

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

**REGULAR Meeting #1812
October 12, 2021
In-person meeting**

AND

**Meeting also held via ZOOM Teleconference
Meeting ID: 832 9220 7903**

MEETING MINUTES

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

I. TIME AND PLACE OF MEETING:

Chairman Gobin called Regular Meeting #1812 of the East Windsor Planning and Zoning Commission dated October 12, 2021 to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via telconference as well..

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

Alternate Members: David Leason. There are presently two vacancies for Alternate members.

ABSENT: No one; all Regular and Alternate Members were present.

Also present was Director of Planning and Development/Town Planner Ruth Calarese, and Planning Consultant Michael D'Amato.

GUESTS/SPEAKERS present in person: Director of Planning and Development/Town Planner Calabrese hosted the meeting; Planning Consultant D'Amato was present remotely. Also present in person were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Marie DeSousa, Deputy First Selectman; Selectman Sarah Muska; Tim Coon, of J. R. Russo & Associates; Herb Holden, Jr.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

2

Public signed in remotely (as identified in the Meeting participation list):

Planning Consultant D'Amato; Selectman Charlie Nordell.

II. ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and one Alternate Member was present at the Call to Order. Chairman Gobin welcomed newly appointed Alternate Member David Leason to the Board. She noted that while Commissioner Leason can't participate in votes this evening as all Regular Members are present she encouraged him to participate in discussions.

III. ADDED AGENDA ITEMS:

Chairman Gobin requested the addition of two items under the **BUSINESS MEETING:**

- Discussion of the Commission's submission to the Annual Report.
- Follow-up discussion from POCD Implementation Committee Joint Meeting.

MOTION: To ADD to the Agenda under the **BUSINESS MEETING** the following items: 1) Discussion of the Commission's submission to the Annual Report, and 2) Follow-up discussion from the POCD Implementation Committee Joint Meeting.

Kowalski moved/Thurz seconded/DISCUSSION: None.

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

IV. LEGAL NOTICE:

The following Legal Notices were read by Chairman Gobin:

LEGAL NOTICE

EAST WINDSOR PLANNING & ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold a public hearing on Tuesday, September 28, 2021 at 6:30 p.m. Details regarding the meeting location and how to attend will be published on the Commission's Agenda and available on the Town's website.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

3

PZ-2021-26 Special Use Permit- Applicant: Kaitlin Peretto to construct an approx. 5095SF dentist office at 4 Wells Road. Map 125, Block 24, Lot 024. Zone B-3. Owner: James & Nancy Viggiano.

A full copy of the application is available on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend this meeting and provide verbal or written comments to the Board regarding this application.

Journal Inquirer editions: September 18 and September 22, 2021

cc: Tim Coon, JR Russo & Assoc.
Jason Bowsza, First Selectman
Amy Lam, Town Clerk
Helen Totz, Assessor
Rand Stanley, Building Official
file

V. PUBLIC PARTICIPATION:

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

VI. APPROVAL OF MINUTES:

A. September 28, 2021:

Chairman Gobin queried the Commissioners for comment, or edits, to the Minutes of Regular Meeting dated September 28, 2021. Hearing no comments from the Commissioners Chairman Gobin noted two edits: Page 11, line 430, "renewal" should be "renewable", and lines 721 through 734, on pages 17 and 18 regarding the approval motion for SJK Properties, the findings within the motion are numbered incorrectly.

**MOTION: To APPROVE the Minutes of Regular Meeting #1811 dated September 28, 2021 as amended:
Page 11, continuation of OTHER BUSINESS, A. Joint Commission Discussion on Open Space, Line 430,
"...supporting renewal **RENEWABLE** energy.....
PAGE 17 and 18, Approval Motion for SJK Properties,
Zone Change from R-3 to MFDD for land know
formerly as "Quarry Meadows Subdivision", Line 721**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

4

to 734, findings should be renumbered 1 through 3 rather than 4 through 6....

