

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

**REGULAR Meeting #1809
August 24, 2021
In-person meeting**

AND

**Meeting also held via ZOOM Teleconference
Meeting ID: 995 8967 0259**

MEETING MINUTES

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

I. TIME AND PLACE OF MEETING:

Chairman Gobin called Regular Meeting #1809 of the East Windsor Planning and Zoning Commission dated August 24, 2021 to Order at 6:30 p.m. The Meeting is being held in-person in the Town Hall, 11 Rye Sreet, Broad brook, CT., and via telconference as well..

PRESENT: **Regular Members:** Anne Gobin (Chairman), Frank Gowdy, Michael Kowalski (Vice Chairman), and Joseph Sauerhoefer.

Alternate Members: There are presently three vacancies for Alternate members.

ABSENT: Regular Member Jim Thurz.

Also present in-person was Planning Consultant Michael D'Amato. Zoning Enforcement Officer/Wetlands Agent Ruth Calabrese participated remotely.

GUESTS/SPEAKERS present in person: Planning Consultant D'Amato hosted the meeting. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Savas (Sam) Karagianis, d/b/a KGS Realty, Inc.; Art Christian, P.E., Andre Groszyk, Dana Groszyk.

Public signed in remotely (as identified in the Meeting participation list): Deputy First Selectman DeSousa; Brooke, CSC Intern; Bragg, Martha Ceppetelli, Christine Paro, Gina and Mike, Jane, Lauren, Ray Mancuso.

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II. ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members were present at the Call to Order.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE: None.

V. PUBLIC PARTICIPATION:

Chairman Gobin queried the in-person audience, and then the remote participants, for comments regarding items/issues not posted on the Agenda. No one requested to speak.

VI. APPROVAL OF MINUTES:

A. August 10, 2021:

Chairman Gobin queried the Commission for comments or corrections regarding the August 10, 2021 Regular Meeting Minutes; no one requested any revisions.

MOTION: To APPROVE the Regular Meeting Minutes #1808 dated August 10, 2021 as presented.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer
(No one opposed/No Abstentions)**

VII. RECEIPT OF APPLICATIONS:

Chairman Gobin noted receipt of the following new application:

**PZ-2021-25 – Recycled Concrete Products of Connecticut, Inc. – 33
Apothecaries Hall Road. Special Use Permit for a Volume Reduction Facility to
reestablish conditions allowed under expired permit. Zone M-1, Map 057, Block,
48, Lot 38.**

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Planning Consultant D’Amato noted Zoning Enforcement Officer/Wetlands Agent Calabrese had advised him of an application for Unit 4, Bassdale Plaza, for **Design Kitchens (“Designin’ Kitchens”)**, which will be assigned application #PZ-2021-26.

VIII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS: None.

X. NEW PUBLIC HEARINGS:

A. PZ-2021-24: Special Use Permit, 17 Thompson Road to allow outdoor live entertainment and outdoor alcohol consumption. Map 082, Block 18, Lot 11. Zone M-1. Applicant: La Notte Wedding & Banquet. Owner: KGS Realty, Inc.

Chairman Gobin read the description of this item of business.

Savas (Sam) Karagianis joined the Board in-person. Mr. Karagianis reported he is continuing to do what they have been doing for the last 15 years. He has been holding private weddings and banquets under the tent; the person renting the facility usually hired the bands and DJs. Mr. Karagianis reported he is here this evening to acquire approval to serve liquor in the tent.

Chairman Gobin opened discussion to the Commission.

Commissioner Kowalski:

- ***Private vs. public events:*** Commissioner Kowalski questioned that the events will be private, and not open to the public? Mr. Karagianis replied affirmatively.
- ***Seasonal events:*** Commissioner Kowalski questioned that these would be seasonal events, or would they be held throughout the year? Mr. Karagianis replied they would be seasonal, beginning approximately mid-April and continuing until the weather turns cold.
- ***Event consistency:*** Commissioner Kowalski questioned that these would be the same type of events Mr. Karagianis has been doing in the

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past? Mr. Karagianis replied affirmatively, noting they've been weddings and banquets held outside.

