mr. Coon summarized that they made a presentation of a Site Plan reflecting the installation of a car wash at 76 and 84 North Road and 7 Winkler Road to the Commission at the previous meeting. Based on comments during the previous meeting he has made the following revisions to the plans:

- **Vacuums:** They have eliminated the turbine, and the enclosure, and are now showing 5 spaces for vacuums with covered trash receptacles.
- **Access gates:** They added barrier lift gates to indicate whose turn it is to enter the car wash, and are also showing a height bar at the beginning of the line.
- **Building lighting:** They have added 2 additional wall packs on the building; there should be no problem with light spillage onto adjacent properties.
- **Facility lighting:** They are showing that the lighting for the car wash will be dimmed to a security level after operation. Mr. Coon reiterated this is **not** a 24-hour operation.
- **Connecting driveway to the gas station:** This has been shifted further to the south to address the concerns for a tractor trailer being parked at the diesel station. They also eliminated a parking space on the southside and will be replacing the existing dumpster pad with a new dumpster pad on the south. The dumpster will be screened with arborvitae and a solid fence.
- **Curbing:** In response to the comment regarding snow removal Mr. Coon indicated they are now going with Cape Cod curbing at the locations previously noted for curbing.
- **Automatic doors for car wash:** Mr. Coon felt Planning Consultant D'Amato was still advocating for the automated doors on the car wash when it's operating. Mr. Coon indicated they still feel the orientation of the building will direct sound to the north and south. They are providing fencing and evergreen trees planted on

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the berm. Mr. Coon indicated they feel they have taken measures to take into consideration noise. Mr. Coon recalled that East Windsor's noise level is 55 decibels at the property line; if it's found the level is exceeded then they take additional measures at that time.

Chairman Ouellette queried the Commissioners for comments or questions.

Commissioner Thurz indicated he had no questions at this time.

Commissioner Gobin:

- **Facility doors:** Commissioner Gobin suggested Planning Consultant D'Amato's example of doors opening and shutting is good. She understands that Mr. Frisbie doesn't feel it's necessary but as Mr. Coon has said, if we get noise complaints – especially from the residences on Winkler Road - they could go with additional measures. Commissioner Gobin indicated she doesn't buy that the noise won't travel over the pond. Commissioner Gobin indicated she's willing to take all that into consideration.

Commissioner Gowdy indicated that in reviewing the Minutes, and listening to the comments made by other Commissioners he's comfortable with the presentation at this time.

Commissioner Kowalski:

- **Noise testing:** Commissioner Kowalski questioned Planning Consultant D'Amato if we should add a condition regarding testing that the noise/sound level is acceptable? Planning Consultant D'Amato replied affirmatively, suggesting the sound should be tested during operation. He noted he liked Commissioner Gobin's comments, although approval couldn't be conditioned on future operations. Commissioner Gobin questioned if violations of State standards were found to be occurring could we ask the State for assistance? Discussion followed regarding the Town's previous action regarding the adoption of a Noise Ordinance; First Selectman Bowsza confirmed that a Noise Ordinance had not been adopted. Mr. Coon felt the projected noise levels are consistent with the DEEP levels. Chairman Ouellette questioned Mr. Coon if he would agree to testing in the future, when the car wash is in operation, or to have the applicant seek additional measures to reduce the noise? Mr. Coon indicated he felt if there was a violation of the noise at the property line they would implement whatever was necessary; he didn't feel Mr. Frisbie would be in opposition to testing at the beginning of the operation. Commissioner Gobin felt the applicant needs to perform the testing as funding at the State level for noise complaints was cut several years ago.

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Chairman Ouellette queried the Commission – would it make sense to have the applicant do the noise testing at the beginning of the operation and submit a report to the Town Planner? Commissioner Gobin felt that would work. Chairman Ouellette suggested if the testing is done, and it exceeds the State level what measures should be taken?

Commissioner Kowalski:

- **Bonding:** Commissioner Kowalski questioned if the applicant submits bonds on this? Discussion continued; Planning Consultant D’Amato offered potential language for an appropriate motion, noting he was researching information on State standards as he spoke. Commissioner Gobin offered C.G.S. 22a-69 as the governing Statute. Discussion continued regarding the process for the applicant should unacceptable noise levels be detected. Chairman Ouellette suggested that would give the applicant options to provide mitigation measures to continue operating. Chairman Ouellette asked Mr. Coon if the proposed condition would be acceptable? Mr. Coon indicated he likes the flexibility of providing options to mitigate the noise rather than having the operation be shut down.

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

Selectman Baker questioned if the Commission is including this condition regarding testing and a possible retro-fit of the doors if noise is found would the applicant rather just install the doors? Mr. Coon suggested there will be doors on the car wash, the issue for the applicant is closing the doors for every car moving through the car wash, as it would slow down operation.

