

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

REGULAR Meeting #1733 – February 27, 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 6:30 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 were present.
 Alternate Members: Both Alternate members are present this evening.

Also present was Town Planner Whitten.

GUESTS: Richard P. Pippin, Jr., Inland Wetlands and Watercourse Agency; Kathy Pippin, Board of Finance....

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 will sit in, and vote, on all Items of Business this evening; Alternate Members can participate in discussion as well.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, February 15, 2018, and Thursday, February 11, 2018, was read by Chairman Ouellette:

The East Windsor Planning & Zoning Commission will hold a regular meeting starting at 6:30 p.m. on Tuesday, February 27, 2018 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT, with the following public hearings to be heard:

1. 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.

2. Application of Laird Building, LLC for a Text Amendment to 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.

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Copies of the proposed Text Amendments are available at the Planning & Development office and the Town Clerk's office. All interested persons may appear and be heard. Dated at East Windsor, Connecticut, this 13th day of February, 2018.

ADDED AGENDA ITEMS:

Town Planner Whitten requested to discuss signage under the Business Meeting.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda.

Richard Pippin, Jr., 37 Woolam Road: Regarding Permitted Uses in a residential zone, discussion at a previous meeting suggested a 1 ½ ton pick up couldn't be parked in a residential zone – Mr. Pippin suggested the Commission consider a Text Amendment.

APPROVAL OF MINUTES/~~January 23, 2018~~ February 13, 2018:

MOTION: To APPROVE the Minutes of Regular Meeting #1732 dated February 13, 2018 as submitted.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted there are no new applications to be received this evening.:

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE - R & R Tool and Die – Request for one-year extension to the Site Plan approval for a building addition at 94 Newberry Road. (*Previous extension granted through 3/11/2018*)

Chairman Ouellette read the description of this Application.

Commissioner Thurz questioned if this is the first or second extension request made by the applicant? Town Planner Whitten reported this is the second request; she understands the applicant to be dealing with health issues as well as the current economic conditions.

MOTION TO APPROVE a one year extension to start of construction for 94 Newberry Road, a/k/a R&R Tool and Die, from March 11, 2018 to March 11, 2019.

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Sullivan moved/Thurx seconded/DISCUSSION: None.

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

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS –Stanton Equipment - Text Amendment to Section 503 *Permitted Accessory Uses*; and Section 503.2b(5) regarding Outdoor Merchandise Display as a permitted use. (*Deadline to close hearing 5/1/2018*)

Chairman Ouellette read the description of this Public Hearing.

Appearing to discuss the proposal was Tim Coon, of J. R. Russo & Associates, representing the Applicant, Stanton Equipment.

Mr. Coon reported that the Applicant is located on Route 5, within the TZ-5 Zone. The business sells large agricultural and grounds maintenance equipment. At their present location the Applicant is currently displaying pieces of agricultural and lawn maintenance equipment close to the edge of Route 5, which is allowed as a grandfathered use. The Applicant is hoping to lease some of the vacant land south of their present location and expand the outdoor display. Mr. Coon indicated that Outdoor display is not currently allowed within the TZ-5 Zone; the proposed Text Amendment would allow display of merchandise within 25 feet of the “traveled way”, which would be consistent with the display at the current location. The proposed Text Amendment also includes language which would allow display of agricultural and grounds maintenance equipment on an unpaved surface. Mr. Coon noted that presently several auto sales uses display vehicles within 25 feet of the street line.

The Text Amendment is being proposed for Section 503 – permitted Accessory Uses, and Section 503.2 – Outdoor Merchandise Display.

Commissioner Gowdy requested clarification that the Applicant is displaying equipment presently? Mr. Coon replied affirmatively, noting that he understands Town Planner Whitten has had discussions with the Applicant regarding the current display, while the additional display is not allowed under the current Zoning Regulations. Town Planner Whitten noted that the Applicant will have to submit an application for a Site Plan Modification for the additional display area. Mr. Coon suggested if the Text Amendment is approved the Applicant would then pursue the lease with the adjacent owner.

