

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

**REGULAR Meeting #1725 – September 26, 2017**

***MEETING MINUTES***

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:35 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski (arrived at 6:39 p.m.), Tim Moore; Jim Thurz, and Dick Sullivan.  
                  **Alternate Members:** Marti Zhigailo.

**ABSENT:**    **Regular Members:** None  
                  **Alternate Members:** None

Also present was Town Planner Whitten.

**GUESTS:**    Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance; Selectman Bowsza. Members of the audience are identified as they speak.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members and one Alternate member were present at the Call to Order. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening; Regular Member Kowalski had called to advise the Commission he would arrive shortly. Following in accordance with the service rotation schedule Chairman Ouellette noted Alternate Member Zhigailo would also join the Board until Regular Commissioner Kowalski's arrival.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, September 21, 2017, and Thursday, September 28, 2017, was read by Chairman Ouellette:

1. 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]
2. Application of East Windsor Housing LTD, LLC for Modification of Resubdivision Approval of property located on Farms Road, to eliminate the

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requirement of sidewalks and instead require payment of a fee in-lieu-of sidewalks. [R-2 zone; Map 99, Block 53, Lot 14-9]

3. 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]
4. Discussion on PA 17-155 Re: Temporary Health Care Structures, and possible town's capacity to opt out. See [www.eastwindsorct.com](http://www.eastwindsorct.com) for details.

**ADDED AGENDA ITEMS:**

Town Planner Whitten requested the addition under **BUSINESS MEETING/4: General Discussion of Planning Issues** - Discussion of Multi Family regulations and density as requested by Karen Isherwood.

No motion made,

**PUBLIC PARTICIPATION:**

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. Andy Hoffman, of 6 Acorn Drive, requested to speak in relation to the changes proposed for Meadow Farms. Chairman Ouellette indicated he would have an opportunity to speak during the Public Hearing for that Application.

**APPROVAL OF MINUTES/September 12, 2017:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1724 dated September 12, 2017 as written, with no corrections.

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

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

**RECEIPT OF APPLICATIONS:** None.

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE/ Walmart** – Request for release of the landscaping bond for the Walmart store at 44 Prospect Hill Road:

Town Planner Whitten reported Walmart had requested the release of their bond last Summer but the town suffered a heat wave and many of their plantings died. They are now working with Beebe Landscaping; several inspections this season found the

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plantings doing well. Walmart has requested release of \$16,490.41 which represents 10% retention of the original bond.

**MOTION: To RELEASE the Landscape Bond on Walmart in the amount of \$16,490.41.**

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

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

LET THE RECORD SHOW Commissioner Kowalski arrived at 6:39 p.m.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS /East Windsor Housing LTD, LLC** – 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] (*Deadline to close hearing 10/31/2017*):

Chairman Ouellette read the description of this Public Hearing. Dorian R. Famiglietti, Esq., of Kahan, Kerensky & Capossela, LLP, and Jason Ziegler of East Windsor Housing LTD, LLC, joined the Commission.

Attorney Famiglietti reported they are appearing before the Commission this evening with two requests. The first is a request to modify the Site Plan for Meadow Farms, specifically a request to eliminate the walking trail and gazebo. Attorney Famiglietti referenced the Site Plan, noting the area highlighted in yellow; she noted they are proposing to replace the gazebo with a park bench. Attorney Famiglietti indicated they have the consent of the President of the Homeowners Association.

Regarding the second request, Attorney Famiglietti referenced page 2 of the Site Plan, noting a 4 inch stone dust trail was originally proposed. They are requesting to remove the walking trail but something minor would remain to provide the Town Engineer with a stone dust access drive to the detention basin. The trail was to run from the rear of lot #8 (on Farms Road) and wrap around to the edge of the property line. There was also a small part of a stone dust path near Depot Street. Part of the walking trail wraps around the detention basin as well, however, there is no shelf along the detention basin to support the stone dust trail. Attorney Famiglietti reported that she had not received written comments from Town Engineer Norton but she was told he didn't need the stone dust trail. Mr. Ziegler reported the issue with the shelf to the rear of the pond is it's 20 feet deep and the shelf, which would sit on it, would be 12 feet wide; the trail would hang over the pond. Mr. Ziegler indicated the main reason the Homeowners Association requested deleting the trail is the liability issue, and they don't want the maintenance. Attorney Famiglietti

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clarified that the detention basin is on Meadow Farms area so they would have responsibility for the liability and maintenance of the basin. The development, which originally included 40 Active Adult units and 8 single family home lots, was approved in 2006; in 2009 the Active Adult units on Farms Road were changed into single family home lots, which made all 15 lots on Farms Road single family lots, and the overall unit number was reduced to 29. Attorney Famiglietti noted that's still a valid permit until 2019 but they are asking for a modification tonight, with the consent of the Homeowners Association.

Regarding the construction of the pavers, Attorney Famiglietti indicated that was part of the original plan as initially approved. She suggested that you, as the Commission, have the discretion, to approve modifications. Attorney Famiglietti suggested they think the requested modification wouldn't reduce the Open Space allocation; the Homeowners Association supports the modification, and it doesn't affect the sidewalks.

