

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

**REGULAR Meeting #1804  
June 8, 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 #1804 of the East Windsor Planning and Zoning Commission dated June 8, 2021 to Order at 6:31 p.m. The Meeting is being held via teleconference due to the closure of the Town Hall to the public for in-person meetings 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 Planning Consultant Michael D'Amato, and Ruthanne Calabrese, Zoning Enforcement Officer/Wetlands Agent.

**GUESTS/SPEAKERS:**     First Selectman Bowsza hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Marek Kement, representing SJK Properties, LLC.; Jennifer Abbe, Paul Anderson, Clinton and Elizabeth Bragg, Gina and Michael Couture, Paul and Antoinette Daigle, Elena and George Dieck, Leonard Dion, Noreen Farmer, Anna Mangiafico, Lance and Mary Matot.

**Public (as identified in the Meeting participation list):**-Brooke SCS Intern, Eric, Karen Jezouit, Kim, Kristina31@cox.net, pdmar, Sandi.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

2

**ESTABLISHMENT OF QUORUM:**

Chairman Ouellette noted a quorum was established as five Regular Members were present at the Call to Order; all members will participate in discussion and votes this evening.

**ADDED AGENDA ITEMS:** None.

**LEGAL NOTICE:**

The following Legal Notice was read by Chairman Ouellette:

**LEGAL NOTICE**

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, June 8, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

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

Meeting ID: 332 683 3563

Dial by your location  
+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 hearing will be held:

**PZ-2021-19     SJK Properties LLC Text Amendment Application** to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD), 802.1, 802.4.

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 May 26, 2021, East Windsor, CT.

Joseph Ouellette, Chairman

East Windsor Planning & Zoning Commission

**Journal Inquirer editions: May 27 and June 3, 2021**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

3

**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/A. May 11, 2021:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1802 dated May 11, 2021 as presented.

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

**VOTE by show of hands:** In Favor: Ouellette/Gobin/Kowalski/Thurz  
Opposed: No one  
Abstained: Gowdy

**APPROVAL OF MINUTES/B. May 25, 2021:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1803 dated May 25, 2021 as presented.

**Gobin moved/Kowalski 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 there were no new applications to be received this evening.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD  
ACCEPTANCE/A, West River Farms:**

Chairman Ouellette deferred to Planning Consultant D'Amato regarding this discussion. Planning Consultant D'Amato explained this discussion relates to the status of bonds held on this subdivision. Chairman Ouellette noted that most of the people signed in to the meeting have been interested in the Public Hearing on the SJK Text Amendment proposal; he suggested moving this discussion to later in the Agenda.

**MOTION:** To ADJUST the Agenda such that Item 8, **PERFORMANCE BONDS/West River Farms** be moved to later in the meeting.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

4

**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:** None.

**NEW PUBLIC HEARINGS/A. PZ-2021-19**, Text Amendment Application to East Windsor Zoning Regulations Section 802.1 and 802.4 Multi Family Development District (MFDD). Applicant: SJK Properties LLC:

Chairman Ouellette read the description of this item of business for a proposed Text Amendment.

Marek Kement, representing SJK Properties, joined the meeting virtually.

Mr. Kement reported the proposal is for individual, single-family residences that will fall under a Homeowners Association. Mr. Kement recalled he met with the PZC in October, 2020 to discuss the need to increase the density to move the development forward. He had presented a conceptual plan based on a 4 unit per acre density, which would have yielded 156 residences. That concept was subsequently scaled back to 88 units. Mr. Kement indicated that application was not acceptable; Mr. Kement is before the Commission this evening with a more restrictive version of the previously proposed Text Amendment.

Mr. Kement suggested the current Text Amendment proposal provides housing diversity as promoted by the POCD. He suggested that throughout the MFDD Regulation single family housing opportunities are encouraged and permitted. Section 802.1 (Purpose) states in part "... it is the intent of these regulations to permit the development of single family planned residential developments." Mr. Kement reported their project which utilizes a HOA (Homeowners Association) falls under a condominium or community development. Section 802.22 (Change of Zone) of the Regulations states "...no development plan or special permit for residential condominiums shall be approved by the Commission except in the MFDD Zone."

