

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

**Special Meeting #1724 – September 12, 2017  
Scout Hall, 28 Abbe Road (Room 2), East Windsor, CT.**

***MEETING MINUTES***

***\*\*\*\*\*Draft Document Subject to Commission Review/Approval\*\*\*\*\****

The Meeting was called to order in Room 2 at Scout Hall, 28 Abbe Road, East Windsor, CT. at 6:30 P. M. by Vice Chairman Sullivan.

**PRESENT:**    **Regular Members:** Dick Sullivan (Vice Chairman), Michael Kowalski, Tim Moore, and Jim Thurz.

**Alternate Members:** Marti Zhigailo.

**ABSENT:**    **Regular Members:** Joe Ouellette

**Alternate Members:** Two vacancies.

Also present was Town Planner Whitten, and Assistant Town Planner/Zoning Enforcement Officer/Wetlands Agent Matt Tyksinski

**GUESTS:**    Deputy First Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance; Steve Dearborn, Selectman.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members and one Alternate Members were present at the Call to Order. Vice Chairman Sullivan noted all Regular Members would sit in, and vote, on all Items of Business this evening. Following in accordance with the service rotation schedule Alternate Member Zhigailo would also join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:** None.

**ADDED AGENDA ITEMS:** None.

**PUBLIC PARTICIPATION:**

Vice Chairman Sullivan queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

**APPROVAL OF MINUTES/August 8, 2017:**

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**MOTION:** To APPROVE the following AMENDMENT to:  
**Page 2, APPROVAL MO MINUTES/July 25, 2017 JULY 11, 2017,**  
**MOTION: To APPROVE the Minutes of Regular Meeting #1722**  
**dated July 25, 2017 JULY 11, 2017.....”**

**Kowalski moved/Turs seconded/DISCUSSION: None.**

**VOTE:** In Favor: Kowalski/Moore/Sullivan/Zhigailo  
Opposed: No one  
Abstained: Thurz

**MOTION:** To APPROVE the Minutes of Regular Meeting #1723 dated August 8, 2017 as amended, see motion above.

**Kowalski moved/Turs seconded/DISCUSSION: None.**

**VOTE:** In Favor: Kowalski/Moore/Sullivan/Zhigailo  
Opposed: No one  
Abstained: Thurz

**RECEIPT OF APPLICATIONS:**

Vice Chairman Sullivan noted receipt of the following new Applications:

1. Application of Rolando Vargas for Site Plan approval for Change of Use to allow auto repair at 95 Rye Street, owned by Steve Dearborn. [M-1 Zone; Map 67, Block 48, Lot 24]
2. Application of East Windsor Housing LTD, LLC for Modification of Approved Site Plan for Meadow Farms Active Adult Community to eliminate walking trail and gazebo and replace with bench and landscaping – property located at Acorn Drive and Field Circle [ARHD zone; Map 99, Block 53, Lot 14-9]
3. Application of East Windsor Housing LTD, LLC for Modification of Resubdivision Approval of property located on Farms Road, to eliminate the requirement of sidewalks and instead require payment of a fee in-lieu-of sidewalks. [R-2 zone; Map 99, Block 53, Lot 14-9]
4. Application of Herb Holden Trucking, Inc. for a Special Use Permit/Excavation for renewal of earth products removal permit for property located on the west side of Wapping Road, owned by Northern Capital Region Disposal Facility. [A-1 & M-1 zones; Map 27, Block 65, Lot 31]

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE: Newberry Village – Request for release of the bond for installing permanent patches on Newberry Road**

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Vice Chairman Sullivan read the description of this Item of Business.

Town Planner Whitten noted a request has been made for release of the bond currently being held by the Town in relation to the completion of patches at Newberry Village. Town Engineer Norton has indicated he would like to monitor the patches over the Winter; he has recommended retaining \$5,000 of the current \$10,000 bond, while releasing the remaining \$5,000.

**MOTION: To RELEASE the pavement patch bond for the sum of \$5,000 for Newberry Village.**

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

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)  
(No one opposed/No abstentions)**

**CONTINUED PUBLIC HEARINGS: Four Fathers, Inc. (Sports World) -**  
Special Use Permit for addition of approximately 60 parking spaces and use of current farmland as sports fields at 226 Main Street, East Windsor. [M-1 zone; Map 101, Block 12, Lot 30A] (*Deadline to close hearing extended to 9/19/2017*)

Vice Chairman Sullivan read the description of this continued Public Hearing. Joining the Commission to discuss this application was Mike Fioretti; he was joined by his partner in Four Fathers, Inc., Mike Chechette.

