

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

**REGULAR Meeting #1816  
December 14, 2021  
In-person meeting**

*AND*

**Meeting also held via ZOOM Teleconference  
Meeting ID: 714 897 1799**

***MEETING MINUTES***

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

**I. TIME AND PHYSICAL PLACE OF MEETING:**

Chairman Gobin called Regular Meeting #1816 of the East Windsor Planning and Zoning Commission dated December 14, 2021 to Order at 6:31 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, 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:** David Leason. There are presently two vacancies for Alternate members.

**ABSENT:**     Regular Member Jim Thurz was unable to attend this meeting.

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 as well. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Marie DeSousa, Deputy First Selectman; Jay Ussery, of J. R. Russo & Associates; Eric Spungin, Greg Spungin, and Attorney Dan Glissman, of MacDermid, Reynolds, and Glissman.

**Public signed in remotely (as identified in the Meeting participation list):**  
Christian Viti, Gleason, First Selectman Jason Bowsza.

**II. ESTABLISHMENT OF QUORUM:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

2

A quorum was established as four Regular Members and one Alternate Member were present at the Call to Order. Chairman Gobin requested Alternate Member Leason to join the Board regarding discussion and action on all Items of Business this evening as well.

Chairman Gobin read an opening statement advising the public of the Commission's process for conducting the business of the meeting.

**III. ADDED AGENDA ITEMS:**

Chairman Gobin requested the addition of the following two items to this evening's agenda: under **RECEIPT OF APPLICATIONS**, Application for Special Use Permit for Robert M. Marshall to open a retail pet supply store with a self-service dog wash station for 148 North Road, Unit #1 at Bassdale Plaza, and under **OTHER BUSINESS**, Discussion of Aquifer Protection Regulations.

**MOTION:** To ADD to this evening's agenda under **RECEIPT OF APPLICATIONS**, an application for a Special Use Permit for Robert M. Marshall to open a retail pet supply store with a self-service dog wash station for 148 North Road, Unit #1, Bassdale Plaza, **AND**, under **OTHER BUSINESS**, Discussion of Aquifer Protection Regulations.

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

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

**IV. LEGAL NOTICE:**

The following Legal Notices were read by Chairman Gobin:

**PUBLIC HEARING LEGAL NOTICE**

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a public hearing on Tuesday, December 14, 2021, at 6:30 p.m. to consider the following application(s). Details regarding the meeting location will be published on the Commission's Agenda and available on the Town's website.

Applicant: East Windsor Planning & Zoning Commission. Text Amendment Application, Chapter VIII, Section 813 (new) "Cannabis Establishments" to

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

3

enact Zoning Regulations to establish requirements for the responsible and equitable regulation of Adult Use Cannabis per Public Act 21-1.

A full copy of the applications 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: November 30 and December 7, 2021**

**V. PUBLIC PARTICIPATION:**

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

**VI. APPROVAL OF MINUTES:**

**November 23, 2021:**

Chairman Gobin noted the November 23, 2021 Regular Meeting Minutes have been presented for approval; she asked if the Commissioners have any edits or comments regarding the Minutes. No one requested any changes

**MOTION: To APPROVE the Minutes of Regular Meeting #1815 dated November 23, 2021 as presented.**

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

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

**VII. RECEIPT OF APPLICATIONS:**

Chairman Gobin acknowledged the receipt of the following applications:

**A. South & Phelps – Subdivision Application PZ 2021-28:**

Application submitted by the Town of East Windsor to create a 16-lot subdivision at South and Phelps Road. The Town currently owns the land on which the homes are situated; this application seeks to take the Town out of the position of landlord and ultimately turn the properties over to

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

4

the homeowners. Chairman Gobin noted this application will be heard at a future Planning and Zoning Commission (PZC) Meeting.

- B. **PZ 2021-29: Special Use Permit for Robert M. Marshall to open a retail pet supply store with a self-service dog wash station for 148 North Road, Unit #1, Bassdale Plaza.**

Chairman Gobin noted this application has just been received by the Planning Office. The application is for a Special Use Permit; Mr. Marshall seeks to open a retail pet store, with self-service dog washing station, at Unit 1 in Bassdale Plaza. Chairman Gobin noted this application will be heard at a future PZC Meeting as well.

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

No requests presented under this Item of Business this evening.

**IX. CONTINUED PUBLIC HEARINGS:**

Chairman Gobin noted there are no Continued Public Hearings this evening.

