

**TOWN OF EAST WINDSOR – ZONING BOARD OF APPEALS  
MINUTES OF REGULAR MEETING  
OCTOBER 5, 2015**

The East Windsor Zoning Board of Appeals held a meeting on Monday, October 5, 2015 at the East Windsor Town Hall, 11 Rye Street, Broad Brook, CT. The following members were present: Regular Members José Giner, Nolan Davis, Scott Morgan and Thomas Talamini; and Alternate Members Mystica Davis and Robert Yosky. Also in attendance was Robin Newton, Zoning Enforcement Official. The meeting was called to order by Chairman José Giner at 7:00 p.m.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as four regular members and two alternate members were present. It was determined that Mystica Davis would be sitting in as a voting member in the absence of Dan Noble.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

Mr. Talamini read the legal notice as it appeared in publication.

**NEW HEARINGS:**

**ZBA #2015-06** – Application of WBGLA of Westfield MA, LLC c/o Michael Frisbie for property located at 76 North Road, for a variance of Section 602.5b. Freestanding Signs, to allow a free-standing sign to be larger than the required maximum of 32 sq. ft.

Chairman Giner said this came before us for a sign variance. He said we have a memo from Robin Newton stating that she believes it is a substantially different application. We are not required to hear the same application within a certain time period. Mr. Giner said if no one objects, they will go with the staff recommendation and go straight to the hearing. None of the ZBA members objected.

Attorney Thomas Fahey and Mark Smith, P.E., of Noble Energy, Inc. represented the applicant. Atty. Fahey explained that previously a public hearing was held on this and subsequently was withdrawn. They reviewed the minutes and looked at the comments that were made at the previous meeting. One thing that was said was that they should seek a text change to the regulations. He said they met with Laurie Whitten and Robin Newton and found out that there was a recent major Supreme Court decision on signs, the Reed case. There have been different opinions on how to interpret the case. Because of that, towns have to be careful on how to regulate signs. Atty. Fahey said one interpretation is that every sign in every zone has to be the same. He said there is no guidance to that yet. There haven't been any cases that have interpreted it yet.

Atty. Fahey said this is a much different application than their previous one. They are seeking one variance. The property itself is going to have 5 different businesses in 2 separate buildings. The main business is the gas station. They also have Frisbie's Ice Cream, which is a separately operated

franchise which will be in the same building as a convenience store. The other building will house the Sunrise accounting firm that does the books for the owner's companies as well as other companies. Noble Energy will also have office space in that building.

Atty. Fahey noted that they are looking for a 69.5 sq. ft. sign. That is less area than the previous sign they were asking for. The height is conforming. He said Robin Newton was using as a comparison some previous signs such as the Sunoco station on Route 5. He said their sign will be smaller. Mark Smith indicated that their sign will be smaller in height, size and width. He noted that this property is at the corner of Winkler and North Roads. There is an intervening parcel in between. The property that is to the west of the site is the property that is at the corner. This property has 2 large frontages with an intersecting piece. He said if you are traveling on Winkler Road, where the sign will be located you are unable to read it. Mr. Smith pointed out on a plan of the site where the sign will be located. He said when you drive to the intersection you have to turn the car to the right. It is difficult to see. In the other direction you will have the opportunity to see the sign and make a decision. For the traffic going north and south the sight lines are pretty good. Mr. Smith noted that from the Federal Highway Authority for legibility of signs, you need one inch of letter height for every 40 feet of desired legibility. Mr. Smith said at the average speed of 45 miles per hour, the standard accepted time to read the sign, make a decision and turn in is 10 seconds. He said at 660 feet, going 45 mph that would be 16 ½ inch letters which is about what they have proposed. This is a combination of safety concerns and the unique aspect of the parcel being split. He said if they owned the corner parcel they could probably locate the sign differently. He pointed out that there is another sign on North Road that is quite larger, the Olender sign. He said this is compatible with the neighborhood and with the Plan of Conservation and Development. Atty. Fahey said Ms. Newton said it would be better to go this route rather than a unified sign.

Mr. Giner said he can see initially they need some identification but over time the people will know the pricing. Atty. Fahey said the prices change daily. He said the people who live in town will know how to get there. There is a lot of traffic on North Road. People traveling on that road for the first time will need to see the sign.

Mr. Giner opened up the hearing to the public. No one came forward to speak,

**MOTION:** To close the hearing on **ZBA #2015-06.**

Morgan / N. Davis / Unanimous

**MOTION:** To approve **ZBA #2015-06** – Application of WBGLA of Westfield MA, LLC c/o Michael Frisbie for property located at 76 North Road, for a variance of Section 602.5b. Freestanding Signs, to allow a free-standing sign to be 69.5 sq. ft. where 32 sq. ft. is the maximum allowed. Approved in accordance with the plans submitted.

N. Davis / Morgan

**Discussion and Vote:**

Chairman Giner said he still believes that the way to go is to change the regulations. He understands what is going on with courts, especially with signage. The Reed case was about religious signs being treated differently than political signs. He said some towns do provide for different types of signs for the different uses. He understands the situation they are in at this location.

He said he will vote to approve this but he still feels that the Planning & Zoning Commission is the way to go with signage.

**In Favor:** Unanimous

**OTHER BUSINESS:**

None

**PUBLIC PARTICIPATION**

No one requested to speak.

**APPROVAL OF MINUTES:**

Mr. Morgan pointed out one correction: On page 2, at the bottom of the page, the motion should be changed from “Morgan / Nolan / Unanimous” to “Morgan / **Davis** / Unanimous”

**MOTION:** To approve the minutes of September 14, 2015, as corrected  
Talamini / Davis / Unanimous

**ADJOURNMENT:**

**MOTION:** To adjourn. Morgan / Davis / Unanimous

The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Marlene Bauer, Recording Secretary