

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

**REGULAR Meeting #1847
Tuesday, March 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 Regular Meeting #1847 of the East Windsor Planning and Zoning Commission to Order at 6:31 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, and Jim Thurz (Vice Chairman). (There is presently 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 Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Deputy Selectman Marie DeSousa; **Application PZ-2023-4 – 28 Abbe Road** – Site Plan Modification for Installation of Sports Field Lighting. Applicant: BSC Group, Inc., Joseph Sauerhoefer, Deputy Director of the Public Works Department; Public: Jay

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Ussery, of J. R. Russo & Associates, LLC. **Application PZ-2023-6 – 102 Winkler Road and Newberry Road** – Site Plan Modification for construction of a gravel storage yard. Applicant: BT Properties, LLC, Ralph Thomas, representing Beebe Landscaping; **Application PZ 2023-7 – 124 Newberry Road** – Site Plan Modification for specifying millings and gravel areas on plans in parking and drive areas. Applicant: Scott Cota. Public: Jay Ussery, of J. R. Russo & Associates, LLC, Joseph Sauerhoefer, Deputy Director of the Public Works Department.

GUESTS/SPEAKERS present remotely identified as they sign in: Charlie Agli, Heidi Alexander, Ipad, Iphone; 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: None.

IV. LEGAL NOTICE: **None**

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

Chairman Kowalski queried the members of 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 to speak to the online/remote participants; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

A. March 14, 2023 – Regular Meeting of PZC:

Chairman Kowalski noted the Minutes of the Commission's Regular Meeting #1846 for March 14, 2023 are available for approval; he queried the Commission for comments, revisions, or alterations.

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Commissioner Leason noted that on line 152 Commissioner Thurz's last name is spelled incorrectly. Chairman Kowalski called for a motion amending the Minutes as presented.

MOTION: To APPROVE the Minutes of Regular Meeting #1846 held on Tuesday, March 14, 2023, with the correction in line 152 indicating Commissioner Thurz's last name is spelled incorrectly.

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 there were no new applications to be received this evening.

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

A. West River Farms – Bond Reduction Request – (continued-pending comments from Len:

Director of Planning and Community Development Calabrese reported the receipt this evening of communication regarding the status of this request for bond release. The applicant is completing Phase I and moving on to Phase II, they are requesting a release of bonding for Phase I while a separate bond has been submitted for Phase II. Based on information submitted by the applicant and J. R. Russo Town Engineer Norton has reviewed the request, and is recommending \$86,000.00 be retained to complete maintenance for Phase I and the cul-de-sac.

Chairman Kowalski called for questions from the Commission. No one offered comments, Chairman Kowalski called for a motion of approval.

MOTION: To REDUCE THE BOND for Phase I to \$86,000.00 as a Maintenance Bond for the cul-de-sac at West River Farms in accordance with the memo dated 3/28/2023 from Town Engineer Norton.

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Gobin moved/Leason seconded/DISCUSSION: None

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

B. Charbonneau Gravel it – Apothecaries Hall Rd – Landscaping Bond Release:

Chairman Kowalski read the description of this Agenda item.

Director of Planning and Community Development Calabrese noted the Planning Department received a request for a Bond release when Gravel Pit Solar closed on the property and that Bond has been released. Chairman Kowalski questioned if Gravel Pit Solar would now be posting a Bond; Director of Planning and Community Development Calabrese replied in the negative, noting Gravel Pit Solar is working under a permit through the State Siting Council. Chairman Kowalski questioned if the reclamation originally required for the gravel pit had been completed; Director of Planning and Community Development Calabrese indicated she didn't know if the work being done meets the original grading requested.

Commissioner Gobin acknowledged that while the Town may not have jurisdiction over the project, and is no longer holding a Bond, she questioned if the Town has any ability to deal with the mess that's occurring on Planation Road? Director of Planning and Community Development Calabrese cited the Natural Conservation Services makes a weekly visit to the site and submits a report and photos to the Town, she's aware there are some erosion conditions that the Wetlands Commission is concerned about. Commissioner Gobin reiterated her concern about the condition of Plantation Road due to the extensive truck traffic occurring.

