

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

**REGULAR Meeting #1817
December 28, 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 #1817 of the East Windsor Planning and Zoning Commission dated December 28, 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 are present.

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

GUESTS/SPEAKERS present in person: Robert M. Marshall, Jay Ussery, of
J. R. Russo & Associates.

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

Selectman Nordell, Selectman Muska, Selectman/Board of
Selectman Liaison to the Planning and Zoning Commission Baker
(signed in remotely at 7:21 p.m.), and Recording Secretary Peg
Hoffman.

II. ESTABLISHMENT OF QUORUM:

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A quorum was established as five Regular Members were present in person at the Call to Order.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE:

The following Legal Notices were read by Chairman Gobin:

LEGAL NOTICE:

THE EAST WINDSOR PLANNING & ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold a public hearing on Tuesday, December 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.

PZ-2021-29 Special Use Permit – Applicant: Robert Marshall-Naturally Dogs & Cats, LLC wishes to open a retail pet supply store with a self-service dog wash station at 148 North Road #1. Map 127, Block 24, Lot 011. Zone B-3. Owner: John Bass.

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: December 17, and December 23, 2021.

V. PUBLIC PARTICIPATION:

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

VI. APPROVAL OF MINUTES:

A. December 14, 2021:

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Chairman Gobin noted the 14-page draft Minutes document, noting the following revisions:

- Page 6, under **Discussion of the proposed Cannabis Regulations**, line 256, the transcription lists Attorney Glissman's comments as "Attorney Glissman noted he's been practicing in the cannabis base; Chairman Gobin suggested "base" should be "spaces".
- Page 12, under **Discussion of Aquifer Protection Regulations**, line 500, "Commissioner Gowdy noted that there is a lot of edbs in East Windsor"; edbs is an acronym for Ethylene Dibromide and is commonly listed in capital letters.

MOTION: To APPROVE the Minutes of Regular Meeting #1816 dated December 14, 2021, as amended:

Page 6, Line 256, " Attorney Glissman noted he's been practicing in the cannabis base IN CANNABIS SPACES for the past seven or eight years..."

Page 12, Line 500, "Commissioner Gowdy noted that there is a lot of edbs EDBs in East Windsor."

Kowalski moved/Gowdy seconded/DISCUSSION: None.

VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer/

Opposed: No one

Abstained: Thurz (absent)

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

No requests presented under this Item of Business this evening.

IX. CONTINUED 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 requirement for the responsible and equitable regulations of Adult Use Cannabis per Public Act 21-1. (Tabled for CRCOG comments on revisions):

Chairman Gobin questioned the status of the referral of the revisions to CRCOG? Town Planner Calabrese indicated they had been sent along, and reviewed the following revisions with the Commission:

813.2: Definitions of Terms:

Cannabis Establishment: ~~a non-profit person(s) or business entity otherwise engaged in an activity that would be defined~~ **means as** 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 (B 1201),

813.3: Cannabis Establishments Allowed by Special Permit (table)

Cannabis Hybrid Retailer, and Cannabis Retailer, now included under the HIZ by Special Use Permit.

Footnote #1 revised as follows: Provided the parcel has ~~direct~~ frontage along State Route 5 or State Route 140.

Footnote #2 deleted in totality: ~~Provided cultivation operations are within an existing building on parcels greater than 5 acres.~~

813.3.1 Cannabis Retailers:

A. All retail establishments shall comply with the following criteria:

1. Shall not be **located** within ~~500-ft-of the same building as~~ any public or private school, child-daycare facility, ~~park, playground,~~ or church **and shall not be located adjacent to any park or playground.**

Commissioner Kowalski questioned that this revision would allow a cannabis retailer to be an abutter to a school? Town Planner Calabrese questioned if the Commission wanted to allow that change?

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Commissioner Thurz replied negatively; Commissioner Kowalski felt the regulations should follow the language of the alcohol regulations. Planning Consultant D'Amato noted the use is allowed only by Special Use Permit.

Discussion continued regarding the previous discussion of measuring the distance. Town Planner Calabrese noted that East Windsor can only allow one cannabis cultivator and one micro-cultivator. Planning Consultant D'Amato suggested the Commission could consider adding language regarding buffering to adjacent uses if the Commission preferred.

Town Planner Calabrese recalled that the letter from Attorney Glissman talked about the requirement for provisional licenses. Commissioner Kowalski recalled the discussion involved the limited amount of time an applicant had to get the State licenses; if someone was really against this proposed use, they could come in and get the license and then sit on it.

