

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

**REGULAR Meeting #1805  
June 22, 2021**

Meeting held via ZOOM Teleconference  
Meeting ID: 957 9526 3767

***MEETING MINUTES***

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

**TIME AND PLACE OF MEETING:**

Chairman Ouellette called Regular Meeting#1805 of the East Windsor Planning and Zoning Commission dated June 22, 2021 to Order at 6:31 p.m. The Meeting is held via teleconference due to continued limitations on public assembly related to 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.

**GUESTS/SPEAKERS:**     Planning Consultant D'Amato hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Marek Kement, representing SJK, Properties.

**Public (as identified in the Meeting participation list):** Paul Anderson, Clinton Bragg, Brooke SCS Intern, Tom Bulgajewski, Gina Couture, Craig, Eric, Eleana and George Dieck, iPad, Jennifer, Anna Mangiafico, Marci Styles, Bob Winot.

**ESTABLISHMENT OF QUORUM:**

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

**ADDED AGENDA ITEMS:**

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Chairman Ouellette queried Planning Consultant D’Amato regarding Added Agenda Items. Planning Consultant D’Amato noted the following additions received since the Agenda posting:

Under **RECEIPT OF APPLICATIONS:**

- **PZ 2021-22 7A Pasco Commissions** - Special Use Permit, to divide space at Pasco Commons to office and residential. Applicant: Rene Dupuis
- **PZ-2021-23 69 Depot Street** - Special Use Permit – Accessory Apartment. Applicant: Tim Jacob, Owner: Brian and John Pica-Sneeden.

Chairman Ouellette requested discussion under the **BUSINESS MEETING** of Receipt of Applications.

**LEGAL NOTICE:**

Chairman Ouellette noted there were no Legal Notices posted for this evening.

**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. June 8, 2021:**

**MOTION: To APPROVE the Minutes of Regular Meeting #1804 held on June 8, 2021 as presented.**

**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 applications:

1. **PZ-2021-20, SJK Properties, LLC** - Zone Change Application, Zone Change from R-3 to R-1.

Map 100, Block 77, Lots: 006-01, 006-02, 006-03, 006-04, 006-05, 006-

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06, 006-07, 006-08, 006-09, 006-10, 006-36, 006-37, 006-38, 006-39, 006-40, 006-41, 006-42, 006-43, 006-44, 006-45, 006-46, 006-47, 009-02B, 009, 009-11, 009-12, 009-13

Map 110, Block 77, Lots, 009-14, 009-15, 009-16, 009-17, 009-18, 009-19, 009-20, 009-21, 009-22, 009-23, 009-24, 009-25, 006-26, 006-27, 006-28, 006-29, 006-30, 006-31, 006-32, 006-33, 006-34, 006-35, 006-34A

Map 090, Block 77, Lots: 006-48, 006, 006A, 006B

2. **PZ-2021-22 7A Pasco Drive** - Special Use Permit, to divide office space into a combination of both residential and commercial. Applicant: Rene Dupuis
3. **PZ-2021-23 69 Depot Street** - Special Use Permit, Addition to house. For accessory apartment. Applicant: Tim Jacob, Owner: Brian and John Pica-Sneeden.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE**

**A. West River Farms Update:**

Planning Consultant D’Amato reported the Planning Office has received renewals of the bonds held for the West River Farms development which were due to expire. Everything is squared away.

Commissioner Kowalski questioned if the action taken by the Commission at the previous meeting should be rescinded, or does the motion now become immaterial because the bonds have been renewed? Planning Consultant D’Amato suggested that the renewal of the bonds by the bank means the project is good to go; no further action is necessary through the Planning Office.

**B. Calamar:**

Planning Consultant D’Amato reported the Town is holding \$57,480 in cash bonds for landscaping and erosion control measures on the Calamar project. Commissioner Thurz asked if anyone has spoken to the developer recently? Planning Consultant D’Amato indicated he has not personally spoken with the developer, but understands the Building

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Inspector has discussions with the project manager.

Commissioner Kowalski questioned how long the Planning Department would wait to take action on the project? Planning Consultant D'Amato indicated if there was an issue or violation, such as failure of erosion controls, the department could take action immediately. Commissioner Kowalski questioned the status of the partially completed sidewalk; Planning Consultant D'Amato didn't have the information available at this meeting to determine if the sidewalk fell under the landscaping bond. Chairman Ouellette recalled the purpose of the sidewalk was for the residents of the apartments to be able to walk to Sofia's Plaza. Commissioner Kowalski recalled the project's impact on other property owners, such as the owner of Sofia's Plaza and another property owner. Planning Consultant D'Amato will review the file for additional information.

