

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

**SPECIAL Meeting #1840
December 13, 2022
6:30 p.m.
Scout Hall
28 Abbe Road, East Windsor, CT. 06088
(In-person)**

AND

*via ZOOM Teleconference
Meeting ID: 714 897 1799*

MEETING MINUTES

*******Minutes are not official until approved at a subsequent meeting*******

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Kowalski called the December 13, 2022 Special Meeting #1840 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person at Scout Hall, 28 Abbe Road, East Windsor, CT. 06088, and via telconference as well.

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

Alternate Members: See below...

ABSENT: Alternate Member Frank Gowdy was unable to join the Commission this evening.

GUESTS/SPEAKERS present in person: Director of Planning and Development/Town Planner Calabrese hosted the meeting. Also present in person were Planning Consultant Michael D'Amato; Deputy First Selectman DeSousa; **Representing the East Windsor Historical Society:** Jay Ussery, of J. R. Russo; Scott Hesketh, P.E., of F. A. Hesketh & Associates; Lorri DiBattisto of DiBattisto Associates; Attorney Marc Needelman, representing neighbors of the East Windsor Historical Society, and other speakers to be acknowledged in Meeting Minutes. **East Windsor Historical Society:** Nancy Masters; John Burnham.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

2

GUESTS/SPEAKERS present remotely identified as they sign in: Bragg; John Last; Tierney McGrath; Joannie Mirabelli; Lynn Stanley; Rachel; RARSAFFORDS iphone; Keith Yagaloff; zzzzzz; Peg (Margaret) Hoffman, Recording Secretary.

I. ESTABLISH QUORUM:

Chairman Kowalski noted a quorum was established as four Regular Members were present at the Call to Order.

Chairman Kowalski noted that tonight's meeting will be held in two parts, a Public Hearing and a public meeting. The first is the Public Hearing. He will read the documentation received for this application into the record, then the applicant will make their presentation and the Commission can ask questions of the applicant. He will then ask people present at Scout Hall who support the application to speak, then those members of the public who oppose the application, and finally those individuals who chose not to be considered in support or opposed to the application to speak. Chairman Kowalski noted speakers will be asked to sign the sign-in sheet, and state their name for the record, and speakers are to address the Chair of the Commission rather than the applicant directly. Chairman Kowalski advised the public this is their opportunity to speak regarding this application; once the Public Hearing is closed the Commission will no longer take any testimony from the public or the applicant regarding the application. The Commission will not consider voting on the application until the public meeting.

Chairman Kowalski reported during the second part of the meeting the Commission will deliberate on the information submitted and discuss options regarding this application. The Commission may approve the application as submitted, approve with conditions/stipulations/modifications, table action until a future meeting, or in rare cases deny the application. Three affirmative votes are required to approve the application.

Chairman Kowalski then continued review of the posted Agenda items.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE:

The following Legal Notice was read by Chairman Kowalski:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

3

The East Windsor Planning and Zoning Commission will hold the following Public Hearing on Tuesday, December 13, 2022 at 6:30 p.m. Details regarding how to attend will be published on the Commission's Agenda and will be made available on the Town's website.

PZ-2022-22 Applicant: East Windsor Historical Society, 115 Scantic Road, is requesting a Special Use Permit for Event Hosting. Map 64, Block 32, Lot 028A; Zone B-1, A-1, and A-2.

A full copy of the application is available on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend this meeting and provide verbal or written comments regarding these applications.

Journal Inquired editions: December 2, 2022, and December 9, 2022.

V. PUBLIC PARTICIPATION:

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 to comment to the remote participants; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

A. November 22, 2022 – Regular Meeting of PZC:

Chairman Kowalski noted the availability of the Minutes of Regular Meeting #1839 held on November 22, 2022. He called for comments or revisions; no one requested any changes. Chairman Kowalski called for a motion of approval.

MOTION: To APPROVE the Minutes of Regular Meeting #1839 held on November 22, 2022 as presented.

Gobin moved/Leason seconded/DISCUSSION: None.