Mr. Kement noted that because their project will be a private development there will be no Town roads, which eliminates the need for Town maintenance and eliminate egress through any existing subdivision.

Mr. Kement referenced the CRCOG referral dated April 8, 2021 which indicates there are no conflict with regional plans or policies, and recommends that cluster type developments are allowed.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

5

Mr. Kement referenced the comments made at the previous Public Hearing related to traffic concerns. He suggested discussions related to traffic will be made during the design stage.

Mr. Kement referenced his letter to the Commission dated May 4, 2021, noting the two bullets related to discussion of density. In 2005 or 2006 the Quarry Meadows Subdivision was approved with a density factor of 1 unit per acre. Mr. Kement suggested developable acres didn't exist at that time, the 48 acre parcel under the density allowed yielded 48 lots. Mr. Kement noted they would have to reapply for that Subdivision application because the previous application for Quarry Meadows has expired. The new regulations for the R-3 Zone reduces the density to .9 units per developable acres. As they have approximately 44 acres of developable land times the .9 the new yield is 39 lots; Mr. Kement noted they've lost 9 lots by needing to reapply for the subdivision approval. Mr. Kement suggested if they couldn't move forward with the 48 lots there's no way they could move forward with 39 lots.

Mr. Kement then shared the screen to review his proposed language revisions for Section 802.4 (Applicability). In summary (highlighted text is revised language, or specific criteria):

- No area to be rezoned MFDD without the submission of a concept plan reflecting the specific type of development – A (Apartments), C (Condominiums), E (Elderly), and P (Planned Residential Developments). Mr. Kement indicated the inclusion of that section was suggested by Town Staff; they had no objection to the recommendation.
- For developments C, E, and P the site must be 4 acres in area, while or A (Apartments) the site must contain 25 acres. Mr. Kement clarified that the only way to develop apartments is for the parcel to have frontage on a State highway – Route 5 or Route 191. Quarry Meadows couldn't be developed as apartments because it doesn't comply with this regulation. Mr. Kement reiterated their proposal is for just C – Condominiums.
- The site must be served by public water and sewer. Mr. Kement noted they added the language that "the area must be identified by the Town's Sewer Service Area map, as amended" at Staff recommendation.
- Sub-section "c", which reads as follows: "[A,C,E,P] the site is located within an area identified as a "Village Area" or a [A,C,P] "non-rural Area" OR [E] NOT LOCATED WITHIN A RURAL AREA on the Residential Growth Guide Plan in the Plan of Conservation and Development, as amended. However, for [C] if the site is not located within one of the aforementioned areas, then the site may be located within a rural area, as identified on the residential Growth Guide Plan, as amended, proved all of the following criteria have been satisfied:
  1. The property to be developed is located within the R-3 or Agricultural zones; and

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

6

2. Except for properties on a state highway, the density shall be reduced to 1.5 dwelling units per acre of developable land on the tract; and;
3. The property to be developed is limited to detached single-family residential units; and
4. Any secondary means of egress shall be from an arterial or collector roadway and in accordance with 802.17(h)

Mr. Kement cited one of the material changes for this Text Amendment is sub-section “c”, noted above.

Mr. Kement noted that at the previous meeting Commissioner Gobin had concerns about other areas in town, specifically behind St. Catherine Cemetery. Mr. Kement noted they have now restricted the Text Amendment to R-3 or Agricultural Zone, noting the only R-3 parcel is on the Ellington town line, and the Agricultural areas are primarily located near where Canyon Ridge/The Mansions are located now. Mr. Kement indicated the reason he left the A-1 Zone in the Text Amendment was because if he didn't their site would be the only site that would qualify for this regulation and they would be creating a site-specific Text Amendment, which they can't do.

Mr. Kement suggested another substantial change is criteria 2. He recalled that he began in October, 2020 with 4 units per acre, which yielded 156 units, then reduced the density to 2 units per acre, and are now proposing a density of 1.5 units per acre which, at 44 developable acres will yield 66 units. Mr. Kement noted with the additional land in Ellington the total subdivision is 63 acres, which works out to about 1 unit per acre when considering the big picture.