Chairman Ouellette queried the Commissioners for comments/concerns.

Commissioner Zhigailo had no comments.

Commissioner Moore agreed with the proposal.

Commissioner Kowalski questioned that in 2006 the walking trail was originally proposed as part of the Open Space? Town Planner Whitten clarified that the walking trail was proposed as an amenity, not as part of the Open Space; it isn't required in the Regulations.

Commissioner Sullivan was ok with the modification.

Chairman Ouellette opened discussion to the public.

**Andy Hoffman, 6 Acorn Drive:**

- Mr. Hoffman questioned the amount of the bond being released with this request? Mr. Ziegler replied that they were not doing a bond release at this point. Attorney Famiglietti reported they have submitted a request for a bond release but it isn't on the agenda this evening. Chairman Ouellette and Town Planner Whitten suggested the bond release request will probably be on the next Commission Meeting agenda.
- Mr. Hoffman questioned if there is a separate bond on the road that isn't affected by this modification? Chairman Ouellette replied affirmatively.
- Mr. Hoffman questioned if there was enough money in the bond to complete Acorn Drive? Mr. Ziegler replied that there was sufficient money.
- Mr. Hoffman questioned if they should define what the bench would look like? Mr. Ziegler replied there is a detail on the plans. Mr. Hoffman requested a copy; Attorney Famiglietti replied there is a detail of the pavers and the landscaping area on the plans. She suggested it's the same paver configuration but the gazebo will be replaced with a wood park bench. Mr. Hoffman questioned if the bench would

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- be a metal bench with slats? Mr. Ziegler indicated that at the request of the Homeowners Association it would be a concrete bench.
- Mr. Hoffman questioned when the bench and landscaping would be put in? Mr. Ziegler suggested there are 2 more home sites to be constructed; those home sites would include sidewalks which would connect to the pavers. Chairman Ouellette clarified that the developer wasn't required to do that until the end of the project. Mr. Hoffman indicated the reason he asked affects all members of the Homeowners Association; the landscaped area increases the curb appeal of the project, which affects sales. Anything Mr. Ziegler could do to accelerate the curb appeal is better for the homeowners. Mr. Ziegler agreed. Commissioner Moore questioned if there would be pavers under the area where the gazebo was to have been located? Mr. Ziegler indicated the area under the bench would be concrete; Attorney Famiglietti added that pavers would then come off the concrete.

Chairman Ouellette noted the proposed motion references a plan which isn't the official plan. Town Planner Whitten felt this is more of a field modification rather than going through a Special Use Modification; the only change is deletion of the gazebo and the line for the walking trail. Chairman Ouellette questioned that it would be clear to someone reviewing the plans in 5 years what the modification was; Town Planner Whitten felt the file documentation would be sufficient. Attorney Famiglietti suggested that when they do the final As-Built for the release of the bond they will show the bench. Mr. Hoffman, speaking from the audience, questioned if the As-Built is available now or will it be something done in the future? Town Planner Whitten replied that she would provide a copy for Mr. Hoffman.

Hearing no further requests for comments Chairman Ouellette queried the Commission for action on this Application.

**MOTION: To CLOSE THE PUBLIC HEARING on the 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] .**

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

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

**MOTION TO APPROVE the Application of East Windsor Housing LTD., LLC for a special use permit requesting a modification of amenities to an approved site plan for Meadow Farms located at Depot Street and Farms Road (Meadow Farms) [R-2 zone; Map 99, Block 53, Lot 14-9]**

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**Referenced Plans:**

Cover Sheet/Site Location Map: Resubdivision of Meadow Farms, Depot Street & Farms Road – Map 23, Block 53, Lot 14-09, East Windsor CT for Property Owner/Applicant East Windsor Housing LTD. LLC, 60 Popieluszko Court, Hartford, CT 06106, prepared by Annini Survey, LLC, 900 Boston Post road, Ste 21, Old Saybrook, CT 06475 Latest revision January 20, 2009,

including the following sheets:

1/10	Key Map, scale 1" = 200' dated 12/25/08
2/10	Record Subdivision Map – Resubdivision of Meadow Farms scale 1" = 80' dated 12/25/08
3&4/10	Site Development Plan, scale 1" = 40' 12/25/08
5/10	Landscape Plan, scale 1" = 80', 1/20/09
6&7/10	Soil Erosion and Sediment Control Plan
8-10/10	Detail Sheets

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

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
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 mylars.

**Conditions that must be met prior to issuance of permits:**

3. A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.
4. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed plans shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permits.

**General Conditions:**

5. A site plan or special use permit must be sought and approved prior to use of these modifications per section 302
6. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject

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property for the purpose of determining compliance with the terms of this approval.

- 7 This approval shall expire **one year** from the date of approval.

