

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

**REGULAR Meeting #1820  
February 8, 2022**

***DUE TO INCREASED 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 #1820 of the East Windsor Planning and Zoning Commission dated February 8, 2022 to Order at 6:30 p.m. The meeting is being held remotely via ZOOM.

**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 Member signed in remotely.

**GUESTS/SPEAKERS present remotely identified as they sign in:**

Director of Planning and Development/Town Planner Calabrese hosted the meeting. Also signed in remotely were: Planning Consultant D'Amato, Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Selectman Nordell; Lucy Helland; Peg (Margaret) Hoffman, Recording Secretary.

**II. ESTABLISHMENT OF QUORUM:**

A quorum was established as five Regular Members and Alternate member Leason participated remotely. Chairman Gobin noted all Regular Members will participate in discussion and votes this evening. (See exception on **APPROVAL OF MINUTES** of January 25, 2022.)

**III. ADDED AGENDA ITEMS:**

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

- a. **Planning and Zoning Commissioner Training, 3/24/2022:**
- b. **Update on status of hiring a Zoning Enforcement Officer.**

**MOTION:** To ADD to the current Agenda under **BUSINESS MEETING,** Section XVI, a. **Planning and Zoning Commissioner Training, 3/24/2022, and, b. Update on status of hiring a Zoning Enforcement Officer.**

**Kowalski moved/Thurz seconded/DISCUSSION:** None

**VOTE by a show of hands:**

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

**IV. LEGAL NOTICE:**

The following Legal Notice was read by Chairman Gobin:

**LEGAL NOTICE**

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a public hearing on Tuesday, February 8, 2022, at 6:30 p.m. This will be a virtual meeting. Details regarding how to attend will be published on the Commission's Agenda will be made available on the Town's website.

**PZ-2022-2 Zone Change/Map Change** – Applicant: Gil Tougas wishes to change the zoning district for 268 South Main St., East Windsor, CT. Map 002, Block 05, Lot 064, from B-2 to R-1.

Chairman Gobin noted a full copy of the application is available on the Planning and Zoning Commission's webpage; any interested people may attend or provide verbal or written comments to the Board.

Published in the Journal Inquirer editions: January 26 and February 3, 2022

**V. PUBLIC PARTICIPATION:**

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

**VI. APPROVAL OF MINUTES:**

**a. January 25, 2022 – Regular Meeting of PZC:**

Chairman Gobin called for comments or corrections regarding the Minutes of Regular Meeting #1819 dated January 25, 2022? No one requested any revisions.

**MOTION: To APPROVE the Minutes of Regular Meeting #1819 of the Planning and Zoning Commission dated January 25, 2022, as presented.**

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

**VOTE by show of hands:**

**In Favor: Gobin/Kowalski/Leason/  
Sauerhoefer/Thurz**

**Opposed: No one**

**Abstained: Gowdy**

**VII. RECEIPT OF APPLICATIONS:**

Chairman Gobin requested confirmation that the Board had no new applications to receive; Town Planner Calabrese replied affirmatively.

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

**a. Harvest View Estates – Bond Renewal Request:**

Chairman Gobin requested Town Planner Calabrese to update the Commission on the status of this Bond renewal.

Town Planner Calabrese directed the Commission to her Staff Memo which had been included in the Commission's packet. The Staff memo had included a draft motion for the Commission's review. Town Planner Calabrese noted she received a pdf copy today of the renewed

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bond. Discussion with Mr. O'Neill's attorney indicated Town Planner Calabrese would be sent the original document.

Chairman Gobin questioned if the Commission needs to take any action regarding calling the current bond tonight, or is there enough time for the Commission to wait to see if any issues come up?

Town Planner Calabrese referenced the pdf copy of the new bond document, which goes through March 21, 2023. She reiterated she did not yet have the original document but was told it would be arriving. Town Planner Calabrese felt no action was necessary this evening.

Commissioner Gowdy questioned that the bond was expiring March 21, 2022? Town Planner Calabrese cited she had received the original notification of the renewal via e-mail; the pdf of the actual bond renewed was received subsequently.

Discussion followed regarding why developers delay providing current documentation. Commissioner Sauerhoefer advised the Commission Town Planner Calabrese has done a great job to get this guy to commit to continuing the bond. He indicated this is a developer who has been a challenge to work with. Commissioner Sauerhoefer suggested if the Commission chooses to wait until the next meeting to take action he would recommend the addition of a stipulation that the developer only has a year to complete the work. Chairman Gobin questioned if the developers delay may be because they hope the cost of asphalt will get cheaper? Commissioner Sauerhoefer indicated this is typical for a developer; many operate this way. He felt the Town would prefer that the developer complete the road improvements rather than taking on that work ourselves.

