

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

**REGULAR Meeting #1731 – January 23, 2018  
MEETING MINUTES**

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:31 P. M. by Chairman Ouellette.

**PRESENT:**    **Regular Members:**    Joe Ouellette (Chairman), Michael Kowalski, Tim Moore, and Jim Thurz.  
                  **Alternate Members:**    Frank Gowdy, and Marti Zhigailo.

**ABSENT:**    **Regular Members:**    Dick Sullivan.  
                  **Alternate Members:**    Both Alternate members are present this evening.

Also present was Town Planner Whitten, Assistant Town Planner/Zoning Enforcement Officer Matt Tyksinski.

**GUESTS:**    Richard P. Pippin, Jr., Inland Wetlands and Watercourse Commission;  
                  Kathy Pippin, Board of Finance.  
                  **Public:**    Kathy and Chuck Hart, John Revay, Jay Ussery, of J. R. Russo & Associates, LLC.; Scott Guilmartin, Frank Pecaro, Mark Zessin of Anchor Engineering, and Chris Davis.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members and two Alternate Members 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. Following in accordance with the service rotation schedule Alternate Member Gowdy would also join the Board regarding discussion and action on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Friday, January 12, 2018 and Friday, January 19, 2018 was read by Chairman Ouellette:

1. Application of Steve Moser for renewal of Special Use Permit / Excavation for driveway relocation and parcel regrading for property located at 55 Kreyssig Road. [A-1 zone; Map 136, block 75, Lot 11]
2. Proposed Zoning Text Amendment, Zoning Map Change and minor modifications of the Plan of Conservation and Development (POCD): Highway Interchange Floating Zone (HIFZ) with modified uses and expansion, and renamed to Highway Interchange Overlay Zone (HIZ)

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**ADDED AGENDA ITEMS:**

Town Planner Whitten requested addition of an informal discussion on Revay's under the Business Meeting.

**PUBLIC PARTICIPATION:**

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

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

**MOTION: To APPROVE the Minutes of Regular Meeting #1730 dated December 12, 2018 as written.**

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

**VOTE: In Favor: Ouellette/Kowalski/Moore/Gowdy  
Opposed: No one  
Abstained: Thurz**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Steve Moser for Renewal of Special Use Permit / Excavation for driveway relocation and parcel regrading for property located at 55 & 57 Kreyssig Road. [A-1 Zone; Map 136, Block 75, Lot 10 & 11]
2. Application of Stanton Equipment for a Text Amendment to Section 503 *Permitted Accessory Uses*; and Section 503.2b(5) regarding Outdoor Merchandise Display as a permitted use.
3. Application of Laird Building, LLC for a Text Amendment of Section 201 *Definitions*; and Section 502 *Permitted Uses in Business and Industrial Districts* – to allow the fueling of fleet vehicles in the M-1 zone.

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

**ACCEPTANCE/ Noble East Windsor LLC** – Request for release of site improvement / driveway bond, landscaping bond and erosion control bond for the construction of a convenience store and gas pumps at 76 North Road

Town Planner Whitten reported a request has been received for release of all bonds currently being held on Noble Gas. The bonds include a Landscaping Bond of \$8,500, an Erosion Control Bond of \$3,300, and a Site Performance Bond of \$20,000.

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After inspection of the property the recommendation is:

- to retain \$850 of the Landscaping Bond and release \$7,650,
- release the full Erosion Control Bond of \$3,300 as the site is stabilized.
- Retain \$10,000 of the Site Performance Bond and release the remaining \$10,000 as there continue to be drainage problems with ponding onto the road from the rear driveway.

Chairman Ouellette questioned if the applicant is aware of the problems; Town Planner Whitten replied affirmatively.

Commissioner Kowalski noted the original Site Plan had included construction of an accessory office building; he questioned if that is still the applicant's intention? Town Planner Whitten reported the old building which was on the site was given to a farm, a pad has been installed where the accessory building was proposed. She noted a container – which is non-conforming - has been installed on the pad; staff will be following up on that.

**MOTION: To APPROVE the release of \$7,650 of the Landscaping Bonds, \$3,300 of the Erosion and Sedimentation Bond, and \$10,000 from the Performance Bond for property known as 76 North Road (Noble Gas Station), Map 113, Block 24, Lot 2 in the B-3 Zone**

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

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

**CONTINUED PUBLIC HEARINGS - None.**

**NEW PUBLIC HEARINGS – Steve Moser - Renewal of Special Use Permit / Excavation for driveway relocation and parcel regrading for property located at 55 Kreyssig Road. [A-1 Zone; Map 136, block 75, Lot 11] (*Deadline to close hearing 2/27/2018*):**

Chairman Ouellette read the description of this Public Hearing. Appearing to represent the applicant, David Mosher, was Jay Ussery, of J. R. Russo & Associates.

Mr. Ussery reported this application this evening is for a renewal of the Excavation Permit which began 3 years ago; the permit was issued to relocate an access drive to Mr. Moser's home, removal of the old barn and regrading of the property. Mr. Ussery noted the old barn has been removed and the surrounding area regraded, the driveway has been relocated, but the area to the rear hasn't been touched as the sale of the gravel has been slow. Mr. Ussery indicated there is also a permit going on in Ellington as well.

