

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

**REGULAR Meeting #1861
Tuesday, October 24, 2023**

***THIS MEETING IS BEING HELD IN-PERSON
In the John Daly, Jr. Meeting Room,
Town Hall, 11 Rye Street, Broad Brook, CT 06016***

AND

***VIA REMOTE ACCESS
via ZOOM Teleconference
Meeting ID: 714 897 1799***

DRAFT MEETING MINUTES

********Minutes are not official until approved at a subsequent meeting********

I. TIME AND PHYSICAL PLACE OF MEETING:

Vice Chairman Thurz called Regular Meeting #1861 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via telconference as well.

PRESENT: **Regular Members:** Anne Gobin, David Leason, and Jim Thurz (Vice Chairman).

Alternate Members: Frank Gowdy.

ABSENT: Regular Member (Chairman) Michael Kowalski, and Commissioner Stacey Svoboda-McKenna were unable to join the Commission this evening.

GUESTS/SPEAKERS present in-person: Planning Consultant Michael D'Amato hosted the meeting. Also present in person were: **Application PZ-2023-20 – Applicant: Balch Bridge Street Corp** – Extension Request; **Application PZ-2023-24 Applicant: East Windsor Historical Society:** Jay Ussery, of J. R. Russo & Associates, LLC; John and Dan Burnham, representing the East Windsor Historical Society; **Application: PZ-2023-23 Town of East Windsor,** Text Amendment for Warehouse Point Design District; **PZ-2023-25 – Newberry Rd & 9 Craftsman Rd,**

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Applicant: Penske Truck Leasing Co, LP/Newberry Road Enterprises, LLC – Meghan Alter Hope, of Alter & Pearson, representing Penske Truck Leasing (other representatives for this application participated remotely); **PZ-2023-26 – Town of East Windsor** – Text Amendment – Parking Spaces. **PUBLIC:** Gail Boisvert, Marie DeSousa, Noreen Farmer, Abbott Schultz, Jr.

GUESTS/SPEAKERS present remotely identified as they sign in: Tyler Netts; iPhone; **Application PZ-2023-25 – Newberry Rd & 9 Craftsman Road, Applicant: Penske Truck Leasing Co, LP/Newberry Road Enterprises** – John Wiltanger, representing Penske Truck Leasing; Timothy Houle, of BL Companies; Mike Kurker, Traffic Consultant, BL Companies; Peg Hoffman, Recording Secretary. **PUBLIC:** Tyler Netts.

II. ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members and one Alternate Member were present at the Call to Order. Vice Chairman Thurz requested Alternate Member Gowdy to join the Board regarding discussion and action on all Items of Business this evening as well.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE:

The following Legal Notices were read by Vice Chairman Thurz:

PZ-2023-23 Town of East Windsor is requesting a Text Amendment to create a new section: Warehouse Point Design District (WPDD) within East Windsor Zoning Regulations.

PZ-2023-25 74 Newberry Rd & 9 Craftsman Rd is requesting a Special Use Permit for the Construction of a 32,212 SF building and a 16,793 SF building with new paved parking, loading areas, site lighting, concrete walkways, stormwater management system, associated utilities, and landscaping. Map 93, Block 19, Lot 06 & 09 & 10, Zone: M-1. **Applicant/Owner: Penske Truck Leasing CO, LP/Newberry Road Enterprises, LLC.**

PZ-2023-26 Town of East Windsor is requesting a Text Amendment to section: 601.2 Number of Parking Spaces.

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V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED ON THE AGENDA):

Vice Chairman Thurz queried the in-person audience for comments regarding items/issues not posted on the Agenda. No one requested to speak. He then offered the same opportunity to the remote participants; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

A. October 10, 2023 – Regular Meeting of PZC:

Vice Chairman Thurz queried the Commission for comments or revisions to the October 10, 2023 Regular Meeting. Commissioner Gobin noted the following typos that should be corrected: Page 1, line 39, “Deputy Selectman DeSousa is missing the “t”. and Page 3, line 125, “...Mr. Houle indicated they are appearing before the Commission for ~~aal of~~ a Site Plan approval as well as Special Use Permit...”

MOTION: To APPROVE the Minutes of Regular Meeting #1860 held on Tuesday, October 10, 2023, with the following corrections: Page 1, line 39, “Deputy Selectman DeSousa should include the “t”...”, and Page 3, line 125, “before the Commission for ~~aal of~~ ...”

Gobin moved/Gowdy seconded/DISCUSSION: None.

VOTE: In Favor: Gobin/Gowdy/Thurz
Opposed: No one
Abstained: Leason

VII. RECEIPT OF APPLICATIONS:

Chairman Kowalski acknowledged the receipt of the following new application:

A. PZ-2023-27 – 52 Main St – Modification of Approved Site Plan. Map 061, Block 05, Lot 041, Zone TZ5. Applicant: Yanal Qneider:

VIII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

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A. PZ-2023-20 – 216 & 222 South Main St/Balch Bridge St Corporation - extension request:

Planning Consultant D’Amato noted a request has been made by representatives for the Balch Bridge Street Corporation for a 90-day extension for filing the final mylars on the property at 216 and 222 South Main Street. If the Commission is in agreement with the request a motion of approval should be made.

MOTION: To GRANT a 90-day extension for the filing of the approved mylars for Balch Bridge Street Corporation resubdivision approval under PZ-2023-20 application as requested.

Gobin moved/Leason seconded/*DISCUSSION*: None

**VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)**

IX. CONTINUED PUBLIC HEARINGS:

A. PZ-2023-24 – 115 Scantic Rd – Special Use Permit – Construction of a 112’ by 32’ Tobacco Barn to be used for demo of Tobacco Hanging & Drying. Map 064, Block 32 Lot 028A, Zone: B-1, A-1, A-2. Applicant: East Windsor Historical Society:

Vice Chairman Thurz read the description of this continued Public Hearing.

Jay Ussery, of J. R. Russo & Associates, joined the Commission to continue his presentation from the previous meeting. Also present from the East Windsor Historical Society were John and Dan Burnham.

Referencing a Site Plan, Mr. Ussery noted the application is for the relocation of a tobacco shed from Phelps Road to the Museum’s property to be rebuilt in the location shown in brown on the Site Plan. Mr. Ussery noted the location of the Museum’s village, and surrounding properties on Scantic Road, Cemetery Road, and Phelps Road. Mr. Ussery noted the reconstructed tobacco barn will be used for demonstrations of hanging and drying tobacco for visitors, including children.