**CONTINUED 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 Public Hearing.

Chairman Ouellette noted that prior to opening the meeting tonight he read an article in the Journal Inquirer that mentioned many of the things the reporter felt the Commission would be discussing tonight, including the Zone Change Application. Chairman Ouellette clarified that the Commission would NOT discuss the Zone Change Application tonight; the Zone Change Application is a future application which is being received tonight. He reiterated the only item the Commission will be considering this evening is the Text Amendment.

Chairman Ouellette noted discussion had occurred at the previous meeting regarding the timing of the density change; he questioned if Planning Consultant D'Amato had been able to determine the reason for the change?

Planning Consultant D'Amato reported there were a couple of issues raised with regard to the proposed Text Amendment. One of the issues was could this be considered **spot zoning**. Planning Consultant D'Amato referenced his current Staff memo, which addresses the issue of spot zoning. In his memo he cited case law which gets into intent – that the Commission would have to know the Text Amendment wasn't supported by the POCD or the Zoning Regulations

Planning Consultant D'Amato also referenced the issue of **applicability**. He noted the

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applicable properties will be constantly changing as smaller parcels could be combined and reconfigured into a larger, applicable parcel. Planning Consultant D’Amato noted the Planning Department has the ability to approve lot line configurations without coming before the Commission.

Regarding the *density change*, Planning Consultant D’Amato noted the regulations changed in the second half of 2006, which included changes to the bulk and area requirements which included reducing the density factor from 1 to .9. At that time the density factor of .9 was applied to the R-3 Zone, while the density factor of 1 was applied to the MFDD and PRD Zone. The Commission also began considering raw land vs. developable land when reviewing applications. Planning Consultant D’Amato also noted that the application Mr. Kement had referred to previously had been approved prior to the change in regulations regarding density.

Chairman Ouellette queried the Commissioners for comments or questions; no one requested to speak at this time.

Chairman Ouellette asked if Mr. Kement had any questions for Staff, or had additional information for his presentation? Mr. Kement requested to read the following statement (which appears in blue text below) which he recently submitted to the Commission:

**June 18, 2021**

**East Windsor Planning & Zoning Commission  
Town of East Windsor  
11 Rye Street  
Broad Brook, Connecticut 06016**

**Re: Proposed Text Amendment to East Windsor Zoning Regulations Section 802.4 (PZ-2021-19)**

**Dear Members of the Planning & Zoning Commission:**

**During the last public hearing, the comments from the residents of Eastwood Estates were completely inappropriate and I am offended by their position and accusations. The application before you is for a text amendment, which is**

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a proposed change to the zoning regulations town wide. All comments and discussions should not be based on site-specific properties.

The "Not in my backyard" mentality is an emotional reaction and should not be the basis of any conclusion. As you know, the focus of the text amendment should be on its merits and its effect town wide.

At this time, I would like to share the impact related to density versus construction costs associated with single- family home developments in our town.

A cost estimate was performed for a single-family residential subdivision in the R-3 zone consisting of 48 building lots. This estimate of \$5.1M was for infrastructure and roadway construction, which included a sewer connection a mile away from the site. Based on these figures, the developer would have to sell each building lot for \$106,000 to break even. This does not take into account property taxes and carrying costs, permitting, inflation, and posting of the bond.

Unfortunately, building lots in the Town of East Windsor are roughly half of that value. Using \$55,000 as an average cost for a building lot in our town, the breakeven yield is 92 building lots. Again, this is only to break even.

It is obvious there is a need to increase density for this example provided. To ignore this would be unfair. Our purpose for this text amendment is not greed, but merely simple economics!

Within the last 15 years, when was the last time an application for a traditional subdivision was submitted to this Commission that included roadway construction with sewer and storm drainage infrastructure? I do not believe there has been many, if any at all. Construction costs prohibit development based on current density requirements. This is why you see more frontage lots and rear lot applications.

We are proposing a housing opportunity that will slightly increase density from 1 house to 1.5 houses per acre. That's from 48 to roughly 66 houses; and all while not impacting the abutting neighborhood.

This text amendment isn't anything different then what has already been previously approved in town. We have:

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- Millbrook off Church Street –directly abutting a single-family residential subdivision;
- Hillside Farms & Meadow Farms, both off Depot Street– abutting rural subdivisions;
- The Mansions at Canyon Ridge – located in a “rural” designated area;
- Scantic Glen off Old Ellington Road- located in a “rural” designated area; and
- Norton Glen off Norton Road – also located in a “rural” designated area.

