

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

REGULAR Meeting #1833

August 23, 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 the Planning and Zoning Commission Regular Meeting #1833 to Order at 6:30 p.m. Chairman Gobin noted this is Tuesday, August 23, 2022. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via telconference as well..

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

Alternate Members: Frank Gowdy. There are presently two vacancies for Alternate members..

ABSENT: No one; all Regular and Alternate Members present.

GUESTS/SPEAKERS present in-person: **Director of Planning and Development/Town Planner** Calabrese hosted the meeting. Also present in-person were Planning Consultant Michael D'Amato, Deputy First Selectman DeSousa; Tanica Smith representing CallFast Labs; Marek Kement; Stanley Kement, Jr.; David Palmer; T. J. Barresi, representing Carl Crane; Carl Crane.

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; Paul J. Benson; Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members and one Alternate Member were present at the Call to Order.

III. ADDED AGENDA ITEMS:

Planning Director Calabrese noted the recent receipt of a new application, **PZ-2022-22 for the East Windsor Historical Society**. Chairman Gobin indicated she'll acknowledge this application under **NEW APPLICATIONS TO BE RECEIVED.**

Chairman Gobin also noted receipt of a memo from the Selectmen's Office regarding the Commission's request for any items under the Capital Improvement projects. Commissioner Kowalski suggested adding discussion under **CORRESPONDENCE** later in the meeting.

IV. LEGAL NOTICE:

- a. **PZ-2022017 – 148 North Road, Unit #3 0 Special Use Permit for a Drug Testing Laboratory. Applicant: Stephey Henry:**

The following Legal Notice was read by Chairman Gobin.

PZ-2022-17 for 148 North Road, Unit 3, a Special Drug Testing Laboratory, the applicant is Stephen Henry. Chairman Gobin noted the Legal Notice was read into the record at the Commission's August 9th Meeting.

V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISED ON THE AGENDA):

Chairman Gobin queried 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 an opportunity to comment as well; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

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a. August 9, 2022 - Regular Meeting of PZC:

Chairman Gobin opened discussion on the following amendments:

- Line 30 and 31 – attendance record is incomplete, Commissioners Jim Thurz, David Leason, and Joe Sauerhoefer are missing from the attendance list.
- Page 11, Line 436, identifies Karen Loubier as the speaker but then mentions Herb Holden in lines 436 through 441, and
- Page 12, Lines 468 through 499 list an approval motion and amendment for a Town proposed regulation change, the Minutes then continues on to list a Staff approval motion. Chairman Gobin felt the two motions were confusing,

The Recording Secretary explained the first motion is the motion made by a Commissioner, which lists the number of findings and the number of conditions contained in a staff memo, while the second/Staff motion is the actual approval motion recommended by Staff which includes the specific conditions.

Discussion followed amongst the Commissioners regarding the presentation of information in the Minutes. Commissioner Kowalski noted the Staff motion includes specific condition information for the record which is not stated in the Commissioner's motion. The Commissioners agreed they had no problem with the Minutes reflecting both motions.

Chairman Gobin called for a motion of approval including the amendments.

**MOTION: To APPROVE the Minutes of Special Meeting #1832 dated August 9, 2022, held at Park Hill with the following amendments:
Page 1, Lines 30 and 31, PRESENT: Regular Members: Anne Gobin (Chairman), Michael Kowalski (Vice Chairman), David Leason, Joseph Sauerhoefer, and Jim Thurz (Secretary).**

Kowalski moved/Leason seconded/DISCUSSION: Chairman Gobin cited the misidentification of Karen Loubier and Herb Holden.

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Commissioner Kowalski AMENDED his motion, Commissioner Leason AMENDED his second.

AMENDED MOTION:

To APPROVE the Minutes of Special Meeting #1832 dated August 9, 2022, held at Park Hill with the following amendments:

Page 1, Lines 30 and 31, PRESENT: **Regular Members:** Anne Gobin (Chairman), Michael Kowalski (Vice Chairman), David Leason, Joseph Sauerhoefer, and Jim Thurz (Secretary).

Page 11, Lines 435 to 440, ~~Herb Holden~~ Karen Loubier, 34 Windsorville Road: ~~Mr. Holden~~ Ms. Loubier questioned the RV storage. He suggested that in Maine and Massachusetts it's allowable for someone to live in an RV for a short time, he questioned how you differentiate between recreational RV storage or if someone is using the RV for a short time? Discussion followed regarding the enforcement process and response to complaints brought to the Planning Office. **Kowalski moved/Leason seconded/**DISCUSSION: Nothing further
VOTE: In Favor: Gobin/Kowalski/Leason/
Sauerhoefer/Thurz
(No one opposed/No abstentions)

VII. RECEIPT OF APPLICATIONS:

- a. **PZ-2022-21 – 28 Rye St – Special Use Permit – Residential Duplex, Applicant: Paul Guarino:**
- b. **ADDED AGENDA ITEM - PZ-2022-22 for the East Windsor Historical Society.**

Chairman Gobin acknowledged two new applications to be received this evening.

