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

REGULAR Meeting #1830

July 12, 2022

6:30 p.m.

John Daly Jr. Meeting Room (Town Hall)

11 Rye Street, Broad Brook, CT. 06016

(In-person)

AND

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 #1830 of the East Windsor Planning and Zoning Commission dated July 12, 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 Street, Broad Brook, CT.

(Access to the meeting is being provided remotely as well)

PRESENT: **Regular Members:** Anne Gobin (Chairman), Michael Kowalski (Vice Chairman), David Leason, Joseph Sauerhoefer, and Jim Thurz (Secretary).

ABSENT: Frank Gowdy, Alternate Member.

GUESTS/SPEAKERS present in-person: Director of Planning and Development Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato; Mark Peterson, of Peterson and Gardner, representing the Yeomans family, Carol Yeomans, and Dwight Yeomans; Tim Coon, of J. R. Russo & Associates, representing USA Hauling, and Eric Frederksen.

GUESTS/SPEAKERS present remotely identified as they sign in: Alan Baker, Board of Selectman Liaison to the Planning and Zoning

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Commission, Selectman Nordell, First Selectman Bowsza, Heidi Alexander; Maureen, Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Gobin noted a quorum was established as four Regular Members and one Alternate Member who is in the process of becoming a Regular member present at the Call to Order. She noted all members will participate in discussion and votes this evening.

III. ADDED AGENDA ITEMS:

Chairman Gobin reported the Commission has received another application which will be received under **RECEIPT OF APPLICATIONS**, she has received a request to move the order of business for **NEW PUBLIC HEARINGS** to hear Item C before Items A and B, and during the **BUSINESS MEETING** the Board will discuss the Community Investment Fund grant application for a new Community Center at Scout Hall.

Discussion followed regarding what items required a motion. The consensus of the Commission was that the new application would be automatically received under **RECEIPT OF NEW APPLICATIONS**, and the discussion of the Community Investment Funds could be taken at the time of the **BUSINESS MEETING**. Chairman Gobin called for a motion to change the order of business under the **NEW PUBLIC HEARINGS**.

MOTION: To change the order of the **NEW PUBLIC HEARINGS** to be taken as Item c, a, and b.

Kowalski moved/Leason seconded/DISCUSSION: None

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

IV. LEGAL NOTICE:

The following Legal Notices were read by Chairman Gobin:

- a. **PZ 2022-12: 148 North Rd, Unit #4 – Special Use Permit – Tattoo Salon, Applicant: Jerome Swanson:**

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The East Windsor Planning and Zoning Commission will hold a Public Hearing on Tuesday, July 12, 2022 at 6:30 p.m. Details on how to attend will be published on the Commission's Agenda and will be made available on the Town's website.

The Applicant for **PZ-2022-12** is Jerome Swanson for 148 North Road, Unit 4, requesting a Special Use Permit for a tattoo studio. Map 124, Block 12, Lot 11-A. The Zone is B-3. A full copy of the application is available on the Planning and Zoning Commission's Webpage on the Town's Website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

The Notice was published in the Journal Inquirer on June 24th and July 1st.

Chairman Gobin reported on the **second** Legal Notice:

The East Windsor Planning and Zoning Commission will hold a Public Hearing on Tuesday, July 12, 2022 at 6:30 p.m. Details on how to attend will be published on the Commission's Agenda and will be made available on the Town's website.

The Application is **PZ-2022-09**. The Applicant is Carol Yeomans, 155 East Road, requesting a Subdivision Permit for 1 new residential lot. Map 90, Block 79, Lot 1. Zone R-3. A full copy of the application is available on the Planning and Zoning Commission's Webpage on the Town's Website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

The Notice was published in the Journal Inquirer on June 24th and July 1st.

Chairman Gobin acknowledged the **third** Legal Notice:

The East Windsor Planning and Zoning Commission will hold a Public Hearing on Tuesday, July 12, 2022 at 6:30 p.m. Details on how to attend will be published on the Commission's Agenda and will be made available on the Town's website.

The Application is **PZ-2022-10**. The Applicant is Carol Yeomans, East Road and Reservoir. Requesting a Re-subdivision Permit for 3 residential lots. Map 90, Block 57, Lot 16. Zone R-3. A full copy of the application

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is available on the Planning and Zoning Commission's Webpage on the Town's Website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

The Notice was published in the Journal Inquirer on June 24th, 2022, and July 1st, 2022.

V. PUBLIC PARTICIPATION:

Chairman Gobin queried the members of the in-person audience for comments regarding items/issues not posted on the Agenda. No one requested to speak. Chairman Gobin then offered the remote participants the same opportunity for public comments; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

a. June 28, 2022 – Regular Meeting of PZC:

Chairman Gobin noted the availability of the Minutes for the Commission's Regular Meeting #1829 held on June 28, 2022. She queried the Commission for revisions or edits; no one requested any changes.

Chairman Gobin called for a motion of approval.

MOTION: To APPROVE the Regular Meeting Minutes of Meeting #1829 dated June 28, 2022 as presented.