Chairman Gobin questioned if the bond is for only the road improvements, or stormwater structures under the road as well? Town Planner Calabrese suggested there were some remaining issues regarding the curbing and the catch basins that were moved for drainage purposes and driveway aprons. She noted an As-Built Plan will be submitted, which would show if other issues exist. Town Planner Calabrese recalled they modified some drainage to address flooding between yards. Commissioner Sauerhoefer indicated they took care of the East Road problem with the driveway; he felt there was some driveway repair to occur before the final signoff.

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Commissioner Sauerhoefer reported all the drainage is in and was inspected as it was installed.

Commissioner Thurz agreed that Town Planner Calabrese has done a great job but it's frustrating chasing the developers down on the various projects. Discussion continued regarding perhaps revising the process for reviewing the bonds. Chairman Gobin thanked Town Planner Calabrese for pursuing this issue with the developer.

No action taken on this issue.

**IX. CONTINUED PUBLIC HEARINGS:** None.

**X. NEW PUBLIC HEARINGS:**

**a. Public Hearing, PZ 2022-02 – 268 South Main St., Zone Change B-2 to R-1, Gil Tougas:**

Chairman Gobin opened the Public Hearing on Application PZ 2022-02 by reading the description for this item of business, and called for the applicant to verbally join the Commission in discussion of his proposal. No one spoke up to be recognized.

Commissioner Kowalski questioned the reason for the Zone Change; what would the applicant like to do? Town Planner Calabrese reported that currently it's commercial units on the main floor, with dwellings above, Mr. Tougas has been unable to secure commercial tenants and would like to put 3 dwelling units in the structure, which would include 2 apartments on the main floor.

**Chairman Gobin:**

- ***Main floor size:*** Chairman Gobin questioned if the main floor was large enough to accommodate 2 apartments. She recalled when the occupant had been Creations by Carla, who occupied the commercial space downstairs and lived above in the apartment.
- ***Abutting uses:*** Chairman Gobin also questioned the abutting zoning uses? Town Planner Calabrese suggested this location was surrounded by B-2 zones.

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Town Planner Calabrese also noted correspondence had been e-mailed to the Commissioners today regarding this proposal. She read for the record:

**Header:** *LLC Partnership, P. O. Box 388, East Windsor, CT. 06088  
Addresses to: Town of Windsor, Planning and Zoning  
Commission, 11 Rye Street, Broad Brook, Attn.: Director  
Calabrese.*

**The correspondence reads:**

*“Dear Director Calabrese, we write today in regards to application PZ 2022-02 as the owner of 275 South Main Street. This zoning change could potentially impact the continued development on Route 5. The requested zone change is inconsistent with the Route 5 Corridor Study delineating this area as a business and commercial area with substantial infrastructure to support for its continued growth. It is for that reason that we oppose the zoning change and continue to support the use of Route 5 consistent with many of the recommendations of the Route 5 Corridor Study.*

*Please contact me with any questions.*

*J. Garrison Hudgekings, Agent”*

**Chairman Gobin:**

- **Abutting uses:** Chairman Gobin noted when she used to go to the hairdressers perhaps 30 years ago a cattle feedlot abutted this parcel which was only used for a short time in the Summer before they may have slaughtered the cattle, but there was a bad odor problem. Chairman Gobin indicated she didn’t know if that situation still occurs.

Chairman Gobin noted the difficulty considering the application without the applicant present, she suggested the applicant needs to join the Commission and make a case for the zone change request. She queried the Commissioners regarding continuing the application to the next meeting; Commissioners Gowdy and Thurz agreed that the applicant should be present.

**Commissioner Kowalski:**

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- ***Proposal vs. current regulations:*** Commissioner Kowalski questioned if Town Planner Calabrese had had conversations with the applicant? He noted review of the regulations cite residential is allowed in the B-2 Zone under a Special Use Permit. What is the applicant trying to accomplish that a Special Use Permit won't provide?

