

# TOWN OF EAST WINDSOR BOARD OF SELECTMEN

## REGULAR MEETING

Tuesday, September 19, 2017

7:00 p.m.

Town Hall Meeting Room  
11 Rye Street, Broad Brook, CT. 06016

### Meeting Minutes

\*\*\*\*\* *Draft Document subject to Board Review/Approval* \*\*\*\*\*

#### **Board of Selectmen:**

Robert Maynard, First Selectman  
Richard P. Pippin, Jr., Deputy First Selectman  
Jason Bowsza, Selectman  
Dale Nelson, Selectman  
Steve Dearborn, Selectman

**ATTENDANCE:** Board of Selectmen: Robert Maynard, First Selectman; Richard P. Pippin, Jr., Deputy First Selectman; Jason Bowsza; Dale Nelson; Steve Dearborn.

**GUESTS:** Town Departments: Assessor: Carol Madore; Board of Finance: Kathy Pippin; Speakers: Paul Anderson; Marie DeSousa, Rebecca Talamini.

**Press:** Anthony Branciforte, Journal Inquirer.

#### **TIME AND PLACE OF REGULAR MEETING:**

First Seletman Maynard called the Meeting to Order at 6:58 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

#### **PLEDGE OF ALLEGIANCE:**

Everyone present stood to recite the Pledge of Allegiance.

#### **AGENDA APPROVAL:**

**MOTION:** To APPROVE the Agenda as presented.

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**Dearborn moved/Maynard seconded/**

**DISCUSSION:** Deputy First Selectman Pippin requested discussion of Town owned properties acquired through tax actions be added to the next agenda; he's concerned regarding the condition of property on Woolam Road.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson)  
(No one opposed/No abstentions)**

**ATTENDANCE:**

See Attendance, Page 1.

**PARLIAMENTARY PROCEDURES:**

Parliamentary procedures were not discussed this evening.

**APPROVAL OF MEETING MINUTES/A. September 5, 2017 Revised Regular Meeting Minutes:**

**MOTION: To APPROVE the Agenda of September 5, 2017.**

**Dearborn moved/Maynard seconded/**

**DISCUSSION:** Deputy Selectman Pippin suggested the motion should reflect approval of the minutes.

**MOTION: To APPROVE the Minutes of the Regular REVISED Minutes of the Board of Selectmen's September 5, 2017 Meeting**

**Maynard moved/Dearborn seconded/DISCUSSION: None**

**VOTE: In Favor: Maynard/Pippin/Bowsza/Dearborn  
Opposed: No one.  
Abstained: Nelson**

**COMMUNICATIONS:**

Nothing presented; see Attachments A through E provided as part of Board's packet.

**BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/A.**

**Resignations: None.:**

**BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/B**

**Reappointments: None.**

**BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENTS/C. New**

**Appointments:**

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**MOTION: To APPOINT Michael Scalzo, Sr., to the Ethics Commission as a regular member for a term expiring 1/24/2019**

**Maynard moved/Nelson seconded/**

**DISCUSSION:** Selectman Nelson reported Mr. Scalzo had worked hard on the Ad Hoc Committee for Opposition to the CT State Police Training Facility Committee; she felt he'll do a good job on the Ethics Commission.

**VOTE: In Favor: Dearborn/Nelson  
Opposed: Bowsza/Pippin  
To break the tie: First Selectman Maynard voted in favor of Mr. Scalzo's appointment.  
Abstained: No one.**

**UNFINISHED BUSINESS/A. Approve and Adopt Small Cities Grant Program Income Resolution:**

First Selectman Maynard reported East Windsor has received funds under the Connecticut Small Cities Community Development Block Grant Program. It was agreed at a previous meeting to use the funds remaining in the account for renovation of showers at Park Hill. Passage of this Resolution (*see Attachment F*) will begin the process for expending those funds.

**MOTION: To ADOPT the Resolution that the Town of East Windsor the use of the Connecticut Small Cities Community Development Block Grant Program.**

**Dearborn moved/Maynard seconded/**

**DISCUSSION:** Deputy First Selectman Pippin indicated he had not received the document in his packet. Selectman Bowsza questioned that this resolution matches the conversation held at the last meeting? First Selectman Maynard reported the information regarding the status of the funds was given to the Town by Larry Wagner who acquires grants for East Windsor; approval of this Resolution is part of the paperwork to release use of the funds. Selectman Bowsza questioned that the \$52,000 would be used for renovation of shower at Park Hill; First Selectman Maynard replied affirmatively.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson)  
(No one opposed/No abstentions)**

**UNFINISHED BUSINESS/B. East Windsor's 250<sup>th</sup> Anniversary Commission Report:**

Rebecca Talamini, Chairman of the 250<sup>th</sup> Anniversary Committee, joined the Board to report on the following:

- The Committee had a merchandise table at the 4-Town Fair for all four days. Ms. Talamini thanked the volunteers who assisted her.



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- The Committee will meet this Thursday, September 21<sup>st</sup>, at 7:00 p.m. at the Osborn House.
- Tickets will be available for the Masquerade Ball will go on sale on October 1<sup>st</sup>; ticket prices are \$95 per person for this dinner dance. In response to Selectman Bowsza's questions Ms. Talamaini reported the difference between a Masquerade and Costume Ball is the Masquerade Ball attire – attendees at the Masquerade Ball will wear formal wear and a mask while the Costume Ball would require the attendees to wear costumes/fantasy clothing.
- The Committee will have a table at the Rotary Wine Tasting event at Second Chance Farm on October 7<sup>th</sup> in the afternoon; the Committee will also attend Barktoberfest that same morning at the East Windsor Reservoir.
- Another book signing will be occurring.

