

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

**REGULAR Meeting #1842  
January 10, 2023**

***THIS MEETING IS BEING HELD IN-PERSON  
In the John Daly, Jr. Meeting Room,  
Town Hall, 11 Rye Street, Broad Brook, CT 06016***

**AND**

***VIA REMOTE ACCESS  
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 Kowalski called the January 10, 2023 Regular Meeting #1842 of the East Windsor Planning and Zoning Commission 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, Frank Gowdy, Michael Kowalski (Chairman), David Leason (Secretary), and Jim Thurz (Vice Chairman). There is currently one vacancy for a Regular Member.

**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/Planning Director Ruth Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato, Selectman Baker, Liaison to the Planning and Zoning Commission; Deputy First Selectman DeSousa;  
**Representing the East Windsor Historical Society:** Nancy Masters; Jay Ussery, of J. R. Russo & Associates; Lorri DiBattisto,

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

2

DiBattisto Architects; Attorney Carl Landolina;  
**Representing Gayle and Lester Boisvert:** Attorney Marc  
Needelman; Richard Bevan, Gayle Boisvert, Clinton  
Bragg, Donna Gruhn, Paul Gruhn, Bill Korb, John Refuse;  
Gary Roy, Abbott Schultz, Burma Shaw.

**GUESTS/SPEAKERS present remotely identified as they sign in:** Selectman  
Muska; Selectman Nordell; James Barton; Michael  
Ceppetelli; Sherryl Foster; Austin H; Hallwaypc; ipad(2);  
iphone; Kathie; Kathie K; Jerry; Joanie's phone; Julia;  
Tierney McGrath; Scott Morgan; Snowb; Lynn Stanley;  
RValente; Verizon; Peg (Margaret) Hoffman, Recording  
Secretary.

**II. ESTABLISHMENT OF QUORUM:**

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

**III. ADDED AGENDA ITEMS:**

Chairman Kowalski noted 2 applications will be acknowledged under **RECEIPT OF APPLICATIONS.**

**IV. LEGAL NOTICE:**

The following Legal Notices were read by Chairman Kowalski:

The East Windsor Planning and Zoning Commission will hold the following Public Hearing on Tuesday, January 10<sup>th</sup>, 2023 at 6:30 p.m. Details on how to attend will be published on the Commission's Agenda which will be made available on the Town's Website:

**PZ-2022-28 Special Use Permit.** The Applicant is Kimberly Lanz, DOODLE ACRES, to open a Doggie Daycare and Grooming Service at 15 Kreyssig Road, Map 136, Block 75, Lot 001-01; Zone A-1.

A full copy of the application is available on the Planning and Zoning Commission's Webpage of the Town's Website. All interested persons may

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

3

attend this meeting and provide verbal or written comments regarding this application.

**This appeared in the Journal Inquirer on December 26, 2022, and January 2, 2023.**

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

Chairman Kowalski queried the in-person audience for comments regarding items/issues not posted on the Agenda.

**Nancy Masters, Rye Street:** Mrs. Masters noted she found in the Historical Society data dated July 23, 1993 which lists Anne Gobin as being on this Commission. Mrs. Masters thanked Ms. Gobin for her years of service, suggesting it was amazing.

Chairman Kowalski queried the in-person audience again; no one else requested to speak. Chairman Kowalski then offered the same opportunity to the remote participants; no one requested to be acknowledged.

**VI. APPROVAL OF MINUTES:**

**A. December 27, 2022 – Regular Meeting of PZC:**

Chairman Kowalski noted the Minutes of the Commission's Regular Meeting #1841 held on December 27, 2022 are available for approval, he asked if anyone had any comments, suggestions or alterations? Hearing no requests for revisions, he called for a motion of approval.

**MOTION: To APPROVE the Minutes of Regular Meeting #1841 held on December 27, 2022 as presented.**

**Gobin moved/Leason seconded/DISCUSSION:** None.

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

**VII. RECEIPT OF APPLICATIONS:**

Chairman Kowalski noted the following new applications have been received:

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

4

**PZ-2023-01** Special Use Permit Plan Modification for 124 Newberry Road. The applicant is Cota Construction.

**PZ-2023-02** Prospect Hill Road Special Use Permit with Site Plan review for a trucking terminal. The applicant is Carl Crane.

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

No requests presented under this Item of Business this evening.

**IX. CONTINUED PUBLIC HEARINGS:**

**A. PZ-2022-26 115 Scantic Road – Special Use Permit for Event Hosting. Applicant: East Windsor: East Windsor Historical Society:**

Chairman Kowalski read the description of this Public Hearing. He requested representatives for the applicant to join the Commission for their presentation.

Jay Ussery, of J. R. Russo & Associates, LLC approached the podium. Mr. Ussery reported he would be assisted by Attorney Carl Landolina, representing the East Windsor Historical Society, Scott Hesketh, of F. A. Hesketh & Associates regarding the traffic study, Lorri DiBatissto, of DiBatissto Architects regarding improvements to the barn, and members of the East Windsor Historical Society Board of Directors.

Mr. Ussery noted they have submitted revised plans tonight; the plans were accompanied by an email to Planning Director Calabrese summarizing the changes. Mr. Ussery noted the following revisions:

- Sheet 1 (Cover Sheet) – revision dates for the plan being reviewed
- Sheet 4 (Landscaping Plan) –
  - Added B-2 Bulk Table requirements to the data block in response to Chairman Kowalski's request. He advised the Commission the property conforms, or exceeds, all requirements of the B-2 Bulk Table.
  - Addition of 2 EV charging stations near the blue barn in the parking area.
  - Addition of a row of evergreens to the landscape buffer. Mr. Ussery noted the size of the trees will be 6-feet at the time of planting, and staggered; fencing has been added as well. The

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

5

buffer is provided on the east side of the property facing the Schultz property.

- **Sheet 6 (Stormwater Plan)** – addresses comments made by the neighbors and their attorney, Attorney Needelman, regarding the pollution of the Scantic River, and a letter from Town Engineer regarding the stormwater treatment plan being in conformance with the requirements. Mr. Ussery noted they have added a deep sump pump and oil hood at the last drainage structure prior to the outlet into the basin.
- **Sheet 7 (Utilities)** – includes the addition of the EV charging stations near the building, the generator pad, and the additional of a mechanical room which includes the fire suppression system – the fire suppression system will be designed and built by a professional engineer and reviewed/permitted through the Building Department and the Fire Marshal's Office if this project moves forward.
- **Sheet 12 (Details)** – added detail for the oil trap.

Mr. Ussery then addressed the questions raised by the Commissioners during the previous hearings:

- As requested, the **EV chargers** have been added near the building as shown on Sheet 4 and Sheet 7
- Regarding **potential uses**, JU noted they have submitted a revised list of events, those over 250 guests would be managed under a Temporary Event Permit allowable under Section 405 of the Zoning Regulations. Mr. Ussery cited they have included notes regarding a separate approval for the larger events, the hours of operation Monday to Sunday from 8 to 9, with music ceasing at 8:30 p.m., amplified music indoors only.
- **Sound levels** would have to adhere to State standards and would be tested at the property line. Should this approval move forward they will be testing noise levels, Staff will be invited to witness the testing.
- **Regarding the Bulk Use Requirements**, JU noted the inclusion of the table. Mr. Ussery reported the proposed application exceeds all limits required.

Mr. Ussery then addressed comments by the public:

- **Traffic** – Mr. Ussery cited Attorney Needelman continues to contend there are problems with the Traffic Study. Mr. Ussery cited the submission of a revised Traffic Report, as well as a letter from the Traffic Authority indicating they concur with the report, and the Town Engineer which concur with Mr. Hesketh's report. Mr. Ussery noted

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

6

the Traffic Report includes which indicates there are sufficient sight lines, and turning movements in and out of the driveway.

- **Fire apparatus accessibility** – Mr. Ussery noted they have submitted turning movement plans for a 95 foot ladder truck. The plans have been modified to show the fire apparatus can get through the site without impacting cars and showing they can get through from Cemetery Road back out to Scantic Road. Mr. Ussery noted the plans have been reviewed by the Fire Marshal, who has provided an e-mail indicating he's comfortable with the plans as submitted.
- **Drainage Report** – Mr. Ussery noted discussion that the drainage report isn't right and won't function. Mr. Ussery cited his associate, Tim Coon, discussed Attorney Needelman's concerns with the Town Engineer, who concurs with information presented by J. R. Russo & Associates; the drainage will function and meets the design standards required. Mr. Ussery noted again the addition of the deep sump pumps and the oil snout hood added at the last structure.
- **Destruction of farmland** – Mr. Ussery cited comments made by the neighbors and Attorney Needelman that this proposal destroys farmland, he referenced a 2016 aerial photo of the Historical Society property, which is available on the Town's website. The photo depicts piles of trash and old construction equipment, trucks, trailers and junk to the east side of the building. Mr. Ussery indicated that's the area where the parking lot will be located. He noted what the East Windsor Historical Society has done since they purchased the property in 2018; Mr. Ussery suggested they have spent considerable money cleaning up the property. Mr. Ussery suggested they have actually increased the property values in the area based on the work done and the money spent. He suggested if this application is approved, the property will only get better. Mr. Ussery suggested they feel they've met the requirements regarding farmland preservation.
- **Site lighting** – Mr. Ussery recalled comments made that the site lighting would be 30 – 40 foot poles with lights shining until midnight. He noted the submission of cut sheets regarding the proposed lighting submitted at the last meeting. Mr. Ussery indicated the poles in the parking area will be 18 foot in height located on the east side of the building; the people to the west won't see those lights because the building will block their view of the parking lot. Mr. Ussery noted the parking lot is also lower than the building. The lights around the building will be on 12 foot poles with luminaires for fixtures; those fixtures won't be on if the building isn't open

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

7

- **Geothermal and its affect on other wells** – Mr. Ussery cited if the applicant chooses to use geothermal they would use a closed loop system installed underground which would use the ambient heat of the earth to heat and cool. It would be designed by a professional engineer and reviewed by the Building Department and the North Central District Health Department because it would require a separate well. Mr. Ussery suggested there should be no affect on other adjacent wells due to this proposed closed system.
- **Plan showing laterals for the sewer system related to intended expansion** – Mr. Ussery indicated there are no plans for expansion. He suggested the notes have been added to the plans regarding the proposed sewer line – Mr. Ussery noted when they install the sewer line the cost of the lateral is small compared to going back later and digging it up. Should they decide to add a toilet to the Barber Hill School House it would be easier, and less costly, then putting that line in later. The line is also capped because, should they bring the line up to the building, the WPCA would consider that a connection at a connection charge of \$6,500 per building. The Historical Society has 6 buildings on the property, should they bring a sewer to all of them it would be a \$30,000 connection fee. Mr. Ussery indicated they have no intention of installing the sewer line now; they are just showing laterals.
- **Property values** – Mr. Ussery indicated Attorney Landolina will address this issue during his presentation.