Mr. Kement reiterated criteria 3 above – only detached single-family units to be developed.

Mr. Kement suggested criteria 4 limits secondary egress, as Sullivan Farm Road is considered a local street; there would be no access through a development of that type.

Mr. Kement suggested everyone keep in mind approval of this Text Amendment doesn't allow anyone and everyone to be allowed to develop their properties; a Zone Change Application is required which gives the Commission the ability to review applications on a case by case basis. And, the sewer was also a concern raised by Commissioner Kowalski at the previous meeting. Mr. Kement reported no other site can tie into their system; it's a forced main system. In addition, none of the other properties fall within the Sewer Service Area. No other properties would be able to tie into their forced main; in order to do that they would have to seek a change to the Sewer Service Area from the WPCA.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

7

Mr. Kement concluded his presentation.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Gobin:**

- **Material change in situation:** Commissioner Gobin noted someone had sent in correspondence which referenced a material change in the situation, and the applicant can't reapply for a year unless there is a material change. She noted Mr. Kement has pointed out what he sees as material changes in his presentation. Commissioner Gobin questioned Planning Consultant D'Amato if a material change in the application is the same as a material change in the situation?

Planning Consultant D'Amato suggested the Commission has the discretion to make a determination. He felt in the past the Commission has made a decision not to rehear an application, and the Statutes don't mandate that you rehear it. While Mr. Kement has pointed out what he feels are material changes the Commission has the discretion to make that determination.

**Commissioner Kowalski:**

- **Concept Plan:** Commissioner Kowalski questioned if Mr. Kement had a concept plan to share with the Commission? Mr. Kement indicated that he did but had not shared it because it's site-specific, but he was willing to share the concept plan if the Commission wanted to see it. Chairman Ouellette questioned the reasoning for Commissioner Kowalski's question. Commissioner Kowalski cited the significant opposition expressed at previous meetings; he felt that may be due to the fear of the unknown. If Mr. Kement could share his concept plan it might help the neighbors. Commissioner Gowdy wasn't in favor of sharing the concept plan as this is an application for a Text Amendment. Commissioner Kowalski indicated he brought it up because Mr. Kement had made that a condition of the Text Amendment.

Chairman Ouellette clarified that this is a multi-stage process, which includes the Text Amendment change which the Commission is discussing this evening. If the Text Amendment is approved, then the applicant files a Zone Change Application, and finally a Special Use Permit Application for the subdivision approval.

- **Planned Amenities:** Commissioner Kowalski questioned if the Text Amendment should include a requirement for communal amenities for a planned community? Mr. Kement indicated that would come under the MFDD Regulations.

**Commissioner Gowdy:**

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

8

- **Consideration of POCD:** Commissioner Gowdy felt the POCD was a guiding document which was written some time ago; some things have changed since it's adoption. Commissioner Gowdy felt the POCD is a guiding document for the health and safety of the community; he didn't feel the Commission should be nitpicking the "shall" and "will" of the language.

Planning Consultant D'Amato concurred, noting the C.G.S. cite that the POCD is a guidance document which is a 10 year document requiring cyclical updating. Changes occur within that time. The Commission should take those changes into consideration.

**Commissioner Thurz** indicated he had no questions or comments at this time.

Chairman Ouellette opened discussion to the public.

**Gina Couture, 34 Sullivan Farm Road:** Mrs. Couture questioned what has changed from the beginning of Mr. Kement's proposals to now? He's gone down from 150 to 60 lots, which is maybe more doable for the neighbors to accept, but what's to keep it from changing back? Most of the neighbors didn't sign up for 90 or more (lots); why can't Mr. Kement do the 48 lots; why the need for more lots?

Mr. Kement requested to respond to Mrs. Couture. He indicated the infrastructure costs have increased and the price of a building lot has decreased; it's economic. When the project was originally approved in 2005 or 2006 it was the height of the market.

Mrs. Couture suggested the market has rebounded; do you change the Text Amendment because of the economic conditions? The 66 lots is more consistent than the 150 lots. Her concern is there's no guarantee it won't be increased.

