

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

**SPECIAL Meeting #1745 – August 14, 2018**

***MEETING MINUTES***

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

The Meeting was called to order in Meeting Room 1 at Scout Hall, 28 Abbe Road, East Windsor, CT. at 6:30 P. M. by Chairman Ouellette.

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

**ABSENT:**    **Regular Members:** All Regular Members present  
                  **Alternate Members:** Alternate Member Anne Gobin was unable to attend this Meeting.

Also present was Assistant Town Planner Matt Tyksinski.

**GUESTS:**    First Selectman Bob Maynard; Stanley J. Kement, Jr.; Brian Lowe; Jim Barton, Chief, and Rich Austin, Assistant Chief, of the Warehouse Point Fire Department; Kathy and Dick Pippin.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as five 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. Alternate Members would join the Board regarding discussion on all Items of Business this evening as well.

**LEGAL NOTICE:**

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, August 2, 2018 and Thursday, August 9, 2018, was read by Chairman Ouellette:

1. Application of North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement for a Special Use Permit to allow Soil Management Facility with construction of material storage bins at existing construction yard located at 297 North Road. (A-1 & A-2 zones; Map 117, Block 36, Lots 43B & 43C)

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

2

2. Application of Invulnerable, LLC and owner Sofia's Plazas, LLC for a Special Use Permit / Commercial Recreation to use 2,500 sq. ft. of space for commercial Cross Fit Training at 2 North Road, Unit #7. (B-2 zone; Map 112, Block 17, Lot 1)

**ADDED AGENDA ITEMS:** None – Special 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/July 24, 2018 Regular Meeting:**

Office Staff had noted information reflected regarding the bond retention amount for Newberry Village was incorrect in the July 24 Meeting Minutes. The correct figure retained should be shown in the Minutes as amended below.

**MOTION:** To ACCEPT the Minutes of Regular Meeting #1744 dated July 24, 2018, with the following amendment:  
**Page 2, PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE: Newberry Village – Request for final release of the bond for paving of the road cuts on Newberry Road:**

**MOTION:** To APPROVE the release of \$5,000 from the ~~\$69,744~~ **\$64,419** being retained for Newberry Village, amount to be released is due to the satisfactory completion of road cuts.

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

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

**RECEIPT OF APPLICATIONS:** See Page 12.

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS – North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement** – Special Use Permit to allow Soil

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

3

Management Facility with construction of material storage bins at existing construction yard located at 297 North Road. (A-1 & A-2 Zones; Map 117, Block 36, Lots 43B & 43C) – (*Deadline to close hearing 9/18/2018*):

Chairman Ouellette read the description of this Public Hearing Agenda item. Marek Kement, of Anchor Engineering, Engineer of the project and also one of the Applicants, and Stanley Kement, Jr., another Applicant, were present to discuss the Application.

Mr. Kement reported this is an Application for a Special Use Permit to allow a soil management and storage facility to be located at 297 North Road. The parcel contains approximately 70 acres and is located on the north side of North Road/Route 140 west of the Scantic River and east of the Mansions apartment complex. The parcel was previously approved for a municipal waste storage facility (King's Crossing); that partnership has ceased and the Applicants are now proposing a soils management/storage facility at this location.

Mr. Kement indicated all the work for this proposal will occur on the west side of the former landfill. A scale house will be built along the current access entrance into the site; covered storage bins will be installed further into the site for containment of the materials being brought in. All material coming into the site will be tested. If the soil is found to be contaminated it will be removed from the site; no hazardous materials will be brought to the site or stored on site. Trucks will enter and exit via the current access driveway. Mr. Kement noted former Town Planner Whitten's recommendation to install a landscape berm, including arborvitae, along Route 140 to block visibility of the site from Route 140. Mr. Kement also noted they will be installing silt fence down gradient of the site for erosion controls. Referencing an area on the Site Plan Mr. Kement indicated "this" area is currently millings; they will add a more permanent material for the anti-tracking pad if necessary.

