

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

**REGULAR Meeting #1835
September 27, 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 #1835 of the East Windsor Planning and Zoning Commission dated Tuesday, September 27, 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., and via telconference as well.

PRESENT: **Regular Members:** Anne Gobin (Chairman), Michael Kowalski (Vice Chairman), Joseph Sauerhoefer, and Jim Thurz (Secretary) were present in person; Regular Commissioner Leason participated remotely.

ABSENT: Alternate Member Frank Gowdy. .

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, Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission, Selectman Muska, Selectman Nordell, Marek Kement, representing 297 North Road Materials, LLC.

GUESTS/SPEAKERS present remotely identified as they sign in: Regular Planning and Zoning Commissioner Leason, Heidi, and Peg Hoffman, Recording Secretary.

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II. ESTABLISH QUORUM:

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

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE: None

V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED 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; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

a. September 13, 2022 -Regular Meeting of PZC:

Chairman Gobin referenced the September 13, 2022 Regular Meeting Minutes and noted the following amendments:

Line 133, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 167, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 202, and Line 266, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 111, PZ-2022-19 – 197 North Road should be amended to reflect the address as “297 North Road,

Lines 42 and 105, the applicant should be amended to reflect “Don’s Auto Service Center” rather than “Dan’s”,

Line 82, the date should be amended to reflect September 13, 2022 rather than “July 26, 2022”.

Chairman Gobin queried the Commissioners for additional changes, no one requested any additional revisions. Alternate Member Gowdy subsequently phoned in to Planning Director Calabrese that he concurred

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with Chairman Gobin's comments regarding being misidentified in Commission votes.

MOTION: To APPROVE the Minutes of Regular Meeting #1834 of the Planning and Zoning Commission with the following amendments:

Line 133, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 167, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 202, and Line 266, in the vote Commissioner Gowdy should be replaced with Commissioner Thurz;

Line 111, PZ-2022-19 – 197 North Road should be amended to reflect the address as "297 North Road";

Lines 42 and 105, the applicant should be amended to reflect "Don's Auto Service Center" rather than "Dan's";

Line 82, the date should be amended to reflect September 13, 2022 rather than "July 26, 2022".

Kowalski moved/Thurz seconded/DISCUSSION: None

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

VII. RECEIPT OF APPLICATIONS:

Chairman Gobin noted there were no new applications to be received this evening.

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 noted she has been advised the deadline for closing the Public Hearing on this application has passed, the Commission should

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have closed the Public Hearing at the previous meeting but did not. The applicant has requested a 30-day extension of the Public Hearing, which is up to the Commission to consider. The applicant, Marek Kement, speaking from the audience, recalled that he had asked the Commission if the application was within the Statutory timeframe at the previous meeting and was told yes. Mr. Kement advised the Commission he has submitted a request for an extension. Jay Ussery, of J. R. Russo & Associates, LLC is working on putting together the information requested by the Town Planner.

Chairman Gobin noted it's become apparent that the Commission is past the deadline regarding this application, misinformation was given at the previous meeting. Chairman Gobin queried the Commissioners for their opinions regarding continuing the Public Hearing.

Commissioner Thurz felt the Public Hearing should be continued.

Commissioner Kowalski questioned the length of the extension requested by the applicant? Mr. Kement indicated 30 days, Mr. Kement suggested he would have requested the extension at the previous meeting.

Deputy First Selectman DeSousa, speaking from the audience, questioned if the public could know the reason for the extension? Planning Director Calabrese suggested it related to zoning compliance; the issue with the timeline for closing the Public Hearing was discovered yesterday.

Commissioner Kowalski questioned if the regulations give the Commission the purview for granting the extension, and questioned what the criteria for granting an extension was. Planning Director Calabrese suggested the Commission has the authority to offer an extension under Section 8-3 of the State Statutes for a period of up to 65 days.

Commissioner Leason, participating remotely, requested clarification of Commissioner Thurz and Commissioner Sauerhoefer's opinions. Commissioner Thurz reiterated he had no problem giving Mr. Kement the 30 days; Commissioner Sauerhoefer concurred with Commissioner Thurz, noting the Commission had told Mr. Kement they would not close the Public Hearing at the last meeting. Commissioner Leason questioned that granting the extension was within the Commission's purview? Chairman Gobin indicated that was Planning Director Calabrese's suggestion. Mr. Kement indicated as the applicant they were entitled to a 65-day extension

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but will try to acquire the information requested by Planning Director Calabrese in 30 days. Mr. Kement suggested the option of continuing the Public Hearing for 65 days to give Russo time to collect the requested information.