The first is application **PZ-2022-21** for 28 Rye Street for a Special Use Permit for a residential duplex, the applicant is Paul Guarino.

Chairman Gobin noted the second application to be received is **PZ-2022-22** for 115 Scantic Road and Cemetery Road, it's a Special Use Permit for event hosting, and the applicant is the East Windsor Historical Society.

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

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS:

a. PZ-2022-19 297 North Rd – Special Use Permit Renewal for Soil Management Facility – Applicant: North Road Materials, LLC:

Chairman Gobin read the description of this continued Public Hearing.

Joining the Commission this evening in-person to discuss the proposal was Marek Kement, and Stanley Kement, Jr. Throughout the discussion Marek Kement spoke as the representative for North Road Materials, LLC.

Marek Kement advised the Commission that representatives from J. R. Russo & Associates were able to prepare an As-Built Plan for this meeting. He suggested the items in red are an overlay of what they surveyed overlapping the proposed layout at the facility. Mr. Kement provided copies of the As-Built Plans to the Commissioners.

Mr. Kement indicated he received a copy of a Staff memo dated August 18, 2022, he indicated he had the following comments, concerns and clarifications regarding the information in the memo.

- Mr. Kement referenced a statement in the memo that the original permit was granted in 2015; he indicated that was incorrect. The permit under consideration for this application came before the Commission in 2018. The permit issued in 2015 was a permit issued for Paganelli Construction to do something similar without having filling on site. Paganelli was going for a construction yard, with management of materials on site. The Special Use Permit for Paganelli was approved, nothing was done, and the permit lapsed. North Road Materials, LLC pursued their own permit, in addition to the soils management facility they went for filling under the gravel pit excavation regulations. Mr. Kement suggested the conditions of the 2015 permit shouldn't be applied to this permit.
- Mr. Kement noted reference in the Staff memo to language regarding "contractor's storage yard with over 2,000 cubic yards of storage..." He suggested that restriction isn't part of this permit as they are grandfathered in as a construction yard as they do process materials and crush materials

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at the site. He clarified that they still want to continue processing and crushing materials on this site. Mr. Kement noted the conditions reference “no processing is allowed within the subject area” but the area to the west is still the construction yard. Mr. Kement suggested they’re asking to have carte blanche ability to process over the entire site.

- Mr. Kement referenced condition #8 – “no expansion of this use is allowed. Uses not specifically identified as part of this approval are prohibited.” He questioned if that means they won’t be allowed to continue their construction operation.
- Mr. Kement noted they’re asking for a 5 year renewal of this permit rather than the 3 year granted previously.

Commissioner Gowdy:

- ***Ownership clarification*** – Commissioner Gowdy noted reference in the potential motion to approve which includes “the Estate of Isabella V. Kent”, he noted “Kent” should be replaced with “Kement”.

Planning Director Calabrese noted she did a lot of research regarding the history of the site, including grandfathered uses in a Residential/Agricultural Zone being non-conforming. She suggested she put that in so they wouldn’t lose the contractor’s storage yard. Mr. Kement suggested his concern was if the permit were to “die” he didn’t want the use to die.

Planning Director Calabrese referenced the condition related to “non-expansion” indicating it’s apparent there is another use out there. She suggested she doesn’t want the site to include a lot of M-1 uses in a Residential Zone. Planning Director Calabrese suggested the landfill, to be considered non-conforming, and to have more landfill, is a difficult concept. In her mind, the processing is associated with the contractor’s storage yard and not the soil management facility. Mr. Kement cited that the original 2015 permit for Paganelli Construction was for them to lease a portion of the Kement property to create the facility so the restrictions made sense for the Paganelli application. Mr. Kement suggested the application for North Road Materials, LLC is related to their construction activities, they’ll have soils on site and coming in and being tested and crush material for road bases.

Chairman Gobin:

- ***Clarification of uses*** - Chairman Gobin indicated she’s hearing 2 operations – a soil management operation and a contractor’s operation. She requested an explanation of how the two uses operate.

