

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

SPECIAL Meeting #1832

August 9, 2022

6:30 p.m.

Park Hill Community Center

1A Park Hill Road

Broad Brook, CT. 06016

(In-person)

AND

via ZOOM Teleconference

Meeting ID: 714 897 1799

SCHEDULE OF MOTIONS

I. TIME AND PHYSICAL PLACE OF MEETING, Park Hill, 1A Park Hill Road, Broad Brook, CT.

Chairman Gobin called Special Meeting #1832 of the East Windsor Planning and Zoning Commission dated August 9, 2022 to Order at 6:30 p.m. The Meeting is being held in person in the Park Hill Community Center, Park Hill, 1A Park Hill Drive, Broad Brook, CT. 06016 The Meeting is available remotely as well.

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

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

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

GUESTS/SPEAKERS present in-person: **Planning Consultant** Michael D'Amato hosted the meeting. Also present were **Director of Planning and Development/Town Planner Calabrese**, T. J. Barresi, of Barresi Associates, James Giorgio, Lucy Foster, Jesse Foster, Marek Kement, Skip (Stanley) Kement, Jr., Don (of Don's Auto Body), Greg Baker, Alan Baker, Karen Loubier, Phil (unreadable).

GUESTS/SPEAKERS present remotely identified as they sign in: Noreen Farmer; Peg (Margaret) Hoffman, Recording Secretary.

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MOTION: To APPROVE Application #PZ-2022-14 Text Amendment – Tiny Homes. Applicant: Lucy Foster with one “finding” and conditions 1 through 4 in the Staff memo provided by Planning Consultant D’Amato dated August 4, 2022.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

Staff approval motion:

MOTION TO APPROVE: Application #PZ 2022-14:Text Amendment: Section 407.2: Tiny House on Wheels. Applicant: Lucy Foster This approval is granted subject to the conformance with application materials and/or referenced plans (as may be modified by the Commission and this approval) and the following conditions/modifications.

Findings:

1. The amendment, as submitted and modified by this approval is consistent with the intent of the Plan of Conservation and Development.

Conditions:

1. The effective date of this Regulation shall be September 1, 2022.
2. Section 407.2d(1) shall be revised to read “A THOW must be occupied by the property owner or the registered owner of the THOW. Such occupancy shall be confirmed through the submission of an ownership or residency affidavit which shall be submitted in February every two (2) years following approval of a conditional Special Permit.”
3. Section 407.2a(3) shall be revised to replace “independent” with “separate”
4. Section 407.2a(7) shall be deleted.

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X. NEW PUBLIC HEARINGS:

- a. **PZ-2022-15 - Town of East Windsor – Text Amendment to Zoning Regulations Section 203, 404, 502, 505.3, 601, 601.8, and 901.**
Applicant: Town of East Windsor:

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2022-15 – Town of East Windsor – Text Amendment to Zoning Regulations Section 203, 404, 502, 505.3, 601, 601.8, and 901. Applicant: Town of East Windsor.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

Staff approval motion:

Motion to Approve Application PZ-2022-15 of the Town of East Windsor for a text amendment to various sections of the East Windsor Zoning Regulations. Propose changes to sections 203 Definitions; 404 Permitted Accessory Uses; 901 Administration by Staff; 502 Permitted Uses in Business and Industrial District; 505.3 Outdoor Dining; and the addition of a new subsection to 601 off street parking: 601.8 Alternative Energy Infrastructure as depicted in the document entitled: Proposed Zoning Amendments- June 2022. with the following revision to Section 601.8 (b) changing the height of the EV charger from less than 4 feet to less than 8 feet and adding the condition that A clear line of sight is maintained.

Commented [RC1]: Revisions by PZC at 8/9/22 meeting

Finding that:

These changes are consistent with the East Windsor Plan of Conservation and Development by:

1. Encouraging business growth within the B-3 Zone of the Norther Business Corridor,
2. Supporting renewable infrastructure needs, and
3. Improving quality of life.

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- b. PZ-2022-16 & 18 – 137 Scantic Road – Resubdivision/Special Use Permit.
Applicant: Travis Neidlinger:

(PZ-2022-16 – 137 Scantic Road. Applicant: Travis Neidlinger.
Resubdivision Approval for 3 residential lots. Map 44, Block 33, Lot
001. Zone R-3)

AND

(PZ 2022-18 – 137 Scantic Road. Special Use Permit for lot 2 of a
proposed 3-lot resubdivision. Map 44, Block 33, Lot 001. Zone R-3)

MOTION: To CLOSE THE PUBLIC HEARING on PZ-2022-16 –
137 Scantic Road. Applicant: Travis Neidlinger.
Resubdivision Approval for 3 residential lots. Map 44,
Block 33, Lot 001. Zone R-3) AND PZ 2022-18 – 137
Scantic Road. Special Use Permit for lot 2 of a
proposed 3-lot resubdivision. Map 44, Block 33, Lot
001. Zone R-3).