Commissioner Thurz noted that the auto display is on asphalt surfaces; this proposal would allow parking equipment on grass. Mr. Coon indicated that they would be tearing pavement up with the larger equipment.

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Commissioner Sullivan questioned if the new display would be behind the fence on the adjacent property? Mr. Coon clarified that the proposal is to display within 25 feet of the traveled way, which would place displayed equipment in front of the fence. Commissioner Gowdy questioned if DOT had any comments on the proposal? Chairman Ouellette suggested DOT wouldn't have any input unless the display was on their property.

Town Planner Whitten referenced the current wording of Section 503.2 - Outdoor Merchandise Display, noting outdoor display may be allowed "25 feet from the established street line". She felt the language should reference a 25 foot distance from the property line, as the established street line on Route 5 can extend to 100 feet in some places.

Commissioner Kowalski questioned if the proposal differentiates between new and used farm equipment? His concern is leakage from older equipment. Town Planner Whitten cited the proposed language does not currently include any specification. Chairman Ouellette questioned the definition of grounds maintenance equipment; he questioned if it could include a large sweeper? Commissioner Kowalski questioned when grounds equipment becomes construction equipment?

Chairman Ouellette queried the audience for comments.

Richard P. Pippin, Jr., 37 Woolam Road: Mr. Pippin noted he used to work for International Harvester in the farm division; they displayed the used equipment in the back so people would ask about the new equipment instead.

Also, the equipment doesn't have oil like traditional equipment.

And, Mr. Pippin recalled a gentleman (Frank Coleman) who displayed equipment on Route 5 going back to 1939, which would pre-date zoning.

Returning to staff discussion, Town Planner Whitten suggested she agreed with the concept but felt the distance requirement should be 25 feet from the property line. She also noted this proposal is the only place in the regulations where the language is written like this.

Mr. Coon theorized that using the property line as the reference point in areas where the right-of-way was 50 feet the display would actually begin 75 feet back. This regulation change would allow them to come into that right-of-way with the display.

Commissioner Sullivan questioned that the owner of the adjacent property was ok with parking in front of the fence; he noted everything on that property

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currently is behind the fence, which he estimated to be 25 to 30 feet back from the road. Mr. Coon indicated he didn't know the answer to that question presently.

Discussion turned to the Applicant's current property. Town Planner Whitten suggested that based on GIS the entire front yard of that property is within the State right-of-way; the current equipment display is within the State right-of-way. Mr. Coon referenced a licensed survey, noting the property line does cut through the current island in front of Stanton Equipment; the property line is 18+/- feet from the traveled way.

Discussion then turned to comparison to the Applicant's request to current display distances for auto uses. Mr. Coon clarified the request is within the front yard but no closer than 25 feet from the traveled way. Commissioner Sullivan cited many of the auto dealers are displaying vehicles 10 to 15 feet off the road; Town Planner Whitten suggested those are probably grandfathered uses as well. Commissioner Sullivan questioned if the Commission would be creating liability issues for the Town if the regulations allowed parking within the right-of-way?

Chairman Ouellette questioned the reason for the Text Amendment; is there not enough room for display at the current location? Mr. Coon replied affirmatively. Town Planner Whitten suggested the Applicant may be expanding his business because he purchased equipment from Lomax who recently closed.

Town Planner Whitten noted the proposed change to Section 503.2.b(5) regarding Outdoor Merchandise Display hasn't been allowed in the TZ-5 Zone until this request. If the Commission allows this request it allows outdoor display in other zones. Chairman Ouellette questioned why the request was just for agricultural and grounds maintenance equipment and not autos or other products? Commissioner Kowalski questioned if the Text Amendment should come under Special Use Permit Applications rather than accessory uses? Commissioner Moore questioned if the equipment could include tree harvesting equipment, or larger construction equipment? Town Planner Whitten reiterated outdoor display isn't currently allowed under the regulations; this proposal isn't just for this site. While she isn't against display of agricultural equipment she questioned why the restriction for agricultural equipment specifically; the way the Text Amendment is proposed no one could have outdoor display for sheds or other merchandise.