Kowalski moved/Thurz seconded/DISCUSSION: None.

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

VII. RECEIPT OF APPLICATIONS:

Chairman Gobin noted the receipt of the following applications, which will be heard at a future meeting:

a. PZ-2022-14 – Text Amendment – Tiny Homes. Applicant: Lucy Foster:

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Chairman Gobin noted this is a request for a Text Amendment regarding Tiny Homes submitted by Lucy Foster.

b. PZ-2022-15 – Text Amendment – Applicant: Town of East Windsor:

Chairman Gobin noted receipt of an application to existing regulations initiated by Staff.

Chairman Gobin acknowledged receipt of application **PZ-2022-16 – for a 3-lot subdivision for 137 Scantic Road. The owner/applicant is Travis W. Neidlinger.**

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. PZ-2022-09 155 East Road – Re-Subdivision Application – fpr 1 New Residential Lot. Applicant: Carol Yeomans:

See discussion below under revised Agenda order.

b. PZ-2022-10 East Rd & Reservoir – Re-Subdivision Application for 3 Residential Lots. Applicant: Carol Yeomans:

See discussion below under revised Agenda order.

c. PZ-2022-12 148 North Rd Unit #4 – Special Use Permit: Tattoo Salon. Applicant: Jerome Swanson.

Following the request for revision of the Public Hearing order Chairman Gobin read the description of this Agenda Item. She queried the in-person audience for someone to give a presentation of this application. No one came forward to offer a presentation or discuss the proposed use. Chairman Gobin queried the remote participants for anyone to make a presentation for this application; no one requested to be acknowledged.

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Chairman Gobin noted the Commission has a Staff memo regarding this application, she questioned if the Commission would consider closing the Public Hearing and acting on the Staff memo, or would the Commission prefer to postpone this Public Hearing. Commissioner Kowalski suggested postponing the Public Hearing to the Commission's next meeting to give the applicant an opportunity to appear before the Commission, the other Commissioners concurred.

MOTION: To POSTPONE the Public Hearing for Application PZ-2022-12 148 North Rd Unit #4 – Special Use Permit: Tattoo Salon. Applicant: Jerome Swanson until the Commission's next regularly scheduled Meeting to be held on July 26, 2022.

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

VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

Chairman Gobin then moved to **NEW PUBLIC HEARING, Item a.**

a. PZ-2022-09 155 East Road – Re-Subdivision Application – for 1 New Residential Lot. Applicant: Carol Yeomans:

Chairman Gobin noted this is the first of two applications for Carol Yeomans. She read the Application description, and asked the applicant's representative to come forward and make a presentation.

Mark Peterson, of Gardner and Peterson and Associates joined the Commission in person, noting he was representing the Yeomans family.

Chairman Gobin reviewed the process for the Commission to hear an application presented under a Public Hearing, which includes the applicant's process for their presentation, public input for or against the proposed project, and the Commission's deliberations prior to making a decision.

Mr. Peterson introduced himself to the Commission and audience. He noted the file record should include a copy of the Certificate of Mailings to abutters, and the affidavit for posting the sign.

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Mr. Peterson noted the application is for a one lot resubdivision at 155 East Road, Mr. Peterson referenced a Site Plan noting the location of the proposed resubdivision at the intersection of Reservoir Avenue and the east side of East Road. The lot, which would contain 0.69 acres, is being created south of the existing home. It has 150 feet of road frontage and meets the requirements for a lot located in an R-3 Zone.

Mr. Petersen then referenced a third page of the plan set containing topography information. Mr. Peterson noted there are no wetlands on the site. He noted the plan references the 4 bedroom home on the northwest corner of the property, two existing barns and a well. The North Central Health District witnessed the testing for the well and septic system but results remain pending.

Mr. Peterson referenced comments from Town Engineer Norton regarding the waste water treatment system for the well. Mr. Peterson suggested the results of those tests would apply after approval of the resubdivision by this Commission. Mr. Peterson suggested Town Engineer Norton's second comment didn't relate to the new lot being created.

Mr. Peterson indicated the applicant requests waivers for a \$2,000 Fee-In-Lieu of Open Space for the new lot, and a waiver for a Fee-In-Lieu of sidewalks as well as there are no sidewalks on East Road. The applicant is requesting a waiver of street lights as there are no street lights in the area, and, Mr. Peterson indicated he is requesting to add an additional waiver tonight for the agricultural zone, as they are proposing to add a row of evergreen trees along the rear of lot 1. Mr. Peterson noted the plans include Erosion and Sedimentation Controls as well.

Chairman Gobin opened discussion to the Commissioners.

Commissioner Kowalski noted that the agricultural buffer is usually established so a potential homeowner doesn't have agricultural activity close to their property. By waiving that requirement it would need to be noted on the deed so a potential homeowner would know there could be agricultural activity near their home. Planning Director Calabrese noted she's included language in Condition 4(e) which addresses that issue should the Commission grant the waiver.

Chairman Gobin requested clarification of the property location, noting she was unaware of that Reservoir Road continued past East Road.