Mr. Fioretti submitted revised plans to the Commission this evening. Mr. Fioretti recalled that this application is for a Special Use Permit to construct 3 new fields on the northern part of the property, and to add additional parking spaces. Mr. Fioretti recalled 3 issues pending from the previous meeting: 1) parking, 2) the detention pond, and 3) the buffer zone.

Regarding the parking, Mr. Fioretti reported they did a parking study in July, 2017, which was based on the following: 1) data from Sportsworld, 2) data from facilities similar to Sportsworld, and 3) the Institute of Transportation Engineers, Parking Generation, as requested by Chairman Ouellette. The report suggests that they need 199 permanent parking spots to handle the things that go on in the Winter and Summer. Mr. Fioretti indicated they presently have 112 parking spaces in the main parking area; they are looking to add parking around the dome and also as you pull into the dome. Mr. Fioretti referenced an area on the plan, noting that Town Planner Whitten had advised him “this” parking was approved in 2013. They are now proposing to add 61 spaces. With regard to the number of required handicapped spaces Mr. Fioretti reported Building Inspector Stanley advised him they need 6 handicapped spaces within 200 parking

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spaces. Mr. Fioretti reported they presently have 6 handicapped spaces, but Building Inspector Stanley suggested they add one additional handicapped space accessible for a van. Mr. Fioretti reported the Warehouse Point Fire District Fire Marshal, Rich Austin, also reviewed the drawings and the site with regard to egress for fire trucks and had no issues with the proposal.

With regard to Chairman Ouellette's comment about a fence along the east property line along the highway, Mr. Fioretti contacted Kevin Campbell, of DOT, who looked at the site and the drawings. Mr. Campbell requested that the fence should be extended an additional 15 feet.

Mr. Fioretti referenced the plans again, noting a second parking area "up here", he indicated they will be adding 29 permanent parking spots to get to the 199 required.

Mr. Fioretti then referenced the proposed buffer area on the southeast corner of the parcel; he noted they propose to plant 2 rows of 6 foot arborvitae to provide a 50' buffer area. He will advise the adjacent property owner, Dennis Coscina, of his plans. Mr. Fioretti indicated the drainage area for "this piece" is going into the southeast corner.

Mr. Fioretti also reported they plan to install lights for this parking area to illuminate the parking and the driveway coming in. Warehouse Point Fire District Fire Marshal Rich Austin had no issues with this, although they did discuss adding a crosswalk for people going into the building.

Town Planner Whitten questioned what the grading and what the surface will be? Mr. Fioretti referenced sheet C-5 of the revised plans submitted this evening at the meeting; the surface will be 6 inches of asphalt. The drainage will be going to the catch basin in the corner. Commissioner Zhigailo questioned if the lighting proposed as the closest to the corner would provide enough illumination? Mr. Fioretti suggested he will work with the design professional who will be doing a photometric plan for his recommendation. Commissioner Thurz requested clarification of the parking surface. Mr. Fioretti indicated it would be 6 inches of asphalt, and line striped. Commissioner Kowalski indicated the plan detail shows a single head light; Mr. Fioretti felt they would be going with double-headed LED lights.

Commissioner Moore questioned the new parking area; he questioned if that would be overflow parking? His concern is that this parking area has only one entrance/exit; why not tie it into the other parking? Commissioner Thurz concurred with Commissioner Moore; he suggested people would then be able to go back out the exit. Mr. Fioretti cited he was concerned with people going the wrong way. Commissioner Kowalski questioned the shaded area; he cited

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concern that vehicles parked in that area would block traffic. . Commissioner Moore suggested someone would also have to back up 150 feet to get out. Town Planner Whitten suggested the Commissioners were recommending making the traffic flow one way.

With regard to the drainage basin, Mr. Fioretti indicated that Town Engineer Norton originally had some issues with the original design. They have met with him and provided him with new drainage calculations. Town Engineer Norton is now ok with his original comments, but Mr. Fioretti suggested Town Engineer Norton now has some concerns that “there are no spot grades on the driveway adjacent to the detention basin to show that there is a minimum of 1 foot of freeboard for the 100 year storm.” Mr. Fioretti questioned if that was a requirement? He suggested the detention basin is designed for the top ridge to be at 50 feet around most of the pond but perhaps for 150 feet it’s only 49 feet. Town Planner Whitten recalled that the previous owner altered the detention pond several times, which may be the reason it’s irregular. She noted the detention basin was designed for the whole industrial park originally.

Mr. Fioretti suggested Town Engineer Norton had suggested they consider providing a path to the overflow parking, while Warehouse Point Fire Marshal Austin had no problems with the overflow parking. Mr. Fioretti felt they would leave it green space which could handle 25+/- cars if necessary. Commissioner Thurz questioned if they have enough parking without the overflow area? Mr. Fioretti suggested they will keep the grass short in case they need it for tournaments.