Findings:

1. The Commission finds the zone change to be consistent with the Plan of Conservation and Development and the Town's Comprehensive Plan.
2. The Commission finds that the applicant demonstrated during the public hearing that the approval of a zone change to allow for a single-family detached unit residential community will increase housing options and availability within East Windsor.
3. The Commission finds that the most recently adopted Sewer Service Area map for East Windsor indicates that the subject property is located within the service area.

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

VII. RECEIPT OF APPLICATIONS:

Chairman Gobin noted there were no new applications to be received this evening.

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

Chairman Gobin there are no requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS:

- A. **PZ-2021-25 – 33 Apothecaries Hall Road:** Recycled Concrete Products of Connecticut, Inc. Special Use Permit for a Volume Reduction Facility to reestablish conditions allowed under expired permit. Zone M-1; Map 057, Block 48, Lot 038. **(continued from 9/28):**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

5

Chairman Gobin read the description of this Application/Public Hearing. Joining the Commission in person were Tim Coon, of J. R. Russo & Associates, LLC, representing RCPC (Recycled Concrete Products of Connecticut, Inc.) and Herb Holden, Jr., principle in Recycled Concrete Products of Connecticut, Inc.

Mr. Coon reported this site is located at 33 Apothecaries Hall Road within an M-1 Zone. He noted he made a full presentation two meetings ago. Mr. Coon understands the outstanding items to be:

1. Determining the maximum height of the pile
2. Language of the approval to address existing components of the operation that may not exactly conform to the Volume Reduction Facility Regulations
3. Clarification of the renewal procedure.

Mr. Coon indicated he felt these issues have been addressed in the most recent memo from Planning Consultant D'Amato. He suggested the way the motion has been written it establishes a maximum pile elevation of 185, which is 30 feet above the elevation of the driveway. Mr. Coon suggested they concur; it's the location where the pile is visible from the street so it makes sense to establish the 30 feet maximum height from there. Also, by setting it as the maximum elevation we don't have to worry about the base or other factors, and it will also be easy to check when it comes to the annual renewals.

Mr. Coon noted the motion also clarifies that the annual renewal will be a Staff issued Zoning Permit, which is consistent with the Volume Reduction Facility Regulations rather than coming back to the Commission for a Special Use Permit approval which was more in line with the Excavation Permit.

Chairman Gobin queried the Commissioners for questions; no one raised any issues.

Chairman Gobin noted that this approval is for a material handling facility, she assumes they can't dig the base deeper? She wanted to verify that the height of the pile didn't enable them to dig deeper so the pile could get deeper from the bottom. Planning Consultant D'Amato concurred, noting this

establishes an elevation above sea level, and they can only go higher. This also addresses visibility from Apothecaries Hall Road. Regarding Chairman Gobin's question about digging down, if they excavated below the pile that would bring the pile and the overall grade down, which would mean they

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

6

could get more volume into the site before they got to the 185 elevation. Planning Consultant D'Amato suggested he went with this approach after reviewing the records historically, and because the material is dirt the grades changed. Chairman Gobin indicated in her mind it's not an excavation any longer, it's a materials processing approval so I'm thinking they can't dig it deeper.

Planning Consultant D'Amato concurred, noting that he originally thought to go with an elevation and a cubic volume of the pile, but when discussing the application during the previous meeting and with Mr. Coon it became apparent that the volume and elevation could change quickly depending on the buyers and the projects TCPC is dealing with. Planning Consultant D'Amato concurred with Chairman Gobin that this is a materials processing operation rather than an excavation project, which is not part of this approval.