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Commissioner Sauerhoefer noted there is an unimproved section of Reservoir Road, which is considered a Town Road, which continues past the home at 155 East Road.

Chairman Gobin offered members of the in-person audience an opportunity to comment on the application.

Mrs. Carol Yeomans, owner of 155 East Road, referenced the request for the waiver of the trees. She noted her daughter owns a lot to south of Mrs. Yeomans which currently has tobacco on it. Mrs. Yeomans suggested the lot being discussed is between the daughter's house and Mrs. Yeomans house, she suggested adding a line of trees will affect the tobacco for awhile. Commissioner Kowalski suggested that the Commission usually looks at these applications without considering the ownership.

Chairman Gobin called for any additional comments from the in-person audience, and then offered the same opportunity to the remote participants. No one requested to be acknowledged.

Commissioner Sauerhoefer requested clarification of waiving the evergreen buffer. Planning Consultant D'Amato suggested the evergreens are an interim solution of the 100 foot buffer that the regulations require. Based on Planning Director Calabrese's proposed motion there would be a note on the plans indicating there's an active farming operation next to the new lot. Commissioner Kowalski questioned if the regulations require the buffer strip for screening; Planning Director Calabrese read an excerpt from the regulations. It was noted the trees would be along the rear property line.

Discussion continued regarding revision of language to address the transfer of the property outside of the family, and the application of the agricultural buffer. Planning Consultant D'Amato suggested Section 7.6(1), Open Space, requires a separate notice being placed on the Land Records that would prevent the transfer within the time frame for no consideration of the Open Space Fee. He suggested the fee isn't being eliminated, the responsibility for a fee is just being deferred if they sell the property outside the family.

The Commission considered options for action on this application, PZ-2022-09.

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Chairman Gobin queried the in-person audience for additional comments, no one requested to address the Commission. Chairman Gobin then offered the remote participants the opportunity to comment, no one requested to be acknowledged.

Chairman Gobin asked if the Commission was comfortable closing this Public Hearing, and moving on to discussion of the second application for Carol Yeomans, PZ-2022-10?

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2022-09 for a Re-Subdivision Application at 155 East Road, Map 90, Block 79, Lot 1. Owner/Applicant: Carol Yeomans

Kowalski moved/Leason seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz (No one opposed/No Abstentions)

Chairman Gobin noted the Public Hearing is closed, the Commission can only work with Staff, who will redraft the potential approval motion.

b. PZ-2022-10 East Rd & Reservoir – Re-Subivision Application for 3 Residential Lots. Applicant: Carol Yeomans:

Chairman Gobin read the description of this application, and asked Mr Peterson to give the Commission a overview.

Mr. Peterson noted he has submitted the Certified Mailing receipt of notification to abutters, and the affidavit for posting the sign on this application as well.

Mr. Peterson reported this property is across the street from the previous application. This parcel contains 3.75 acres which are proposed to be subdivided into 3 residential building lots of approximately 1 ¼ acres each with 150 feet of road frontage. This application requires testing and approval from the North Central Health District as well. The plans include Erosion and Sedimentation controls, including the installation of silt fence.

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Mr. Peterson reported they are asking for a waiver for the Fee-In-Lieu of Open Space on the southerly lot (lot 3). Additional waivers are being requested for sidewalks, street lights and the agricultural buffer. Mr. Peterson suggested the difference with this application is the tree line is on the southwest corner of the southerly lot (lot 3); the tree line continues behind lot 1 and 2 off this property onto adjacent property owned by Andre Groszyk. Chairman Gobin requested clarification of who owns the tree line? Mr. Peterson suggested the southerly corner is on the Yeomans property and the land to the north and west is on property owned by Andre Groszyk. Commissioner Kowalski questioned that Mr. Groszyk isn't obligated to provide a buffer? Mr. Peterson replied affirmatively, noting the Yeomans are asking for a waiver of the buffer behind lots 1 and 2 (which are being offered for sale), as well as waivers for street trees.

Mr. Peterson noted this application is waiting for approval from the North Central Health District as well.

Discussion continued amongst the Commission members and Staff regarding modification of the approval conditions.

Chairman Gobin asked if any of the in-person public would like to comment on the application; no one requested to speak. Chairman Gobin also offered the same opportunity to the remote participants; no one requested to be acknowledged.

Chairman Gobin cited the Commission has input from Staff and Mr. Peterson on behalf of the applicant, and the public has had an opportunity to comment. If the Commission is satisfied she suggested the Public Hearing on application PZ-2022-10 could be closed.

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2022-10 for a 3 lot Subdivision application. Map 90, Block 57, Lot 16 on East Road. Applicant is Carol Yeomans

Kowalski moved/Thurz seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz (No one opposed/No Abstentions)

Chairman Gobin asked if the Commission was ready to move on approval motions. The Commissioners offered the following

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motions, beginning with votes on the waivers requested.