Mr. Kement noted the area of the property can't change; he only has 48 acres. With the density of 1.5 lots per acre the yield is 66 lots; he can't go higher. Mrs. Couture cited her concern is it keeps changing. Chairman Ouellette explained that a property owner can come to the Commission as many times as they want to; it's up to the Commission to decide if material changes have occurred which make the proposal different from a previous one.

Mrs. Couture questioned if there's been a "material change"? Chairman Ouellette suggested the Commission hasn't had that discussion yet. Chairman Ouellette noted Mr. Kement presented issues which he felt were material changes during his presentation.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

9

**Paul Anderson, 89 Main Street:** Mr. Anderson noted the property in Ellington was brought up during the presentation; he felt that was inappropriate. It has no bearing on this application and confuses the issue.

Mr. Anderson felt the POCD is currently less than 5 years old. There were statements of making amendments to the POCD. Mr. Anderson felt any amendments made to the POCD would be made on an as needed basis by the PZC, and if the changes weren't made they weren't deemed appropriate at that time. Mr. Anderson recalled that a lot of work went into the development of the POCD; many meetings were held with the public. Mr. Anderson didn't feel the POCD is an obsolete document.

Mr. Anderson felt the Town doesn't need the density; we don't need to spread the density to the outside of town.

**George Dieck, 7 Eastwood Drive:** Mr. Dieck indicated he doesn't feel there's been a "material change" – that would be access to the property but not a minor tweak to the language of the application.

Mr. Dieck recalled that at some point the maximum density was reduced from 1.5 lots to .9, and now it's being increased to 1.5 again for to accommodate one person; Mr. Dieck did feel that was in the best interest of the town.

Regarding the economic issue, Mr. Dieck noted there is a development being proposed on Depot Street and East Road; he suggested that property is located in an R-3 Zone and is that being developed under the current regulations. Mr. Dieck felt it was possible to develop property within the current regulations. Mr. Kement suggested that development is all frontage lots which will be served by septic systems. There is no road, and that development doesn't include the cost of building a pump station; it's not a good comparison. Mr. Dieck indicated he didn't buy that.

**Leonard Dion, 13 Eastwood Drive:** Mr. Dion suggested Mr. Kement go back to fewer single family homes.

Mr. Dion noted Mr. Kement had talked about option "c" of the proposed Text Amendment, he questioned why bring that element into the proposal? Mr. Kement suggested that option "c" limits the dwellings to condominiums under which the maintenance will be done by a Homeowners Association. Mr. Kement reiterated the neighbors were looking at 55 houses, which isn't a big increase from the original approval of 48 lots. Under the condominium proposal there would be no access from Sullivan Farm Road; under the original subdivision plan there would be more traffic.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

10

**Noreen Farmer, 247 South Water Street:** Mrs. Farmer indicated she didn't feel it's in the Town's best interest to do a Text Amendment on a particular subdivision which would then be applicable to other parts of town. Mrs. Farmer suggested we have several large parcels in town; Mrs. Farmer felt to make amendments to things which are not part of the Plan of Conservation and Development plan she didn't feel would bode well for the community. In 2005 people on South Water Street wanted to put in 200 apartment units under a Special Use Permit which didn't happen, but it was based on a neighborhood situation.

Mrs. Farmer felt there isn't a lot of publicity about things like this; sometimes people on her side of town aren't aware of what's happening elsewhere. This is townwide. Mrs. Farmer doesn't feel making a Text Amendment for a particular subdivision is a good idea. If it's more publicized people can speak. Mrs. Farmer doesn't think the Commission should be doing this.

**Antoinette Daigle, 173 Depot Street:** Mrs. Daigle didn't feel many people from Depot Street have commented. She is concerned about the increased traffic levels which will occur from this parcel, and, if you're not going through Sullivan Farm Road it doesn't allay her concerns regarding the traffic on Depot Street. Depot Street is a narrow road, people drive too fast, and it's all broken up; it's currently a mess, Mrs. Daigle felt that although they don't live in a cul-de-sac the neighbors won't be happy with increased traffic. Mrs. Daigle indicated she walks and it's dangerous now.