Planning Consultant D’Amato offered a potential condition.

Chairman Ouellette queried the Commission for additional comments for Mr. Coon.

Commissioner Gowdy:

- **Affect of doors on noise levels:** Commissioner Gowdy questioned if the doors would absolutely make a difference in the noise level? Mr. Coon indicated if the doors were closed during operation then the noise level would be reduced, but the doors would have to be closed after every car entered the car wash.

Commissioner Kowalski:

- **Facility doors:** Commissioner Kowalski questioned if they would be installing 2 sets of doors, rapid roll-up and regular doors? Mr. Coon indicated he would have to discuss that with Mr. Frisbie. Chairman Ouellette advised Mr. Coon the Commission didn’t have to close the Public Hearing tonight if Mr. Coon wanted to talk to his client. Mr. Coon advised the Commission Mr. Frisbie is appearing

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before another commission in another town this evening and is unavailable for consultation.

Planning Consultant D'Amato suggested he could modify the potential motion that requires the applicant to propose mitigation to Town Staff, who would then bring the proposal to the Commission. Commissioner Gobin and Gowdy were ok with the condition modification; Commissioner Kowalski questioned what happens if the doors aren't the answer? Discussion continued involving refining the additional condition.

Chairman Ouellette queried the Commission if they wanted to close the Public Hearing this evening.

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2021-18, 76 and 84 North Road and 7 Winkler Road, Special Use Permit Application for construction of an automatic car wash accessory to an existing automotive filling station. (Map 113 Block 24 Lots 002, 002-1, 003) Zone B-3. Applicant/Owner: Noble Energy Real Estate.

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 questioned the Commission's intent regarding approving the application?

MOTION TO APPROVE:

Application #PZ 2021-18 76 and 84 North Rd and 7 Winkler Rd, Special Use Permit Application,

For construction of an automatic car wash accessory to an existing automotive filling station. Zone B-3. Applicant/Owner Noble Energy Real Estate

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:** "Car Wash Expansion" 76 & 84 North Rd & 7 Winkler Rd.

Prepared by J.R. Russo & Assoc. Sheets 1-11 inclusive. Dated:4-5-21
Revised 5-18-21

2. **Architectural Plan:** "The Soapy Noble" Prepared by MDA

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Architecture. The Soapy Noble, 84 North Rd. Sheets CP-1.1 – 1.3
inclusive. Dated 4-15-21

Conditions which must be met prior to signing mylars:

1. A copy of the Planning & Zoning and Inland Wetland 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. To indicate that the sidewalk connection from the existing site to the proposed car wash site will connect to the outdoor patio.

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 installed and shall be maintained throughout the course of construction.
11. Confirmation that the parcels have been merged as indicated on the proposed plan shall be provided to the Planning & Development Office.

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

12. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
13. 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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14. A landscape maintenance bond shall be required and held until the proposed landscape/screening areas are adequately established.
15. The applicant shall perform a noise study, conducted by an acoustical engineer upon completion of construction of the car wash for the purposes of certifying that noise created by the operation of the car wash is not in violation of the regulatory standards adopted pursuant to CGS 22a-69. If the testing performed indicates a violation exists, additional mitigative efforts shall be proposed to the Town Planner for review and may be subject to review by the Commission. Following approval of any mitigative efforts, an additional noise study shall be performed to demonstrate compliance prior to the Zoning Enforcement Officer's issuance of a Certificate of Zoning Compliance.

General Conditions:

16. 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.
17. 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.
18. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
19. Additional erosion control measures may be required by Town staff if field conditions necessitate.
20. 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.
21. 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.
22. A separate permit approval will be required for the proposed signage, in accordance with Section 602 of the Zoning Regulations.
23. Trash receptacles shall be provided and maintained on the property. The owner/operator shall establish an internal policy to ensure trash does not accumulate.
24. Operating hours shall be provided to the Planning & Development Office and lighting shall be dimmed to security levels during non-operational hours.
25. Existing/mature trees or vegetation shall be preserved to the maximum

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extent practicable.

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 applauded Planning Consultant D’Amato and the Commission for the team approach to solving the problem for the applicant.

NEW PUBLIC HEARINGS: None.

OLD BUSINESS/A. PZ-2021-15, Wells Road, Resubdivision Application, 5-lot Resubdivision. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anothy A. Della Ripa. Owner: Anthony A. Della Ripa & TMC LLC, **AND, B. PZ-2021-16, Wells Road, Special Use Permit Application, to allow the creation of a rear lot.** (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa. Owner: Anthony A. Della Ripa & TMC LLC:

Chairman Ouellette read the description of both applications, as presentation for both applications had been combined at the previous Commission meeting. Chairman Ouellette noted the Public Hearing on these applications had been closed at the previous meeting as well. Mr. Jay Ussery, of J. R. Russo & Associates, LLC joined the Commission virtually.