Mr. Kement referenced Town Engineer Norton's memo of July 6<sup>th</sup>; all his comments have been addressed as indicated in his revised memo of August 3<sup>rd</sup>.

Mr. Kement noted they're asking for a waiver of the 100 foot buffer distance between properties owned by the Kement family. The buffer set back distance along family owned parcels would be reduced to 50 feet. The closest non-family owned parcel is the Mansions, which is 1200 feet distant from this parcel; the area owned by the Kement family between the Mansions currently contains a natural, mature buffer.

Mr. Kement reiterated this operation was previously approved; nothing has changed except the size of the operation. The property, including the landfill, existed prior to Zoning Regulations. The land can't be farmed, and can't be used for houses. This proposal is for a filling pit, which is allowed under the Earth Excavation Regulations.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

4

Commissioner Gowdy questioned where the nearest well is located? Mr. Kement referenced the Site Plan, noting “here”, and at his Grandmother’s house. Commissioner Gowdy questioned that should contamination occur it won’t get into the aquifer? Mr. Kement replied negatively, noting the direction of flow on the Site Plan. Commissioner Thurz recalled that this is the bin set up that was approved previously. Mr. Kement concurred, but noted these bins will be constructed on blacktop while the other piles were to be covered by plastic. They’ll build one bin first, and then complete the second; both of the bins under this proposal will be covered by a structure.

Commissioner Kowalski recalled that during the previous application there was concern for spillage from the bin areas; he questioned if the current drainage plan will include sheet drainage? Mr. Kement suggested that with the previous approval the plastic was the problem, especially in the Winter.

Commissioner Sullivan questioned where the soil will come from? Mr. Kement replied from the MDC Tunnel Project (in Hartford), but anyone can bring material in; everything will be tested. Commissioner Sullivan questioned who will do the testing? Mr. Kement indicated that hadn’t been decided – maybe they’ll test it or make it a requirement of the people bringing in the material. Commissioner Zhigailo suggested the Kement Family appeared to be acting as an intermediary. Mr. Kement suggested DEEP has thresholds as to what material can be brought in. Mr. Kement suggested the material will have a low level of pollution.

Commissioner Sullivan questioned that the buffer along Route 140 would be natural material? Mr. Kement replied affirmatively, noting that even where the 50 foot buffer would be located they wouldn’t be doing anything near those areas. The primary activity will occur behind Mr. Kement’s Grandmother’s house. Commissioner Kowalski questioned the street level elevation; Mr. Kement replied 110 feet. Commissioner Kowalski questioned if the top of the piles would be visible from the street? Mr. Kement replied negatively, noting the landscape berm will prevent visibility. Commissioner Kowalski felt the piles will be pretty close; Mr. Kement indicated they wouldn’t go higher than the elevation was prior.

Commissioner Kowalski questioned if the anticipated activity would entail a 10 year plan? Mr. Kement indicated he was talking about 1 million yards of material coming in; realistically, this is a 20 year operation.

Commissioner Moore questioned the process for the material going back out. Mr. Kement suggested what’s coming in is tested; the clean material can be stored on site and then resold.

Commissioner Kowalski indicted he’d like to see a stipulation that if the property changed hands the area of the 50 foot buffer would return to a 100 foot buffer.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

5

Chairman Ouellette suggested the buffer change would be a lot line adjustment on the other parcel. Commissioner Kowalski reiterated he'd like to reestablish the (100 foot) buffer. Commissioner Gowdy cited that once the "variance" (waiver<sup>1</sup>) is granted conditions can't be put on the variance. Mr. Kement, referencing the site plan, suggested "this" area isn't part of the Application so conditions can't be imposed on it. Mr. Kement suggested a buyer knows what they're buying, which would include the limit of the variance. Commissioner Gowdy clarified that once the variance is granted if the Kement Family wants to sell the property the variance is part of it. Mr. Kement questioned if the Commission would like the buffer to be planted? Commissioner Moore felt that the area would be "healed" by the time anything would be sold. Mr. Kement referenced the phasing sheet of the plans; he indicated they will be filling the area slowly. He cited the current regulation limiting phases to 7 acres. He noted the last area to be filled will be phase 4. Commissioner Sullivan questioned that the material will all be soil? Mr. Kement indicated it would also include gravel, some concrete, but no demolition materials. Commissioner Moore questioned if Mr. Kement would take in roots and stumps? Mr. Kement replied negatively.