Mr. Ussery requested Lorri DiBattisto to join him to discuss the improvements proposed for the building and how they'll function as related to potential noise emanation.

Ms. DiBattisto advised the group that Nancy Masters, of the Historical Society, will assist her with her presentation. Ms. DiBattisto referenced the architectural renderings, noting the top section of the building is also the largest section. She noted the neighbors are located to the north on the drawing. They are proposing a double wall system around the perimeter of the building, with insulation in the wall will be a waffle system, which is the best system for sound insulation. They'll have the outside wall, then a 2 inch air gap, and then another wall. When the sound hits the wall it's absorbed, and then starts to deflect. Behind the blank gap sound is absorbed. The construction of the wall with the windows will be directed to the east. The interior area is about 4,700 square feet, which is where they would host the larger events.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

8

Nancy Masters, Director of the East Windsor Historical Society, reported she has been the rental agent at Scout Hall for 22 years. She has made a chart of the Scout Hall rentals from 2016 to 2018 which reflects that there were 8 weddings during that time. Mrs. Master suggested that works out to 1 ½ weddings per year. Mrs. Masters described some of the events held at Scout Hall – family reunions, birthday parties, showers – which are totally different than weddings. Mrs. Masters suggested they hold training sessions at Scout Hall; she could see holding similar training sessions at the Historical Society.

Ms. DiBattisto noted the lower part of the blue building will be enclosed and there are 1,600 square feet. Mrs. Masters referenced areas on the architectural rendering, suggesting the location of the events in relation to the service areas – kitchen, bathrooms - within the building. Mrs. Master described the location of some potential seating, which would be like a porch area. Ms. DiBattisto noted that based on building codes the maximum guests for a single event would be 250 people. She suggested if 2 events were held the same day – such as a shower and a wedding – the lower area holds 100 people while the other area would hold 150 people. Ms. DiBattisto noted the parking would be provided for a maximum 250 people, including employees. She noted they are maxing out the use at 250 people, but because of building codes she has to propose the numbers as they could be. The numbers she's showing are actually larger than they anticipate hosting.

Mrs. Masters noted the North Central area currently doesn't have a place for an emergency shelter, they are proposing to install showers so the blue barn could be used for an emergency shelter for East Windsor and Enfield, and Windsor Locks. Ms. DiBattisto suggested the larger area within the blue barn will be the only area where music will be allowed to be played, no music will be allowed outside. Ms. Battisto described the process for testing during construction of the wall systems, and noted they will need to meet the State sound standards regarding the levels allowable, which are 55 during the day and 45 at night; the levels would be tested by a third party. Ms. DiBattisto suggested catering would be allowed in the barn kitchen for the events. Mrs. Master explained the use of Scout Hall, noting they have allowed the Girl Scouts to cook Gingerbread houses/cookies.

Mr. Ussery cited previous discussion of the noise to the east. He suggested the larger 4,700 square foot area in the interior of the building,



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

9

where they have the sound insulation, would be the only area where music would be allowed, and the doors to the exterior would be closed. Mr. Ussery suggested the noise impact has been considered during the layout and will be considered during construction; there will not be any noise coming out towards the east towards the patio.

Mr. Ussery cited discussion regarding property values as they relate to different uses. He noted they vary from 3 – 14%, depending on the use, he felt most of the uses aren't comparable to the Historical Society's proposed use, which he felt would be a less intense use. Mr. Ussery referenced the aerial of the prior conditions of the site, noting the EWHS has already increased the neighbor's property values by cleaning up the old equipment. He cited the neighbor's concern that their proposal would compromise the neighbor's property values, but he felt that with the previous cleaning up of the property the Historical Society has actually increased neighboring property values. Mr. Ussery indicated that should this use be approved the building will look like a barn because of the exterior siding, and be more appealing than it currently is that would increase the property values further. JU reiterated he didn't feel this application will affect the neighboring property values.

Regarding discussion of comparable facilities elsewhere in town, Mr. Ussery didn't feel the comparison to LaNotte was correct as it's located within the industrial park; he noted Merlot on the Water was the previous Knight's of Columbus club and is located within a residential neighborhood on Depot Street. Mr. Ussery felt that facility has a potential capacity of perhaps 150 people, he doesn't feel there have been any issues with that facility. Mr. Ussery cited Reservoir Park, which is owned by the Town, has a pavilion which is routinely rented; they've recently put in a band shell and allow alcohol with their rentals. Mr. Ussery suggested it's located on a small town road within a residential area; he isn't aware of issues with its operation.

Chairman Kowalski called for questions from the Commission.

**Commissioner Gowdy** suggested he couldn't see any scientific information or algorithm regarding the property values, the information provided is Mr. Ussery's opinion. You don't know what's going to happen in the future. Mrs. Masters noted that 10 years ago the EWHS purchased the Osborn House, at the time it had a hole in the roof that went all the way down to the basement but the property has been restored which

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

10

brought up the values of the neighborhood. Commissioner Gowdy questioned how Mrs. Masters knew that? Mrs. Masters reported a member of the EWHS maintains the green to the side and the green in front of the church, trees have been planted, they had the historical sign in the green refurbished, they moved the old School House to the property, they removed a considerable amount of manure from the 2 barns. Mrs. Masters recalled that the old equipment and tires they removed from the property were a breeding ground for mosquitos. Mrs. Master noted another house at the other end of the property which they don't own that may be bringing down property values. Commissioner Gowdy reiterated how Mrs. Masters knows that; Mrs. Masters suggested she's not an Assessor. Commissioner Gowdy reiterated there's no scientific way or algorithm to support her opinion or the information. He suggested it would be difficult for him as Commissioner to make a decision on something he isn't sure is correct.

**Commissioner Thurz** suggested Commissioner Gowdy was saying you'll be destroying people's property values if this goes in, in his opinion.

Attorney Landolina joined the discussion, noting he understands people's concerns. He suggested when he sees this facility he doesn't see a Maneely's or a Chez Josef, he sees a facility that's more like a club which will be managed by members of your community which is the EWHS. He agreed that they will make money from the rental of this facility to provide money for other projects. Attorney Landolina noted that Windsor Locks is smaller in size than East Windsor but has a greater population; it's a densely populated area with 6 clubs located within the residential area. Attorney Landolina suggested they did what the EWHS is proposing to do with no adverse impact on property values. He suggested the values of the homes surrounding the clubs in Windsor Locks went up as much as other properties. He advised the Commission he brought this question to 2 appraisers and a real estate agent, all of whom told him, that this type of project, based on the fact that it will be run by local people will have little, or no, impact on property values.

**Commissioner Thurz** suggested Windsor Locks was no comparison to East Windsor, which has farmland all over the place. Attorney Landolina suggested he was comparing the density of the residential population on the clubs in Windsor Locks. He suggested he understands East Windsor is unique. Attorney Landolina noted that in Enfield they a Special Use Permit to farm. He felt they have presented substantial evidence that this

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

11

proposal won't adversely impact property values, but that's a decision the Commission will have to make.

**Commissioner Leason** questioned that when Attorney Landolina was describing the Windsor Locks situation did the club come in before the residences, or after? Attorney Landolina suggested some of the clubs are located in older areas of town but felt the homes came in after the clubs. Commissioner Leason felt that those residents came in knowing what the neighborhood was while Attorney Landolina was asking the Commission to allow an event facility to come in when the people around it have no choice.

**Chairman Kowalski** felt the difference in this case is when you go out to purchase a property you do your due diligence, you see what you're near. If you're buying near an airport, or an event facility, or an industrial area, but if someone buys a property near a farm, and it changes, that's not what the person wanted. Attorney Landolina suggested things change over time; if you look at your Zoning Map a lot of the farmland has been purchased and turned into developments. Chairman Kowalski suggested when discussing values and someone purchased a property as a residence and then it became next to an event facility that's when the value changes, not at the time of purchased. Commissioner Gowdy reiterated his contention that information regarding property values isn't based on scientific evidence. Attorney Landolina suggested the impact on property values is a condition of every Special Use Permit. He questioned how the Commission has dealt with Section 405 this issue in the past? Commissioner Gowdy suggested they've based their decision on what the applicant was going to do. Commissioner Gowdy suggested, when talking about health, wealth, and safety the wealth part is ambiguous. Commissioner Gowdy suggested he would be remiss if he didn't say the EWS has done wonderful things, but the property values is a concern for him.

**Commissioner Thurz** noted that if the Special Use Permit gets approved East Windsor has farms all over the place. What's to stop the Thrall Dance Hall, which is already built and is a farm, from doing the same thing. Attorney Landolina replied nothing. Commissioner Thurz suggested anyone who has a farm can do the same thing? Attorney Landolina replied affirmatively. Attorney Landolina suggested they're not asking for a Zone Change or a Text Amendment; the Commission made a decision that this was an allowable use by Special Permit. How do farms

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

12

stay farms, those that don't diversify often don't remain farms.  
Commissioner Thurz suggested the Farm Regulations may need changes.

**Commissioner Leason** indicated he had a question regarding the data block information. He noted Mr. Ussery had discussed an existing front yard set back of 12.2 feet but it's required to be a 50 foot setback, so your under the setback requirement? Mr. Ussery replied affirmatively, noting the reason is it's the Osborn House which was built prior to the establishment of Zoning Regulations. He noted that many older homes, and The Academy, were built up close to the road prior to cars, etc. It's an existing non-conformity, or a grandfathered property.

Mr. Ussery noted that he added that information to the data block in response to Chairman Kowalski's question from a previous meeting regarding the need for the Special Use Permit use to meet the minimal requirements of the B-2 Zone Bulk Table which talks about set-backs, and minimum frontage and lot size. Mr. Ussery noted the application exceeds all the requirements in the Bulk Use Table.

**Commissioner Gobin** noted that the public raised a question about cars idling behind the building. She noted there is no parking proposed behind the building, and they are providing "no parking signs", Commissioner Gobin questioned if "no idling signs" could be installed where people will be loading and unloading vehicles at the building. Mr. Ussery concurred with Commissioner Gobin that no parking is being proposed on that side of the building. He suggested if this proposal moves forward they'll post signs next to the service/kitchen areas.

**Chairman Kowalski** referenced Section 600.2 regarding a requirement for a 100 foot landscape buffer between commercial/industrial uses and residential uses, which can be reduced to 50% at the discretion of the Commission. Chairman Kowalski suggested they currently don't meet the 100 foot set back so it would require the Commission's permission to reduce that Bulk Area requirement for this proposal to proceed. Chairman Kowalski suggested it would require a separate vote on that item.

