

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

REGULAR Meeting #1756 – April 8, 2019

MEETING MINUTES

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, Dick Sullivan, and Jim Thurz.
 Alternate Members: Anne Gobin, Frank Gowdy, and Marti Zhigailo.

ABSENT: All Regular and Alternate Members were present this evening.

Also present was Town Planner Ruben Flores-Marzan, and Assistant/ZEO/Wetlands Agent Matt Tyksinski.

GUESTS: Linda Collins, Director, East Windsor Housing Authority, and Suzanne Choate, P. E., Design Professionals.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members were present at the Call to Order; Three Alternate Members were present as well. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening. Alternate Member would also join the Board regarding discussion on all Items of Business this evening as well.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

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/March 26, 2019:

The Commission noted they had received an incomplete set of Minutes for the March 26, 2019 Meeting. The Commission decided to postpone approval until the next regularly scheduled meeting.

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RECEIPT OF APPLICATIONS:

No new applications have been received in the Planning Office.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/A. 34 Newberry Road, request from Wayne Silva, Jr., of Sil/Carr
Corp. to release bond:**

Assistant Town Planner Tyksinski reported he has been able to complete his inspection of the site; it's all good. Commissioner Sullivan questioned that nothing has changed? Assistant Town Planner Tyksinski concurred. Commissioner Thurz reported he goes by the property twice a day; everything looks fine.

MOTION: To RELEASE the \$2,700 bond for Sil/Carr.

Moore moved/Sullivan seconded/DISCUSSION: None

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Moore/Thurz/Sullivan)
No one opposed/No abstentions.**

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD
ACCEPTANCE/B. Meadow Farms, request from Jason Ziegler to replace surety
bonds with cash bonds:**

Assistant Town Planner Tyksinski reported staff continues to request a written request from Mr. Ziegler; no written confirmation of his phone request has been received. Assistant Town Planner Tyksinski suggested the Commission delay action on this Agenda item.

**MOTION: To CONTINUE the request from Jason Ziegler to replace surety
bonds with cash bonds related to Meadow Farms until the
Commission's next regularly scheduled meeting on April 23, 2019,
6:30 p.m., Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

Moore moved/Sullivan seconded/DISCUSSION: None

**VOTE: In Favor: Unanimous (Ouellette/Kowalski/Moore/Thurz/Sullivan)
No one opposed/No abstentions.**

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

NEW BUSINESS: None.

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OLD BUSINESS/A. Application from Design Professionals, Inc., for East Windsor Housing Authority. Modification of Approved Site Plan for Park Hill. Zone: ARHD; Assessor's Parcel ID: 078-56-37):

Appearing to discuss this continued application were Linda Collins, Director, East Windsor Housing Authority, and Suzanne Choate, P. E., Design Professionals.

Ms. Choate reported they have addressed Town Engineer Norton's comments to his satisfaction; the Fire Marshal has approved the plans as well. Ms. Choate reported she has nothing new to add.

Chairman Ouellette questioned if staff was satisfied with the plans as presented? Assistant Town Planner Tyksinski concurred.

Commissioner Thurz noted that when emergency personnel arrive at a unit the rooms are small; they can't use a full sized stretcher. Emergency personnel use a chair to wheel residents down the sidewalk, which is difficult. Ms. Collins concurred, noting tonight (heavy rain) would be a good example.

Commissioner Moore questioned if they snow blow the sidewalks? He felt they would have to push snow into the access road in this location. Ms. Collins replied affirmatively, noting Park Hill is a Town road plowed by the Town. They also have an in-house plowing contractor who will remove snow as necessary, so they aren't waiting for a contractor to come back to remove the snow.

Chairman Ouellette queried the Commissioners for additional questions. No one raised any questions or comments.

MOTION TO APPROVE Application of East Windsor Housing Authority represented by Design Professionals, Inc. for a site plan modification for property 1A Park Hill, Broad Brook, CT 06016 to add an emergency access driveway and an expansion of parking. This approval is granted subject to conformance with the referenced plans (As may be modified by the Commission) and the following conditions: ARHD Zone. Map 78 Block 56 Lot 37.

Referenced Plans:

Cover Sheet: Park Hill Housing Complex, Park Hill Drive, East Windsor, CT 06016.
Prepared for East Windsor Housing Authority, 1A Park Hill Drive, East Windsor, CT 06016. Prepared by Design Professionals
2/2- Site Plan (Scale 1" = 40').

Conditions which must be met prior to signing of mylars:

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1. A paper copy of the final approved plans (revisions included) shall be submitted to the Town Planner for review and comment prior to the submission of final plans.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

Conditions which must be met prior to the issuance of any permits:

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or surety bond shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
6. A zoning permit shall be obtained prior to the commencement of any site work.

Conditions which must be met prior to certificates of compliance:

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

10. In accordance with Ch. 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year**

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from the date of approval and complete all improvements within five years of the date of approval, otherwise the approval shall become null and void, unless an extension is granted by the Commission.

11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
15. All landscaping shall be maintained.