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Mr. Kement indicated materials will be coming in and be tested. If the material is polluted it has to be hauled off site. If it's a clean material it can be reused or dumped on the site, which is why this permit is for the landfilling of that material. Chairman Gobin cited she thought the site contained an old landfill; is the landfill a DEEP regulated entity? Mr. Kement replied that it would be regulated if they were continuing to use the landfill – which they aren't. Planning Director Calabrese questioned if there's a need to acquire a permit for the soil coming in? Mr. Kement suggested that's an ongoing discussion with DEEP. He noted the soils coming in on the grandfathered use are really sand and gravel and processed stone for the road bases.

Chairman Gobin (continued)

- ***Neighborhood complaints for noise and dust*** - Chairman Gobin noted the proximity to the Mansions, she questioned if the Kement's get complaints about the noise and dust? Mr. Kement reported when the Chapmans were building the Mansions the Kements advised the Chapmans what the Kements were doing; he's not aware of any complaints. Planning Director Calabrese noted she's received a couple of verbal complaints that material is coming in already. Mr. Kement cited they're a construction yard, they'll process material coming in. Some of the cleaner fill is being used to regrade near the landfill site.

Commissioner Thurz:

- ***Status of Paganelli permit*** - Commissioner Thurz questioned that the Paganelli deal fell through? Mr. Kement replied affirmatively.

Commissioner Gowdy:

- ***Status of proposed condition #8*** – Commissioner Gowdy questioned if condition #8 (regarding no expansion) was to remain? No response made; discussion continued.

Commissioner Kowalski suggested reworking the proposed motion to exclude conditions related to the 2015 permit. Mr. Kement noted the Kement application is under a different name/entity and is the same soil management processing facility, but they want to store clean materials on site. Planning Director Calabrese suggested the Commission consider a motion to approve the storage yard. Mr. Kement reiterated the original application in 2018 was under a Special Use Permit under the excavation/filling regulations. They would like the ability to crush/process materials on the site.

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Planning Consultant D’Amato suggested the reason that condition #8 was retained was because condition #6 from the 2019 application specifically allows the storage management of soils but “no processing of materials within the subject area.” Planning Consultant D’Amato felt there was no approval for processing in the 2015, 2018, and 2019 permits. Commissioner Kowalski suggested the processing was grandfathered. Discussion continued regarding what activities are allowed vs. what activities are occurring at the site. Mr. Kement indicated they are currently crushing materials at the site, it doesn’t make sense to not allow processing. Mr. Kement reiterated they want processing included but not isolated to a specific area, it’s a vast site. Planning Director Calabrese suggested you’re doing it now for the construction yard, and you want to do it for the landfill. Commissioner Kowalski suggested if the crushing is being allowed in the current area, which is closest to the residential use, it makes more sense to move it further away. Planning Consultant D’Amato suggested they can’t expand a non-conforming use in a Residential Zone.

Planning Director Calabrese advised the Commission how she tracked the allowable activities from the 2015 permit through the 2019 permit.

Commissioner Sauerhoefer:

- ***Clarification of crushing/processing location*** – Commissioner Sauerhoefer questioned that the permit allows crushing in one specific spot? Mr. Kement replied affirmatively, noting it’s allowed in the western area. Commissioner Sauerhoefer questioned that the location wasn’t marked on the plan? Mr. Kement felt it was marked “existing construction activities” but he wasn’t sure if it was marked on the Russo plan or the original plan.
- ***Example of use*** – Commissioner Sauerhoefer offered a scenario to clarify the activities requested. He suggested Mr. Kement was asking to haul in a brick building which won’t fit in the area so you want to move it over “here” to crush it and then process it and haul it out to be used for a road. Mr. Kement replied affirmatively. Commissioner Sauerhoefer suggested perhaps the Board and Mr. Kement could agree on an area that would work for everyone. Mr. Kement clarified that the site he’s showing for the filling on the application is large and the location of the crushing will always be moving. Mr. Kement also noted the activities won’t occur every day. Commissioner Sauerhoefer questioned that the area you have now isn’t large enough and you want to expand that area? Mr. Kement replied affirmatively, he suggested they want to be able to use a different spot on the parcel. Mr. Kement suggested the difficulty with the site is it’s a landfill. Mr. Kement offered that the crusher could be a moveable/portable unit. Planning Consultant D’Amato suggested it seems like going from a pre-existing non-conforming accessory

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use, which was a small part of an operation, and to make it a primary use of the property is a transition. Planning Consultant D'Amato suggested that in reviewing the history of the applications it didn't appear that these discussions occurred previously.