Chairman Kowalski queried the remaining Commissioners for comments or questions, no one requested to be acknowledged.

No motion required.

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

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**Properties LLC (30 Day Extension Granted – Tabled Until
4/11/2023):**

Chairman Kowalski noted this applicant has requested a 30-day extension for submission of additional documentation until the Commission's April 11, 2023 meeting. No discussion will occur this evening.

X. NEW PUBLIC HEARING: None

XI. OLD BUSINESS: None

XII. NEW BUSINESS:

A. PZ-2023-4 28 Abbe Rd – for a Site Plan Modification for Installation of Sports Field Lighting. Applicant: BSC Group, Inc. – Rachel Salch:

Chairman Kowalski read the description of this item of business. Joining the Commission for discussion of this application was Joseph Sauerhoefer, Deputy Director of the Public Works Department.

Deputy Director Sauerhoefer reported the Town will be installing lights in the parking lot of the soccer field at Abbe Road. The Town received a \$300,000.00 grant with the assistance of Representative Foster to fund this project, although the intent is to install 9 light poles Deputy Director Sauerhoefer anticipates they'll be able to install up to 4 new lights in the parking lot under this grant funding. Deputy Director Sauerhoefer noted the Zoning Board of Appeals (ZBA) recently approved a variance for the height of the poles. He noted the hours of operation will be up to 9 or 10 o'clock up to 3 times a week for a men's league that plays every Wednesday, and the intent is for the high school team to be able to play as well. The lights will be on a timer and can be shut off remotely. Deputy Director Sauerhoefer cited the use of the field won't generate a huge amount of revenue but is an opportunity for the Town to utilize the soccer field, which is considered to be one of the premiere fields in the area, for the community.

Commissioner Gobin questioned the lighting at the back of the building, noting there are abutting property owners. Deputy Director Sauerhoefer noted the proposal is for lighting for the field at the back of the property,

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Deputy Director Sauerhoefer reviewed the bids received on the project, noting Musco is the low bidder.

Commissioner Leason questioned the status of the Certificate of Variance. Director of Planning and Community Development Calabrese cited it's related to the ZBA approval and currently under the appeal period.

Commissioner Gowdy questioned the timeframe for the project. Deputy Director Sauerhoefer cited they would wait until the appeal period for this project was completed, they would then order the equipment, with the intent to install the lighting after the Spring soccer season ends.

Chairman Kowalski called for additional comments from the Commission; no one raised any questions.

Jay Ussery, of J. R. Russo and Associates, noted he's aware this application isn't a Public Hearing, but he requested to speak. Chairman Kowalski questioned if his comments would be pertinent to this project; Mr. Ussery felt the comments were related this proposal. Chairman Kowalski requested Mr. Ussery address the Commission.

Mr. Ussery noted he is representing Windsor Show Stables who owns property across the street from Scout Hall and the soccer fields; Mr. Ussery noted Windsor Show Stables trains show horses who compete nationally. Mr. Ussery advised the Commission that Windsor Show Stables isn't opposed to youth sports but is concerned about the frequency of the use of the fields and how long the facility will be open at night. Mr. Ussery commended Musco for providing the Commission with information regarding the lighting, however he noted concerns from abutters who have lived near the facility for 30 years were raised at the ZBA Meeting. Mr. Ussery suggested that during the ZBA application it appeared that 9 p.m. would be about as late as it would go, which seemed reasonable, although the Parks and Recreation Director had mentioned perhaps 10 p.m.

Commissioner Gowdy questioned if they were not in favor of this proposal? Mr. Ussery suggested they supported youth sports but were concerned regarding the proposed lighting.

Chairman Kowalski referenced the terms and conditions listed in the memo provided by Staff, which indicated the field lighting will not be on

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past 10 o'clock. Commissioner Gowdy questioned that no alcohol would be allowed; Chairman replied in the affirmative.

Chairman Kowalski called for additional comments; no one requested additional discussion. Chairman Kowalski called for a motion of approval.