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

VII. RECEIPT OF APPLICATIONS:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

4

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: None

X. NEW PUBLIC HEARINGS:

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

Chairman Kowalski read the description of the Public Hearing.

Chairman Kowalski then asked for the applicant's representative to join the Commission and give their presentation.

Jay Ussery, of J. R. Russo & Associates, LLC, came forward. He noted Scott Hesketh, P.E., of F. A. Hesketh & Associates will assist him with information regarding a traffic study. Later in the meeting he was joined by Lorri DiBattisto of DiBattisto Associates regarding the floor plan and other improvements made to the blue barn. Mr. Ussery advised the Commission that the Historical Society's attorney will not be joining the presentation this evening, as he has a conflict with the meeting date.

Mr. Ussery indicated he would review the Site Plan and approval criteria associated with the Special Use Permit and approval under the Farm Regulations, Section 305 – agricultural/farming, and Section 305.7 – other related uses, and Section 305.7(b) which includes field worker housing – Mr. Ussery cited the recent application for field worker housing on Wapping Road. This application could be considered for a farm store, event hosting and banquet facilities, sawmills, wineries, and breweries. Mr. Ussery reiterated the East Windsor Historical Society has applied for event hosting and a banquet facility under the Special Use Permit Regulations.

Mr. Ussery reviewed a Site Plan which identified the Society's parcel, which contains approximately 42 acres, and the parcels surrounding it on

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

5

Scantic and Cemetery Road. The parcel contains minimal wetlands, and includes a USDA Conservation Easement; to the east, beyond the Schultz property is the Cemetery. He referenced various other buildings located on the property, noting the subject of this application is the blue barn.

Mr. Ussery then referenced a Site Plan of the blue barn, and its location within the Historical Society's property. He noted ingress/egress to the blue barn would be off of Cemetery Road, including emergency access which would not be used by patrons of the event facility. Mr. Ussery referenced the location of event parking, including handicapped spaces. He noted Lorri DiBatisto will discuss the renovations proposed for the blue barn. Mr. Ussery noted they have accessibility to sewer at Scantic Road, the Water Pollution Control Facility (WPCA) approved a sewer connection in the Spring; Mr. Ussery noted a copy of that approval should be included in application documentation. Mr. Ussery noted they also have access to water via a well. Utilities/power is available to the site; a back-up generator will be included at the site.

Mr. Ussery noted the parking regulations for this type of use are based on the number of patrons anticipated for an event. The Historical Society is proposing a maximum capacity of 250 patrons, which would require a ratio of 1:3 spaces or 83 parking spaces. Mr. Ussery noted the application provides 88 parking spaces, including 3 handicapped spaces.

Regarding storm drainage, the site currently flows from the west on the Scantic Road side to a farm pond located on the Schultz property and eventually discharges into the Scantic River. Mr. Ussery indicated the drainage plan includes a stormwater basin; there is no increase in run off. Mr. Ussery cited a staff memo from Town Engineer Norton regarding his comments related to the application.

Mr. Ussery cited one of the things to consider regarding the Special Use Permit is Chapter 7, Section 7, of the POCD related to preserving agricultural assets. Mr. Ussery cited the East Windsor Historical Society has been a part of the community for decades as a museum preserving what was going on in the 1800s; see page 40 regarding a primary strategy which talks about the villages of Broad Brook, Warehouse Point, Melrose, Windsorville, specifically pages 41 and 42 related to Scantic. He noted a Scantic Village District conceptual map, including a B-1 and A-1 Zone, and Chapter 5 – Conclusions, which suggests preserving the rural village agricultural character and the historic nature of the Cemetery.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

6

Mr. Ussery then referenced Chapter 7 of the Regulations related to the Special Use Permit, he noted the POCD suggests the proposal should be in harmony with the area, and public health, safety and welfare. Mr. Ussery cited the current agricultural use of the East Windsor Historical Society, and limited use of the property. He noted the neighbors to the left are zoned business rather than residential, and at one time had been the location of a daycare center.