Mr. Ussery recalled that the landscape buffer has been discussed previously. He cited as examples of the reduction Noble Gas on Route 140, and ACI Auto on Route 5. Based on the addition of dense plantings and a fence the buffer can be reduced by 50%. Mr. Ussery cited the language is "the buffer requirement 'shall' be reduced by 50% if dense

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

13

plantings consisting of evergreens no less than 6 feet planted 20 feet on center and two staggered rows and solid fencing 65 feet in height shall be constructed from low maintenance material...” Mr. Ussery cited the regulation doesn’t say “may”, it says “shall”, he suggested the regulation doesn’t say it requires a separate vote. Chairman Kowalski suggested if it’s under the Commission’s discretion it must be by consensus; he reads that as “shall” means it will be reduced to 50 feet. Chairman Kowalski recalled the Commission has voted on that issue in the past. Mr. Ussery noted they have provided the evergreens and the fencing as required. Chairman Kowalski noted it’s not a guaranteed approval.

Mr. Ussery concluded his current presentation.

Chairman Kowalski opened discussion to the public.

Attorney Marc Needelman, representing Gayle and Lester Boisvert, and the neighbors, stepped up to the podium. Attorney Needelman suggested if someone were to ask him to summarize this application he would tell you they’re trying to force a square peg through a round hole. Attorney Needelman cited credibility of the issues as they have submitted 4 sets of plans; he suggested the applicant has a fine/experienced team, Attorney Needleman doesn’t understand why they didn’t get an appropriate application on day one, or why it’s taken 4 times to get closer to providing enough information to be able to make an informed decision. He’s also concerned that the applicant’s named agent, John Burnham, hasn’t been present for the previous 2 meetings. Attorney Needelman suggested there are questions that haven’t been answered, specifically about that pipeline from across the street. He suggested first we didn’t know about it, then we heard a construction company brought in by John was involved, then we hear that the Town Engineer said maybe there is a pipe there but it’s not on the plans, Attorney Needelman suggested it’s not on the plans because no one came in for a permit for it, but we know it’s there because we heard from the immediate neighbor that John had a confrontation with him regarding the line that goes through his yard. Attorney Needelman suggested the lack of honesty is troubling.

Attorney Needelman recalled we’ve heard about sound insulation measures, but no one addressed the HVAC compressor needed to heat and cool the facility. He felt they would be generating significant noise outside, as they won’t be in a soundproof room; he felt they’ll be cranking

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

14

during the Summer and the Winter. He suggested the neighbors won't be happy.

Attorney Needelman suggested Mrs. Masters compared apples to oranges regarding the management of Scout Hall. He noted they don't allow alcohol which is probably the reason for the low counts on weddings held there.

Attorney Needelman referenced Mr. Ussery's discussion of comparable sites in town; Attorney Needel suggested keep that in mind when considering forcing the square peg through the round hole.

Attorney Needelman agrees with Commissioner Gowdy, it's impossible to provide empirical evidence regarding property values. Attorney Needelman questioned if someone has a choice to purchase next to this event venue, assuming it's built, vs. next to a similar home next to agricultural land would you pay as much for the one next to the event facility?

Regarding Section 600.2, Attorney Needelman suggested Chairman Kowalski is correct. If the berm is built they'll have a 90 foot gap between the property line and the buildings, if the Commission reduces that it becomes 50 feet and if you had a choice of buying two similar properties, one 50 feet from the berm and the event facility or one which has an open agricultural vista, which property would you pay more for?

Attorney Needelman then presented the latest plan which he has color-coded for the Commission. He noted the location of the agricultural land, and the Historical Society's buildings. Attorney Needelman suggested the Historical Society has done great things for the town, and will continue to do so but this isn't one of them. Attorney Needelman referenced the black cross-hatched area and the blue area and the brown represents impervious surfaces, while the regulations say the plan should provide pervious surfaces.

Regarding the map and deed, which was discussed at the last meeting to answer the issue of if there were any existing easements or drainage rights, Attorney Needelman noted the document he's providing for the Commission has the deed from Mr. Schultz's predecessor who sold the land, he suggested the Commission was told that deed provided a drainage easement to run this water through Mr. Schultz's property. Attorney

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

15

Needelman suggested that the plan is dependent on that being correct. Attorney Needelman suggested he was told a new/different plan would be presented but that information hasn't been submitted. Attorney Needelman suggested the deed discussed at the previous meeting made no reference to a drainage easement. Attorney Needelman suggested the deed references a map in 2018 for a lot line adjustment but no reference to a drainage easement from the subject property onto the Schultz's property. Attorney Needelman contends they have no legal right to discharge any water onto the Schultz property into a new retention system and dumping it onto an adjoining property. Attorney Needelman contends they will be negatively impacting Mr. Schultz's property value. Attorney Needelman suggested all of this water ends up in the Scantic River.

Attorney Needelman commends the Historical Society for cleaning up the property; there's no question that it's better. But he questioned why they want to go backwards by building this hall? Regarding stewardship of the land, Attorney Needelman cited they submitted photos of the existing condition of the property showing large piles of debris and cut lumber and the outflow of the drainage pipe onto Mr. Schultz's property, Attorney Needelman suggested it's nasty stuff. And that's without major development.

Attorney Needelman referenced the plans which he color-coded again, noting the area highlighted in red to depict "danger". Attorney Needelman cited the easement going through the neighbor's property, and suggested the red coloring goes through the retention pond. Attorney Needelman cited the US Government has a permanent easement along the red line, which is recorded on the Land Records; Attorney Needelman suggested you can't interfere with the rights of the US Government. Attorney Needelman suggested the US Government has a permanent Conservation Easement with rights to access. Attorney Needelman questioned how they could come in with a plan for a large facility and propose to dump the water from the retention/detention system, without legal right, onto the location of the Government easement? Attorney Needelman cited credibility issues again.

**Commissioner Gowdy** questioned if the color-coded plans are Attorney Needelman's interpretation of the lines; Attorney Needelman indicated he colored Mr. Ussery's plan. Commissioner Gowdy questioned if the lines were drawn by an engineering firm or what Attorney Needelman sees? Attorney Needelman reiterated he colored JU's plan. Attorney Needelman

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

16

suggested he only added a couple of things, the catch basin omitted on the other side, and the location of the church to give perspective, and notes regarding the location of the wellhouse.

Attorney Needelman submitted a handout to the Commission regarding noise pollution and how it affects property values, and another document regarding the impact of noise on residential property values. Attorney Needelman felt the statements in the documents applied to this situation. Commissioner Gowdy suggested it's difficult for him to compare the center of London to East Windsor. Attorney Needelman suggested he was asking the Commission to consider the conclusions within the documents.

Attorney Needelman cited the submission of a new event schedule which proposes smaller events with less than 250 guests. They include dances, weddings, proms, corporate events, and retreats, and wine tastings which are likely to have loud noise and alcohol. Attorney Needelman suggested the Civil War enactments would be a great event but he contends would change the environment. Attorney Needelman suggested these proposed events aren't consistent with residential or agricultural areas.

Attorney Needelman noted the following:

- Section 305.1 – Farm Regulations, Purpose – to promote the preservation of agricultural land while preserving the public health, safety and welfare.
- Section 305.7 regarding drive aisles and parking are required, and permeable surfaces are encouraged.
- Section 200.2, page 4, regarding their interpretation application of the Zoning Regulations shall be held to the minimum requirements.
- Section 701.1 regarding Special Permit findings – Attorney Needelman suggested the Commission must make a finding that the proposed use is in general accordance with the relevant provisions of the POCD in preserving farmland. Attorney Needelman contends they are not preserving farmland.
- Section 701.2(a) regarding compatibility of location/size/character is in harmony with the orderly development of adjacent properties, which include the neighbor's homes, the church, the cemetery.
- Section 701.2(c) regarding the proposed use won't alter the character of the area or adversely affect property values in the neighborhood. Attorney Needelman cited the proposed event space with associated parking spaces, vehicles coming and going, buses, trucks, limos, selling and serving liquor, music and noise into the night.



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

17

- Section 701.3.8- adequate access – Attorney Needelman cited previous discussion of the ability of the streets to handle traffic, which he described as being 20+ feet, no curbs, the most dangerous intersection in town. Attorney Needelman contends it will only get worse.
- Section 701.4 – adequate infrastructure – the water supply, sewage disposal and stormwater drainage systems in the form of accepted engineering criteria and which complies with standards of the applicable regulatory authority – Attorney Needelman cited they're building a large pond in the middle of the government easement; he felt the government would object. He suggested they're dumping the water on the neighbors' property without the legal right to do so.
- Section 701.5 regarding natural resource conservation – Attorney Needelman suggested the proposed plan must provide for the environmental protection of the area, he noted the proposed plan will drain into the Scantic River, assuming they have the legal right to drain onto the Schultz property.
- Section 701.6(c) regarding compatible design – Attorney Needelman suggested the rural, quiet setting will change.
- Section 701.8 – regarding residential impact – any use for proposed activities located to a residential use will not impair values when considering the location/size of the proposed use and the nature/intensity of the proposed use.
- Attorney Needelman suggested they didn't originally comply with the requirements of the traffic study.
- Attorney Needelman cited a proposed use must conform to the POCD, noting Page 1 indicates that the Planning and Zoning Commission 'must' use the POCD when making land use decisions. MN suggested the POCD is the Bible for the town. He suggested page 4 of the POCD notes it's the roadmap to the future. It's the responsibility of the boards, staff, and residents to work together to meet the goals of the POCD. Attorney Needelman cited a Windsor Court case which indicated that the Planning and Zoning Commission would be guided by its own recommendations in the Master Plan in which the commission believes there should be coordinated development.
- POCD, Chapter 2 regarding conservation of the Town's open space and the cultural and historic resources will help to address the town's vision of preserving the rural character that defines East Windsor. Attorney Needelman suggested that makes it different that Windsor Locks. Attorney Needelman suggested East Windsor is in the unique situation of being able to preserve its rural character while promoting economic development along its business corridor. To meet this goal

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

18

the town must continue to preserve more open space and agricultural and historic resources with a thoughtful process while promoting compatible economic development. Attorney Needelman suggested that's the charge and the standards the Commission must judge the application by.

- POCD, Page 7 – primary conservation strategy is to preserve more open space, not maintain or minimize the loss.
- POCD, Page 8 – says the preservation of more open space is one of the most effective and comprehensive strategies to achieve the plan's vision. Attorney Needelman suggests this proposal is paving, not preserving
- POCD, Page 40 – the goal for the Scantic Village is to preserve the historic and rural agricultural character and enhance the agricultural character – Attorney Needelman cited we're hearing about large scale events, with cars and buses, amplified music, and alcohol; he questioned preservation of the character of the area.
- Staff Report – suggests the POCD provides support for villages to be designated with new zoning. Attorney Needelman contends the POCD doesn't promote new zoning for villages to promote tourism and business. Attorney Needelman contends the Staff comment is not applicable.
- POCD, Page 41 – suggests that in Scantic the goal is to enhance and protect the historical resources, and the character of the land in the vicinity. Attorney Needelman suggested the event revenue doesn't protect the land in the area.