Commissioner Thurz questioned the hours of operation? Mr. Kement indicated they would be the same as the previous approval. The area of operation is bigger than the previous application because they're using bins rather than stockpiles. Chairman Ouellette noted Condition #14 of the proposed approval motion relates to hours of operation and is currently blank; what hours are being requested? Mr. Kement suggested Monday through Saturday from 7:00 a.m. to 5:00 p.m.

Chairman Ouellette questioned the number of trucks anticipated per day? Mr. Kement indicated they would request the same as the previous application – 60 trips per day. They would return to the Commission with a Site Plan Modification for a higher number if the operation gets bigger, and would provide a new Traffic Study at that time. Chairman Ouellette noted that the current Traffic Study was prepared in 2015. While the current traffic level is actually lower today the methodology used is 3 years out of date. Moving forward, if there is a need for a new Traffic Study it would need to be updated.

Chairman Ouellette queried the Commissioners for additional comments. As the Commissioners had no questions at present Chairman Ouellette opened discussion to the public.

**First Selectman Maynard:** First Selectman Maynard questioned what would happen to the property after the fill was brought in? Mr. Kement suggested maybe solar panels with a park.

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<sup>11</sup> Transcription clarification: The waiver was routinely referred to as a variance during discussions – no issue, just a clarification.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

6

Commissioner Sullivan suggested that the higher the Applicant goes with the piles in the bins you would be increasing the slope to the Scantic River. Mr. Kement referenced an area on the Site Plan, suggesting areas where the grade would change. He noted the location of an existing access road used to maintain the monitoring wells. Mr. Kement referenced the detention and discharge areas, noting the water will never get to the Scantic River. Commissioner Sullivan questioned that the Application was outside the jurisdiction of the Inland Wetlands Commission? Mr. Kement replied affirmatively; he referenced the 150 foot upland review line.

Commissioner Moore questioned when the landfill was capped? Mr. Kement suggested in the 80s.

Chairman Ouellette noted this proposal is an unusual Site Plan Application; since his time on the Commission he doesn't recall a filling operation. He noted a Special Use Permit includes a renewal date; this operation can go on forever. Mr. Kement suggested their goal with the proposal was to be conservative and safe; they want it work out as well.

Chairman Ouellette queried Commissioner Kowalski regarding his comments related to the waiver request. Commissioner Kowalski indicated he understands the family relationship with the parcels but the parcel can be sold in the future. He understood the buyer beware concept but often buyers don't understand what they have isn't what they envisioned. Mr. Kement felt it was the same with any "variance"; he felt if someone is buying a property they should be fully aware. Commissioner Sullivan questioned how important the 50 feet is? Mr. Kement suggested it would be "hour glassing" the operation, and the larger buffer brings in a third party, and, the regulations allow it.

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

Commissioner Kowalski questioned if the vent pipes will be maintained? Mr. Kement replied affirmatively.

Chairman Ouellette questioned Assistant Town Planner Tyksinski if he was comfortable with the proposal? Assistant Town Planner Tyksinski replied yes.

**MOTION: To CLOSE the Public Hearing on the Application of North Road Materials, LLC and owner The Kement Family Limited Partnership & Isabella V. Kement – Special Use Permit to allow Soil Management Facility with construction of material storage bins at existing construction yard located at 297 North Road. (A-1 & A-2 Zones; Map 117, Block 36, Lots 43B & 43C) –**

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

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

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

7

**(No one opposed/No abstentions)**

Chairman Ouellette offered the Commission the opportunity for final discussion prior to voting on the Application.