**Alan Baker, 340 Rye Street:** Mr. Baker suggested the POCD is rightly characterized as a guidance document but it comes from the people of the Town who wanted to shape what the community looks like so we should give it some weight.

Regarding the Text Amendment, this proposal seems right-sized for this neighborhood. Mr. Baker asked Mr. Kement what the density factor for this proposal does to other properties that you mentioned in your presentation that could be developed? Mr. Kement reported he didn't look at the other properties in regard to density, he overlaid the Sewer Service Map over rural areas and the only areas in the R-3 Zone were the Quarry Meadows parcel and the property to the north which can't be developed because there's no septic system out there and because there's no sewer availability.

**George Dieck, 7 Eastwood Drive:** Mr. Dieck noted the change in density from 1.5 to .9, he questioned the Planning and Zoning Commission when that occurred, and what were the drivers behind the change? Chairman Ouellette indicated he didn't have that information available presently. Mr. Dieck questioned if it would be a fair assumption that the change was made to reduce density? Chairman Ouellette reiterated he didn't have that information available tonight. Planning Consultant D'Amato felt Mr. Kement said the reduction in the yield happened from the original project approval and when the

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

11

Town began looking at developable acreage vs. raw acreage – as an example, if someone had a property with steep slopes on a parcel that wouldn't contribute to the total yield of a site. When the Town began looking at developable acreage Mr. Kement had said he lost 9 lots. Planning Consultant D'Amato indicated Staff would look into how that change occurred.

Mr. Dieck suggested that changing from raw acreage to developable acreage by itself would reduce the density because there would be some portions of parcels that couldn't be developed. In addition to that Mr. Dieck suggested the number was reduced so those two changes reduced the maximum density on any piece of property. The only reason Mr. Dieck could think of was to reduce density; Mr. Dieck felt this proposal goes against that.

Chairman Ouellette noted he's been a member of the Commission for some time but can't recall the circumstances or the year the density was reduced. He noted that Zoning Regulations and Subdivision Regulations are reviewed regularly, and something must have happened to trigger the change – maybe as best practices, or at the recommendation of a Planning Consultant, or part of the POCD review. It's not uncommon for regulations to be reviewed from time to time.

Mr. Dieck suggested that now everyone is being asked to ignore that and change the density for one person on one parcel. Chairman Ouellette suggested the Commission will be deliberating the proposal after gathering the information, and has some tough decisions to make.

**Lance and Mary Matot** are trying to join the discussion but are having problems connecting to the meeting.

**Clinton and Elizabeth Bragg, 17 Eastwood Drive:** Mr. Bragg referenced a letter from Planning Consultant D'Amato suggesting that the text change will adjust the criteria for future properties to be developed under the MFDD regulation. Mr. Bragg questioned if other properties will be able to be changed if this gets approved because it's setting precedent. Planning Consultant D'Amato suggested the letter Mr. Bragg was reading was related to a previous Text Amendment request, which had different criteria than is being proposed tonight; the letter written previously wouldn't have the same applicability as this application. Mr. and Mrs. Bragg suggested they were talking about parcels in general under a MFDD. Planning Consultant D'Amato suggested anyone can come in and ask for a Text Amendment or a Zone Change using the existing criteria, or if approved, the criteria before the Commission presently. Planning Consultant D'Amato cited the difficulty identifying applicable parcels as parcels containing smaller acreage presently could be combined at a later date which could then qualify them for this Text Amendment. Planning Consultant D'Amato cited Mr. Kement had mentioned parcels which could be applicable today, but the parcels change all the time, Any application for

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

12

an MFDD Zone Change must come before the Commission for consideration, but the application must meet the MFDD criteria/standards to be approved. The applicant would then have to file an application for the specific development.

Mr. Bragg suggested at the time Planning Consultant D'Amato had previously exchanged emails with him there were 66 potential properties; he felt the concerns were allowing this MFDD Zone in a rural area. People are concerned for traffic and speeding. Mrs. Bragg suggested people don't stop at Depot and East now; what's it going to be like with 66 more homes times at least two cars per home? Mr. Bragg noted the people on Depot Street can't tap into the Quarry Meadow sewer line; that's a pressurized line.

