

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

**REGULAR Meeting #1823
March 22, 2022**

***THIS MEETING IS BEING HELD IN-PERSON
AND
REMOTELY AS WELL
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:

Vice Chairman Kowalski called Regular Meeting #1823 of the East Windsor Planning and Zoning Commission dated March 22, 2022 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 Sreet, Broad Brook, CT., and via telconference as well..

PRESENT: **Regular Members:** Michael Kowalski (Vice Chairman), Frank Gowdy, Joseph Sauerhoefer, and Jim Thurz (Secretary).

Alternate Members: David Leason. There are presently two vacancies for Alternate members.

ABSENT: Anne Gobin, Chairman, is not present this evening.

GUESTS/SPEAKERS present in-person: Director of Planning and Development/Town Planner Calabrese hosted the meeting. Also present in person were: Zoning Enforcement Officer/Wetlands Agent Danielle Miller, Planning Consultant Michael D'Amato, Deputy First Selectman DeSousa; Hewitt Haines.

GUESTS/SPEAKERS present remotely identified as they sign in: Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

2

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

III. ADDED AGENDA ITEMS:

Town Planner Calabrese requested to add discussion of the Zoning Enforcement Report under **OTHER BUSINESS**.

Vice Chairman Kowalski called for a motion.

MOTION: To ADD under OTHER BUSINESS, Item b. Zoning Enforcement Report.

Thurz moved/Gowdy seconded/DISCUSSION: None

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

IV. LEGAL NOTICE:

The following Legal Notices were read by Vice Chairman Kowalski:

The East Windsor Planning & Zoning Commission will hold a public hearing on Tuesday, March 22, 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 available on the Town's website.

The Commission is proposing a Text Amendment to add Section 503.3 Outdoor Dining as an accessory use.

A full copy of the proposed text is available on the Planning and Zoning Commission's website. All interested persons may attend this meeting and provide verbal or written comments to the Board regarding this application.

Journal Inquirer editions: March 14 and March 16, 2022.

V. PUBLIC PARTICIPATION:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

3

Vice Chairman Kowalski queried the in-person audience for comments regarding items/issues not posted on the Agenda. No one requested to speak. The only person signed remotely was the Recording Secretary.

VI. APPROVAL OF MINUTES:

a. March 8, 2022:

Vice Chairman Kowalski asked for corrections to the Minutes of Regular Meeting #1822; no one requested any revisions.

MOTION: To APPROVE the Regular Meeting Minutes #1822 dated March 8, 2022 as presented.

Thurz moved/Gowdy seconded/DISCUSSION: None.

**VOTE: In Favor: Gowdy/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)**

VII. RECEIPT OF APPLICATIONS:

Vice Chairman Kowalski asked if there were any new applications to be received this evening? Town Planner Calabrese responded negatively.

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

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS: None.

X. NEW PUBLIC HEARINGS:

a. Town Initiated Text Amendment: Outdoor Dining as an Accessory Use (Add Section 503.3)

Vice Chairman Kowalski read the description of this Public Hearing.

Town Planner Calabrese opened discussion by noting this Text Amendment would extend allowing outdoor dining for food establishments As-of-Right. Approval of the Zoning Permit would now be done administratively by Staff. The request would also be reviewed

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

4

and signed off on by several other departments, including the Fire Marshal, the Building Official, and the Health Department. Town Planner Calabrese noted the inclusion of a caveat regarding acquisition of a Special Use Permit if a request for alcohol is included.

Vice Chairman Kowalski questioned even if an applicant has already received a permit for indoor consumption of alcohol? Planning Consultant D'Amato suggested if they're a bar or a winery and there was no food component then they wouldn't be allowed to take advantage of the outdoor dining by right. Vice Chairman Kowalski cited a reference to language indicating "a restaurant or food service" in this proposed Text Amendment. Planning Consultant D'Amato suggested if they're a restaurant or food service, and they provide the requirements listed in the regulations, then the permit would be approved administratively by Staff. Planning Consultant D'Amato suggested to add a patio the applicant would need an extension of their liquor permit. He suggested, as an example, if La Notte came before you for a tent, that wouldn't fall under this use As-of-Right. Vice Chairman Kowalski questioned if the Commission should ask the applicant if they intended to provide any type of shelter under the Site Plan requirements, as a requirement "e"? Planning Consultant D'Amato suggested that would come under review by the Building Official and the Fire Marshal. He felt something more permanent than a tent would be known at the time of the application, but he suggested that review would be covered outside of the Zoning Regulations. Planning Consultant D'Amato cited Vice Chairman Kowalski was bringing up a good point, if someone wanted to cover an existing patio with something more permanent, like a pergola. He questioned if the Commission would want the applicant to come before for Commission for a Site Plan Modification, or would you be comfortable with Staff signing off administratively? Vice Chairman Kowalski suggested as long as it met setback requirements and didn't trigger any other regulations, then Staff could sign off administratively. The Commission concurred.