Mr. Ussery noted Mr. Hesketh will address the traffic study, and Ms. Battisto will discuss the renovations to the blue barn. He felt they believe they have met the requirements of the Special Use Permit, and have provided the Commission enough information to approve the application as submitted. Mr. Ussery cited a Staff memo from Planning Director Calabrese recommending landscaping improvements, to address her recommendations they are proposing a 5 foot landscape berm with a staggered row of arborvitae to screen the facility where the regulations suggest installation of a fence. Mr. Ussery noted Planning Director Calabrese had requested submission of a lighting plan, which he can provide. Mr. Ussery also noted a Staff memo from Town Engineer Norton suggesting the Fire Marshal should review the turning radius for emergency vehicles.

Mr. Ussery then asked Mr. Hesketh to give the Commission an update on the traffic study.

Scott Hesketh introduced himself, noting he's a licensed engineer in Connecticut, associated with the firm F. A. Hesketh & Associates which is located in East Granby. Mr. Hesketh reported that with regard to the impact of traffic on the local network he acquired the most recent traffic counts from the State for 2019, which was pre-COVID. DOT provided a count of 2,500 vehicles on a daily basis on Route 191/Scantic Road north of Cemetery Road, with a peak morning count of 317 and a peak evening count of 267. On Route 191/Scantic Road south of Cemetery Road indicated a daily count of 950 vehicles, with 100 occurring during the peak morning hour and 101 trips occurring during the peak evening hour. Scantic Road continuing south of Cemetery Road incurred 1,700 daily trips, with 225 occurring in the morning peak hour and 163 occurring in the peak evening hour. Mr. Hesketh reported the daily traffic count on Cemetery Road east of Scantic Road was 2,000, with 199 occurring during the morning peak hour and 202 occurring during the peak evening hour.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

7

Mr. Hesketh referenced the Site Plan reviewed by JU, and noted his review included information regarding traffic generated by the proposed use. He indicated that the use of a banquet facility wasn't included in the ITE information, however, based on an assumption of a maximum use of 250 patrons, they are project approximately 83 patrons entering in the our prior to the event which would result in 91 trips, which would likely occur around midday during the weekends, or 6 p.m. leaving the event. Their projects anticipate 30 employees, and associated deliveries on the day of an event, they project 260 total trips to the facility.

Mr. Hesketh noted they reviewed a capacity analysis at the intersection of Cemetery Road and the site driveway, and assumed 60% of the traffic would enter from the east and 40% from the west. The analysis suggests the level of service at the site driveway will operate at level A. Based on observations made in the field Mr. Hesketh suggested sight distances of 450 feet to the left and 425 feet to the right. He suggested the sight distances are accurate for speeds of approximately 42 miles per hour. They also reviewed if a left turn lane into the facility warranted and found that to not be the case.

Mr. Hesketh then described Cemetery Road as being 22 feet wide with a double yellow line identifying the lanes, he suggested there are no limitations for site distances.

Regarding accident information within 1,000 feet of the intersection and the entire length of Cemetery Road Mr. Hesketh reported there were 12 accidents involving 22 vehicles, 11 accidents were property damage only while one accident involved a passenger injury.

Based on the existing traffic volumes in the vicinity, and the site generated traffic from the proposed use, and the site analysis at the event access Mr. Hesketh suggested it's their professional opinion that the local road network has sufficient capacity to accommodate the traffic volume from the proposed development and the local roadway has sufficient capacity to accommodate the traffic volumes.

Mr. Hesketh concluded his presentation. Hearing no comments from the Commission Mr. Ussery then introduced Lorri DiBattisto of DiBattisto Associates to review the renovations made to the blue barn. Ms. DiBattisto noted the blue barn is a metal building containing 5,000 square feet of interior space which is currently open. The entry would be to the

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

8

rear, and would be covered by a portico. They are proposing to install insulation in the barn to lessen the sound within the facility. They are proposing a small kitchen to serve a maximum of 250 patrons. On the back side of the barn, facing the fields to the rear, they are proposing to install windows and doors to access a patio area, which will be buffered by trees facing the Cemetery. Ms. DiBattisto noted there will not be any windows facing the residential properties adjacent to the blue barn.