**Lance and Mary Matot, 17 Sullivan Farm Road:** Mrs. Matot asked Mr. Kement why he was proposing so many houses? She recalled Mr. Kement had said previously he could build 37 homes and now he's proposing 150; she concerned about the traffic and the amount of homes. Why can't you do senior living which is a set age group without a lot of kids? Mrs. Matot felt Mr. Kement was asking the neighbors to take in a lot of homes with a lot of people. It's in her backyard – not Joe Ouellette's backyard or Frank Gowdy's backyard. Why must the project be so huge?

Mr. Kement reiterated it's economics. Mr. Kement also noted his sister lives on Sullivan Farm Road; it's in her back yard. Mrs. Matot questioned why so many homes? Mr. Kement indicated if we do the 48 lots it will run through the Sullivan Farm development. Mrs. Matot felt if Mr. Kement had talked to the neighbors about the proposal there wouldn't be this fight. She likes the area the way it is. If the zone is changed anyone can do what they want. Mr. Kement suggested that wasn't a true statement.

**Paul Anderson, 89 Main Street:** Mr. Anderson reported as a point of information that this Sewer Service Area also includes the Rya Corporation Subdivision and the Harvest Lane area; those property owners hope this works its way through because they have property on which they can't install septic systems because their properties were over-excavated and refilled which is unacceptable to the North Central Health Department. Those projects could only have sewers if this project goes through. It's a possible way for the developer to recoup some of the cost of the sewer. Mr. Anderson indicated they've been through this discussion with the Rya Corporation many times at the WPCA meetings.

**Anna Mangiafico, 35 Sullivan Farm Road:** Mrs. Mangiafico reported her property is directly adjacent to the SJK properties to the left and rear of her home. Mrs. Mangiafico reported she has no issue with having 66 homes sitting beside her; she feels the development will be tastefully done. Mrs. Mangiafico suggested her family hasn't done anything to change her property value or her quality of life. If they developed the

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

13

original 48 homes traffic would go through the Sullivan Farm neighborhood; with this proposal no one will be cutting through the Sullivan Farm neighborhood.

**George and Elena Dieck, 7 Eastwood Drive:** Mrs. Dieck noted the last person who spoke is Mr. Kement's sister; Mrs. Mangiafico and Mr. Kement concurred.

Mrs. Dieck felt this is an example of greed; she felt the Commission should decide what's best for the town, not one particular person. Mrs. Dieck cited the changes in the number of homes proposed through the various applications. Mrs. Dieck indicated she doesn't trust this company; they'll find another reason, which they'll call a material change. Mrs. Dieck noted Paul Roberts is a lawyer; he said there is no material change in this application. Mr. Dieck felt the Commission needs to stand up for the little guys.

**Jennifer Abbe, 32 Rice Road:** Ms. Abbe indicated she would like to see Mr. Kement and his family be profitable with the land but her concern is how it affects the other plots in town. Even though his proposal is a slight text change it does affect other properties in town. Mr. Kement questioned how this affects anyone's property; you won't see the houses and there won't be through traffic. Ms. Abbe suggested the proposal opens other areas in town to allow other things to move in.

Hearing no further requests from the public Chairman Ouellette queried the Commission for additional comments.

**Commissioner Gobin** indicated the history of the change in density would be helpful to decide if the request on the table is really for what people are alleging is an unfair number of units. Was the change made because it was considered best practice, or because the POCD sets out this idea of rural and denser areas and we wanted less density in the rural areas.

**Commissioner Thurz** referenced Mrs. Matot's comments that this proposal wasn't in the Commissioner's back yard – he noted there is a parcel in his back yard that could be affected by this Text change. This proposal does affect members of the Commission. Commissioner Thurz had no other questions.