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

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

**NEW PUBLIC HEARING/ East Windsor Housing LTD, LLC -**

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] (*Deadline to close hearing 10/31/2017*):

Chairman Ouellette read the description of this Public Hearing. Dorian R. Famiglietti, Esq., of Kahan, Kerensky & Capossela, LLP, and Jason Ziegler of East Windsor Housing LTD, LLC, presented this Application as well.

Attorney Famiglietti summarized the history of this portion of the subdivision relative to the original approval - The development, which originally included 40 Active Adult units and 8 single family home lots, was approved in 2006 ; in 2009 the Active Adult units on Farms Road were changed into single family home lots, which made all 15 lots on Farms Road single family lots, and the overall unit number was reduced to 29. The permit for this development is valid until 2019. Attorney Famiglietti indicated they are requesting to modify the subdivision approval to eliminate the sidewalks which were previously approved. The Applicant came before the Commission in 2014 to modify the subdivision to eliminate the sidewalks; that request was denied 4 to 1 Attorney Famiglietti questioned what's changed now? At the time of the last request only 6 of the lots were sold and the remaining 8 lots were under the ownership of the developer; now all 14 lots have been sold. Attorney Famiglietti noted they have submitted letters from 13 of the 14 lot owners supporting elimination of the sidewalks. Attorney Famiglietti suggested Farms Road is a low traffic road serving only 14 homes. There are no sidewalks in the vicinity ½ mile in either direction other than the ones on Acorn Drive; there are none on Depot Street although there are sidewalks on Perri Lane. The sidewalks really would be sidewalks to nowhere. They would go on the west side of Farms Road; those lots are narrower than the ones on the east side because they got a variance for smaller lots because they were originally proposed as part of the Active Adult Housing. Mr. Ziegler also noted that the utilities had already been installed by the time the development changed from Active Adult Housing to single family.

Commissioner Thurz questioned if the sidewalk could go on the other side? Attorney Famiglietti suggested this isn't just a situation of the developer wanting to save money but the residents also don't want them. They are not deep lots, and the Subdivision Regulations don't require the sidewalks; it's the Commission's discretion. Attorney

Famiglietti questioned the need for sidewalks on a 14 lot subdivision for public safety? She cited the limited traffic, the limited area for sidewalks running along the frontage, and the developer is proposing a Fee-In-Lieu-Of the sidewalks which could be used elsewhere. Commissioner Thurz suggested when the Applicant first came in all the lots were to be together so the people could walk from one street to the other. Attorney Famiglietti suggested that looking at the big picture, what does it achieve? The Fee-In-Lieu-Of could make a more meaningful contribution elsewhere.

Commissioner Zhigailo suggested she felt sidewalks would be more beneficial on a higher traffic volume street. Commissioner Moore felt the sidewalk wasn't necessary at this location.

Commissioner Kowalski suggested this goes against the Commission's concept of complete streets, which include sidewalks, street lights, etc. Regarding sidewalks to nowhere, Commissioner Kowalski noted he lives on a street with no sidewalks and his wife would love one for walking. He suggested even sidewalks going to nowhere have a purpose. Attorney Famiglietti indicated she saw the concept of complete streets in the POCD; she didn't feel this proposal was contrary to that concept. Mr. Ziegler suggested the homeowners would have a 10' front yard if the sidewalks were put in.

Commissioner Sullivan recalled the reason the request for elimination of the sidewalk was denied the first time is that this location is within the village of Broad Brook where there is no continuity of sidewalks and the Commission is attempting to change that. Commissioner Sullivan indicated he understands that the homeowners don't want to maintain the sidewalks and would like to keep the public out of the area but at the same time the Commission must think of the whole area and once you chop it up.....

Chairman Ouellette noted this request is coming at a time when the Town has made a submission of a Community Connectivity Grant to install sidewalks along Reservoir Avenue as well as Depot Street to Main Street; the sidewalks would also connect to those already installed in Perri Lane as well. Mr. Ziegler suggested that not putting sidewalks in front of the homes on Farms Road doesn't take away from your plan of connectivity; he suggested that's where the Fee-In-Lieu should be used. Attorney Famiglietti reiterated the hardship of the shallow lots and the location of the utilities. Commissioner Thurz noted the utilities went in a long time ago; he questioned the intent to put in sidewalks. He suggested what was favorable for this request is that Farms Road is a cul-de-sac.

Chairman Ouellette opened discussion to the public.

**Stanley Plaskonka, 5 Farms Road:** reported he has a sewer cover/manhole in his front yard which should have been put in the road. He noted he objected but was told the road was new and the manhole couldn't be moved. Chairman Ouellette questioned if Farms Road was an approved Town road? Town Planner Whitten indicated it would be a Town road when it's adopted. Chairman Ouellette questioned if the bond is still held by the



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Town? Town Planner Whitten replied affirmatively. Chairman Ouellette suggested when the request is made to release the bond the Town Engineer will check the issue reported by Mr. Plaskonka. Town Planner Whitten reported the sewers were put in before this subdivision was modified.

**Bob Stokowski, 1 Farms Road:** he has a sidewalk on Depot Street which is part of his lot and when the plow comes salt and snow gets onto that sidewalk, which is already cracking. He doesn't want this sidewalk.