Attorney Needelman suggested this is allowing a private corporation to make money with the guise of preserving land. Attorney Needelman questioned why the Historical Society is spending \$1 million plus to build a barn? He suggested Mr. Tribble's donation could be put in an account to support the Historical Society's needs with no reduction of open space and no disruption to the community. Attorney Needelman questioned why? He suggested the only ones supporting this are the paid professionals or the members of the Historical Society. Attorney Needelman questioned when have you seen this community so galvanized on a cold Winter night? Many of these people don't live in Scantic. They've spent their own money and don't have an "out-of-towner" funding them. Attorney Needelman suggested if the Commission feels this warrants approval with all the problems we can only wonder where we go from here.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

19

**Commissioner Gowdy** questioned if Attorney Needelman was telling him that with regard to the POCD he's legally bound to follow exactly what that says? Commissioner Gowdy noted he's been on the Commission long enough to go through 3 POCDs; the POCD is a guideline, it's not written in stone. Attorney Needelman questioned if there was any question that it gives you the road map he discussed? Commissioner Gowdy reiterated it's the goals and is a road map to get there. He suggested it's like football; the goal is to get a touchdown, the coach tells the players how to get there. The goal isn't the law, it's the goal. Attorney Needelman questioned what the coach uses – a playbook. Commissioner Gowdy cites that changes from game to game. Attorney Needelman suggested for this game it's your current POCD.

Attorney Needelman concluded his presentation.

APPLAUSE FROM THE AUDIENCE.

Chairman Kowalski opened discussion to the in-person audience.

**John Refuse, 44 Woolam Road:** Mr. Refuse noted he lives less than mile from the proposed banquet facility. Mr. Refuse provided documentation to the Commissions, noting he would be making comments along with this, and probably would ad lib along the way but this document is something the Commission can refer to afterwards. There's a couple of picture pages in the back section which are the aerial view out of the POCD, and one of the colored versions of this. Mr. Refuse reported he's a registered architect and he's spent most of his career in architectural environments where he works along side of civil engineers and structural engineers and mechanical, plumbing, etc. and he can read these drawings and knows what a catch basin is.

Mr. Refuse suggested the professionals who are here did a great job. He felt he had an idea of the cost and it wasn't a small effort, but he suggested they did a terrific job, they were very thorough giving you the concepts and the details for the elements of the project but that was part of what clued him in that it's not compatible with the rural village. Mr. Refuse noted he's presented in many towns in front of their Planning and Zoning Commissions and their Building Officials but usually he's on the side of the bigger commercial developer that present these plans that show the mitigation elements. He's usually trying to do this for an industrial park

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

20

or business park; he can't remember a time when he's seen the organized opposition to this, they've done a good job.

Mr. Refuse suggested he's heard a lot about the Zoning Regulations and the bulk area and dimensional requirements, those are easy to address as you can manipulate how you want the numbers to go. Mr. Refuse suggested the tough part for the Board is the subjective evaluation. Mr. Refuse cited he didn't have any contact with the gentleman before him but it sort of dovetails with what he was saying. Mr. Refuse suggested he wants to address phrases, such as "harmony with the area" and "compatibility with the Town POCD". Mr. Refuse felt what these people want to you to see is the scale of the mitigation elements that have been submitted to you are the most obvious measure of the incongruity of the project with Scantic Village. Mr. Refuse suggested it's like having a small elementary school proposed within 100 feet of residential houses. He cited the business zones within the area, which are really being used for residential.

Mr. Refuse suggested he read the Zoning Regulations and has done some projects in town, and has worked with some of the Building Inspectors, and he read the POCD, the mission statement of the Conservation Commission, and the goals of the East Windsor Historical Society. He's been inside the blue barn, which is actually a dirt floor indoor riding ring, and his soon to be stepdaughter took lessons in there, it's a pole barn with a dirt floor and stalls along one side.

Mr. Refuse noted he's been to Scout Hall and looked at their parking lot lighting, he's been to the German Club as he's a member of the Broad Brook Angling Club, and he's been at the LaNotte banquet facility. He suggested they're all different. He noted people brought up facilities in Windsor Locks, and Merlot, and the Nutmeg and none of them have the mitigation elements that this project has. He reviewed the website for the EWHS and also the Holcomb Farm in Granby, which he felt was a model for this project, he's read all the minutes and listened to all the videos and has attended a couple meetings; he's not just walking in here off the street.

Mr. Refuse suggested he felt there were 5 character assessment issues associated with this proposal – sight, sound, traffic, drainage, and historic preservation. He felt they were so major on this project that this professional team was required to design the mitigation elements for each of those issues. He suggested the mitigation issues are comparable to

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

21

larger scale projects suited for an industrial or business park in commercially zoned areas rather than in quaint little villages.

In reviewing the expansion notes on the plans Mr. Refuse felt it was likely that this project will be on to be more of a commercial nature.

Mr. Refuse felt the POCD is a road map for the Commission to use to judge projects, he suggested if there are projects that come before you that use these mitigation elements in spades it should tell you something. He referenced page 65 of the POCD which shows a conceptual municipal campus, which illustrates the proximity of things as East Windsor sees them to schools, parking lots, and roads to residential areas. Mr. Refuse referenced the Kogut property which is a large parcel off by itself and not near residential homes. Mr. Refuse suggested that the mitigation elements are the things by which to measure the appropriateness and fit of a project – or lack of – with the Town’s growth standards and historic preservation goals. He suggested often a project can meet the zoning regulations, known as the “letter of the law” but Commissions such as the PZC are tasked with harder situations which is to determine compliance with the intent of the Zoning laws and the overall goals of keeping the Town’s heritage intact. He questioned what are the parameters to be used to judge the fit of a project like this; are the mitigation measures something that can turn that off. Mr. Refuse cited the 90 page POCD which offers guidelines to the Commission to guide them in their judgement.

Regarding the site and the visual aspects of the project, Mr. Refuse suggested that due to the proximity of the neighbors there’s a need on the east side of the project to build an evenly spaced 300 foot row of pines planted 25 foot on center, as well as a fence. Mr. Refuse suggested he doesn’t see that anywhere else in the village. Mr. Refuse suggested on the west side there’s a need for a 6 foot berm and another fence and arborvitae because they’re proposing an event facility less than 100 feet from residential properties. He recalled that Mrs. Masters had described it as similar to a sound barrier on the highway.

Regarding the parking lot for 88 cars, with luminaires proposed, Mr. Refuse concurred he’s been at Scout Hall, even with cut-off luminaires you know there’s a parking lot down there is a parking lot at Scout Hall. Mr. Refuse suggested he doesn’t find this proposal as keeping with the village vernacular regarding the scale or the use.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

22

Regarding the sound, Mr. Refuse suggested this project is going to generate so much noise that it requires a new “pseudo-barn”. Mr. Refuse didn’t feel that they would be renovating the existing barn, which has no foundation, and the dirt floor, he suggested they’ll be doing a new roof, and windows, and new walls requiring an STC of 100. He suggested houses have a STC rating of 35 or 40; what other structure in East Windsor has an STC rating of 100? Mr. Refuse suggested discussion of how difficult it will be to contain the noise, he suggested when you open the door or you feel the thumping. Mr. Refuse suggested this is an area where you can manipulate the numbers, he’s familiar with the sound coefficients. Mr. Refuse suggested STC ratings don’t include low frequency sound in their testing procedures, he referenced cars driving down the road with the thumping. Mr. Refuse suggested this is a facility that needs to have an STC rating of 100 to keep the noise inside.

Regarding the Traffic Study, Mr. Refuse cited that other people have pointed out the flaws in the traffic study, he is amazed that a use is being proposed in a small village that requires a 42 page Traffic Study. Mr. Refuse found issue with the calculation of the trip generation being spread out during the day when you know the events will happen within an hour of arriving and an hour of leaving a wedding. Mr. Refuse felt taking into consideration the arrival and departure the trip generation would pretty much double.

Mr. Refuse suggested the drainage report blows his mind. He suggested he lives nearby and he’s done some excavation and there are not all bad soils in the area. He cited the initial drainage report, noting that none of the other homes in Scantic require a dozen catch basins, a couple of thousand feet of engineered drainage pipe, and a large drainage pond. Mr. Refuse suggested people realize this is being proposed by the Historic Society. Mr. Refuse recalled Attorney Needelman had pointed out the goes into the property above and then into the Scantic. Mr. Refuse reiterated it blows his mind, if it drains into the Scantic they’ll need oil/water separators in the parking lot. Mr. Refuse reiterated this is the rural village of Scantic, not the industrial park.

Regarding conservation and preservation of open space, Mr. Refuse referenced the Zoning Map, noting a “donut” of 5 business zones meant to define a village business, not big business.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

23

Mr. Refuse suggested if you have parking for 88 cars, and parking in front of the dumpster, and Mr. Ussery had said they could add 18 more parking spaces. Mr. Refuse suggested he didn't feel that was appropriate and this proposed use shouldn't be located in an historical village.

Mr. Refuse summarized as issues with the proposed project as being a parking lot for 88 cars, an extensive paved circulation route in and around the site, 12 and 18 foot parking lot lights with cut-off luminaires, 10,000 square foot retention pond; Mr. Refuse suggested that's not open space. He recalled Attorney Needelman pointed out there are other places this might be more in character with the area. Mr. Refuse cited discussion of the Thrall property, he noted it's not located in a residential area, but the proposal isn't appropriate here.

Regarding historic preservation, Mr. Refuse suggested barns are an important part of the heritage of East Windsor, and the whole Connecticut Valley. He suggested this dirt floor blue metal building indoor riding rink pole barn construction built in the past 25 years has no historic value. Mr. Refuse suggested the scope of the work is to completely rebuild the barn, which will have no historic value. Mr. Refuse suggested there's no attempt to work with the architectural vernacular of the village. He suggested it's like putting lipstick on a pig. Mr. Refuse referenced the Holcomb Farm in Granby again, noting they have an architecturally significant structure on that farm which has been turned into an event hosting facility; he felt that project and it's location makes sense, he felt this one doesn't for the reasons discussed.

Mr. Refuse suggested the main subjective question regarding approval of this Special Permit is whether – or not – this project fits into these surroundings with the character and the harmony of the area. Mr. Refuse suggested they find that the presentation of the extensive mitigation measures to be the yardstick; he suggested using that yardstick the project fails miserably, in his opinion.