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Mr. Ussery reported there are no changes proposed under the current permit; no screening or crushing activity is proposed. Mr. Moser has been in contact with neighbors; Mr. Ussery doesn't believe there are any complaints. He reiterated the material is moving slowly; perhaps the activity can be completed in another year. At the completion of the project the area will be returned to an agricultural use.

Mr. Ussery indicated they are looking for a 1 year renewal of the current permit.

Commissioner Kowalski questioned that nothing has changed with the activity? Mr. Ussery replied nothing has changed; it's the same permit that was renewed for the past 2 years.

Commissioner Gowdy questioned if there were any complaints from the neighbors on Margaret Drive? Town Planner Whitten indicated staff has not heard from anyone regarding this applicant.

Commissioner Kowalski questioned the number of extensions allowable? Town Planner Whitten indicated there is no restriction on the number of extensions; extensions are typically granted on a 1 year basis.

Mr. Ussery noted signs had been posted advertising the Public Hearing.

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

**MOTION: TO APPROVE the Application of owner Steve Moser Club requesting a RENEWAL of a special use permit for excavation associated with re-grading of the site and relocation of a driveway for the East at 55 & 57 Kreyssig Road, in the A-1 Zone Map 136, Blk. 75 Lot 10 & 11. This approval is granted for an additional one year to expire on January 12, 2019, and is subject to conformance with the referenced plans and all previously approved conditions:**

Moore moved/Thurz seconded/

**DISCUSSION: Commissioner Kowalski noted the motion had been made to approve rather than close the hearing.**

**Commissioner Moore and Commissioner Thurz agreed to the following amendment**

**AMENDED MOTION: To CLOSE THE PUBLIC HEARING on the Application of Steve Moser for Renewal of Special Use Permit / Excavation for driveway relocation and parcel regrading for property located at 55 Kreyssig Road. [A-1 Zone; Map 136, block 75, Lot 11]**

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

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

**MOTION TO APPROVE the Application of owner Steve Moser Club requesting a RENEWAL of a special use permit for excavation associated with re-grading of the site and relocation of a driveway for the East at 55 & 57 Kreyssig Road, in the A-1 Zone Map 136, Blk. 75 Lot 10 & 11. This approval is granted for an additional one year to expire on January 12, 2019, and is subject to conformance with the referenced plans and all previously approved conditions:**

**Referenced Plans:**

- 1 of 3 Cover – Driveway relocation/grading plan, Kreyssig Rd, East Windsor CT prepared by JR Russo and Assoc., LLC 1 Shoham Rd, East Windsor CT 06088 860/623-0569 www.jrusso.com dated 10/26/15, rev 1/4/17-1/5/18
- 2 of 3 Grading Plan rev 1/4/17-1/5/18
- 3 of 3 Erosion and Sedimentation Control Notes and Details dated 2/10/16

**CONDITIONS:**

**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. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for review and approval of Town Planner.

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

3. 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.
4. One set of final mylars shall be filed in the Planning & Zoning Office by the applicant prior to issuance of any permit, one set shall be filed on the land records in Town Clerks Office.
5. A performance bond with amount to be approved by Town Engineer, with surety acceptable to the Town Attorney shall be provided by the applicant.

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6. A full anti-tracking pad may be required. Any erosion and sedimentation control measure must first be approved by the Town Engineer
7. A curb cut permit shall be applied for and approved by the Town Engineer.
8. 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:
  - a) noted on the approved plan
  - b) spaced no farther than 200 feet apart; and
  - c) set in the ground with iron or steel stakes at least  $\frac{3}{4}$  inches in diameter and 30 inches in length.
9. 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.

**General Conditions:**

10. 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.
11. 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.
12. Finished grades may not be closer than 8' to the water table.
13. No trees, brush or stumps shall be buried on site.
14. The driveway and roadway in close proximity shall be cleaned regularly to minimize the dust nuisance created by exiting/entering traffic.
15. Activity on the site shall not occur before 7:30 a.m. and shall not be opened or operated later than 5:00 p.m. on weekdays, Monday through Friday., or holidays and weekends.

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16. 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.
17. An oversized gravel anti-tracking pad leading to the driveway shall be installed and maintained to further minimize dust nuisance.
18. All trucks and equipment shall be parked off-street
19. The “Best Management Practices” outlined by the Hartford County Natural Resource Conservation Service shall be adhered to.
20. Any 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.
21. Certified as-builts showing contours of completed and active areas shall be submitted to the Planning and Zoning Department .
22. There shall be no on-site maintenance of equipment unless it is a clear emergency. Town staff shall be notified if such emergency exists.
23. Additional drainage and erosion control measures are to be installed as directed by town staff if field conditions necessitate.
24. Any modifications to the proposed drainage for the site plan is subject to the approval of the town engineer.
25. 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.
26. 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.
27. 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.
28. 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.