MOTION: To APPROVE application PZ-2023-4 for 28 Abbe Road for a Site Plan Modification for Installation of soccer field lighting. Applicant/owner: Town of East Windsor. Approval is granted subject to the conformance and referenced plans, as may be modified by the Commission and this approval, the plans and conditions/modifications 1 through 12 as stated in the memo to the Commission from Director of Planning and Community Development Calabrese dated 3/28/2023.

Gobin moved/Leason seconded/DISCUSSION: None

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

B. PZ-2023-6 102 Winkler Rd & Newberry Rd – for a Site Plan Modification for Construction of a gravel storage yard. Applicant: BT Properties, LLC.

Chairman Kowalski read the description of this application. Joining the Commission were Jay Ussery, of J. R. Russo & Associates, LLC, representing Beebe Landscaping, and Ralph Thomas, a partner in BT Properties/Beebe Landscaping.

Mr. Ussery noted the main building occupied by Beebe Landscaping is located on Winkler Road, they also own 36 acres behind the Scorpion Fastner building on Newberry Road. Mr. Ussery noted there are wetlands and a watercourse located on the property which continues to a brook under Thompson Road and eventually under Route 5 and to the Connecticut River. Mr. Ussery indicated this proposal is for the installation of a gravel storage yard to be located on Newberry Road to store seasonal equipment in trailers during the offseason – snowblowers will be stored during the Summer while mowers will be stored during the Winter. The gravel storage area, which is about a half-acre in size, has

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been highlighted in yellow on the Site Plan; Scott Cota's property is the abutting property owner. They are proposing to install a berm, including spruce plantings, along Newberry Road to prohibit visibility from the street and Newberry Village, the area will be fenced, and the entrance will be gated as well. They are not proposing any lighting for the area. Drainage sheet flows southerly and easterly into a swale and 4-bay stormwater treatment basin and outlets into the wetlands; there is no increase to run off. Mr. Ussery noted Town Engineer Norton has reviewed the proposed plans and agrees with the calculations.

Chairman Kowalski opened discussion to the Commission.

Commissioner Gowdy requested clarification on the fencing. Mr. Ussery indicated the storage yard will be contained within a chain link fence as they've had issues with people getting into the trailers and stealing the equipment over on the Winkler Road side of the property.

Commissioner Gobin noted the main property on Winkler Road is well maintained, she indicated she liked the proposal for the buffer and the berms but she questioned if the gravel driveway would cause dust issues? Mr. Ussery noted the driveway will include a paved apron. Mr. Ussery noted his long association with Beebe Landscaping, they do a nice job on whatever project they're involved in and are environmentally-friendly. He noted they've gone to electric solar equipment which cuts down on the noise of the equipment during operation. Commissioner Gobin noted the millings installed at the Community Garden get gutted quickly and trails out into the street, Chairman Kowalski suggested this use wouldn't get the daily usage that the Community Garden does, he noted the seasonal exchange of equipment would limit accessibility to perhaps twice a year. Mr. Ussery concurred, noting storage use will limit the amount of accessibility.

Commissioner Thurz indicated he liked the relocation of the access driveway which cuts down on visibility for the homeowners across the street.

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

MOTION: To APPROVE Application PZ-2023-6 for a Site Plan Modification for construction of gravel surface storage

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yard. Applicant/Owner: B. T. Properties, LLC/Beebe Landscaping Service. This approval is granted subject to the conformance with the referenced plans, as may be modified by the Commission and this approval, and the following conditions/modifications as listed on the memo to the Commission from Director of Planning and Community Development Calabrese dated 3/23/2023, including the referenced plans and 11 conditions.

Gobin moved/Leason seconded/DISCUSSION: None

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

C. PZ-2023-7 124 Newberry Rd – for a Site Plan Modification for specifying millings and gravel areas on plans in parking & drive areas. Applicant: Scott Cota:

Chairman Kowalski read this Agenda item.

Commissioner Thurz recused himself as he has worked on this project with Mr. Cota.

Mr. Scott Cota, the applicant, joined the Commission to present his application.

Mr. Cota advised the Commission he is looking to replace the paving with millings as they have a lot of heavy equipment which destroys the paving, he suggested the millings would be easier to maintain.

