

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

**REGULAR Meeting #1845
Tuesday, February 28, 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 February 28, 2023 Regular Meeting #1845 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, Gowdy, Michael Kowalski (Chairman), and Jim Thurz (Vice Chairman). (There is presently one vacancy for a Regular Member)

Alternate Members: None.

ABSENT: Regular Member Leason and Alternate Member Gowdy were absent.

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 Alan Baker, Board of

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Selectman Liaison to the Planning and Zoning; **PZ-2023-5/Site Plan Modification/27 Reservoir Avenue:** Joe Sauerhoefer, Deputy Director of Public Works; **Connectivity Grant/Broad Brook Sidewalk Plan** – Len Norton, Town Engineer/Director of Public Works, Public: Joe LaJoie; **Informal Discussion/Text Amendment/Farming Regulations:** Tim Coon, J. R. Russo & Associates, LLC, and Herb Holden.

GUESTS/SPEAKERS present remotely identified as they sign in:

Sydney Elkhay, Transit Oriented Communities Organizer
Desegregate Connecticut; Noreen Farmer; Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Kowalski noted a quorum was established as three Regular Members were present in-person at the Call to Order. Chairman Kowalski noted all members will participate in discussion and votes this evening.

III. ADDED AGENDA ITEMS:

Planning Director Calabrese requested the addition of application **PZ-2023-5 – Site Plan Modification at 27 Reservoir Avenue** under **NEW BUSINESS.**

No motion.

IV. LEGAL NOTICE: None

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. No one requested to speak. Chairman Kowalski then offered the opportunity for public comments to the online audience; no one requested to be recognized.

VI. APPROVAL OF MINUTES:

A. February 14, 2023:

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Chairman Kowalski noted the meeting minutes for Regular Meeting #1844 are available; he queried the Commission for comments or revisions. Commissioner Gobin referenced line #232, which should include the following revised language: "...should be speaking **in favor** of the business...". Chairman Kowalski called for a motion amending the minutes.

MOTION: To APPROVE the Minutes of Regular Meeting #1844 held on Tuesday, February 14, 2023, with the modification to line #232 "... should be speaking **in favor of the business..."**

Gobin moved/Thurz seconded/DISCUSSION: None.

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

VII. RECEIPT OF APPLICATIONS:

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

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

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS:

A. PZ-2023-2 118 Prospect Hill Rd – Special Use Permit for a Site Plan Review for a proposed Truck Terminal. Applicant: Crane Properties LLC. (Tabled until 3/14/2023):

Chairman Kowalski noted this Continued Public Hearing has been tabled until the Commission's March 14, 2023 Meeting at the request of the applicant.

X. NEW PUBLIC HEARINGS: None

XI. OLD BUSINESS: None

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XII. NEW BUSINESS:

A. PZ-2023-5 – Site Plan PZ-2023-5 – Site Plan Modification at 27 Reservoir Avenue:

Chairman Kowalski read the description of this item of business. Joining the Commission was Joe Sauerhoefer, Deputy Director of Public Works.

Deputy Director Sauehoefer reviewed a Site Plan with the Commission, noting that the intention is to remove the existing softball field to install an ADA-accessible playground on a gravel base. Access to the new playscape will be through the existing driveway and then through pavilion via a sidewalk. Parking, including handicapped parking spots, will be included, they'll do minor drainage modifications as the area is a bit damp. Deputy Director Sauerhoefer reported some of the mulch will be rubber/fiber as well as the regular mulch materials. The existing lighting will be removed.

Chairman Kowalski questioned if the parking adjacent to the sidewalk will be handicapped? Deputy Director Sauerhoefer indicated some of the spaces would be handicapped, while other handicapped spaces are available in the general parking lot. Chairman Kowalski questioned if there is any seating proposed? Deputy Director Sauerhoefer reported there are some park benches in the area but the goal, financially, is to build the playground; the benches can be added later.

Deputy Director Sauerhoefer reported that Director of Parks and Recreation Maltese plans to create a storyboard around the playscape. Current seating is minimal.