Commissioner Gowdy:

- ***Parking:*** Commissioner Gowdy questioned that parking is adequate? Mr. Karagianis replied "yes", he wished he could fill the lot.
- ***Complaints:*** Commissioner Gowdy questioned if Mr. Karagianis hires security people; have you had complaints from abutters? Mr. Karagianis indicated he hasn't had any complaints in the past 15 years. He noted he is located in the Industrial Park; the neighbors are businesses which don't operate during the weekends.

Hearing no additional comments from the Commission, Chairman Gobin asked for comments from the in-person audience.

Jim (Jimbo) Richards, 27 Pleasant Street: Mr. Richards indicated he has known Mr. Karagianis for 20 years. From what he's seen it's a clean operation.

Chairman Gobin queried the audience signed in remotely for comments. None of the remote participants requested to speak.

Chairman Gobin asked Planning Consultant D'Amato for comments. Planning Consultant D'Amato noted this application was sent to other departments for review. The Fire Marshal has inspected the tent repeatedly. Planning Consultant D'Amato then reviewed the 5 proposed conditions of approval. Mr. Karagianis reported he doesn't allow people to bring their own liquor to the events; he monitors the parking lot for drinking outside the event. He noted this is basically a weekend operation, reiterating they don't bother anyone in the Industrial Park. Planning Consultant D'Amato noted that East Windsor doesn't have a noise ordinance, but this approval would allow acoustic guitar performances until 11:00 p.m.

Chairman Gobin offered in-person and remote attendees the opportunity to comment; no one requested to speak.

Chairman Gobin asked if the Commission was ready to take action on this application?

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MOTION: To CLOSE the Public Hearing on Application PZ-2021-24: Special Use Permit, 17 Thompson Road to allow outdoor live entertainment and outdoor alcohol consumption. Map 082, Block 18, Lot 11. Zone M-1. Applicant: La Notte Wedding & Banquet. Owner: KGS Realty, Inc.

Kowalski moved/Gowdy seconded/DISCUSSION: None.
VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer
(No one opposed/No Abstentions)

Commissioner Kowalski moved to approve Application #PZ-2021-24 Special Use Permit, 17 Thompson Rd, La Notte, as stated in memo from Planning Consultant D’Amato dated July 12, 2021; Commissioner Gowdy seconded the motion.

MOTION TO APPROVE:

Application #PZ 2021-24: Special Use Permit, 17 Thompson Rd, La Notte. Special Use Permit to allow outdoor alcohol consumption and outdoor live entertainment This approval is granted subject to the conformance with the application materials (as may be modified by the Commission and this approval) and the following conditions/modifications.

Conditions:

1. Prior to the issuance of any permits, the owner/applicant shall:
 - a. File a copy of the Certificate of Approval on the Land Records.
2. Outdoor events shall only take place within the existing outdoor tent area as depicted on the site plan.
3. All outdoor live entertainment shall comply with the Connecticut State Agencies Section 22a-69-3.5 regarding “Noise Zone Standards”.
4. No amplified music or live entertainment shall occur after 11pm.
5. Outdoor alcohol consumption shall be limited to the existing outdoor area as depicted on the site plan

Kowalski moved/Gowdy seconded/DISCUSSION: None.
VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer
(No one opposed/No Abstentions)

XI. OLD BUSINESS:

A. Review of proposed text changes to Section 406 (Living Area Requirements):

Planning Consultant D’Amato cited the intent of these Regulation changes is to make the existing language comply with recent Legislative action.

Regarding Section 406, which relates to the size of the living area for dwellings, he is proposing language that “no dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing, and/or Health Codes.” He suggested that dwelling sizes have been part of the Regulations for some time; this language offers some reference to size rather than just deleting the current language.

The consensus of the Commission was this proposed language was helpful.

B. Review of proposed text changes to Section 407 (Accessory Apartments):

Planning Consultant D’Amato reviewed additional revisions proposed for Section 407 regarding Accessory Apartments. While Accessory Apartments (Accessory Dwelling Units/ADUs) are now allowed As-of-Right, they will require the issuance of a Zoning Permit by the Planning Staff. He noted he has added the following language to Section 407:

- **Condition I**, which relates to architectural features, as Commissioner Kowalski had been concerned with consistency with the primary dwelling
- **Condition G** regarding short-term rentals.
- **Condition F** prohibiting location of ADUs within mobile homes, recreational or travel trailers, etc. Commissioner Kowalski noted Condition F is the same as Condition J; Planning Consultant D’Amato will delete Condition F.