Mr. Ussery reviewed outstanding issues raised by the Commissioners:

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- ***Bringing power to the reconstructed barn:*** Mr. Ussery suggested the shed will be dark, electricity is proposed to illuminate the interior for visitors. Power will be brought in from the Museum's village.
- ***Bringing water to the reconstructed barn:*** John Burnham, representing the Historical Society, suggested the water can be used during the steaming of the tobacco, electricity is used as well. Commissioner Leason questioned how large the water connection will be, and where it will be brought in from; will you bring in a septic tank? Mr. Burnham recalled that Mulnite Farms grew shade tobacco, all the sewing machines were electric and were built on Depot Street by MAB. Mr. Burnham agreed that the water will be handy for fire suppression, but it isn't being used as a wastewater . source.

Mr. Burnham wanted to note that he was present at the previous meeting to answer questions but received a phone call a few minutes into the meeting advising him of an emergency at his farm, which required a response from the Broad Brook Fire Department. He and Dan didn't return to that meeting as they were dealing with issues at that farm.

Mr. Burnham noted tobacco is part of East Windsor's heritage. In the 1960s there were 10 tobacco sheds within half a mile of the Church (in Scantic). Mr. Burnham recalled from the previous meeting minutes that you asked if the tobacco would be fired? He suggested that would be a function of the season, if it's dry and the tobacco dries, they don't have to fire it because that costs money. If November comes and it's dry they'll use a humidifier to create a tobacco "damp". Commissioner Gowdy questioned if they would be using propane or charcoal? John Burnham suggested the concept is that the tobacco will be grown offsite, the intent is to enable people to go into the shed to view the curing/drying process. Mr. Burnham suggested about 3 acres of tobacco will be hung in the shed . He noted that Vice Chairman Thurz had referred to a "straight" barn at the previous meeting. John Burnham first clarified that this proposal is for a tobacco shed rather than a barn. It's a 7-bay shed coming from the Titus/Putrimet farm to the Museum.

Vice Chairman Thurz called for questions from the other Commissioners.

Commissioner Gowdy:

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- ***Amount of crop versus demonstration purposes:*** Commissioner Gowdy questioned if the intent is to hang 3 ½ acres to fill the shed up, or just fill one or two bays? Mr. Burnham suggested the intent is to fill the shed up with about 3 acres of tobacco. Commissioner Gowdy questioned if the intent was for demonstration and information why there was a need to fill the shed; he felt maybe 3 bays from top to bottom was enough.
- ***Will the crop be a rental situation:*** Commissioner Gowdy questioned if the Historical Society will rent a crop of tobacco for income? John Burnham replied they are not planning to rent the crop for income, if a local farmer will plant a crop which will be hung in the reconstructed shed he'll want to plant enough for a full shed, and the farmer will take it down at the end of the drying process and do whatever they want with the tobacco. Mr. Burnham reviewed the process to work with the farmer regarding the crop.

Commissioner Leason:

- ***Electrical service:*** Commissioner Leason noted Mr. Burnham's historical comments about tobacco barns, he questioned if those barns had electricity? John Burnham suggested it depended on the location of the barns to the rest of the farm, often they brought a generator to the shed and moved it from shed to shed. Commissioner Gowdy recalled that if there was a foggy morning it dampens the leaves and makes them pliable, it's called a "tobacco damp". Commissioner Gowdy recalled the farmers would get up early in the morning and begin taking the rows of tobacco down and packing it.
- ***Authenticity of electrical service:*** Commissioner Leason suggested if there wasn't necessarily electricity in the shed, if we're trying to be authentic why are we bringing power to the shed? John Burnham noted all the farmers operated differently, but many had generators with propane tanks that they moved from shed to shed. Dan Burnham noted they've brought electricity to the other buildings on the Historical Society's property, they don't use kerosene lamps to keep it authentic, but have brought electricity to some of the other buildings.
- ***Size of power service:*** Commissioner Leason questioned the size of the power being brought to the tobacco shed? John Burnham suggested two 20-amp circuits. Commissioner Leason questioned the installation of 3-phase power; John Burnham noted the cost associated with that service, he also reiterated he felt the 3-phase service was unnecessary. Commissioner Leason questioned the installation of emergency exit lights, which now takes away the authenticity of the

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shed. John Burnham suggested they intend to install light bulbs for illumination, the shed will be reconstructed on piers, and the floor will be gravel.

- ***Foundations/finished floors:*** Commissioner Leason questioned that no part of the floor will be finished, John Burnham reiterated the floor will be gravel.

Commissioner Gobin:

- ***Scheduling of tours:*** Commissioner Gobin recalled that during the previous meeting speculation occurred regarding the intent to bring in school buses, but she's hearing tonight that they'll be a demonstration when the farmer brings in the tobacco and another when they dry it. Will the events be scheduled for each day or is it a multi-day demonstration? John Burnham noted that the kids do come in and they come in 3 buses. Normally they come in November, and they would probably see tobacco hanging in the shed, he also suggested that a smaller portion of the tobacco may be left up year round for display, and hopefully they'll leave up the different types of tobacco – shade and speared. They'll also see the different types of tobacco sheds; this one has hinged doors on the side while other farmers had doors that closed with lathe to be able to close the sheds quickly if a storm came up. John Burnham noted there's a fair amount of coordination to accommodate the tours.
- ***Saturday tours:*** Commissioner Gobin questioned if they would be open on Saturday? John Burnham noted the Museum is open 9 to 12 on Saturdays presently, and they often get calls for people to stop over. John Burnham also noted they'll be able to see whatever status of the hanging process is occurring at the time; people will also see tractors and "riggins" and "setters" and other farm equipment; it's a big part of our history. John Burnham reiterated it's an educational demonstration. Commissioner Gobin suggested putting up educational "display boards" up to explain the process.

Vice Chairman Thurz:

- ***Timing of tobacco removal:*** Vice Chairman Thurz questioned that you said you would strip in November, he felt most of the farms are stripped by October. John Burnham felt it was a function of the weather, when the tobacco is dry the farmer takes it down. John Burnham noted he's seen it taken down as late as the Spring. Commissioner Gowdy concurred, noting most farmers can't afford to steam, or "fire" the sheds so they wait for the foggy mornings.