**X. NEW PUBLIC HEARINGS:**

- A, **Applicant: Town of East Windsor Planning & Zoning Commission. Text Amendment Application Chapter VIII, Section 813 (new) “Cannabis Establishments” to enact Zoning Regulations to establish requirements for the responsible and equitable regulation of Adult Use Cannabis per Public Act 21-1;**

Chairman Gobin read the description of this Item of Business. She noted this application is for the Town of East Windsor to create a new Section 813 under the Zoning Regulations to allow Cannabis Establishments. The proposed regulations describe the requirements for such establishments.

Chairman Gobin noted the Legal Notice for this Public Hearing ran in the Journal Inquirer on November 30<sup>th</sup> and December 7<sup>th</sup>, 2021. Chairman Gobin read the Legal Notice (see full Legal Notice under Agenda Item IV), and referenced the Staff memo drafted by Town Planner Calabrese on October 21, 2021, and revised October 27, 2021, which summarizes the

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

5

proposed regulations and lays out the language being considered by the Commission.

Chairman Gobin reported the proposed regulations have been referred to CRCOG (Capital Region Council of Governments). CRCOG has found no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Town Planner Calabrese reported this is a new section written in response to Public Act 21-1; the regulations are proposed to provide considerations for those who wish to enter into the cannabis market for cultivation, production, retail, or deliveries. Of consideration for the PZC are the controls, and the fact that the State has put a cap on the number of retail establishments and micro-cultivators based on the population of the town; East Windsor is allowed one of each facility. The Town is only allowed to issue approvals for one of each of the facilities; the approvals need to be part of the final approval process for the licenses issued by the Department of Consumer Protection. The Town would like to see proof of a provisional license issue by the State license in our location application process.

Town Planner Calabrese indicated that the definitions mirror the definitions in the Public Act. She referenced the following definitions: **Cannabis Establishment:** a non-profit person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, transporter and, delivery service by PA-21-1 (SB 1201).

**Cannabis Hybrid Retailer** – means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Town Planner Calabrese then referenced a Use Table which identifies what's required under the Special Use Permit process by zone. Under consideration are retailers, hybrid retailers which are the dispensaries for medical and recreational sales, cultivators or growers, micro-cultivators are smaller and are allowed in the B-1 and B-2, retailers are excluded from the M-1 but are allowed in the TZ-5 and B-3 with conditions as noted under footnote 1 along Route 5 and Route 140. As noted under footnote 2, cultivators are allowed in an existing building or parcels greater than 5 acres.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

6

Town Planner Calabrese indicated the proposed regulations for Cannabis Retailers mirror the requirements for liquor stores, noting the criteria limit proximity to 500 feet of schools, child daycare facilities, parks, playgrounds, and churches; hours of operation would be limited to 7:00 a.m. to 9:00 p.m. The application would include an operational plan to show how the facility would be managed, and a plan for odor monitoring and mitigation. Criteria for Cultivators and Accessory/Co-Located Uses include location within a building, retail may be allowed in accordance with State licensing, there is a provision that micro-cultivators can sell what they grow on the premises. The application must include an operational plan, and a plan for odor monitoring and mitigation. Micro – cultivators would be issued separate licenses by the State; a copy of the provisional license issued by the State is to be included in the application to the Town. Town Planner Calabrese noted the Co-Located Uses could also have accessory uses; once they harvest a crop maybe they will make edible products or beverages or repackage the product to sell flowers.

Commissioner Gowdy reported he had talked to a liquor store owner in Massachusetts who is looking to sell cannabis in his liquor store, would that be the same in Connecticut? Town Planner Calabrese indicated she's not aware of that opportunity; she suggested they would have to get a license as a retailer. Commissioner Kowalski referenced the one license for East Windsor based on the size of the town. Town Planner Calabrese suggested she understands the State will review the caps as they see how the market responds.

Chairman Gobin referenced the criteria under Section 813.3.1 for the Cannabis Retailers regarding sub-section "2.d" – odor monitoring and mitigation. She suggested if it was a cultivator or a processor then the odor monitoring and mitigation would be important, but if a retailer were to sell pre-packaged products there probably wouldn't be an odor. Town Planner Calabrese recalled that during the field trip to Massachusetts you can detect the odor within a retail facility.

Chairman Gobin opened discussion to the in-person audience.

