

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

**Public Hearing #1552
July 28, 2009**

The Meeting was called to order at 7:01 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. by Co-Chairman Gowdy.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members (Devanney, Farmer, Gowdy, and Thurz), and two Alternate Members (Mulkern and O'Brien) were present. Regular Member Ouellette and Alternate Member Matthews were absent. Co-Chairman Gowdy noted Alternate Member O'Brien would sit in on all Items of Business this evening. Also present was Town Planner Whitten.

ADDED AGENDA ITEMS:None.

RECEIPT OF APPLICATIONS:

Secretary Devanney acknowledged the receipt of the following Applications:

- 1) Application of Shoham Road Transfer, LLC for a renewal of Special Use Permit for the operation of a volume reduction facility at 9 & 11 Shoham Road, owned by 9 - 13 Shoham Road, LLC. [M-1 Zone; Map 3, Block 17, Lots 56 & 57]
- 2) Application of Herb Holden Trucking, Inc. for a renewal of Special Use Permit/Excavation to allow earth products removal at Waping Road, owned by Northern Capital Region Disposal Facility. [A-1 & M-1 Zones; Map 41, Block 65, Lot 31].

LEGAL NOTICE:

The following Legal Notice, which appeared in the Hartford Courant, Thursday, July16, 2009 and Thursday, July 23, 2009, was read by Chairman Ouellette:

- 1) Application of Application of Shoham Road Transfer, LLC for a Special Use Permit for the operation of a volume reduction facility at 9 & 11 Shoham Road, owned by 9 - 13 Shoham Road, LLC. [M-1 Zone; Map 3, Block 17, Lots 56 & 57]

PERFORMANCE BONDS - ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

None.

NEW HEARING: Shoham Road Transfer, LLC. - Special Use Permit for the operation of a transfer station at 9 & 11 Shoham Road, owned by 9 - 13 Shoham Road, LLC. [M-1 Zone; Map 3, Block 17, Lots S6 & S7] (Deadline to close hearing 9/1/09):

Co-Chairman Gowdy read the Hearing description. Appearing to discuss this Application was Attorney T. Mark Barbieri, representing the Applicant; Jay Ussery of J. R. Russo & Associates, Inc.; and Jonathan Murray, Operations Operations Manager for Shoham Road Transfer, LLC.

Attorney Barbieri reported that this Application is part of the second Application received this evening for the same Applicant. The volume reduction facility (VRF) is where the bulky waste is brought in, sorted, and recycled out of the facility. That permit has been renewed through 2012. During that time they returned to modify the VRF to include a separate area for transfer station (for municipal solid waste [msw]); that permit expires in 2009. Attorney Barbieri suggested the Commission could act on the transfer station application this evening, while coordinating the expiration dates on the second application so the operations are combined. Discussion followed regarding the process for hearing the information for both applications based on the Commission's scheduled meetings and the availability of the Applicant's experts, and the possible decision alternatives.

Mr. Ussery reported the Application being presented this evening is for a transfer station operated by Shoham Road Transfer Station, LLC, formerly Somers Sanitation. The transfer station is newer work which goes on at the site under the permit approved two years ago. The volume reduction facility approval goes back 15+/- years. Both facilities operate out of the same location and the same building. The cul-de-sac at the end of Shoham Road is beyond this building. Vehicles enter at the first driveway; the scale is behind a berm. You can't see into the facility except at the driveway location. The vehicles enter the building via three doors; materials are tipped onto the floor and are sorted. The recyclables are removed and stored for a short period of time, and then go out to various vendors. The transfer station handles different materials - municipal solid waste (msw) - those materials are also tipped onto the floor; waste materials go out to landfills. Mr. Ussery indicated that during the Application for the volume reduction facility the Applicant presented a comprehensive traffic study prepared by Scott Hesketh. Mr. Ussery indicated that his firm's office is also located on Shoham Road; they have not experienced any real traffic issues on Shoham Road. Traffic functions much better with the installation of the traffic light at the intersection of Shoham Road and Route 140; traffic may actually be reduced due to the current economic conditions. Attorney Barbieri noted that the msw is brought in on smaller trucks, which further reduces the traffic impact.

Mr. Murray continued, noting that the bulky waste - demolition materials, bulky furniture, etc. - is taken into the building through one of the three doors, is sorted, and then taken out in 20 or 30 yard trucks to various other locations for recycling. The municipal solid waste is handled through another separate door. Town Planner Whitten clarified that the transfer station and the volume reduction facility are two separate

applications; the volume reduction facility has been operating for some time while the transfer station is coming through for it's first renewal. Attorney Barbieri noted that the two operations are two separate processing functions; the types of waste don't mix.