Sullivan moved/Thurz seconded/DISCUSSION: None

VOTE: **In Favor:** **Unanimous (Ouellette/Kowalski/Moore/Thurz/Sullivan)**
 No one opposed/No abstentions.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/A. General Zoning Issues:

Commissioner Gobin questioned if the Commission had planned to continue discussion on enforcement and setting priorities. She recalled Assistant Town Planner Tyksinski had planned to research surrounding towns to determine their enforcement process.

Assistant Town Planner Tyksinski reported he sent out a query on the Connecticut List Serve for Planners regarding how they deal with zoning enforcement and reacting to anonymous complaints. Most respondents, including the President of CAZEO who used to work in East Windsor, require written complaints. Town Planner Flores-Marzan noted that attorneys responded as well. They require written complaints.

Commissioner Gobin questioned what the response would be if an issue was a threat to public health and safety, and you had no written complaint? Assistant Town Planner Tyksinski indicated he would respond to those issues. Discussion continued regarding

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department enforcement policies. Assistant Town Planner Tyksinski indicated he is basing his response on the comments of many zoning people, many of whom have had enforcement experience. Chairman Ouellette queried that he was following best management practices in Connecticut? Assistant Town Planner Tyksinski replied affirmatively. Discussion continued regarding the current enforcement process. Assistant Town Planner Tyksinski indicated he's sent approximately 50 violation letters; perhaps half of those violators have contacted him to discuss the issue. Assistant Town Planner Tyksinski reported he often precedes a letter with a phone call.

Commissioner Gobin suggested considering a triage approach. Issues of public health and safety would be first, things that people have complained about and may have a financial impact on the town would be the next level, and the final level would be those of a lower impact and will be dealt with as time is available. Town Planner Flores-Marzan questioned the parameters for public health and safety? Commissioner Gobin gave examples, such as spraying pesticides, would be a priority one. She noted in the past there was a feeling of disparity regarding signage; if someone had a large sign on Route 5 that blocked sightlines and was dangerous, that would be a medium priority. Nuisance complaints would be a lower priority.

Chairman Ouellette questioned if there were any unmet complaints because of staffing levels? Town Planner Flores-Marzan noted there are only three people in the office; there is a lot on their plates. Commissioner Gowdy cited frustration with the lack of enforcement. He suggested his experience on the Board gives him the impression that the Town is afraid of lawsuits; he feels that people in town laugh at the Commission for not enforcing the regulations. Commissioner Thurz concurred, noting people who consistently continue what they're doing while throwing away violation letters. Commissioner Kowalski recalled Commissioner Thurz had mentioned that other towns do forced enforcement and send people the bill for the cost. Commissioner Thurz indicated he was speaking of Windsor. Commissioner Kowalski suggested setting a deadline to move it or lose it regarding the items; maybe the Town can put a lien on the property to get the money for removal back. Commissioner Kowalski felt once you set a procedure you won't face lawsuits all the time.

Commissioner Moore cited the Town doesn't do bulky waste pick up any longer; residents now have to take debris to Shoham Road. Commissioner Kowalski suggested sometimes farm equipment dies in the field and sits there for years. Commissioner Zhigailo suggested posting the violations, then it becomes an embarrassment for the violator. Commissioner Gobin suggested educating the residents first, then begin with your enforcement process.

Discussion continued. Chairman Ouellette, noting the 50% lack of response rate, questioned if there was a mechanism to elevate the enforcement action judiciously? Town Planner Flores-Marzan questioned who decides if you're acting judiciously, or discriminatory? Commissioner Gobin suggested looking at who is being the most

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egregious and start with them. Chairman Ouellette cited concern that people complain to the First Selectman, as that's damaging to staff and puts them in a compromising position. Commissioner Gobin questioned the need to have a discussion with the Board of Selectmen (BOS). Chairman Ouellette noted the current discussion before the BOS regarding trash and litter; Commissioner Thurz suggested that will initiate discussion of blight. Chairman Ouellette noted that doesn't address the issue of people running illegal businesses in their homes, or having flashing lights in windows.

Chairman Ouellette questioned what the Commission can do to help staff? Town Planner Flores-Marzan suggested the Commission could meet with the BOS and encourage them to increase staff to deal with enforcement. He reiterated there are only 3 people in the office. Town Planner Flores-Marzan indicated he wasn't saying violations aren't important but the office needs resources. Commissioner Gobin suggested the need to put the work plan together to support the Commission's discussion with the BOS.

Commissioner Sullivan suggested picking one enforcement issue to deal with and see what happens. Assistant Town Planner Tyksinski indicated that was his plan for 47 Church Street; he felt that will end up in the BOS's lap. Then he'll concentrate on the property of concern to Commissioner Gowdy. Assistant Town Planner Tyksinski reported he has spoken to the owner of 47 Church Street; he is making progress.

Commissioner Moore suggested the Town needs to develop more industrial space for small businesses. He cited the difficulty being self-employed and having room for equipment; he suggested there's no place for storing the equipment but in your yard.

BUSINESS MEETING/B. Signing of Mylars/Plans, Motions:

Nothing reported.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:10 p.m.

Sullivan moved/Moore seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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