Vice Chairman Kowalski noted this is a Public Hearing, he queried the in-person audience for comments; no one requested to speak. Noting there was no one signed in remotely, he queried the Commission for their preference regarding this proposal. The consensus of the Commission was to close the Public Hearing and approve the proposal for the As-of-Right Use as an administrative approval.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

5

MOTION: To CLOSE THE PUBLIC HEARING on the Town Initiated Text Amendment: Outdoor Dining as an Accessory Use (Add Section 503.3)

Thurz moved/Gowdy seconded/DISCUSSION: None.

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

MOTION: To APPROVE Town Initiated Text Amendment: Outdoor Dining as an Accessory Use (Add Section 503.3)

Thurz moved/Gowdy seconded/DISCUSSION: Planning Consultant D'Amato questioned if the Commission wanted to add language regarding the addition of structures to an existing patio, would the Commission be comfortable with an Administrative Approval of that, or would you expect them to come before the Commission for a Commercial Site Plan Modification? Vice Chairman Kowalski felt the permit could be issued administratively as long as it met the set back and other requirements.

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

XI. OLD BUSINESS:

a. PZ-2022-01 – 44 Prospect Hill Road – Site Plan Modification – (Walmart). Applicant: Susan Doerschlag. (Tabled to April 12):

Vice Chairman Kowalski noted that the Application submitted by Walmart for Site Plan Modifications to the existing parking lot has been tabled until the Commission's April 12, 2022 Meeting. The consensus of the Commission was no motion for continuance was necessary.

b. PZ-2022-03 – 298 South Main St, Site Plan Review for New Construction Auto Sale, Applicant: Arvind Persud:

Vice Chairman Kowalski asked Town Planner Calabrese if this applicant will be going to the Zoning Board of Appeals (ZBA) regarding reduction of the buffer area? Town Planner Calabrese responded affirmatively, noting the ZBA Meeting is scheduled for April 4th. The consensus of the Commission was no motion for continuance was necessary for this application as well.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

6

XII. NEW BUSINESS:

a. Temporary Event Discussion:

Vice Chairman Kowalski opened discussion on Temporary Event Permits.

Town Planner Calabrese referenced a spreadsheet she prepared which describes various sections of the regulations which relate to temporary events and temporary uses, such as farm stands, auctions/carnivals, tag and lawn sales as an accessory use, outdoor merchandise displays, Christmas tree sales, temporary outdoor merchandise, and alcohol sales.

Commissioner Gowdy questioned if the farm stands should be limited to products raised by the farmer operating the farm stand? Town Planner Calabrese replied affirmatively, noting the Farm Regulations include that requirement.

Vice Chairman Kowalski suggested that would differentiate farm stands from Farmer's Market, he questioned where the Farmer's Market would fit in, is there a definition of a Farmer's Market? Town Planner Calabrese acknowledged an audience member, Hewitt Haines, who has come in asking how he could sponsor an event similar to a Farmer's Market where several different entities could sell their wares. Town Planner Calabrese indicated there is no definition of a Farmer's Market currently in the regulations. Commissioner Gowdy suggested a Farmer's Market would require a location with adequate parking. Vice Chairman Kowalski recalled some years ago an event was held where people rented spaces, Town Planner Calabrese suggested it sounded like a flea market. Vice Chairman Kowalski noted many towns have Farmer's Markets that run for a number of weeks during a season, he questioned where they would fit in our regulations? Planning Consultant D'Amato felt Farmer's Markets, which mentions hayrides and petting zoos, fall under Section 405 – Temporary Permits/Seasonal Events under the Agricultural uses. Vice Chairman Kowalski noted the limitation to holding the event twice a year, while many towns hold the Farmer's Markets for a number of successive weeks. Planning Consultant D'Amato felt it would depend on the property location, if it involved produce grown by farmers it's probably an accessory use rather than a temporary event.