Planning Consultant D’Amato advised the Commission he has received questions from an individual regarding “tiny houses”, which is different than the ADUs. Regulations related to “tiny houses” should be addressed separately.

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Planning Consultant D’Amato suggested if the Commission is comfortable with the Regulation changes as proposed he’ll refer them to CRCOG (Capitol Region Council of Governments), and schedule a Public Hearing.

Chairman Gobin suggested these changes are just making the existing Regulations comply with the new legislation; it’s just technical information regarding the new processes.

Commissioner Kowalski felt the proposed changes reflect everything the Commission has discussed.

Commissioner Gowdy is comfortable with the proposed changes.

Chairman Gobin requested Planning Consultant D’Amato send the referrals to CRCOG and schedule the Public Hearings.

XII: NEW BUSINESS:

- A. **PZ-2021-24: Special Use Permit, 17 Thompson Road to allow outdoor live entertainment and outdoor alcohol consumption. Map 082, Block 18, Lot 11. Zone M-1. Applicant: La Notte Wedding & Banquet. Owner: KGS Realty, Inc.:**

Application approved under **NEW PUBLIC HEARINGS.**

- B. **Temporary Moratorium on Cannabis Establishments: Consideration of Language and hearing date:**

Chairman Gobin noted the First Selectmen has invited the Planning and Zoning Commission to participate in a discussion on cannabis establishments for the Board of Selectmen’s September 2nd, 2021 meeting; she suggested discussion tonight should be postponed.

Commissioner Sauerhoefer advised the Commission he will be touring a facility for the cultivation and sales of marijuana. He’ll report his experience to the Commission.

Planning Consultant D’Amato advised the Commission the referral of the temporary moratorium has been sent to CRCOG; we can’t hold the Public Hearing any sooner than the date listed. We can also postpone it, or not open it, or not have it.

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Chairman Gobin felt the Commission should postpone further discussion until after meeting with the Selectmen.

MOTION; To POSTPONE discussion regarding a Temporary Moratorium on Cannabis Establishments until the next regularly scheduled Planning and Zoning Commission Meeting on September 14, 2021.

**Kowalski moved/Gowdy seconded/DISCUSSION: None.
VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer
(No one opposed/No Abstentions)**

XIII. OTHER BUSINESS: None.

XIV. CORRESPONDENCE:

Chairman Gobin noted receipt of the following correspondence:

- Invitation from the Board of Selectmen to the Planning and Zoning Commission to attend the Board’s discussion of cannabis on September 2nd.
- Invitation from the PZC to various Commissions to attend a joint meeting scheduled for September 28th regarding the POCD Implementation Committee’s intention to discuss “open space”.

Planning Consultant D’Amato noted that Zoning Enforcement Officer Calabrese has been working on the POCD Implementation Committee; one of the things they’ve been trying to put together is a more defined and planned approach to open space. They’ve scheduled a meeting of joint commissions as part of the September 28th PZC meeting to discuss strategic open space acquisitions, identifying parcels to be considered significant, and to develop a clearer approach to acquiring open space parcels

Indicating he was speaking as a Staff person, Commissioner Sauerhoefer cited maintaining open space, sometimes on property they can’t even get to, is a big problem for the DPW. He suggested inviting Town Engineer Norton to the meeting as well. Commissioner Sauerhoefer questioned if there was a policy that the Commission take open space, or could we get rid of it? Chairman Gobin referred to the requirement to consider open space under the Subdivision Regulations.

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Joining the meeting remotely ZEO/Wetlands Agent Calabrese noted Town Engineer/DPW Supervisor Norton is a member of the POCD Implementation Committee. She noted the goal of the Implementation Committee is to follow through on the recommendations made in the POCD. The September 28th meeting is intended to open the lines of communication between the various commissions included in the invitation, and get the various commissions focused on their roles and working together.

Discussion followed regarding the current Subdivision requirements for taking open space vs. a fee-in-lieu of open space land. Planning Consultant D'Amato noted the POCD cites areas of preferred open space; he cited the Open Space Plan referenced in the POCD. He noted when the Commission considers open space during a Subdivision application they may prefer to acquire a fee-in-lieu of open space; that fee can then be aside to acquire parcels which connect rather than taking individual parcels. Selectman Baker, speaking from the audience, suggested that once open space is accepted it's difficult to reverse that action. Commissioner Sauerhoefer cited land taken near Saxton Lane which is a steep cliff, with trees falling over; DPW can't even access it to maintain it.