**Rebecca Calabrese, 24 Farms Road:** questioned who owns the property going onto Depot Street where the sign is; it's difficult to see. Chairman Ouellette felt when it becomes a Town road the Town will have to maintain the sightline. He suggested if Mrs. Calabrese is having a problem today she needs to talk to the developer to clear the sidewalk.

**Jessica Swann, 9 Farms Road:** they live on the side where the sidewalks would go; their lot is narrow and the sidewalk would cut into their lot. They have a dog and she's comfortable walking the dog now. Regarding the connectivity, it's a sidewalk going to nowhere, especially with the trail being cut out by the previous application. Mrs. Swann reiterated they wouldn't have much of a front yard.

**Shirley Habermeier, 23 Farms Road:** questioned if the utility equipment is to go to their lot? Chairman Ouellette felt that was up to the developer. He noted that if the Commission denies the request to eliminate the sidewalks the sidewalk needs to go in someone's lot; the developer needs to figure out what to do. Mrs. Habermeier questioned when it becomes a Town road? Town Planner Whitten noted it needs to be completely paved, and it needs to go to Town Meeting to be accepted. Mr. Ziegler reported he can't apply for road acceptance until he meets the Town Engineer's approval.

**Bonnie DeForge, 20 Farms Road:** on behalf of the developer and all the neighbors, she reported when they built their dream house there they lived in Enfield on a narrow road; they didn't suggest the sidewalks. Their taxes doubled after the road was built, they lived in the dark because the lights weren't in. Mrs. DeForge felt we, the people, have the right to say what we want. She cited the meeting last Tuesday that the people stood together and we rule and we stand united.

Commissioner Thurz suggested if the Commission makes Mr. Ziegler put in the sidewalk there will be people on either side with utility issues. Commissioner Thurz noted he supports sidewalks but in this case the developer can't do it on either side. Mr. Ziegler suggested he had to react to a market that was collapsing.

Hearing no further requests to speak Chairman Ouellette queried the Commission for action on this Application.

**MOTION:** To CLOSE THE PUBLIC HEARING on the Application of East Windsor Housing LTD, LLC - 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]

**Sullivan moved/Moore seconded/DISCUSSION:** None.

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

**MOTION TO APPROVE WAIVERS** in accordance with Section 8-26 of the Connecticut General Statutes and Section 6.3.5 of the East Windsor Subdivision Regulations

1. Section 6.3 (Sidewalks): No sidewalks to be provided, as none exist in the area, except along and the road is a cul-de- sac, with substandard lots in regard on the west.

**Condition of Approval**

1. Fee in lieu of sidewalks shall be derived as 40% of the overall cost to install the sidewalks, to be determined by the Town Engineer.

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

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

**REASONS FOR VOTE:** Commissioner Sullivan indicated he isn't happy with this request, but it is what it is, and the logistics of putting in a sidewalk would cause problems. Chairman Ouellette felt roads are for vehicles and sidewalks are to move people. He noted that he usually feels that sidewalks make sense and the Town does have a plan for connectivity but, in this case, it's an extremely low volume street and there is a limited risk for the residents. Personally, in this circumstance he can agree with the request not to provide sidewalks. Commissioner Thurz noted he is a supporter of sidewalks but in this case, the developer can't put them on either side because of the installation of the utilities. Commissioner Zhigailo felt sidewalks would be more beneficial on a higher traffic street. Commissioner Moore didn't feel the sidewalks were necessary in this area. Commissioner Kowalski suggested this request goes against the Commission's concept of complete streets, which include sidewalks, lights, etc. Regarding sidewalks going to nowhere, even going to the end of the street has a purpose.

**MOTION:** To TAKE A FIVE MINUTE BREAK.

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

**VOTE: In Favor: Unanimous**

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The Commission RECESSED at 7:40 p.m. and RECONVENED at 7:45 p.m.

**NEW PUBLIC HEARING: 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] (*Deadline to close hearing 10/31/2017*):

Chairman Ouellette read the description of this Public Hearing. Joining the Commission to discuss the Application were Tim Coon, of J. R. Russo & Associates, LLC, representing the applicant, Herb Holden Trucking, Inc., Herb Holden, Sr., and Herb Holden, Jr., were present in the audience.

Mr. Coon reported this is a request to renew the Special Use Permit for gravel excavation at Wapping Road on the Norcap property. The parcel contains 42+/- acres on the west side of Wapping Road; the front portion of the parcel is the location of the solar farm. This permit was granted in 2002 for 4 phases. The 4<sup>th</sup> phase extended into the solar farm so 3 phases now remain as part of the operation. Phase 1 has been restored; phases 2 and 3, both containing 8.7 acres, are open. Phases 2 and 3 exclude any portion of the solar farm. Mr. Coon questioned their ability to request a bond reduction due to the reuse of Phase 4 to the solar farm? Town Planner Whitten suggested the bond request could be added to the next meeting agenda. Chairman Ouellette clarified the bond reduction request is an administrative function, which isn't part of this Public Hearing.