Chairman Gobin suggested more research needs to be done to understand what's been allowed in the past and what's allowable today. Mr. Kement disagreed with the contention that they were seeking to expand the use. Commissioner Kowalski suggested you're expanding the area of where a non-conforming use can occur. Mr. Kement suggested there's no application for the construction yard because it's grandfathered in. Mr. Kement suggested if he pulled this permit now and didn't go for this renewal he could do this anywhere on the property. Planning Consultant D'Amato questioned if Mr. Kement could put the materials anywhere on the property? Mr. Kement replied affirmatively, noting there's no mapping or formal application for the construction yard because they've been grandfathered in since 1801. Commissioner Kowalski questioned that there's no defined boundary of where the construction yard ends and where the landfill begins? Mr. Kement replied affirmatively.

Planning Director Calabrese cited from her perspective the non-conforming use is the landfill, she felt they were expanding that use with the fill. Mr. Kement advised the Commission that the landfill is technically a non-conforming use. Mr. Kement reported they have a variance which was approved in 1976 to have that use on the site, and the variance runs with the land. Mr. Kement suggested it's not their intention to use the variance, but the variance was granted. Commissioner Kowalski felt if it's considered all one area then he doesn't see the use as an expansion. Planning Consultant D'Amato cited the condition regarding no processing within the subject area appeared on the three Special Permits, he suggested it's a significant condition to drop. Commissioner Kowalski questioned if it's been established that that was a grandfathered activity? Mr. Kement cited Nancy Rudek (previous Planning Department Staff) did a finding on the property that it was an established construction yard. Mr. Kement suggested that information should be in previous file documentation.

Chairman Gobin questioned the DEEP requirements regarding the landfill. Mr. Kement noted any DEEP requirement would have to come before this Commission before consideration by the State because the State won't look at any application for a landfill without municipal approval.

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Chairman Gobin noted this application is a Public Hearing, she offered members of the in-person audience an opportunity to speak. No one requested to be acknowledged. Chairman Gobin then offered the same opportunity to the remote participants.

Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission:

- ***Testing process*** - Selectman Baker questioned how the process for testing the incoming material is done – what is it tested for, who holds those reports, and for how long?

Mr. Kement indicated a company, like Phoenix Labs, comes in to test for arsenic and other chemicals in the material, if it's above the limits allowed by DEEP the material would have to be hauled offsite. If it's considered clean material it could be reused or combined with other topsoils and sold or placed onsite

- ***Erosion controls on Scantic River*** – Mr. Kement talked about the new easterly section of the property, are you also talking about filling there? What type of erosion controls would be in place on the Scantic River side?

Mr. Kement reported the erosion controls would be the traditional silt fence, hay bales, wood chipping on the slopes which has already been done.

Commissioner Leason:

- ***Material testing*** – Commissioner Leason questioned if the material will be tested as each truck comes in or will each pile be tested? Mr. Kement indicated the materials will be put in concrete bins. Commissioner Leason questioned if there's a contaminated truck in the middle of the bin, do they check every load? Mr. Kement indicated every load is checked as it enters the site.

Commissioner Kowalski:

- ***Material testing*** – Commissioner Kowalski questioned if they can give you results on site or do they have to go back to the lab? Mr. Kement suggested they have to go back to the lab. Commissioner Kowalski questioned what's the turnaround time? Mr. Kement didn't know.

Planning Director Calabrese:

- *Classification of landfill* – Planning Director Calabrese questioned if it was considered a residential landfill? Mr. Kement suggested residential is considered level A, which would allow materials to remain on site, anything beyond that is considered excluded or contaminated.

Alan Baker Board of Selectman Liaison to the Planning and Zoning Commission:

- *Process for material testing/record retention* – Selectman Baker questioned who gets those reports, and how long are they stored? Mr. Kement reported the State gets a copy of the report, and if the Town wants one they can have one. The reports are stored on site when the operation gets up and running.
- *Processing activity* - Selectman Baker suggested he's trying to understand the process. He envisions that someone will approach you and say they have a number of yards of materials from some job that they'd like you to process for them, would you get 10 or 1 truck a day? Logistically, how does that work? Do you bring Phoenix Lab in when you're going to get material? - Is it on a planned basis or ad hoc? Mr. Kement suggested he can't anticipate the demand for the number of trucks at this point. Mr. Kement indicated there will be a third party, a Licensed Environmental Professional (LEP), to administer the process for them. Selectman Baker questioned that the Kement family would pay the third party? Mr. Kement replied affirmatively.

Chairman Gobin:

- *Status of current activity* – Chairman Gobin questioned if the existing contractor's yard has been taking in material or is it just from your own demolition or contracted work? Mr. Kement suggested they haven't taken any material that needs to be tested, there's no dirty material coming into the site under this permit. We don't have a scale house in place or any bins set up to do this yet.