Commissioner Gobin questioned how close the proposed playscape is to the neighbors? She noted Mike Ceppetelli, who is one of the neighbors, spoke during another meeting/hearing and commented negatively about the noise. Deputy Director Sauerhoefer reported the proposed playscape is in the middle of the existing softball field. He reported that the park had previously been bordered by a 15 foot strip of 80 foot pines, which were causing property damage to the neighbors so the decision was made to take the trees down. The current proposal is for shade trees. Commissioner Gobin referenced Sheet 1 of 7 which shows a lot of trees, is that proposed or existing? Chairman Kowalski suggested the plans references existing trees. Deputy Director Sauerhoefer noted this grant

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doesn't include any landscaping costs. Discussion continued regarding trees planted by Mr. Ceppetelli in response to the removal of the trees owned by Reservoir Park.

Commissioner Thurz indicated he like the proposal; the kids will have a nice little playground and water park. People will be able to drive the vans right up to the sidewalk to enter the playground. Deputy Director Sauerhoefer reported the softball field hasn't been used in years; this is a much better use of the Park facility.

Chairman Kowalski questioned if any additional conditions are proposed. Planning Director Calabrese reported comments have been received from the Town Engineer, the Fire Marshal, the Water Pollution Control Authority, and the Building Official.

Chairman Kowalski questioned if this new playscape will be operational for this season? Deputy Director Sauerhoefer indicated they were shooting for June 1st this year but may be moving that to July 4th. The playscape equipment has been received and is being stored at DPW. Deputy Director Sauerhoefer reported the engineer for this project is the professional they're working with on the lighting for the soccer fields at Abbe Road.

Chairman Kowalski called for additional comments; no one else raised any questions. Chairman Kowalski called for a motion of approval.

Motion to Approve:

Application #PZ 2023-05 for a Site Plan Modification at 27 Reservoir Ave for the construction of a playground Applicant/Owner: Town of East Windsor.

1. The proposed activity is outside of IWWA jurisdiction.
2. The site plan satisfies the bulk zoning requirements as reviewed by Planning and Development staff.
3. The WPCA has reviewed the application and after consulting with town staff has no comments on the proposal.
4. Fire Marshal has reviewed the plans and has no exceptions to the proposal.

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5. The Town Engineer has reviewed the plan and has advised on drainage and E&S control revisions. See attached memo dated 2-27-2023.

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

Plan set entitled: Playground at East Windsor Park, 27 Reservoir Avenue, East Windsor, CT dated February 21, 2023; prepared by BSC Group.

Conditions which must be met prior to signing of final plans:

1. A paper copy of the final approved plans with all necessary revisions shall be submitted to the Planning & Development Office for review and comment.
2. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
4. The plans shall be revised to include the following:
5.
 - a. The Town Engineer's comments provided in a memo to the Planning Director dated 2-27-2023.
 - b. A copy of this approval.

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

6. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office.
7. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.

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

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8. Final grading, stabilization and seeding shall be in place or appropriate E&S controls installed.

9. One electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways, final floor elevations and spot grades shall be submitted.

General Conditions:

10. This project shall be constructed and maintained in accordance with the final plans and this approval. Minor modifications that result in lesser impacts may be allowed subject to staff review and approval.

11. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.

12. Additional erosion control measures may be required by Town staff if field conditions necessitate.

13. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Gobin moved/Thurz seconded/DISCUSSION: None

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

XIII. OTHER BUSINESS:

A. Work, Live, Ride presentation by Desegregate CT – Sarah Trueax:

Joining the Commission remotely was Sidney Elkhay, Transit Oriented Communities Organizer for Desegregate Connecticut. Ms. Elkhay advised the Commission she's joining us this evening to discuss the "Work Live Ride" legislation and the impact that will have on East Windsor.

Ms. Elkhay gave the Commission an overview of the purpose of Desegregate Connecticut which is to solve the housing crises in the State

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and make sure everyone has affordable and accessible homes to live in. Ms. Elknay then reviewed her PowerPoint presentation.

(PLEASE NOTE: The Powerpoint presentation wasn't available on the meeting YouTube video. Following is the recording secretary's transcription of Ms. Elknay's commentary regarding her presentation).

1. What We Believe in:

- We are a pro-homes coalition of neighbors and nonprofits
- Creating abundant and diverse homes and communities
- Promoting economic prosperity, social inclusivity, and environmental sustainability

2. We take an "All of the Above" approach:

- Build more kinds of homes
- Act with all levels of government, such as the State and local governments, such as the Planning and Zoning Commissions
- Work in & with diverse coalitions to create their policy and create more homes in the State.