Town Planner Whitten suggested the following additional conditions of approval:

- Referencing Section 601.2 of the regulations; she felt they could cut the drive aisle down to 20’ wide for the one-way drive. She suggested adding that the Town Engineer has final approval of the design.
- Show overflow parking area on the plan. Commissioner Kowalski suggested parking attendants should be required when using the overflow parking.

Vice Chairman Sullivan noted this application was a Public Hearing; he questioned if there were any comments from the public?

**Mike Chechette:** felt this is a great plan, Mr. Fioretti provided a great presentation.

**MOTION: To CLOSE the Public Hearing on the Application of : Four Fathers, Inc. (Sports World) for a Special Use Permit for addition of approximately 60 parking spaces and use of current farmland as**

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sports fields at 226 Main Street, East Windsor. [M-1 zone; Map 101, Block 12, Lot 30A].

**Kowalski moved/Zhigailo seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)  
(No one opposed/No abstentions)**

**MOTION TO APPROVE, Application of Four Fathers, Inc. d.b.a. Sportsworld, requesting a Special Use Permit to expand the commercial recreation facility to be operated at the Sportsworld Complex located at 226 Main Street in the M-1 Zone. (Map 04, Block 12 Lot 30A). This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:**

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**Referenced Plans:**

Sheet C-100 Sportsworld – Proposed Soccer Fields, Proposed Grading Plan, 202 Main Street, East Windsor CT prepared by PDS Engineering & Construction, Inc. 107 Old Windsor Rd, Bloomfield CT 06002, 860/242-8586, dated 6/30/16, scale 1" = 40'

Sheet C-1 Proposed Parking Lot, dated 8-10-15, rev 8-24-15

**Sheet C1 – Site Plan 202 Main St, East Windsor Ct - Proposed Additional Fields and Parking prepared by INGA Consulting Engineers Andrew T Inga Hartford CT [www.ingaengineers.com](http://www.ingaengineers.com) dated 7-28-17, scale 1" = 100' (8/7/17) new date 8/31/17 C2-c4 - 8/31/17**

**C-5 Detail Sheet – 8/31/2017, Proposed Additional Fields/Parking, prepared by INGA Consulting Engineers, Andrew T. Inga, Hartford, CT., prepared for Four Fathers, d.b.a. Sportsworld, scale 1" = 40'.**

*Previously submitted for Site Plan approval - Site Plan of Sportsair, recreational sports complex, 226 Main St, East Windsor prepared by Robert J. Arsenault, PE Civil Engineering Services, 19 Conell St. Manchester, CT 06040, 860/432-0656, 432-0656 fax, dated 11/15/02, last revised 02/17/04, scale 1" = 40'.*

**-Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

3. Two final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department

**Conditions which must be met prior to certificates of compliance:**

4. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

5. In accordance with Chapter 900.3.h of the Zoning Regulations, **Site Plan approval shall become null and void in one year from the date of approval** if the activities have not commenced and the site plan shall be considered to be disapproved, unless an extension is granted by the Commission.
6. A Zoning Permit shall be obtained prior to the commencement of any site work.
7. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
8. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
9. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
10. By acceptance of this approval and 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
11. Cars may not at anytime be parked in landscaped or non-paved areas, unless approved as such on the site plan.
12. All required landscaping shall be adequately maintained.

**Additional Conditions:**





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at the customer's work site rather than at this location.

Hearing no further requests for comments, Vice Chairman Sullivan called for a motion.

**MOTION TO APPROVE the Application of Rolando Vargas and owner Steve Dearborn requesting a change of use and Site Plan approval to allow auto repairs at 95 Rye Street, Map 67, Block 48, Lot 024, in the M-1 Zone.**

**This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions).**

**Referenced Plans:**

1/1 License application drawing k-93, 95 Rye St., Unit C, East Windsor CT, prepared for Roland Vargas, prepared by Design Professionals, 21 Jeffrey Lane, South Windsor, CT. 06074.

**Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

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

3. One set of prints and one set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Sets shall be filed in the Planning and Zoning Department.

**Conditions which must be met prior to certificates of compliance:**

4. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
5. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
6. 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 Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

7. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall become null and void in one year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved, **and complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work, and for new use.
9. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. By acceptance of this approval and 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.