Town Planner Calabrese felt the issue was the request for 3 residential units where currently residential is allowed on the second floor with commercial below. Commissioner Kowalski noted line 6 allows "residential on the first floor as long as they don't exceed 900 square feet"; he suggested the applicant may be able to accomplish what he wants within the existing zoning. Commissioner Kowalski noted the applicant needs "a minimum of 1,000 square feet, first floor dwelling shall not exceed 900 square feet" – that's permissible under a Special Use Permit. Commissioner Thurz felt the applicant needed the business use as well; Commissioner Kowalski suggested the regulations didn't specify that. Commissioner Sauerhoefer felt the applicant should join the Commission for discussion; Commissioner Gowdy agreed. Commissioner Kowalski suggested he was attempting to enable the applicant to do what he wanted working within the existing language. Town Planner Calabrese indicated she'll explore that with the applicant.

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

**MOTION: To CONTINUE THE PUBLIC HEARING on PZ 2022-02 – 268 South Main Street, Zone Change B-2 to R-1, Gil Tougas until the Commission's next regularly scheduled meeting to be held February 22, 2022 at 6:30 p.m.**

**Kowalski moved/Gowdy seconded/DISCUSSION: None  
VOTE by a show of hands:**

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

**XI. formatting error.**

**XII. OLD BUSINESS:**

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**a. PZ-2022-01 – 44 Prospect Hill Road – Site Plan Modification – Walmart:**

Chairman Gobin read the description of this item of business, and asked if anyone representing Walmart would be available for discussion?

Town Planner Calabrese reported that the representative for Walmart had asked to modify their proposal to include a reduction in the number of parking requirements. She noted their request was in response to Staff review of their plans. They feel there are 21 spaces over what they were approved under the General Development Plan and they are looking to reduce that number to 3.9 spaces to accommodate the loss of those 21 parking spaces. Town Planner Calabrese indicated they are asking to be heard on March 8<sup>th</sup>, the applicant is not present this evening.

**Chairman Gobin:**

- ***Parking reduction:*** Chairman Gobin noted they are reconfiguring the parking lot. She clarified that they are reducing the 21 spaces due to the building addition taking up area; Town Planner Calabrese replied affirmatively.
- ***Electrical vehicle charging station:*** Chairman Gobin also noted she had put comments on the record asking if they would consider solar on the building as part of the addition, and are they amenable to adding electric vehicle charging stations given that they are located at the highway ramp, which is an easy location for a charging station. Chairman Gobin questioned if the applicant had responded to those requests.

Town Planner Calabrese indicated they were waiting for a response from Walmart's Corporate Office. They were asking for additional time because they know Walmart has sustainability goals regarding installing EV charging stations, and if there was a thought to do it why not do it now. Town Planner Calabrese also noted there are solar panels and natural light windows currently installed at Walmart.

- ***Solar on addition:*** Chairman Gobin questioned if they would consider adding solar to the addition? Town Planner Calabrese indicated she had forwarded Chairman Gobin's comments, including the question about solar, to the applicant; she anticipated additional discussion when the applicant returns.



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Chairman Gobin questioned Town Planner Calabrese's action for tonight? Town Planner Calabrese noted since they are asking for a modification of the application would the Commission vote on that? She had prepared a draft motion, should that be the Commission's choice. Chairman Gobin suggested that if they would be getting consideration of reduced parking would they be offering the chargers; she would want to see the motion contingent on acceptable EV infrastructure being included in the parking lot.

**Commissioner Thurz:**

- ***Reduced parking/garden supply display:*** Commissioner Thurz questioned how they will handle the Summer reduction of 60+/- parking spaces due to display of garden materials for sale? Should that stop? Chairman Gobin suggested they may have to discontinue that if they have a parking issue. Chairman Gobin asked if they had provided a traffic analysis to show they can make this work? Town Planner Calabrese indicated she wasn't aware of a traffic study, but she felt a Public Hearing would be needed to make a change to the bulk parking requirements. Chairman Gobin indicated she agreed with Commissioner Thurz regarding the reduction of parking for the garden center; the applicant needs to show this will work.

**Commissioner Sauerhoefer:**

- ***Parking compliance:*** Commissioner Sauerhoefer questioned that they have already reduced the parking required under the original Site Plan, and they are planning to reduce it again. Are they compliant now? Planning Consultant D'Amato indicated this was done under the HIZ (Highway Interchange Zone) under a Special Development Plan where they submitted their application indicating they would be building a building of a certain size and would provide parking at a rate of 4 per thousand. Even though the regulations require more under a Special Development District when you approve the Site Plan whatever the Site Plan reflected became the zoning requirements for that parcel. When you approved the 4, that became their requirement. Even at the 4 parking spaces they can't make this work even with the increase, so they have to come back to modify the Special Development Plan under the HIZ. Planning Consultant D'Amato suggested it's similar to a waiver, it's a little different because this is a Special Development District. It's up to them to prove it's a prudent request.