3. What Are Transit Oriented Communities:

- The legislation is based on transit-oriented communities which center on riders and pedestrians
- Offer diversity of homes and jobs
- Create exciting and sustainable places to live

Ms. Elknay suggested this point is a little less focused on East Windsor, but she noted the legislation is focused on creating new transit-oriented communities within the State.

4. New England Character is transit-oriented:

Ms. Elknay suggested New England is historically transit-oriented, with a deep history of bus service and trollies, and has created diverse housing around train stations. Although this hasn't been the case in the past couple of decades Ms. Elknay suggested DeSegregate Connecticut is excited to return to this mission with their legislation.

5. FACT: Connecticut today is transit rich:

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- 111 towns and cities served by local bus, rapid bus, or trains
- 40+ million annual rapid bus rides (prior to COVID)
- 42+ million annual bus rides (increasing since COVID)

6. Last Session – Lessons Learned:

- Mandates are unpopular
- “One-size fits all” narrative was kinda true
- No buses, no cities
- Local capacity /infrastructure issues are major barriers to building denser housing
- Local Planning Commissions should be partners

Ms. Elknay suggested they are including buses in their legislation this year, as towns in the northern part of the state lack train service.

7. Our Plan for 2023/Work, Live, Ride Legislation:

- A vision for a more prosperous, equitable, and sustainable state
- A policy framework to align local and state planning goals
- A call to action to be the change you want to see in your community

8. The Work, Live, Ride Framework:

- Local Opt-In: A town or city Planning and Zoning “opts-in” and commits to creating a Transit Oriented Community District along a rail or bus route (or within a major area of the town)
- State Assistance & Funding: Office of Responsible Growth (ORG) partners with P&Z and directs discretionary state funding for:
 - planning/design
 - infrastructure improvements
 - home creation within TOC District or within towns that don’t have bus routes

9. ORG will partner with P&Z to support 3 phases of TOC District design & Implementation:

a. Planning & Design:

- Assist with identifying location * size of TOC District

- Fund necessary site studies and planning
- Approve TOC District for further funding support

b. **Infrastructure Improvements:**

- Assist in Identifying necessary infrastructure improvements
- Coordinate and expedite existing state discretionary funding for isolated areas
- Offer additional funding for specific projects

c. **Home Creation:**

- Assist in identifying potential projects with affordable housing
- Coordinate and expedite existing state discretionary funding with developers
- Offer additional funding for projects at targeted affordability levels

10. **163 Towns and Cities Fall Into One of Three Tiers:**

- Rapid Transit Community (RTC) – a town or city with at least one rail/rapid bus station
- Transit Community (TC) – a town or city with at least 1 local bus route
- Transit Adjacent Community (TAC) – a town or city directly bordering a Rapid Transit Community or a Transit Community

11. **Transit Oriented Communities Districts densities are based on a town or city's transit service and population levels:**

- Rapid Transit Community
 - 40 towns or cities
 - Population over 60,000 with 30 homes/acre
 - Population under 60,000 with 20 homes/acre
- Transit Community
 - 71 towns or cities
 - Population over 25,000 with 20/homes/acre
 - Population under 25,000 with 15 homes/acre
- Transit Adjacent Community (East Windsor)
 - 52 towns or cities
 - 10 homes/acre
 - 25 acres near village center, commercial corridor, or State road

12. East Windsor is a Transit-Adjacent Community:

- East Windsor TOC District requires a zoning density of 10 homes per acre
- East Windsor's Planning & Zoning Commission will determine location and size of TOC District
- The Office of Responsible Growth will provide assistance on planning and identifying funding sources for necessary infrastructure improvements

13. All Transit Oriented Districts Criteria:

- Must be a "reasonable size" and near a transit station (although that doesn't qualify for towns that don't have public transportation)
- Must include as-of-right-development of mixed use, mixed income housing developments
- Must include affordability levels based on State housing needs assessment
- Must not include parking requirements, lot size minimums, or residency restrictions

14. Schedule for Affordable Housing Requirements:

- 20% of units to be deed restricted affordable/Opportunity level – high/Market Activity – strong
- 18% of units to be deed restricted affordable/Opportunity level – high/Market Activity - weak
- 15% of units to be deed restricted affordable/Opportunity level – low; Market Activity – strong
- 10% of units to be deed restricted affordable/Opportunity level – low/Market Activity – weak
- 0% - low activity markets

Ms. Elknay suggested East Windsor's percentage could be 10 to 20%.