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29. 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.
30. 814.3j - STABILIZATION , TEMPORARY: Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding 1 foot rise to 1.5 foot run. Temporary stockpiles, and areas left open for any extended time should be planted with a grass seed, or other sufficient temporary ground cover. Additional erosion control measures such as spreading of hay or erosion control blankets may be required during the non-growing season,
31. 814.3k - STABILIZATION, PERMANENT: As each area or phase is graded to final contours, the ground shall be covered with a minimum of 6 inches of topsoil or loam and seeded with a perennial grass and maintained until the area is stabilized and approved by the Commission.
32. 814.3q - DEPTH TO WATER TABLE: A minimum of 8 feet from finished grade to depth of water table shall be maintained. At no time shall excavation exceed the approved finished grade. Subsoil must remain native and undisturbed. Reports of actual grade shall be submitted once grade reaches 18 feet above water table. Reports shall be submitted at every 2 foot intervals, or quarterly, whichever occurs first. The applicant must show the depth of existing water table relative to proposed finished grades
33. 814.3 r - EXPIRATION OF PERMIT: The Special Use Permit shall expire one year from date of approval. Permit may be renewed on an annual basis. An as-built of the entire site prepared by a licensed land surveyor or engineer will be required before an extension can be granted. Failure to renew a permit is cause for revocation.

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

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

**NEW PUBLIC HEARINGS** – Proposed Zoning Text Amendment, Zoning Map Change and minor modifications of the Plan of Conservation and Development (POCD): Highway Interchange Floating Zone (HIFZ) with modified uses and expansion, and renamed to Highway Interchange Overlay Zone (HIZ):

Chairman Ouellette read the description of this Public Hearing. He reported this is a technical discussion; copies of the proposed amendment are available for the public to review.

Town Planner Whitten introduced herself, and Matt Tyksinski, Assistant Town Planner.



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Town Planner Whitten began her discussion by noting development within the area under consideration is currently possible under the HIFZ (Highway Interchange Floating Zone) which allows more flexibility with regard to density and set backs. A developer would make application by filing a General Development Plan (GDP) under the Special Use Permit. Under the current process the HIFZ would land on the property, and development would continue under a Site Plan application.

Town Planner Whitten indicated the Commission is proposing to extend the HIZ (Highway Interchange Overlay Zone) up to the Enfield town line on the west side of Prospect Hill Road, and across to Bridge Street; it includes Sofia's Plaza, Walmart, Wendy's/Taco Bell/Kentucky Fried Chicken, and would extend south of Exit 44. Residential sites are excluded. The proposal expands the zone geographically, and eliminates the need for the applicant to apply for a rezone of the parcel. The development process now would be under a regular Special Use Permit Application but would allow more uses, such as mixed use with residential above offices or shops, and gas stations in a specified area. Town Planner Whitten reviewed the specifics of the Text Amendment, noting the following highlights:

- Existing uses under the underlying zone continue, but if your property is included in the HIZ it allows more development options.
- Bulk and area requirements: sites must contain at least 1 acre, and contain 44,560 square feet.
- New Permitted Uses: gas stations in specific areas (Walmart and south), residential mixed use (including 40% affordable housing), retail sales, and a heliport.
- Removed/deleted: laboratories, industrial uses, drive-thrus, dog care uses.
- Specifying Prohibited Uses: pawn shops, tattoo parlors, massage parlors, rooming houses, stand-alone check cashing facilities, strip malls, industrial, public places of worship; private, social, and membership clubs, lodges.
- Promotion of consolidated parcels.
- Sets a building height compatible with adjacent roadway elevation.
- Terracing of development allowed where appropriate.
- Site Plan requirements: show adequate parking for average and over-sized vehicles, separate pedestrian and vehicle driveways.
- Signage: allowing digital and LED signs with some limitations, site signage allows larger signage for sites visible from I-91 while signage

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- facing Route 5 must be smaller and consistent with existing sign regulations.
- Application process includes submission of a General Development Plan under the Special Use Permit Application, followed by submission of a Site Plan including maps, showing steep slopes, wetlands, 2' contours, and other requirements of a Site Plan Application.
  - Waivers are allowable under the Special Use Permit with a 4 out of 5 vote by the Commission.
  - The Commission has the right to modify, approve, or deny the Site Plan; approval of the Site Plan requires posting of appropriate bonding.
  - Existing non-conforming uses will be grandfathered.

Town Planner Whitten noted the Commission also amended Section 304 – Uses Permitted in Any Zone – for places of public worship, private, social, and membership clubs, lodges.

Town Planner Whitten then referenced the various maps associated with the proposed Text Amendment, including: Residential Growth and Guide Plan, Residential Densities Plan, and Zoning Map Amendment.

Chairman Ouellette opened discussion to the Commission.

Commissioner Gowdy questioned clarification that drive-thru windows are being eliminated from new development? His concern was drive-thrus for pharmacies. Town Planner Whitten concurred that drive-thrus for a McDonald's or a bank wouldn't be allowed, although the requirement could be waived. Commissioner Moore suggested the existing sites currently containing drive-thrus could be converted to a CVS and utilize the drive-thru from the previous use.

Chairman Ouellette queried the remaining Commissioners; no one had questions at this time. Chairman Ouellette then opened discussion to the public.