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- ***Historical demonstration versus event facility:*** Commissioner Thurz questioned what can the Historical Society do to guarantee that this won't turn into an event facility? John Burnham reiterated their intention is to have a drying demonstration of a tobacco shed, as represented in the application. Mr. Burnham noted that anything the Historical Society does for an event, such as the ice cream social, they come in for a Special Use Permit and have insurance and hire a cop and bring in port-a-potties, and go through the Health District. They would follow the same process for another type of temporary event.
- ***Semantics of application terminology:*** Vice Chairman Thurz question why the application doesn't just say "for a tobacco barn" rather than "for demonstrations of tobacco hanging and drying..." Vice Chairman Thurz recalled other people come through for just a tobacco barn. Mr. Ussery suggested the East Windsor Historical Society are not farmers. They are doing this to preserve the heritage of East Windsor, and the Connecticut River Valley. If they just wanted to put up a tobacco shed they could have gotten a Building Permit, but they came before the Commission because they wanted to do the demonstrations, which requires a different type of application. Mr. Ussery suggested that the Historical Society isn't representing anything that isn't true. Mr. Ussery noted he's been coming before the Commission for 40 years and has never represented something that isn't true. John Burnham noted that 10 years ago the Historical Society had 3 buildings on the property, the academy, the barber shop, and the courthouse. The house at 113 Scantic was a mess structurally, but they restored it and today it's a spectacular representation of mid-1700s architecture. Then they acquired the Barber Hill School House from Griffin Road, which was dismantled and brought to the Historical Society's property. It's the only remaining schoolhouse of the 1860 period that remains, out of 12 which originally existed. John Burnham suggested he hopes there will be tobacco in this shed for people to see.

Commissioner Gowdy:

- ***Project funding:*** Commissioner Gowdy suggested it will take a lot of money to move this shed, how is the project funded, is it income from the Historical Society? John Burnham suggested they receive donations, and have some income, they also apply for grants.
- ***Suspicious attitude:*** Commissioner Gowdy suggested he felt there was an air of suspicion in the room at the last meeting that the Historical Society was trying to do something other than what you've applied for, which isn't fair to

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the Historical Society, or the Town. John Burnham recalled that the East Windsor Historical Society was founded in the 1970s by Ellsworth Stoughton, since that time the Historical Society has become a first-class facility. The 40 acres they subsequently purchased was a dump at the time, now it's mowed regularly and used frequently. Mr. Burnham noted they've done the ice cream social for some time, except during COVID, and it's not a cheap event to run.

Vice Chairman Thurz queried the Commissioners for additional questions; no one requested additional discussion at this time.

Vice Chairman Thurz opened discussion to the in-person audience.

PUBLIC (in-person):

Gail Boisvert, 117 Scantic Road: Mrs. Boisvert read a prepared statement, which follows. My name is Gail Boisvert, my husband, Lester, and I have lived at 117 Scantic Road since 1976. It seems like we're here once again to comment on an application which has to do with our neighbors at 115 Scantic Road. As in the past, our key concern is to ensure that any permits submitted and approved does not have any commercial intent, either now or in the future, and aligns with the POCD, which is supposed to be a guide for zoning.

At the last meeting I shared a few points, or thoughts that I thought you should review on, and I have a few more for this application that I'd like to share.

The **first one**, in 2014 a Building Permit was obtained for 113 Scantic Road by John, for the East Windsor Historical Society. It was for a foundation for a future reception and storage shed, and the rebuilding of a dismantled barn to take place at a later date. It stated that the barn was located on Phelps Road. My question is, is this the same barn, and if so, why isn't it being relocated to the foundation that is currently in place, and currently has electrical and water hook-up?

Number 2 – the condition of the current barn on Phelps Road will obviously call for a lot of repair, I think you've seen the pictures. If it truly is just going to be a tobacco barn what restrictions will be put in place to ensure that during this reconstruction it doesn't become more or an enclosed structure with things that weren't implied. So, right now I guess we'll put electrical, I guess we'll put you know the 120, I guess we'll have the gravel – where does that come into play that it's seriously documented, and the draft approved?

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Number 3 – the narrative listed on the latest Building Permit states “the barn was to be used for demo of tobacco hanging and drying”. That would keep it assessed as tax exempt, and I think that John alluded to that, that it would put them in a different bracket if it weren’t. So why then did the President of the Society indicate to a member that they might be renting it out to a tobacco farmer? Any rental of this building would reclassify it as not tax exempt, and they would owe property taxes. Wouldn’t this need to be recorded in the Assessor’s Office? And how do we manage that?

Number 4 – the President of the Society also shared with a member that they were thinking of renting out the blue barn, the infamous blue barn. Under tax law the Assessor would have to reclassify that asset, because they are a 501-3c. What is the oversight for this building and all the other barns to ensure that they are not being used to generate income, and taxes are not being paid.

Number 5 – there is also concern by neighbors that enhancements were made to the property on Cemetery Road that they own over the last several years since they took ownership and no Building Permits were pulled, at least none that could be found in the records. Enhancements such as new roofs on several barns, electrical work in at least one barn, drainage work.

Number 6 – During the last Special Permit process for an event facility it was declared one of the drivers behind their proposal was that they needed the income. Where are they getting the money to fund this project, and how is expanding their footprint for maintenance make any sense?

So, all of these thoughts, or points, make you pause and stop and think.

In conclusion, what has gone on in the past, and the items I listed last week, and now this week, you can understand where doubts about this latest proposal arises from. Our biggest concern is that once that the barn is in place what will stop the small handful of people, not the Society, they don’t vote on these things. Members do not vote, they’ve had no vote as we’ve stated at the last meeting. They have no meetings, they haven’t in two years. It’s a small group of people in that Society, they’ll show up again with some new idea and enhancement to a Special Permit, and that is our concern. How many times will we have to come forward with this stuff? I also attached a copy of that Building Permit from 2014.

The other thing I just wanted to address about these school children, I must miss them. I work at home, I’ve worked at home for the last four years, I’ve

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never seen a school bus there. It's been years, so I'm going to have to call the school and find out when they'll be coming so I can watch out and wave to them when they come this year in November time. They are only open from 9 to 12 so you alluded to masses of people coming through. Once again, I live next door, I can tell you there are no huge masses of people and I challenge you to show some type of registration book where guests register in to prove me wrong – which is fine, if I'm wrong, I'm wrong.

So, I want to thank you all again for your time and effort, and hearing me. Once again, I'll tell you you've got a tough job and all you do for Planning and Zoning, so I thank you very much for your consideration.

Vice Chairman Thurz called for additional comments from the in-person audience.

Abbott Schultz, 9 Cemetery Road, East Windsor: Mr. Schultz advised the Commission that he goes over to the Society frequently on Saturday mornings, he never sees a visitor – rarely. Mr. Schultz doesn't recall seeing a visitor this year. It would be interesting to know how many are visiting the place, and how much usage we're getting, as far as income.

Secondly, who's paying for the plans to do all of this work? Vice Chairman Thurz suggested that wasn't the Commission's purview.

Mr. Schultz suggested the position of this barn couldn't be farther from the Osborn House, where people would come in. So, a bus comes in and it stops, how does the bus get down to the field? Where does it go in and where does it go out? It's got to be some driveways that aren't there yet.