MOTION TO APPROVE:

Request for a waiver to Section 6.5 of the East Windsor Subdivision Regulations pertaining to the installation of streetlights for application #PZ 2022-10: Re-Subdivision Application. Map 090 Block 79 Lot 01, 155 East Road; Applicant/Owner: Carol Yeomans

Findings:

1. There are no streetlights on East Road from Windsorville Road to Melrose Road.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

MOTION: To APPROVE the request for waiver of Section 7.5 Fee-In-Lieu of Open Space for Section 7.6.1 of the East Windsor Subdivision Regulations pertaining to exemptions from Open Space requirements for Application PZ-2022-10. Resubdivision Application. Map 90, Block 79, Lot 01 for 155 East Road. Applicant/Owner: Carol Yeomans. The Finding is the applicant intends to transfer the property in question within the family. If the property is transferred within 5 years a Fee-in-Lieu of Open Space will apply.

Chairman Gobin questioned the application number. Commissioner Kowalski amended his motion to reference Application PZ-2022-09, Commissioner Leason seconded the amendment.

AMENDED MOTION:

To APPROVE the request for waiver of Section 7.5 Fee-In-Lieu of Open Space for Section 7.6.1 of the East Windsor Subdivision Regulations pertaining to exemptions from Open Space requirements for Application PZ-2022-09. Resubdivision application. Map 90, Block 79, Lot 01 for East Road and Reservoir Avenue. Applicant/Owner: Carol Yeomans. The Finding is the applicant intends to transfer the property in question within the family. If the

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property is transferred within 5 years a Fee-in-Lieu of Open
Space will apply.

Kowalski moved/Leason seconded/**DISCUSSION:** None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

Chairman Gobin clarified the Commission was still considering waivers for
Application PZ-2022-09.

MOTION: To APPROVE application PZ-2022-09 for Subdivision
application for 155 East Road Map 90, Block 79, Lot 1, East
Road. Owner/Applicant is Carol Yeomans. In accordance
with Findings 1, 2, and 3 and Conditions 1 through 10 on the
first page, Conditions 11 through 19 on the second page,
amending Condition 4.F to read – “to include a row of
evergreen trees to screen the adjacent farm operations to be
planted in the event of a non-familial transfer.” See memo
from Ruth Calabrese, Director of Planning and Development,
dated July 7, 2022.

Kowalski moved/Thurz seconded/**DISCUSSION:** None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

See Staff approval motion below:

MOTION TO APPROVE:
#PZ 2022-09: Resubdivision Application 155 East Road. Map 090 Block 79
Lot 01, East Road; Owner/Applicant: Carol Yeomans

This approval is granted subject to the conformance with referenced plans (as
may be modified by the Commission) and the following additional
conditions/modifications.

Referenced Plans:

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Subdivision Plan Land of Carol S. Yeomans; East Road 155 East Windsor,
Connecticut prepared by Gardner& Peterson Associates, LLC; Sheets 1-4 dated 05-24-
2022

Findings:

1. The provided plan is compliant with the Town's Zoning and Subdivision Regulations.
2. It is appropriate to grant the applicant's request for a waiver to the requirement for streetlights.
3. The Commission finds that a fee in lieu is more appropriate than the installation of sidewalks on site.

Conditions which must be met prior to signing mylars:

1. A copy of the final approved plans with revisions shall be submitted to the Planning & Development Office for review and comment.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The exemption from the open space requirements shall be noted on the final mylars along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
4. **The plans shall be modified to include:**
 - a. A notation indicating that any lot subject to the open space waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
 - b. A copy of this approval
 - c. The expiration date of this approval
 - d. To indicate one (1) street tree on the lot
 - e. To include the following note: *"This property abuts or is in proximity of an active agricultural or farming operation - 7 - which is a permitted zoning use and protected in accordance with Section 19a – 341(a) of the Connecticut General Statutes. Agricultural operations sometimes emit noise, run-off, odor, dust, or chemical spray drift during either the day or night that may be annoying or irritants to some people"*.
 - f. To include a row of evergreen trees to screen the adjacent farming operations to be planted in the event of a nonfamilial transfer.
 - g. Modify title block on the plan set to change the term *Subdivision* to

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Resubdivision.

Conditions which must be met prior to the issuance of any permits:

- 5 The final mylars with signature shall be filed in the Town Clerk's office and digital PDF shall be provided to the Planning and Development office.
- 6 A road cut/excavation permit shall be obtained from the Department of Public Works.
- 7 An Erosion and Sedimentation Control bond shall be provided in a format acceptable to the Town of East Windsor to the Planning & Development Office. Such bond amount shall be determined by the Town Engineer.
- 8 The applicant shall and adhere to the Town's Development Agreement subject to final approval by the Board of Selectmen unless otherwise determined to be not applicable by Town staff based on the improvements (or lack thereof) proposed.
- 9 A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.3(5) and approved by the Town Engineer.
- 10 An appraisal, prepared in accordance with Section 7.5(1) shall be provided to the Planning & Development Office for the purposes of designating the open space fee per lot.