Chairman Ouellette queried the Commissioners for questions or comments:

Commissioners Zhigailo, Thurz, and Moore had no questions.

Commissioner Kowalski questioned if this would be a one year extension request? Town Planner Whitten noted the one year period is currently specified in the Regulations. Commissioner Kowalski questioned the highlighted conditions? Town Planner Whitten noted those conditions were highlighted for the Commissioners review for this Application.

Commissioner Sullivan indicated he had no questions; this is business as usual.

Chairman Ouellette queried the audience; no one requested to speak.

Chairman Ouellette indicated he had no questions; he questioned the Commissions intent regarding this Application?

**MOTION: To CLOSE THE PUBLIC HEARING on the 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] .**

**Moore moved/Sullivan seconded/DISCUSSION: None.**

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

**MOTION TO APPROVE the Application of Herb Holden Trucking, Inc., and owner NORCAP for a One Year Extension, to expire *September 6, 2018*, for Special Use/Excavation Permit to allow earth products removal, and screening and crushing of products, on property located on the west side of Wapping Road, owned by Northern Capital Region Disposal Facility, Inc (NORCAP) . A-1 & M-1 Zones. [Map 27, Block 65, Lot#31] This approval is granted subject to conformance with the referenced plans and the following conditions:**

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**Referenced Plans:**

Cover Sheet – Proposed Gravel Removal Operation Wapping Road East Windsor Ct, applicant Herb Holden Trucking, Inc. 59 Broad Brook road, Broad Brook CT 06016 860/623-8855, owner Northern Capital Region Disposal Facility Inc. 321 Olcott St, Manchester CT 06040 prepared by JR Russo and Assoc., 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623-2485 fax. Dated 9/6/16  
2 of 5 – Overall Site Plan  
3 and 4 of 5 – Grading Plan  
5 of 5 – Erosion and Sediment Control Notes

**Previous Referenced Plans:**

Cover Sheet– Proposed Gravel Excavation , Wapping Road, East Windsor, CT, Applicant Herb Holden Trucking, Inc; Owner Northern Capital Region Disposal Facility, Inc. prepared by Anchor Engineering Services, Inc, 41 Sequin Drive, Glastonbury, CT 06033 860/633-8770, 860/633-5971 fax www.anchorengr.com, dated 9/17/10  
Sheet 1/7 Pre-Excavation Site Conditions  
Sheet 2/7 Current Site conditions Map  
Sheet 3/7 Overall Site Plan  
Sheet 4,5/7 Layout and Grading Plan,  
Sheet 5/6 Erosion Control Notes  
Sheet 6/6 Details

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

1. The name and phone number of an individual for 24 hour emergency contact for erosion control problems must be noted on the plans. Any changes in the individual responsible for emergency contact must be reported immediately to the Planning and Zoning Department.
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 mylars.

**Conditions that must be met prior to issuance of permits:**

3. A performance bond, with surety acceptable to the Town Attorney shall be provided by the applicant prior to the signing of the mylars.
4. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the commission. The signed plans shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permits.
5. In order to ensure the site is graded in accordance with the approved plan, vertical and horizontal control points shall be setup around the entire perimeter of the parcel. Such control points shall be located as per approved plans.
6. In addition, **the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan**, Any deviation from the approved plan shall be a violation and cause for revocation of the permit
7. Each phase must be completed and stabilized prior to the commencement of a subsequent phase.
8. Bonding shall be required for each phase.
9. No phase may begin until the previous phase has been *substantially* completed except for the phase containing the reclamation plan as indicated on the referenced plans.
10. Prior to the start of any new phase, the applicant shall submit evidence of conformance to the approved plans for the previous phases including a certified as-built survey showing finished grades.
- 11. Re-approval must be requested at expiration, at such time an as-built will be required.**

**General Conditions:**

12. A zoning permit shall be obtained prior to the start of any work or new phase. No zoning permit shall be issued until a cash or passbook bond for site restoration, erosion and sedimentation control has been submitted. Such bond shall be good for the life of the permit/project. Any funds that may be withdrawn by the Town for such maintenance shall be replaced within 5 days or this permit shall be rendered null and void.
13. Operation of the gravel pit may include:
  - screening of excavated material pursuant to provisions of Section 9 and 9A.5.
  - crushing of rock and gravel mined on-site only with portable crushing apparatus and pursuant to provisions of Section 9 and 9A.5.
14. Excavation shall not ever exceed the approved finished grade elevations. Subsoil must remain native.
15. The final grading shall conform to the proposed final grading as indicated on the referenced plans; but in no case shall any final slope be steeper than a rise to run ratio of 1:3, also known as a 33% slope.
16. In the event that the operation ceases before all phases are completed, the remaining land shall be graded to leave no slope exceeding 33%.
17. As each area or phase is graded to final contours, the ground shall be back covered with topsoil or loam to render it usable for growing agricultural products. All areas will require a minimum of 6 inches of topsoil in accordance with the regulations.
18. No trees, brush or stumps shall be buried on site.
19. The driveway to the pit shall be maintained in a hard surfaced, paved condition from Wapping Road inward for a minimum distance of two hundred feet. The driveway shall be cleaned regularly to minimize the dust nuisance created by exiting traffic.
20. An oversized 300 foot gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
21. The gate across the driveway into the pit shall be maintained in good condition and kept closed and locked during all times when the pit is not in operation. "Private Property – No Trespassing" sign shall be maintained at the entrance to the pit facing outward toward Wapping Road.