Speaking from the audience, Paul Anderson, also a 250<sup>th</sup> Anniversary Committee Member, requested that future agendas reflect this entity as a "Committee" rather than a Commission.

**NEW BUSINESS/A. Approval of Tax Refunds:**

**MOTION: To APPROVE the Tax Refunds in the amount of \$1,151.81 for September 14, 2017 as presented.**

**Nelson moved/Pippin seconded/DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson)  
(No one opposed/No abstentions)**

**(See Attachment G)**

**SELECTMEN COMMENTS AND REPORTS/A. Steve Dearborn:**

Selectman Dearborn reported on the following:

- Attended the Zoning Board of Appeals and subsequently the Planning and Zoning Commission regarding a dealer's repair license/change of use application for his tenant at 95 Rye Street. The tenant fixes hydraulic lifts but needed a license change if he worked on registered motor vehicles.
- Attended a Meeting of the Warehouse Point Fire District Commission. He plans to attend more of these meetings in the future.
- He was not able to attend the 4-Town Fair as he was out of town.

**SELECTMEN COMMENTS AND REPORTS/B. Jason E. Bowsza:**

- Selectman Bowsza was out of town so he was not able to attend his usual Boards/Commission/events.
- Selectman Bowsza congratulated all the winners in the recent Republican Primary. He indicated he is available in the next 49 days to meet with them.

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**SELECTMEN COMMENTS AND REPORTS/C. Dale A. Nelson**

Selectman Nelson indicated she had nothing to report as she has been in Paris on a trip.

**SELECTMEN COMMENTS AND REPORTS/D. Richard Pippin, Jr.**

Deputy First Selectman Pippin reported on the following:

- Attended an Inland Wetlands Commission Meeting on September 6<sup>th</sup>.
  - The new Assistant Town Planner was introduced.
  - An application for a building lot on Wells Road was approved; the lot has no street number at present but is located across from the airport and next to the tobacco field.
  - The Trolley Museum received an Agent Decision Approval for a storage area along the tracks.
- Attended the Planning and Zoning Commission on September 12<sup>th</sup>.
  - A request had been made for release of bonds at Newberry Village; \$5,000 of the current bond was released.
  - Sportsworld received a Special Use Permit Approval for additional parking spaces and addition of more fields.
  - Four new Applications were received for:
    - Rolando Vargas for Site Plan Approval.
    - East Windsor Housing Authority is requesting Site Plan Modifications at Meadow Farms.
    - East Windsor Housing Authority is requesting Site Plan Modification to eliminate the requirement for sidewalks along Farms Road.
    - Renewal application for Herb Holden Trucking for his operation at Wapping Road.
  - Interesting discussion occurred regarding State legislation for Granny Pods, The Town must act on acceptance of this regulation prior to October first or the Town will be required to allow this use. The legislation is very poorly written. The action proposed may appear to reflect that people don't want this use but the legislation is so poorly written that it needs revision before it's accepted. Deputy First Selectman Pippin suggested he felt Town Planner Whitten may have provided some information to First Selectman Maynard.

**SELECTMEN COMMENTS AND REPORTS/E. Robert Maynard:**

First Selectman Maynard had nothing to report as the meeting will be adjourning shortly to initiate the Town Meeting.

**PUBLIC PARTICIPATION (Another opportunity for the public to make comments:**

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**Marie DeSousa, 10 Rice Road:** Thanked the Board for giving the \$52,000 to Park Hill for renovations. As a member of the Housing Authority Mrs. DeSousa indicated they appreciate the funding.

**SIGNATURES FOR APPROVAL OF CHECK REGISTERS:**

The Board signed checks registers as presented.

**ADJOURNMENT:**

**MOTION:** To ADJOURN this Meeting at 7:15 p.m.

**Pippin moved/Maynard seconded/DISCUSSION:** None.

**VOTE: In Favor: Unanimous (Maynard/Pippin/Bowsza/Dearborn/Nelson)  
(No one opposed/No abstentions)**

Respectfully submitted



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Peg Hoffman, Substitute Recording Secretary, East Windsor Board of Selectmen

**See Attachments A through G**



DN 9/19/2017  
Attachment A

11E



## **TOWN OF EAST WINDSOR**

Caroline G. Madore, CCMA II - Assessor  
11 Rye St. - Broad Brook, CT 06016-9553  
cmadore@eastwindsorct.com  
860-623-8878 / (Fax) 860-623-4798

**TO:** Board of Finance / Board of Selectmen  
**FROM:** Caroline G. Madore, CCMA II - Assessor  
**DATE:** September 15, 2017  
**RE:** Assessor's Status Report

### **MEMORANDUM**

#### **Real Estate Appeals - Grand List of October 1, 2014:**

- 171 Main St. (Chestnut Point Realty LLC) - Pretrial scheduled 7/17/17 - Settlement was reached following submittals of appraisals by both sides.
- 96 Prospect Hill Rd. (Kettle Brook Realty LLC) - Settlement was reached following submittals of appraisals by both sides.
- 54 Real Estate Accounts - owned by SJK Properties LLC & Jolanta Kement - Following many meetings, a deposition session and many Court sessions, we have reached a verbal agreement. The parties are working on the specifications to be met prior to bringing this case to a level for Stipulation of Judgment.