Kowalski moved/Thurz seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Kowalski/Leason
/Sauerhoefer/Thurz

(No one opposed/No abstentions)

Staff approval motion:

MOTION TO APPROVE:

Request for a waiver to Section 6.5 of the East Windsor Subdivision
Regulations pertaining to the installation of streetlights for application #PZ
2022-16: Re-Subdivision Application. Map 44 Block 33 Lot 001, 137 Scantic
Road; Applicant/Owner: Travis Neidlinger.
Findings:

1. There are adequate streetlights on Scantic Road.

Commented [RC2]: Per PZC revision 8/9/22

MOTION: To ADDRESS application PZ-2022-18 for 137 Scantic
Road Applicant: Travis Neidlinger at the end of taking

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**action on application PZ-2022-16 for 137 Scantic Road
Applicant: Travis Neidlinger.**

Kowalski moved/Thurz seconded/**DISCUSSION:** None

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

**Staff approval motion for PZ-2022-16 – Travis Neidlinger, 3-lot
subdivision:**

MOTION TO APPROVE: Application # PZ 2022-16: for a 3-lot Re-Subdivision located at 137 Scantic Road; Map 44 Block 33 Lot 001, Owner/Applicant: Travis Neidlinger

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

Referenced Plans:

R-3 Residential Zone Resubdivision prepared for Travis W. Neidlinger, 137 Scantic Road, East Windsor, Connecticut, Sheets 1-10 dated June 29, 2022

Findings:

1. The provided plan is compliant with the Town's Zoning and Subdivision Regulations.
2. The Inland Wetlands and Watercourses granted an Agent Decision on August 3, 2022.
3. It is appropriate to grant the applicant's request for a waiver to the requirement for streetlights.
4. The Commission finds that a fee in lieu is more appropriate than the installation of sidewalks on site.
5. The Commission finds that a fee in lieu of open space is acceptable.

Commented [RC3]: Need to varify approval

Conditions which must be met prior to signing mylars:

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1. A copy of the final approved plans with revisions shall be submitted to the Planning & Development Office and Town Engineer 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 plan
3. The exemption from the open space requirements shall be noted on the final mylars along with a notice stating that any lot subject to the waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
4. The plans shall be modified to include:
 - a. A notation indicating that any lot subject to the open space waiver shall be liable for its proportional share of the total open space fee at the time of subsequent sale or transfer to a non-exempt person if that lot is sold or transferred within five years of the approval date.
 - b. A copy of this approval
 - c. The expiration date of this approval
 - d. To indicate an evergreen screening along rear lot property lines.
 - e. Remove development notes from sheet 2 and replace with signed 15-2022 COA when available.
 - f. Sheet 1 Subdivision Notes: 6 remove notation that a Special Permit is not needed for the rear lot.
 - g. Live signature of the Wetlands Soil Scientist who delineated the wetlands as mapped

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

5. The final mylars with signatures shall be filed in the Town Clerk's office and digital PDF shall be provided to the Planning and Development office.
6. A road cut/excavation permit shall be obtained from the Department of Public Works.
7. An Erosion and Sedimentation Control bond shall be provided in a format acceptable to the Town of East Windsor to the Planning & Development Office. Such bond amount shall be determined by the Town Engineer.
8. The applicant shall and adhere to the Town's Development Agreement subject to final approval by the Board of Selectmen unless otherwise determined to be not applicable by Town staff based on the improvements (or lack thereof) proposed.

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9. A fee in lieu of the installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.3(5) and approved by the Town Engineer.
10. An appraisal, prepared in accordance with Section 7.5(1) shall be provided to the Planning & Development Office for the purposes of designating the open space fee per lot.

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

11. Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
12. A final as built survey, showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
13. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Enforcement Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
14. A fee in lieu of open space shall be provided. Such fee shall be determined and paid in accordance with Section 7.5 of the East Windsor Subdivision Regulations and CGS 8-25, subject to final approval by the Planning & Development Director and Assessor.

General Conditions:

15. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
16. Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
17. Any modifications to utilities, easements or grading are subject to approval by the Town Engineer.
18. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
19. By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

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c. PZ-2022-17 – 148 North Road, Unit #3. Special Use Permit for a Drug Testing Laboratory. Applicant: Stephen Henry:

Chairman Gobin called for someone to join the Commission to discuss the application. No one came forward. Chairman Gobin suggested postponing the application until the Commission's next regularly scheduled meeting.

MOTION: To POSTPONE discussion of application PZ-2022-17 for 148 North Road, Unit #3, Special Use Permit for a Drug Testing Laboratory. Applicant: Stephen Henry until the Commission's next meeting on August 23, 2022.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

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

MOTION: To CONTINUE THE PUBLIC HEARING for application PZ-2022-19 for 297 North Road for a Special Use Permit Renewal for Soil Management Facility, Applicant: North Road Materials, LLC until the Commission's next meeting on August 23, 2022.

Kowalski moved/Thurz seconded/DISCUSSION: None

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

X. NEW PUBLIC HEARINGS:

(PZ 2022-18 – 137 Scantic Road. Special Use Permit for lot 2 of a proposed 3-lot subdivision. Map 44, Block 33, Lot 001. Zone R-3)(continued):

Staff approval motion for PZ-2022-18 – Travis Neidlinger, Special Use Permit for lot 2 of a proposed 3-lot resubdivision):

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MOTION TO APPROVE:

Application #PZ 2022-18: Special Use Permit for a rear lot at 137 Scantic Rd.
Applicant: Travis Neidlinger.

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

Referenced Plans:

R-3 Residential Zone Resubdivision prepared for Travis. W. Neidlinger. 137 Scantic Rd, East Windsor CT. Prepared by Barresi Associates LLC. Sheets 1-11, prepared June 29, 2022.

Conditions:

1. A copy of this motion shall be incorporated into the final mylars.
2. The approval conditions established for PZ-2022-16 are hereby referenced and incorporated into this approval. All necessary revisions shall be made prior to execution of this Special Permit.
3. The proposed driveway shall be constructed and maintained in accordance with Section 408.3 (h) of the Zoning Regulations and Section 6.6.9(d) of the Subdivision Regulations.

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:20 p.m.

Leason moved/Sauerhoefer seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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