Mr. Schultz indicated it's also his understanding that there is a codicil on this property for 20 years to raise hay that they're totally ignoring. So, there's someone in this room that has rights to this property to raise hay, which they're totally ignoring. And, also, what's their ability here, they're not the President. I asked the President if he would show up today, he refused to show up to answer any questions for the committee. It would be nice if the President of the organization would show up. Referencing various people in the room Mr. Schultz suggested you're not the President, you're not the President, you're not the President – the President isn't here, the Vice President isn't here, the Secretary isn't here, and the Treasurer isn't here. So, who is here to represent the Society? How can they even come here and present this when they have no authority? I don't believe they have any

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authority. I'm a lifetime member, I can't find out how many members we have. According to the tax records we had \$45.00 in income last year from members, which means we only have 5 members. What kind of society has 5 members? Nothing is going on there, and nothing is going to go on there. This is being built for a nefarious reason for construction to make money.

Mr. Schultz reviewed his list of questions – the buses, where they would come in and out, that's a good question as far as safety goes, where they're going to park. The kids, you couldn't find a further place for those kids to walk from the Osborn House to where that barn is to see this tobacco being grown. There's no further walk. So why would you put it there? There's a perfectly good foundation right next to the Osborn House, which has all the pilings that they're talking about, all the gravel is in, it has electricity and water right now that they could put this barn on. They could put it there, but nobody asked anybody, they just make these decisions on their own for whatever reason. I don't think that's the right thing to do for a Society that's supposed to be a non-profit for the betterment of the town.

And, the last thing, if someone threatened him would you rather have houses there, probably yes. But the thing is, the benefactor of this thing if it fails is the Town of East Windsor ends up with the property. I don't think you really want the property; I think you want it to succeed. I want it to succeed. That's why I bought my property there. I'm a lifetime member, I would like it to succeed, I joined for the right reason, and I think there's good reason for everybody in the room to want it to do well. I have a lot of people visiting. Who cancelled the ice cream social? Who makes these decisions, nobody tells anybody. That was the one good fundraiser we had, the ice cream social, which made a lot of money. Gone, just gone, what happened? Nobody will tell you. You ask a question and you get this and this.

Mr. Schultz thanked the Commission for their time.

Vice Chairman Thurz called for additional comments from the in-person audience.

Marie DeSousa, Rice Road: Mrs. DeSousa indicated her concern, and she's glad this gentleman said what that means for the Historical Society. Mrs. DeSousa suggested that for as long as she's lived in town the Historical Society has done one project after another moving forward. Mrs. DeSousa suggested she gets you people not wanting the blue barn, for whatever reason. She respects that. Where she got upset at the last meeting was the tone in

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which comments were made that were wrong. They're here representing the Historical Society. These guys have done more work on their own as volunteers in this town than she would ever be able to do. And, yes, people tell her all the time why isn't the ice cream social being done? Mrs. DeSousa suggested she doesn't know why, she's not a member of the Historical Society. Mrs. DeSousa indicated she would hate for this animosity to continue. The few volunteers that are running that operation, because it costs money to run it. Thank God that they have people that are willing to donate to keep it running. They've done an excellent job.

Mrs. DeSousa indicated that she felt that tobacco is a sign of East Windsor. We can all speculate but it's the Town's job to make sure they follow the rules and regulations. Regarding speculating, for years people thought John Burnham hated her and she hated him. Little did they know that we didn't even know each other. So, do what you have to do as a Board, Mrs. DeSousa knows that you will. Respect the people that are volunteering their time. Mrs. DeSousa noted she goes by there, and she sees people mowing, they're mowing voluntarily. Mrs. DeSousa noted that when she brought a group of kids in there Nancy Masters volunteered to walk us around. So, if people aren't using it that's a shame, because they should be able to market it and have people going over there. You can't have it both ways, you can't say you want it to exist and then question where their money is coming from. They're non-profit, they can get their donations from wherever they want to. You can speculate all you want but somebody has got to be paying for the buildings to be maintained.

Mrs. DeSousa concluded her remarks.

Vice Chairman Thurz called for additional comments.

Noreen Farmer, 247 South Water Street: Mrs. Farmer indicated she wasn't present at the previous meeting. She noted that she lives in an extremely old house in town, and she's had sheds across the street from her that were moved because of a new building going in but there are some sheds with tobacco hanging in them and she's for saving as many as we can. And, if we can get people to get things moved there, she's all for that. Mrs. Farmer noted that she's gone to the Historical Society for almost anything that they've ever offered, her granddaughter loves the ice cream social. Mrs. Farmer noted she was actually in one of the barns, and thought – wow, all this tobacco equipment that you have here. She recalls talking to someone that a tobacco

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museum would be an awesome thing, so when she saw this she thought good, they're actually going there.

Mrs. Farmer indicated she doesn't know about the blue barn, she wasn't involved in that, but she feels that's the Commission's job to be sure what they're asking to put there is what they do. Not where do they get their money, who runs what, who's supposed to buy something, or who didn't tell someone something; that's not your purview. Your purview is to look at what was placed before you, and decide solely on the validity of that, bearing in mind that overridingly for anybody that comes here, a private developer or the Historical Society or anybody that they're coming here and telling you the truth. People are not coming here to lie, and get caught. Vice Chairman Thurz suggested the Commission realizes that. Mrs. Farmer felt they do a great job, if it gets done we'll go see it.

Vice Chairman Thurz called for additional comments from the in-person audience; no one else requested to speak.

Vice Chairman Thurz then offered the opportunity to comment to the ZOOM participants; no one requested to be acknowledged at this time.

Vice Chairman Thurz requested input from Planning Consultant D'Amato regarding the following:

- ***Ability to run temporary events under the current application*** = Vice Chairman Thurz questioned if this gets approved, what's going to stop them from doing temporary seasonal events? Planning Consultant D'Amato noted that everything contained in the public record is the basis for you making this decision. If they tell you they're going to do "x" and then they do "y" they would be violating a Special Permit, and the Town can take action on that. Particularly with the type of building that's being proposed, from a Fire Marshal and Building Inspector perspective they can't now bring in people for gatherings and events in a building that has a dirt or stone floor and was constructed for the purposes of storing tobacco. There are occupancy standards. And if those things were to occur there would be Health Code and Building Code violations.
- ***Tours for children*** - Vice Chairman Thurz noted they're selecting to bring children in here. Planning Consultant D'Amato suggested the use that they're proposing is part of what they want to do on the property. If they start doing other types of events that isn't what they're showing here it would require another modification to the

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permit. The building itself doesn't require a permit. The use on the property now is a specially permitted use so they're modifying that use because they want to bring people there, and to expand that use further it falls into the purview of the Commission.