**Dan Glissman:** Mr. Glissman introduced himself, noting he's an attorney with MacDermid, Reynolds, and Glissman. Attorney Glissman noted he's been practicing in the cannabis base for the past seven or eight years, primarily in Massachusetts but as he now lives in Connecticut he's been paying close attention to the cannabis legislation as it becomes a new

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1816 – December 14, 2021**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

7

industry in Connecticut. Regarding the comment about selling cannabis in liquor stores in Massachusetts he suggested they will not be getting cannabis any time soon, and neither will Connecticut.

Attorney Glissman indicated he would offer the Commission a couple of friendly amendments:

- We would recommend requiring receipt of only a provisional license from the Department of Consumer Protection for retail and micro-cultivators only. Those are the licenses capped at one per 25,000 people. The rest of the licenses are not capped at the State level, nor at the Town level. They are recommending to clients to get ahead on the local level as there is a requirement at the State level for a licensee to be operational within 14 months which is a short timeline considering local permitting, building, raising capital, and becoming operational. For an applicant to do that it wouldn't be possible if the Town required receipt of a provisional license as part of the application process.
- Regarding footnote #2 under the use table related to cultivation operations being within an existing building, Attorney Glissman suggested it should be required to be located within a building, but not necessarily an existing building. He suggested referencing an existing building could be construed to be only a building that's already there and would need to be retro-fitted rather than vacant land or demolition of an existing building and rebuilding.
- In the Staff memo, under the definitions, Cannabis Establishments can be a for-profit operation.
- Micro-cultivators are included in the cap because they can deliver directly to consumers. While they're not allowed to sell out of their storefronts they can deliver directly to consumers.

**Selectman Baker, Rye Street,** indicated he, also, had concerns regarding the restriction to existing buildings, he felt the proposed language points only to use of existing buildings, which he found confusing. He felt cultivators should be able to use vacant land, or whatever.

**Jay Ussery, of J. R. Russo & Associates, Shoham Road:** Mr. Ussery indicated he is present this evening with a client, Eric Spungin, and his son, Greg, who have developed a number of properties on Prospect Hill Road, and have property available for which they have someone interested regarding this regulation. Mr. Ussery concurs that in some ways this

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

8

regulation is a draft which follows requirements related to liquor establishments, but he felt there were a couple of differences.

- Under Section 813.3 the cannabis establishment would be excluded in the HIFZ but alcohol would be included under a Special Use Permit. Mr. Ussery noted Mr. Spungin owns property in the HIFZ which presently includes the Wendy's/KFC locations; the property he is interested in establishing a cannabis facility is behind the bank building and that property would be excluded.
- Mr. Ussery suggested under Section 805 of the alcohol regulations sales are currently limited to within 500 feet of schools, and daycares, while under the cannabis regulations the limitation is for schools, daycare facilities, parks and playgrounds, but not churches. He questioned the difference as he doesn't see a lot of difference in the regulations for alcohol and cannabis. He noted Mr. Spungin's property is located next to the prior La Renaissance property, which is now a church. Mr. Ussery also questioned how the distance would be measured; would it be measured from the main entrance?
- Mr. Ussery suggested it appears the Commission also wants to limit the locations to properties on State highways, Route 5 and Route 140.

Commissioner Gowdy questioned the difference in the alcohol and cannabis regulations? Attorney Glismann suggested that many states across the country have lumped cannabis and alcohol together and have intimated that cannabis should be treated like alcohol but cannabis facilities are much more secure. They have cameras everywhere, and limit the age of the people entering.

**Deputy First Selectman DeSousa, 10 Rice Road, Broad Brook:**

questioned why limit the locations to frontage on Route 5? If someone has a back lot they would be excluded. And why limit cultivators to properties that have 5 acres; if someone has 3 acres they would be excluded. Commissioner Gowdy questioned how the Commission decided on the 5-acre limitation? Town Planner Calabrese indicated the Commission had originally considered 10 acre parcels, and reduced it to 5 acres. Commissioner Kowalski suggested the reduction to 5 acres was because of the Commission's concern with the odor of cannabis production for abutters. Commissioner Gowdy then recalled the Commission discussing how many parcels could be considered.