Mr. Refuse questioned why the Historical Society would propose this use? He agrees the Historical Society has done great things in cleaning up the property, and he loves the Ice Cream Social, he noted he's attended craft fairs and other events; that makes sense. He suggested he understands the purpose of this project to be an income-generating entity to support their expenses through the rental of the event hosting facility. In his opinion the Historical Society will take on the stewardship of a formal event hosting

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

24

facility with a new non-historical million dollar pseudo-barn with paved parking for 80+ cars with it's parking lot lighting system and the elaborate drainage system/structures and retention pond, and the maintenance of the landscaping berm necessary for visual screening from the village it's supposed to be a part of. He suggested investing \$100,000 would last a lot longer than building this barn to do that. Mr. Refuse cited the revised list of proposed events don't require an expensive building with a paved parking lot with lights, drainage, sound mitigation, and an alcohol permit. Mr. Refuse cited people have attended many events at the Historical Society, and enjoyed them, it's the ones with the lights, the alcohol, and the traffic that need to be relocated somewhere else in an appropriate surrounding area. He suggested the concept of creating such a large facility for future generations to maintain is not in keeping with the future of Scantic Village as outlined in the POCD. Mr. Refuse went on to suggest the extent of a budget which would be required to support the proposed facility would be excessive, and would not benefit the taxpayers of the Town. Mr. Refuse suggested none of this benefits the town, or the adjacent neighbors, not even with the penalty fee charged to guests who violate the terms of the rental agreement. Mr. Refuse reported the Historical Society doesn't pay property taxes.

Mr. Refuse suggested there's a term to describe this situation, it's vernacular architecture, which is the physical presence of a village or area. How does it define the characteristics of an area? It's the common building style of a period or place which serves the immediate local needs, is constrained by the materials in a particular region, and reflects the local traditions and cultural practices. Mr. Refuse suggested this project is not in the vernacular of this village. He suggested the easy/objective part is measuring the bulk and area requirements of the Zoning Regulations. The letter of the law is more difficult to answer. Mr. Refuse suggested the vernacular architecture is important to East Windsor because the tobacco heritage and farming environment is a large part of who we are. Mr. Refuse recalled previous reference to Zoning Regulations, the POCD, phraseology associated with previous discussions, guidelines, and laws related to this proposal. He suggested what's happening in other towns where historic groups seek to preserve and conserve the historic aspects of the town and primarily through preserving the vernacular of a district is not what's happening here. He suggested here we have a small group of people who may benefit financially under the cloak of the Historical Society to initiate this master plan of a middle school campus development not aimed at historical preservation but for financial gain for



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

25

the investors and imposed on a small rural village that looks nothing like this project. He suggested the mitigation elements don't exist elsewhere in Scantic Village, but will exist to protect the village from what's emanating from the Historical Society's proposal. He cited the overwhelming opposition is evidence that the local townspeople agree with this assessment. They're asking the Board to deny this Special Permit. Mr. Refuse suggested as a large development friend once told him you just can't polish a turd.

Mr. Refuse cited he had some open questions, including;

- how is it possible to propose that the EWHS obtain and improve an adjacent property to a current small village; he felt that was the very thing that will make this village non-historic.
- has the project has been reviewed by the Historic Preservation Commission, although he questioned the current status of the Commission.
- he's been told different things about the tax status of the Historical Society.
- have the members of the Commission have visited the site and driven around and seen how close some of these buildings are.

Mr. Refuse indicated that concluded his presentation; he thanked the Commission for their time.

APPLAUSE FROM THE AUDIENCE.

Chairman Kowalski called for other people in the in-person audience who would like to speak.

**Bill Korb, Melrose Road:** Mr. Korb suggested he would make his comments mercifully brief; he indicated he has 5 points to make.

Point Number 1 – He noted many comments made this evening about the Historical Society and their many years of friendly museum historically themed events; they are an asset to the community.

Point Number 2 – The Historical Society has other aspects besides that. They're a legal entity in the State of Connecticut, they are an LLC.

Point Number 3 – Mr. Korb suggested things begin to get interesting. The Historical Society has also an official 501.3c category entity in terms of

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

26

the IRS, our friends at the tax collection agency. They are a private, I think the word is development, that may be the wrong term but they're a private something. A 501.3c has many subcategories, as such, they can't accept donations when they do get tax free donations from people who wish to make donations. Two years ago, form 499 that they have to file every year shows \$430,000 donated to the Society by a local automobile recycling company, I believe. Mr. Korb suggested there's money here, ok? Now, why does the Society want more money? He's heard a number of comments to that affect tonight. Why would he want more, he doesn't know.

Point Number 4 - Mr. Korb suggested the point to be made is the Society seems to be morphing from what they have been for so many, many years into something new, namely a commercial entity. Is that a wrong thing to do; no. But it certainly raises questions in his mind.

Point Number 5 – Mr. Korb suggested he's almost out of here. Point Number 5 is this Commission has a large decision to make, the decision you're about to make has far reaching implications. You could be tempted to approve this in some heavily-caveated fashion. You may say well, you can only do it on certain weekends, you can only do it in certain ways, and so forth and so on. If you're taking that line of thought you're thinking okay, it's only open a little bit of the time, it's only here a little bit of the time. The point that could be made is if you approve it on that basis all of that takes place, and all of the changes associated with that take place. The changes are there 24/7, the change is forever. Ask the people in the room that would be impacted by the changes, if they think these would be positive or negative changes to their neighborhood. Mr. Korb suggested he had a news flash for the Commission; if you haven't seen that tonight already the changes – this is subjective if you live there – the changes are felt to be negative, not just negative but heavily negative forever. Mr. Korb suggested there's a buzzword for this, it's called stigma. The stigma will last forever if you approve this in any way, shape, form or fashion. At the end of the day if any of this gets approved at all the Society makes money, the neighborhood gets to pay for it, the neighborhood becomes extinct.

End of speech, thank you.

APPLAUSE FROM THE AUDIENCE.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

27

**Abbott Schultz, 9 Cemetery Road:** Mr. Schultz suggested they put this wonderful picture up but - Mr. Schultz asked Mr. Ussery where the other half of this picture was? His half. Mr. Schultz suggested everything shown there was the historical site that they cleaned up. Mr. Schultz suggested he understood that the other side seemed to be pretty clean to him. Mr. Schultz referenced a little barn, noting he donated money to the Historical Society and they moved it to his property. Mr. Schultz suggested he was always in favor of this whole project until he dug into to it more and more and with the people involved until he realized this is just a money-making scheme for certain people and it's wrong.

Mr. Schultz noted he's the guy on the other side of the pond there. He noted they put the fence along his property line; that's his punishment for switching sides. Mr. Schultz suggested a long time ago they said do you want..... Mr. Schultz said he told them no, so they put these nice posts there and he put reflector lights on them. Mr. Schultz suggested they want to put up a 6 foot high fence to punish him. He questioned how that would improve the neighborhood putting up a 6-foot high black fence.

Mr. Schultz reported he called his real estate agent yesterday, she's the number one real estate agent in Hartford County. Mr. Schultz indicated he asked her, knowing what he told her about this change would she recommend that I bought that house two and a half years ago; she said are you nuts? You wouldn't have bought that house if you knew this was going on. We looked over and saw this wonderful pastoral environment with horses, and that's why we bought the property. Mr. Schultz suggested Dan and John Burnham were in the building when he bought the house; they're familiar with him and this situation. Mr. Schultz suggested they treated him very well for 2 years and when he switched sides he got thrown out of the club. He understands that, and he thought these other people would be enemies but then he realized what they were up against and he realized this is 100% real. Mr. Schultz noted he's had 10 homes all around the United States, he's spent 40 years in management, so he's lived in a lot of different places. This reminds him of what they did in New Britain, they put Route 72 through New Britain you ruin the town. You put Route 84 in Hartford, you ruin the town. Why - you cut the town in half. This is going to cut the whole thing in half, and it's going to ruin the rural environment; he feels that's very wrong. Mr. Schultz suggested he wished Mr. Holden was here to ask him questions as to when he put these pipes in. They'll tell you they were put in 30 years ago but some of them are pretty new. If you look at the side of his pond

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

28

it's 27 feet into his property; how did it get there? Nobody seems to know.

Mr. Schultz suggested he was asked if he would rather see 10 homes here than what they're doing, Mr. Schultz suggested he would rather see the 10 homes. At least they'd be paying taxes.

Mr. Schultz thanked the Commission for listening.

APPLAUSE FROM THE AUDIENCE.

Chairman Kowalski called for additional comments.

**Richard Bevan, 121 Scantic Road:** Mr. Bevan submitted photos to the Commission showing the road conditions that everybody's saying is ok. Mr. Bevan suggested this is what happened in front of his house, coming down Phelps Road, they couldn't stop at the stop sign and cut in front of a car. Mr. Bevan suggested they're going to have the signs changed to "slow" and "go". Mr. Bevan referenced a photo of a tractor trailer making a u-turn at the diamond by the church; look at what they did to his property and the church property across the street. This is where they're saying there are no problems with conditions with cars. Mr. Bevan suggested he mows his lawn, people give him the finger because he's near the road. Like he shouldn't be taking care of his property; they own the road. They want to bring in people who drink, and kill innocent people. Mr. Bevan suggested when there was an accident on Route 5 that they rotate the traffic up here. Mahoney Road should be 4 signs there. Mr. Bevan referenced the discussion that there aren't accidents in the area, he suggested there are always accidents up here. In front of the church, no one stops.

Mr. Bevan noted the last time he was here we talked about the water. Mr. Bevan reported he received a call from DOT, and was threatened by them. They wanted access to pipe going across the street, under Town and State roads, to his property; DOT said it was because John Burnham didn't let them blow it out. Mr. Bevan noted Holden was there to blow it out. Mr. Bevan reported when his wife approached "him" they told her to call her lawyer. Mr. Bevan noted there are no pipes on his property. Mr. Bevan suggested John Burnham called DOT on him for revenge. Mr. Bevan reported he visited Len, who barked at him at first. Mr. Bevan questioned how DOT got his number, he suggested John was the only one that has it.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

29

Mr. Bevan contends John is doing this for revenge, because he's not his friend anymore. Mr. Bevan noted he used to cut the grass for free. Mr. Bevan visited Len, whom he felt threatened him; Len told him if the water recedes over your road he would be held liable for it. Mr. Bevan considered that a threat. Len told him he would contact Monique. Mr. Bevan reported he called his attorney, who told him to see what the response was. Mr. Bevan suggested he didn't receive any return calls, so he visited Len who didn't give him a straight answer. Mr. Bevan reported his attorney said there is no pipe on his deed, he suggested the area across the street is sliding over and they think the plug is on his property. Mr. Bevan cited his displeasure with his treatment. He's mad; it has to stop.

Mr. Bevan submitted photos to the Commission. Mr. Bevan reported they were doing work in the back of the building. His Mother-in-Law called him; she thought they were having an earthquake. Mr. Bevan called John to see what was going on; John told him they were putting a driveway in and they were using a big commercial roller like they use on the highway. John put a stop to it. Mr. Bevan referenced the photos he'd given the Commission, noting that was what was coming out of his well after what John did. Mr. Bevan noted he's lived at the property for 15 years, and has never had a problem, other than a sulfur smell. Mr. Bevan reported he had no water pressure after getting home from the last meeting. Mr. Bevan advised John of his problem, someone from Connecticut Valley Well appeared, did some work/testing, and said he'd get back to him. Mr. Bevan reported the person from Connecticut Valley Well called him and told him the damage isn't from the work on the road/driveway they did in the back, but wouldn't give him a written report. Mr. Bevan felt maybe they cracked a vein in the earth and this is surface mud going into his well, Mr. Bevan reported the person from Connecticut Valley Well didn't agree. Mr. Bevan noted John did call him to see how things went. Mr. Bevan advised the Commission that he needs a new well, the current well is on the back of the house near the property line. Mr. Bevan suggested that when they do the work they proposed he'll never have clean water. Mr. Bevan noted his Mother-in-Law is an older lady who needs clean water to bathe; they drink bottled water.