15. What If A Community Doesn't Opt In:

- If a town/city doesn't opt-in, they are ineligible for certain discretionary state funding tied to infrastructure
- If a town/city opts in but doesn't create a TOC District they must reimburse any planning funding received and become ineligible for the program

- A town/'city can not retroactively reduce density in a District, or they face penalties

16. Which Discretionary Funds Exactly:

- **Brownfield Remediation Grants, such as Planning Grant, Municipal Grant Program, Targeted Brownfield Development Loan**
- **Rvitalization Grants, such as STEAP, Urban, Communities Challenge, Innovation Corridor, Housing for Economic Growth Program, Main Street Investment Fund**
- **Transit Oriented Development Grants, such a TOD Fund, Responsible Growth TOD Program**

17. Plan to Expand the Office of Responsible Growth:

- Funding for 4 full-time land use planners at the State level
- Additional funding for existing ORG TOD program to serve as “top up” fund
- Statutory authority to determine town and city TOC District compliance
- Statutory authority to coordinate other state agencies providing discretionary funding
- Establish TOC District Guidelines, public resources and data on planning best practices

Ms. Elknay concluded her presentation, and opened discussion with the Commission.

Commissioner Gobin noted the Town worked on a similar plan for Warehouse Point, which is East Windsor's area closest to transit. For anything to happen in that area a developer needs to come forward and retro-fit what currently exists in the area, or buy up lots and build something. Commissioner Gobin noted that there hasn't been interest shown for either of those options. Are you saying the State would put some funding into this to make a developer come forward? Commissioner Gobin didn't see that this is that much different than the town's current plan, or how this would further that plan. Ms. Elknay indicated that was a good question, she felt the State would incentivize developers but she wasn't certain. Commissioner Gobin suggested it would require significant funding as the area has issues, such as the Blue Ditch. Planning Consultant D'Amato suggested this would require minimum standards which would fall under the Zoning Regulations. This may not

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be a big deal for East Windsor as it's a bill to be adopted Statewide to create consistency between the density uses and the way the development is handled in proximity to transit stops across Connecticut.

Commissioner Gobin reiterated her confusions as to how this proposal helps East Windsor. She cited the risk of non-compliance with this proposal, does that mean the Brownfield funds that could clean up Broad Brook would be denied? Commissioner Gobin suggested it appeared that grants already given would have to be given back if East Windsor didn't participate. Planning Consultant D'Amato suggested the intent of this program is to provide consistency throughout the state; Commissioner Gobin felt it was adding another level of bureaucracy to the studies East Windsor has already done; she sees it as not necessarily friendly to what East Windsor is trying to do.

Ms. Elknay questioned if the town had received a Brownfield Grant; Planning Director D'Amato felt the town had not received funding.

Commissioner Thurz questioned that if East Windsor opts-in the State gives us a free busline? Commissioner Gobin felt people would walk to the train station rather than take a bus. Planning Consultant D'Amato felt that what's being proposed with Desegregate Connecticut is similar to what East Windsor has proactively already done.

Planning Director Calabrese referenced several of the slides indicating if you don't opt-in you're not eligible for discretionary funding and if you don't opt-in you can't have the funding. Ms. Elknay suggested there are only 14 grants available, some of which are specifically for transit-oriented development; she felt the Town would have other funding sources available. Ms. Elknay felt the work that's already been done could be reviewed. Commissioner Gobin cited that someone at the State would have to review the work already done; Ms. Elknay concurred, suggesting she felt it would be done by the new planners at the State level. Commissioner Gobin suggested she wasn't clear as to the value added to East Windsor.

Planning Consultant D'Amato recalled that the funding for the Warehouse Point Study came from DEDC, while the Route 5 Corridor was done through CRCOG. Commissioner Gobin felt it's almost like we're being penalized for doing it already, and have to prove we've done it satisfactorily. Planning Consultant D'Amato suggested this was pending

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legislation; Commissioner Gobin felt this suggests if you miss one item on the checklist you're now ineligible for funding.

Chairman Kowalski questioned if he heard Ms. Elknay suggested the proposed area should be within a half mile of a transit station? Ms. Elknay indicated she wasn't as familiar with how the legislation addressed the transit-adjacent communities but felt it would come out of discussions with the Town and the State regarding the location; it should provide 10 units per acre. Chairman Kowalski suggested if we're talking about the train station in Windsor Locks East Windsor may not have any land available for development within a half a mile. Ms. Elknay suggested the guidelines for East Windsor would be for transit-adjacent communities. Chairman Kowalski questioned if the Town could designate where the high-density development area could be? Ms. Elknay felt that would be so, for transit-adjacent communities the intent would be to create walkable downtown areas.