Ms. DiBattisto concluded her presentation, and asked for comments from the Commission. Chairman Kowalski suggested the Commission would entertain questions after the conclusion of the applicants full presentation.

Mr. Ussery then noted that renovations proposed for the blue barn include not only the insulation mentioned by Ms. DiBattisto, a spray foam insulation will be added to the entire interior of the building which reduce sound and increase energy efficiency.

Mr. Ussery concluded his presentation on behalf of the East Windsor Historical Society, and asked for questions from the Commission.

Chairman Kowalski called for questions from the Commissioners.

Commissioner Gobin indicated he had questions regarding traffic, and questions for Staff. Regarding the traffic issue, Commissioner Gobin noted that when she comes up Tromley Road and cuts across to Cemetery Road she finds the sight line challenging. She suggested it's not a standard intersection, and questioned if there have been any accidents at that intersection? Mr. Hesketh reported there have been 2 accidents on Tromley Road in the last 3 years, one was 3,400 feet west of Phelps Road. He suggested there were 4 accidents that could potentially be at the intersection. Commissioner Gobin suggested it's a sightline problem for her.

Commissioner Gobin then asked Mr. Ussery how many events the Society was proposing. And, regarding the sound reduction insulation, she questioned if they've considered the acoustics of the doors being open and people using the patio. And, regarding the parking of 100 to 200 vehicles, have you considered EV recharging (stations) for future electric vehicles? Commissioner Gobin indicated a question for Town Staff – when she read the handbook for Planning and Zoning Commissioners written by Attorney Stephen Byrne revised March 2017 as provided by Town Staff,

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

9

page 16 indicated that a Special Permit has to satisfy Zoning Regulations. The Board's function is to determine if the applicant's proposed use is permitted and the standards are satisfied. Commissioner Gobin suggested she understands the only way it can be denied is if it fails to meet the standards in the regulations. She suggested her interpretation is the Commission has no choice but to approve the use if it satisfies the regulations.

Planning Director Calabrese indicated that her interpretation was that Special Permits can be denied if the use isn't permitted as noted in Section 700 which relates to compatibility and health and safety. She noted this application has been submitted as agricultural. Commissioner Gobin questioned if there's a minimum setback from an abutter can a condition be added to increase that distance? She felt conditions have to be reasonable. Planning Director Calabrese felt if the condition was a mitigating factor that would be permissible.

Commissioner Gobin indicated she had no further questions at this point.

Commissioner Leason indicated he was ok for now.

Commissioner Thurz noted 83 parking spaces were proposed, and 30 employees were anticipated, he questioned where the employees would park? He also noted the traffic report is from 2019, which is pre-COVID; he would like a more accurate traffic report, as this involves a lot of assumptions. Commissioner Thurz indicated he thought people use the "trippers" in the road to do traffic counts. He also noted there wasn't any mention of delivery vehicle traffic, he felt there could be large box trucks accessing the site. Commissioner Thurz also questioned what's to prevent this event hosting from happening in any 40 acre property in East Windsor in an A-1 Zone if this approved? Commissioner Thurz suggested there are a lot of properties of similar size in A-1 Zones that could be considered for this use.

Chairman Kowalski referenced the traffic study, noting it assumes a private one-seat event, he suggested if the event were a craft show there's no way to know or control how many vehicles will be entering and exiting. How do you regulate capacity, or once you run out of parking spaces people will be circling the area to find a park spot and parking on lawns. He questioned if only private events are being proposed or will public events be hosted as well?

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

10

Regarding the spray foam material, Chairman Kowalski noted the applicant has mentioned that it has some sound-deading characteristics, do you have any information to indicate how much sound reduction the material would provide? He also questioned if they planned to test decibel levels at property lines to see how the material works?