Commissioner Sullivan felt everything had been explained. He suggested he has a problem visualizing the 100 foot grade change, although he felt it would be a gentle slope over the 70 acres. Mr. Kement indicated it would be a 3:1 slope.

Commissioner Thurz felt it was essentially the same as the Application approved 2 years ago.

Assistant Planner Tyksinski felt the waiver request wouldn't be a huge change as he referenced Section 814.3.a which allows coordination of a buffer with adjacent property owners; he felt it would be different with a normal variance. Commissioner Thurz noted the properties have been in the Kement family for 80+ years.

**MOTION TO APPROVE THE WAIVER of 814.3a to reduce the 100 foot buffer to excavation/filling and grading activities to 50 feet where the property abuts other family properties.**

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

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

**MOTION TO APPROVE Application of The Kement Family Limited Partnership & Isabelle Kement, requesting a Site Plan/Special Use Permit per Chapter 502 of the Zoning Regulations to allow a contractors storage yard with greater than 2000 sq. ft. of material storage, and earth filling per Ch. 814 at 297 North Road, A-1 & A-2 Zones (Map 117, Block 36, Lots 43B & 43C)**

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

**Referenced Plans:**

- Cover Sheet - Soil Management Facility ,prepared for North Road Materials, LLC 297 North road – Broad Brook CT 06016 dated May 10, 2018, prepared by Anchor Engineering Services, Inc., 41 Sequin Dr. Glastonbury CT 06033 860 633-8770, [www.anchorengr.com](http://www.anchorengr.com)
- 1/5 Existing Conditions Plan  
2/5 Overall Site Plan  
3/5 Phasing Plan  
4/5 Detailed Site Plan  
5/5 Construction Details & Notes
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**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

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

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

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

3. Two final full sets of mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One shall be filed on the Town Land Records, and one filed with the Planning and Zoning Department
4. Special Use Permit shall be filed on the land records in the Town Clerks Office.

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

5. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
6. This application specifically allows the storage and management of soil. There shall be NO PROCESSING of any materials within the subject area.

**General Conditions:**

7. In accordance with Chapter 900.3.h of the Zoning Regulations, site plan approval shall become null and void in One Year from date of approval if the activities have not commenced and the site plan shall be considered disapproved, and Special Use Permit shall be voided, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. An erosion control bond is required per each phase of filling, and possibly for soil management area.
10. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
13. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town Staff to periodically enter upon the subject property for the purpose of determining compliance with the



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

terms of this approval.

**Additional Conditions:**

14. *Hours of operation are 7:00 a.m. to 5:00 p.m. Monday through Saturday.*  
These hours will include utilization of on site equipment such as tub grinders, and truck traffic.
15. *Truck trips shall not exceed 60 trips per day.*
16. It is the applicant's responsibility to pursue any required State permits, such as from CT DEEP, and CT DOT for change of use.

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

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

**NEW PUBLIC HEARING – Invulnerable, LLC and owner Sofia's Plazas, LLC –**  
Special Use Permit/Commercial Recreation to use 2,500 sq. ft. of space for commercial Cross Fit Training at 2 North Road, Unit #7. (B-2 Zone; Map 112, Block 17, Lot 1)  
(Deadline to close hearing 9/18/2018):

Chairman Ouellette read the description of this Public Hearing. Appearing to discuss the proposal was Brian Lowe, the Applicant.

Mr. Lowe advised the Commission he and his wife own Invulnerable, LLC.; they would like to use 2,500 square feet of space at Sofia's Plaza for a cross fit training facility. They would train small groups of people; their operation wouldn't be like Planet Fitness. They would have three sessions in the morning and three or four additional sessions in the evenings.