**Commissioner Gowdy** would like Planning Consultant D'Amato to summarize what's been said and how he sees it.

**Commissioner Kowalski** felt he's heard everything he needs to hear.

Chairman Ouellette requested Planning Consultant D'Amato to offer some guidance on the comments presented.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

14

Planning Consultant D'Amato suggested there seems to be a lot of concern about the number of properties that could be eligible for change to a MFDD. He noted one of the things Mr. Kement did during his evaluation was to point out the properties that would be subject to a Zone Change based on the tweaks he's making. The existing MFDD says you can have apartments on properties on Route 5 that are 4 acres; that analysis wasn't done because that's not being proposed to be changed. Planning Consultant D'Amato suggested he doesn't want there to be this idea that the only properties that are shown are it. There are properties that are eligible for other uses that exist today but we're not proposing that change; he doesn't believe that was part of Mr. Kement's analysis.

Planning Consultant D'Amato suggested the Commission might want to consider dialing the proposal back and eliminating applicability in the Agricultural Zone. If the Commission is concerned about this being spot zoning we can talk about that; he cited recent case law addressing this issue but felt it would be difficult to consider this proposal as a spot zone.

Planning Consultant D'Amato indicated he will research the change in the density.

Planning Consultant D'Amato also noted the majority of the discussion tonight has been related to Mr. Kement's project and this proposal is not about Mr. Kement's property. The Commission must make its decision based on evidence in the record on the Text Amendment. The points discussed tonight – the sewer, the traffic - are important in the next step of the application process.

Chairman Ouellette suggested he's having a problem with the term "material change"; obviously there are changes from the previous application. How do you quantify a material change? Is there a planner's dictionary that defines that term? If it's decided there is no material change then Commission has only delayed the applicant. Even if the Text Amendment is approved there's another step in the process. Chairman Ouellette cited concern getting caught up in terminology.

Planning Consultant D'Amato suggested the term material change is subjective; Chairman Ouellette's comment about hearing another application in eight months is a good one. There's nothing that will change here by a passage of time. The Commission has the discretion to consider the information and make its decision.

Chairman Ouellette reiterated this application is a Public Hearing. He questioned if the public had any new comments to offer the Commission. No one requested to speak.

Chairman Ouellette asked Mr. Kement if he had any additional comments?

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

15

Mr. Kement indicated if the Commission wants to restrict the Text Amendment to the R-3 Zone and delete the Agricultural Zone he was ok with that proposal. Mr. Kement thanked the Commission for their time.

Chairman Ouellette suggested he was considering closing the Public Hearing. Planning Consultant D'Amato suggested if the history of the density change was being requested the Public Hearing should remain open as Mr. Kement may need to participate.

Chairman Ouellette called for a motion to continue the Public Hearing to the Commission's next regularly scheduled meeting.

**MOTION: To CONTINUE the Public Hearing on Application PZ-2021-19, Text Amendment Application to East Windsor Zoning Regulations Section 802.1 and 802.4 Multi Family Development District (MFDD). Applicant: SJK Properties LLC, application continued until the Commission's next regularly scheduled meeting on June 22, 2021 at 6:30 p.m. via ZOOM.**

**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.

**NEW BUSINESS/A. ZBA 2021-02 – Variance Request 7A Pasco Drive:**

Planning Consultant D'Amato advised the Commission this item of business has changed since the agenda was prepared. He recalled that someone in Pasco Commons wanted to have living and office space on the first level. Discussion had previously occurred before the PZC, who felt it was an appropriate request but wasn't appropriate to be addressed through a Text Amendment. While reviewing the request Planning Consultant D'Amato felt the request was actually for a change of use, which comes back to the PZC. Planning Consultant D'Amato suggested there is nothing in the regulations that indicates this use can't be on the first floor, and there's a grey area because of the location of the first floor as related to this unit. Planning Consultant D'Amato felt there's nothing in the regulations to prohibit this use; he feels the person could be eligible for a Special Use Permit.

Chairman Ouellette requested comments from the Commissioners.

Commissioner Gobin indicated she was ok with the proposal for a Special Use Permit application as long as it didn't open up a can of worms.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1804 – June 8, 2021**  
**ZOOM Teleconference**  
**Meeting ID: 332 683 3563**  
**MEETING MINUTES**

16

Commissioners Gowdy, Kowalski and Thurz were ok with this plan of action as well.