22. The total number of loaded, or partially loaded, outgoing trucks from the pit shall not exceed an average of sixty (60) trucks per day or a maximum of three-hundred (300) trucks in any one week period, counting Monday through Friday.
23. The pit shall not be opened or operated before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday.
24. The pit shall not be open or operated on weekends OR HOLIDAYS.
25. Measures to minimize the dust nuisance from the site shall be provided by the applicant for review and approval of Town staff. Additional measures are to be undertaken if required by staff if field conditions necessitate.
26. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
27. The applicant shall adhere to all conditions of their Inland Wetlands Permit.
28. The vegetation (trees) to be removed shall be accomplished in one step and the topsoil shall be stripped off and stockpiled immediately or a temporary vegetative cover implemented. Stockpiled soil shall remain on site for future reclamation of site.
29. Finished grades may not be closer than 20’ to the water table, and must adhere to approved plans.
30. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
31. There shall be no bulky waste or debris disposal allowed on the site. The operator of the pit shall provide adequate security measures to prevent unauthorized waste disposal. Any unauthorized disposal shall be cleaned up and disposed of off site by the operator of the pit.
32. The project shall be carried out in phases as shown on the plans.
33. All trucks and equipment shall be parked off-street.
34. Upon completion of the excavation, the land shall be cleared of all debris and a minimum of six (6) inches of topsoil shall be spread over any disturbed areas.
35. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.

36. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
37. This project shall be executed and maintained in accordance with the approved plans and conditions. Minor modifications to the approved plans which result in lesser impacts may be allowed subject to staff review and approval.
38. By acceptance of this permit and conditions, the applicant and owner 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.
39. This approval shall expire [**one year**] from the date of approval, or upon completion of the project, whichever occurs first.
40. A double row of trees shall be planted along the roadway frontage before the start of phase 2.
41. No trucks will travel on Plantation Road unless required for delivery in the local plantation road area.
42. All existing gravel operations on the NORCAP property must be completed prior to start of this excavation project.
43. Monitoring wells should be provided for each phase.
44. Quarterly monitoring reports shall be submitted to the planning department for review
45. Anti-tracking pad should be 300 feet long per Town Engineer.

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

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

**NEW PUBLIC HEARING/ Discussion on PA 17-155 Re: Temporary Health Care Structures**, and possible town's capacity to opt out. See [www.eastwindsorct.com](http://www.eastwindsorct.com) for details.

Town Planner Whitten advised the Commission that Public Act 17-155 requires all municipalities to adopt the Act related to temporary health care structures which are intended for use by individuals as an accessory structure until the individual no longer needs this living arrangement. She briefly summarized the basic requirements of the bill:



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- Structures must be located within any single family residential zone.
- Structure must meet all standard zoning setbacks, bulk and area requirements of the zone.
- Structure must be transportable, self-contained, not have a permanent foundation, built offsite, and be no larger than 500 square feet.
- The Town may require room for emergency access.
- The Town may require proper hookups to electrical, plumbing, water, septic or sewer service.
- The Town may require a \$50,000 bond to secure removal of the structure after the intended use ceases.
- The Town may require a fee of up to \$250 for a permit, and an annual renewal fee of \$100.
- The Town shall require removal of the structure within 120 days after it's vacated.
- The Town shall issue a permit within 15 days maximum.
- The applicant shall provide a medical note stating the intended resident is either mentally or physically impaired
- The applicant shall send certified notices to all abutters stating a temporary health care structure will be located on the property no later than 3 days after the application is submitted.

Town Planner Whitten advised the Commission they have the following options:

- To adopt PA 17-155 as written, which require that these structures be allowed in any residential zone as of October 1, 2017; OR,
- Opt out of PA 17-155 and send a recommendation to the Board of Selectman suggesting they opt out before October 1, 2017.

Town Planner Whitten suggested the public act proposes a lot of good things but it presents challenges for towns to manage these residences the way it's presently written. How is confirmation of the health issues handled? Will these structures require wetlands permits? Enforcement of maintaining the homes will be difficult; people will want to continue the residency after the impaired individual vacates the structure. Use of these structures are not age restricted. What are the code requirements for the construction of these homes? There will be significant fees associated with these homes, including delivery fees, hook-ups for utilities, including water, septic or sewer, electrical, on-going permit fees, and the bond. Town Planner Whitten suggested the Commission should consider this proposal but she didn't feel this is the right form of housing, nor is it being proposed in a workable manner.

Commissioner Kowalski cited concern for the lack of code requirements for these dwellings; he suggested people could conceivably pull old single wide

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trailers out of the woods and set them up in the yard. He noted the act doesn't require that these be new structures. Commissioner Kowalski cited he's had to provide modular trailers for work projects and they required a State permit.