#### **Real Estate Appeals - Grand List of October 1, 2016:**

- 44 Prospect Hill Rd. (Wal-Mart Stores East LP) - our counsel, Atty. Scott Chadwick of Chadwick & Stone in East Hartford has received word that the case has finally been moved to the Superior Court in New Britain where all the real estate appeals are heard for this County. The case had originally been filed in the Hartford Superior Court by the Plaintiff. Shortly, the Court will notify the parties as to a pretrial date.
- 191 Depot St. & 38 Sullivan Farm Rd. - Two (2) vacant parcels of land (owned by Marek L. Kement and John T. Barney) located within the Quarry Rd development area off of Depot St. at the Town of Ellington line.

#### **Grand List of October 1, 2017**

##### Revaluation -

- The commercial property field work continues.
- As to the residential properties, the tables are being prepared for my review and approval. We have processed sales up to the end of August, 2017 and I would like to start my review of values following the sales up to and including October 1<sup>st</sup>, in accordance with the requirements of the Statutes.

#### **Board of Assessment Appeals**

- Motor Vehicle Hearings were held on September 12, 2017. Five (5) appeals were heard and the decision spreadsheet is attached hereto for your review.

#### **Personal Property**

- Last year was the first year I worked with our vendor (Quality Data Service) to send out the roughly 1,200 Personal Property Declarations. This process was very successful and will continue.

**Thank you.**

**Board of Assessment Appeals - Motor Vehicle Grand List of 10/1/2016 & Motor Vehicle Supplemental of 10/1/2015**

#	Taxpayer Name	Hearing Date	Year / Make / Model	VIN#	List #	G L	Less Exemp's	Net G L	BAA Adj.	New Net	Decision	Change / Reason
1	Soboslai, Kevin	9/12/2017	1973 / Ford / F100	F10VNO72094	2016-03-60319	8,470	0	8,470	6,020	2,450	Granted	Adjusted Based On NADA Guidelines & Additional Depreciation Due to Condition/Mileage
2	Emerson, James	9/12/2017	2001 / Dodge / Ram 2500	1B7KF23611198490	2016-03-53421	8,070	0	8,070	2660	5,410	Granted	Adjusted Based On NADA Guidelines & Additional Depreciation Due to Condition/Mileage
3	Finni, Bradford	9/12/2017	2003 / Ford / F150	1FTRW07663K805246	2016-03-53683	6,110	0	6,110	2,450	3,660	Granted	Adjusted Based On NADA Guidelines & Additional Depreciation Due to Condition/Mileage
4	Demikat, Emil	9/12/2017	2002 / Toyota / Highland	JTEHF21A620096218	2016-03-52890	5270	0	5,270	2,120	3,150	Granted	Adjusted Based On NADA Guidelines & Additional Depreciation Due to Condition/Mileage
5	Tiernan, Michael	9/12/2017	2009 / GMC / Sierra K	1GTEK29079Z273797	2016-03-60998	12,090	0	12,090	2990	9,100	Granted	Adjusted Based On NADA Guidelines & Additional Depreciation Due to Condition/Mileage



*SN- 9/19/2017  
Attachment C*

11E

**TOWN OF EAST WINDSOR**  
OFFICE OF THE COLLECTOR  
11 RYE STREET  
BROAD BROOK, CT 06016  
PH (860) 623-8904  
FAX (860) 292-6838



PATRICIA KRATOCHVIL  
TAX COLLECTOR, CCMC  
HEIDI VANE  
TREASURER'S AIDE  
MARY ANN SIMMONS  
FINANCIAL CLERK

To: Board of Selectmen  
Board of Finance

From: Patricia Kratochvil  
Tax Collector

Date: July 20, 2017

Re: June 29, 2017 Tax Sale

A tax sale was conducted on June 29, 2017. There were a total of 10 properties up for tax sale. Prior to the sale date, seven properties were paid in full. On the date of the sale two properties were sold. One property the town has taken title, 76 Depot Street. When the attorney returned to his office, the one property was redeemed at the exact same time of the sale. The other property was redeemed in full with interest one day after the sale. I was pleased with the results of the tax sale.

Of those properties sold here are the results:

Property	Total Recovered
3 Bayberry Lane	\$ 7,079.96
5 Bayberry Lane	\$ 6,545.81
Wells Road (Macbeth)	\$ 1,893.28
13 Spring Street	\$ 8,385.47
2 properties East Road	\$ 1,848.41
32 Julia Ct & Garage	\$11,099.90
178 Main St.	\$13,922.00
29A Pasco Drive	\$ 5,749.67
9 Thompson Road	<u>\$63,107.89</u>
TOTAL	\$119,642.39

76 Depot Street - I thought the buyers were going to show at the sale. They did not. In order to extinguish the IRS liens and all other liens, I decided to have the town take title. After the six-month redemption period, the town may sell the property to the highest bidder through a town authorized realtor without the encumbrances of the liens.