Commissioner Thurz questioned the location of this operation in the plaza? Mr. Lowe indicated Unit #7 in the rear of the plaza. Chairman Ouellette questioned if Mr. Lowe would be assigned specific parking spaces or would his clients be able to park anywhere? Mr. Lowe understood the clients would park anywhere spots were available. Commissioner Sullivan questioned if there would be "walk through" availability for the clients, or would they walk around to the unit? Mr. Lowe indicated clients would walk around the building to his unit. Commissioner Thurz questioned why Mr. Lowe was appearing before the Commission? Mr. Lowe indicated he understood anything going into the plaza required a Special Use Permit Application for approval of the use. Commissioner Kowalski questioned how many people would be in the classes? Mr. Lowe indicated he's comfortable with about 10 clients per class. Commissioner Gowdy questioned how Mr. Lowe got his clients? Mr. Lowe suggested word of mouth, current clients tell their friends who then become clients; he also plans to use social media in the future. Commissioner Kowalski questioned if the business grew where would Mr. Lowe

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

add classes? Mr. Lowe suggested he would add one earlier in the evening and one later in the morning.

The Commissioners had no further questions. Chairman Ouellette opened comments to the public; no one requested to speak.

**MOTION: To CLOSE the Public Hearing on the Application of Invulnerable, LLC and owner Sofia's Plazas, LLC – Special Use Permit/Commercial Recreation to use 2,500 sq. ft. of space for commercial Cross Fit Training at 2 North Road, Unit #7. (B-2 Zone; Map 112, Block 17, Lot 1)**

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

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

**MOTION TO APPROVE the Application of Invulnerable, LLC and owner Sofia's Plaza, LLC for a Special Use Permit / Commercial Recreation to use a 2,500 square feet of space for commercial Cross Fit Training at 2 North Road, Unit #7. B-2 Zone; Assessor's Map 112, Block 17, Lot 1. This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:**

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**Referenced Plans:**

1. Property of Sofia's Plazas, LLC, North Road & Prospect Hill Road, East Windsor, CT. Key Map 1" = 40' for Sophia's Plazas, LLC, North Road & Prospect Hill Road, East Windsor, CT 06088 prepared by JR Russo and Association, 1 Shoham Road, East Windsor, CT 06088 P: 860-623-0569, F: 860-623-2485 [www.jrusso.com](http://www.jrusso.com)
2. Property of Sofia's Plazas, LLC, North Road & Prospect Hill Road, East Windsor, CT. Key Map 1" = 40' for River Valley Fellowship Church, North Road & Prospect Hill Road, East Windsor, CT 06088 prepared by JR Russo and Association, 1 Shoham Road, East Windsor, CT 06088 P: 860-623-0569, F: 860-623-2485 [www.jrusso.com](http://www.jrusso.com)

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

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

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

3. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

4. In accordance with Chapter 900.2e of the Zoning Regulations, any approved Special Permit shall become null and void if the Special Permit activity or any construction or renovation required prior to activity is not commenced within 12 months of the date of approval and an extension of time has not been granted by the commission.

5. In accordance with Chapter 900.2d of the Zoning Regulations, any use for which a Special Permit has been granted shall be deemed to be a permitted use in the zone in which such use is located provided that such approval shall affect only the specific activity for which such approval was granted.

6. In accordance with Chapter 900.2f, no special permit shall remain valid if the activity has not commenced within 24 months of the date of approval, unless an extension is granted by the Commission.

7. A Zoning /Change of Use Permit shall be obtained prior to the final Certificate of Occupancy

8. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.

9. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.

10. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

11. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining the compliance with the terms of this approval.

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

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

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

12

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Invulnerable, LLC and owner Sofia's Plazas, LLC for a Special Use Permit/ Commercial Recreation to use 2,500 sq. ft of space for commercial Cross Fit Training at 2 North Road, Unit #7. [B-2 Zone; Map 112, Block 17, Lot 1]
2. Application of WSG, LLC for a Special Use Permit/Excavation to allow commercial sand and gravel excavation operation, to be done in four phases at 4 Wapping Road. [M-1 & A-1 Zones; Map 17, Block 65, Lot 8-34]
3. Application of Richard Austin, Warehouse Point Fire District for Site Plan Approval to allow electronic sign at 89 Bridge Street. (B-1 Zone; Map 111, Block 12, Lot 2)

**NEW BUSINESS – Warehouse Point Fire District** – Site Plan Approval to allow electronic sign at 89 Bridge Street. (B-1 Zone; Map 111, Block 12, Lot 2):

Chairman Ouellette announced this Agenda item. Appearing to discuss this application was Rich Austin, Assistant Chief, and Jim Barton, Chief, of the Warehouse Point Fire Department.