Town Planner Whitten noted that the Building Department has 30 days to process a permit as required by State Statutes, while the Planning Office will have the 15 day processing requirement.

Commissioner Kowalski questioned if the temporary structure could be connected to the primary structure? Commissioner Zhigailo felt the Legislature enacted this because of the immediate needs of people, and they left the latitude to manage these homes up to the individual towns. She noted that the structures must go through the permitting process, and meet fire and building codes, and have the necessary utilities. Commissioner Zhigailo felt the State sees the need for these structures; this will keep people out of nursing homes. Commissioner Zhigailo felt the Commission needs to start thinking about these residences now.

Commissioner Thurz felt people should put Mom inside the primary house. Commissioner Zhigailo cited not everyone's home might be able to accommodate that option.

Commissioner Moore questioned the ability of people to live in campers now? Town Planner Whitten cited people could live in campers for 30 days while visiting someone in a primary residence. Commissioner Thurz felt that once someone pays the \$50,000 fee they won't want to give them up.

Town Planner Whitten suggested the Town can set its own parameters but it can't be done within this time restriction. She noted she's gone through this with her own parents so she understands the need but she questioned if this is the right way to do it? She cited the difficulty confirming the health issues; why should someone with mental health challenges be living in a separate home? Town Planner Whitten suggested she isn't opposed to this but she felt PA 17-155 didn't address the issue in the best manner.

Commissioner Sullivan questioned if the Town could get an extension on acceptance of this public act? Town Planner Whitten replied negatively; the only option is opting out.

Chairman Ouellette questioned if these residences could be located in an agricultural zone? Town Planner Whitten replied affirmatively. Chairman Ouellette suggested these could be lined up in an agricultural zone.

Discussion followed regarding how to, or the ability to, monitor/confirm the

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family relationship issue.

Chairman Ouellette questioned how this fits in with the 2016 POCD? Town Planner Whitten noted this wasn't addressed specifically as it hadn't been presented, although the Commission did address density for different housing types.

Chairman Ouellette questioned that if the Commission opts out, and the Board of Selectmen agrees with that recommendation, then this Commission could revisit this issue in the future and draft specific regulations? Town Planner Whitten concurred.

Chairman Ouellette noted this is a Public Hearing, he queried the audience for comments:

**Richard P. Pippin, Jr./Deputy First Selectman Pippin:** this issue was brought to the Board of Selectmen by way of discussion so they know of the issue. Mr. Pippin felt this is one of the worse pieces of legislation to come out of Hartford; he feels we should opt out for now. Mr. Pippin suggested he liked Commissioner Thurz's suggestion best if someone could afford it. Mr. Pippin reiterated he felt the Town should opt out and Town Planner Whitten should contact First Selectman Maynard immediately to hold a Special Board of Selectmen Meeting so they can opt out as well. Chairman Ouellette felt this was Mr. Pippin's personal opinion; he questioned if Mr. Pippin had any indication how the other Selectmen's opinion? Mr. Pippin replied negatively. Mr. Pippin felt the Town should opt out and create our own regulations with better parameters. Town Planner Whitten noted that many towns throughout the country are creating special zones for tiny houses; it's a new living option.

No one else from the public requested to speak.

Chairman Ouellette queried the Commissioners for their preference regarding this proposal? Commissioner Zhigailo suggested she sees this living option coming, but she couldn't support it the way it's currently written. She preferred the Commission address this as a Regulation change. Commissioners Thurz, Moore, Kowalski, and Sullivan, and Chairman Ouellette preferred to opt out at this time and revisit it in the future.

**MOTION: To CLOSE THE PUBLIC HEARING on the Discussion on PA 17-155 Re: Temporary Health Care Structures, and possible town's capacity to opt out.**

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

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

(No one opposed/No abstentions)

**MOTION: To OPT OUT OF PA 17-155 AND TO MAKE A RECOMMENDATION TO THE Board of Selectmen to also opt out at a Special Meeting to be held before October 1, 2017.**

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

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

Town Planner Whitten noted that if the Board of Selectmen are unable to hold a Special Meeting before October 1, 2017 the Planning Office would have to accept any applications for temporary health care structures which are submitted.

**OTHER BUSINESS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

The Commission moved General Discussion of Planning Issues up to accommodate Mrs. Isherwood and her clients.

**BUSINESS MEETING/(4) General Discussion of Planning Issues:**

Mrs. Isherwood introduced herself as a Professional Engineer, she introduced her clients Doug Nation, and John Zicci. Mrs. Isherwood reported her clients own several abutting parcels on Winkler Road which are presently zoned A-1. The total acreage of the parcels is approximately 92 acres; the parcels contain some wetlands. The parcels currently abut industrial/M-1 parcels. They are considering the development options for housing for these parcels. Mrs. Isherwood referenced multi-family housing options listed in the 2016 POCD. Mrs. Isherwood indicated they have considered doing something like the Mansions at Canyon Ridge – upscale 1 and 2 bedroom apartments with a clubhouse. The current Regulations identify specific locations for multi-family housing, as well as a minimum acreage requirement, access to sewer service and public water; a proposed text amendment would recommend expanding the site locations. Mrs. Isherwood suggested she felt multi-family housing locations should function as a transition between high density areas and single family housing.