BN-9/19/2017-Attachment D

11E



# TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT

11 RYE STREET, BROAD BROOK, CT. 06016

Phone : (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, MATT TYKSINSKI

## MEMORANDUM

**TO:** Robert Maynard, First Selectman  
 Members of the Board of Selectman  
 Citizens of East Windsor

**FROM:** Laurie Whitten, CZEO, AICP *UPW*

**DATE:** September 14, 2017

**SUBJECT:** Casino funds, Warehouse Point, and Transit Oriented Development –Funding needed

As the Transit Oriented Development (TOD) with a new double track and new station location in Windsor Locks becomes more of a reality, East Windsor is continuing it's efforts towards the process to develop new regulations in Warehouse Point , based on the adopted plan in the POCD. We must first establish a stormwater management plan in order to minimize potential flooding from the Blue Ditch and the Connecticut river. Then development of new Village style to promote smarter new and re-development, mixed use, some higher density housing development, along with complete streets with multi modal capacity inclusive of bicycle and pedestrian paths, along with a possible River trail along South Water Street.

Coupled with the pending MMCT Casino to be located at the Cinema Site, Warehouse Point is in the crosshairs for rapid development. As we anticipate applications to be submitted for the Casino in the near future, the PZC has also been working on making the Highway Interchange Floating Zone more business and development friendly. In part we are looking to eliminate the need to re-zone, add more permitted uses such as multi use and gas stations, and expand the area that can qualify for more flexible campus style development. Meanwhile, **we are well aware of the development pressure related to the Casino, as numerous calls have been received regarding new hotels and housing opportunities.** We need to be prepared for this influx, throughout town and in particularly in Warehouse Point.

Staff has repeatedly asked for funding for a consultant so the Town of East Windsor can be prepared by having the proper studies and regulations adopted BEFORE the influx of applications occurs. As some may have witnessed, a workshop takes many people, planning and preliminary study before it can occur and be successful. The Planning Department is not staffed, nor has the resources to accomplish these tasks. Staff must stress that the need for these studies and regulation modifications is needed NOW, before it is too late.

For the last two years the Planning Department compiled the RFP(s) and supported the casino, and was involved with the developers negotiations. **As the Town Planner, I cannot stress enough the absolute need for funding UPFRONT and NOW to accomplish the preparation of proper stormwater management plans, street design and architectural concepts, and implementing proper zoning requirements, BEFORE the Casino construction is initiated.**

Respectfully  
 Laurie P. Whitten, CZEO, AICP  
 Director of Community Planning and Development/  
 Town Planner





# TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT

11 RYE STREET, BROAD BROOK, CT. 06016

Phone : (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, MATT TYKINSKI

## MEMORANDUM

**TO:** Robert Maynard, First Selectman  
Members of the Board of Selectman  
Planning and Zoning Commission  
Citizens of East Windsor

**FROM:** Laurie Whitten, CZEO, AICP *LW*

**DATE:** September 14, 2017

**SUBJECT:** PA 17-155: An Act Concerning Temporary Health Care Structures

The above referenced Public Act essentially requires/mandates municipalities to allow temporary shelters (aka "tiny houses" or "Granny Pods") to be placed on single family residential properties. These structures must follow the following criteria (in a short synopsis from Town Planner):

1. Must be transportable, self contained, not have a permanent foundation, built offsite, and be no larger than 500 square feet;
2. The placement of the structure must:
  - (1) Be in a single family residential zone;
  - (2) Meet all standard zoning setbacks, bulk and area requirements;
3. The Town:
  - (1) May require room for emergency access
  - (2) May require proper hookups to electrical, plumbing, water, septic or sewer
  - (3) May require a \$50,000 bond to secure removal of the structure
  - (4) May require a fee of up to \$250.00 for a permit, and an annual renewal fee of \$100.00
  - (5) Shall require removal of structure within 120 days after it is vacated
  - (6) Shall issue a permit (zoning?) within 15 days maximum
4. The applicant Shall:
  - (1) Provide a medical note stating the intended resident is either mentally or physically impaired
  - (2) Shall send certified notices to all abutters stating that a temporary health care structure will be located on the property no later than 3 days after application is submitted.

5. The Municipality MAY opt out of the act by following process as outlined in the act (PZC Public Hearing and BOS approval to opt out)

*Should the Town wish to opt out before the act becomes effective on October 1, 2017, the PZC must hold a public hearing, and then vote to opt out [to be held September 26, 2017.] The BOS would then need to set a special meeting before Oct 1, 2017 and also vote to opt out of the act.*

*Otherwise, if a valid application is submitted prior to the BOS taking action, the town must honor the application come Oct 1, 2017.*

Many Planners in the State, although find the act well intentioned, have many concerns. Some of these concerns include :

- **Timing of the permit:** The zoning permit is contingent on either the WPCA or NCHD signing off for septic, and there is a question of how long such a review might take, and how to set a fee schedule for such small additions with a bedroom . The Building Department has a statutory 30 days to review and issue a building permit foe plumbing, electrical, structure, etc.. This can cause some confusion and unintentional delays.



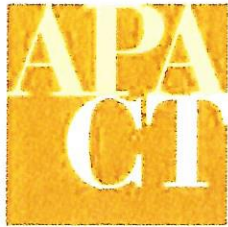
- **Other impediments:** It is possible that a variance and/or a wetlands permit may be required for the structure. Again this gets into statutory timing vs. mandated fast track permitting.
- **Enforcement:** Despite the ability to require a bond to have the structure removed, this adds another burden on Town departments to check on and verify that the tenant is still “valid”, and to require removal if this is not true. In addition, abutters are being required to be noticed without any recourse of appeal, which can lead to FOI and HIPAA controversies and legal actions.
- **Rentals:** These theoretically could be rented out with a doctor’s note. Town staff will be required to determine residency based on a doctors note,
- **Structure:** Could be built offsite with no criteria other than size, or could be a 500 sq. ft. rv; and could be located on site indefinitely as there is no age restriction;

I do not believe that the PZC or Town are against these units, or offering such an opportunity. In fact it might be worth creating a zone for “tiny house” for Veterans, Affordability, or others! However, it might be a better product if we create a regulation that fits the Town needs with our own standards.