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Commissioner Sauerhoefer felt the Commission needed to wait for the applicant to return for discussion. He noted he drives by Walmart several times a day, it's always a zoo, he's amazed at the number of people that go there. Commissioner Gowdy also felt the Commission needed to discuss these issues with the applicant.

Chairman Gobin noted the proposed draft motion was written as an affirmative action as if the Commission was recommending the amendment/modification. It's their Site Plan application, if the Commission amends it are we saying we're in favor of it or that we're moving to consider amending the application? Commissioner Gowdy reiterated his recommendation to discuss these questions with the applicant when they return.

Discussion continued regarding the process. Town Planner Calabrese suggested perhaps the consensus of the Commission would be enough, and no motion is necessary. Town Planner Calabrese indicated she thought the Commission would be the entity to decide to hold a Public Hearing to consider amending the application, which would also include the request to lower the bulk parking requirements. If the Commission is comfortable with Staff scheduling the Public Hearing for March 8<sup>th</sup> administratively it can be handled that way. Chairman Gobin suggested she would be more comfortable with the applicant returning on March 8<sup>th</sup> to defend their case rather than saying the Commission is amending the application. She queried the Commissioners for their preference; the consensus of the Commission was for Staff to schedule the Public Hearing for March 8<sup>th</sup> when the applicant would return to discuss the application.

No further action was taken on this application this evening

**XIII. NEW BUSINESS:** None.

**XIV. OTHER BUSINESS:**

**a. Discussion of Draft Bond Policy:**

Chairman Gobin opened discussion of a proposed Bond Policy.

Town Planner Calabrese indicated that the draft provided for the Commission in their packet was a blend of an old policy which Planning Consultant D'Amato has updated. The draft has been reviewed by the

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Town Attorney. The proposed Bond Policy cites the types of sureties which are acceptable, the administrative Bond agreement, the form of currency acceptable, and comments regarding Maintenance Bonds which requires a year's worth of observation to ensure everything is in good shape.

Chairman Gobin referenced page 3, noting the language cites "streets" only. She recalled past experiences with drainage issues, she questioned if drainage infrastructure was included in the bond requirements? Commissioner Thurz questioned if Town Engineer Norton had reviewed the document; Town Planner Calabrese didn't know if it had been referred to him. Commissioner Sauerhoefer clarified that for DPW a Maintenance Bond relates to the entire project, not just the road, it's the drainage, the detention basins, even the light poles. Planning Consultant D'Amato suggested item #4 referenced the street maintenance because that's the last action that will be taken. He felt it would apply to anything allowable under the C.G.S. Statutes that would be allowed to be part of the Maintenance Bond to be held. He felt the other items mentioned by Commissioner Sauerhoefer would be covered as well.

Commissioner Sauerhoefer also noted reference under the "Full Release" section to "the Town Engineer should inspect all improvements", he questioned if that should perhaps also include a "designee", such as someone from J. R. Russo's, as the Town Engineer isn't always available.

**Commissioner Kowalski:**

- ***Timeline for final acceptance:*** Commissioner Kowalski noted the previous discussion regarding Harvest View Estates indicated developers often drag out the final completion of the project. He questioned if a timeline could be included in the Bond Policy as the developer has probably sold the homes and perhaps moved on while delaying completion of the roads.

Planning Consultant D'Amato felt the Bond Policy speaks to the expiration, if the developer doesn't renew the bond within 60 days of its expiration the project is considered to be in default or null and void. He felt the developer wouldn't want to delay the road acceptance because the project is tied to the Bond. If the project is stopped the Town can take the money and if the developer doesn't renew it the Town now has a completed road in theory, and the money. He questioned how the Commission could demand that someone request

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that the road be accepted – the only way the Town would do that is if the road and the project were completely compliant.