As an alternative, we have also submitted an application for a zone change to the R-1 residential zoning district, which will provide a density increase to 2 houses per acre. This direction could yield more than 88 houses. We are not opposed to building a town road, but this will directly impact a neighboring subdivision, something we wanted to prevent from the beginning. A private development is also preferred over a town road because of eliminating the Town’s obligations for maintenance responsibilities of the road and infrastructure. A new town road could possibly increase town wide property taxes as opposed to the private development.

Without increasing the density to support the sewer infrastructure burden cost for our site, the development of our property is being prevented. We do not see any other option. We have tried to work with this Commission and we have tried to appease the residents by continuing to lower the density to reach a happy median. I have been transparent from the beginning and have been extremely fair trying to come up with a workable solution.

At the end of the day, we are looking to go from 48 houses to 66 houses. From a town wide stand point, this will only effect two (2) properties located in the R-3 zone. As mentioned at the last public hearing, if the Commission prefers, we can further restrict the text language to eliminate inclusion of the agricultural zones. I have attached an updated Residential Growth and Guide Plan reflecting this for your consideration.

As we all should understand, the POCD is only a guidance and advisory document. This text amendment promotes housing diversity and increased density in the Broad Brook area, as provided by the POCD. The POCD offers guidance for increased density and suggests that the Residential Growth Guide & Residential Densities Plan may need to be modified for specific development opportunities within our Town. We have a specific/unique development opportunity that will not affect the neighboring communities.

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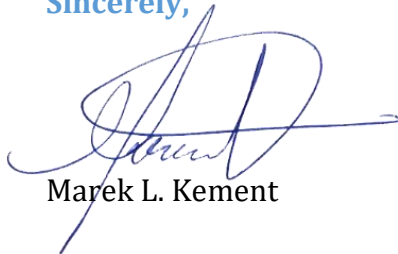
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We have explored alternate methods of developing our property other than this text amendment or the recently submitted zone change to the R-1 zone.

We see no other viable solution. If the Commission has an alternative that is economically feasible, please provide feedback for consideration.

Thank you for continuing to work with us to reach a reasonable solution to our development efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Kement', with a long horizontal flourish extending to the right.

Marek L. Kement

Chairman Ouellette queried the Commissioners for questions or comments for Mr. Kement?

**Commissioner Kowalski** noted Planning Consultant D'Amato's memo talked about the Commission not being obligated to discuss a proposal similar to a previous proposal unless the new application includes material changes. Commissioner Kowalski questioned if the Commission needs to identify those material changes?

Mr. Kement requested to speak; he responded that he had discussed that with his attorney. Mr. Kement suggested the material changes are the language being proposed under this Text Amendment Application. Planning Consultant D'Amato suggested if you came in with a proposal for 100 lots and came back before the Commission with the same number of lots it wouldn't be a change, but if you came back with 80 lots that would be a material change.

**Commissioner Gowdy** indicated he was fine with the material changes as presented. Commissioner Gowdy noted he's been on the Commission for some time and he's never heard the Commission discuss anything as much as they've discussed this Text Amendment. He felt the discussions involved so many things that will come later in the process; the Commission is still considering the Text Amendment.

**Commissioner Gobin** indicated she had no comments, but noted appreciation for Planning Consultant D'Amato's memos outlining findings as well as proposed motions.



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

Chairman Ouellette opened discussion to the public, noting the previous comments have been memorialized and requested the public to offer new comments or information.

**George Dieck, 7 Eastwood Drive:** Mr. Dieck suggested the only conscientious reason for the reduction in density from 1 to .9 was to reduce the density. Mr. Dieck noted he heard Mr. Kement's comments, and has heard comments that the other development on the corner of Depot Street and East Road is different. He's heard that the installation of the sewer is a mile away from the development, and the cost of the sewer vs. septic and well as it relates to the 66 lots. Mr. Dieck suggested if you want to add value to a new home having a sewer line is a big plus.

Chairman Ouellette noted he recalled Mr. Dieck's comments from the last meeting; he questioned if Mr. Dieck was opposed to the Text Amendment, or the density? Mr. Dieck replied he opposes the density, which he feels is the only reason for the Text Amendment.

Mr. Dieck noted on page 2 of Mr. Kement's letter he had referenced 5 examples of similar developments which had previously been approved - Millbrook, the Mansions, Scantic Glen and other developments; he questioned if the Commission could comment on those projects, or direct him to the Text Amendments that approved those developments? Chairman Ouellette indicated the Commission didn't have that information available at this meeting. Mr. Dieck questioned if he could look for that information himself? Chairman Ouellette replied that would be public information; he suggested Mr. Dieck visit the Planning Office to review the applications.