Mr. Bevan advised the Commission this is what he's going through as a neighbor; it concerns him. Mr. Bevan described the property when Dave Tyler owned the barn behind him, with horse trailers and raccoons. He described his experience complaining to the Town, but eventually got results, and got rid of the horse trailer.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

30

Mr. Bevan thanked the Commission for listening.

APPLAUSE FROM THE AUDIENCE.

Chairman Kowalski called for additional comments.

**Gayle Boisvert, 117 Scantic Road:** Mrs. Boisvert noted she was aware of a number of letters sent in; she questioned if they would be read out loud? Planning Director Calabrese noted all of the Commissioners have received copies of the letters; they'll be acknowledged into the record. Planning Director Calabrese noted one additional letter was submitted this evening; all of the others are available on the Town Website.

Mrs. Boisvert submitted additional photos to the Commission this evening. She suggested one of the solutions that's come up to make their yard/house possibly is this berm. Mrs. Boisvert cited the photos she's sharing with the Commission are past berms that were done in town. One is near the solar property, East Road, 2 years old, she suggested the trees were dead and she felt no one would replace them because the Town doesn't have the resources to chase after companies. Mrs. Boisvert suggested the first 3 photos are dead trees near the solar plant.

Mrs. Boisvert noted the next 4 photos are a berm solution on Phelps Road, which was a pretty effective solution a few years back. She suggested as time goes by it's not maintained, and there are holes and gaps in the plantings. She also noted issues the State has with certain types of fir trees.

Mrs. Boisvert suggested the last 3 photos are the solution at the Res (Reservoir) in Town. The solution was bushes in front of the fence, Mrs. Boisvert suggested the bushes are long gone, she felt the fence belonged to the property owner. Mrs. Boisvert felt the solution of putting these bushes in places wasn't that effective. She noted when the softball field was put in there were a bazillion trees on Skinner Road; you couldn't see the houses from the Res, and the neighbors couldn't see into the softball fields. Mrs. Boisvert noted the trees have been torn out, and you can see the back side of all of those houses on Skinner.

Mrs. Boisvert indicated she wanted the Commission to see that these mitigation solutions, long term, aren't really that effective.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

31

Mrs. Boisvert thanked the Commission.

**Gary Roy, 235 South Main Street:** Mr. Roy advised the Commission he doesn't have any pictures, or folders, of files to give out. Mr. Roy noted someone asked how much money does a non-profit have to raise – as much as they can. Mr. Roy suggested we've all learned from COVID, churches and non-profits went out of business, and historical societies went out of business. If you can't be open to the public you're not getting money in. That's what an historical society does, they bring people in to learn about the history of the Town, they promote educational programs. The better they can do it the more people learn about the Town and they preserve the history, and the more people that come to Town because of the history.

Mr. Roy suggested this facility would be used by many non-profits, in East Windsor and from other towns. Mr. Roy cited his membership in several historical societies, noting they have seminars, lectures, local authors. Mr. Roy noted the many years of membership in non-profit groups; he and his wife just started a non-profit organization this year. He suggested you need to raise more money than you may think, noting something like COVID could happen. Mr. Roy noted he goes to auctions and sees articles from historical societies being sold. When they close down, because they're a non-profit, they have to distribute their items to other non-profits but it won't be in town. Mr. Roy suggested if the EWHS had to close down all the Town's history gets sent to some other town; you can't keep it. These are important groups to keep going; if you think you need \$50,000 a year you better raise \$70,000 or \$80,000. Mr. Roy suggested there is no "too much money" for a non-profit; the more you raise the more events you can do.

Mr. Roy suggested he feels this proposal is a good idea. He's grown up in this town. He's not looking at this as a rental facility. Mr. Roy questioned if they would have banquets, or weddings – he didn't know but he knows they can an event to promote the history of the town, the Granges, the cemeteries and the history of the stone carvers, where the stones came from and what they mean to the people in town.

Mr. Roy questioned how the Commission could take all this information in and vote, but that's up to you.

Chairman Kowalski called for additional speakers.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

32

**Angela Bevan, 121 Scantic Road:** Mrs. Bevan wanted to clarify that Nancy (Masters) had said that the Historical Society maintained the islands and property. Mrs. Bevan clarified that her husband has been doing that for 2 to 3 years as a volunteer, not charging for gas or wear and tear on his equipment. She noted he was doing the island for awhile but had to stop because a car almost hit him.

Mrs. Bevan wanted everyone to know they are in support of the Historical Society, they do like their community, and they do their best but he's the one who's been maintaining while working a full-time job. Mrs. Bevan doesn't see the Historical Society supporting them.

Mrs. Bevan thanked the Commission for their time.

Chairman Kowalski called for additional in-person speakers.

**Burma Shaw, Melrose:** Ms. Shaw reported she doesn't live near the facility but is here to support her fellow citizens who do live near the facility because although she feels it's a fantastic idea she feels it's something the Town could use but she doesn't think it's appropriate for the Scantic section; it would be more appropriate in an industrial area. Ms. Shaw noted the building has been there and has already been approved so people can't really pick on the building; everyone sitting in the Commission's seat agreed to it at the time. But Ms. Shaw felt the traffic, and the type of traffic, the building would bring during certain events

Ms. Shaw suggested the drainage also concerns her. The one thing Ms. Shaw feels the Historical Society has thoroughly missed to make money on, which is the main reason they're doing this, is something their representative mentioned numerous times. Ms. Shaw cited their mention of their great asset of the Scantic River frontage. Ms. Shaw feels that's an asset to the property they aren't taking advantage of. If they had some type of attraction such as a Nature Center it wouldn't bring as much traffic and would bring more passive activity into the area. Ms. Shaw suggested she felt it would be better community usage and would be supported by the people, and wouldn't bring the large crowds which are also a concern. Ms. Shaw felt it would be an asset to the entire community, and would bring them money. Ms. Shaw indicated she had spoken with the Audubon Society and the Burlington Trail Club, who said they would be interested in having a satellite facility with classes and nature walks. Ms. Shaw



**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

33

reiterated her contention that the Historical Society is missing out on promoting this asset of the frontage on the river within the rural location; she felt they aren't using their assets to the best of their ability. Trying to change the scope of the neighborhood and this area of town she doesn't feel fits in this area.

Ms. Shaw indicated she's speaking against this is because she lives in Melrose, and if someone were to build something like this on farmland across from her – she lives across from Cal Myers property and down the road from other farmland – Ms. Shaw suggested if something like this were proposed near her that people would come and support her and say "not in my neighborhood". Ms. Shaw reiterated she feels this is the wrong section of town for this.

Ms. Shaw suggested if the Commission does approve this project she felt it's important to realize this will be precedent setting for the rest of the town; it's a precedent that Ms. Shaw didn't think is in the citizen's best interest, or certain villages best interest. Ms. Shaw suggested that's the second reason she's here, if this does get approved it will be precedent setting for the town. Ms. Shaw felt a little more work and thought put into the Master Plan should be adhered to. Ms. Shaw noted again she doesn't feel this location is the appropriate location for this facility. Ms. Shaw suggested that perhaps she doesn't appreciate her proximity to farmland as much as she should be, she noted she's dealing with the pollution of her well due to farming activities, which she felt the farmlands haven't been made accountable for their activity, but she did see that this proposal for a commercial facility wasn't appropriate for the area proposed. Ms. Shaw she appreciates the peace and quiet of her area; if this were proposed near her she would hope her neighbors would come out and support her by saying no.

Ms. Shaw thanked the Commission for the time and effort they've put into these hearings; she'll just wait for your decision.

Chairman Kowalski called for other in-person speakers.

**Mike Doherty, 5 Cemetery Road:** Mr. Doherty suggested we're addressing these berms but if you look at the maps, the foundation for his house is, if you put a razor on the sill plate it's level with Rich's roof. So they put up a 6 foot fence in the back and any noise - it will go right at his house because his house is so high. Mr. Doherty said you guys should be

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

34

down to check things out, if you looked at the pipe they're talking about - he's been there several years - it was straight before that. Mr. Doherty noted he's been a licensed contractor for over 15 years, and you need site plans and zoning plans to put a pipe in. They just came in and connected pipe, Mr. Doherty suggested the only place where it was piped was where the driveway was; it ran all the time. Then they cut out soil, at the end of his driveway it's a 12-inch drop. Mr. Doherty noted he used to have a garden in the back of his home, which he has abandoned because it's all a swamp now from the water from that building and it comes straight down. Mr. Doherty suggested they took everything off of his side and Rich's side. It's not toxic soil but they just plowed it all up. Mr. Doherty suggested he'd be pissed if he were Bud, everything is going to go through there.

Mr. Doherty suggested they cut his driveway, he used to have this piece of coal at the front of the driveway that the Morell's put in in the 40s, they mowed that down and cut 4 trees. He was told they were going to log it. Then they purchased the church property and the next day they cut down the trees; it looks like a wind farm. They've cut down the trees on the side of the barn down to the river; he suggested they hauled 8 tractor trailers of stumps out of there. Mr. Doherty noted they've cut storage units into the side of the barn going into the driveway, Bud looks at storage units. Mr. Doherty suggested that wasn't farm integrity.

Mr. Doherty questioned if they're a non-profit, they already have 600 grand without even buying the property, anyone on the Board isn't allowed to get a profit off this project. Mr. Doherty wonders why it's going on. Mr. Doherty noted he researched it on the internet and people on the Board can't earn a profit.

Mr. Doherty also wanted to know if this goes forward and there's a wedding who will stop these people from drinking? Mr. Doherty reported he's worked security for several firms, you can't argue with a drunk. What will you do, call the East Windsor cops; by that time that guy is going to be doing donuts in that lot and throwing bottles. And, if someone tells someone at 10 o'clock there's too many trailers for the bike and car shows it's going to get ugly.

Mr. Doherty thanked the Commission for their time.

Chairman Kowalski called for additional comments.

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

35

**Paul Gruhn, 16 Woolam Road:** Mr. Gruhn reported when he first saw the signs popping up he didn't know what was going on. He noted he's been to the Historical Society, and Scantic Village, and he commends the work that's been done to get rid of blight. Mr. Gruhn felt we all drive around town and find properties we wish were a little cleaner. He noted there's a gentleman who he runs across in his travels that rides around on his bicycle picking up trash.