- ***Limitation on bond renewal*** – Commissioner Kowalski questioned if the Commission can put a time limit on the number of times the developer can renew the Bond? Chairman Gobin questioned if that would be possible if the subdivision is good for 20 years under the Statutes? Planning Consultant D’Amato suggested not every subdivision would fall under that extension, but he felt the Commission would be obligated to maintain and to continue to approve a bond extension if the project was still active. Planning Consultant D’Amato noted he was working on a second draft of the Bond Policy which would include language that the bond renewal would be timed as least as long as the project. The bond shouldn’t expire prior to the subdivision approval. Chairman Gobin cited that the bond might be too small if it had been posted at year one and the project has continued for 20 years. Town Planner Calabrese indicated they had discussed including a condition of approval of having the applicant come in for a reassessment. Commissioner Sauerhhoefler questioned that the Town Engineer reassessing the bond amount was part of the Developer’s Agreement? He also cautioned adding too many conditions, he cited previous discussions that if you put pressure on the developer they can go in, pave the road, and continue construction of the homes, and leave the road unimproved. Commissioner Sauerhhoefler felt with Town Planner Calabrese changing the department around there would be better oversight as to when bonds would be expiring.
- ***Project inactivity:*** Commissioner Kowalski questioned if there would be any value to including language suggesting if a project was inactive for 6 months or a year the Town would call the bond? Planning Consultant D’Amato questioned the Commission’s ability to do that, if the project was good for 9 years the developer could wait 8 ½ years and build it all in 6 months.

Discussion continued regarding the construction process of a subdivision or project. Planning Consultant D’Amato noted the Planning and Zoning approval is different than the Building Permit process. He noted Building Permits can be cancelled within a certain timeframe of inactivity, he felt the PZC couldn’t speed up the process unless you can prove the developer hasn’t met some specific deadlines. He suggested if you include performance standards with timeframes as conditions of approval if the developer doesn’t meet them they would be in violation of their approval –

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then you may have some leverage. Planning Consultant D’Amato noted he and Town Planner Calabrese are working on conditions which would require something along the lines of every February every developer who has a project would appear before the Commission for review of the status of the project, and the review of the adequacy of the bond would be considered. Should the developer not complete that process by March 1<sup>st</sup> they in violation and Cease and Desist Orders can be issued. Commissioner Sauerhoefer suggested hitting a developer in the pocketbook would get the developer’s attention.

Board of Selectman Liaison to the PZC Selectman Baker requested to comment on the discussion. He noted various problems over the prior 3 years and felt the Board of Selectman would have interest in this policy. He offered the following suggestions:

- Selectman Baker agreed with Commissioner Sauerhoefer’s suggestion regarding review of the project by the Town Engineer “or his designee” because things change over time.
- Regarding review of the Developer’s Agreement Selectman Baker questioned if we could also have a bond review at that time? He suggested when a development goes slack for a time then often you have erosion issues, review of the adequacy of the bond amount would be a good idea.
- Regarding approving modifications of the policy, Selectman Baker suggested consultation of others, such as the Board of Selectmen and the Finance Department, so everyone knows what’s going on. He cited the Selectman’s Office is responsible to the taxpayer.

Chairman Gobin agreed that the Bond Policy, and this draft, should be reviewed by the First Selectman. Town Planner Calabrese indicated that Finance Director O’Toole, and the First Selectman have reviewed the draft document. She agreed that review by those entities should be part of the Bond Policy.

Chairman Gobin called for any further discussion of the Bond Policy this evening? No one requested to continue discussion.

**XV. CORRESPONDENCE:**

Chairman Gobin noted discussion of the training will be reviewed under NEW BUSINESS.

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**XVI. BUSINESS MEETING**

**a. Planning and Zoning Commissioner Training, 3/24/2022:**

Chairman Gobin referenced the invitation for the Commission to attend training scheduled for March 24, 2022. If funding is available, she queried which members would like to attend. After a show of hands Chairman Gobin indicated everyone, including Alternate Leason, would like to attend. She noted she would not be available for the training.

Commissioner Thurz noted he has served on the Commission for 12 years. Commissioner Thurz questioned Commissioner Gowdy's service; Commissioner Gowdy suggested perhaps 25 years or more. Chairman Gobin requested Town Planner Calabrese to review the members length of service and nominate them for acknowledgment.

**b. Update on status of hiring a Zoning Enforcement Officer:**

Chairman Gobin reported she feels Town Planner Calabrese is on overload, she apologized that Town Planner Calabrese has been operating the Planning Office as a one-person operation. She questioned the status of hiring a Zoning Enforcement Officer?

Town Planner Calabrese reported a new Zoning Enforcement Officer has been hired and will be joining the Planning Office on Monday. Her name is Danielle Miller; she has a Masters in Planning and has been working in the New Orleans area. Town Planner Calabrese indicated she is highly regarded; she feels she'll be a good addition.

**XVII. EXECUTIVE SESSION: None.**

**XVIII. ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:23 p.m.**

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

Respectfully submitted,  
Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
14/4194