Chairman Ouellette questioned if Mr. Kement had any closing remarks?

Mr. Kement suggested the development on the corner of East Road Mr. Dieck mentioned is apples to oranges regarding the development process. There are no roadways involved with that subdivision, or costs related to sewer. Mr. Kement clarified the cost of the sewer he stated is over \$5 million, including construction of the pump station; it isn't a fair comparison.

**Clinton Bragg, 17 Eastwood Drive:** Mr. Bragg questioned the actual number of units being proposed; is it 88 or 66, or what? Chairman Ouellette suggested the discussion is related to the Text Amendment, but he didn't feel the density numbers have changed.

Mr. Bragg felt the MFDD is everyone's concern. Mr. Bragg felt everyone is disgusted;

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they purchased their property as an R-3 and now everyone is looking at an MFDD in their backyard.

**Elena Dieck, 7 Eastwood Drive:** Mrs. Dieck referenced Mr. Kement's comment in his recent letter regarding the need to increase the density and it would be unfair of the Commission to ignore that. Mrs. Dieck questioned to whom would it be unfair, the developer or the residents?

**Tom Bulgajewski, 26 Margaret Drive:** Mr. Bulgajewski questioned if the project is approved for 39 units, or how many is it approved for? Chairman Ouellette clarified it's not approved for anything at this time. Mr. Bulgajewski cited he read in the Journal Inquirer that 39 units have been approved but the 48 have expired. Chairman Ouellette reiterated there is no approval for building lots in the area at this time; all the approvals have expired.

**Paul Anderson, 89 Main Street:** Mr. Anderson suggested a lot of things have changed since the 2006 POCD, while some things haven't changed since the 2016 POCD. Mr. Anderson suggested the 2016 POCD is what everyone should be working with, and some of those concepts haven't changed.

Commissioner Gowdy requested input from Planning Consultant D'Amato.

Planning Consultant D'Amato reported the 2006 change was a zoning change when the commission dealt with density; there was also a text amendment to create the MFDD zone. The 2016 POCD is a planning document. The Text amendment is different than a Zone Change.

Mr. Kement suggested the POCD needs to be modified to provide diverse development opportunities, which would be in the Broad Brook area, which would include their project.

**George Dieck, 7 Eastwood Drive:** Mr. Dieck suggested the Public Hearing should be left open until the Commission reviews the 5 developments Mr. Kement cited as setting precedent for this Text Amendment. Chairman Ouellette suggested, speaking from experience, every Text Amendment isn't based on precedent. They are all based on their own merit. Every application for a Text Amendment or Zone Change is based on the specifics proposed and how they will affect the community. Mr. Dieck indicated that was a credibility issue for him.

**Anna Mangiafico, 35 Sullivan Farm Road:** Mrs. Mangiafico indicated her family is trying to develop the last phase of Eastwood Estates. They are trying to do this as a

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planned community rather than a conventional subdivision; that is the reason they did the Text Amendment.

**Marci Styles, 7 Sullivan Farm Road:** Ms. Styles suggested her issues aren't about the Kements, or Sullivan Farm Road. Her concern is it's a rural area and she's concerned with the increase in traffic. She would rather have 30 houses down the road rather than 66. Ms. Styles indicated she is opposed to more development as a result of changing the text.

Hearing no further requests for public comment Chairman Ouellette queried the Commissioners if they had enough information to close the Public Hearing tonight? Commissioners Thurz and Gowdy indicated they had enough information; Chairman Ouellette felt he had enough information as well.

Planning Consultant D'Amato indicated he had discussions with Mr. Kement and Town Engineer Norton. If the Commission would be more comfortable, the development could be done with a private road. Planning Consultant D'Amato indicated Mr. Kement was ok with that change; Town Engineer Norton would be ok with something that was a private road which wouldn't require maintenance by the Town.

Mr. Kement indicated he was comfortable with that statement.

Chairman Ouellette queried the Commission for their preference regarding closing the Public Hearing this evening.

**MOTION: To CLOSE THE PUBLIC HEARING for 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.**

**Gobin moved/Gowdy 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 is not obligated to vote this evening; he questioned if the Commissioners were comfortable voting tonight or did they need more information?

**Commissioner Kowalski** indicated he would like to see the language of the Text Amendment reflect Mr. Kement's agreement to remove the Agricultural Zone, and to also reflect the comments about the private road before he actually votes on the Text Amendment.

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**Commissioner Gobin** indicated she would like to see a Finding related to the material changes.

**Commissioner Thurz** indicated he would also like to see the Text Amendment with the language cleaned up as noted by Commissioner Kowalski.