Commissioner Gowdy questioned how the Summer Concert Series at the Park is handled. Commissioner Sauerhoefer noted the Park is Town

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

7

property, the events are part of the Park programming managed by (Parks and Recreation Director) Melissa Maltese. Vice Chairman Kowalski questioned the pavilion rentals at the Park, they could easily exceed 100 people. Is there a number that triggers possibly the need to bring in additional bathrooms? Commissioner Sauerhoefer noted the pavilion is rented for every weekend this season. There's an application process that the renter must comply with through Melissa Maltese, if the person renting is seeking to serve alcohol they need a permit from the Town for beer and wine. If it's a private party and you're not selling food you don't need to get a Health Department Permit. Commissioner Sauerhoefer noted the situation is similar for the use of Scout Hall, which is Town property. They hold weddings at Scout Hall, do they need to pull a permit?

Planning Consultant D'Amato felt there wasn't a problem with the use of Town Property, it's been handled in this manner for years. Vice Chairman Kowalski cited inconsistency with someone asking to hold an event on Town property vs. a private parcel. The Commission discussed a recent request from the owners of Bassdale Plaza. Planning Consultant D'Amato suggested one is a Town Park, the other is a private plaza with parking, and access from public roads. Referencing a recent use approval for a dog grooming facility Planning Consultant D'Amato suggested someone renting one of the shops wouldn't have a public bathroom so if he wanted to run a dog expo, he wouldn't have public access, but the Park would be set up for that. Commissioner Gowdy questioned what would happen if someone rented the pavilion, and someone drowned at the park? Commissioner Sauerhoefer indicated the person renting the pavilion needs to provide insurance holding the Town harmless, there wouldn't be any swimming allowed unless there was a lifeguard on duty. He reiterated all of that's part of the application process through Melissa Maltese.

Commissioner Thurz questioned if Sofia's wanted to run a bazaar? Town Planner Calabrese noted one of the office buildings was holding cookouts for their employees, Staff didn't ask for a temporary event permit because the event wasn't open to the public. She recalled that the owners of the Sportsdome wanted to have a vendor fair. Commissioner Thurz noted parking at the Sportsdome is challenging/inadequate without additional public parking. Vice Chairman Kowalski suggested then the trigger may be a private vs. public event. Planning Consultant D'Amato felt the Town had little input regarding private property, he felt this discussion was intended to develop a process to facilitate these events more quickly. He noted the approval of the Special Use Permit through the Commission is a

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

8

90 process, and people haven't taken that into consideration regarding their event.

Commissioner Sauerhoefer suggested as an example, La Notte wants to have a vendor fair, will he have to come in for a permit? Or Showcase for Dogs, do they need a Special Use Permit? It's a weekend event open to the public. Vice Chairman Kowalski recalled Showcase for Dogs had said the events were private, not open to the public. Commissioner Leason was familiar with the event at Showcase for Dogs, he advised the Commission they allow a private club of dog breeders to come in, they have USA Hauling bring in a dumpster, they bring in portable bathrooms, food is delivered to the site, so no food is prepared there. Commissioner Thurz recalled Leslie Hickey coming in for Temporary Event Permits for the charity events, he hired Police to control traffic, he brought in bathrooms, he involved the Fire Department. Town Planner Calabrese noted the Trolley Museum comes in for Temporary Event Permits,

Town Planner Calabrese shared a sample Temporary Event Permit from Tolland for the Commission's review. Commissioner Gowdy questioned if the Town has a noise ordinance? Commissioner Sauerhoefer replied negatively.

Vice Chairman Kowalski noted a guest has joined the Commission to discuss this subject. He requested the guest to identify himself, and discuss his proposal with the Commission.

Hewitt Haines, 51 Rice Road: Mr. Haines indicated he's trying to start a small business in East Windsor, he currently does retail clothing online, and would like to grow his business by doing pop-up events and vendor events around town. Vice Chairman Kowalski questioned possible locations Mr. Haines was considering? Mr. Haines suggested the parking lot of Main Street Grill (Broad Brook) every Sunday, he's here to learn which zones would work for him. Vice Chairman Kowalski suggested some of the Park locations might work. He indicated the Commission is currently developing parameters for a Temporary Event Permit which would provide some control but could then be handled administratively.