Chairman Gobin also noted there was another site across the road which was transferred to another owner for another use. If that were to happen at this site, how would they restore it or leave it? Planning Consultant D'Amato suggested because they're bringing materials in there is no reclamation required because the idea is they're working at grade so if the site stops functioning and they close themselves out of there in theory they could leave the pile. Chairman Gobin replied affirmatively, or suggested they could spread the pile around. Planning Consultant D'Amato noted there are regulations related to filling so they couldn't just spread the pile around and leave. Discussion continued between Planning Consultant D'Amato and Mr. Coon regarding the average size of the materials pile. It was agreed the size would exceed 100 cubic feet per year allowable; Planning Consultant D'Amato reiterated they couldn't spread the pile when leaving the site.

Chairman Gobin indicate her questions had been answered; she asked if any of the other Commissioners had comments or questions? No one requested to be heard.

Planning Consultant D'Amato suggested there are three points which are changes from the previous permit. Point number three notes there are previously existing non-conforming components of this operation which have been reviewed and approved by the Commission several times and because

the permit expired it doesn't force the applicant to willfully terminate those non-conformities. Planning Consultant D'Amato requested that the record show the Commission isn't holding RCPC to different standards or waiving

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

7

those requirements, we're not saying they don't apply or aren't prudent in other circumstances but given the existing operation which continued consistently throughout and following the permit expiration they have a vested right to continue that operation in the same manner. There is no lack of consistency or transparency regarding this application.

Chairman Gobin queried the in person audience for comments; no one requested to speak. Chairman Gobin then queried the remote audience for their comments; no one signed in remotely requested to speak.

Commissioner Thurz noted the previous permit conditions set a deadline; he questioned why, other than Mr. Holden Sr.'s death, did the applicant miss the deadline by over a year? Mr. Coon concurred regarding Mr. Holden Sr.'s passing, and also noted the interruption of processes in general due to COVID. He felt that with the new approval process via a Zoning Permit and setting the height of the pile at an elevation will be a much simpler process for the Commission. Planning Consultant D'Amato referenced Condition #22 which puts responsibility on the applicant to demonstrate compliance at the renewal of the Zoning Permit, and Condition #28 which would require RCPC to return for a Special Use Permit Application if compliance with the Town's Zoning Regulations can't be demonstrated. Chairman Gobin questioned the process for Staff advisement of the renewal of the Zoning Permit? Planning Consultant D'Amato referenced Condition #13 which requires RCPC to come in prior to the Zoning Permit expiration; if they don't come in for renewal then their Zoning Permit is dead.

Chairman Gobin asked the Commissioners if their questions had been answered; hearing no requests for further discussion she called for a motion to close the Public Hearing.

MOTION: **To CLOSE the Public Hearing on Application PZ-2021-25 – 33 Apothecaries Hall Road: Recycled Concrete Products of Connecticut, Inc. Special Use Permit for a Volume Reduction Facility to reestablish conditions allowed under expired permit. Zone M-1; Map 057, Block 48, Lot 038.**

Kowalski moved/Gowdy seconded/DISCUSSION: None.

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

8

Chairman Gobin requested a motion to approve, or deny, the application.

MOTION TO APPROVE:

Application #PZ 2021-25: 33 Apothecaries Hall Rd, Special Use Permit for Volume Reduction Facility. Recycled Concrete Products of CT

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.

Referenced Plans: “Special Permit Plan” Volume Reduction Facility, 33 Apothecaries Hall Road. Prepared by J.R. Russo & Associates, LLC. Sheet 1 of 1. Dated August 4, 2021.

Conditions which must be met prior to the prior to the signing of mylars:

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
3. The applicant shall incorporate additional Erosion & Sedimentation control measures to prevent tracking onto Town Roads, to the satisfaction of the Town Engineer.
4. The applicant shall provide proof of approval and/or compliance with CT DEEP, if required.
5. The plans shall be revised to:
 - a. Indicate a 24-hour emergency contact information for Erosion & Sedimentation Control issues.
 - b. Incorporate this motion of approval.
 - c. Indicate additional erosion & sedimentation controls required by the Town Engineer.
 - d. Adjust the referenced datum from NGVD 29 to “assumed”.
 - e. Indicate the current height of the pile, in compliance with condition #21

Conditions which must be met within 90 days of the date of this approval:

6. A final mylar, endorsed by the Planning & Zoning Commission shall be filed in the Town Clerk’s Office.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

9

7. A single paper copy and an electronic-PDF of the final plan shall be provided to the Planning & Development Office.
8. An Erosion Control Bond, in an amount satisfactory to the Town Engineer shall be submitted.
9. The applicant shall make the site available to the Fire Marshal for inspection, if requested and address any identified concerns.