Town Planner Whitten noted the Town feels condominiums don't bring as many children to the school system, but the units could be rented. Commissioner Thurz recalled that people were concerned for the potential children in the Mansions; only one child currently living in the Mansions attends East Windsor schools.

Commissioner Thurz cited significant traffic on Winkler Road; Town Planner Whitten indicated a traffic study would be required. Town Planner Whitten suggested these parcels could become industrial parcels and tie into existing industrial parcels. Commissioner Sullivan suggested considering access through the industrial parcels to limit traffic impact.

Mrs. Isherwood suggested they would like the Commission to consider a density of 4 units/acre, although their preference would be an increase to 6 units/acre. The wetlands would require approval for a wetlands crossing. Commissioner Kowalski questioned if any Open Space would be proposed as was done with Mansions? Mrs. Isherwood suggested they haven't considered that option but could; she questioned if the wetlands could be considered Open Space? .

Citing concern for consistency of regulations the Commission discussed the overall impact on a proposed text amendment changing the language related to multi-family housing on similar parcels throughout town. . Discussion then turned to density. Mrs. Isherwood suggested they could do condominiums in an A-1 Zone. Town Planner Whitten noted that the regulations currently allow 2 units/acre in an R-1 Zone; if the parcel contains over 25 acres a developer could have up to 4 units/acre if you give incentives, such as Open Space. Mrs. Isherwood reiterated they would like to increase the density to at least 4 units/acre, but preferably 6 units/acre. The Commission cited the intent to preserve the rural character of East Windsor. Town Planner Whitten noted it's not unusual to have a transition from industrial to apartments or condominiums to single family dwellings.

Mrs. Isherwood and her clients thanked the Commission for their input; she'll continue researching development options for these parcels.

**BUSINESS MEETING/(1) Election of Secretary:**

Chairman Ouellette requested volunteers for the position of Commission Secretary. Responsibilities for the position were discussed.

**MOTION: Nominate Tim Moore for Secretary of the East Windsor Planning and Zoning Commission.**

**Thurz moved/Sullivan seconded/**

Commissioner Moore accepted the nomination.

**MOTION: That Tim Moore becomes the Secretary of the East Windsor Planning and Zoning Commission.**

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

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

**BUSINESS MEETING/(2) Discussion of HIFZ:**

Town Planner Whitten indicated she would like the Commission to reopen discussion on the height of buildings in the HIFZ (Highway Interchange Floating Zone), which currently runs from approximately Exit 44 on I-91 at Newberry Road to the Enfield town line on Route 5. She noted the height concern is primarily on the west side of Route 5. She suggested the Commission consider the building height based on the Route 5 elevation rather than the I-91 elevation. Town Planner Whitten noted the current Regulations allow a maximum of 5 stories for hotels and up to 3 stories for office buildings.

Commissioner Kowalski suggested the issue is convoluted by the elevation changes experienced by various parcels. Chairman Ouellette questioned why the height is important in this area? Town Planner Whitten cited operational capacity of fire apparatus everywhere, but this area has a significant visual vista which is important to some people. Commissioner Kowalski felt as soon as a building exceeds 2 stories the vista is blocked; he suggested he would actually like to see one large building in the center of the area as a landmark and promote other buildings to scale down from that landmark building. Commissioner Kowalski suggested that for every “x” number of stories a developer builds up then he must require “x” amount of space around the building. Commissioner Thurz concurred with Commissioner Kowalski’s proposal. Town Planner Whitten noted a consequence of larger/higher buildings is the traffic generated. Commissioner Sullivan questioned the consequences of eliminating the height requirement, which would allow the Commission to react to the structure proposed? Chairman Ouellette questioned the impact of this development area on maintaining the rural character of town? Town Planner Whitten noted the Commission’s decision on height in this area will have an impact on the Warehouse Point area as well. Chairman Ouellette questioned if there are any height restrictions related to proximity to Bradley Airport; he recalled discussion of that issue when the Commission reviewed an application for a cell tower off Prospect Hill Road. Town Planner Whitten will research that question.

Town Planner Whitten will rework the HIFZ map based on the Commission’s comments and return with the results. She will also research similar regulations elsewhere in the state/country.

**BUSINESS MEETING/(3) Discussion on Aquifer Protection Regulations: None.**

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

**Mylars/Plans: None.**

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**Motions:**

- **Apothecaries Hall Enterprises, LLC and the East Windsor Sportsman's Club, Inc.** - Renewal of existing Special Use Permit for earth excavation and expansion of excavation area to include Phase 17 (4.5 acres) located on the south side of Apothecaries Hall Road. [Map 57, Block 49, Lot 3; Map 57,
- **Rolando Vargas** – 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].
- **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].

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:25 p.m.**

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

Respectfully submitted,

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