Planning Director Calabrese:

- *Material acceptance* – Planning Director Calabrese question if they will be taking any dredged material? Mr. Kement suggested they might if it's allowed by DEEP. Planning Director Calabrese questioned if the material is polluted but not contaminated will you sell it for road base? Mr. Kement suggested if it's considered allowed and clean by DEEP then I would say we could reuse it, if it's not and it falls outside the parameters it has to be hauled out of there. Chairman Gobin questioned if there would be an outlet where

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the unclean fill would go? Mr. Kement reported Manchester Landfill accepts contaminated soils, and there are a few places in Massachusetts.

Commissioner Gowdy:

- **Material testing** – Commissioner Gowdy questioned if they have to test every truck that comes in, what if a guy comes in and says this is ok? Mr. Kement noted every truck has to be tested. This would be something like a State or an MDC project in Hartford where the material is tracked.

Chairman Gobin acknowledged Selectman Baker's request to speak remotely.

Alan Baker Board of Selectman Liaison to the Planning and Zoning Commission:

- ***Commission oversight*** – Selectman Baker questioned what the LEP's responsibilities are regarding reporting to the Town or any other entity,? Regarding the Zoning Regulations, do we have conditions that would be specific to this type of facility? Would this apply to any of our gravel pits? Would this apply to Wapping Road or Charbonneau's pit, or do we need conditions that would be specific to this operation?

Chairman Gobin recalled that Wapping Road was they couldn't bring materials in, it was an outgoing operation only. Chairman Gobin noted Charbonneau has had a DEEP Volume Reduction Permit so material was going in there.

Planning Director Calabrese indicated "dirty dirt" is different. If the LEP is on board they make the decisions for you. Mr. Kement concurred, noting the LEP will determine what materials go in what bin. Planning Director Calabrese suggested the beauty of the LEP is they know what's being cleaned up and what's being worked on. Mr. Kement noted the LEP will make the decision on the site material is removed to, it's all economics. Mr. Kement suggested a lot of the times the material is pre-tested before it comes to the site.

Commissioner Kowalski:

- ***Application conditions*** – Commissioner Kowalski noted the last time this came before the Commission we got into a little more detail about the bin storage and how they'd be covered, and stormwater run off and possible contamination issues, do we need that kind of detail and safeguards again? Mr. Kement reported it's the same plan, he cited a note on sheet #10 (or #2) which addressed the continued processing of materials. Commissioner

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Kowalski found the notation on the plans provided to the Commission by Staff. Commissioner Gowdy suggested condition #17 referenced heavy equipment/tub grinders. Mr. Kement concurred, noting tub grinders are related to processing which is why he felt there was a conflict.

Chairman Gobin suggested Staff needs time to redraft the memo and approval motion, she suggested the Commission continue the Public Hearing to the next meeting.

Deputy First Selectman DeSousa requested to speak. She heard there was a silver truck that caused a liquid trail from Sofia's Plaza to the Kement property. She questioned if that material had been dumped at the Kement's, or was that just where the truck wound up? Mr. Kement concurred that the spill happened but he didn't know the specifics of the situation. Deputy First Selectman DeSousa questioned if they would take liquid stuff at their property? Mr. Kement replied negatively. Deputy First Selectman DeSousa indicated she had heard the material had come from New Haven Harbor. Deputy First Selectman DeSousa questioned if Stanley Kement might know? When asked, Stanley Kement, Jr. concurred that they had been dredging the harbor and they did bring some material in. Deputy First Selectman DeSousa pointed out the answer was no and clearly, they are. Deputy First Selectman DeSousa indicated that was concerning to her because what's coming out of that liquid stuff. If it's coming from New Haven Harbor, and it's an oil spill that has her concerned if someone has a medical condition living in close proximity to that property. If that was true, and with the Scantic River being there and she isn't sure where on the property, or how much of that stuff got dumped and could it contaminate the Scantic River if it runs off. Deputy First Selectman DeSousa indicated it was something she heard, it was confirmed tonight, she has to feel it was accurate.

Chairman Gobin noted the Town would be looking for testing as part of the conditions for approval.

Planning Consultant D'Amato questioned if they have an LEP already? Mr. Kement suggested they're considering a couple. Planning Consultant D'Amato cited his work with other towns that may have experience with this type of operation. Chairman Gobin suggested Staff needs to redraft the motion. Planning Director Calabrese questioned how deep does the Commission want DEEP to get into this? Planning Consultant D'Amato reiterated his earlier comments regarding how similar situations were handled in other towns, and part of the soil management plan for the facility includes criteria to determine if the fill is good or bad and it often contains a stormwater protection plan as well.