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

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)  
(No one opposed/No abstentions)**

**OLD BUSINESS:** None.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:** None.

**BUSINESS MEETING/(1) Discussion on “Granny Pods : - (Public Act 17-155):**

Town Planner Whitten provided the Commission with a copy of Public Act No. 17-155 – An Act Concerning Temporary Health Care Structures, and documentation from ECHO

Cottages, a firm that provides transportable senior living space known as “Granny Pods”. Town Planner Whitten reported this Act requires all municipalities to provide temporary housing alternatives for mentally or physically impaired persons who require assistance as certified in writing by a State licensed physician. The Granny Pods are small, transportable, living spaces for residents as a separate accessory structure located at property either owned by the resident, or a relative who has agreed to allow this accessory structure. These Granny Pods are only allowable in zones which permit single family residential properties, and must meet the setbacks and other similar requirements for the zone in which they will be located. They can not be located within a front yard. The Granny Pods can not be attached to a permanent foundation, but must remain portable, as they must be removed when the resident is no longer in need of this assistance. Each municipality can require a bond up to \$50,000 to ensure removal of the accessory structure when the need for same ceases. The Act allows a town to require connection to private water or septic systems, or to connect to water, sewer and electric utilities that serve the primary residence.

Town Planner Whitten reported each municipality must fast-track the application process within a 15 day review process. The owner of the residences must advise abutting property owners by Certified Mail, however, the abutting property owners can not take action against the installation of the Granny Pods.

Town Planner Whitten noted this Public Act becomes effective October 1, 2017. A municipality can opt out of this Public Act but must hold a Public Hearing, hold a vote, and completes the requirements for publication of the decision, etc. Should this Commission choose to hold a Public Hearing on this subject we must do so at the next PZC Meeting, and then pass on our decision to the Board of Selectmen. If a municipality does not choose to opt out of this proposal then it becomes part of the town’s Zoning Regulations effective October 1, 2017.

Town Planner Whitten noted this subject was discussed at the Planners meeting in July. The proposal raises significant challenges for a community. For instance, the size of a septic system is based on the number of bedrooms contained in the primary residence. When the Granny Pod is hooked up to the septic system the amount of service is now changed. If a residence is hooked up to a sewer how is this additional connection managed, both physically and financially?

The Commission questioned the cost associated with this individual unit – including the purchase or rental cost of the unit, the cost of hooking up to water, septic/sewer, and utilities, and the bond vs. the cost of an addition to the existing primary residence. The Commission also discussed the safety considerations of having the impaired person living in a separate structure vs. living within the primary dwelling. Commissioner Zhigailo felt this was an option for people that don’t have room within the primary home, and is less of a financial commitment than assisted living or nursing home services. The Commission cited the additional cost of the bond for eventual removal, the enforcement

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issues associated with the required removal, and how the use would be monitored?  
Discussion turned to how these units would then be disconnected from the sewer line?

**Karen Ischerwood, South Windsor**, speaking from the audience, felt that the Health Code requirements may include capacity to support an additional bedroom.

**Deputy First Selectman Pippin** suggested the State allows for the addition of one bedroom without increasing the tank size for a septic system.

The Commission considered their options, and the short time period within which to react, including but not limited to posting required public notices and providing/posting information regarding the purpose of the Public Hearing.

**MOTION: To HOLD A PUBLIC HEARING to discuss Granny Pods (Temporary Health Care Structures) per Public Act No. 17-155 at out September 26, 2017 Planning and Zoning Commission Meeting.**

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

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo) (No one opposed/No abstentions)**

**MOTION: To TAKE A TEN MINUTE BREAK before the Executive Session.**

**Kowalski moved/Thurz seconded/VOTE: In Favor: Unanimous**

The Commission RECESSED at 8:00 p.m. and RECONVENED at 8:04 p.m.

**BUSINESS MEETING/(2) Election of Secretary:**

Action delayed until the full Commission is present.

**BUSINESS MEETING/(3) Discussion on HIFZ:** No discussion.

**BUSINESS MEETING/(4) Discussion on Aquifer Protection Regulations:** No discussion.

**BUSINESS MEETING/(5) General Discussion of Planning Issues:** No discussion.

**BUSINESS MEETING/(6) Signing of Mylars/Plans, Motions:**

Nothing signed this evening.

**EXECUTIVE SESSION:** Consideration of purchasing development rights on farm property in East Windsor.

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**MOTION: To GO INTO EXECUTIVE SESSION at 8: 04 p.m. for consideration of purchasing development rights on farm property in East Windsor. Attending the Executive Session were PZC Members Kowalski, Moore, Sullivan, Thurz, and Zhigailo, Town Planner Whitten, Assistant Town Planner Tyksinski, and Recording Secretary Hoffman.**

**Moore moved/Kowalski seconded/**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)**

**MOTION: To agree to joint agreement with the Department of Agriculture to purchase development rights to 6 acres of agricultural farmland in East Windsor.**

**Thurz moved/Moore seconded/**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)**

**MOTION: To COME OUT OF EXECUTIVE SESSION at 8:23 p.m.**

**Kowalski moved/Zhigailo seconded/**

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)**

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:24 p.m.**

**Kowalski moved/Moore seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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