Conditions which must be met prior to the issuance of a Certificate of Occupancy:

- 11 A road cut/excavation permit shall be obtained from the Department of Public Works.
- 12 An Erosion and Sedimentation Control bond shall be provided in a format acceptable to the Town of East Windsor to the Planning & Development Office. Such bond amount shall be determined by the Town Engineer.
- 13 The applicant shall and adhere to the Town's Development Agreement subject to final approval by the Board of Selectmen unless otherwise determined to be not applicable by Town staff based on the improvements (or lack thereof) proposed.
- 14 A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.3(5) and approved by the Town Engineer.

General Conditions:

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- 15 The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
- 16 Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
- 17 Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.
- 18 This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
- 19 By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

Chairman Gobin then referenced Application PZ-2022-10 which is the 3 lot residential application.

MOTION: To APPROVE the request for a waiver of Section 6.5 of the East Windsor Subdivision Regulations for the installation of street lights for application PZ-2022-10 Resubdivision application Map 90, Block 16, Lot 16, East Road. Applicant/Owner: Carol Yeomans. With the Finding “there are no streetlights on East Road from Windsorville Road to Melrose Road.

Kowalski moved/Leason seconded/DISCUSSION: None

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

MOTION: To APPROVE the request for waiver on lot 3 Section 7.5 Fee-In-Lieu of Open Space for Section 7.6.1 of the East Windsor Subdivision Regulations pertaining to exemptions from Open Space requirements for Application PZ-2022-10. Resubdivision Application. Map 90, Block 79, Lot 01 for 155 East Road. Applicant/Owner: Carol Yeomans. The Finding is the applicant intends to transfer the property in question

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within the family. If the property is transferred within 5 years
a Fee-in-Lieu of Open Space will apply.

Kowalski moved/Thurz seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

MOTION TO APPROVE:

Request for a waiver to Section 2.17 of the East Windsor Subdivision
Regulations pertaining to the 100-foot agricultural vegetated buffer for
application #PZ 2022-10: Re-Subdivision Application. Map 090 Block
57 Lot 016, East Road; Applicant/Owner: Carol Yeomans

Findings:

1. The waiver is granted finding that the intensity of the farming
activity does not warrant the full buffer.

Kowalski moved/Thurz seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

**MOTION: To APPROVE PZ-2022-10 for a 3 lot Resubdivision
application for Map 90, Block 57, Lot 16, East Road.
Owner/Applicant: Carol Yeomans. This approval is
granted subject to the conformance to the referenced
plans as may be modified by the Commission and
following additional conditions for modification. On
the referenced plans we have 4 Findings which must be
met prior to signing mylars. We have Conditions 1
through 11 on the first page and Conditions 12 through
19 on the second page, with the modification of
Condition 4f to read..."include a row of evergreen trees
to screen the adjacent farming operation on Lot 1 and
2, on Lot 3 upon a non-familial transfer." This motion
is referenced on a memo from Ruthanne Calabrese,
Director of Planning and Development dated July 7,
2022.**

Kowalski moved/Leason seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

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See Staff approval motion below:

MOTION TO APPROVE:

#PZ 2022-10: 3-lot Re-Subdivision Application. Map 090 Block 57 Lot 016, East Road; Owners/Applicant: Carol Yeomans

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission) and the following additional conditions/modifications

Referenced Plans:

Subdivision Plan Land of Carol S. Yeomans; East Road East Windsor, Connecticut prepared by Gardner & Peterson Associates, LLC; Sheets 1-3 dated 05-25-2022

Findings:

1. The provided plan is compliant with the Town's Zoning and Subdivision Regulations.
2. The Inland Wetlands and Watercourses granted an Agent Decision on June 14, 2022.
3. It is appropriate to grant the applicant's request for a waiver to the requirement for streetlights.
4. The Commission finds that a fee in lieu is more appropriate than the installation of sidewalks on site.

Conditions which must be met prior to signing mylars:

1. A copy of the final approved plans with revisions shall be submitted to the Planning & Development Office for review and comment.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The exemption from the open space requirements shall be noted on the final mylars along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
4. **The plans shall be modified to include:**
 - a. notation indicating that any lot subject to the open space waiver shall be liable for its proportional share of the total open space fee at the time of subsequent

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sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.

- b. A copy of this approval
- c. the expiration date of this approval
- d. To indicate one (1) street tree per lot
- e. To include the following note: *“This property abuts or is in proximity of an active agricultural or farming operation - 7 - which is a permitted zoning use and protected in accordance with Section 19a –341(a) of the Connecticut General Statutes. Agricultural operations sometimes emit noise, run-off, odor, dust, or chemical spray drift during either the day or night that may be annoying or irritants to some people”.*
- f. To include a row of evergreen trees to screen the adjacent farming operations on lots 1 & 2 and on lot 3 upon a nonfamilial transfer.
- g. Modify title block on the plan set to change the term *Subdivision* to *ReSubdivision*.