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Planning Director Calabrese noted the LEPs are granted regulatory authority, and they're audited.

Chairman Gobin:

- ***Existence of public water and/or sewer*** - Chairman Gobin asked if the surrounding properties are on public water? Mr. Kement noted the Mansions are on public water, the two houses owned by the Kement family are on well water, there is sewer on that portion of Route 140.

Chairman Gobin offered the in-person audience and the remote participants an opportunity to offer comments before continuing the Public Hearing. No one requested to be acknowledged, either in-person or remotely.

Noting that Staff needed time to redraft the Staff memo Chairman Gobin suggested the Commission continue the Public Hearing until the Commission's next regularly scheduled meeting.

MOTION: To CONTINUE THE PUBLIC HEARING for PZ-2022-19 297 North Rd – Special Use Permit Renewal for Soil Management Facility – Applicant: North Road Materials, LLC until the Commission's next regularly scheduled meeting on September 13, 2022.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

X. NEW PUBLIC HEARINGS:

- a. **PA-2022-17 – 148 North Rd Unit #3 – Special Use Permit for a Drug Testing Laboratory. Applicant: Stephen Henry.**

Chairman Gobin read the description of this Item of Business.

Joining the Commission in-person to discuss this application was Tanica Smith, representing CallFast Labs. Ms. Smith reported CallFast Labs is a franchise, the closest is in Boston, this location will be the first in Connecticut. Ms. Smith noted this is not a medical laboratory, we don't draw blood. We do DNA testing based on hair samples, alcohol testing utilizing breathalyzers, and DOT testing for drivers based on urine samples which is equivalent to the drug testing.

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Commissioner Thurz:

- *Testing availability* - Commissioner Thurz questioned if anyone could walk in off the street for testing or will you be contracted with companies? Ms. Smith suggested the plan is to contract with companies, what's different about them as opposed to Quest Labs is you can have the results in 10 minutes.

Commissioner Sauerhoefer:

- *DNA testing* – Referring to his colleague, Commissioner Leason, who prefers a clean shaven head, Commissioner Sauerhoefer questioned how Ms. Smith will get a hair sample from Commissioner Leason? Ms. Smith suggested they could test hair on his legs, or can test on his cuticles as well.

The Commission discussed the location of the unit in the plaza, and found it to be in the rear strip of units.

Chairman Gobin:

- *Public services* – Chairman Gobin questioned if the unit was on city water and sewer, Ms. Smith wasn't sure.

Commissioner Gowdy:

- *Disposal of waste* – Commissioner Gowdy questioned how disposal of the waste materials is handled? Ms. Smith reported they'll have a company come in to dispose of the materials.

Commissioner Thurz:

- *Testing process* – Commissioner Thurz cited the small size of the unit, he questioned that people will be coming in and out at will? Ms. Smith cited people are there about 10 minutes, including check in time, so basically it's in and out.

Commissioner Kowalski:

- *Appointment scheduling* – Commissioner Kowalski questioned if appointments are scheduled online? Ms. Smith reported the plan is to schedule online, but they will accept walk-ins for contracted related situations such as with Quest.

Commissioner Gowdy:

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- ***Cannabis testing*** – Commissioner Gowdy suggested it will be interesting regarding marijuana testing, Ms. Smith reported they will test for that for companies as well.

Hearing no further comments from the Commissioners Chairman Gobin offered the in-person audience an opportunity to comment. No one requested to speak. Chairman Gobin then offered the remote participants an opportunity to speak as well; no one requested to be acknowledged.

Chairman Gobin suggested the Commission consider closing the Public Hearing on this application.

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2022-17, 148 North Rd Unit #3 – Special Use Permit for a Drug Testing Laboratory. Applicant: Stephen Henry.

Kowalski moved/Leason seconded/DISCUSSION: None

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

Chairman Gobin noted the memo from Planning Director Calabrese with general comments and a potential approval motion.

MOTION: To APPROVE application PZ-2022-12, Special Use Permit for an application to open a Drug Testing Laboratory at 148 North Road, Unit 3, Map 124, Block 24, Lot 0118, in a B-3 Zone. This approval is granted with conformance with the submitted application, supporting materials, and Public Hearing representation as may be modified by the Commission, and this approval. We have Findings 1 through 3, and Condition 1, with the modification in Condition 1 to read a Drug Testing Lab Service, in a memo from Ruthanne Calabrese, Director of Planning and Development, dated August 2, 2022.