General Conditions:

10. The Commission hereby acknowledges that the compliance standards established within Section 807 to which this facility do not conform have not been waived, rather the operation has consistently been conducted in accordance with the original approval which did not require adherence to those standards and as such, those components of the operation are pre-existing non-conforming.
11. This application specifically allows the storage and processing of wood, earthen and concrete, and asphalt products on the subject site. Additionally, store and processing of topsoil, and asphalt and concrete is permitted. The applicant may sell at wholesale or retail finished by-products.
12. In accordance with Section 900.2, the activity or work required prior to the activity shall commence within 12 months of this approval or such approval shall be null and void.
13. A zoning permit shall be obtained for the use as a volume reduction facility. In accordance with Section 807, the zoning permit shall be for a period of one year and expire annually beginning on 10/12/2022. The applicant shall be responsible to request and obtain a zoning permit renewal annually. Failure to request and obtain an annual renewal shall make this approval null and void.
14. The project shall be operated and maintained in accordance with the approved plans.
15. Any modifications to the proposed drainage or grading on site shall be subject to review and approval by the Town Engineer.
16. Additional Erosion & Sedimentation controls may be required by Town staff if field conditions necessitate.
17. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of the approval.
18. Hours of Operation for accessory sales shall be 7:00am to 6:00pm Monday to Friday and 7:00am to 1:00pm on Saturday.
19. Hours of Operation for the Volume Reduction Facility shall be limited to 8:00am to 4:30pm Monday to Friday. There shall be no operation of the facility on Saturdays, Sundays or Holidays.
20. There shall be no more than ninety (90) trucks per day.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

10

21. No material shall be stockpiled to a height which would exceed an elevation of 185 based on the site's assumed datum. In no case shall the stockpile be visible from Apothecaries Hall Road from a point other than the facility entrance.
22. The applicant shall be responsible for demonstrating compliance with this elevation upon annual renewal of the zoning permit.
23. Materials stockpiled shall be limited to those areas which are specified on the approved plans. Any expansion of the stockpile area shall require a modification to this Special Permit.
24. The anti-tracking pad shall be maintained throughout the life of the project. Additional measures include, but not limited to, road sweeping shall be employed if necessary to keep the project dirt from accumulating on Town Roads.
25. This approval is specifically for the processing and subsequent removal of clean fill and shall not constitute approval for any use that requires a permit per any other Section of the Zoning Regulations. Inactivity for a period of two years or the removal of incoming or stockpiled materials shall constitute a fill operation which has not been authorized by this approval.
26. The volume reduction use shall be maintained and operated in conformance with all of the provisions and standards of Section 807 and these approved plans and conditions. Unless otherwise noted within this approval, failure to maintain conformance with applicable standards and/or Regulations shall constitute the voidance of this approval.
27. Expansion of the volume reduction facility or the establishment of any other use on the property shall require a new or modified permit by the PZC.
28. If compliance with the Town's Zoning Regulations and this approval cannot be demonstrated to the satisfaction of the Commission's staff as part of each yearly permit renewal request, the applicant shall be required to obtain a renewal of this special permit from the Planning & Zoning Commission.
29. It is the intent of this approval to re-establish the approval and its subsequent conditions granted on April 23, 2013 unless modified herein.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

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

- B. PZ-2021-26 – 4 Wells Road:** Special Use Permit to construct a medical office. Zone B-3; Map 12, Block 24, Lot 24. **(postponed from 9/28):**

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

11

Chairman Gobin read the description of this Application/Public Hearing. She noted the public notice to the abutters had not been mailed as required; the applicant has requested this Public Hearing be postponed until the Commission's next regularly scheduled meeting.