Chairman Gobin queried the members of the in-person audience for comments.

Jay Ussery, of J. R. Russo, representing Eric Spungin and Greg Spungin: Mr. Ussery reiterated the Spungin's interest in this particular regulation because of the location of their property on Route 5/Prospect Hill Road. He noted they have a potential tenant who is interested in a potential business. Mr. Ussery noted they have heard the proposed regulations, and the revisions, and appreciate the accommodations made to the regulations. Mr. Ussery felt the current draft makes more sense.

Chairman Gobin queried the remote participants for comments; no one requested to speak.

Chairman Gobin suggested continuing the Public Hearing until the Commission's next regularly scheduled meeting to allow CRCOG to respond.

MOTION: To CONTINUE the Public Hearing on Applicant Town of East Windsor Planning & Zoning Commission. Text Amendment Application Chapter VIII, Section 813 (new) "Cannabis Establishments" to enact Zoning Regulations to establish requirement for the responsible and equitable regulations of Adult Use Cannabis per

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Public Act 21-1 continued to the Commission's next regularly scheduled meeting on January 11, 2022 at 6:30 p.m. via ZOOM)

Kowalski moved/Gowdy seconded/DISCUSSION: None.

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

X. NEW PUBLIC HEARINGS:

A. 148 North Rd #1 – Naturally Dog & Cat LLC Application PZ-2021-29:

Chairman Gobin read a statement explaining how the Commission will handle the Public Hearing on this application. She then read the documents associated with this specific application.

The applicant, Robert Marshall, was present in the in-person audience. Mr. Marshall came forward and advised the Commission he presently owns a similar operation in Hartford. Mr. Marshall reported he lives in Enfield; since the unit became available in Bassdale's Plaza he is proposing to move his business to that location. Mr. Marshall reported the operation is a retail pet supply store; he also offers birthday parties for dogs and other social events. Mr. Marshall wants to add a wash facility in the future for patrons who want to bring their pet in for grooming rather than washing their pet at home.

Commissioner Thurz:

- **Discussion of current facility:** Commissioner Thurs questioned if Mr. Marshall has a dog washing facility at his current operation? Mr. Marshall explained the system associated with the dog washing facility. He cited the city's concern for the accumulation of dog hair as hazardous waste. Mr. Marshall felt the city doesn't have enough knowledge of the operation to consider it properly.
- **Location of unit in Bassdale's Plaza:** Commissioner Thurz questioned the proposed location for this use; would it be in the front or back building? Mr. Marshall indicated he would occupy the spot previously used by Vinnie's Little Acres./rear building.

Commissioner Kowalski:

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- **Septic vs. Sewer:** Commissioner Kowalski asked if Bassdale's Plaza is on septic systems or is connected to the sewer? Town Planner Calabrese indicated the plaza is hooked up to the sewer line. She noted this application was referred to the North Central District Health Department, who recommended connection to the sewer. She also noted the change of occupancy would be up to the Building Department. Chairman Gobin noted Mr. Marshall isn't asking for the dog wash facility presently. Commissioner Kowalski questioned the process when Mr. Marshall installs the dog wash station? Town Planner Calabrese indicated the use would be referred to the Building Department.
- **Signage:** Commissioner Kowalski questioned if any signage is proposed? Town Planner Calabrese indicated Mr. Marshall would take a spot on the current sign board, and would be putting up a banner as well during opening.

Chairman Gobin:

- **Abutting use:** Chairman Gobin questioned who would be the abutting uses in Bassdale's Plaza? Mr. Marshall indicated a hair salon would be next door; they have no problem with his proposed use.

Chairman Gobin asked if the Commissioners had any additional comments? No one raised additional questions.

Chairman Gobin queried the participants signed in remotely for comments; no one requested to be acknowledged.

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

MOTION: To CLOSE THE PUBLIC HEARING on Application PZ-2021-29 for Special Use Permit for Naturally Dog & Cat LLC, 148 North Road, Rear, Unit #1, for a retail pet supply store and self-service dog wash station. (Map 124, Block 24, Lot 011A), Zone B-3.

Kowalski moved/Gowdy seconded/DISCUSSION: _None.

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

Motion to Approve:

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Application #PZ 2021-29 for Special Use Permit Application for a retail pet supply store and self-service dog wash station to be located at 148 North Road, Rear, Unit 1 (Map 124, Block 24, Lot 011A) Zone B-3.