Kowalski moved/Leason seconded/DISCUSSION: Planning Director Calabrese advised the Commission the application number should be **PZ-2022-17 rather than the **PZ-2022-12** referenced in her memo.**

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

(Staff motion):

**Motion to Approve Application #PZ 2022-17 for Special Use Permit
Application to open a drug testing laboratory at 148 North Road, Unit
3 (Map 124, Block 24, Lot 011A) Zone B-3.**

**This approval is granted subject to conformance with the submitted
application, supporting materials and public hearing presentation (as
may be modified by the Commission and this approval) and the
following conditions/modifications.**

Findings:

1. The proposed location is in compliance with the standards set forth by Section 502 and Section 701.
2. 148 North Rd, Unit 4 is within the B3 zone which allows for allows medical and dental laboratories.
3. The proposed use is in harmony with adjacent uses.

Conditions:

1. A copy of the Certificate of Action shall be filed on the Land Records prior to the commencement of the drug testing laboratory services on the property

XI. OLD BUSINESS: None

XII. NEW BUSINESS: None

XIII. OTHER BUSINESS:

- a. **Informal Discussion 27B South Main Street (Mixed Use) – David Palmer:**

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Chairman Gobin welcomed David Palmer to the meeting, she requested David Palmer to join the Commission for discussion.

Mr. Palmer referenced page 33 of the current regulations, “RESIDENTIAL UNITS (B-1 ZONE) MAY BE PERMITTED ABOVE FIRST STORY PROVIDED THE UNITS ARE NOT EXPOSED AS PART OF THE MAIN FAÇADE. BELOW FIRST STORY IN COMMERCIAL BUILDINGS MUST BE LIMITED TO STUDIO APARTMENTS NOT TO EXCEED 900 SQUARE FEET IN AREA.”

Mr. Palmer reiterated this is a 1,500 square foot unit. Mr. Palmer cited another unit - 27B Pasco Drive – which was approved 15+/- years ago, which is a 1,200 square foot unit.

The Commission discussed previous approvals. Commissioner Kowalski indicated Pasco Commons was built with three levels, some basement units were built on the back side with a ground-level entry. Discussion continued regarding the construction of the building, the levels of access, and the occupancy of the various units based on the level within the building. Mr. Palmer cited his concern with promoting the property properly when selling the units.

Planning Director Calabrese recalled someone came in last year under a Special Use Permit who wanted residential on the main floor, he had 3 levels of entrance as well. Planning Director Calabrese suggested she could provide Mr. Palmer a letter citing the information related to his units that he could provide to potential buyers.

Mr. Palmer thanked the Commission for their consideration.

b. Informal Discussion 118 Prospect Hill Road, Carl Crane & T. J. Barresi:

Chairman Gobin opened informal discussion on property at 118 Prospect Hill Road, and welcomed Carl Crane and T. J. Barresi to join the Commission.

Mr. Barresi introduced himself, noting he’s a licensed engineer and land surveyor representing Carl Crane to discuss property at 118 Prospect Hill Road. Mr. Barresi provided the Commission with copies of a Site Plan which he referenced to identify the location of the property.

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Noting this is an informal discussion Mr. Barresi advised the Commission the intent is to come before the Commission in the future with a formal application to run a truck terminal at this property, along with an existing use which is a playscape mulch processing operation located at the back of the property.

Mr. Barresi noted the area under discussion consists of 3 properties owned by Mr. Crane, which are actually comprised of two properties and an access strip off of Prospect Hill Road. The access strip is also used by Eversource, and the mulch processing company. Mr. Barresi suggested the existing building was actually used as a trucking terminal some time ago, more recently Mr. Crane has used it as a sawmill and logging operation. Mr. Barresi indicated Mr. Crane wants to clean up the building, which is now vacant, and re-establish the use as a trucking terminal. The building currently contains 20 loading docks, Mr. Crane would like to add 14 spaces for trailer parking. Mr. Barresi reported they met with Scott Hesketh, who is a traffic engineer, Mr. Hesketh would prepare a traffic study, which would include OSTA requirements for traffic counts, when presenting the formal application.

Commissioner Thurz:

- ***Type of business*** – Commissioner Thurz questioned what type of company would be using the site? Mr. Crane indicated he wanted to rent the building to a general freight company. Sometimes half a load will be sent to another location while the other half will go elsewhere. Sometimes the loads sit for a short time before being moved out.

Mr. Crane advised the Commission he's a forestry guy so he used the building as a sawmill. He noted it's been difficult to maintain and find employees. Mr. Crane indicated he's like to return the use to a trucking terminal, while keeping the mulch processing operation in the back. Mr. Crane explained the mulch processing operation to the Commission.