Hearing no further requests or discussion Chairman Kowalski thanked Ms. Elknay for her presentation and time.

B. Connectivity Grant – Broad Brook Sidewalk Plan:

(Notice of Informational Workshop appeared in the Journal Inquirer on February 11, 2023 and February 17, 2023)

Joining the Commission for this informational discussion was Town Engineer/Director of Public Works Len Norton, and Deputy Director of Public Works Joe Sauerhoefer.

Planning Director Calabrese advised the Commission that in 2019 the Town received a grant to develop a connectivity plan for existing and new sidewalks in the Broad Brook area. The proposal is for a 2 ½ mile loop connecting Main Street to Depot Street to Reservoir Avenue, to Windsorville Road, Rye Street, and Old Ellington Road; sidewalks already exist along Perri Lane.

Joe LeJoie, owner of 9 Reservoir Avenue, joined Director Norton as he reviewed the plans with the Commission.

Director Norton noted the plan would propose sidewalks beginning at Windsorville Road and come down the southside of Reservoir Avenue as

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the Town already owns land there. There would be a crosswalk from the Dog Park to Reservoir Park. Deputy Director Sauerhoefer noted the sidewalks would extend back to the tree line along each road indicated in the plan. Discussion continued regarding responsibility for maintenance of the sidewalks and shoveling during the Winter. Deputy Director Sauerhoefer reported the sidewalk plan will also connect Park Hill to the loop.

Director Norton reported the Town has new sidewalks up Depot Street to Merlot due to the repair of the dam at Broad Brook Pond, although the area entering Merlot has broken up somewhat because of people driving over it to enter the facility. Deputy Director Sauerhoefer reported the sidewalks currently extend up to Mill Pond; new sidewalks will be installed from there to the Perri Lane crossover. Discussion followed regarding how people driving along Reservoir Avenue would be aware of the crossing location.

Director Norton reported prices have increased since the original grant was awarded.

No one else in the in-person audience requested to speak. Chairman Kowalski offered the opportunity to comment to the online participants.

Noreen Farmer, 247 South Water Street: Mrs. Farmer questioned the amount received for the grant? Deputy Director Sauerhoefer replied \$334,400.00 Mrs. Farmer noted she looked up the grant, and found it can only be used for construction, not relocation of utility poles, or acquiring any rights-of-way if that would be necessary. Mrs. Farmer questioned how much implementing this proposal would cost the Town, and is there a requirement that the Town provide matching funding?

Director Norton indicated there is no requirement for a match on the Town's part. He noted the Town applied for this grant in 2017, he indicated the cost of the project has gone up since that time. Director Norton estimated this proposal could cost \$100,000.00 from the Sidewalk Fund. Director Norton indicated they would have to go out to bid on the project.

Mrs. Farmer noted Perri Lane also has nice street lights, which may not be considered utility poles; would the Town have to pay to relocate the street lights? Director Norton indicated the utility company will move the utility

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poles at their expense. Director Norton noted there are existing sidewalks on Perri Lane, so the Town won't be working in that area.

Mrs. Farmer questioned how much of the property within the 2 ½ mile loop is owned by the Town, and for which the Town would be responsible for maintenance? Director Norton suggested most of the work would be on Reservoir Avenue. Mrs. Farmer questioned if the residents on Reservoir Avenue are aware of their responsibilities? Mrs. Farmer advised the Commission she's in favor of the sidewalks but felt this plan/proposal has been hanging around since 2019 so the cost can be expected to have gone up. Mrs. Farmer noted she couldn't find a previous hearing on this proposal. Mrs. Farmer reiterated her question regarding the cost to the Town.