Chairman Kowalski suggested when reviewing the Farm uses which are permitted – field worker housing, horse boarding, kennels, farm stores – he suggested he would consider those uses to be agriculturally related. Chairman Kowalski questioned if the applicant planned to limit the uses to agricultural uses only, or anything goes?

Chairman Kowalski asked if Staff had questions? Planning Director Calabrese requested clarification that water would be provided via a well? Mr. Ussery replied affirmatively. Chairman Kowalski noted comments received from the Fire Marshal requested installation of sprinklers in the barn, he questioned if that would be addressed? He suggested that might be a challenge if the facility was on well water.

Chairman Kowalski opened discussion to the public. He questioned if anyone would like to speak **IN FAVOR** of the application?

Nancy Masters: Mrs. Masters asked everyone to look at this building (Scout Hall) which was built 22 years ago. She noted it's been used for public events, birthdays, weddings, showers; it holds 287 people. This facility has served the Town's youths, the Summer Camp has used this building. Mrs. Masters indicated that people come to this facility and meet with her personally to discuss what type of event they plan to hold. This is a Town building located on Town land but the Scout Hall Committee pay all the bills related to this building.

Regarding the Historical Society, we would limit alcohol to wine and beer served by certified bartenders. Mrs. Masters noted she serves on both committees, and is concerned with uses at the Historical Society. She noted the Historical Society has neighbors living directly adjacent to the blue barn. Mrs. Masters noted that across the street, at the Scantic Church, they've held dinners, auctions, weddings, and showers without problems. Mrs. Masters suggested the distance of the blue barn from the Scantic Church is probably the same distance as Scout Hall from adjacent neighbors. Mrs. Masters also noted Merlot on the Water (Depot Street), the Nutmeg Restaurant, the Opera House, and the German Club, which

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

11

holds events inside and outside with neighbors all around. None of those facilities have fencing around them. Mrs. Masters suggested those facilities apparently don't have problems hosting the events that they do; she doesn't see any difference from what those facilities are doing and what the Historical Society is proposing. Mrs. Masters recalled St. Catherine Church held tag sales with multiple booths on the corner of Route 140 and Main Street in Broad Brook for 25 years, and, the Broad Brook Fire Department held their carnivals for years as well. Mrs. Masters also noted the Warehouse Point Fire Department also held carnivals for years and they had neighbors around them as well. She suggested those locations are population dense and haven't had problems with their activities. Mrs. Master felt people were getting a little upset or worried about what the Historical Society plans to do.

Mrs. Master suggested it's easy to put signs in your front yard, it's much harder for you to do what you have to do. She suggested they, and all the previous volunteers, just wanted to make this a good Town.

Marie Desousa, Broad Brook: Mrs. DeSousa noted that although she doesn't live anywhere near the venue she's lived in Town for 42 years. She recalls the Church having their events on the corner of Route 140 with people in their backyards. Mrs. DeSousa suggested the Historical Society has done a tremendous job over the years providing events and functions over the years that, every one that she's attended, has been done well and controlled. The Historical Society is proposing these events as fund raisers; as everyone knows the cost of everything is going up. The use of this building will enable them to continue to do their work for the Town of East Windsor; Mrs. DeSousa felt we should give them an opportunity to do that.

And, regarding the sightline problem crossing to Cemetery Road from Phelps Road, Mrs. DeSousa agreed, noting there are stop signs at other areas of the intersection.

John Burnham, 178 Scantic Road: Mr. Burnham noted that he's lived in East Windsor since 1960 and he's been a member of the East Windsor Historical Society has been in existence since 1965; he's a Charter Member. Over the years they've brought in other buildings to preserve the history of East Windsor and they're a class operation. Regarding Scout Hall, he concurred with Mrs. Masters that they've had no problems here. Mr. Burnham noted the Board of Directors of the East Windsor

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

12

Historical Society calls the shots and we're the ones who say 8:30 is the curfew time and 9:00 you're out of here. We don't want to have problems, we want to have income going into the future.