Planning Consultant D'Amato referenced statistics from the current POCD which indicate that East Windsor contains 16,900 acres of open space (State, Town, Development Rights, Private, Conservation Easements) which is 12% of the town's total acreage. The Town is responsible for 700+ acres of that open space. He also cited the 8-24 Referral where the Selectmen can recommend the purchase of a parcel; that then comes to this Commission for discussion and action. Planning Consultant D'Amato suggested there are multiple processes for the Board to consider regarding open space. Commissioner Sauerhoefer suggested if the Town understands what it's getting into and understands there is a cost for maintenance which needs to be budgeted for but he felt that wasn't the case currently. Selectman Baker also noted there are a couple types of open space, one intended for preserving land for farming which the Town accumulates money to purchase, and another that's been accepted through the subdivision applications.

Planning Consultant D'Amato cited consideration for Conservation Easements would be another option. Commissioner Sauerhoefer felt the problem with Conservation Easements was that the people who are impacted by them feel they can't do anything with that land and the Town should maintain them. Planning Consultant D'Amato noted that Conservation

Easements are usually marked with discs so the property owner can be aware of their existence and purpose.

Staff noted that the different Commissions look at open space differently, their intention for its use differs, and what they prefer to acquire or preserve differs; the different perceptions will become apparent during the POCD Implementation Committee meeting discussions.

Chairman Gobin concurred; everyone is looking at open space from different lenses. Commissioner Gowdy felt the Commission needs to develop basic definitions of open space.

XV. BUSINESS MEETING:

A. Farm Worker Housing: Reservoir Ave Informal Discussion:

Chairman Gobin announced to the public that this item is not a Public Hearing as no application has actually been submitted; this is an update which Planning Consultant D'Amato is bringing to the Commission.

Art Christian joined the Commission in-person, introducing himself as a Professional Engineer who is working with the Groszyk family regarding a property they own on Reservoir Avenue. Mr. Christian provided the Commission members with small site plans of the property location for reference during the discussion. Andre Groszyk and Dana Groszyk were also available in the audience.

Referencing his 11" x 14" site plan submitted to the office today, Mr. Christian noted the property under consideration is currently the site of 8 tobacco barns. The darker grey structure on the site plan is a migrant worker camp for approximately 40 workers. Mr. Christian reported they need to go through the review process with the North Central District Health Department (NCDHD) for a septic system. Mr. Christian suggested the soils at the subject property are suitable to support a septic system.

Mr. Christian advised the Commission his experience makes him a good engineer for this proposal as his family owns a tobacco farm which has migrant workers; their camp is located near homes of his family members. The migrant workers arrive in March or April and return home to Jamaica

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in November or December. They put in 10 to 12 hour days, and arrive at the fields in a farm bus; there are not a lot of individual cars going back and forth in a neighborhood. It's more cost effective for the farmer to have the migrant workers in a camp rather than boarding them elsewhere.

Regarding the Reservoir Avenue location, Mr. Christian noted the migrant camp would be tucked away behind two of the barns on the property; the proposed location is some distance from other properties.

Andre Groszyk advised the Commission he wants to house the workers who work the farm on the property as it's been done for years.

Dana Groszyk suggested from the long term perspective this is the most cost effective way to do it.

Commissioner Gowdy:

- ***How do you get your workers:*** Mr. Andre Groszyk indicated it's a Government program; they have a contract with them to come for planting in April, they harvest the tobacco and finish in the Fall.
- ***Is there an agreement with the workers regarding them sending their money back to Jamaica?*** Mr. Andre Groszyk indicated he doesn't get involved in their money; he has no control over it. The Government tells him what he needs to pay the workers.
- ***What responsibility do you have for their actions?*** Mr. Andre Groszyk indicated the workers are fully insured for Workers Compensation Insurance; if they have health issues the community health service assists them. If someone gets hurt it's his responsibility, and if they get sick he would take them to the doctor. Mr. Christian suggested the Government cites how big the structure needs to be, how much square footage they need as common space, how much square footage they need for sleeping arrangements. Mr. Andre Groszyk indicated they are told how much space to provide for the workers.
- ***How long have you been farming?*** Mr. Andre Groszyk indicated he's been involved in farming since high school; he started on his own in 1995.
- ***Any incidents that have involved the Police?*** Mr. Andre Groszyk suggested the migrant workers don't drink; they are quiet, religious people.