Commissioner Thurz:

- ***Prior application information*** - Commissioner Thurz questioned when the original application came in? Mr. Crane estimated in the 1990s. Mr. Crane advised the Commission a "Green Stamp" store used to be located in the Eversource building.

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- ***Property access*** – Commissioner Thurz asked if there would be a traffic light at Prospect Hill Road for the access strip? Mr. Crane replied negatively.

Planning Director Calabrese suggested truck terminals are not defined in the current regulations but warehouse and distribution are a similar use. She suggested a Special Use Permit made sense given the proximity to residential uses. Their initial plan was to be larger in scale but in order to minimize impact and trigger the need for road improvements under the Site Plan referenced they decided to restrict the size of the terminal space and keep the mulch facility.

Commissioner Thurz recalled that in the past there had been an issue with run off into Sofia's Plaza, which he believed had been rectified. Mr. Barresi referenced a swale which had been improved.

Commissioner Kowalski:

- ***Building access*** – Commissioner Kowalski suggested normally in a tractor trailer pattern you have a counter-clockwise drive pattern around vehicles because you don't want to blind-side back into the building so you're going to need to have a drive aisle path near the mulch processing area is. Traditionally, you need 120 feet from the building, unobstructed, to back up a 50 foot trailer. Where your parking pad is, you need to leave enough space between the building and the parking pad you won't be able to back up to the building.

Commissioner Gowdy:

- ***Access strip*** – Commissioner Gowdy questioned the width of the access strip, is it a 2-lane access? Mr. Crane estimated the width to be 40 to 50 feet. He cited it's made for trucks, Old Dominion and Yellow Freight rented space in the building at some time. Commissioner Kowalski suggested the trucks were much smaller at that time.

Planning Director Calabrese advised the Commission Mr. Crane would have to submit Special Use Permit applications for both applications.

Mr. Barresi and Mr. Crane thanked the Commission for their time.

XIV. CORRESPONDENCE:

a. **ADDED AGENDA ITEM – Capital Improvement Project Request for Planning and Zoning Commission:**

Chairman Gobin noted the correspondence received from the Selectmen's Office regarding the Commission's intent to request any type of appropriation under the Capital Improvement projects.

The consensus of the Commission was that they had no requests of the Capital Improvement Committee.

XV. BUSINESS MEETING:

a. **WHP District-Regulation Discussion:**

Chairman Gobin opened discussion on potential regulations for a Warehouse Point District.

Planning Director Calabrese cited Staff had an initial meeting in May in which Paul Benson came in with a conceptual plan for a parcel on Bridge Street. She noted Planning Consultant D'Amato has put together a proposal for Form Based Regulations for this area.

Planning Consultant D'Amato cited existing data for the Warehouse Point area from the previous Warehouse Point study. He suggested this proposal narrates the components of a Form Based Code without writing the Form Based Code as they are difficult to administer. They make assumptions which are incorrect or there's a change in the market, like COVID, the whole code becomes useless.

Planning Consultant D'Amato suggested this proposal sets three sets of standards – site development standards, site design, and site and building amenities – which are roughly based on the Warehouse Point Village study. The intent is to expedite the permitting process. An applicant would be required to submit a Special Use Permit application, but if the applicant submits all the required standards the applicant could reduce their permitting path from a Special Use Permit to a Site Plan. He suggested the area doesn't have the appeal of Glastonbury or West Hartford, so another way to encourage that is to the expedited permitting path.

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Planning Consultant D’Amato suggested some towns have property rehabilitation tax deferral programs. If the owner makes a significant investment in the property they may be able to reduce their tax liability by recouping their investment. Planning Consultant D’Amato suggested that program would be brought to the Board of Selectmen for consideration.

Planning Consultant D’Amato recalled that the Warehouse Point Village study envisioned 9 separate zones, many of those zones would only support one use. He suggested the goal would be to create 3 zones – a core, a transitional, and a peripheral. Commissioner Kowalski questioned if there would still be the ability to address non-conforming uses? Discussion continued regarding the existing commercial uses vs. the residential non-conforming uses, and the previous recommendations in the Warehouse Point Village study for the waterfront properties along Water Street.

Chairman Gobin offered the opportunity for the remote participants to comment.

Alan Baker Board of Selectman Liaison to the Planning and Zoning Commission: – suggested he likes the concept, he felt it will be interesting to see where it goes.

Mr. Benson, who was signed in remotely, was asked if he wanted to offer any comments; he did not request to be acknowledged.

Chairman Gobin suggested Staff continue to work on this proposal.

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:36 p.m.

Leason moved/Kowalski seconded/DISCUSSION: None

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

Respectfully submitted,

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