Chairman Ouellette cited the Commissioners concerns; what are the unintended consequences of this proposal as written? Commissioner Thurz noted the unpaved surface is an issue for him; both he and Commissioner Kowalski suggested the farm equipment contains hydraulic fluids if not oil. Commissioner Kowalski cited concern that at what point does the display become a sightline

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issue? Town Planner Whitten also noted that the Commission has come up with a tentative plan for what uses will be allowed on Route 5; one of the preferences was to have auto uses further to the south closer to Southern Auto. This proposal would allow display much closer to the road, not only Route 5 but all roads within the Business Zones – B-1, B-2, B-3, and M-1; that would include Route 140, Route 5, and others.

Chairman Ouellette suggested Mr. Coon work with Town Planner Whitten regarding this proposal. Mr. Coon was asked to better define what should be displayed within the area 25 feet from the established property line vs. traveled way. Mr. Coon suggested perhaps he can include more restrictions with regard to display of larger equipment 25 feet from the traveled way; perhaps restricting display to the TZ-5 Zone. Town Planner Whitten also cited concern that this amendment gives preferential treatment to display of agricultural and grounds maintenance equipment; she cited smaller businesses should have the same display ability. Mr. Coon agreed to return with a revised proposal.

MOTION: To CONTINUE the Public Hearing for 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 to the Commission’s next Regularly Scheduled Meeting to be held on March 13, 2018 at 6:30 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Sullivan moved/Kowalski seconded/DISCUSSION: None.

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

NEW PUBLIC HEARINGS –Laird Building, LLC - Text Amendment to 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. (*Deadline to close hearing 5/1/2018*)

Chairman Ouellette read the description of this Public Hearing.

Appearing to discuss the Application was Tim Coon, of J. R. Russo & Associates, representing the Applicant; also present was Jonathan Murray, of Laird Building, LLC.

Mr. Coon reported that this Text Change is associated with the recent approval of a fueling station which USA Hauling put in for their vehicles. The fueling station contains both slow and fast fueling pumps. During that hearing USA was approached by other businesses to ask if they could use the fueling station for their vehicles. The current regulations don’t allow that; this Text Amendment would allow the proposed use.

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Mr. Coon reported the proposed Text Amendment defines “fleet vehicles”, and then proposes to allow the refueling of fleet vehicles in an M-1 Zone. This would allow another business to establish an account with USA to fill their vehicles. Mr. Coon noted that part of the Text Change is the addition of the requirement for submission of a Special Use Permit application, which would include a traffic report to evaluate the impact of the proposed refueling operation on local roadways.

Mr. Murray noted that Eversource and Frontier don’t have refueling stations for their own fleet of vehicles. They would like to use the installation USA recently put in. Commissioner Kowalski suggested this puts USA in the position of being a retailer of compressed natural gas; it makes them a filling station. The exclusivity makes them like a Costco; you must be a “member” to use this refueling station. Commissioner Kowalski noted the Commission was careful during their rezone of North Road to exclude auto uses. Town Planner Whitten noted the requirement for the Special Use Permit application in the B-3 Zone as well as the B-2. Town Planner Whitten questioned the reasoning for keeping this use out of the M-1 Zone? What would be the harm of allowing them in the Industrial Park; would it be that it would be using an industrial parcel for the refueling use? Mr. Murray clarified that the additional businesses would be using the fast fill station during the day. Commissioner Kowalski questioned if there were plans for expanding the facility? Mr. Murray replied – no. Commissioner Sullivan questioned if they would be using the current entrance; Mr. Murray replied – yes.

Commissioner Sullivan felt the Commission should encourage this proposal. Commissioner Thurz questioned the number of vehicles using the facility? Mr. Murray suggested Eversource is looking to tap into the gas they’re selling to USA and use it for their Fleet. He noted they presently have a similar agreement for a facility in Hartford.

Chairman Ouellette noted the Text Amendment isn’t site specific. Town Planner Whitten noted the requirement for the Special Use Permit application. Commissioner Kowalski felt the inclusion of the traffic study would satisfy questions regarding traffic issues.