Director Norton indicated this Connectivity Grant was applied for by a previous Town Planner, he noted he's unaware of what meetings or hearings occurred related to this grant. Implementation of this plan has now become Director Norton's project; this meeting tonight is an Informational Meeting to start discussion on the project. Planning Director Calabrese noted that every homeowner impacted got a notice in the mail. She noted that both she and Director Norton have had people come into their respective offices to discuss this proposal. Mrs. Farmer reiterated she felt that the price has gone up, and she knows there isn't a lot of money in the Sidewalk Fund. She also noted the Town's responsibility for clearing the sidewalks on days like today, would that require hiring another employee? Mrs. Farmer indicated her concern is that if this proposal goes to Town Meeting and gets voted down then what happens, she noted people in Warehouse Point vote down sidewalk proposals as they don't want to put in sidewalks. Commissioner Gobin felt many people walk along the Town roads, she felt they would enjoy this proposal. Director Norton noted the Town already has a crew and equipment to maintain Town-owned sidewalks, as they did today.

Chairman Kowalski questioned if there was another plan after this proposal? Selectman Baker recalled there are sketches available for sidewalks and bike lanes which were done for the Route 5 Study but there are no actual plans. Commissioner Gobin recalled there had been discussions for sidewalks along the river but felt it involved private property, which complicated the issue.

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Mrs. Farmer questioned if there was a timeframe for spending this money? Director Norton noted DOT is managing the funding for this project, he's been sending quarterly reports and has forwarded this potential plan, which DOT is reviewing. Director Norton indicated he would like to implement this plan this construction season.

Chairman Kowalski called for additional questions from the Commission; no one had any comments at this time. Chairman Kowalski thanked Director Norton and Deputy Director Sauerhoefer for this information.

C. Informal Discussion – Text Amendment – Farm Regulations:

Chairman Kowalski read the description of the next item of business. Joining the Commission for continued discussion was Tim Coon, of J. R. Russo & Associates, LLC and Herb Holden.

Mr. Coon noted they have provided the Commission with the proposed language for the Text Amendment, as well as Staff comments and the applicant's follow up. Referencing a Site Plan, Mr. Coon indicated they are proposing a farming operation at the intersection of Windsorville and Chamberlain Roads. The parcel contains 100 acres. The areas highlighted in yellow are the existing agricultural fields. Mr. Coon noted there is an old pit face in the back which drops off 14 feet, and there is a depression in the front. Mr. Coon referenced a location on the Site Plan, noting it appears to be an area where someone stockpiled material in the past. He noted they are proposing to gain an additional 8 acres for feedstock for Mr. Holden's animals. Mr. Coon referenced the proposed language for the Text Amendment, which would become part of the Right-to-Farm Regulations.

Mr. Coon noted they contacted DEEP, and have received a determination that their Stormwater Industrial Permit, which would apply if this was a gravel permit, don't apply to this proposal as it's a farming activity.

Mr. Coon cited comments from Town Staff to add this proposed Text Amendment under the Farm Regulations indicating that if an activity complies with specific standards related to farming they don't have to comply with the Excavation Permit requirements. Chairman Kowalski suggested its difficult to go from the applicant's specific site to the generality of the Text Amendment. Mr. Coon agreed, the Text

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Amendment will apply to any property, which is why they are trying to propose it for the farmers in town, and their activities.

The applicant, Herb Holden, joined the discussion. Mr. Holden indicated he understands the Commission's concerns that everyone will be opening up gravel dump sites or filling in holes, but he questioned what the Commission envisions when they contemplate a gravel pit? Mr. Holden suggested to him it has sales, and processing, it's a business; it's to mine a property for profit. He suggested farmers are trying to expand their property for nursery stock or tobacco and for himself he's trying to expand it for livestock and corn operations; for him it's for silage. He suggested he doesn't want to market the material to Manafort, he's just trying to expand his farmland for the expansion of his business. And to do that some places may need to be filled and some places may need to export. Mr. Holden gave as an example a farm in town that received 8,000 tons of processed material to build farm roads throughout their farm; they obviously didn't come to the Commission for a permit, it's just something that happened. Commissioner Thurz felt there was a limit allowable per year.

Chairman Kowalski cited previous discussions that because someone is bringing material in and out beyond a certain limit it requires a permit. Commissioner Gobin suggested the Commission doesn't know what that material is. Mr. Holden recalled at the last meeting Commissioner Gowdy questioned how to manage the deed restriction, he suggested how the Town manages their enforcement versus how people follow regulations isn't part of his proposal. Mr. Holden suggested he didn't feel how people follow regulations affects whether there's a regulation that makes sense for the Town.