Chairman Ouellette requested Planning Consultant D'Amato to follow up with the Special Use Permit application process.

**OTHER BUSINESS/A. West River Farms:**

Chairman Ouellette turned discussion over to Planning Consultant D'Amato.

Planning Consultant D'Amato suggested the Department/Commission take a stronger stand on bonding for various projects. Regarding the West River Farms project the bank holding the current Letter of Credit has been purchased by another bank; the bonds are to be transferred to the new entity and would be backed up by the developer. The current bonds expire in 3 weeks; it's anticipated that they will be renewed by June 15<sup>th</sup>. If the closing on the bank's purchase doesn't happen the Town would have a subdivision without bonding.

Planning Consultant D'Amato suggested the Commission consider calling the bonds on the project in the event that the sale of the bank doesn't go through. He reviewed the process of calling the bonds, noting this has nothing to do with the credit status of the developer. Planning Consultant D'Amato noted there are currently 7 bonds held against this development; the bonds are held by People's Bank Commercial Real Estate Division.

Discussion followed; Planning Consultant D'Amato agreed this was a risk management issue. Chairman Ouellette questioned how the process would be rescinded if the bank's purchase falls in place. Planning Consultant D'Amato reviewed the reasoning for this proposal.

Commissioner Kowalski questioned if this action by the Commission would negatively impact the credit of the developer? Planning Consultant D'Amato suggested this process gets the ball in motion to provide a document to Town Engineer Norton to review the status of the bonding in relation to the status of the project. Any notification to the developer regarding calling the bonds would be sometime in the future. Commissioner

Thurz suggested a Letter of Intent should cover this situation. Planning Consultant D'Amato indicated the office received the letter last week; essentially the bank is referring to the closing on People's Bank.

Discussion continued regarding other credit options. Chairman Ouellette suggested the Commission's role is to look out for the position of the Town; the consensus of the Commission supported Planning Consultant D'Amato's suggestion.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

17

**MOTION** to begin the process of calling all bonding currently in place for the West River Farms LLC project provided the letters of credit referenced in the June 3, 2021 letter from Peoples United Bank are not extended as of June 10, 2021. The referenced letters of credit include:

- LC #ISB000597: \$160,000
- LC #ISB000591: \$16,900
- LC #ISB000594: \$12,500
- LC #ISB000592: \$13,229.70
- LC #ISB000590: \$65,400
- LC #ISB000595: \$20,000
- LC #ISB000593: \$13,358.10

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

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

**CORRESPONDENCE:**

Chairman Ouellette noted a recent e-mail received from First Selectman Bowsza regarding the Commission's returning to in-person meetings as of July 1<sup>st</sup>. He noted the first in-person meeting for the PZC would be the July 13<sup>th</sup> meeting. Chairman Ouellette requested the Planning Office send a copy of First Selectman Bowsza's e-mail to the Commission members.

**BUSINESS MEETING/A. Legislative Update – House Bill 6107:**

Planning Consultant D'Amato reported House Bill 6107 has recently passed both the House and the Senate, and is going to the Governor for signature. The Bill relates to zoning issues throughout the State. Planning Consultant D'Amato briefly reviewed some issues being considered under House Bill 6107 which the Commission must review and consider for action going forward. Some of the issues included:

- Accessory apartments would be allowed as-of-right; towns have an option to "opt-out" of this proposal
- Affordable housing; East Windsor currently exceeds the percentage requirement for affordable housing.
- Training for land use commissioners

Discussion continued regarding commissioner training options.

Chairman Ouellette requested that copies of HB 6107 should be sent to all Commissioners.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1804 – June 8, 2021  
ZOOM Teleconference  
Meeting ID: 332 683 3563  
MEETING MINUTES**

18

Chairman Ouellette questioned the recent ADVANCECT presentation made at the Economic Development Commission meeting; he had been unable to attend. Planning Consultant D'Amato will request Zoning Enforcement Officer Calabrese send a copy of the presentation to Chairman Ouellette and the Commissioners.

Commissioner Gowdy requested an updated copy of the Zoning Enforcement Report.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:50 p.m.**

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

Respectfully submitted,

---

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