**Attached are documents for reference**

- PA 17-155
- **Explanation and testimony documents from CT Chapter of American Planning Association(CCAPA)**
- **PLEASE SEE TOWN WEBSITE FOR FULL PA and OTHER EXPLANATORY DOCUMENTS**

Respectfully  
Laurie P. Whitten, CZEO, AICP  
Director of Community Planning and Development/  
Town Planner



Making Great Communities Happen

# Connecticut Chapter of the American Planning Association

## SB 922: AN ACT CONCERNING TEMPORARY HEALTHCARE STRUCTURES

This act approves temporary health care structures (aka “granny pods”) as allowable accessory units in single-family zones, unless a municipality opts-out of the statute. A municipality’s regulations regarding lot setbacks, coverage, etc., would apply to a temporary health care structure just as they would to another accessory structure such as a garage or shed. Per the statute, a participating municipality must approve or deny a permit within 15 business days after application, but cannot deny a permit if the applicant provides proof of compliance with the statute and applicable building and public health codes.



medcottages.com

### What is a Temporary Health Care Structure?

A Temporary Health Care Structure is a portable residential structure intended for occupation by an impaired person requiring caregiver assistance. It offers an alternative for an impaired residents who might otherwise have to enter a nursing home to obtain handicapped-accessible housing on their caregiver’s property.

The statute defines temporary health care structures as: primarily assembled off-site, not built or placed on a permanent foundation, no more than 500 square feet in size, and in



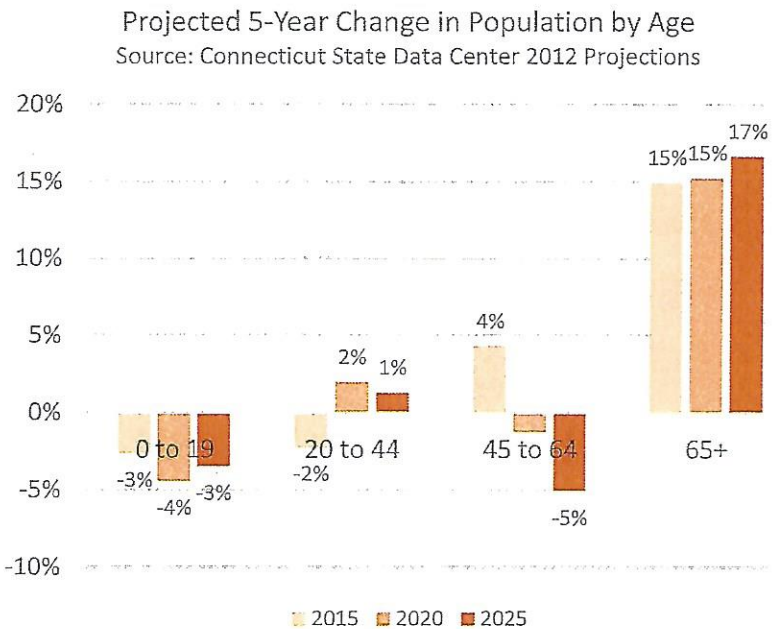
ECHO Cottages, built in the Hudson Valley, are approximately 450 square feet and include a kitchen/sitting area, bathroom and bedroom, washer and dryer, dishwasher, built-in convection microwave, electric stove, refrigerator with top mount freezer, and a 5’ barrier-free shower with grab bars. [echocottages.com](http://echocottages.com)



compliance with the applicable provisions of the State Building Code, Fire Safety Code, and Public Health Code. Per the statute, the temporary health care structure must be an occupied by an impaired person, may be subject to annual permit renewal, and must be removed within 120 days of the impaired person vacating the unit. The caregiver living on the property must be a relative, legal guardian, or health care agent responsible for the unpaid care of a mentally or physically impaired person. Only one temporary health care structure is permitted per lot.

### Why Was This Statute Put Into Place?

The statute was enacted to enable the introduction of a new type of housing unit which will be an important option for Connecticut's aging households seeking affordable, handicapped-accessible housing close to caretakers and/or family. Residents aged 65 and older will be the fastest-growing segment of Connecticut's population over the next several decades as the baby boomer generation enters retirement. Most seniors want to stay in their homes as they age but may face sudden and unexpected health problems for which their current homes are inadequate. This statute enables municipalities to provide a fast-



tracked approval process for installing temporary health care structures that make them a viable alternative to nursing home care, expensive and permanent home modifications or additions, or relocating to housing further from care. Connecticut joins Minnesota, North Carolina, Tennessee, and Virginia in passing state legislation to enable this new type of housing.



## **Regulatory Process Outlined by Statute**

Individuals seeking to install a temporary health care structure must apply for a permit from the municipality in which it will be installed. As part of the permit application, applicants must:

- Provide a statement by a Connecticut-licensed physician confirming that an occupant of the structure is impaired. \*Impairment is defined as needing assistance with two of five categories of daily living (see below).
- Applicants must send notice of the permit application to abutting property owners within three days of submitting the application.