Deputy First Selectman DeSousa, speaking from the in-person audience, requested to speak again. She noted she's lived in Town for probably 40 years and has seen maybe 3 Kement trucks. A week or so ago she saw a caravan of trucks on Rice Road. Chairman Gobin noted the Commission was still debating continuing the Public Hearing. Should that be the Commission's decision she'll take public comment.

Planning Director Calabrese noted 65 days would extend the application to November 22, 2022. Planning Consultant D'Amato suggested continuing with the 30-day extension for this request rather than using the full 65 period as it would give the Commission additional time if it was required later in the Hearing. He suggested the 65-day period applies to all decisions, opening the Public Hearing, closing the Public Hearing, and making a decision. Commissioner Kowalski questioned that the Commission would then be continuing the Public Hearing until the October 25th, Planning Director Calabrese concurred.

MOTION: To GRANT AN EXTENSION of the Public Hearing until the Commission's Meeting on October 25, 2022.

**Kowalski moved/Thurz seconded/DISCUSSION: Nothing further
VOTE: In Favor: Gobin/Kowalski/Leason/
Sauerhoefer/Thurz
(No one opposed/No abstentions)**

Chairman Gobin clarified that the Commission had extended the Public Hearing until the October 25th meeting. Mr. Kement then requested discussion be tabled until the Commission's next regularly scheduled meeting. Chairman Gobin noted members of the public had requested to comment.

Deputy First Selectman DeSousa, speaking from the in-person audience again, questioned if this remediation effort had anything to do with the traffic on Rice Road. She noted she's lived in town for a number of years and has previously noticed a truck here and there but has not seen a caravan of trucks coming down Rice Road before. Mr. Kement clarified

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that the Kement family has 2 trucks, he doesn't know who owns the other vehicles. Deputy First Selectman DeSousa indicated there were 7 or 8 trucks with no markings. Mr. Kement reiterated he doesn't know who owns those trucks.

Chairman Gobin indicated the Commission wouldn't take any further comments tonight, but will continue the Public Hearing until October 11, 2022. Commissioner Kowalski asked Mr. Kement if that would give him enough time to prepare the material? Mr. Kement agreed to go with October 11, 2022 continuation of the Public Hearing; he suggested if they find they needed additional time he would request a further extension if the Commission were agreeable.

MOTION: To CONTINUE the Public Hearing on application PZ-2022-19, 297 North Road Materials LLC until the Commission's October 11, 2022 Meeting.

**Kowalski moved/Thurz seconded/DISCUSSION: Nothing further
VOTE: In Favor: Gobin/Kowalski/Leason/
Sauerhoefer/Thurz
(No one opposed/No abstentions)**

- b. PZ-2022-22 – 115 Scantic Rd – Special Use Permit for Event Hosting. Applicant: East Windsor Historical Society Inc. (Tabled until the 10/11/2022 meeting):**

Chairman Gobin noted this application has been tabled until the Commission's October 11, 2022 Meeting.

X. NEW PUBLIC HEARINGS: None.

XI. OLD BUSINESS: None

XII. NEW BUSINESS:

- a. PZ-2022-20 – 14 North Road Rd – Special Use Permit for a Site Plan Modification. Applicant: Don's Auto Care Center/Don Walker (Tabled until the 10/11/2022 meeting):**

Chairman Gobin noted this application has also been tabled until the Commission's October 11, 2022 Meeting.

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XIII. OTHER BUSINESS:

a. 2023 Meeting Calendar:

Chairman Gobin noted Staff has provided the Commission with a proposed meeting schedule for 2023. She opened discussion with the Commission.

Commissioner Thurz suggested the meeting scheduled for the second week in August (August 22nd) as the Commission has historically not met that week due to vacations. He also suggested the meeting scheduled for December 26th should be deleted as well as it conflicts with the holiday.

Chairman Gobin concurred with the deletion of December 26th, she questioned the other Commissioners for their feelings regarding deletion of August 22nd? No one else suggested any changes. Commissioner Thurz suggested leaving August 22nd on the schedule for now and the Commission could reconsider deletion at a later date.

MOTION: To ACCEPT the proposed 2023 Planning and Zoning Commission 2023 Meeting schedule with the deletion of the meeting scheduled for December 26, 2022.

Kowalski moved/Thurz seconded/DISCUSSION: The recording secretary questioned if this meeting schedule also included the Aquifer Protection Agency; Chairman Gobin replied negatively, noting that would be a separate meeting schedule

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

IV. CORRESPONDENCE: None

XV. BUSINESS MEETING:

a. Discussion Draft – 21/22 PZC Annual Report:

Chairman Gobin noted the Commission had been provided a draft Annual Report by Planning Director Calabrese. She questioned if the report could include language to encourage the public to apply for Commission's Alternate vacancies. Commissioner Thurz questioned the need to mention

the change of Regular and Alternate positions for Commissioners Gowdy and Leason; Planning Director Calabrese suggested the change of positions occurred during this calendar year.