This approval is granted subject to conformance with the submitted application, supporting materials and public hearing presentation and the following conditions/modifications:

Findings:

1. The proposed location is in compliance with the standards set forth by Section 502 and Section 701.
2. 148 North Rd, Unit 1 is within the B3 zone which allows for Retail and Service Establishments, Personal/Professional uses.
3. The proposed use is in harmony with adjacent uses.

Conditions:

1. A copy of the Certificate of Action shall be filed on the Land Records prior to the commencement of business on the property.

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

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

XI. OLD BUSINESS: None.

XII. NEW BUSINESS:

A. South and Phelps Road – Subdivision Application PZ-2021-28:

Town Planner Calabrese reported the Town went to the Zoning Board of Appeals (ZBA), where a variance was granted. This Subdivision Application creates lots for the homeowners.

Commissioner Kowalski:

- **Street lighting, etc:** Commissioner Kowalski questioned if the ZBA addressed issues associated with subdivision approvals, such as street lighting? Town Planner Calabrese replied negatively, noting those issues were addressed in the waivers requested. Planning Consultant

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D'Amato noted a Public Hearing was held at the ZBA regarding the variances; several months ago, a community meeting was held with the homeowners and the Town regarding how this process would occur so there's been a lot of engagement regarding this proposed subdivision.

- **Tax impact:** Commissioner Kowalski questioned the tax impact to the Town? Planning Consultant D'Amato recalled that when this property was owned by the non-profit agency they were delinquent on the tax liability, which is how the Town got involved. When this subdivision is approved every lot will have its own tax bill.
- **Availability of utilities:** Commissioner Kowalski questioned that every lot is now hooked to the sewer? Planning Consultant D'Amato noted the sewer runs along the back of the parcel. Town Planner Calabrese noted each lot has public water as well.
- **Center island:** Commissioner Kowalski recalled discussion of changing the grass island in the center of the parcel. Commissioner Sauerhoefer explained future adjustments for the center island.

Chairman Gobin:

- **Subdivision approval status:** Chairman Gobin questioned that this process has been approved? Planning Consultant D'Amato replied affirmatively by the ZBA; he noted he'll prepare an approval motion for the next PZC Meeting.

Commissioner Gowdy:

- **Emergency Access:** Commissioner Gowdy questioned that emergency vehicles won't have any problems accessing the lots? Commissioner Sauerhoefer replied negatively.

Commissioner Sauerhoefer suggested this is a good move for the Town. He recalled a ruptured oil tank under one of the homes which cost the Town significant money to remediate while the property was under Town ownership. He noted the homeowners take pride in their properties; this is a good move for everyone.

Planning Consultant D'Amato noted there had been income restrictions on the properties, which the Town worked with the Legislature to have removed. A member of the Department of Housing attended the community meetings held by the Town. This is a good resolution for a long-standing issue.

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Chairman Gobin suggested this Subdivision Approval will appear on a future PZC Agenda when the revised plans have been received and Planning Consultant D'Amato has prepared an approval motion.

XIII. OTHER BUSINESS: None.

XIV. CORRESPONDENCE: None.

XV. BUSINESS MEETING

A. Aquifer Protection Regulations/Aquifer Protection Agency:

Town Planner Calabrese advised the Commission that she's proposing to develop an Aquifer Protection Agency, which will have its own board members and its own meeting schedule, which is currently being proposed to follow the PZC first meeting monthly. The Agency will meet to manage/administer the current Aquifer Protection Regulations.

Town Planner Calabrese is scheduling a meeting of the Aquifer Protection Agency on January 11, 2022; she has requested the representative from the Connecticut Water Company to attend the meeting and explain how the wells are impacted by uses located within the Aquifer Protection Area.

Chairman Gobin questioned how uses such as the auto body business operating on Harrington Road would be impacted by the regulations? Commissioner Thurz noted that's an illegal auto body shop operation. Town Planner Calabrese suggested the owner would be required to submit an application for their use; that application would be referred to the North Central District Health Department. She felt the Connecticut Water Company would want to be involved in applications in the future; applications would be referred to them in the future.

Commissioner Kowalski questioned if the people involved in the current businesses should be advised? Chairman Gobin suggested current business owners probably don't know what's prohibited.

No action taken this evening.

XVI. EXECUTIVE SESSION: None.

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XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:22 p.m.

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

Respectfully submitted,

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