**Nick Lata:** Mr. Lata reported he owns Lata's Mobile Home Park (North Road) which is on the edge of this proposed zone. Mr. Lata suggested the mobile home park doesn't really fit the standard residential use, but replacement of mobile homes is an on-going part of his business. He questioned that this use would be grandfathered under the proposed Text Amendment? Town Planner Whitten indicated Mr. Lata would have every right to continue to do what he's currently doing, but if you wanted to do something else with the property you would have more development options.

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**Gregg Nanni, 433 South Main Street, West Hartford:** Mr. Manny reported he is a General Manager of Prospect Enterprises, who represents REESG Properties, LLC, which owns two parcels on the west side of I-91 at the Bridge Street Exit. Mr. Nanni noted one of the parcels is located adjacent to the hotel (Rodeway Inn). Under the proposal before the Commission part of that parcel is being included in the HIZ but not all of it. Town Planner Whitten reported the decision regarding the boundaries of the HIZ were somewhat challenging to define; she suggested Mr. Nanni could apply for a partial zone change. Commissioner Moore suggested the Commission tried to include parcels that had access to the highway; they also wanted to keep the zone away from residents. Town Planner Whitten queried the Commission if they would entertain modifying the proposed boundary? Mr. Nanni respectfully requested the Commission give consideration to a rezone for the entire property.

Mr. Nanni noted his client also owns another parcel contiguous to the hotel. After referencing the area of proposed rezone Town Planner Whitten noted the second parcel is further away from the highway than the first parcel. Chairman Ouellette suggested the Commission discuss Mr. Nanni's requests later in the Public Hearing.

Mr. Nanni also referenced prohibited uses regarding drive-thrus; he questioned if all drive-thrus are prohibited? Town Planner Whitten indicated that was the Commission's desire.

With regard to strip malls, Mr. Nanni questioned if that was a defined term? Town Planner Whitten replied negatively, but noted the Commission was trying to get away from long blocks of stores. She suggested they would rather see 5 or 10 different buildings than a strip of buildings. Mr. Nanni questioned that any single building with more than one use on the ground floor would be considered a strip mall? Town Planner Whitten noted mixed use buildings, with business on the ground floor and residential above, have been allowed. She concurred the Commission should define the term more specifically.

Mr. Nanni then referenced the prohibition of industrial uses; he requested clarification that if the underlying zone is industrial it can stay industrial? Town Planner Whitten replied affirmatively, noting everything there today could stay, but if Mr. Nanni applied for the HIZ industrial uses would be prohibited.

**Joe Petrina:** Mr. Petrina reported he owns property on Bridge Street; he questioned if this is being done because of the casino? Town Planner Whitten replied absolutely not; the Commission would be doing this with or without the casino.

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Hearing no further requests for comments from the public at this point Chairman Ouellette turned discussion to the Commissioners.

Chairman Ouellette questioned how the Commissioners felt about making the zone go with the property line on the Bridge Street property? Commissioner Gowdy questioned the amount of area being considered? Town Planner Whitten guesstimated it would be about 1/3 of the property; Commissioner Gowdy then felt he would include it in the proposed HIZ. Chairman Ouellette clarified that there are really 2 parcels in questions. Commissioner Gowdy again questioned the amount of area being considered? Town Planner Whitten noted she didn't have the GIS information available but the Commission would be considering 1/3 of one parcel moving into the HIZ and another complete parcel. Commissioner Gowdy wasn't sure he would be in favor of that proposal. Commissioner Moore felt the corridor was being identified as including parcels with ease of access from I-91, and also for signage to be visible from I-91. Chairman Ouellette suggested that as the Commission begins to consider other properties they are beginning to cause the boundary line to creep. Commissioner Gowdy felt that after this clarification he would rather keep the delineation as it is currently proposed.

Chairman Ouellette indicated that if this proposal is approved tonight as presented nothing says it couldn't be approved another time as a developer comes through with a proposal.. Town Planner Whitten suggested an owner could come in with a development plan for discussion. She noted the Commission is very open to informal discussions; the Commission could at that time consider modifying the property line.

Chairman Ouellette questioned if Town Planner Whitten has a definition of a strip mall available? Town Planner Whitten noted strip mall is not currently included in the zoning definitions.

Chairman Ouellette opened discussion on the drive-thrus. He suggested he could go either way on this consideration but much of this proposal is for consolidation of parcels and ease of access and orderly traffic; when uses include drive-thrus the traffic flow can become confusing. Town Planner Whitten agreed the intent was for ease of vehicular flow. Chairman Ouellette noted drive-thrus currently exist as part of KFC, Wendy's, and the bank; Town Planner Whitten noted there is also the potential for development of the back parcel. Commissioner Moore suggested that all of those parcels exit at a traffic light. Jay Ussery, of J. R. Russo and Associates, suggested that if the underlying zone is currently B-2 and the owner wanted to come in anything allowed under the B-2 would be allowed; the Commission isn't taking the B-2 uses away. Town Planner Whitten replied affirmatively.