Chairman Gobin questioned if mention should be made in the report that several of the Regulatory revisions made during the year had been made to comply with Statutory requirements rather than at the Commission's discretion. She noted comments made during Public Participation during the meetings had questioned the reasons for the changes. Planning Director Calabrese noted to include Chairman Gobin's suggestion.

Chairman Gobin queried the Commissioners for additional changes; no one offered any suggestions.

b. DiscussionDraft – Warehouse Point Regulations:

Planning Consultant D'Amato referenced a draft document provided for the Commission which includes the following comments highlighted in yellow:

- Page 4, clarifications to set-back table, and included notations regarding maximum coverage and parking requirements
- Encouraging inclusion of site amenities related to pedestrian uses, such as a park bench or patio, which would be excluded from site coverage.

Chairman Gobin questioned how the proposed regulations would address public chargers, such as EV chargers? Planning Director Calabrese recalled prior discussion that if they were under 8 feet then they didn't qualify as a structure.

Returning to review of current revisions, Planning Consultant D'Amato referenced:

- Net Zero Stormwater approaches – he noted that in some areas complete infiltration isn't possible, most areas in Warehouse Point require adding the water to pipes and sending it to the Connecticut River. The regulations have been modified the criteria to require developers design for on-site infiltration for 50% of the property.
- Clarified that visual screening should be provided between parking and residential uses.
- Section 507.8 – Reduction Standards: This section allows the Commission to allow a reduction in specific criteria in order to development within the Warehouse Point area. Planning Consultant

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D'Amato suggested the modification to the standards is similar to a variance but doesn't violate the waiver provisions of the MacKenzie ruling, and, not being a variance, the decision doesn't run with the land forever.

Planning Consultant D'Amato suggested if the Commission is comfortable with the proposed regulations then the next step would be to create a map identifying the 3 zones proposed – “Core”, “Transition”, and “Periphery”.

Selectman Alan Baker, speaking from the in-person audience, requested to join the discussion. He noted that in areas where we have drainage issues we have the Blue Ditch, could we use that as an opportunity to improve it and create a working wetlands that could manage the stormwater?

Selectman Baker noted that when the Warehouse Point Fire Department recently developed their site they created a retention basin which overflows into the Blue Ditch. Selectman Baker suggested the Blue Ditch is currently like a pipe, there's no storage in the area. He questioned if the Town could pursue grants to improve the area? He cited that Maple Avenue used to be the Blue Ditch and was bigger but's become grown in and people have been putting things in it. He recalled when the Lowe's development was proposed it included a giant retention basin but now it's just a wooded area.

Planning Consultant D'Amato noted in the center of Meriden their downtown center park is a flood control structure, the park is designed to completely flood in rain events. The benefit there was the Town had property that it owned, while the Blue Ditch is privately owned. Selectman Baker concurred, noting he owned a piece of the Blue Ditch.

Planning Consultant D'Amato suggested Staff could research the availability of grants.

Chairman Gobin felt Mrs. Hahn's conclusion in the Warehouse Point Study was that it was advantageous to move the water to the Connecticut River as opposed to creating retention basins. Selectman Nordell, also speaking from the in-person audience, recalled that she had said the water in that area wasn't a problem because it moves quickly to the river in that area. However, it floods when the river backs up into the tributaries, and those flood East Windsor. East Windsor doesn't flood when it rains hard, it floods when the river floods. Selectman Baker concurred, noting when it backs up there's no volume there because people have been

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dumping stuff in the Blue Ditch for some time. Planning Consultant D’Amato suggested the Commission could discuss during the Public Hearing having the people who own portions of the Blue Ditch clean out the debris.

Chairman Gobin questioned what was intended regarding language in Section 507.8 – Building Design Standards – regarding “colors appropriate to 1840 to 1910”? Planning Consultant D’Amato cited he would agree to deleting that reference as he didn’t want the Commission dealing with the requirements of an historic district. Commissioner Kowalski suggested changing the language to “conforming with the appearance of the neighborhood”.

Chairman Gobin questioned the process going forward. Planning Consultant D’Amato suggested the Commission needs to agree on the zones proposed to develop a map. Planning Director Calabrese suggested the Commission could then hold a Public Hearing and take public comments, and notices would be sent to people in the area advising them of the Public Hearing.

Hearing no further comments from the Commission or the public Chairman Gobin moved on to the posted agenda.

XVI. EXECUTIVE SESSION:

Chairman Gobin noted there is no need for an **EXECUTIVE SESSION** this evening.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:19 p.m.

Thurz 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