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

9

Town Planner Calabrese also noted that footnote #1 regarding frontage relates to retail establishments only. Deputy First Selectman DeSousa noted Sofia's Plaza and Bassdale's Plaza both have back buildings, and if someone wanted to do something in "no-man's" land in Broad Brook they can't do anything. Chairman Gobin felt that for Sofia's and Bassdale's Plazas the access is the frontage of the parcel, so they would be allowed to consider the cannabis facilities; Commissioner Kowalski agreed the access was to the parcel rather than the specific building. Mr. Ussery indicated he felt the confusion may be related to the use of the word "direct". Commissioner Kowalski also noted the Commission's concern for traffic, those were the roads that could handle the traffic rather than going through residential neighborhoods. Commissioner Gowdy cited concern for people driving DUI; Commissioner Kowalski suggested that was a whole other issue. Planning Consultant D'Amato suggested access relates to how you get to a parcel, frontage is where the parcel is. He felt frontage makes it clear people should access these properties from roads rather than a right-of-way.

**Selectman Alan Baker, Rye Street:** noted the Board of Selectmen visited a combined retail/grow operation in Easthampton, Massachusetts, across the street there was a dense neighborhood. There was no odor except in an alleyway where they dump all the discarded plant material before it gets carted off to the dump. He felt the acreage as a buffer probably isn't needed because these people operating the retail facilities spend a lot of money scrubbing the air. The facility was in an old factory building, with art galleries and restaurants nearby.

Chairman Gobin asked if those individuals signed in remotely wished to speak; no one requested to be acknowledged.

Addressing Mr. Ussery's comment about the restrictions for churches, Town Planner Calabrese clarified that when drafting the regulations she reviewed the Public Act as well, which pointed to the General Statutes regarding liquor control, and it listed churches. Mr. Spungin questioned why? Town Planner Calabrese indicated it could be as simple as where the zones were landed and where the underlying zones could prevail. Chairman Gobin felt previous discussions had suggested the underlying zones allowed it, so it would be allowed. Commissioner Kowalski recalled that at one of the previous meetings regarding the HIFZ the Commission discussed what was allowed that would make an owner land

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

10

the HIFZ, and Mr. Spungin wanted a drivethru; if you landed the HIFZ Commissioner Kowalski questioned that Mr. Spungin would want a drivethru in a cannabis retail establishment? Mr. Spungin felt a drivethru cannabis retail could happen. Chairman Gobin and Commissioner Kowalski noted that goes against the security of cannabis facilities. Regarding uses in underlying zones Mr. Ussery recalled that the property owned by Mr. Spungin was previously the location of a trucking terminal, and may have been zoned Manufacturing. Planning Consultant D'Amato suggested that it was written as a floating zone but once the HIFZ is landed he felt the process for changing the zone would be no different than changing any other zone. Chairman Gobin suggested that under the chart for Section 813.1.3 the Commission could add HIZ by a Special Use Permit for a cultivator and micro-cultivator. Planning Consultant D'Amato noted Mr. Spungin's parcel is right next to a church; Chairman Gobin suggested that gets to how to measure the distance. Planning Consultant D'Amato noted you're measuring to a building that doesn't exist. Commissioner Kowalski indicated a drivethru is NOT as of right; the Commission would have to approve the drivethru in the HIFZ.

Discussion continued regarding previous discussions of imposing distance limitations between gravel pit operations, and moving language from the alcohol regulations to the cannabis regulations related to the proximity of churches to proposed cannabis facilities. Mr. Spungin noted his property and the church share a rear boundary, he'd be willing to put up a fence along the rear boundary; . Chairman Gobin suggested that gets back to the issue of if the church has a day care facility? Planning Consultant D'Amato questioned if a fence would be necessary for a property containing a day care vs a property containing a high school? Mr. Spungin reported when measuring the door-to-door distance on Google Earth it's about 1,000 feet. Commissioner Kowalski noted the regulations need to apply to everyone. Commissioner Kowalski felt the Commission needs to come up with a definition of distance; he felt it should follow the liquor regulations.

The Commission reviewed potential revisions with Town Planner Calabrese.

Chairman Gobin keeping the Public Hearing open until the Commission's January Meeting.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

11

**MOTION: To CONTINUE the Public Hearing on Town of East Windsor Planning & Zoning Commission. Text Amendment Application Chapter VIII, Section 813 (new) “Cannabis Establishments” to enact Zoning Regulations to establish requirements for the responsible and equitable regulation of Adult Use Cannabis per Public Act 21-1 until a future meeting.**

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

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

**XI. OLD BUSINESS:**

**A. Review and Discuss Planned Commercial Development District:**

Planning Consultant D’Amato recalled that at the previous meeting the Commission reviewed the two approaches to promoting properties under a Planned Commercial Development District. Chairman Gobin had asked for comments regarding electric vehicles, that information has been provided via the highlighted text.