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Chairman Ouellette queried Mr. Nanni if he was ok with the discussion he's hearing on the zone line relative to his future flexibility? Chairman Ouellette suggested it sounds like the Commission feels the map as drawn is appropriate. Mr. Nanni suggested he understood the will of the Commission to keep that zone from intruding into the adjacent residential area. He felt the Commission would be receptive to reconsidering the zone line if an applicant made a request. Chairman Ouellette suggested Mr. Nanni contact Town Planner Whitten to discuss options before making a formal application.

Mr. Nanni indicated that with regard to drive-thrus in many towns they separate uses such as banks and pharmacies from food uses.

Town Planner Whitten referenced a definition of a strip mall from the Planners Dictionary. Chairman Ouellette suggested the Commission perceived that to be something like the malls along Freshwater Boulevard which are long contiguous buildings containing many separate units. He suggested the Commission was looking for creativity of development within this zone which incorporated attractive landscaping and pedestrian spaces; he suggested you wouldn't get that in a strip mall.

**Despina Tartsinis, owner of Sofia's Plaza:** questioned if the Commission was saying they don't want the strip malls now? Town Planner Whitten indicated strip malls wasn't the Commission's goal but currently you can do it without the HIZ. She noted what Ms. Tartsinis has in Sofia's Plaza is legal; the drive-thru for It's a Grind is legal.

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

Chairman Ouellette referenced Section 504.5 – Signage; he noted he personally isn't an advocate of digital signs. He feels they're a public nuisance, but for over-all creativity he's willing to accept them, although he doesn't like them. Chairman Ouellette queried the Commissioners for comments on digital signs; no one offered any suggestions.

Chairman Ouellette queried the audience again, noting the Commission can't take further comments after closing the Public Hearing.

**Jim Petrina:** Mr. Petrina questioned the future of this discussion; what's the next step; once you approve it is this a done deal? Town Planner Whitten reported the proposed Text Amendment has been referred to CRCOG (Capital Region Council of Governments); they've reviewed it and find it compatible with surrounding towns and that it ties into the rezoning of Warehouse Point. Chairman Ouellette noted the proposed Text Amendment is within the Planning

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and Zoning Commission's purview; it's the planning of the zoning within the community. The Text Amendment doesn't have to be approved by the Board of Selectmen.

Commissioner Moore questioned if there was a size difference for the lighted signs? Town Planner Whitten suggested the language isn't specific but requires an applicant to convince the Commission their proposal is appropriate regarding size.

Commissioner Zhigailo questioned the issue with billboards? Town Planner Whitten clarified that billboards aren't allowed at all; roof top signs are not allowed either.

Chairman Ouellette suggested there's nothing preventing an applicant from going through the process of a text amendment similar to this. Town Planner Whitten suggested that if someone adjacent to this zone wants to add their property to this zone they could.

Mike Ceppetelli, 42 Skinner Road: Mr. Ceppetelli questioned when this discussion started? Chairman Ouellette noted it's been on the Commission's agenda consistently. Town Planner Whitten reported this concept has been on the Commission's mind for a year or more but discussion has been ongoing for at least the past 6 months.

Carl Crane: Mr. Crane noted as a property owner he's been sent a letter but knows little about this proposal. Mr. Crane reported he owns property behind Eversource; his property is backed up by wetlands. Town Planner Whitten suggested the purpose of this proposal is to let properties that have visibility from I-91 have flexibility of development. She suggested that Mr. Crane's property is so much lower that his signage would have to be so high it wouldn't be visible from I-91.

Mr. Crane noted he also owns a house next to the nursing home which isn't included in this proposal. Town Planner Whitten indicated the Commission considered that area but tried to keep the zone away from residential properties as much as possible. Commissioner Kowalski suggested if the parcel met the 1 acre requirement it could be considered; Mr. Crane indicated the parcel is under an acre. Commissioner Kowalski suggested the parcel then doesn't meet the area requirement.

Chairman Ouellette queried the public, and the Commissioners, for further comments; no one requested to speak.

**MOTION:** To CLOSE THE PUBLIC HEARING on the Application for a Proposed Zoning Text Amendment, Zoning Map Change and minor modifications of the Plan of Conservation and Development (POCD): Highway Interchange Floating Zone (HIFZ) with modified uses and expansion, and renamed to Highway Interchange Overlay Zone (HIZ):

Moore moved/Thurz seconded/DISCUSSION: None.

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

**MOTION TO APPROVE** the amendments to the 2016 Plan of Conservation and Development, more specifically being

\***From Page #34** - Adding the HIZ to the Residential Growth Guide Plan and

\***From Page #35** - Deleting the Residential Densities Plan from the POCD, as it may contradict current and future efforts with residential growth.

**Effective Date:**

The proposed change shall become effective one day after public notice is published in newspaper, within 15 days from approval

**Conditions:**

1. A copy of the final motion and text amendment shall be filed in the Office of the Town Clerk on the effective date by the applicant. Said amendment shall bear the signatures of the Chairman and Secretary of the Commission, and the approval and effective date of the amendment.

Moore moved/Kowalski seconded/DISCUSSION: None.