- ***Additional tour information/hours of operation*** - Vice Chairman Thurz questioned if the Commission should ask questions regarding hours of operation? Planning Consultant D'Amato suggested the Commission could ask if they plan to make any changes to the current hours of operation, but all they're asking for is a deviation from what they're currently doing. If they're currently open 6 days a week and they're going to do this within their current hours of operation, they're not asking to change that.
- ***Capacity of school tours*** - Vice Chairman Thurz questioned that it's ok for them to bring in 50 school kids? Planning Director D'Amato clarified that's currently part of what they're doing, he didn't see how that created an issue.
- ***Restriction on parties*** - Vice Chairman Thurz wanted to get it out there, they can't throw parties and do any of that stuff. Planning Consultant D'Amato clarified that that could not occur in that shed, he noted that they've stood here during the hearing and all Staff and Department head comments are predicated on that. It's being used for a very specific purpose. Planning Consultant D'Amato noted there are multiple mechanisms that would prevent them from doing that.

Vice Chairman Thurz finished his comments. He called for additional comments from the Commissioners, or the in-person audience. No one requested to speak. A remote participant requested to ask a question.

Tyler Netts, a remote participant, requested to speak.

Tyler Netts, 9 Cemetery Road – Mr. Netts wanted to add that he doesn't see a huge issue with a demonstration for tobacco. He wondered why it wouldn't be closer to the existing village so it might be more convenient to have tours. In conjunction with that, there's a huge mound of wonderful soil that John, Dan, and myself and his wife, grew pumpkins and squash last year. Mr. Netts felt that would be another wonderful addition to perhaps having these tours, and having these kids walk away with picking their own pumpkin, if that's going to be the time of year that these events will be happening.

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Mr. Netts felt for him, the location is a little disconcerting where it probably should be closer to the village, where the tour buses could actually take a tour of the entire facility and see the complete history of this Historical Society.

Vice Chairman Thurz returned discussion to final comments from the Commission.

Commissioner Leason:

- ***School bus parking:*** Commissioner Leason questioned where the location for parking the school buses was? John Burnham noted that the school buses have always come in on the Academy driveway, and they park on the asphalt driveway. John Burnham noted that as a docent his particular interest is the court house and the outhouse. The kids got such a big deal out of the three-seater (outhouse) that they went back to their classrooms and drew pictures, which they sent to the Historical Society. They came in yellow school buses. Mr. Ussery noted someone asked at the last meeting if it was too far, he suggested the kids don't have a problem walking, they walk everywhere, there are walkways and driveways everywhere, it's not like they're walking through the fields, it's about 600 feet from the Academy towards the barn.

Vice Chairman Thurz requested a motion to close the Public Hearing.

MOTION: To CLOSE the Public Hearing on Application PZ-2023-24 for a Special Use Permit Modification for a Site Plan.

Gobin moved/Leason seconded/DISCUSSION: None

**VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)**

Vice Chairman Thurz questioned if the proposed motion before the Commission is the same provided at the previous meeting? Planning Director D'Amato concurred, noting it was the motion proposed by Planning Director Calabrese. He questioned if the Commission had any conditions to add? The consensus of the Commission was they're ready to vote.

MOTION: To APPROVE Application PZ-2023-24 for a Special Use Permit Modification with Site Plan, modification from 5/13/2023 to allow construction of a tobacco barn at 115 Scantic

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Road, East Windsor. The owner/applicant is the East Windsor Historical Society, Inc. This motion comes with 11 Conditions, it references the plans prepared by J. R. Russo as outlined in the 10/3/2023 memo to the Commission from Ruthanne Calabrese, the 11 Conditions are in the same memo.

Gobin moved/Leason seconded/DISCUSSION: Vice Chairman Thurz suggested it's kind of hard to stop a tobacco barn that's put in the middle of a field where it's supposed to be, and the applicant has shown nothing but the right intentions for anything but the hanging and drying of tobacco. It meets the POCD. Commissioner Gobin also added that she felt the applicant has done a good job of answering the questions of the Board, and the questions the public asked, and, as Mike indicated, what we're approving is what they have indicated what the application is for. Vice Chairman Thurz called for a vote.

**VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)**

X. NEW PUBLIC HEARINGS:

Planning Director D'Amato suggested taking Application PZ-2023-25 for Newberry Road and Craftsman Road before the Town's application for a Text Amendment.

MOTION: To MOVE Application PZ-2023-25 for 74 Newberry Road and 9 Craftsman Road before NEW APPLICATION Item A and C, which are both Town applications.

Gobin moved/Leason seconded/DISCUSSION: None

**VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)**

- A. PZ-2023-25 – 74 Newberry Rd & 9 Craftsman Rd is requesting a Special Use Permit for the Construction of a 32,212 SF building and a 16,783 SF building with new paved parking loading areas, site lighting concrete walkways, stormwater management system, associated utilities, and landscaping. Map 93, Block 19, Lot 06 & 09 & 10, Zone: M-1. Applicant/Owner: Penske Truck Leasing CO, LP/Newberry Road Enterprises, LLC:**

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Vice Chairman Thurz read the description of this new Public Hearing.

Joining the Commission were Attorney Meghan Hope, of Alter and Pearson, in Glastonbury, CT. Also participating in the presentation remotely were Tim Houle, Project Engineer. With BL Companies, Mike Kurker, Traffic Engineer, of BL Companies, John Wiltanger, Director of Facilities, presenting Penske Truck Leasing, Co., and present in person is Jack Alvarez, Senior Facilities Manager for Penske Truck Leasing.

Attorney Hope advised the Commission that they sent out the required mailings and the original copy of the mailings is being submitted tonight, signs were posted on both Newberry and Craftsman Road, and an original affidavit was provided to the Planning Office today.

Mr. Houle shared a detailed PowerPoint presentation, please see meeting video for the complete presentation. The following is a summary of the PowerPoint presentation.

Attorney Hope noted Penske Trucking is proposing to purchase approximately 19 acres situated between Newberry Road to the north and Craftsman Road to the south. The Public Hearing tonight is based on their proposal for an automotive development, which includes an Auto Body Repair and a Service Facility, which requires a Special Use Permit within the M-1 Zone.

Slide 1 – PowerPoint introduction.

Slide 2 – Pensky operation overview - Penske is one of the leading transportation providers in North America, which has over 400,000 vehicles on the road across the country. They have 3 produce lines, which include:

- full-service leasing to other businesses/companies,
- a contract maintenance product line which provides maintenance and fuel to Pensky or privately owned trucks driving across the country,
- truck rentals to other companies such as UPS during times of peak usage.

Slide 3 – aerial of proposed site and surrounding area. Attorney Hope reiterated that Penske has purchased approximately 19.06 acres which is highlighted by the red line. The purchased property includes 74 Newberry Road to the north and 9 Craftsman Road to the south, the property is currently farmed. To the left of the proposed Pensky parcel is 68 Newberry Road, which is owned and operated by Mr. Dearborn under a Special Permit. Attorney Hope noted the Penske proposal includes 2 buildings. To the right

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side of the subject property is Namerick Brook, she noted they received a Wetlands Permit in September which includes upland review area impact and direct wetlands impact. Under the Wetlands Permit they are proposing a Mitigation Plan for the wetlands impact.

