

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

**REGULAR Meeting #1818
January 11, 2022**

**DUE TO AN INCREASE IN COVID ACTIVITY
THIS MEETING IS BEING HELD VIA
REMOTE ACCESS ONLY
via ZOOM Teleconference
Meeting ID: 714 897 1799**

MEETING MINUTES

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

I. TIME AND PLACE OF MEETING:

Chairman Gobin called Regular Meeting #1818 of the East Windsor Planning and Zoning Commission dated January 11, 2022 to Order at 6:30 p.m. The Meeting is being held remotely only.

PRESENT: **Regular Members:** Anne Gobin (Chairman), Frank Gowdy, Michael Kowalski (Vice Chairman), Joseph Sauerhoefer, and Jim Thurz (Secretary). **Please note** Alternate Member David Leason is present this evening; he was incorrectly noted as being absent under the Schedule of Motions document.

ABSENT: All Regular and Alternate Members of the Commission are present this evening.

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

GUESTS/SPEAKERS signed in remotely: Director of Planning and Development/Town Planner Calabrese hosted the meeting; Planning Consultant D'Amato was present as well. Also, Jay Ussery, of J. R. Russo & Associates, LLC, representing Eric Spungin; Ben Dariano, Manager, Planning & Permitting for WD Partners, of Dublin, Ohio, representing Walmart.

Public signed in remotely (as identified in the Meeting participation list):
Selectman Muska, Selectman Nordell, Selectman Baker, Board of
Selection Liaison to the PZC (signed in at 6:52 p.m.), Peg Hoffman,
Recording Secretary.

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II. ESTABLISHMENT OF QUORUM – Virtually, Via Zoom:

A quorum was established as five Regular Members and one Alternate Member was present at the Call to Order. Chairman Gobin noted all members will participate in discussion, while all Regular Members will participate in votes this evening.

III. ADDED AGENDA ITEMS (Potential):

IV. a. PZ-2022-02 44 Prospect Hill Road- Site Plan Modification -Walmart Addition):

Chairman Gobin noted receipt of a new application for **44 Prospect Hill Road – PZ 2022-01 Site Plan Modification**; she questioned Town Planner Calabrese if this application should be received under **RECEIPT OF APPLICATIONS** or **NEW BUSINESS**. Town Planner Calabrese suggested it could be received under NEW BUSINESS. Chairman Gobin requested a motion to receive this application to the Agenda under **NEW BUSINESS**, and begin the discussion.

MOTION: To RECEIVE the new application for Walmart PZ 2022-01 for 44 Prospect Hill Road, Site Plan Addition under Item XIII. NEW BUSINESS.

Kowalski moved/Gowdy seconded/DISCUSSION: None.

**VOTE by a show of hands: In Favor: Gobin/Gowdy/Kowalski/
Sauerhoefer/Thurz
(No one opposed/No abstentions)**

V. LEGAL NOTICE: None.

VI. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED ON THE AGENDA):

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

VII. APPROVAL OF MINUTES:

a. December 28, 2021:

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Chairman Gobin noted the Minutes for the PZC Regular Meeting #1817 dated December 28, 2021, which was held both in-person and ZOOM, are available for approval. She called for edits, or revisions; no one requested any changes.

MOTION: To APPROVE the Minutes of Regular Meeting #1817 dated December 28, 2021 as presented.

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

VIII. RECEIPT OF APPLICATIONS:

Chairman Gobin noted receipt of the new application for Walmart will be acknowledged under Item XIII, **NEW BUSINESS**.

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

No requests presented under this Item of Business this evening.

X. 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 requirements for the responsible and equitable regulation of Adult Use Cannabis per Public Act 21-1. (Tabled for CRCOG comments on revisions):**

Chairman Gobin questioned the status of the referral of these proposed regulations to CRCOG (Capitol Council Region of Governments)? Town Planner Calabrese reported no response has been received at this time. Chairman Gobin questioned if Town Planner Calabrese would like to table the Public Hearing again; Town Planner Calabrese replied affirmatively.

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Chairman Gobin noted this is still a Public Hearing, she queried the remote participants for comments regarding this proposal.

Jay Ussery, of J. R. Russo & Associates, LLC: Mr. Ussery indicated he was speaking on behalf of Eric Spungin who owns a property on Prospect Hill Road which would be affected by these regulations. Mr. Ussery indicated they have no further comments at this time; they will be waiting for CRCOG's comments as well. They're comfortable with the way the regulations have been written.

Chairman Gobin called for additional comments from the remote participants; no one requested to be heard.

Chairman Gobin called for a motion to table this application until the comments have been received from CRCOG.