Conditions which must be met prior to the issuance of any permits:

- 5. The final mylars with signature shall be filed in the Town Clerk’s office and digital PDF shall be provided to the Planning and Development office.
- 6. A road cut/excavation permit shall be obtained from the Department of Public Works.
- 7. An Erosion and Sedimentation Control bond shall be provided in a format acceptable to the Town of East Windsor to the Planning & Development Office. Such bond amount shall be determined by the Town Engineer.
- 8. The applicant shall and adhere to the Town’s Development Agreement subject to final approval by the Board of Selectmen unless otherwise determined to be not applicable by Town staff based on the improvements (or lack thereof) proposed.
- 9. A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.3(5) and approved by the Town Engineer.
- 10. An appraisal, prepared in accordance with Section 7.5(1) shall be provided to the Planning & Development Office for the

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purposes of designating the open space fee per lot.

Conditions which must be met prior to the issuance of a Certificate of Occupancy:

11. Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
12. A final as built survey, showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
13. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Enforcement Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
14. A fee in lieu of open space shall be provided. Such fee shall be determined and paid in accordance with Section 7.5 of the East Windsor Subdivision Regulations and CGS 8-25, subject to final approval by the Planning & Development Director and Assessor.

General Conditions:

15. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
16. Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
17. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.
18. This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
19. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Kowalski moved/Leason seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz

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(No one opposed/No Abstentions)

XI. OLD BUSINESS:

- a. **PZ-2022-08 20 Thompson Rd – Site Plan Modification – Koma Precision is proposing a 10,000 square foot building warehouse addition. The addition will be attached to the existing building on the east side. A new loading dock will be located on the south side of the addition. Additional car parking and an outdoor gravel storage area are also proposed. Applicant: William Meo (Tabled until 7/26/2022):**

Chairman Gobin noted this application has been tabled until the Commission's July 26th meeting.

XII. NEW BUSINESS:

- a. **PZ-2022-13 16 Shoham Road. Site Plan Modification. Construction of an 11,000 square foot building addition for maintenance bays. Applicant: USA Hauling & Recycling Inc.:**

Chairman Gobin read the description of this Agenda Item.

Tim Coon, Professional Engineer with J. R. Russo & Associates, LLC joined the Commission to describe the proposed addition to an existing building located at 16 Shoham Road.

Mr. Coon reported the location of this building is at the southwest end of Shoham Road. The property is zoned Industrial and currently contains a 13,456 square foot building, which provides office space and maintenance bays. Tonight's application is for an 11,000 square foot addition shown as the shaded area on this Site Plan. The addition is for maintenance bays and is located within an area which is already impervious. While they will be adding a small amount of impervious coverage to access the back of the building they will also be removing some impervious area so there is actually a reduction in the amount of impervious coverage on the site. They will be doing some grading in the back to accommodate the loading docks, and will be adding a new catch basin to address drainage changes. There will be floor drains inside the addition which will be connected to a stormwater management system south of the building which will be connected to the sanitary sewer. The existing 47 parking spaces meets the parking requirements under the current regulations.

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Commissioner Thurz cited past issues with the neighbors at the end of the road, he questioned if anyone has come in with complaints since USA Hauling put up the fence? Mr. Coon replied there have not been any recent complaints.

Commissioner Kowalski questioned if any additional site lighting would be installed? Mr. Coon replied negatively, noting only wall packs would be installed on the building.

Chairman Gobin noted responses appear to be outstanding from the Fire Marshal, the WPCA, and the North Central Health District. Mr. Coon indicated they have not had a response from the Fire Marshal but they are maintaining access all around the building. Mr. Coon suggested the WPCA is considering whether any revisions are necessary for the addition as it's not generating any additional use. Mr. Coon indicated he didn't expect any comments from The North Central Health Department.

Chairman Gobin asked for questions from the Commissioners, no one raised any additional questions. Chairman Gobin called for a motion to approve the application.

MOTION: To approve application PZ-2022-8 Site Plan Modification for 16 Shoham Road, USA Hauling and Recycling. This approval is grant subject to conformance with the referenced plans which may be modified by the Commission in its approval, with the following conditions 1 through 14 listed on a memo from Ruthanne Calabrese, Town Planner, dated July 6, 2022.

Kowalski moved/Leason seconded/DISCUSSION: None.

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

See Staff approval motion below:

MOTION TO APPROVE:

Application #PZ 2022-08: Site Plan Modification – 16 Shoham Road -USA Hauling & Recycling. This approval is granted subject to the conformance with referenced plans (as may be

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modified by the Commission and this approval) and the following conditions/modifications.

Referenced Plans

This approval is granted subject to the conformance with the plan set entitled: Building Addition USA Hauling & Recycling, Inc. 16 Shoham Road East Windsor, Connecticut; Map 113 Block 17 Lot 003; Zone:M-1 Site Plan; prepared by Jr Russo & Associates, LLC; sheets 1-2; dated: 6-16-22

Conditions which must be met prior to the signing of final plan set:

1. A copy of the final approved plans with any necessary revisions shall be submitted to the Planning & Development Office for review and comment.
2. A copy of this approval motion has been incorporated into a final plan.
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns

Conditions which must be met prior to the issuance of any permits:

5. A single, PDF copy of the final plans, will all necessary revisions shall be provided to the Planning & Development Office.
6. A zoning permit has been obtained from the Planning and Development Office for the project.
7. An Erosion Control Bond has been provided, such estimate shall be reviewed and approved by the Town Engineer.