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

**REASONS FOR APPROVAL:** Chairman Ouellette voted in favor of the proposed changes because they are business friendly and streamline the zoning process, and the changes provide greater flexibility in certain areas of town. Commissioner Moore voted in favor because he felt it will improve development in this area and the proposed changes are consistent with the POCD. Commissioner Thurz voted in favor because the proposed changes follow the POCD recommendations, and he felt the proposed changes will make property values go up. Commissioner Kowalski noted the Commission has been working on this proposed change for a long time; he voted in favor because the language in this proposal will give guidance for development in this area. Commissioner Gowdy voted in favor because this proposal is best for the town, and is consistent with the POCD.

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

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

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

The Commission RECESSED at 7:55 p.m.

Chairman Ouellette called the Meeting back to order at 8:00 p.m.

**MOTION TO APPROVE** the text amendments to the East Windsor Zoning Regulations to the Highway Interchange Floating Zone specifically being changes to:

**\*Chapter 304** -Uses Permitted In Any Zone: in order to clarify uses permitted in all zones may not be permitted in HIZ;

**\*Chapter 500** -Business & Industrial Districts: to re-define the HIFZ to HIZ; set bulk and area requirements and clarify that existing underlying zoning and rights may be maintained.;

**\*Chapter 502** - Permitted Uses in Business & Industrial Districts: to clarify permitted uses in the HIZ.

**\*Chapter 503** - Permitted Accessory Uses: to clarify permitted accessory uses in HIZ; and

**\*Chapter 504** - Highway Interchange Floating Zone: clarifying general concepts, uses, site appearance, signage application procedures and other requirements of the HIZ;

all as written and/or modified .

**Effective Date:**

The proposed change shall become effective one day after public notice is published in newspaper

**Conditions:**

1. A copy of the final motion and text amendment shall be filed in the Office of the Town Clerk on the effective date by the applicant. Said amendment shall bear the signatures of the Chairman and Secretary of the Commission, and the approval and effective date of the amendment.

**AND**

**MOTION TO APPROVE THE MAP AMENDMENT** to the Zoning Map to add the new boundary of the HIZ, and area allowing new gas stations

**Effective date:** same as text amendment

**Moore moved/Thurz seconded/**



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**DISCUSSION:** Commissioner Kowalski questioned the Commission's ability to approve the separate motions together? Chairman Ouellette clarified that the motion had been made correctly unless there was controversy with regard to one of the motions which might affect the vote.

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

**REASONS FOR APPROVAL:** Chairman Ouellette voted in favor of the proposed changes because they are business friendly and streamline the zoning process, and the changes provide greater flexibility in certain areas of town. Commissioner Moore voted in favor because he felt it will improve development in this area and the proposed changes are consistent with the POCD. Commissioner Thurz voted in favor because the proposed changes follow the POCD recommendations, and he felt the proposed changes will make property values go up. Commissioner Kowalski noted the Commission has been working on this proposed change for a long time; he voted in favor because the language in this proposal will give guidance for development in this area. Commissioner Gowdy voted in favor because this proposal is best for the town, and is consistent with the POCD.

**NEW BUSINESS:** None.

**OLD BUSINESS:** None.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:**

See discussion of Annual conference of Connecticut Federation of Planning and Zoning Agencies under **BUSINESS MEETING.**

**BUSINESS MEETING/(1) Informal Discussion with Lake Road Materials, LLC regarding earth removal project::**

Frank Pecaro, Scott Guilmartin, Mark Zessin, of Anchor Engineering, and Chris Davis (real estate agent) joined the Board.

Mr. Guilmartin advised the Board he has been a member of the Suffield Zoning Commission for several years; this evening he's sitting on the other side of the table. He advised the Commission he and his partner, Mr. Pecaro, are looking to source sand for a commercial operation. He understands the issues surrounding gravel operations, and has spent 6 or 7 months looking at parcels that wouldn't trip the prohibitions in the regulations, and also parcels with the right parameters, and with rail access. They are presently considering a parcel on East Road. Mr. Guilmartin turned the discussion over to Mr. Zessin..

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Mr. Zessin introduced himself. He referenced a parcel on the west side of East Road, noting the excavation would occur on the lot to the rear. Mr. Zessin suggested the parcel to the north of the subject parcel has been mined in the past, as has the parcel to the east. Mr. Zessin reported they are confident there is good material on this parcel.

Mr. Guilmartin reported they have had discussions with the owner of the New England Railroad regarding a rail crossing and improvements that would need to be made; they feel rail is a viable option for delivery of these materials.

Commissioner Gowdy questioned how far would the rail delivery go? Mr. Guilmartin suggested they anticipate Enfield Transit as a potential customer. He reported there is also a real opportunity to move the sand south out of Connecticut. Commissioner Gowdy questioned if the rail owner has the capability to move the amount of sand anticipated? Mr. Guilmartin indicated they estimate 10 to 15 cars/day.

Commissioner Moore questioned if they would be installing a loading dock? Mr. Guilmartin replied probably, noting they are still under discussions regarding the operation.

Commissioner Thurz questioned if there were any plans for trucking any of the material? Mr. Guilmartin suggested they would love to move everything by rail but he anticipates they would propose a smaller number of trucks than the 40 trucks/day allowed under other current operations. Commissioner Thurz noted this is not an easy location to get trucks in. Commissioner Moore questioned if they had talked to the owner to the north of the subject property regarding access? Chairman Ouellette questioned that there was a non-public haul road in the area which would eliminate moving trucks through the residential area? It was thought there had been a farm road in the vicinity.