Mr. Austin reported they would like to install a new sign at the fire station in the same location as the current sign, although they would like to raise the new sign up a bit as people back into the current sign; they would also like to move the new sign back a bit from the street in case Bridge Street is widened. Assistant Chief Austin reported the digital area can be changed for whatever message is appropriate at the time. As an example, they would like to post “vote today” during elections.

Chairman Ouellette indicated his concern was blocking the line of vision for vehicles driving out of the station. Assistant Chief Austin cited their concern that Bridge Street may be widened in the future. Commissioner Kowalski questioned the location of the right-of-way? Assistant Chief Austin felt it was approximately 16' feet from the edge of the road; he felt the current sign may be 6 feet from that boundary.

Commissioner Kowalski questioned that when they order the sign can they specify restrictions during the manufacturing process? Assistant Chief Austin indicated that they already have the new sign, which was paid for through a private donation. They held off installing the sign as they wanted to work with the Town and do it right. He indicated that the digital area of the sign is slightly larger than the regulations allow as the sign was purchased prior to adoption of the Municipal (Digital) Sign Regulations. Assistant Chief Austin noted that because the sign is computer based the messages can say

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

13

whatever is appropriate for a particular message. Commissioner Thurz suggested this is what he wanted to do with the Town regarding messaging appropriate information for residents. Commissioner Kowalski cited concern that because the message can be digitally changed someone could exceed the regulation requirements regarding the size of the lettering, etc. Assistant Chief Austin indicated the sign has been manufactured by a well-known sign company; he doesn't anticipate problems. Chief Barton noted they only have 4 or 5 lines for the message.

The Commission discussed the size of the sign as it relates to the regulations. Commissioner Kowalski felt the maximum size referenced in the regulations relates to the area of the digital message; the header of the sign is not included in that size criteria. Commissioner Sullivan requested clarification on the interpretation of the size going forward. Chairman Ouellette suggested the size specified is the digital area; the rest is the support area. Commissioner Kowalski suggested the rest of the sign (the support area) must meet the rest of the Sign Regulations.

Chairman Ouellette noted this would also be a municipal 8-24 referral to the Board of Selectmen who has the ultimate authority for approval of this sign.

Commissioner Gowdy questioned the cost of the sign. Assistant Chief Austin indicated the sign they purchased cost \$18,000; they were willed \$25,000 and anticipate the cost of the support structure will use the remainder of the bequest.

**MOTION: To Planning and Zoning Commission is in favor of the Site Plan Application of the Warehouse Point Fire District to allow electronic sign at 89 Bridge Street (B-1 Zone; Map 111, Block 12, Lot 2) as submitted under the Municipal Digital Sign Regulations, AND, the Planning and Zoning Commission RECOMMENDS an 8-24 Referral to the Board of Selectmen to approve the sign as proposed.**

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

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

Chairman Ouellette thanked Assistant Chief Austin and Chief Barton for their presentation; he suggested this was a great donation to the department. Chief Barton indicated they'll be putting a plaque on the bottom of the support structure identifying the donor. Commissioner Sullivan felt the proposal is what the Commission wanted; the proposal looks good.

**OLD BUSINESS: None.**

**OTHER BUSINESS: None.**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

14

**CORRESPONDENCE:** None.

**BUSINESS MEETING/(1) Informal Discussion – Sardilli Farms:**

First Selectman Maynard advised the Commission the Board of Selectmen are discussing a proposal from Sardelli Farms to relocate their business to a parcel on Rouge 5. Should the discussion come to fruition the Commission will be seeing a Site Plan Application in the future. Discussion continued regarding the scope of the business, anticipated traffic impact, and staffing levels.