Commissioner Gobin suggested the question for her is when you talk about removing the material from the area, or importing material, can you do something with the contours of the land without the material coming and going? The pain comes with the trucks coming and going and the dust. Commissioner Thurz noted the trucks are coming and going at free will. Mr. Coon suggested the problem is with the wetlands there's no place to get rid of it. Chairman Kowalski and Commissioner Thurz suggested developing another area on the site to store the material. Commissioner Gobin suggested it's the trucks coming and going that will cause the complaints.

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Planning Director Calabrese cited concern for the groundwater, and will 6 inches of material be an adequate amount of cover for crops? Mr. Coon suggested when you go into a wooded area and take down trees, whether it's a gravel operation or a farming operation, you probably won't have 6 inches of topsoil. He felt a 6 inch requirement for topsoil would probably require that someone import material. Commissioner Thurz questioned if the plowing for the farming will dig deeper than the 6 inches of topsoil? Mr. Holden indicated that if they are deforesting an area they won't have 12 inches of topsoil. Chairman Kowalski noted all the activity is occurring on the property, he questioned if there's a way to achieve what you want to reclaim more land without having to have outside activity – that you amend the soil, you move it, you regrade it, you slope it, you terrace it, without having the truck traffic and removing of materials? Mr. Coon suggested they can move the dirt around to fill in the holes but they'll still have the slope to deal with. Commissioner Gobin suggested various locations to put the material. Mr. Coon indicated then they wouldn't get the 8 acres; Mr. Holden described the topography of the site versus other flat farmland in town. Commissioner Gobin felt people see trucks sweeping up silage as farming, people will see dirt and gravel moving as mining. Commissioner Thurz cited concern having every gravel pit coming in under this regulation. Mr. Holden suggested that was the reason they put in the deed restriction. Mr. Coon noted they will not be processing on the site.

Chairman Kowalski noted that when considering excavation the Commission needs to consider the affect on the water table, the elevations, what the final grade will be, under your proposal the farming activity just happens. Discussion continued regarding the deed restriction maintaining the farming activity versus changing societal conditions which might cause someone to come in for a change in the use of the parcel. Chairman Kowalski suggested the zone in which the parcel is located dictates what can be built there; Commissioner Gobin noted the Zoning Regulations dictate what's allowed within a zone.

Planning Consultant D'Amato suggested Staff and the Commission have been considering how to close the gap between what you want and what's allowed, the potential use of the property can't be factored into a decision for this Text Amendment. We can go through this whole process and you can come back and say you no longer want to farm; the Town can't mandate the 10 year deed restriction on the farming operation.

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Planning Director D'Amato suggested that based on the current standards in the Zoning Regulations there is the need for an applicant to develop a tangible legitimate document, bonding, and the requirement for a Special Use Permit. Planning Consultant D'Amato suggested everyone wants what you want to do to happen but the question is how to get there. He questioned how big an issue is the Special Use Permit process for the applicant?

Mr. Coon felt there were other issues in the Excavation Regulations that need to be addressed as well, such as minimum setbacks. Currently a farmer can farm up to his property line, if you require the 100 foot setback that restricts the best use of his land for agriculture. Planning Consultant D'Amato questioned if the potential grades will create a lot of runoff from the property? Mr. Coon suggested currently everything grades down into the wetlands. Mr. Coon suggested they don't intend to go within 100 feet of the abutters but they do want to go up to the street.

Chairman Kowalski suggested when considering this proposal for all properties he questioned if an applicant could go within the 100 feet of that buffer as long as they meet the grades of the abutters? Mr. Coon concurred but noted it would require some type of language change for the Farming side. Commissioner Thurz felt people will think these guys are running all these trucks through the backdoor of the Farm Regulations, people will see this as all these trucks hauling with no oversight. Mr. Coon suggested the Farm Regulations cite any nuisance associated with farming, which would be noise, traffic, dust, is acceptable because the benefit of farming outweighs the negative. Commissioner Thurz suggested he sees this as taking out the good stuff and selling it; there's money to be made here. Mr. Coon suggested it's grading to create farmland. Chairman Kowalski reiterated the need to consider the affect of all properties versus Mr. Holden's specific proposal.

Planning Consultant D'Amato questioned how many acres of Mr. Holden's property are currently corn? Mr. Holden indicated there are 65 farmable acres and 35 other acres. Planning Consultant D'Amato suggested it appears 50% is currently in use and this proposal would get you 8 additional acres; Mr. Holden concurred. Planning Consultant D'Amato suggested if this proposal takes 6 years throughout that timeframe how many acres will remain in productivity? Will 90% of this remain as farmland and as you go into phase 2 will phase 1 come back online as farmland while you work on phase 2? Mr. Coon concurred. Mr.