Slide 4 – Site Plan - Attorney Hope explained a Site Plan, which includes an overlay of Mr. Dearborn's latest Certification Plan. This slide shows that the two uses will remain separate, and includes the required separation distance between uses.

Slide 5 – colored version of proposed Site Plan. The Auto Body Repair Building containing 34,212 square feet, with a height of 28 feet, is located to the top of the screen Newberry Road. This building would be where collision repair would occur for Penske only vehicles. The Auto Service Building containing 16,793 square feet with accessory fuel station for Penske customers only, is located to the south on the Site Plan. The fuel station is located to the rear of the building, and would be operated by Penske employees only, the fuel station would be open only during hours that employees would be present; it would not be available 24 hours a day.

Slide 6, Slide 7, and Slide 7 (fuel island) – architectural renderings of each building, and the fuel station.

Attorney Hope then turned the presentation over to Tim Houle, who introduced himself as a Civil Engineer for BL Companies; Mr. Houle is serving as Surveyor and Wetlands Consultant for this project.

Slide 9 – Existing Conditions. Mr. Houle reported a faded aerial image provides the background for this slide, while the bold orange lines are the current property lines – with a notable exception. Mr. Houle indicated that the property line on the left is a proposed property line. Mr. Houle indicated they are including a modification in their plan set which includes merging the property lines upon subsequent approval. Mr. Houle also noted the blue line to the right of the plan is the flowing watercourses, including Namerick Brook to the right, and an unnamed tributary to the top left which is picking up water through a culvert under Newberry Road. Mr. Houle noted the magenta lines represent the delineated wetlands boundaries approved by the Wetlands Commission a month ago; the yellow lines represent the 150-foot upland review area.

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Mr. Houle also noted that they have frontage on Newberry Road to the north and Craftsman Road to the south; both streets have full utilities. The site is mostly cleared and used as an active farming area, with some trees existing to the north, while the bulk of the vegetation is around Namerick Brook.

Slide 10 – Proposed Conditions: Mr. Houle referenced the colored Site Plan, noting they're proposing two buildings, the 34,000+ square foot Auto Repair/Collision Building to the north, and the 16,000+ square foot Auto Service Building and office for the leasing facilities to the south. Mr. Houle noted the approximately 2,000 square foot fueling station with canopy will be located to the rear of the Auto Service Building. Mr. Houle indicated the proposal meets zoning requirements, including building and parking setbacks, drive aisles are over-sized in some cases due to the use. Mr. Houle indicated the entrance to the Auto Repair/Collision Building is on Newberry Road, employees and customers will enter the front parking area with 10 foot by 10 foot parking spaces and a 24 foot drive aisle. Trucks coming for repair will use the same entrance, Mr. Houle referenced the location of a 30-foot sliding gate. Mr. Houle indicated trucks waiting for repairs would be parked in an inventory storage space, the drive aisles are sized for trucks from box trucks up to a full-sized tractor trailer, the drive aisles are proposed to be 90 feet to accommodate a tractor trailer with box attached. Mr. Houle indicated they have a circulation aisle around the back side of the building, dumpsters for this building are located in this area as well. Mr. Houle suggested the center of the site, which is between the Auto Repair/Collision Building and the Service Building, include stalls 12 feet wide by 30 feet long with a drive aisle of 50 feet to accommodate box trucks, while the drive aisle, which is intended to accommodate tractor trailers, is 90 foot.

Mr. Houle noted they are providing an inventory storage area within the center of the site. Moving to the location of the Service Building, Mr. Houle noted they are providing an additional inventory storage area for box trucks only with a 50-foot drive aisle, employee only parking is provided to the west with 10 foot by 20 foot parking spaces with a 24 foot drive aisle. Mr. Houle noted there is truck storage provided on either side of the Service Building, with 90-foot-wide drive aisles around the building. Mr. Houle referenced access to the fueling station to the rear, noting trucks accessing the fueling station will exit out of the driveway to the west. This building has 2 gate openings in the area circled in red. A small parking area is available outside the fence to enable drivers returning vehicles after hours to park those vehicles. The dumpster location for the service building is located to the west of the building.

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Mr. Houle noted the entire property will be fenced in with a 6-foot-high black vinyl chain link fence for security. Planning Staff requested additional screening for the fence, to accommodate that request they are proposing privacy slates facing the street in areas where they can't screen via landscaping.

Slide 11 – Site Plan (uncolored): Mr. Houle referenced the areas to the north of the Auto Repair/Collision Building, noting the areas in yellow are the areas where they propose the privacy slats because those areas are already paved, this area is also the location for the transformer serving the site. The areas highlighted in green are the locations where they proposed to plant arborvitae. Regarding the Auto Service Building to the south, Mr. Houle referenced an area surrounding the building which would use the privacy slats to screen the employee parking and inventory storage area from the street view.

Mr. Houle noted Planning Staff comments regarding areas for *snow storage*. Referencing the same Site Plan, Mr. Houle suggested there are several areas throughout the site (highlighted in blue) where snow could be stored for smaller storms, he referenced 13 feet of available space between the curb and the privacy fence. Mr. Houle referenced a larger blue area to the right of the Service Building where snow could be stored for a larger event. Mr. Houle reviewed parking requirements for the site, noting they have the flexibility of removing the snow from the site if necessary, or allowing it to melt and enter the stormwater management system.

Regarding *traffic* for the site, Mr. Houle suggested there isn't really clear guidance from the Institute of Transportation Engineers regarding this use. Comparing other Pensky facilities the peak traffic occurs during weekday evenings at a rate of 65 trips per hour, or 1 vehicle per minute for the entire site. Mr. Houle reported that a full traffic study was submitted with the application. He also noted that Mike Kurker, from their traffic group, is available for questions.

Slide 12 – Utilities: Mr. Houle reported each building is self-sufficient regarding utilities availability. Regarding *water service*, each building has a 2-inch type k copper domestic water service coming in from the street, the Connecticut Water Company has confirmed their ability to serve the site. Regarding *fire suppression*, we have an 8-inch iron line coming in separate from the domestic line, which is a Connecticut Water Company requirement. The 8-inch line will be connected to 2 fire hydrants for each building. Mr.

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Houle reviewed the locations, noting they meet the NFPA requirements for the fire department.

Regarding the *sanitary sewer* they have a 6-inch PVC service for each building, which includes oil/water separators for each building to provide pre-treatment for the floor drains. An application was submitted to the Water Pollution Control Authority for a capacity request, their confirmation of adequate capacity has been submitted with the application.