Chairman Kowalski suggested he recalled the original proposal had been for a rent-a-bay building, he questioned if the proposed use has changed? Mr. Cota replied in the negative, suggesting the proposal has always been for a construction shop with rental bays. Chairman Kowalski questioned what other types of businesses are occupying the rental bays? Mr. Cota indicated he has not rented the tenant bays at this point. Chairman

Kowalski suggested he wondered if the rental units would require striped parking spots which would benefit from a paved surface. Chairman Kowalski referenced the plan, which indicated striped parking, he questioned if the striping would be installed on the millings? Mr. Cota

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suggested he could, or get rid of the stripings. Director of Planning and Community Development Calabrese suggested Mr. Cota had submitted an As-Built Plan, Mr. Cota indicated the only change was the bituminous area is being replaced with millings. Chairman Kowalski requested clarification that the stormwater treatment basin, the landscaping, the dumpster pad, the fencing and screening are still part of the proposal; Mr. Cota replied in the affirmative. Commissioner Gobin noted the plan continues to show parking spaces, Chairman Kowalski questioned if the proposal includes handicapped spaces? Commissioner Gobin questioned if the apron will be paved; Director of Planning and Community Development Calabrese suggested it is already. She also noted Mr. Cota is proposing to replace the fence with a berm and plantings.

Commissioner Gowdy cited concern that if someone comes in with a plan proposing a bituminous surface and then decides it's cheaper to put in millings, the Town Engineer and the Planning and Zoning Commission has approved it for another applicant it's setting a precedent. While he doesn't disagree with the concept of using millings he is concerned with setting a precedent regarding what's submitted versus requests for alternate materials during approval. Commissioner Gobin cited concern for the effect of millings on the average driver who may have a car which is lower than construction vehicles, she suggested she wouldn't want to see millings approved for a Walmart parking lot. Commissioner Gowdy reiterated his concern for setting a precedent with this approval for alternate materials for Mr. Cota, he felt a good lawyer would argue it was done for this applicant and should be done for the next applicant.

Commissioner Leason questioned the status of the Certificate of Occupancy (CO). Mr. Cota replied he hadn't been issued the CO, he's trying to complete the site work and has installed the "pond" but hasn't been issued a CO. No work is occurring at the site. Commissioner Gowdy questioned staff how to address this issue.

Director of Planning and Community Development Calabrese suggested Staff discussions are already occurring regarding revision of the Zoning Regulations, which currently define paving as an "all weather surface". That leaves it up to the Commission to decide what that means as it relates to a Site Plan. She noted the applicant has provided an opinion from Tim Coon (of J. R. Russo & Associates). Discussion continued regarding tightening up the regulations as they relate to a commercial use or within an M-1 Zone or application submission under a Special Use Permit.

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Director of Planning and Community Development Calabrese suggested that in regard to this application the best approach would be to make a decision if the millings could be used based on the information provided by the engineers but recognizing the potential impact and the need to revise the Zoning Regulations. She suggested the consideration should be done under something other than a Site Plan Modification, which doesn't take into effect the impact on wetlands. Director of Planning and Community Development Calabrese offered the options of the applicant withdrawing, or the Commission denying without prejudice, with a second motion to allow a simple substitution.

Noting he understood this application isn't a Public Hearing Jay Ussery, of J. R. Russo and Associates, LLC requested to offer comments. Mr. Ussery indicated he wasn't commenting as a representative for Mr. Cota or anyone across the street. Mr. Ussery noted some other towns allow the use of bituminous millings because millings are bituminous concrete. He suggested that Director of Planning and Community Development Calabrese noted the regulations don't specify the use of bituminous hot mix that's coming out of a truck and it's being rolled flat, they call for an "all-weather durable surface". Mr. Ussery suggested Mr. Coon, and Town Engineer Norton, agree that bituminous millings are an all-weather durable surface. In their opinion it's nearly equivalent to a bituminous mix as it's impervious. Commissioner Gobin questioned if the steamrolled surface melts back into a hard surface? Mr. Ussery suggested his experience has been if you use bituminous millings and you use it in August when it's 85 degrees out and you roll it you may not be able to tell whether it's bituminous hot mix out of the plant or bituminous millings as it looks the same. Director of Planning and Community Development Calabrese clarified that the plans before the Commission do specify the bituminous hot mix.