Commissioner Kowalski requested to speak.

Commissioner Kowalski:

- ***Decision timeline:*** Commissioner Kowalski questioned the deadline for the Commission's approval of the regulations, he noted the Public Hearing has been postponed twice. Town Planner Calabrese reported the Commission has 65 days to close. Planning Consultant D'Amato concurred, noting the Commission has 35 days once it's opened with total extensions up to 65 days but this is a Commission application so no one would be aggrieved by keeping the Public Hearing open to get more comments. The Commission is also waiting for the response to the CRCOG referral, which is a Statutory requirement.

Chairman Gobin questioned when CRCOG would be holding their next meeting, and if they would be acting on this referral? Planning Consultant D'Amato didn't recall Town Planner Calabrese's submission date, but the Commission can wait 35 days and then move on.

Chairman Gobin indicated the Commission would wait the 35 days and then move forward.

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MOTION: To CONTINUE the Public Hearing on the application for 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 the Commission’s regularly scheduled meeting to be held on January 25, 2022 (at 6:30 p.m. via ZOOM).

Kowalski moved/Gowdy seconded/DISCUSSION: None.

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

XI. NEW PUBLIC HEARINGS: None.

XII. OLD BUSINESS:

a. South & Phelps Road – Subdivision Application PZ 2021-28:

Chairman Gobin requested an update on this application. Town Planner Calabrese reported that at the last meeting the Commission had discussed waivers necessary to create this subdivision as this is a pre-existing neighborhood. She noted the waivers are included in the draft approval motion included in the Commissioner’s meeting packet.

Chairman Gobin queried the Commissioners for comments regarding this subdivision proposal; no one raised any questions. She noted the Commission has discussed this during past meetings, she suggested this proposal is in the best interest of the homeowners, and it’s an application initiated by the Town. She called for a motion to approve.

Commissioner Kowalski: noted that traditionally the Commission votes separately on each waiver; he questioned the process for this application? Chairman Gobin suggested mentioning the waivers in the approval motion would satisfy the vote on the waivers.

Motion to Approve Application PZ 21-28. Town of East Windsor for a 16-lot subdivision and associated waiver requests for property located

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at South and Phelps Roads; Assessor's Map No. 042, Block No 20, Lot No 053, East Windsor.

Waivers Granted due to the subdivision of land being proposed presents the unique circumstance of laying beneath an existing neighborhood with houses and infrastructure already in place. The customary planning considerations do not apply.

Waiver Granted from the East Windsor Subdivision Regulations:

**11.2 Design Requirements
11.3 Open Space Requirements
2.17 Agricultural Buffer Zone
Section 9 Bond Requirements
Section 6 Street Design
Section 5.8 Traffic Analysis
Section 5.7 Landscape Design
Section 2.7 Street Trees**

Findings:

- 1. Pursuant to Section 2.15 of the East Windsor Subdivision Regulations, the Commission finds that the granting of the requested waivers shall not have a significant adverse effect on adjacent property or public health and safety.**

Conditions of approval:

- 1. The South Road Subdivision, South Road & Phelps Road East Windsor, Connecticut; Owner/Applicant: Town of East Windsor, 11 Rye Street Broad Brook, CT 06016; prepared by JR Russo & Associates, LLC, Sheets 1-3; dated 12/22/2021 is incorporated to this approval**
- 2. A full set of mylars shall be submitted to the Commission for signature and subsequent filing on the Town's land records.**
- 3. All easement language related to the sanitary sewer located in the rear of the property shall be filed on the town land records.**

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Kowalski moved/Gowdy seconded/DISCUSSION: Chairman Gobin noted as the motion indicates this is a unique situation, the homeowners own the homes, and this subdivision will allow them to own the land their homes sit on.

**VOTE by show of hands: In Favor: Gobin/Gowdy/Kowalski/
Sauerhoefer/Thurz**

(No one opposed/No Abstentions)

XIII. NEW BUSINESS:

a. PZ 2022-01 WALMART 44 Prospect Hill Road, Site Plan Addition:

Chairman Gobin noted the Commission is receiving this application for 44 Prospect Hill Road. It's an addition to Walmart. Staff in the Planning Office just received the application and has not yet had an opportunity to review it, but she suggested the Commission will let the applicant describe what you have planned.

Joining the Commission remotely to describe the Site Plan Addition was Ben Dariano, Manager, Planning & Permitting for WD Partners, of Dublin, Ohio. They are the Project Architects for Walmart.