Municipalities may:

- Require the structures to be accessible to emergency vehicles and connected to private water or septic systems or water, sewer, and electric utilities serving the primary residence.
- Require permittees to post a bond of up to \$50,000 to ensure compliance (i.e. removal when no longer needed).
- Submit confirmation annually that a structure is compliant (i.e. still occupied by an impaired person)
- Charge an initial permitting fee of up to \$250 and an annual re-certification fee of up to \$100; and inspect the structures, at reasonable times convenient to the caregiver, to ensure compliance;
- Revoke a permit if the permittee violates any of the bill's requirements.

## **Municipal Opt-Out Provision**

The statute provides for municipalities to opt-out in order to prevent the installation of temporary health care structures or to allow municipalities time to develop their own framework for regulating temporary health care structures. Opting out is a two-step process: first, requiring the Planning and Zoning Commission to vote to opt-out; and then the municipality's legislative body to vote to opt-out (e.g. City Council, Board of Selectmen). The Planning and Zoning Commission action must be preceded by a public hearing. The Commission must state on the record the reasons for opting out, and publish notice of its decision in a newspaper having substantial circulation. If a municipality has previously opted-out, opting in requires either the Planning and Zoning Commission or legislative body to reverse its former action.

## **For More Information:**

CCAPA Government Relations Co-Chairs:  
Amanda Kennedy & John Guskowski, [govrel@ccapa.org](mailto:govrel@ccapa.org)

Companies specializing in elder accessory housing:  
Echo Cottages Ltd., Hudson Valley, NY: [www.echocottages.com](http://www.echocottages.com)  
MEDCottage, Blacksburg, VA: <http://www.medcottage.com>

rev. 6/14/17



**Guidance concerning questions related to PA 17-155  
AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES**

In response to questions concerning the new Temporary Health Care Structure Law, CCAPA has researched and offers the following guidance to our members. For more informations, please review to the Fact Sheet available at <http://www.ccapa.org/legislative/current-session/>.

**What is the process for DPH approving connections to septic systems?**

Property owners must seek an exception from DPH to hook up a second structure to a single system. See the [July 27, 2017 letter](#) from DPH regarding temporary health care structures, the [DPH Circular Letter](#), and [Exception](#) application. The July 27 letter indicates that DPH will be treating a temporary health care structures as an additional bedroom for B100a compliance purposes.

**How can municipalities comply with the 15-day approval period limit if Wetlands or Health Department applications take more than 15 days?**

The statute is silent on this, but it is expected that the process would be similar to Special Zoning Permits or Subdivision applications when faced with Wetlands delays. Case law has indicated that the statutory review period goes into a sort of suspended-animation while the other regulatory bodies are doing their review. The statute simply indicates that the Zoning component of this review cannot take more than 15 days.

\*\*\*It is hoped that as these structures become more of a known quantity in Connecticut, the Health District review and approval will become more routine and rapid.\*\*\*

**How much do temporary health care structures cost?**

Cost varies. Units can be custom built, prebuilt, or modular. One company, ECHO Cottages LTD, builds modular units in the Hudson Valley for sale or lease and has installed them in sites in NY, DE, and PA. Their units cost about \$60,000 to purchase, plus installation, or about \$1300 per month to rent. Installation usually costs about \$10,000. Remember to allow for the cost of removal when the unit is no longer needed.

**Can my town pass setback regulations for THCs that are different from other accessory uses?**

Yes and no. Yes- if the Town passes a differential setback requirement for temporary health care structures between now and October 1, 2017, then upon that date, THCs would be subject to those differential setbacks (i.e. a 100 sf shed has a different setback than a 400 sf residential unit, etc.). If the Town makes no change between now and October 1 in the Zoning Regulations, the setbacks in place at that point would control. Alternatively, if the setback differentiation was the only issue of concern, the Town could pretty readily just opt-out using the statute's procedure and pass their own slightly modified version of these regulations.





**How can the state dictate land use policies for my town?**

Local zoning in Connecticut is enabled by state statute. Statutes dictate the process and jurisdiction of local planning commissions to establish land use regulation. There are numerous state statutes dealing with specific land uses that have warranted laws that establish a consistent statewide policy. Examples: group homes (must allow), family child care homes (must not treat differently from single family). The THC statute is different in that the law establishes a default regulation which municipalities have the option of replacing with a local regulation.

**Is there any guidance on the type and form of bond that municipalities are authorized to require?**

No. Similar to many other requirements of Zoning or Subdivision Regulations, the municipality is empowered to require a performance or maintenance bond to ensure that the promised activity is properly implemented. In this case, the municipality is allowed some surety that the THCS is removed by the owner when no longer needed. The form of the bond and process is not addressed in the statute, but presumably could follow other municipal regulations, which often require a letter of credit, insurance certificate, or cash bond.

**When do municipalities have to opt out by?**

Municipalities wishing to opt out should do so before the law becomes effective October 1, 2017. Municipalities may also opt out after October 1 but must approve valid temporary health care structure applications until an opt-out has been finalized.

**Do both the Zoning Commission and Legislative Body (council, board of selectmen, etc.) have to approve an opt-out?**

Yes. There are two entities that need to participate in the opt-out procedure: the Zoning Commission and Selectmen/Legislative Body). If for some reason the Zoning Commission wishes to opt-out but the Board of Selectman (or Town Council) wishes to keep the regulations in place (or vice-versa), the statute will continue to apply to the municipality. In other words, either body can block an opt-out.