Mr. Ussery recalled that they had received comments from Staff and the PZC regarding these applications, and had received input from the Wetlands Commission as well. The following revisions and notes have now been added to the plans:

- **Reduction in amount of lots proposed:** Mr. Ussery noted the application had originally been submitted as a 5-lot Resubdivision; the application was reduced to a **4-lot** Resubdivision due to allowable buildable area of the lots proposed. The Plans have been revised to reflect the 4-lot Resubdivision
- **Buildable Area:** Mr. Ussery noted the Regulations required 43,560 square feet of buildable area in the A-1 Zone. He indicated Lot #1 is the tightest lot, with 44,455 square feet, but it still exceeds the required buildable area. Lot #2 contains 114,280 square feet of buildable area, Lot #4 contains 97,000 square feet of buildable area, and Lot #3 contains 230,000 square feet.
- **Proximity to Skylark Airport:** Mr. Ussery indicated Note 5 has been added to the plans to alert people of the proximity of Skylark Airport to the south. Chairman Ouellette noted that request had been received by the Commission via an e-mail from a pilot flying in and out of Skylark.
- **Street Trees:** Mr. Ussery indicated they are showing 2 street trees on Lot #1 to meet the Subdivision Regulations, and because the frontage will be cleared on this

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- lot. Mr. Ussery noted the remainder of the lots are heavily wooded; he has added a note that the existing trees along the frontage would be preserved to meet the Regulations.
- **Rear lot/driveway screening:** Mr. Ussery indicated the Regulations require trees screening the length of the driveway for rear lots. He has added language to the plans referencing Planning Consultant D'Amato's Condition 4f in his revised memo of May 18, 2021 regarding "existing woodline/vegetation on Lot #4 adjacent to the shared property line for Lot 2 and Lot 3 are to be preserved in lieu of landscaping required under Section 6.6.9(d)". Mr. Ussery indicated significant discussion occurred at the Wetlands Commission and Conservation Commission regarding the amount of clearing which would occur on these lots; he also noted the individual plot plans will come back to the Planning Office for review at the time the homes are proposed. The Wetlands Commission has required the addition/installation of identifying discs 20 feet off of the wetlands line; notes indicating that requirement have been added to the plans.
 - **FEMA Flood Zone:** Mr. Ussery noted Planning Consultant D'Amato's original memo questioned an area identified as a FEMA Flood Zone within the parcel. Mr. Ussery noted there is an area of 1 1/2 +/- acres within the proposed resubdivision which is identified as "other flood area". The designation is not regulated by FEMA, not is it a flood hazard area. The closest lot to the area is Lot #3, but it's hundreds of feet from the flood area. He has added a note to the plans regarding the designation.

Mr. Ussery noted the applicant is requesting waivers for streetlights, sidewalks, and is proposing a Fee-In-Lieu of Open Space.

Chairman Ouellette queried the Commissioners for comments or questions.

Commissioner Gowdy indicated he had no concerns, but noted the section referencing streetlights is Section 6.5 rather than Section 6.4 as identified in the Staff memo

Commissioner Gobin indicated she's fully satisfied.

Commissioner Kowalski indicated he had no further questions.

Commissioner Thurz questioned what the discs are identifying the wetlands areas? Mr. Ussery indicated they're round discs that look similar to forestry discs; the discs required by the Wetlands Commission say "Town of East Windsor – regulated area".

Commissioner Gowdy questioned how they're attached? Mr. Ussery suggested they would probably be nailed to trees; sometimes pressure-treated posts are installed, and the discs attached.

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Chairman Ouellette indicated he had no questions regarding the proposals.

Chairman Ouellette requested final comments from Planning Consultant D'Amato. Planning Consultant D'Amato indicated he was ok with the Commission's decisions. His Staff memo suggested a waiver for the streetlights but requires an appraisal regarding the Open Space allocation, and requires a Fee-In-Lieu for the sidewalks.

Chairman Ouellette noted the Public Hearing on these applications has been closed; he queried the Commission for motions regarding the waivers and approval of the applications.

MOTION TO APPROVE: Request for a waiver to Section 6.5 of the East Windsor Subdivision Regulations pertaining to the installation of streetlights for application **PZ-2021-15:5** lot Re-subdivision application.