Mr. Houle indicated they are proposing a *natural gas system* coming in from the street for each building to power the HVAC system. *Electric and telecommunications* will come in from the street also. Mr. Houle referenced the locations of the service, which will be completely underground with no overhead lines utilized.

Slide 13 – Stormwater Management: Mr. Houle referenced another depiction of the Site Plan, noting that a full geo-technical report was submitted with the application. Mr. Houle indicated the report suggested most of the soils on the site aren't suitable for infiltration, although they were able to find 2 locations capable to support their infiltration measures. Mr. Houle reported that all stormwater from the site is collected in deep-sump and hooded catch basins, the runoff from the pavement will be treated in hydrodynamic separators sized to provide the 80% TSS removal rate required, and will go into 2 subsurface infiltration systems.

Mr. Houle noted one small area in the southeast driveway where stormwater is collected in a catch basin and treated with a hydrodynamic separator and directly discharged into a wetland resource area along the front. Mr. Houle suggested this was done to balance the timing of the stormwater discharge, rather than directing all the stormwater flow to Namerick Brook, and reducing the impact on the wetlands resource area.

Mr. Houle suggested all the water from the roof areas are collected in downspouts and piped underground into the infiltration systems.

Mr. Houle reported that as a whole, the stormwater management system results in a net decrease in total flow.

Slide 14 – Wetlands Impacts: Mr. Houle noted they received approval from the Inland Wetlands Commission for this proposal in September. Their proposal creates less than 5,000 square feet of direct wetlands impact, they are

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also proposing mitigation for that activity. He noted they are also working with the local Commission and the Army Corp of Engineer regarding significant historical impact on the site. Mr. Houle referenced the colored Site Plan, noting the areas in olive green are proposed mitigation areas. Mr. Houle suggested the Army Corp of Engineers would like to see mitigation occur in the area to the right of the site and Namerick Brook and its tributary. Mr. Houle suggested they are proposing approximately 1 acre of wetlands mitigation, which is well in excess of the 5,000 square feet of direct wetlands impact. The mitigation plantings include trees and shrubs and a wetlands seed mix that fosters habitat development for the area.

Slide 15 – Sight Lighting: Mr. Houle indicated they are proposing full site lighting throughout the site, including poles along the center aisles and the perimeter of the site. The lighting along the perimeter is shielded to minimize light spillage offsite, the fixtures are full cutoff LED energy efficient fixtures.

Slide 16 – Landscaping: Mr. Houle suggested they are proposing minimal landscaping on the site to perimeter trees and are proposing a minimal amount of trees along the islands throughout the center and southern portion of the site. Because of the amount of paving proposed for the site the species of trees chosen will not produce large root systems that would crack the pavement.

Slide 17 – Buffer requirement: Mr. Houle noted a single-family residence located in the northeast corner adjacent to the site is also the location of a landscaping business. Mr. Houle indicated they have requested a reduction from the 100-foot buffer requirement to a 50 foot buffer, which is allowed at the Commission's discretion. The dashed and hatched area shows the requested reduced buffer around the residential property, which is in a wetlands resource area. They are proposing to maintain as much of the existing trees as possible, both for screening and to reduce the impact on the wetlands area. They are also providing supplemental evergreens for screening.

Mr. Houle referenced an area highlighted in green where they are proposing a retaining wall which is designed to keep the development out of the wetlands area and to maximize the amount of vegetation saved. They are also proposing privacy slats to provide additional vehicle screening.

Slide 18 – Signage: Mr. Houle referenced the colored Site Plan, noting sign locations for 1 monument sign at Newberry Road west of the driveway, and a

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second monument sign located at the eastern driveway of the Service Building. They are also requesting building signage. Mr. Houle indicated that the Planning Staff noted a separate application should be filed for the signage, and also noted that one of the monument signs exceeds allowable size.

Mr. Houle returned the presentation to Attorney Hope.

Attorney Hope noted her response to Planning Director Calabrese comments:

- ***Separate application will be filed to signage.***
- ***Colors for the roof*** – Attorney Hope indicated the roof for the Auto Body Repair Building will be a white rubber membrane, while the Service Building will have a light silver metal roof. Attorney Hope wanted to note that Pensky builds their buildings for “lead certification” as a company policy.
- ***Any vehicles dedicated for onsite use should be equipped with back-up alarms.*** Attorney Hope indicated they do not have any vehicles dedicated for onsite use.
- ***Does the fueling island have 24 hour access.*** Attorney Hope suggested the fueling island is an accessory component to the Service Building, only a Penske employee would be able to pump fuel for a customer, and it would not be available 24 hours.
- ***Zoning Regulation 601.h which requires a 10-foot separation distance between the building and parking.*** Attorney Hope requested Mr. Houle to explain the requirement. Mr. Houle noted that to the north near the Auto Body Repair Building they are proposing to bring that building back 2 feet to allow them to widen the front sidewalk to 10 feet to meet the Zoning requirement, and will add a 10-foot striped area at the back of the building to provide separation for circulating traffic. This will still provide an oversized drive aisle in the back for tractor trailers to drive through. Regarding the Service Building, Mr. Houle indicated this is the area they’re proposing to reduce the front parking to 10 feet wide by 18 feet long. The extra 2 feet will be applied to the front sidewalk to meet the regulation requirements.
- ***Access for snow storage*** – Attorney Hope indicated they addressed that comment during the presentation.
- ***Additional screening in addition to the fencing*** – Attorney Hope reiterated Mr. Houle’s comments during the presentation.
- ***EV chargers*** – Attorney Hope indicated they did propose them on the Utilities plan sheet. Two EV chargers are proposed for the northeast corner of Auto Body Shop and two EV chargers in the southwest

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corner of the Service Building, they are also proposing conduit for future EV chargers for employees.

- ***Will construction be conducted in phases.*** Attorney Hope suggested their current plan is to do all of the site work and stabilize the site, with the Body Shop being constructed first and the Repair Building constructed last.
- ***Will any fill be stockpiled.*** Attorney Hope indicated that any excess topsoil will be removed from the site by the contractor, who will need to file a permit for removal of the excess material.
- ***Requirement for pre-construction meeting with Staff.***
- ***Is an administrative decision from OSTA required.*** Attorney Hope noted Mike Kurker, the traffic engineer, contacted OSTA regarding their opinion if this use would be a major traffic generator, he was told that parking spaces used for inventory or rental shouldn't be counted – no administrative decision is required from OSTA.
- ***They received Wetlands approval on September 6th.***
- ***Plans have been reviewed by the Town Engineer, who has no issues.***
- ***Plans have been reviewed by the Fire Marshal, who has no issues as proposed.***
- ***The Building Official has signed off on the plans.***
- ***Letter received from the Water Pollution Control Authority confirming adequacy of capacity.***
- ***Legal traffic authority had no comments on the plans.***

Attorney Hope opened discussion to the Commission.