Mr. Burnham recalled that in 1993, when other groups tried to manage this (Scout Hall) building but we made it survive. And the only reason it did survive, and will continue to survive into the future, is because we have a revenue stream. We're not dependent on tax dollars, we produce our own money. We want to do that at the Historical Society. The blue barn will give them some income generating capacity. Regarding the number of events per year, Mr. Burnham suggested he can't anticipate that. You talk about the Ice Cream Social and flea markets and a cloudy day can turn a well-planned event into nothing. The last Ice Cream Social turned out to be a wonderful event because the day was great, we had the traffic control, we had the permission from the Town to hold the event, the Society does its diligence when planning events. The Society and the Directors have insurance; we're not looking for this to be a problem but we are looking for the Society to be self-sustaining into the future. Mr. Burnham felt it was a great idea.

Chairman Kowalski asked if anyone else would like to speak in favor of the application; no one else requested to be acknowledged.

Chairman Kowalski indicated he would then offer the opportunity to comment to those who **OPPOSE** the application.

Attorney Marc Needelman approached the podium, noting he has an office in Bloomfield. Attorney Needelman reported he's present representing Gayle Boisvert, and some of the abutting neighbors. He noted he's practiced planning and zoning law for 32 years. Attorney Needelman noted he's familiar with East Windsor and reported on some of his past clients.

Attorney Needelman submitted a document to the Town Planner to be made a part of the record, and to the Commissioners. The document was page 7 of the applicant's Site Plan, color-coded by Attorney Needelman. He noted the pink line is the stormwater drainage which goes directly offsite into a farm pond owned by "Bud Abbott and his wife" or into the newly created stormwater system right by the property line, which is actually designed to flow across the property line into the Abbott property. The stormwater drainage report took into account the physical property

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

13

owned by the Historical Society, but it didn't include the property to the west where there's a storm drain which flows under the street through a neighbor's property into the site and continues to the farm pond. Attorney Needelman suggested the stormwater drainage report is inaccurate.

Attorney Needelman then referenced the blue barn and other barns and buildings owned by the Historical Society in relation to the properties owned by the neighbors. He noted previous reference to "this" property being located in a business district, which is actually a house built in the early 1800s, and another house built in the 60s or 70s, another older house and then the Abbott property. Attorney Needelman suggested he feels obligated to point out a drainage study which doesn't include the drainage across the street which goes over the property line into Bud Abbott's property. Attorney Needelman noted the plans reference a proposed drainage easement 50 to 60 feet wide, which Attorney Needelman has outlined in orange. He suggested the entire drainage plan is dependent on a proposed easement across the Abbott's property. Mr. Abbott has made it clear there is no easement, there will be no easement, and he doesn't want all that water directed to his property. He suggested the plan is deficient on discharging the entire waterflow onto a neighbor's property, and then through the Cemetery and eventually into the Scantic River.

Attorney Needelman then submitted page 4 of the applicant's Site Plan, outlining in black the impervious area, which water can't penetrate, and a grey area around the blue barn which is pavement/pavers. He noted the impervious area will reduce the amount of land/soil that will be able to absorb water, and eventually discharges onto Bud Abbott's property, again noting the proposed easement with "Schultz". Attorney Needelman noted the distance from the fence in front of the blue barn to the neighbor's property is 80 feet. He noted a small berm is proposed but he suggested the distance between the adjacent homes is about 110 feet and fire engines wouldn't be able to get through.

Attorney Needelman also provided the Commission with excerpts from the Plan of Conservation and Development (POCD). He began with page 1, the purpose of the POCD, noting the Commission should/must use the POCD when making land use decisions. He then referenced page 4 of the POCD, noting the responsibility of the Commission, Boards, and Staff and residents to work together to meet the goals. He referenced page 8, regarding primary strategy to achieve the Plan's goals, and page 9

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

14

regarding preservation of open space. He suggested the land must be permanently protected from future development.