Map 125 Block 24 Lot 025, Wells Rd Applicant: Anthony Della Ripa.
Owner: Anthony Della Ripa and TMC LLC

Findings:

1. The existing street lighting in the vicinity of the proposed lot is adequate.

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:

#PZ 2021-16: Special Permit for Rear Lot. Map 125 Block 24 Lot 025, Wells Rd Applicant: Anthony Della Ripa. Owner: Anthony Della Ripa and TMC LLC:

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

Referenced Plans:

1. **Resubdivision Plan.** 5 Lot Resubdivision. Prepared by J.R. Russo & Assoc. for TMC LLC and Anthony Della Ripa. Pages 1-5 inclusive. Dated 4-5-21 **Revised: 5/5/21**

Findings:

1. The proposed single rear lot is in compliance with Section 408 of the East Windsor Zoning Regulations.

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Gobin moved/Kowalski seconded/DISCUSSION: None.

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

MOTION TO APPROVE:

#PZ 2021-15: 4 lot Re-subdivision application. Map 125 Block 24 Lot 025, Wells Rd Applicant: Anthony Della Ripa. Owner: Anthony Della Ripa and TMC LLC

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

Referenced Plans:

1. **Resubdivision Plan.** 5 Lot Resubdivision. Prepared by J.R.Russo 7 Assoc. for T.M.LLC and Anthony Della Ripa. Pages 1-5 inclusive. Dated 4-5-21
Revised: 5/5/21

Findings:

1. The provided plan is compliant with the Town's Zoning and Subdivision Regulations.
2. The Inland Wetlands and Watercourses Commission approved the application on 5-5-2021.
3. It is appropriate to grant the applicant's request for a waiver to the requirement for streetlights.
4. The Commission finds that a fee in lieu is more appropriate than the installation of sidewalks on site.

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.
4. **The plans shall be modified to include:**
 - e. A notation indicating that any lot subject to the open space waiver shall

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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.

- f. A copy of this approval.
- g. The expiration date of this approval.
- h. To indicate the existing trees along Wells Rd are to be preserved by adding the note “existing street trees to remain” as applicable.
- i. To include a note that the subject properties are adjacent to an airport.
- j. To indicate that the existing woodland/vegetation on lot #4 adjacent to the shared property lines for lot #2 and lot #3 are to be preserved in lieu of landscaping required by 6.6.9(d).
- k. To demonstrate that each lot has a minimum of 43,560SF buildable area.

Conditions which must be met prior to the issuance of any 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/excavation 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 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.
- 9. 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.
- 10. An appraisal, prepared in accordance with Section 7.5(1) shall be provided to the Planning & Development Office for the purposes of designating the open space fee per lot.

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

- 11. Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
- 12. A final as built survey, showing all structures, pins, driveways and final

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floor elevations as well as spot grades shall be submitted.

13. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Enforcement Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
14. 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 Planning & Development Director and Assessor.

General Conditions:

15. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
16. Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
17. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.
18. This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
19. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

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: None.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/A. General Zoning Issues:

Planning Consultant D'Amato had considered adding a discussion regarding bonding to the Agenda, and then took it off, but – it' no secret that the Town has had problems with bonding on projects in the past. We need to develop a method to track the bonds to the

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approval granted; we shouldn't take a 1-year bond on a 5 year approval. Planning Consultant D'Amato suggested the Commission should consider setting stricter conditions on the bonding related to applicable approval permits, including adding specific conditions to the permit approval. He suggested the Commission should develop a process to review the status of bonds at least twice a year.

Discussion continued regarding the type of bonding which is acceptable, the type which isn't working, and options available to the Commission. Planning Consultant D'Amato suggested the burden shouldn't be on the Commission; it's on the applicant. Mr. Ussery noted that in some of the towns he appears before they review the bonding to be sure it's sufficient to cover the remaining work; he felt Planning Director D'Amato's suggestion of reflecting the bonding status in the conditions of approval would be a good idea. Commissioner Thurz concurred, noting the price of various materials has tripled in the past year.

The Commission welcomed additional discussion at a future meeting.

Chairman Ouellette queried First Selectman Bowsza regarding a timeframe for in-person meetings. First Selectman Bowsza cited there is legislation being considered which would set a permanent policy for meeting requirements. At this point, Commissions and Boards must continue to meet as we currently do until the end of July. First Selectman Bowsza noted his concern regarding in-person meetings is the Town must be able to provide a venue large enough to accommodate public participation. He noted some Boards, such as the Planning and Zoning Commission and the Board of Selectmen, often have hot-button issues which result in significant public attendance; he questioned the Town's ability to accommodate the public in person. He also noted the Town also needs to consider the vaccination issue; it would be the Town's liability if someone acquired COVID at a public meeting.

EXECUTIVE SESSION: None.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:02 p.m.

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

Respectfully submitted,

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