**-Disclaimer-**

This material was created by CCAPA as a guidance document for the use of members. This should not be treated as a substitute for legal advice or opinion. If you require legal advice or opinion, you should inquire with your municipality's legal counsel or other appropriate legal counsel.





*Making Great Communities Happen*  
**Connecticut Chapter of the  
American Planning Association**

Testimony regarding  
**Raised Bill No. 922 – AN ACT CONCERNING TEMPORARY HEALTH CARE  
STRUCTURES**

CCAPA opposes this bill as written. While we are strongly in favor of providing Connecticut's residents with additional tools and options to take care of relatives as they recover from injury or illness, as well as improving the regulatory environment for these structures, the Raised Bill is taking the wrong approach. For the last several months, CCAPA had been working closely with Senator Osten and the Task Force to Study the Zoning of Temporary Health Care Structures, and this Task Force agreed upon very deliberate, thoughtful recommendations that were based on best-practices from numerous other States and developed into a proposed Bill. The proposed Bill did not include a municipal opt-out provision, but overall reflected a stronger and more comprehensive approach to this issue than the Raised Bill.

The Task Force's approach provided specific guidance and procedures to municipalities that worked through the standard Zoning review processes to streamline the review and permitting of these structures, and contemplated an opt-out provision that would ensure that communities wishing to forego these procedures would be forced to have a public conversation about the topic. The Raised Bill creates a circumstance that would allow the Town Council or Board of Selectmen to bypass the traditional Zoning processes of Section 8-2 of the Statutes, establishing an undesirable carve-out of authority over land use regulations. CCAPA strongly urges the Committee to revisit the recommendations of the Task Force to Study the Zoning of Temporary Health Care Structures on this matter, and particularly to provide for a municipal opt-out provision and process.

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**WHO WE ARE**

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The APA is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

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**CONTACTS**

Connecticut Chapter of the American Planning Association  
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John Guskowski, AICP  
Phone: (860) 889-2324  
[govrel@ccapa.org](mailto:govrel@ccapa.org)

**RESOLUTION FOR THE  
USE OF PROGRAM INCOME**

Certified a true copy of a resolution adopted by of the Town of East Windsor at a meeting of its Board of Selectmen on (   Date   ) and which has not been rescinded or modified in any way whatsoever.

\_\_\_\_\_ Date \_\_\_\_\_ Clerk

(Seal)

Whereas, the Town of East Windsor has received funds under the Connecticut Small Cities Community Development Block Grant (CDBG) Program, administered by the State of Connecticut, Department of Housing, pursuant to Title I of the Housing and Community Development Act of 1974 as amended; and

Whereas, the Town of East Windsor has expended those funds pursuant to Title I of the Housing and Community Development Act of 1974, the Code of Federal Regulations, and the Assistance Agreement, and,

Whereas, those funds received by the Town of East Windsor have generated Program Income.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN:

1. That it is cognizant of the conditions for the use of Program Income as prescribed by Title 24, Part 570, Section 489(e) of the Code of Federal Regulations.
2. That it realizes Program Income is governed by Title I of the Housing and Community Development Act of 1974.
3. That it may use Program Income only for the following activities:
  - a) The activity that generated the program income if the activity continues to meet the requirements of Title I of the Housing and Community Development Act of 1974.
  - b) Any additional activity that meets the requirements of Title 1 of the Housing and Community Development Act if the Town receives DOH's written approval to fund it with Program Income.
4. That it may use Program Income to fund Administrative and Program soft costs within the following limits:
 

Administrative Costs	8%
Total Administrative and Program Soft Costs (Housing Rehabilitation Activities <u>Only</u> )	12%
Total Administrative and Program Soft Costs (All Activities <u>Except</u> for Housing Rehabilitation)	20%
5. That it is hereby amending the Program Income Plan(s) that was adopted for the original activity that generated the Program Income to permit the funding of additional activities from that Program Income.



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To: Amanda From: Heidi 9-14-17 NV

Gov. 9/19/2017 - Attachment G

Process Refund Record (s) TOWN OF EAST WINDSOR Int Date: 09/14/2017 Date: 09/14/2017 Page: 1