The proposed process includes an application for a zone change, and plan review. Section 817.7 outlines the permitted uses which would be eligible to be located within the Planned Commercial Development District. The intent is to promote targeted development of key parcels. The regulations include design considerations because the intent is for the projects to be designed well. The regulations promote incentives for “green building”, and all projects must treat stormwater on the parcel. Requirements for site lighting are summarized. While smaller projects may be handled via Site Plan Modifications, Planning Consultant D’Amato suggested the larger changes would have to come before the Commission for approval.

Planning Consultant D’Amato noted “Additional Material” enables the Commission to request traffic studies, or a fiscal municipal impact analysis to determine the impact to the taxpayer by a proposed project. As an example, would a proposed project result in an increase in the number of children, or would the Town have to buy a new fire truck.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

12

Planning Consultant D'Amato indicated the next step is referral to CRCOG, and scheduling a Public Hearing on the proposed regulation changes.

The consensus of the Commission was to send the proposed draft regulations to CRCOG.

**XII. NEW BUSINESS:** None.

**XIII. OTHER BUSINESS:**

**A. Discussion of Aquifer Protection Regulations:**

Town Planner Calabrese report she recently received Aquifer Protection Training. The Aquifer Protection Area is located in the Broad Brook area. The Connecticut Water Company has wells in the area; they have questioned the status of the Town's compliance with the current regulations and have asked that the Town complete a land use survey of properties which have not been identified as high risk. Town Planner Calabrese suggested the current regulations, and map, are not user-friendly.

Chairman Gobin questioned the cost, and what type of uses are located within the aquifer area? Town Planner Calabrese indicated some of the gravel pit areas are within the Aquifer Protection Area, also the shooting range, the fertilizer plant, and agricultural uses. The Town would have to reach out to the owners and get the properties registered. Town Planner Calabrese reported that a representative from the Connecticut Water Company would attend a Commission meeting and make a presentation.

Commissioner Gowdy noted that there is a lot of edbs in East Windsor. A lot of people's wells have been affected, and the State provided filtering systems for a time but have now discontinued that practice. He questioned if Town Planner Calabrese has a record of the statistics of the affected properties, and how many have reduced the amount of edbs?

Selectman Baker noted that tomorrow (December 15<sup>th</sup>) at 12:30 there is a discussion of well water contamination within our district.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

13

Chairman Gobin suggested there appear to be some risky uses – the dry cleaners, the nail salon - located within the Aquifer Protection Area. Town Planner Calabrese the State has a waste site list that would be more use driven. She suggested that going forward the Connecticut Water Company may want to discuss proposals with applicants as they come through for Wetlands and Planning applications.

Discussion continued regarding the workshop. Commissioner Kowalski questioned how the current regulations would affect the homeowners? Commissioner Gowdy questioned if the farmers using propane to cure tobacco in the sheds would be affected.

No action taken on this Item of Business tonight.

**XIV. CORRESPONDENCE:**

Chairman Gobin noted letter received from Attorney Dan Glissman, of MacDermid, Reynolds, and Glissman regarding comments related to the cannabis regulations.

**XV. BUSINESS MEETING**

**A. Budget:**

- **Recording Secretary Compensation:**

Town Planner Calabrese reported she did the research requested by the Commission, and based her analysis on 10 hours for attendance at a meeting and transcription of follow-up documents. She suggested East Windsor is low; she would propose \$175 per meeting.

Chairman Gobin liked that some towns provide extra compensation for additional meeting hours. Commissioner Gowdy noted often meetings are long, which requires more content. Town Planner Calabrese indicated she would propose \$175 per meeting, or \$200 per meeting for additional time/content. Commissioner Kowalski suggested if the Town Budget goes up 4% then the meeting fee should go up 4% as well. Chairman Gobin agreed with the proposal, noting no increase since 1990 isn't fair.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1816 – December 14, 2021  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

14

- **Commissioner Training/Dues and Membership Fees:**

Town Planner Calabrese reported she's added \$100 per Commissioner for training. Discussion followed regarding the availability of the Connecticut Bar Association Seminar, and the CCFDA training presented by Steven Bryne. Planning Consultant D'Amato noted the seminars are currently being held remotely. Some of the associations require a membership fee. Town Planner Calabrese noted she has included \$300 in the budget for membership/dues.

**XVI. EXECUTIVE SESSION:** None.

**XVII. ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 8:02 p.m.

**Gowdy moved/Leason seconded/DISCUSSION:** None

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

Respectfully submitted,

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