Commissioner Farmer noted that his primary concern two years ago was for rodents and smells, and he understood there have been no issues other than the one complaint mentioned in Town Planner Whitten's support documentation. Town Planner Whitten reported that a citizen is present in the audience with comments for the Commission. Mr. Murry reported that the Applicant employs a pest control firm which comes in and sets traps, and returns monthly for additional control measures. They also have a water misting system to control odor. Commissioner Thurz suggested that until someone actually goes to the facility you wouldn't even know it's there.

Dorothy Pico, 87 Prospect Hill Drive: reported she lives right behind this facility, when the leaves are gone from the trees she can see everything. They have a fence around the facility but it has holes in it. On Thursdays between 9:30 a.m. and 11:30 a.m. there is an odor which smells bad, the noise when they drop the dumpsters shakes the house, there is the beeping noise from backing up the vehicles, the dust coming onto her property causes her to have to close the windows and she needs to clean her air conditioner constantly. Ms. Pico reported she hears the trucks at 5:30 in the morning and they are supposed to start at 6:00. She suggested John Pisamenti (of Somers Sanitation) was at her property today and he heard the noise.

Co-Chairman Gowdy questioned if there might be other businesses in the area that might be causing the smell? Commissioner Thurz questioned how long Ms. Pico has lived at her residence? Ms. Pico responded 33 years; her parents lived there before her. Commissioner Devaney questioned what type of fence is around the facility? Mr. Murray indicated it's a 12' high stockade fence. He has replaced some sections last year but can work on additional areas. Mr. Murray suggested that the trucks that Ms. Pico hears at 5:30 would be the trucks backing up to pick up containers; the transfer station starts it's work at 6:00.

Mr. Murray advised the Commission this is the first time he has heard this complaint, but will look into Ms. Pico's comments further. Ms. Pico reported she has been calling Town Hall with her complaints. Town Planner Whitten noted the Planning Office has not received any complaints in the two years this facility has been operating, so she assumed everything was going well. She questioned to whom were the complaints made; Ms. Pico couldn't recall the name. Attorney Barbieri noted the Applicant also has a 24 hour hotline; they want to know about problems and complaints. He suggested they have had some complaints from time to time but have been able to resolve those issues. The

Commission discussed the possibility of taking a site walk. Some members wanted to meet at Ms. Pico's property between 9:30 and 11:30 to investigate the smell issue; other members wanted to walk the transfer station specifically. The specifics of site visits was discussed; Town Planner Whitten advised the Commissioners to coordinate their visits as attendance by a three or more members would constitute a public meeting which

would require posting, etc. Commissioners are to report their findings at the next Commission meeting.

Co-Chairman Gowdy questioned Mr. Murray if he had any idea of the source of the odor? Mr. Murray suggested the facility opens at 6 in the morning, the doors are opened and the systems go on. The (misting) system runs throughout the day but shuts down periodically for the pumps to rest, then the systems re-start. Typically the workers advise him if there is a problem.

Commissioner Mulkern questioned if the odor started in the last two years? Ms. Pico replied negatively, noting it's been going on.

Commissioner O'Brien questioned if Ms. Pico was sure the noise was coming from the facility behind her fence? Ms. Pico replied affirmatively. The Commissioners discussed the possibility of the noise being associated with the dumpster facility.

MOTION: To CONTINUE the Application of Shoham Road Transfer, LLC. - Special Use Permit for the operation of a transfer station at 9 & 11 Shoham Road, owned by 9 - 13 Shoham Road, LLC. [M-1 Zone; Map 3, Block 17, Lots S6 & S7] until the Commission's regularly scheduled meeting on August 8, 2009 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

Devanney moved/Farmer seconded/VOTE: In Favor: Unanimous

Town Planner Whitten noted the deadline to make a decision is September 1, 2009; the Applicant would need to give the Commission an extension to continue their decision to the first meeting in September. Attorney Barbieri reported he would provide the hearing extension

Co-Chairman Gowdy advised the audience of the Hearing continuation. He requested that complaints be made to the Planning Office, as well as the Applicant's 24 hour hotline. Town Planner Whitten provided Ms. Pico with her card and office information.

MOTION: To TAKE A FIVE MINUTE BREAK.

Devanney moved/Farmer seconded/VOTE: In Favor: Unanimous

The Commission RECESSED at 7:45 p.m. and RECONVENED at 7:53 p.m.

NEW BUSINESS: DSE Properties, LLC. - 5-lot subdivision of property located at 16 Windsorville Road. [R-1 Zone; Map 25, Block 47, Lot 17] (Deadline for decision 9/17/09): (TABLED):

Town Planner Whitten noted the Site Plan prepared included the original lot; the Application is being tabled while the plans are being redrawn. No motion made.

BUSINESS MEETING/(1) Informal Discussion - Sign Regulations:

Jim Richards, Executive Director of the East Windsor Chamber of Commerce, requested to be included in discussion of this item of business.

Town Planner Whitten reported staff has submitted this draft regulation. She has taken input from regulations for the Towns of Simsbury and Tolland; she is looking for comments from Commissioners.