Attorney Needelman then referenced the following sections of the Farm Regulations – Section 305, 305.1 (purpose), 305.7 (regarding permeable surfaces), 200.2 (special use permit criteria/minimal requirements), 701 (Special Permit findings), 701.1 (Special Permit findings again), 701.2(a) finding of harmony with adjacent properties, 701.2(c) regarding affect on adjacent property values, 701.3(a) adequacy of adjacent street width, 701.3(c) regarding easy accessibility for fire apparatus and Police protection, 701.4 regarding water supply and stormwater drainage system, 701.5 regarding protection of the environment of the area, 701.6(e) regarding a development's compatibility with the character of the community, 701.8 regarding the size and intensity of uses proposed adjacent to a residential zone as it relates to property values, 701.9 and 701.9.2 regarding traffic impact studies, 801 alcohol sales, 805 - explaining the purpose of each section as it relates to the proposed application.

In conclusion Attorney Needelman questioned the purpose and intent of a proposed part-time venture to increase revenue for the Society vs the expenditure to accomplish this proposal. He suggested an earlier speakers comments about other venues who are operating in proximity to residential properties, noting perhaps those venues are actually operating in commercial zones. Attorney Needelman suggested various parties are present who would like to speak. He asked Mr. Abbott to begin comments **IN OPPOSITION** to this application.

Abbott Schultz, 9 Cemetery Road: Mr. Schultz noted he is pro-the Historical Society however he and his wife experience sightline issues exiting their property line, and, he will not give the easement regarding the stormwater drainage.

Richard Bevan, 121 Scantic Road: Mr. Bevan opposes the project as supposedly the drainage pipe goes through his property. He's closer to the barn than the Boisverts.

Gayle Boisvert, 117 Scantic Road: Mrs. Boisvert noted she and Lester have lived at their property since 1970 and have raised 5 children at the property, and now have 7 grandchildren. The proposed patio is 100 feet from their back patio. She cited the impact on their home and its use.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

15

Mrs. Boisvert submitted a petition with 175 signatures of East Windsor residents opposing this proposal.

Cheryl Foster, 95 Scantic Road: Ms. Foster indicated she's lived at her property for 12 years, and recently had to tear down a building which wasn't structurally sound. She cited compassion for the Boisverts and the proximity to their home. Ms. Foster cited the numerous historical properties in the area and questioned what would prevent the owners from turning those properties into B&Bs.

Christine Dahl, 102 Reservoir Avenue: Ms. Dahl indicated she doesn't live in the area but this could happen to other property owners who have agricultural properties. She referenced a recent Journal Inquirer article that the Historical Society wanted to turn this property into a cultural center and listed various types of events. She's concerned about the number of parking spaces. Ms. Dahl submitted photos of the Ice Cream Social and people walking across the street, which is a safety issue. Ms. Dahl felt the Special Use Permit shouldn't be approved because of its impact on the neighbors.

Julia Pratt, 35 Cemetery Road: Ms. Pratt reported that people speed up Cemetery Road all the time. She also notices beer bottles and cans along the road all the time.

Denise Menard, 73 Miller Road, Broad Brook: Mrs. Menard wanted to correct the assumption that all the people who didn't speak in support of the proposal are against it. She came to the meeting, as did others in the audience, to become educated about the project. She understands the people who have the "No" signs on their properties have a different vested interest than she does. Mrs. Menard reported she's been to several events at this location/Scout Hall, and they're very well run. She's also been to all the Ice Cream Socials and other events at the Historical Society and they're also run well. If she were the people who live close to the property she doesn't know how she would feel. But knowing the people who would be running this they're good, solid people who do quality things. Mrs. Menard wanted to reiterate that because she's here don't assume she's against the proposal.

Jennifer Ness, 9 Cemetery Road: She's a member of the (American Heritage) River Commission, she noted that since moving to East Windsor she is concerned with upkeep and just be a good steward. She's noticed

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

16

that there should be 4 meetings of the Historical Society and that didn't happen, and sometimes when information is put before the Historical Society information doesn't get back to people, nor are responses made via e-mail or phone. She suggested transparency is very important, some of the plans proposed were not discussed at the Historical Society. Also, when you consider all that surface area, that's pavement, that's not being a good steward of the land.