Commissioner Kowalski noted that with previous gravel operations the biggest outcry from the public has been dust and noise. Commissioner Kowalski felt that with gravel there was a better opportunity to control dust but felt that would be difficult with sand. Commissioner Moore suggested the wind comes from the east in this area and whips through the development on the east side. Mr. Guilmartin indicated he would discuss this with his engineers. Commissioner Kowalski noted a previous applicant had found it necessary to install a hard surface on his service road to cut down on dust.

Commissioner Kowalski suggested the rail line is a big benefit; truck traffic is a problem. Mr. Guilmartin suggested the rail line has had its ups and downs but it connects with a very viable line south and it's only one rail system now. Commissioner Moore questioned if Mr. Guilmartin had talked to any of the other pits along the rail line regarding use of the rail line? Mr. Guilmartin indicated there have been conversations but he didn't know their business plans.

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Chairman Ouellette questioned what's in this operation for East Windsor? Mr. Guilmartin requested his thoughts. Chairman Ouellette cited there are benefits for the property owners but there are no tax benefits to the town. Commissioner Gowdy questioned if there was a better use for the property? Mr. Guilmartin suggested they could talk about user fees/payments. Commissioner Moore noted the property is currently in an agricultural use. Chris Davis, who had accompanied Mr. Guilmartin, noted part of the property is an A-1 Zone; the property has been on the market for a year. He questioned if it's being farmed currently? Mr. Guilmartin indicated the owners were hoping to hear the Commission's thoughts; he questioned if the Town is looking for Open Space?

Chairman Ouellette questioned if Mr. Guilmartin had any idea as to how much material the parcel might yield; he was thinking in terms of the duration of the project. Mr. Guilmartin indicated they hadn't done a sub-surface analysis until they know if this proposal is viable.

Mr. Guilmartin queried the Commission if it would be fair for him to think if they can address these issues and have a value for the town that they would have a reasonable shot for an application? Chairman Ouellette suggested the Commission wasn't kicking Mr. Guilmartin out the door but he would suggest they continue dialogue with staff regarding traffic and dust. Mr. Guilmartin suggested he would look at the haul road.

Commissioner Moore questioned what the use would be after completion of the project? Mr. Guilmartin suggested maybe agriculture or Open Space; he isn't talking about a residential subdivision but he would like the property to have utility for the future. Town Planner Whitten advised Mr. Guilmartin there are no sewer lines in the area. Commissioner Moore suggested Mr. Guilmartin could put up a wind screen for the dust.

Commissioner Gowdy questioned if the railroad has given Mr. Guilmartin a guarantee that they can handle this project? Mr. Guilmartin indicated they will need more cars. Commissioner Gowdy suggested the tracks are bad. Mr. Guilmartin indicated some improvements involve DOT. He's been told those are understood and each party's obligation is clear. Mr. Guilmartin has reasonable confidence that it's possible.

Town Planner Whitten suggested she was curious why Charbonneau and Holden don't use the tracks if that's a viable option? Chairman Ouellette suggested maybe their product is different. Commissioner Moore recalled they had said they were hauling to Hartford and it's easier to fill a tri-axle truck. Mr. Guilmartin suggested what they're doing now must work for them.

Commissioner Gowdy questioned if this operation is Mr. Guilmartin's individually or an organization? Mr. Guilmartin suggested it will be an LLC; he indicated they have owned real estate and also have developed another sand facility in Suffield; they're not new to this. Commissioner Gowdy requested that if Mr. Guilmartin returns to the Commission

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that he bring a representative of the railroad with him. He cited the pile of ties at Kreyssig Road; they also need to do something to cross Broad Brook. Mr. Guilmartin felt some of the work may already be scheduled; he feels the condition of the track is better going south rather than north and they will be looking to go south.

Mr. Guilmartin thanked the Board for their time.

**BUSINESS MEETING/(6) Informal Discussion – Revay’s**

Kathy and Chuck Hart, John Revay, and Jay Ussery, of J. R. Russo & Associates, joined the Board.

Mr. Ussery noted the business has grown since they started in 1974. Mr. Hart is considering retirement; they’re questioning what to do with the property. They would like to continue the nursery/garden center but have been marketing the property without success. They spoke to Town Planner Whitten about the possibility of professional offices but the property is zoned A-1 which doesn’t allow offices. They looked at the North Road corridor, which comes up just past Wells Road – a mile or so short of the Revay property. Mr. Ussery noted North Road is a State highway which carries 12,000 to 15, 000 vehicles per day. He noted the gradual transition from single family homes to something else. He questioned the possibility of an overlay zone, or a continuance of the B-3 Zone to allow other uses at this location.

Mr. Ussery noted they had discussed the possibility of a brewery, or a winery, or a veterinary hospital.