Conditions which must be met prior to the issuance of a Certificate of Compliance:

8. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
9. One electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways, final floor elevations and spot grades shall be submitted

General Conditions:

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10. In accordance with Section 900.3(h) of the Zoning Regulations, the construction of any buildings associated with this approval shall commence within one year of this approval date and all improvements shall be completed within five years. Such approval shall otherwise be null and void unless an extension has been granted by the Commission.
 11. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
 12. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
 13. Additional erosion control measures may be required by Town staff if field conditions necessitate.
 14. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

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Kowalski moved/Leason seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

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XIII. OTHER BUSINESS: None

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XIV. CORRESPONDENCE:

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a. Notification from the Connecticut Water Company, Stafford Interconnection:

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Planning Director Calabrese advised the Commission of the receipt of notification from the Connecticut Water Company regarding their intent to provide water to a project in Stafford Springs. Their proposal is to provide 100% of the water for the Stafford project from the wells in East Windsor.

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XV. BUSINESS MEETING

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a. Discuss the Community Investment Fund and a grant application for a new Community Center at Scout Hall:

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First Selectman Bowsza joined the Commission remotely. First Selectman Bowsza advised the Commission of the collaboration between the Board of Selectmen and the Scout Hall Building Committee to build an 8,000

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square foot addition to the Scout Hall building on Abbe Road. He noted they've come to terms regarding lease control of the building and have developed a Memorandum of Understanding. First Selectman Bowsza thanked the Commission for adding him to the Agenda this evening, as he wanted to update the Commission on status of the Community Center project, and seek their support.

First Selectman Bowsza reported he and others have been considering for some time how to provide the best services in the Community Services space. They considered other properties/locations, including Solnit North, the Broad Brook Mill, new construction on the Kogut property, acquiring the military property on Phelps Road, acquiring the old Chestnut Point property, and building an addition to the Town Hall Annex, and the most feasible solution is to build an 8,000 square foot addition to Scout Hall. The addition will put a 30 foot "ring" around the entire Scout Hall building which will include a 6 foot hallway within the new addition and provide 24 feet of programing space in all directions around the existing building which will provide space for Community Services (Social Services, Senior Services and Park and Recreation), and provide one location for residents seeking various Government assistance programs, such as renters rebate or Medicare or Medicaid or food stamps. First Selectman Bowsza noted that currently people seeking those services must visit the Senior Center or the Annex or both locations.

First Selectman Bowsza noted the Town recognizes that East Windsor's population is 10% older than the population in Hartford County. For some time Staff has been considering how to shift the focus for the delivery of those services to where the needs will be. The Scout Hall Building Committee has a 99 year lease for the Scout Hall building which they have agreed to relinquish assuming funding can be acquired to improve/expand the Scout Hall building. The Board of Finance has taken \$1.2 million from the last Fiscal Year and moved it to the Capital Non-Recurring Fund to offset the \$5 million cost of this project. First Selectman Bowsza noted that Windsor Locks is doing a similar project for a 19,000 square foot Senior Center only at a cost of \$14 million. East Windsor will be building a multi-generational facility for \$5 million. The difference for East Windsor is the Town already owns the building and the property, and most of the infrastructure is already there.

First Selectman Bowsza reported the total cost for this new Community Center is \$5 million, the Board of Finance has already moved 25% of that

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cost into the Capital Non-Recurring Fund. Options for acquiring the balance include Congressionally Directed Spending, which is the new buzzword for Federal earmarked spending. First Selectman Bowsza noted he applied for 4 projects under this funding, after discussions with Senator Murphy's Office regarding prospects for acquiring funding for the 4 projects he was advised funding for the Community Center falls under the USDA Appropriations Subcommittee for community facilities. In order to be considered for that funding you need to be in a municipality below a population threshold and be proposing a qualifying project – which is the Community Center. Should we be awarded the Congressionally Directed Spending they would fund 55% of the project, which would equate to \$2.8 million. That funding, plus the \$1.2 million from last year's surplus means \$4 million of the total \$5 million project would be funded, and East Windsor would be getting its multi-use facility for one-quarter of the cost of the Windsor Locks Senior Center.

First Selectman Bowsza noted another option is a State program funded through the State's appropriations for the American Rescue Plan Act called the Community Investment Fund (CIF), which could conceivably fund the balance of the Community Center project. East Windsor is one of 54 towns in the State eligible to apply for the CIF funding. The State will be doing 10 rounds of funding over the next 5 years. First Selectman Bowsza feels if East Windsor doesn't acquire the State funding this year the opportunity will have passed us by because this is a Gubernatorial election year which generally means a high voter turnout. First Selectman Bowsza believes that major community decisions should be made by high turnout elections. Authorizing up to \$3.8 million for bonding for completion of this \$5 million project will be a ballot question for East Windsor voters in November.

