

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

SPECIAL Meeting #1718– May 23, 2017

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

The Meeting was called to order in Meeting Room #2, Scout Hall, 28 Abbe Road, East Windsor, CT. at 6:30 P. M. by Chairman Ouellette.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Jim Thurz, and Dick Sullivan.

Alternate Members: Tim Moore, and Marti Zhigailo.

ABSENT: **Regular Members:** Lorry Devanney

Alternate Members: Both Alternate Members were present.

Also present was Assistant Town Planner Shawn Rairigh, and Ginny Higley.

GUESTS: Deputy Selectman Richard P. Pippin, Jr., Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance....

ESTABLISHMENT OF QUORUM:

A quorum was established as four 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. Following in accordance with the service rotation schedule Alternate Member Moore would also join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

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/a) May 9, 2017:

MOTION: **To ACCEPT the Minutes of Special Meeting #1717 dated May 9, 2017 as written.**

Sullivan moved/Thurz seconded/DISCUSSION: None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new Applications:

1. Application of Penske Truck Leasing Co. L.P. for property at 10 Shoham Road, owned by 10 Shoham Road LLC, for Site Plan Approval for a Change of Use to used car sales and repairs. [M-1 zone; Map 113, Block 17, Lots 6A & J]
2. Application of Recycled Concrete Products of CT for property located at 33 Apothecaries Hall Road, owned by Herb Holden Trucking, Inc. for renewal of existing Special Use Permit under Chapter 809 to fill in an area of the site to create additional area for future commercial use in association with existing volume reduction facility. [M-1 zone; Map 57, Block 48, Lot 38]
3. Application of owners Apothecaries Hall Enterprises, LLC and the East Windsor Sportsmans Club, Inc. for property located on the south side of Apothecaries Hall Road for renewal of existing earth excavation permits and expansion of excavation area to include Phase 17 (4.5 acres). [Map 57, Block 49, Lot 3; Map 57, Lot 65, Lot 1; & Map 48, Block 65, Lot 7]

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

OTHER BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

BUSINESS MEETING/(2) Discussion on Aquifer Protection Regulations:

Mrs. Higley recalled the Aquifer Protection Regulations were created and adopted by then Assistant Planner Newton in 2015. At the request of Town Planner Whitten Mrs. Higley is working on a registration package to send to business owners located within the

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Aquifer Protection Area (APA). Mrs. Higley had previously provided to Commission members explanatory documents and registration forms available through the State. While that information was informative it was a bit overwhelming. Mrs. Higley has found a 3 page form (Determining Regulatory Status in an Aquifer Protection Area) which would be sent to business owners with a cover letter explaining the request for information regarding the business use. Mrs. Higley then outlined the process going forward for the Commission.

Mrs. Higley reported the business owner is sent the 3 page form, along with a letter explaining that their business is located within the APA, and the business owner is requested to return the form explaining the business use. No fee is charged until the business owner completes the registration form and appears before the PZC for approval of continuing business activities within the APA. If the business owner fails to respond to the initial query within 3 weeks, a follow up letter would be sent. If the business fails to respond within 30 days, Planning Office staff would follow up, possibly with a personal visit. If the business use requires registration, the business owner would be required to appear before the PZC via a Public Hearing. If the business activity is allowed approval by the PZC would initiate a cycle of annual inspections for a 5 year period, at which time the business owner would be required to renew their registration. Applicable fees would be charged at the initial Public Hearing, at each annual inspection, and at the 5 year renewal. If the business activity is found to not be allowed the business owner would be requested to stop the activities.

Mrs. Higley reported most residents would be exempt, unless they have a home occupation which falls under activities listed on the 3 page form. A similar process would occur for residents maintaining those home occupations located within the APA.

Mrs. Higley reported agricultural/farms are exempt.

The Commission raised the following comments/questions:

- **Failure to comply:**
Commissioner Sullivan questioned what happens if a business fails to advise the Town of his business activities? Mrs. Higley indicated businesses would have a one-time opportunity to respond to the initial request letter. If they fail to respond Planning staff would follow up as described above. Ultimately the business could receive a Violation Notice. Commissioner Thurz felt most business owners will feel they pay enough taxes already and won't bother returning the 3 page form. Mrs. Higley indicated non-compliance could result in penalties being charged. Commissioner Sullivan questioned what, in addition to the fine/penalties, would result due to non-compliance? Mrs. Higley suggested the Town could file the fine on the Land Records. Assistant Planner Rairigh suggested this would prohibit the business owner from getting Zoning Permits, etc.
- **State involvement:**

Commissioner Zhigailo questioned if this process could be turned over to the State? Mrs. Higley replied negatively.

- **Application/Public Hearing process:**
Commissioner Zhigailo questioned the Public Hearing process for these registrations; could the PZC hear multiple Public Hearings for these registrations or how would the process work? Mrs. Higley indicated they would be scheduled like regular applications; multiple Public Hearings could be scheduled for any PZC Meeting.
- **Town-owned properties:**
Chairman Ouellette noted several of the businesses included on the list of businesses operating within the APA are Town properties, who files the forms for those properties? Mrs. Higley felt that task would fall to the Department of Public Works.
- **Fee schedule:**
Commissioner Moore requested clarification of the fee schedule. Mrs. Higley reported there is a onetime registration fee; the business is inspected annually, at which time an inspection fee is charged. If the business is sold there is a transfer fee.
- Mts. Higley noted the Commission had asked for comparisons with fees charged in other towns; she referenced a spreadsheet recently provided to the Commission. She noted fees for East Windsor were included in the regulations prepared by Assistant Planner Newton. She suggested if the Commission chooses to make changes to the fee schedule a Public Hearing would be required.