Commissioner Gobin questioned if the material used at the Community Garden is the bituminous millings? Deputy Director of the Public Works Department Sauerhoefer joined the discussion, noting that there are areas on Pease Road and East Road where the Town has used millings and rolled it and worked well. Deputy Director Sauerhoefer reported he used the bituminous millings in his own driveway and it's become like concrete.

Chairman Kowalski suggested it appeared that substitution isn't the issue, it's how the Commission should handle this application procedurally

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without setting a precedent. He referenced Director of Planning and Community Development Calabrese's Staff memo suggesting the Commission deny this application as a Site Plan Modification but approve it as a substitution. The consensus of Commission concurred with Director of Planning and Community Development Calabrese's recommendation.

MOTION: To DENY Application #PZ-2023-7 for a Site Plan Modification for 124 Newberry Road, and instead, render a decision regarding asphalt millings substitution under a separate action.

Gobin moved/Leason seconded/DISCUSSION: None

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

MOTION: To ALLOW FOR SUBSTITUTION of asphalt millings in place of bituminous concrete as detailed on the Site Plan approved as part of Application PZ-2021-09. All other conditions of approval and site improvements detailed on the plan set incorporated into them, April 16, 2021 approval remain in full effect.

Gobin moved/Leason seconded/DISCUSSION: None

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

Commissioner Thurz rejoined the Commission for the remainder of the meeting.

XIII. OTHER BUSINESS:

A. Informal discussion – Frank Giordano – Self Storage:

Chairman Kowalski reported this item of business has been withdrawn.

B. Affordable Housing Plan – Consideration of Adoption:

Director of Planning and Community Development Calabrese recalled the Commission has discussed the Affordable Housing Plan previously. She and Planning Consultant D'Amato have been considering how to propose

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the plan to the public for adoption. She noted the presentation doesn't have to be a Public Hearing, they're considering posting the final plan on the Commission's Webpage, and carry discussion as a public information agenda item for a couple of meetings.

Planning Consultant D'Amato advised the Commission he's already posted various components of the previous discussions on the Webpage, including the survey, the survey results, the Powerpoint presentation given earlier, and a webform for people to offer comments. Chairman Kowalski requested that Staff provide a hard copy of the packet for the public as well, as some residents like a paper copy for review.

Discussion continued regarding scheduling.

XIV. CORRESPONDENCE:

A. CRCOG Notification E-mail:

Director of Planning and Community Development Calabrese noted this is a normal notification from CRCOG regarding regulation changes being proposed in surrounding towns.

Commissioner Gobin noted Tolland is proposing a set-back change for breweries, distilleries, and wineries. Planning Consultant D'Amato concurred, noting most of the vineyards are located in residential zones. Tolland has reduced the set back to 75 feet from 200 feet to accommodate existing sites. Commissioner Gobin wondered what was the appropriate set-back for an event. Discussion continued regarding the circumstances of various situations.

XV. BUSINESS MEETING

A. Training Discussion/Take-a-ways:

No discussion this evening.

XVI. EXECUTIVE SESSION

a. Pursuant to CGS 1-200(6)(b) – pending claims/litigation:

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**MOTION: To GO INTO EXECUTIVE SESSION at 7:39 p.m.
Pursuant to C.G.S. 1-200(6)(b) – pending
claims/litigation. Attending the EXECUTIVE
SESSION will be Chairman Kowalski, Vice Chairman
Thurz, Commissioner Gobin, Commissioner Leason,
Commissioner Gowdy.**

Gobin moved/Leason seconded/DISCUSSION: None

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

LET THE RECORD SHOW the Recording Secretary signed out as a
remote participant at 7:39 p.m.

LET THE RECORD SHOW the Commission came out of EXECUTIVE
SESSION at 7:46 p.m.

**MOTION: To CLOSE THE EXECUTIVE SESSION and resume
the Regular Meeting at 7:46 p.m.**

Gobin moved/Leason seconded/DISCUSSION: None

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

No further action taken.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:47 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