**BUSINESS MEETING/(2) TOD Smart Growth Grant for Warehouse Point:**

First Selectman Maynard updated the Commission on the status of the TOD Smart Growth Grant acquired by former Town Planner Whitten. A grant of \$123,000 was received; the Town contributed a match of \$13,700; \$137,500 is available to study the relationship of stormwater management and development of the Warehouse Point Village. First Selectman Maynard reported Terri Hahn, of LADA, P.C. Land Planners, will conduct the study and will attend the Commission's next meeting to begin planning the process.

Discussion followed regarding the processes involved in the study, the involvement of Town Engineer Norton, and other staff involvement. Chairman Ouellette felt there would be opportunities for involvement from other Boards and Commissions, such as the EDC, the Wetlands Commission, and others.

First Selectman Maynard cited former Town Planner Whitten did an excellent job on the plan as submitted for the grant.

**BUSINESS MEETING/(3) General Zoning Issues:**

- **Sports World:**

Assistant Town Planner Tyksinski referenced an e-mail from Mike Fioretti, of Sports World. They are proposing the construction of a smaller bubble structure on the Sportsworld parcel. Assistant Town Planner Tyksinski reported he was originally told the bubble would be temporary but he now sees it described as semi-permanent. Mr. Fioretti doesn't want to come in for Site Plan Approval; he is seeking Administrative approval for this addition.

Commissioner Thurz questioned if Mr. Fioretti had filed the parking plan previously approved by the Commission? Assistant Town Planner Tyksinski replied affirmatively, noting the Commission is signing the mylars this evening.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

15

The Commission continued review of Mr. Fioretti's request. The consensus of the Commission is that Mr. Fioretti should file a Site Plan Modification Application for this additional bubble structure.

- **177 Windsorville Road:**

Assistant Town Planner Tyksinski reported the Zoning Board of Appeals (ZBA) approved a variance request this past Monday for a rear lot on a parcel which contains only 15 feet of frontage where 30 feet of frontage is required for a rear lot. Assistant Town Planner Tyksinski reported the ZBA made the variance contingent on the acquisition of a letter from the Fire Marshal; the applicant would then need to come before the PZC for the rear lot approval.

Assistant Town Planner Tyksinski indicated that the Planning Staff was surprised at the ZBA's ruling. He cited the rear lot driveway requirement for a 12 foot wide drive access with 3 feet on each side for emergency access. Commissioner Moore was familiar with the parcel; he felt it was marketed as a land-locked parcel. The consensus of the Commission was that the applicant must acquire the letter from the Fire Marshal prior to filing the Special Use Permit Application before the PZC.

Chairman Ouellette clarified that the recipient of the variance must acquire the letter from the Fire Marshal; he would then need to come before the PZC for the rear lot approval for a residence.

**BUSINESS MEETING/(4) Discussion on Aquifer Protection Regulations:**

No discussion this evening.

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

**Mylars/Plans:**

- **Michael Fioretti – Administrative Site Plan Approval to allow additional parking next to Sports Dome at 226 Main Street, East Windsor, owned by EWD, LLP.**

**Motions:**      None.

**EXECUTIVE SESSION: In accordance with CGS Sec. 1-210 (b-4) to discuss Pending Litigation:**

**MOTION: To GO INTO EXECUTIVE SESSION In accordance with CGS Sec. 1-210 (b-4) to discuss Pending Litigation at 8:01 p.m. Attending the Executive Session were First Selectman Maynard, Chairman**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Special Meeting #1745 – August 14, 2018  
MEETING MINUTES**

16

**Ouellette, Commissioners Gowdy, Kowalski, Moore, Sullivan, Thurz,  
and Zhigailo, and the Recording Secretary.**

**Sullivan moved/Kowalski seconded/**

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

**MOTION: To COME OUT OF EXECUTIVE SESSION at 8:13 p.m.**

**Sullivan moved/Thurz seconded/**

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

No actions taken.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:13 p.m.**

**Sullivan moved/Moore seconded/**

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

Respectfully submitted,

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