Discussion followed regarding possible locations. Commissioner Gowdy suggested the parking lot at the end of Town Hall, Commissioner Sauerhoefer felt that would need to be coordinated with Dr. Turdyn of the School System and the First Selectman, as the parking lot is Town

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

9

property used by the school. Zoning Enforcement Official/Assistant Town Planner Miller suggested perhaps Mr. Haines could work with Crossroads Church on Route 5, across from Walmart's. Commissioner Sauerhoefer suggested contacting the owner of Showcase for Dogs, the location is on Route 140, they seem to have a fair amount of downtime; if the owners sign off on the use then the permit could be issued administratively through the Planning Department. Commissioner Sauerhoefer suggested the pop-up events were a little different. He suggested that's part of the discussion this evening.

Vice Chairman Kowalski questioned if the Temporary Event Permit application proposed by Town Planner Calabrese includes the potential for a chain of events, like doing them for 4 consecutive Sundays, or 4 times a year, or a seasonal event? Discussion continued comparing various events held in the past as they related to the permitting process.

Town Planner Calabrese will work on a revised Temporary Event Permit application, discussion will continue at a future PZC Meeting

XIII. OTHER BUSINESS:

a. Zoning Enforcement Report:

Zoning Enforcement Officer Miller referenced the spreadsheet prepared for the Commission identifying the status of outstanding zoning violations. The spreadsheet is a summarization of the inhouse file documentation. The intent is to present this report to the Commission monthly. The violations highlighted in yellow are closed out. The Commission reviewed the following locations:

- **74 Main Street:** Vice Chairman Kowalski noted the report indicates a shed in the front yard. Town Planner Calabrese suggested there are vehicles parked in the front yard as well, a letter was sent advising the violator of the non-compliance. Vice Chairman Kowalski noted this location is shown under the closed violations, but noted the shed remains at the property.
- **Margaret Drive:** Commissioner Gowdy noted the Margaret Drive violation has been going on for some time. There's no doubt the guy is running a business out of the property, but nothing has been done. ZEO Miller suggested some of the complaints are more complex than others.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

10

- **Car dealerships:** Commissioner Thurz noted the car dealerships park cars on the grass all the time. As an example, the dealership at Coachlight
- parks 2 cars on the grass every day. ZEO Miller suggested they're working on a sweep of car dealerships; letters have been sent out and they follow up from there.
- **South Main Street:** ZEO Miller advised the Commission that the property owner at 20 South Main Street has made a complaint about the property across the street but under State Statutes if it's been there for a number of years nothing can be done. Commissioner Thurz cited South Main Street is a State road. Town Planner Calabrese clarified that the complaint involves a real estate sign that's been there for 15 years, the homeowners across the street have filed a complaint.
- **217 Broadview:** ZEO Miller reported a mobile home is parked on the street but is hooked up to electrical service at this location. She's sent a notice of violation, but if they disconnect then they're technically parking on the street, which is allowable unless there's a parking ban in effect.
- **The Mansions:** Commissioner Sauerhoefer noted there are a couple of old trucks parked at the back of the farm on Yosky Road adjoining The Mansions property. People at the Mansions have complained. Vice Chairman Kowalski questioned if that isn't the same situation as the real estate sign. Commissioner Sauerhoefer questioned if the farmer was still using some of the old equipment to farm?
- **Route 140/Farm tractors:** ZEO Miller questioned the situation, noting they don't seem to be for sale. Discussion continued regarding farming occurring on the property.

Multiple discussions continued amongst the Commissioners and Staff. ZEO Miller indicated she'll present an updated report to the Commission monthly.

XIV. CORRESPONDENCE:

Town Planner Calabrese reported the Department has received notification from a property in South Windsor regarding the installation of a swimming pool within 500 feet of the East Windsor line near the Persuad property. She noted Mr. Persuad is appearing before the Zoning Board of Appeals in April.

XV. BUSINESS MEETING None.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1823 – March 22, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

11

XVI. EXECUTIVE SESSION

A. Pursuant to CGS 1-200(6)(D) to include:

No Executive Session this evening.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:31 p.m.

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

Respectfully submitted,

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