Commissioner Thurz questioned if USA has received any complaints? Mr. Murray replied negatively, noting that most towns are asking businesses to use natural gas vehicles.

Commissioner Gowdy had no problems with the proposal.

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

Chairman Ouellette queried Town Planner Whitten if she was comfortable with the proposed language? Town Planner Whitten noted this proposal is promoting renewable energy, which is a goal of the POCD.

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Commissioner Zhigailo felt this is a good proposal for the Town; it's a first step into what's coming for the energy uses.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of Laird Building, LLC for a Text Amendment to 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.

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

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

MOTION TO APPROVE

1. The definition of Fleet Vehicles, and
2. The use of an automotive fueling or re-energizing station in the M-1 Zone for Fleet Vehicles, as proposed or amended:

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

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

REASONS FOR VOTE: Commissioner Sullivan felt this proposal is a good idea. Chairman Ouellette noted the proposal is consistent with the POCD, and is a good fit. Commissioner Kowalski felt it was a good fit as well, and it will help with the advancement of alternate fuels. Commissioners Thurz, Gowdy, and Zhigailo shared the reasons given by their fellow Commissioners.

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

BUSINESS MEETING/(1) TOD Smart Growth Grant for Warehouse Point:

Town Planner Whitten noted she is continuing to work through the process of administering the TOD Smart Growth Grant. She noted the Town has received a grant in the amount of \$123,500; she is going before the Board of Selectmen to acquire their agreement for the Town to provide the matching grant in the amount of \$7,500 to be provided via in-kind services. Town Planner Whitten noted she can then go forward with hiring a consultant.

Discussion followed regarding going out to bid on this continued study of Warehouse Point, or continue with the current consultant who has performed the initial study and presented workshops which were well received by the public. The consensus of the Commissions was for Town Planner Whitten to continue with the current consultant who

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is familiar with the area being studied and would not be duplicating work already accomplished.

Town Planner Whitten reported that the in-kind services is staff time attributed to the project, printing of maps and materials to advertise the projects and its associated workshops, and other expenses related to this project.

BUSINESS MEETING/(2) Zoning Compliance Issues:

Town Planner Whitten reported the Town has appointed Bob Slate as the Zoning Hearing Officer; she felt he'll be a good fit for the position. They are considering appointing an alternate person as Mr. Slate is involved in a lot of volunteer projects.

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

Town Planner Whitten noted online classes are available for the Commissioners. Assistant Planner Tyksinski will be taking classes as well.

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

Chairman Ouellette questioned the status of the **Route 5 Study**; he noted that information would have been valuable tonight. Town Planner Whitten indicated she didn't know when they would be starting.

Commissioner Thurz questioned when the Commission could discuss **sign regulations**; he suggested he would like to see a larger sign on Town Buildings. Town Planner Whitten noted she continues to get numerous requests from the Fire Departments, the Schools, for signage at the Town Hall. She noted that digital signs can be distracting; she cited that signage must be "content neutral". Commissioner Thurz cited the current sign at the Middle School is difficult to see; he's been getting feedback from the community.

Commissioner Zhigailo indicated she doesn't like the digital signs; they conflict with the POCD goal of maintaining the village appeal and country atmosphere. Commissioner Zhigailo noted signage within a building on Route 5 that's particularly distracting. Town Planner Whitten suggested the Commission could consider restricting digital signs within the villages.

Town Planner Whitten reported signage was a topic of a workshop she attended; she'll bring the video from that workshop to a future Commission Meeting so the Commission can begin work from there. Commissioner Thurz suggested he wasn't necessarily requesting digital signage; his concern is some of the signage needs to be larger on some of the Town facilities. Commissioner Kowalski felt the Town Hall should be identified better. Chairman Ouellette requested further discussion on a future agenda.

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Commissioner Kowalski would like to see information regarding sightlines, and harmony with surroundings.

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

No motions or mylars to sign this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:25 p.m.

Sullivan moved/Moore seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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