The present draft allows businessowners to apply for permits for temporary signs for up to 4 times per year; no more, no less. Permit duration is for up to 14 days, with a minimum period of 30 days between the expiration of permits. Unified retail centers containing 5 or less tenants are allowed only 1 sign at a time; those centers containing more than 6 tenants are allowed 2 signs at the same time but they must be 150' apart. All signs must be located ON the subject property; no signs will be allowed with the public right-of-way; ALL signs must be 10' back from the property line or 20' from the paved roadway. A- frame signs must be consistent at 2' x 3'; Tolland requires all signs be consistent with regard to materials and colors. Banners – in place of A-frame signs – no larger than 2' x 10' will be allowed but must be attached to a building. A business can not have an A-frame sign and a banner at the same time.

Commissioner Devanney suggested 14 days was a long time; she would rather see 10 days. Town Planner Whitten suggested 14 days allows the business to display the sign over two weekends. Mr. Richards suggested if the Commission wanted to reduce the number of days, then, from a business perspective, allowing signs 5 times per year would be considered.

Commissioner O'Brien questioned the purpose of the signs; is the intent for sales? Mr. Richards suggested sales or specials, etc. Commissioner O'Brien suggested he could see the signs being requested more than 5 times per year. Mr. Richards indicated the businesses located along Route 5 would like to have signs out every Wednesday. As written signs will be allowed 4 times per year; permits can be purchased/written 4 separate times or all 4 times scheduled/purchased at the same time. Enforcement, and staffing levels to support same, was discussed. Co-Chairman Gowdy cited concerns with the ability to enforce these additional signs; he noted staffing is limited for enforcement issues at present without these additional signs to deal with. Town Planner Whitten referenced a condition which indicates the privilege to display a sign can be revoked and further privileges denied, whether the business has already paid for the additional permits or not.

Commissioner Devanney suggested "A-frame" should be further defined. Town Planner Whitten suggested free/self-standing placards displayed on two posts should be included and defined as well. Commissioner O'Brien questioned how the separation distance would be handled? Town Planner Whitten suggested whoever within the center comes in first defines the beginning of the 150' distance.

Mr. Richards advised the Commission he has spoken to Town Planner Whitten and Zoning Enforcement Officer Newton regarding meeting with the businessowners to discuss the need to follow the rules, and, if this allowed and it isn't working it will be repealed. Co-Chairman Gowdy reiterated his concern regarding the ability to enforce these additional signs based on the current staffing levels. He cited the difficulty enforcing existing problems with sign violations. Co-Chairman Gowdy noted businesses along Route 5 with vehicles displayed almost on the road; the Planning Office doesn't have the personnel to enforce that problem. Commissioner Thurz concurred, noting there are many car dealers for whom 30 display vehicles were approved and many more than that are displayed. Town Planner Whitten suggested the Planning Department must pick and choose what it has the ability to enforce. Discussion followed regarding prevailing public attitude vs. the affect of initiating enforceable regulations. Mr. Richards suggested the Commission include a repeal date; he would like the Police Department to remove signage if becomes a sight line problem. Commissioner Thurz suggested the Commission wants the Town, and its businesses, to thrive, but they don't want the town to look like Las Vegas; Mr. Richards agreed. Town Planner Whitten noted the Town can not limit content, only the specifics of size, etc. Mr. Richards felt the Chamber could deal with the businesses on content.

Commissioner O'Brien questioned how the businessowners will get notice of these new regulations? Town Planner Whitten indicated there would be a public hearing and there would be articles in the newspaper. Mr. Richards indicated the Chamber will be educating people also.

Town Planner Whitten requested the Commission to review and return to the next meeting with revisions.

BUSINESS MEETING/(2) Correspondence:

* WPCA is holding a meeting on August 18th at 6:30 in the Town Hall Meeting Room regarding discussion of the North Road Sewer Project Cost and Potential Funding. This is a joint meeting among the WPCA, the Board of Selectmen, the Board of Finance, and the Economic Development Commission. Due to the enthusiasm of the Commission regarding involvement in this issue Town Planner Whitten will ask that the PZC be included in the meeting advertisement.

BUSINESS MEETING/(3) Staff Reports: None.

APPROVAL OF MINUTES/July 11, 2009:

MOTION: To APPROVE the Minutes of Public Hearing #1551 Regular Meeting dated July 11, 2009 as written.

Farmer moved/Devanney seconded/VOTE: In Favor: Unanimous

SIGNING OF MYLARS/PLANS, MOTIONS:

MOTIONS:

- * USA Hauling - Site Plan Modification to expand container storage facilities and drainage improvements.
- * Kirk Stafford - Resubdivision Application

MYLARS:

- * Kirk Stafford - Resubdivision Application
- * USA Hauling - Site Plan Modification

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:40 p.m.

Devanney moved/Thurz seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

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