Mr. Gruhn noted when he started to see the signs he questioned what the benefit was to him? How do I benefit from this facility being put in place? Mr. Gruhn felt economic development in Town can benefit the town. He questioned if it was true that this group wouldn't have to pay taxes? Will they need Police, and Fire, and Medical and other services; Mr. Gruhn didn't see that as a benefit to him. Mr. Gruhn noted they talk about the mitigation of the height of the poles and you won't be able to see the lights in the parking lot. Mr. Gruhn suggested light pollution happens "up" and we'll be able to see it; there will be light pollution in the area. There will be noise pollution.

Mr. Gruhn noted he hates coming up to the stop sign because it's not a 90 degree stop. He suggested for those who have lived in town for 25 years were happy that they cut the bushes down. Now you'll have 80+ cars, buses, trucks, who don't know the area; he felt accidents will increase there; that's a dangerous intersection. Mr. Gruhn noted we have people who walk, who are cyclists, people walking their dogs. Mr. Gruhn suggested he has to be careful now, and you're asking to increase the traffic in the area. Mr. Gruhn doesn't see it benefiting the collective me.

Mr. Gruhn suggested millions are being invested in this project; he questioned how many people will have to use it to get a return on their investment? He questioned that he'd want to invest in the project due to the amount of work necessary to pull it off. How is this going to benefit Mr. Gruhn/ He suggested they're asking you to take an area that had a specific purpose, it's an agricultural/residential area, and they're asking you to turn it into a commercial microcosm. He suggested that's the square peg in the round hole. He felt that it was a great idea, but not in the right place. Mr. Gruhn suggested we have multiple acres of industrial zoned land not being taken advantage of, he suggested taking our collective resources and our smart people and figure out how to make money, bring in tax dollars, and help the economic development grow while keeping the quality of life.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

36

Mr. Gruhn recalled earlier in the meeting there was a lot of discussion about property values; he agrees there's no empirical proof that the property values will go up or down. That's a subjective call. But Mr. Gruhn felt that based on the information presented today he hasn't heard anything to convince him his quality of life will improve. He hasn't heard any information that we'll save tax dollars; it's going to go up. Mr. Gruhn doesn't see it helping him. He suggested he's standing there speaking for all the collective me, he's asking that you don't accept it.

APPLAUSE FROM THE AUDIENCE.

**Donna Gruhn, 16 Woolam:** Ms. Gruhn wanted to know whom from the Historical Society is present; several people acknowledged themselves. Ms. Gruhn wanted to let them know because no one checked in on her after she had her head injury. She suggested she was still healing from the Ice Cream Social, she suggested she could only imagine what kind of events that this facility will offer.

Ms. Gruhn thanked everyone.

Seeing no one else in the in-person audience request to speak, Chairman Kowalski queried the remote online audience if they would like to comment.

**Michael Ceppetelli (remote: Michael Ceppetelli), 42 Skinner Road:** Mr. Ceppetelli apologized for not being able to speak in person. Mr. Ceppetelli suggested while the proposed Special Use Permit has little affect on his quality of life he felt he would offer the Commission a unique perspective of what the residents in close proximity of the Historical Society can expect if this Special Use Permit is granted. For those of you who may not know more than 500 feet of his property abuts a Town-owned and run event facility, otherwise known as the Reservoir Road Park. Jay Ussery mentioned this site earlier in his presentation. Mr. Ceppetelli noted he's lived next to this event facility for more than 50 years. With the exception of War Re-enactments, Mr. Ceppetelli felt that the park, over the years, has hosted about every event being proposed by the Historical Society. Mr. Ceppetelli suggested that he can tell you from experience that approval of the application before the Commission unquestionably will adversely affect the tax paying residents that live in proximity to this facility. Abutters to this facility will be affected by air and light pollution, litter, and noise. In addition to the site lighting being

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1842 – January 10, 2023**  
**In-Person and**  
**ZOOM Teleconference**  
**Meeting ID: 714 897 1799**  
**MEETING MINUTES**

37

proposed abutters can expect headlights, spotlights, dance lights, sometimes Police lights, and even flashlights shining in their windows. They can expect to be awoken on some mornings by car doors of anxious event planners arriving to set up the day's props and then checking/testing sound systems repeatedly. They can expect the obvious event noise – loud music, some of which will rattle dishes in their cupboards and the glass in their historic windows. They can expect late night shouting, sometimes swearing, doors banging, and screeching of wheels as some cars exit the facility. They can also expect public urination as some attendees realize the length of their drive home.

The applicant before you has gone to great lengths to mitigate some of the noise and lighting concerns with plantings and a soil berm. Mr. Ceppetelli suggested he can attest to those efforts, which are essentially meaningless as can be witnessed at other sites in Town approved by this Commission. There are no guarantees that the proposed plantings will grow, and if they do, there is no guarantee that those plantings will be properly maintained and remain disease-free. How many years will it take before the proposed plantings provide any useful buffer for the abutters who live, some of whom live 80 feet from the proposed facility. What assurances do abutters have that 20 years from now a Town Tree Warden, or even the Historical Society themselves, won't decide that those plantings are no longer wanted, or have become some sort of danger. Mr. Ceppetelli suggested that's exactly what happened along the 11 property lines that abut the event facility that he lives next to when the Town decided to remove the 500+ white pines and spruce trees that provided the noise/privacy/lighting buffer for the abutting residents. The Town has now left those 11 property owners to plant, pay for, and maintain their own plantings on their own properties. Mr. Ceppetelli suggested if it can happen at a Town park it can certainly happen at the town Historical Society site.

Mr. Ceppetelli suggested in closing, it's easy for an applicant to come before you with the best plans and intentions; lots of promises have been made. Mr. Ceppetelli suggested he was before everyone to attest to what will be reality. Mr. Ceppetelli noted his wife and he made the decision nearly 20 years ago to renovate and invest in this property and in this town. Despite living next to a Town-owned park and event facility it was a decision we have come to greatly regret, but it was their decision. We never dreamed that the privacy and quality of life that we had come to take for granted would be so callously taken from them. The residents of

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

38

Scantic have also made decisions to invest in their property and in this town. The difference is they made their decisions based on a neighborhood that didn't include an event facility.

Mr. Ceppetelli suggested he's asking the Commission to not make a bad decision for the tax-paying residents of Scantic. Mr. Ceppetelli suggested he can assure you that the proposed changes and the addition of an event facility won't be in harmony with the current Scantic neighborhood.

Mr. Ceppetelli thanked the Commission for their consideration. If any of the Board members would like to see what it's like living hundreds of feet from an event facility feel free to reach out. He'll be happy to provide an abutters perspective.

Chairman Kowalski queried the on-line audience for additional comments.

**Mary Lou Morell (remote: snowb), 14 Cemetery Road:** Mrs. Morell noted she is east of the facility being proposed. She suggested she's concerned, not only for herself, but her adjoining neighbors on the east side. She suggested not all of them have the opportunity to mitigate some of the issues that will be brought up and be part of this facility if it goes forward. She noted she can leave her house, she's mobile, but there are people in the neighborhood who can't that will be affected because they'll lose the enjoyment of their property. Mrs. Morell recalled when she worked she was a property manager and managed a community along the Connecticut River. They were affected by noise pollution of an event facility which was a café on the other side of the river at the Windsor line where it comes into East Windsor. There was nothing you could do. You could hear the reverberation all the way down the river until late at night. They lost their quality of life, they were disturbed, they couldn't even go to bed early. Is that going to happen here; maybe not to that extent. Where we live in Scantic you can hear the train whistle coming down from the Amtrak train; noise carries. She's concerned about that affecting the quality of life and she supports everyone else who have made statements. Please consider our quality of life.

Thank you.

APPLAUSE FROM THE AUDIENCE.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

39

Chairman Kowalski asked if any additional remote participants would like to comment; no one responded.

Chairman Kowalski noted another in-person member of the audience would like to speak.

**Clinton Bragg, 17 Eastwood Drive:** Mr. Bragg suggested the Town needs to consider every time they give a contractor permission to install a “pencil” sewer line what the ramifications to the town is. Everyone on the street that the pencil line is going into won’t be able to tie into city sewers. He cited the Town is doing this all over the place, they did it in Broad Brook Road at Kement’s Quarry Meadows which the Commission voted for in 2010 through the WPCA (Water Pollution Control Authority). Every time this happens the people who live on these streets are handcuffed, when their septic systems fail they can’t tie into the sewer lines. But the Town continues to allow these pencil lines to be put in, you’re handcuffing yourselves regarding the expansion of sewers for the community. You need to stop the pencil lines, he doesn’t care if it costs a million dollars for the pencil line vs \$10 million for the proper sewer system. It’s not fair to the people on the street that if they have problems with the septic systems that they can’t tie in. It’s going to handcuff you in the long run.

Mr. Bragg noted he participated via ZOOM last time and there seemed to be a question of a 100 foot buffer, and they said it was a typo – is it 80 or 100 feet or does it go back to you for 50 feet from 100? Chairman Kowalski suggested the question was under review by the Commission.

**Burma Shaw, Melrose Road:** Ms. Shaw suggested she probably wouldn’t be making a lot of friends with this comment but she felt there has been a lot insinuations from both parties about other people having a hand in this facility – an out-of-town special interest. Ms. Shaw wondered if anybody wanted to speak to that point?

Chairman Kowalski noted the Board didn’t identify anyone.

Chairman Kowalski noted the Commission bylaws set a meeting curfew at 10:30 p.m., however, the Commission has the ability to extend the meeting via a unanimous vote, they also have the ability to extend the Public Hearing with the applicant’s permission. Attorney Landolina,

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

40

representing the applicant, requested that the Public Hearing be closed this evening.

Chairman Kowalski requested a motion for a short RECESS.

**MOTION: To TAKE A FIVE MINUTE RECESS.**

**Gobin moved/Gowdy seconded/DISCUSSION: None**

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

The Commission paused for a RECESS at 9:59 p.m.

Chairman Kowalski RECONVENED the Meeting at 10:05 p.m. and asked Attorney Landolina to continue his comments.

Attorney Landolina joined the Board.

Attorney Landolina identified himself for the record as representing the applicant. Attorney Landolina suggested he planned to address comments made during the hearing, as well as make his closing statements.

Attorney Landolina cited what is a Special Permit? He suggested it's a use permit expressly permitted in a zone subject to the standards included in the regulations, and is subject to conditions about public health, safety, welfare, convenience, and property values. Special Permits are always consistent with the Comprehensive Plan, which is the Zoning Regulations and the Zoning Map, not the POCD. Because the conditions are written in the regulations it requires that they be consistent with the Comprehensive Plan. If you look at the regulations – because there's been a lot of discussion as to whether this meets the POCD or not. Frank (Commissioner Gowdy) is correct, the POCD is a guiding document, to implement the issues/concerns raised in the POCD and changing the regulations. Following up on Commissioner Gowdy's football analogy, that's the playbook, not the POCD. If this were a Zone Change, or a Text Amendment, the POCD would come into play, but not here.