Chairman Ouellette requested Planning Consultant D’Amato to add consideration of this Text Amendment to the Commission’s July 13<sup>th</sup> Meeting agenda.

Chairman Ouellette advised the public the Commission has closed the Public Hearing on this Text Amendment but will NOT vote on the proposed Text Amendment until the Commission’s next meeting, which will be held on July 13, 2021.

**NEW PUBLIC HEARINGS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:** None.

**BUSINESS MEETING**

**A. ZEO Report:**

Planning Consultant D’Amato noted Zoning Enforcement Calabrese is on vacation this week. He had added the report to the Agenda for the Commission’s review.

Chairman Ouellette asked if the Commissioners had any questions to pass on to Zoning Enforcement Calabrese?

Commissioner Gobin indicated she had no questions but liked the format of the report presentation.

Commissioner Gowdy suggested he would like to have some discussion of some of the items next time.

**B. Virtual Meeting update:**

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Planning Consultant D’Amato reported First Selectman Bowsza had recently disseminated an e-mail regarding the ability to hold in-person meetings effective July 1<sup>st</sup>. He noted the Implementer Bill recently passed, which included directives regarding future public meetings. Towns will have the option to continue a virtual format as well as in-person meetings. The State will study the effectiveness of that approach, and make a decision regarding the process going forward.

Planning Consultant D’Amato suggested East Windsor will go with in-person meetings when possible, with a hybrid component. Discussion followed regarding the logistics of future PZC Meetings.

Commissioners Gobin, Gowdy, Kowalski, and Thurz and Chairman Ouellette indicated they’ve been fully vaccinated; any members of the public wishing to attend should expect to be spread out within the audience and wear masks at their discretion. Chairman Ouellette questioned if the recording secretary would be required to attend in-person as she had requested to continue taking transcription via ZOOM? Planning Consultant D’Amato indicated anyone who requested to attend virtually should be accommodated. Discussion continued regarding hosting and recording the meeting while Chairman Ouellette guides the business of the meeting.

**C. POCD Update – Open Space:**

Planning Consultant D’Amato reported Zoning Enforcement Officer Calabrese has been working with members of the POCD Implementation Committee; the Committee would like to initiate discussion of Open Space priorities with the Agricultural, Conservation, and Planning and Zoning Commission. Chairman Ouellette noted that the Commission’s bylaws cite the Commission should hear applications at the first meeting, while holding discussions regarding regulation changes, or workshops, at the second meeting. He suggested scheduling an agenda item for the multi-Commission Meeting at the PZC’s next meeting on July 27th; members of the Agricultural and Conservation Commissions will be invited to attend a hybrid meeting.

**D. Zoning Amendments Discussion:**

Planning Consultant D’Amato noted several items included in House Bill 6107 will require review by the Commission, such as:

- accessory apartments as-of-right rather than via a Special Use

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Permit

- a Commission's ability to extend permit approval/expiration for up to 19 years
- various housing opportunities.

Chairman Ouellette noted the expectation that the Governor will sign the recreational cannabis bill. He understood that Pomfret may already have regulations in place; he questioned if Planning Consultant D'Amato could reach out to Pomfret regarding their regulations. Planning Consultant D'Amato will contact the Pomfret Planning Office.

**E. Receipt of Planning and Zoning Applications:**

Chairman Ouellette questioned the status of applications received shortly prior to a posted meeting; is there a cut-of date for receipt of applications? He cited concern with completeness of the applications received hurriedly; Commissioner Gowdy questioned if the office should accept an applicant's fee if the application isn't complete.

Planning Consultant D'Amato suggested the C.G.S. indicates if an application is dropped off on Monday at noon it's to be received at the next regularly scheduled Commission meeting, which would be the Commission's Tuesday meeting. The next regularly scheduled meeting is the date the clock starts ticking on reviewing and considering an application for approval. He also noted that a ruling during a recent court case has cited responsibility for determining the completeness of an application falls to the Commission rather than staff.

Discussion followed regarding the current process vs. delaying receipt of documentation to the subsequent meeting; Planning Consultant D'Amato suggested the receipt date won't change but the Commission wouldn't receive the material until it's to be heard.

Planning Consultant D'Amato also requested to report that Friday is the Amanda Calve's last day with East Windsor; she's taken a position in another town. Planning Consultant D'Amato reported her assistance supporting the Commission has been invaluable. The Commission shared their appreciation for Amanda's support during recent challenging times for the Planning Department. Discussion continued regarding office staffing and procedures going forward until new employees are hired.

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**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 7:59 p.m.

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

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

Respectfully submitted,

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