First Selectman Bowsza suggested if the Town doesn't receive funding under the sources previously discussed we could finance the remainder of the project locally. While \$3.8 million is a lot of money for East Windsor residents First Selectman Bowsza noted that two years ago the Town did an added appropriation for \$3.5 million to pay off existing debt. That freed up \$10 million of bond capacity in the Town's operating budget without having to increase the debt service line. The Town could now spend the \$3.8 million to build the Community Center without having to increase the debt service for the Town.

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1055 First Selectman Bowsza advised the Commission that the Board of
1056 Selectman approved the Community Center project and the Scout Hall
1057 Lease Agreement and the Resolution last Thursday, the Board of Finance
1058 is taking action tomorrow, which leaves the Town with the Town Meeting
1059 and the ballot vote in November. He reported the CIF application is due
1060 July 25th, authorization of First Selectman Bowsza's signation to apply for
1061 the CIF grant at the Town Meeting, which will occur next Thursday. The
1062 Board of Selectmen are holding a Special Meeting tomorrow to authorize
1063 the Town Meeting. First Selectman Bowsza indicated at some point this
1064 project and its funding will be a PZC issue so he wanted to update the
1065 Commission. First Selectman Bowsza noted Commissioner Sauerhoefer
1066 has been working on this project from the beginning, and Director of
1067 Planning Calabrese and Planning Consultant D'Amato have been involved
1068 as well. First Selectman Bowsza offered Staff an opportunity to add
1069 comments. Commissioner Sauerhoefer indicated he had no additions to
1070 First Selectman Bowsza's comments. Director of Planning Calabrese
1071 suggested to have these funding options available makes the project more
1072 viable, it's exciting to see the potential for it becoming a reality. Planning
1073 Consultant D'Amato suggested documentation of discussion with the PZC
1074 and a statement of your support should accompany the CIF application as
1075 it makes the submission of the application stronger.

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1077 Chairman Gobin asked if the Commissioners had any questions for First
1078 Selectman Bowsza?

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1080 Commissioner Thurz questioned if the Broad Brook Fire Department
1081 would use the second floor of the Broad Brook Fire Station? First
1082 Selectman Bowsza suggested they haven't made any decisions at present
1083 but they need the space, one of the Chiefs uses his desk as his office. First
1084 Selectman Bowsza suggested this gives us 15 years to develop a plan for
1085 them growing out of that space. First Selectman Bowsza indicated he
1086 didn't know what will happen at the Town Hall Annex. There's a need
1087 for locker space for the female Police officers and the Emergency
1088 Operations Center needs space.

1089
1090 Chairman Gobin indicated she wasn't aware that Scout Hall was a Town
1091 building. First Selectman Bowsza indicated it's a Town building on
1092 Town owned land, the Scout Hall Building Committee has a 99 year lease
1093 for use of the building. They have agreed to a lease adjustment which
1094 gives the Town total operational control of the building and the addition.
1095 Their mission, which is to provide space for Youth groups, needs to be

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1097 preserved, that aligns with the Town's intent to provide space for Park and
1098 Recreation activities, and civic groups, such as the Lion's Club and the
1099 Rotary Club. He noted a large advantage of this plan is the meeting space
1100 in the center of the building would remain and could be used for Senior
1101 activities during the week, and would provide them some privacy which
1102 improves the quality of our service delivery. Chairman Gobin noted
1103 people rented Scout Hall for craft fairs, would they still be able to do that?
1104 First Selectman Bowsza suggested fees associated with rentals of the
1105 facility would go into a fund which would go back to Parks and
1106 Recreation for funding for programming for youth groups.
1107

1108 Commissioner Sauerhoefer then shared an interior floor plan of the
1109 expanded building, which reflected the proposed locations of the various
1110 services. First Selectman Bowsza noted the Town already has received
1111 State funding for lights for the soccer fields at Abbe Road so the Town
1112 isn't actually spending a lot of Town funding because we're making use of
1113 State funding.
1114

1115 Commissioner Kowalski questioned if this proposal would take the place
1116 of past consideration of using Solnit North for a Town Hall? First
1117 Selectman Bowsza replied affirmatively, noting the State receives Federal
1118 funding to operate Solnit North. He also noted the facility is much larger
1119 than the space needed to provide services for the Town.
1120

1121 Hearing no further questions First Selectman Bowsza requested
1122 confirmation of the PZC's support for this project.
1123

1124 **MOTION: That the Planning and Zoning Commission supports**
1125 **this project and move it forward.**
1126

1127 **Kowalski moved/Thurs seconded/DISCUSSION: None**
1128 **VOTE: In Favor: Gobin/Kowalski/Leason/Thurz**
1129 **Opposed: No one**
1130 **Abstained: Sauerhoefer**
1131

1132 First Selectman Bowsza thanked the Commission for their support. He
1133 noted he often hears that East Windsor's Seniors participate in programs
1134 in Enfield and South Windsor and Ellington. He'd like to see East
1135 Windsor get to a point where we're attracting Seniors from other Towns.
1136 First Selectman Bowsza felt this Community Center project is a big part of
1137 that.

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XVI. EXECUTIVE SESSION: None

Seeing no further business on the Agenda Chairman Gobin called for a motion for adjournment.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:21 p.m.

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

Respectfully submitted,

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