Ed Filipone, 22 Scantic Road: Mr. Filipone reported he's lived at his home for 29 years, and when he and his wife looked at the home they almost didn't buy it because it's on a State highway. He's pleased to say it's quiet, and the traffic is minimal. He read the traffic report and he believed it concluded that there was nothing to prevent this proposal. Mr. Filipone noted he chaired the Planning and Zoning Commission for a number of years, and the Commission had regulations that addressed Special Use Permits. He's only heard a couple of things tonight that would require verification if he were sitting on the Commission. He noted the concept of "not in my backyard", and suggested it's almost in his backyard. What the Historical Society has done has been good for the Town.

Mr. Filipone questioned that the Police Chief had not made comments on the traffic study? Chairman Kowalski indicated he understood the meeting was to be held tomorrow; he's not seen any comments.

Paul Anderson, 89 Main Street, Broad Brook: Mr. Anderson reported he's a member of the Historical Society and is also President of the Scout Hall Building Committee. He cited the many references of a comparison of Scout Hall to the Historical Society made this evening. For the record, Mr. Anderson noted the Town owns this (Scout Hall) building and all the surrounding property. The history behind this building isn't that significant. The Scout Hall Building Committee has a lease with the Town. The reason there's no alcohol at this building is because it's Town property. Mr. Anderson suggested there's no direct comparison whatsoever. The Scout Hall Building Committee operates this building under their mission statement, which is to provide a place for youth to be able to meet at no charge; that's what they do. Mr. Anderson suggested comparing this property to the Historical Society property is inappropriate.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

17

Chairman Kowalski offered the opportunity to speak to other in-person guests; no one else requested to speak. Chairman Kowalski then offered the opportunity for the online participants to comment; no one requested to be acknowledged

Chairman Kowalski suggested it's obvious the Commission isn't in a position to close the Public Hearing tonight. He offered Mr. Ussery an opportunity to make closing comments.

Mr. Ussery agreed with Chairman Kowalski; a lot of information has been submitted tonight. He suggested the Commission consider continuing the Public Hearing, which would give him an opportunity to meet with the applicant to discuss answers to the questions raised tonight.

Chairman Kowalski called for a motion to continue the Public Hearing to the Commission's next meeting, which is December 27th.

MOTION: To CONTINUE the Public Hearing on PZ-2022-26 for 115 Scantic Road for a Special Use Permit for Event Hosting for the East Windsor Historical Society to the next meeting on December 27, 2022 at 6:30 p.m.

Gobin moved/Leason seconded/DISCUSSION: Attorney Needelman indicated he felt enough information had been presented to the Board to make a decision. Attorney Needelman indicated he's not available as it's Christmas week and the public will be asked for a third time to come to a third meeting. Attorney Needelman requested a continuance until the first meeting in January, 2023. Chairman Kowalski noted the Commission has 35 days to close the Public Hearing, and 65 days to make a decision. Attorney Needelman countered that the Commission would be holding 3 Public Hearings; Chairman Kowalski suggested the Commission will hold as many Public Hearings as necessary. **No change was made to the motion, the Public Hearing is CONTINUED until December 27, 2022.**

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

The Commission requested a RECESS to clear the room.

MOTION: To RECESS this Meeting at 9:18 p.m.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Special Meeting #1840 – December 13, 2022
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

18

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

Chairman Kowalski RECONVENED the meeting sy 9:23 p.m.

XI. OLD BUSINESS: None.

XII. NEW BUSINESS: None

XIII. OTHER BUSINESS:

A. **ZEO Report:**

The Commission reviewed the ZEO Report submitted by Planning Director Calabrese, and discussed updates on continuing violators.

XIV. CORRESPONDENCE: None

XV. BUSINESS MEETING: None

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:26 p.m.

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

Respectfully submitted,

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