Regarding the regulations:

Section 701.1 – "The proposed use is in general accordance with the POCD." Your charge is to decide whether or not they've established the use is in general accordance with the POCD. He referenced Chapters 1



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

41

and 2 of the POCD, suggesting residents disagree that they've met the goals of the POCD. Even if the property is owned by the Historical Society the use is allowed because they are a farm. Any farm could go for this use if they met the regulations and convinced you that they're entitled to the use. The part about historic preservation isn't part of the discussion; the fact that they're a farm gives them the right to make this application.

Section 101 – "Theses regulations are adopted for the purpose of...", there are several uses, one of which is agricultural uses. Attorney Landolina questioned where the idea came from that they were destroying agricultural land, he suggested it's been shown clearly with photos and other documents that what they're proposing is not going to be built on land currently under an agricultural use.

Attorney Landolina suggested there are 2 components to a Special Permit. One is the technical and the other is subjective. He suggested the difference between a Special Permit and a site plan is if he meets the technical requirements of the site plan you must give them a permit. You – the Commission - has discretion regarding your decision on the Special Permit. He suggested that one of the reasons plans change over time is because there are constructive ideas put forth by residents. Attorney Landolina suggested some of the comments made this evening have been misstatements, half-truths, and other statements; he suggested he wouldn't challenge someone's credibility without understanding the facts underlie the statements that were made. Attorney Landolina cited the gentleman who challenged the credibility of John Burnham because he wasn't here; Attorney Landolina suggested Mr. Burnham is having knee surgery tomorrow. While that's not something the gentleman would have known he felt it inappropriate to challenge Mr. Burnham's credibility without knowing the facts.

Attorney Landolina suggested the law says if you feel there are any adverse impacts from their proposal the first thing the Commission must decide is if there are any conditions we can impose on the approval to alleviate those impacts. If you can't impose conditions then you can deny the application, but you must go through that consideration first. He suggested that his advice to multiple communities over the years is when you have a controversial application you can exercise your discretion, and let the applicant know your reasoning.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

42

Attorney Landolina cited they discussed property values. If it's an impossible standard to meet he's not sure how they can meet them. He noted that it's been a requirement for Special Permits that they must establish evidence that they're not going to adversely impact property values. Every Special Permit you've approved over the years – which has been hundreds – has had been subject to that standard. He suggested that over the years you must have found, at least implicitly, that certain activities won't adversely impact property values. Attorney Landolina felt there was evidence so the Commission could make that decision, but that's one of those subjective things. He questioned what is it about the application that would impact property values, he felt it wasn't the existence of the building, it's already there; they aren't increasing the size of the building. It must be the activities. He noted they've done everything they can to meet the applicable standards regarding noise, they'll take measurements, there won't be any outside music. Attorney Landolina suggested the comments made by Mr. Refuse regarding mitigation measures not being in harmony with the area Attorney Landolina is calling complying with the regulations because every Special Use Permit has standards that are required to be met. Attorney Landolina suggested the Commission can impose conditions on the application.

Regarding lights, Attorney Landolina suggested the proposed lighting is for full cutoffs, whatever they need to do to comply with the standards regarding light spillage onto adjoining properties they'll do.

Regarding traffic, Attorney Landolina suggested the law is clear on the technical requirements regarding drainage, traffic and levels of service at intersections. He suggested the law says if you have uncontroverted evidence from an expert on any of those issues you must give credence to that opinion. Attorney Landolina suggested in terms of drainage and traffic those were expert opinions. Attorney Landolina noted the Town Engineer reviewed the drainage material and has given you an opinion that it's fine and meets all applicable codes.

Attorney Landolina raised the issue of what he's calling the "red herring" – is there a drainage easement across Mr. Shultz's property. He suggested the law is clear, that's a title question. Attorney Landolina indicated he would defend 100% the case Mr. Schultz is making against the developer or property owner that there isn't a drainage easement across his property. Attorney Landolina suggested there is a drainage easement across Mr. Schultz's property. He suggested the map that was shown to the

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

43

Commission by Attorney Needelman refers to Mr. Schultz's deed and references a map and deed, and that map and plan shows a drainage easement. When Mr. Schultz purchased his property he took title subject to that drainage easement. If this project is approved and Mr. Schultz takes us to court challenging our right to drain water there that's outside the Commission's jurisdiction.

Regarding traffic, Attorney Landolina suggested the standard has always been not are you going to generate more cars. Attorney Landolina suggested they anticipate they will as this is a destination and people who normally wouldn't be driving here. Attorney Landolina suggested the standard isn't the number of cars but will this use cause congestion; that's done by measuring the level of service based on statistical analysis presented through expert testimony. He cited Mr. Hesketh's testimony that the level of service at all of these intersections won't change but will remain the same.

Attorney Landolina returned discussion to property values. He suggested the biggest impact on property values is having a neighbor whose property is run down; no one will buy your property then. That's why we have blight ordinances.

Attorney Landolina suggested somewhere along the line felt it was appropriate to add this use to the regulations as an accessory use to farming, perhaps as a way to keep farms from selling out to developers and keeping farmers farming. He suggested the Commission could have included caveats within the regulations but you chose not to do that. He recalled Attorney Needelman's comments previously, but Attorney Landolina felt the application was in general accordance with POCD because the idea is to preserve farming and they haven't destroyed any farmland, nor do they intend to.

Attorney Landolina suggested they are in harmony with the area.

Attorney Landolina cited new legislation citing a Commission can no regulate regarding character; that's been taken out of your jurisdiction. He suggested the Commission must change the regulations to identify specific items that identify the character of an area.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

44

Attorney Landolina cited adequate access, noting they have a traffic engineer who has given expert testimony, yet he's heard comments that this location is the most dangerous in town.

Adequate infrastructure – Attorney Landolina suggested there is adequate infrastructure, noting no one has given evidence otherwise.

Compatible design elements – Attorney Landolina cited the structure is a barn which Mr. Refuse had suggested wasn't an historic building. Attorney Landolina concurred, noting it's only 40 or 50 years old but the discussion is about agricultural features, not historical features.

Chairman Kowalski noted the meeting has reached the 10:30 curfew, the Commission needs to pause and consider continuing the meeting.

**MOTION: The Commission doesn't have the ability to continue this Public Hearing to another date. The Commission needs to CLOSE THE PUBLIC HEARING and EXTEND OUR REGULAR MEETING tonight past the 10:30 p.m. rule, but is not taking action or making a decision this evening,**

**Gobin moved/Leason seconded/DISCUSSION: None**

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

Chairman Kowalski requested Attorney Landolina continue his comments.

Attorney Landolina cited the rule of evidence is called substantial evidence. He cited a recent Supreme Court case – McLaughlin vs. the Bethel Planning Zoning Commission regarding a crematorium. Part of the analysis was comments made during the Public Hearing by nearby residents having to do with their views on whether or not this would have adverse impacts on the neighborhood. He cited the Chief Justice's comments regarding what substantial evidence was and wasn't. Attorney Landolina provided a document summarizing the case to the Commission. He suggested some of what you've heard tonight from both sides is substantial evidence, he suggested some of the discussion was appropriate, some was not.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

45

Regarding a comment related to pervious vs impervious surfaces, Attorney Landolina noted test pits were dug on this property and they found clay. He suggested whether it's paved or gravel on top of the clay it will require essentially the same type of drainage system.

Regarding the discussions of open space and the POCD Attorney Landolina felt those requirements were related to the Town acquiring open space, such as setting open space in subdivisions as allowed under the subdivision Regulations, or using funds from an Open Space Fund, or bonding. Attorney Landolina suggested the amount of open space associated with this property was much more than most people have.

Attorney Landolina referenced the questions about the third party, noting it didn't matter who that was; they could be borrowing money from Bank of America. It doesn't matter.

In closing Attorney Landolina felt there was substantial evidence on the record that they meet all the required criteria of a Special Use Permit as set forth in Section 407 of the regulations. He noted they've provided available information. He noted the Commission has discretion to determine if they've met the requirements; he felt they have. Attorney Landolina felt this would be a great addition to the community.

Attorney Landolina referenced part of the documentation provided to the Commission regarding what constituted substantial evidence, noting part of the Commission's job is to do what's best for the entire community. He noted requirements in the regulations regarding impact to neighborhoods but the judgement isn't based on whether people clap; he recalled a similar situation many years related to the cinema which drew considerable attention.

Attorney Landolina requested that the Commission close the Public Hearing.

Chairman Kowalski called for additional comments from the Commission. Hearing no requests for additional discussion he suggested he would entertain a motion to CLOSE THE PUBLIC HEARING.

**MOTION: To CLOSE the Public Hearing on Application PZ-2022-26 – 115 Scantic Road, Special Use Permit for event hosting.**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

46

**Gobin moved/Leason seconded/DISCUSSION:** Planning Director Calabrese requested to acknowledge email correspondence received regarding this application: Recd 1/5/2023 from Erik and Caroline Masarella, 71 Rye Street; Recd 1/5/2023 from John DeLisa; Recd 1/6/2023 from Laurie Valente; Recd 1/10/2023 from Rachel Safford; Recd 1/9/2023 from Lynn Stanley; Recd 1/9/2023 from Gina Tambussi; Recd/hand delivered 1/10/2023 from Burma Shaw  
**VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz  
(No one opposed/No abstentions)**

Chairman Kowalski reported the Public Hearing is CLOSED; the Commission will vote on the application at a future meeting

**X. NEW PUBLIC HEARINGS:**

**A. PZ-2022-28. 15 Kreyssig Rd – Special Use Permit for a Dog Daycare/Dog Grooming Service. Applicant: Kimberly Lanz (Opening of hearing to be postponed):**

Chairman Kowalski noted the applicant has requested that the opening of this Public Hearing be postponed.

**XI. OLD BUSINESS: None**

**XII. NEW BUSINESS: None**

**XIII. OTHER BUSINESS: None**

**XIV. CORRESPONDENCE: None**

**XV. BUSINESS MEETING**

**A. ZEO Report:**

The Commission reviewed the status of the latest ZEO Report. Staff continues to work on violations.

**B. Distribution of Draft Affordable Housing Plan:**

Staff provided the Commission with a draft document for review at a future meeting.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1842 – January 10, 2023  
In-Person and  
ZOOM Teleconference  
Meeting ID: 714 897 1799  
MEETING MINUTES**

47

**XVI. EXECUTIVE SESSION:** None

**XVII. ADJOURNMENT:**

Chairman Kowalski thanked everyone for taking the extra time this evening to resolve the issues with the Public Hearing on 115 Scantic Road.

He called for a motion to ADJOURN.

**MOTION: To ADJOURN this Meeting at 10:47 p.m.**

**Gowdy moved/Leason seconded/DISCUSSION:** None

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

Respectfully submitted,

---

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