Bill Condition(s) : Dist/Susp/Bank Address	Name Address	Prop Loc/Vehicle Info. UniqueID/Reason	Paid Date	Tax	Int	I/F	Total Adjusted	Overpaid Tax
2015-03-0061863 N 107 FARMSTEAD RD APT 21 SOUTHINGTON CT 06489-2452	ZIAULLAH SYED 107 FARMSTEAD RD APT 21 SOUTHINGTON CT 06489-2452	2004/2ARLES/2HGSES16504H609505 62153	5/9/2017	9.53 114.75	0.00 18.93	0.00 20.05	9.53 153.73	-105.22
2016-03-0053569 FAROOQ NOUR N + RAUF HINA 78 PROSPECT HILL DR EAST WINDSOR CT 06088-9611	FAROOQ NOUR N + RAUF HINA 78 PROSPECT HILL DR EAST WINDSOR CT 06088-9611	Sec. 12-129 Refund of Excess Payments. 2005/522XGM/1HGCMS6715A036348 53569	7/17/2017	133.50 145.60	0.00 0.00	0.00 0.00	133.50 145.60	-12.10
2016-03-0053672 FINANCIAL SERV VEH TRUST 5550 BRITTON PKWY HILLIARD OH 43206	FINANCIAL SERV VEH TRUST 5550 BRITTON PKWY HILLIARD OH 43206	Sec. 12-129 Refund of Excess Payments. 2015/6AWFLO/WBA3B9G5/FNR94796 53672	7/24/2017	700.26 840.64	0.00 0.00	0.00 0.00	700.26 840.64	-140.38
2016-03-0054295 GREEN BRIDGFT J 222 MELROSE RD BROAD BROOK CT 06016-9512	GREEN BRIDGFT J 222 MELROSE RD BROAD BROOK CT 06016-9512	Sec. 12-129 Refund of Excess Payments. 1999/3125CS/1FTZRL5XOXTR44663 54295	9/7/2017	106.82 116.48	0.00 5.24	0.00 0.00	106.82 121.72	-9.66
2016-03-0054929 HONDA LEASE TRUST 600 KELLY WAY HOLYOKE MA 01040-9681	HONDA LEASE TRUST 600 KELLY WAY HOLYOKE MA 01040-9681	Sec. 12-129 Refund of Excess Payments. 2014/770RVO/1HGCCT1B83EA014474 54929	7/24/2017	379.14 413.44	0.00 0.00	0.00 0.00	379.14 413.44	-34.30
2016-03-0055268 JARVIS LLOYD A PO BOX 277 BROAD BROOK CT 06016-0277	JARVIS LLOYD A PO BOX 277 BROAD BROOK CT 06016-0277	Sec. 12-129 Refund of Excess Payments. 2014/4ALMW7/5J6RM4H54E1092524 54961	7/24/2017	397.02 432.96	0.00 0.00	0.00 0.00	397.02 432.96	-35.94
2016-03-0055609 KEENA KATHLEEN 241 S WATER ST # U3 EAST WINDSOR CT 06088-9625	KEENA KATHLEEN 241 S WATER ST # U3 EAST WINDSOR CT 06088-9625	Sec. 12-129 Refund of Excess Payments. 2012/252ZRR/KMHC14AE2CU121370 55609	7/5/2017	80.67 119.97 179.84	0.00 0.00 0.00	0.00 0.00 0.00	80.67 119.97 179.84	-40.29
2016-03-0059632 SANCHEZ FEDERICO + SANCHEZ LORI D 24 HARRINGTON RD BROAD BROOK CT 06016-9615	SANCHEZ FEDERICO + SANCHEZ LORI D 24 HARRINGTON RD BROAD BROOK CT 06016-9615	Sec. 12-129 Refund of Excess Payments. 2004/9CC341/1N6ED29Y74C436490 59692	9/14/2017	221.76 231.27	0.00 9.98	0.00 0.00	221.76 241.25	-9.51
2016-03-0060974 THOMPSON DEBORAH T 240 EAST RD BROAD BROOK CT 06016-5702	THOMPSON DEBORAH T 240 EAST RD BROAD BROOK CT 06016-5702	Sec. 12-129 Refund of Excess Payments. 2015/55CF32/KMHGCA4A1FA128106 60974	8/31/2017	337.47 368.00	0.00 11.04	0.00 0.00	337.47 379.04	-30.53
2016-03-0061180 TRIANA-TEJEDA DAMARIS 14 WINDSORVILLE RD BROAD BROOK CT 06016	TRIANA-TEJEDA DAMARIS 14 WINDSORVILLE RD BROAD BROOK CT 06016	Sec. 12-129 Refund of Excess Payments. 2004/OAEJW4/1HGCMT72734A020216 61180	7/31/2017	0.00 131.20	0.00 0.00	0.00 0.00	0.00 131.20	-131.20
2016-03-0061431 VAULT TRUST 500 WOODWARD AVE DETROIT MI 48226-3416	VAULT TRUST 500 WOODWARD AVE DETROIT MI 48226-3416	Sec. 12-129 Refund of Excess Payments. 2015/501ZVN/IC4RJFBGXF191421 61431	7/27/2017	244.45 734.08	0.00 0.00	0.00 0.00	244.45 734.08	-489.63
2016-03-0062030 WRISLEY MARYANN + WRISLEY MICHAEL R 240 ADAMS HILL WAY EAST WINDSOR CT 06088-9613	WRISLEY MARYANN + WRISLEY MICHAEL R 240 ADAMS HILL WAY EAST WINDSOR CT 06088-9613	Sec. 12-129 Refund of Excess Payments. 2011/SAANUL/JN8AG1MWTBWI183433 62030	7/18/2017	293.73 320.32	0.00 0.00	0.00 0.00	293.73 320.32	-26.59
2016-03-0062031 WRISLEY MICHAEL R + WRISLEY MARY A 411 NASSAU DR SPRINGFIELD MA 01129	WRISLEY MICHAEL R + WRISLEY MARY A 411 NASSAU DR SPRINGFIELD MA 01129	Sec. 12-129 Refund of Excess Payments. 2011/729NSL/JN8AG1MWTBWI182379 62031	7/18/2017	293.73 320.32	0.00 0.00	0.00 0.00	293.73 320.32	-26.59
TOTAL				3,318.05 4,469.86	0.00 45.19	0.00 20.05	3,318.05 4,535.10	-1,151.81

Total Refunds \$1,151.81  
P Keatochul