Chairman Gobin called for a motion to postpone the Public Hearing.

MOTION: To POSTPONE Application PZ-2021-26 – 4 Wells Road, Special Use Permit to construct a medical office. Zone B-3; Map 12, Block 24, Lot 24, until the Commission's next regularly scheduled meeting to be held on October 28, 2021, at 6:30 p.m. in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT.

Kowalski moved/Thurz seconded/DISCUSSION: None.

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

X. NEW PUBLIC HEARINGS: None.

XI. OLD BUSINESS: None.

XII. NEW BUSINESS: None.

XIII. OTHER BUSINESS: None.

XIV. CORRESPONDENCE: None.

XV. BUSINESS MEETING/A. General Zoning Issues:

1) Discussion of the Commission's submission to the Annual Report:

Town Planner Calabrese provided the Commission with a draft of her current submission for the Annual Report. Chairman Gobin noted the significant amount of time the Commission and the consultant spent review the Warehouse Point Study; she suggested adding some information regarding those hearings. Commissioner Kowalski suggested

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

12

adding information regarding improved zoning enforcement, and discussion of the POCD Implementation Committee collaboration with multiple other Boards regarding their perspectives of Open Space.

Town Planner Calabrese will revise the Commission's Annual Report submission to include the items mentioned.

2) Follow-up discussion from the POCD Implementation Committee Joint Meeting:

Chairman Gobin noted during the multi-Commission meeting regarding Open Space there was discussion of the PZC taking a Fee-In-Lieu of Sidewalks; she questioned if the Commission needs to revisit the fee each year, and if so, how does the Commission develop the fee?

Discussion followed regarding past practice. Commissioner Kowalski felt the Fee-In-Lieu should be considered where sidewalks aren't appropriate, but the fee could be used for other areas. Commissioner Gowdy suggested researching what surrounding towns do.

Commissioner Sauerhoefer reported Director of Public Works/Town Engineer Norton sets the fee, which can be a minimum of 40% to 70 or 80%. He suggested 40% is ridiculous, but higher amounts could be considered. Commissioner Sauerhoefer cited the Wells Road application, noting there will never be sidewalks on Wells Road so the Fee-In-Lieu would be more beneficial. Commissioner Kowalski felt the Fee-In-Lieu should be a standard consideration, unless the Commission wants sidewalks as part of a subdivision application. Commissioner Gowdy recalled that over the years the Commission has taken money to apply to areas where the Town promotes connectivity.

Town Planner Calabrese indicated she'll investigate what surrounding towns are doing and report back at the next meeting.

Commissioner Kowalski questioned the status of the Warehouse Point Study? Chairman Gobin indicated the study recommended multiple zone changes for the area which Planning Consultant D'Amato had felt would be difficult to work with. Planning Consultant D'Amato suggested the Commission could revisit the Warehouse Point Study, as well as other longer term projects such as the Fee-In-Lieu of Sidewalks vs. a sidewalk connectivity plan. Commissioner Kowalski noted that Windsor Locks is

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1812 – October 12, 2021
In-Person and
ZOOM Teleconference
Meeting ID: 832 9220 7903
MEETING MINUTES**

13

working to complete their train station renovation in the next two years; he felt some of that development might be tied to East Windsor. Commissioner Sauerhoefer questioned where information regarding the Warehouse Point Study would be? Chairman Gobin felt the information should be available online on the Town's website.

Chairman Gobin requested Town Planner Calabrese and Planning Consultant D'Amato to investigate those projects.

XVI. **EXECUTIVE SESSION:** None.

XVII. **ADJOURNMENT:**

MOTION: To ADJOURN this Meeting at 7:15 p.m.

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

Respectfully submitted,

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