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Coon reiterated they're not looking at this as a gravel pit, there won't be any scales or sales on the site. Commissioner Thurz noted the old house on the corner, discussion of abutters followed.

Planning Consultant D'Amato questioned how long the project is anticipated to take? Mr. Coon suggested possibly 5 years based on 20 days of activity per month using 10 trucks per day. Planning Consultant D'Amato cited restricting traffic to 10 trucks a day because it's a farming operation had some merit. He compared the traffic for the Wapping Sand and Gravel operation versus this proposal. Chairman Kowalski felt the truck limitation would make it a big distinction between a farming and a gravel operation. Mr. Holden suggested some days he might need to run 20 trucks because he couldn't haul on a rainy day, and other days none at all; discussion continued on the affect of the truck traffic on the abutters.

The Commission considered charging a penalty for violating the hauling limits. Planning Director Calabrese suggested adding language regarding the size of the project – limited clearing and regrading not to exceed 7 acres in an area, or 500 cubic yards; Planning Consultant D'Amato noted the applicant is requesting an Administrative Review.

Commissioner Thurz questioned where they would be hauling the material to? Mr. Holden indicated they will stay on Chamberlain Road, and will be hauling it to their recycling yard on Windsorville Road. Mr. Holden suggested they would be passing 3 houses.

Planning Consultant Calabrese cited the need to consider the impact on the wetlands because of the grade changes. Noting that they need to cross a culvert to get to the wetlands Planning Director Calabrese questioned the impact on water levels and the wetlands system. She noted it's swampy in the back and you need to cross a wetlands to get to the back area. Commissioner Gobin suggested if the final grade is low and you put manure on the field it goes into the groundwater. She questioned if the abutters homes are on private wells?

Selectman Baker cited concern for creating farmland where it didn't previously exist, he suggested if someone is a farming operation they can drive a truck through the loopholes of the Wetlands Regulations. He noted that most natural farmland is near wetlands, but if you're creating new farmland where it didn't exist they could bypass the Wetlands Regulations. Selectman Baker noted the Commission is not only creating

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new Zoning Regulations but you're also creating the possibility of bypassing Wetlands Regulations. Selectman Baker cited his service on the Wetlands Commission, he noted he's seen people come in and get away with a lot of stuff because they're farming. Mr. Holden advised Selectman Baker how he's required to address wetlands issues; Selectman Baker cited differences in interpretation of the Wetlands Regulations creates costly legal fees for the Town.

Planning Director Calabrese reiterated her concern for the impact on the wetlands and the groundwater table due to the finished grades, she questioned if the proposal should be considered under Section 8.14 of the Excavation Regulations? Commissioner Gobin suggested creating a Farmland Reclamation section of the Excavation Regulations. Chairman Kowalski suggested the intended use is unenforceable, anyone can come in and say they want to create farmland and the market could change so the use may change. Mr. Holden cited the deed restriction he's offered. Planning Consultant D'Amato questioned if someone files a deed restriction against themselves what would prevent Mr. Holden from removing the deed restriction; Planning Consultant D'Amato suggested Staff needs to review that language as well. Planning Consultant D'Amato cited another project in Town where a pencil-line drainage system was installed to the tune of \$1 million plus which then gave that applicant the opportunity to come back to request an increase in the project density to recover that cost, and the applicant then walked away from the project. All of those issues come from a use that the Zone doesn't intend so Staff is trying to consider how to address issues so the site doesn't become totally useless. Commissioner Thurz reiterated the problem is you're proposing to haul a lot of material out of the site; his concern is the amount of truck traffic and the location of the access road. Chairman Kowalski suggested adding a condition setting "x" number of cubic yards and anything over that amount it becomes a mining operation.

Discussion continued regarding review of similar operations in other towns with larger agricultural bases.

Discussion to continue at the Commission's March 14th Meeting.

XIV. CORRESPONDENCE:

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Planning Consultant Calabrese advised the Commissioners everyone has been signed up for the Connecticut Federation of Planning and Zoning Agencies 2023 Conference.

XV. BUSINESS MEETING

A. UCONN Clear Training, Commissioner takeaways:

Chairman Kowalski suggested postponing this discussion until the Commission's next meeting.

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:32 p.m.

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

Respectfully submitted,

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