Chairman Ouellette noted the list of businesses located within the APA is small. He suggested the Commission consider holding a workshop specifically for these business owners to explain the State law, and the forms and to offer the Town's assistance with the process going forward. Chairman Ouellette queried the Commissioners regarding a future workshop specific to this registration process. The consensus of the Commissions was to plan a future workshop. Mrs. Higley will follow up with Town Planner Whitten.

BUSINESS MEETING/(1) Discussion on HIFZ:

Assistant Planner Rairigh reported that Town Planner Whitten has reviewed the concept of the HIFZ (Highway Interchange Floating Zone) with Attorney Tom Fahey. They gave businesses the ability to do something interesting outside of the script of zoning within this HIFZ. Under the current process the parcel must be designated as being within the HIFZ; then the Site Plan is approved. Under the current review Town Planner Whitten would be looking to create a separate HIFZ Zone in which an applicant could apply for permitted uses.

Referencing Town Planner Whitten's memo Assistant Planner Rairigh reviewed the following issues with the Commission:

- **Clarify uses to be permitted in the HIFZ:**
Assistant Planner Rairigh suggested residential uses are not presently allowed in the HIFZ. Town Planner Whitten has suggested considering mixed use residential, which would allow residential units above first floor business uses. This would allow construction of elderly housing and senior housing with commercial uses on the first floor and residential units above. Commissioner Zhigailo felt this would be a good component, especially for smaller parcels, as it fits with the recommendations of the POCD (Plan of Conservation and Development). Assistant Planner Rairigh noted this would also increase tax revenue on smaller parcels. Commissioner Sullivan felt a developer would like those uses as it gives them the ability to have multiple floors of residential above the lower commercial use. Assistant Planner Rairigh noted such a use would also be beneficial regarding parking, as the tenant would be away from the parcel during the day freeing up parking spaces for the commercial use.
- **Gas stations:**
Assistant Planner Rairigh cited the two interchanges located within the current HIFZ. He suggested the Commission could set distance requirements between stations to control the number built. Chairman Ouellette suggested the gas stations often create “site creep”, as the station expands to provide diesel fuel and a convenience store is added. He noted these uses involve large parcels which visually become a sea of asphalt. Assistant Planner Rairigh suggested the intensity of the use could be restricted under the Special Use Permit. Chairman Ouellette noted that parcels near traffic lights are often the worse location as they have many curb cuts. While they provide business opportunity people often avoid them because they’re too busy. Assistant Planner Rairigh suggested an applicant must prove it will work via submission of a traffic study. He suggested the good thing is Route 5 is a State road. Deputy Selectman Pippin suggested limiting the parcel size to keep these uses out of the smaller parcels. Commissioner Zhigailo felt this zone is a good location for gas stations; she noted gas stations are one of the reasons people get off a highway. Various Commissioners noted Stop and Shop and Costco in Enfield, each of which have gas stations associated with their primary use; the gas stations are located internally within each parcel. The consensus of the Commission favored gas stations as a permitted use within the HIFZ.
- **Medical uses:** The Commission favored inclusion of medical uses.
- **Clarify height:**
Assistant Planner Rairigh referenced current regulation language which defines height as “compatible to highway elevation”. He felt a more specific definition would give a developer more certainty when proposing a plan. The Commission reviewed the current requirements for hotels vs. senior housing. Assistant Planner Rairigh noted most senior housing build at least 4 floors to justify including elevators. He noted he and Town Planner Whitten had acknowledged the beautiful views looking west of Route 5; they would like to preserve those views. Commissioner Zhigailo suggested the height could be regulated to retain the

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vistas; Commissioner Thurz suggested the views might be a secondary consideration as this is a commercial area. Assistant Planner Rairigh noted the church recently received approval for a 4 story hotel. He suggested perhaps the addition of design language could work into the height requirements. He also noted Town Planner Whitten had suggested including language to consider emergency vehicles when considering height requirements. Deputy Selectman Pippin cited a ladder truck can reach 95' but anything 3 stories or over are sprinklered. Chairman Ouellette suggested the B-3/Route 140 Regulations may include language to encourage the terracing concept.

- Consider establishing a minimum lot area to restrict use of smaller parcels.

MOTION: To TAKE A FIVE MINUTE BREAK.

Thurz moved/Sullivan seconded/DISCUSSION: None.

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

The Commission RECESSED at 7:30 p.m. and RECONVENED at 7:33 p.m.

The Commission continued with their review of the HIFZ revisions:

- **Define area of the overlay zone:**
The Commission reviewed the aerials provided by Town Planner Whitten. Recommendations include:
 - avoid splitting parcels into multiple zones.
 - Add Route 5 north and the Route 140 intersection
 - Omit residential parcels currently located in the middle of the zone; help property owner repurpose.
 - Square out the property line below the red area
 - Consider including the former Coachlight Dinner Theater site for more intense development as it has sewer service.

Chairman Ouellette suggested staff propose a couple planning scenarios for the next meeting.

BUSINESS MEETING/(3) General Discussion of Planning Issues:

No discussion this evening.

BUSINESS MEETING/(4) Signing of Mylars/Plan, Motions:

Mylars: None presented this evening.

Motions:

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- **WSJA, LLC** - Site Plan Approval for construction of new building addition to front of existing building at 34 Newberry Road (M-1 zone; Map 92, Block 19, Lot 1)
- **Len Norton, DPW Director / Town Engineer** – Site Plan Approval to allow expansion of parking area at 11 Rye Street, owned by the Town of East Windsor, for use by Town Hall and Broad Brook Elementary School. (R-1 zone; Map 78, Block 47, Lot 16)

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:45 p.m.

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

Respectfully submitted,

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