Commissioner Gowdy questioned if they’ve had offers which they hadn’t been able to act on because of the zone? Mr. Ussery replied affirmatively, but he thought a zone change would be spot zoning. He questioned the possibility of a business overlay zone? Commissioner Thurz suggested not many people have built single family homes in this area in the last 40 years; Mr. Ussery agreed, noting the area won’t stay residential. Mr. Ussery suggested they would like to continue discussions with Town Planner Whitten to draft a text amendment to discuss with the Board further. He cited the need to proceed carefully as residents still live in the area. Commissioner Kowalski suggested looking to the people who live across the street; what would they like? Discussion followed regarding the possibility of a market, a farmer’s market, winery, or brewery. Commissioner Moore suggested considering a co-op where the family could retain ownership but also rent a part of the property to someone else.

Chairman Ouellette suggested Mr. Ussery continue to work with staff regarding potential options, and possibly an overlay zone.

**BUSINESS MEETING/(2) Zoning Compliance Issues:**

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The Commission reviewed the report submitted by Zoning Enforcement Officer Tyksinski.

Town Planner Whitten reiterated ZEO Tyksinski is unable to issue citations without a Hearing Officer; that position is currently vacant. Chairman Ouellette questioned the ability to tweak the ordinance? Town Planner Whitten noted the ordinance is based on State requirements; if a fine is issued the Town must have a Hearing Officer to hear an appeal. Town Planner Whitten reported several people have been contacted regarding the position; no one is interested.

Zoning Enforcement Officer (ZEO) Tyksinski referenced a couple of outstanding violations on his report:

- **20 Margaret Drive:**

ZEO Tyksinski reported this violation dates back to 2016 when it was determined the owner was running a commercial business out of the property. There were a number of steps taken by the Planning Department, they were made to stop storage of materials on the property. ZEO Tyksinski reported he has made 3 or 4 inspections of the property. The only remaining zoning issue is the truck; the wetlands issue is separate.

Chairman Ouellette noted the discussion which occurred at the previous meeting regarding the definition of a 1 ½ ton vehicle, and the Commissioners' concern that if that definition were applied broadly across the board there would be significant consequences. Discussion continued regarding vehicle capacity. Commissioner Thurz suggested the definition should be based on the manufacturer's classification. It was ultimately decided that Mr. Brown has one commercial vehicle which is a 1 ton truck.

Town Planner Whitten clarified that there are no longer any zoning issues related to Mr. Brown's property.

Commissioner Kowalski suggested regulation language be reviewed as it relates to not being able to garage the vehicle.

- **25 Mahoney Road:**

The Commission recalled Mr. Rodrigue's comments regarding the condition of this property. Town Planner Whitten indicated this property is an example of where the Hearing Officer is needed. Chairman Ouellette suggested the Commission concurs.

Town Planner Whitten reported she is requesting funding under the upcoming budget for a new employee position to handle blight and zoning enforcement combined. One individual who can devote full time to this task provides better tracking; the procedure for

enforcement is time consuming and detailed. Commissioner Thurz noted the Town of Windsor has someone come in and remove the STUFF and then bills the property owner.

Chairman Ouellette suggested as an alternative that perhaps the position could be a task-based consultant who would work on specific assignments. The consultant would be cheaper because they wouldn't be paid benefits as a long term employee would, and perhaps they could be shared with another department.

**BUSINESS MEETING/(3) Discussion on Aquifer Protection Regulations:**

Town Planner Whitten reported that a previous employee had brought this task to the point of sending out letters to businesses located within the Aquifer Protection Area. She reported there is an online course available which Assistant Planner Tyksinski will take; she noted the Commissioners can take the course as well.

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

• **Connecticut Federation of Planning and Zoning Agencies annual conference:**

Chairman Ouellette noted receipt of a flyer announcing the annual conference of the Connecticut Federation of Planning and Zoning Agencies on Thursday, March 22, 2018 at the Aqua Turf Country Club in Plantsville, Connecticut. The speaker this year is Dr. Don Poland; Dr. Poland had previously been a planner in East Windsor.

Town Planner Whitten advised the Commission money is available for them to attend. Chairman Ouellette, and Commissioners Gowdy, Kowalski, Moore, Thurz, and Zhigailo would like to attend.

• **Capital Region Council of Governments Regional Planning Commission Membership:**

Town Planner Whitten reported CRCOG has a Regional Planning Commission; they are looking for a representative from East Windsor. The Commission meets every other month. Chairman Ouellette volunteered; Commissioner Moore volunteered for March.

Town Planner Whitten advised the Commission of the following:

- she had applied for a Smart Growth Development Grant; East Windsor has been awarded \$123,000 for stormwater improvements in Warehouse Point.
- Calamar is coming in for their pre-construction meeting; they have posted their bonds.

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- Chairman Ouellette questioned the status of activity with the church application on Route 5? Town Planner Whitten noted they have been doing work inside the building.
- Chairman Ouellette suggested the Commission has not yet reviewed bylaws for this season.

**BUSINESS MEETING/(5) Signing of Mylars/Plans, Motions:**

**Mylars:** None.

**Motions:**

- **23 Thompson Road Enterprises, LLC** – Site Plan Approval for installation of pole mounted lights at 23 Thompson Road. [M-1 zone; Map 82, Block 18, Lot 9]

**ADJOURNMENT:**

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

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

Respectfully submitted,

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