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- ***Do they have driver's licenses?*** Mr. Andre Groszyk indicated they don't need a driver's license to drive the riggings; the workers who drive the vans would have drivers' licenses. Mr. Dana Groszyk reported they have driver's licenses for Jamaica.
- ***Any requirements about sending their money home?*** Mr. Andre Groszyk indicated that's no longer a part of the contract. They're required to file taxes and are issued W-2 forms at the end of the year; they will not get social security or unemployment.

Commissioner Kowalski:

- ***How do the Federal Guidelines for migrant housing differ from multi-family housing?*** Planning Consultant D'Amato indicated they migrant workers aren't establishing residency. This is a separate use under our Regulations; this would come through as a Special Use Permit for fieldworkers housing. The Groszyk's are not asking to change the zone, or seeking approval to build a multi-family development. Planning Consultant D'Amato cited Section 305.7.b.1, page 21 of the Farm Regulations, He suggested a proposal such as the Groszyk's are discussing would require a Special Use Permit application, abutters notices, and a Public Hearing. They would not be able to have people use the building off-season, so it couldn't be rented for a lodge. It's specifically for the people related to the agricultural use on the property. In two years if they decide they don't need the farm laborers they can't just turn it into an apartment building.

Chairman Gobin:

- ***Is this proposal for an Agricultural Zone, or could it be proposed for anywhere in town?*** Planning Consultant D'Amato clarified that farming is allowed anywhere in town.
- ***Do they need to demonstrate they meet the criteria cited in Section 701- Special Use Permit regarding harmony with the neighborhood, etc.?*** Planning Consultant D'Amato suggested that would all still be in place. The Commission has to be convinced that the proposal is appropriate in size, scale, location with the neighborhood, how they're going to conduct the facility at this particular property.

Commissioner Kowalski:

- ***Is the 106 Reservoir Avenue address cited located in an A-1 or A-2 Zone?*** Planning Consultant D'Amato suggested that address is located in an R-3 Zone.

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- *Should it apply only in Agricultural Zones?* Commissioner Kowalski indicated he was confused by the reference to the Farm Regulations; shouldn't it be applicable in Agricultural Zones? Planning Consultant D'Amato felt that the way the Right-to Farm Regulations were written if the migrant housing was tied to farming it could apply across all zones. Planning Consultant D'Amato advised the Commission he wasn't that familiar with this proposal as it had been discussed with prior Town Planner Chapin; all of the requirements and applicability would be reviewed when an application is received.
- *Provide the Federal requirements regarding physical standards, such as square footage:* Planning Consultant D'Amato requested the Groszyk's to include the Federal requirements requested by Commissioner Kowalski if they pursue submitting an application.

Chairman Gobin noted that the Groszyk's haven't submitted an application at this point; she felt the specific requirements would be noted in the application when submitted. Mr. Christian clarified that there is no application at this point. The Groszyk's wanted the Commission and the people in the neighborhood to understand what they are considering as they are hearing that people are uncomfortable with this proposal.

Chairman Gobin:

- *Does Section 305 of the Farm Regulations apply townwide, or just in Agricultural Zones?* Planning Consultant D'Amato suggested farming is allowed in all zones per the Residential and Agricultural Use Table in Section 402. **Commissioner Kowalski** suggested this sounds like accessory housing. Planning Consultant D'Amato reiterated this discussion occurred with then Town Planner Chapin; all of the applicability would be reviewed at the time of submission of an application.

Zoning Enforcement Officer Calabrese joined the meeting remotely. She noted in reviewing the Regulations initially the Farm Regulations would allow the commercial farm in a Residential Zone. And, when you look at "other uses" you find the farm worker housing, which requires a Special Use Permit.

Chairman Gobin reiterated that no application has been submitted at this point; this is just advisement to the Commission that an application could be coming in the future. Should that occur, there would be a Public Hearing and people could talk at that time.

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XVI. EXECUTIVE SESSION: None.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:25 p.m.

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

Respectfully submitted,

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