Town Planner Calabrese shared her screen with Mr. Dariano, who posted a Site Plan to illustrate his discussion (Sheet 3 is the Overall Site Plan). Mr. Dariano advised the Commission that Walmart is looking to add an addition to the store to expand their online grocery pick-up program. This is an existing store, with an existing online grocer pick-up program. The expansion would be totally dedicated to the grocery pick-up program; it would not be used for a resale use or any other use by Walmart customers, and it would be only Walmart associates using this space. The addition will be 5,920 square feet all to be used for the grocery pick-up program. The addition will be constructed on the southeast corner of the building (facing Newberry Road). Mr. Dariano indicated this is the only location on the site that would accommodate the expansion. The addition will not increase impervious coverage as that area is currently assigned to delivery pick-up parking.

Mr. Dariano indicated the addition will not increase sewer requirements at the site as currently proposed. There will be no additional sanitary load, the only increase in sanitary needs in the space would be lines from the coolers; there are no restrooms or bathrooms for anyone to use so there would be no impact to the sanitary system.

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Mr. Dariano continued his review of the Site Plan, noting they are proposing new directional signage (“straight”, and “right”) to guide customers to the new pick-up area. The current height of the signs for pick-up are 74 inches and would be visible to various sized vehicles. The signs indicate a number to call, the customer calls in with their order number. To accommodate the addition they will be reducing the parking spaces at the facility. Walmart currently has 780 parking spaces, they are reducing the parking spaces to 727, which is a reduction of 58 spaces; they will be restriping the parking area to reflect the new parking locations. Mr. Dariano indicated Walmart doesn’t anticipate any change to the traffic flow for the building as these would be customers already using the pick-up service.

Mr. Dariano requested questions from the Commissioners.

Commissioner Gowdy

- ***Experience with pick-up delivery service popularity:*** Commissioner Gowdy questioned when the pandemic is over and there isn’t as much demand for pick-up services what do you plan to do with this area? Mr. Dariano indicated that different parts of the country have addressed the pandemic differently. He suggested people like the pick-up services; Walmarts in Florida have increased the size of their pick-up service 3 to 5 times and people still use them. If the spots aren’t used Walmart could return the spots to other parking.

Commissioner Kowalski:

- ***Pick-up Service Expansion:*** Commissioner Kowalski noted Mr. Dariano had said they currently have 6 pick-up locations/parking spots, how many will you increase to? Mr. Dariano indicated they are moving 71 spaces for the pick-up program and are adding 31 new spaces for a total of 37 pick-up spaces. Chairman Gobin questioned that the side lot at this Walmart location will become a pick-up lot? Mr. Dariano replied affirmatively.
- ***Curb cut radius related to emergency accessibility:*** Commissioner Kowalski questioned if, with the new curb cut, have you considered if the radius will accommodate emergency vehicles and other large vehicles? Mr. Dariano suggested their civil engineer has assured him everything will be compliant, but he would be agreeable to making that a condition of approval.

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LET THE RECORD SHOW Selectman Baker, the Board of Selectmen's liaison to the PZC, signed in remotely at 6:52 p.m.

Commissioner Kowalski:

- ***Traffic flow:*** Commissioner Kowalski indicated he felt traffic from Newberry Road would continue to drive through the pick-up area to park at the front of the store. Mr. Dariano reiterated 6 current spots will be lost but they will be adding 31 spots for pick-up; he was told the emergency access will be compliant. They are not changing the location of any of the islands in the parking area. Commissioner Gowdy noted that he shops at Walmart a lot, there are often tractor trailers, both Walmart and others, that park at the back of the store. Mr. Dariano indicated he will advise Walmart and will discuss the radius access compliance with the civil engineer and report back to the Commission.
- ***Pick-up hours/lighting/Photometric Plan:*** Commissioner Kowalski questioned if the hours for the pick-up run until 7:00 p.m.? Mr. Dariano wasn't sure. Commissioner Kowalski suggested it's dark at 7:00 p.m., are you adding lighting in that area? Mr. Dariano replied affirmatively, noting they would be adding at least 2 light poles. Commissioner Kowalski questioned if they were providing a Photometric Plan; Mr. Dariano indicated he will check.

Chairman Gobin asked for additional comments from the Commissioners, no one raised any additional questions.

Chairman Gobin indicated the Commission will continue this discussion and application review, with Mr. Dariano's answers at the January 25th meeting.

Chairman Gobin noted there is no other business on the Commission's Agenda, and no **EXECUTIVE SESSION**; she called for a motion to Adjourn the Planning and Zoning Commission Meeting.

XIV. OTHER BUSINESS: None.

XV. CORRESPONDENCE: None

XVI. BUSINESS MEETING: None

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XVII. EXECUTIVE SESSION: None.

XVIII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 6:59 p.m.

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

Respectfully submitted,

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