Commissioner Gobin:

- ***Adequacy of EV Chargers*** – Commissioner Gobin suggested she can't tell based on the number of parking spaces and State law if you have enough electrical vehicle chargers. Planning Consultant D'Amato suggested it would be based on the number of customer and employee parking spaces. Mr. Houle referenced the Utilities Plan, noting two EV charging stations are proposed at the Auto Body Repair Facility, and another three EV charging stations are proposed at the Service Building, which will be installed from day one. They are also proposing to install conduit to provide 4 to 10 EV charging stations in the employee parking lot in the future. Commissioner Gobin questioned if the conduit is big enough to handle that demand, Mr. Houle replied in the affirmative. Planning Consultant D'Amato clarified that the current regulations align with the Public Act, so

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they'll need to demonstrate that they have the infrastructure capable of supporting 10% of the parking area for employee and customer parking. While they don't need to actually have the chargers installed they need to demonstrate they're able to accommodate 10% of the spaces. Planning Consultant D'Amato suggested that upon Building Department review they often find that the chargers need to be able to be accessed from the handicapped spaces, unless a separate EV charging station is being provided at the handicapped parking space. Planning Consultant D'Amato noted the ADA spaces are located on the front of the building, the applicant may need to revise that portion of the plan. Attorney Hope reported for the record that they can support 10% of the spaces.

- ***Roof colors vs solar*** – Commissioner Gobin recalled Mr. Houle had indicated the roof colors would be light, she questioned if the applicant has considered solar for the roof surface? Mr. Wiltanger, of Pensky, reported they have considered solar panels but haven't made a decision regarding if it's economically feasible at this point.
- ***Registration of leased trucks*** – Commissioner Gobin questioned when the trucks are leased to other businesses such as UPS for the Christmas season are they registered at your site? Who gets the tax benefit? Commissioner Gobin noted Connecticut's tax on registered vehicles. Mr. Wiltanger suggested he wasn't familiar with Connecticut's tax laws but noted Pensky still owns the truck.
- ***Fleet standards*** - Commissioner Gobin indicated she understood that Connecticut has signed up for California's vehicle program which means in time trucks get electrified, are you prepared for electric trucks in your fleet at some point in the future? Mr. Wiltanger indicated Pensky is the first company in North America to provide leased electric trucks.

Commissioner Leason:

- ***Access for emergency vehicles and large vehicles at Service Building*** – Commissioner Leason referenced on the west side of the Service Building, which is an inventory storage area, if you have all the parking spaces filled with vehicles would you still have enough room to turn around an emergency vehicle or fire truck or tractor trailers? There isn't access all around that building, how does a driver get out? Regarding the Service Building on the south side of the site Mr. Houle indicated they do have full 360 access around the building, as there are 2 driveways available. Regarding the Auto Body Repair/Collision Building the spaces are oversized, there is room for a vehicle to pull up

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close to the building and make a u-turn. If the vehicle is a ladder truck they may have to pull up to the building before backing up but smaller vehicles, such as an ambulance which is similar to a box truck for Penske, they should be able to make that turn. Mr. Houle indicated the template shown on their plan is for a WB-67, which should be able to accommodate site accessibility. Mr. Houle indicated that the topography in the area around the Auto Body Building also makes it difficult to provide accessibility completely around the building.

Commissioner Gowdy indicated he had no questions at this time.

Vice Chairman Thurz:

- ***Hours of operation:*** John Wiltanger, representing Pensky, indicated the facilities would be open 24/7. Commissioner Gobin requested clarification that you had said the fueling station wouldn't be open 24/7, Mr. Wiltanger indicated the fueling station would NOT be open 24/7, but perhaps 6:00 a.m. to 11:00 p.m., they don't fuel on the third shift. Mr. Wiltanger suggested Pensky schedules their shifts to accommodate their customers, who have trucks on the road from 6:00 a.m. to 6:00 p.m. They want to pick up the trucks early the next day so they have techs on a 3rd shift, but the third shift is staffed with less employees than other shifts. When speaking of the traffic flow at 65 trucks per hour, that's at the first shift. He suggested truck traffic in the Auto Body Shop is typically lighter than the Service Facility because the trucks could be in the body shop 3 or 4 days being repaired, while the service building is doing oil changes, radiator repairs, transmissions.
- ***Equipment for snow removal from trucks -*** Vice Chairman Thurz noted previous Commission approvals have required snow removal equipment as is required by State law. Mr. Wiltanger indicated he was unfamiliar with the requirement but would comply with State requirements as necessary.
- ***Sewer capacity adequacy:*** Vice Chairman Thurz requested confirmation of adequacy for the sewer capacity; Attorney Hope indicated they have received a confirmation letter.
- ***Lighting-*** Vice Chairman Thurz questioned the inclusion of lighting details and a Photometric plan; Attorney Hope indicated the lighting details are included in the plan set.
- ***Signage for employee parking:*** Mr. Wiltanger indicated they don't mark the parking specifically for employees but would if required.

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- ***Routes of access/concern for additional traffic onto Newberry and Craftsman Road:*** Vice Chairman Thurz noted both Newberry Road and Craftsman Road eventually access onto roads currently impacted by heavy traffic, how do you plan to manager the additional traffic? Mr. Wiltanger indicated they are considered low/light traffic for the trucking industry, trucks would come in for refueling and leave. Mike Kurker, Traffic Engineer for application, suggested the que length at Newberry Road is equivalent to 25 feet, which is the que length of one car; the que length is essentially unchanged with this volume. Vice Chairman Thurz indicated he was skeptical of those findings, Mr. Kurker suggested they sent 80% of the traffic to Newberry Road and 10% would be leaving Craftsman at Prospect Hill Road. Mr. Wiltanger suggested they can't control the direction of traffic after it leaves the site.

Vice Chairman Thurz opened discussion to the in-person audience in support of the application; no one requested to speak. Vice Chairman Thurz then offered the opportunity to speak to the ZOOM participants; no one requested to be acknowledged.

Vice Chairman Thurz questioned if the Commissioners had any additional questions?

David Leason:

- ***Estimation of percentage of perceived business at each building -*** Commissioner Leason questioned which building would receive the most business? Mr. Wiltanger suggested more traffic will flow through the Service Building as there will be rental traffic.
- ***Control of traffic through the site -*** Commissioner Leason questioned how they propose to get those people to NOT go up Craftsman Road and go through your parking lot past your Auto Body Building onto Newberry Road to get out? He felt most people will take the path of least resistance, so 90% of the traffic will go through the parking lot to get to Newberry Road. Mr. Kurker suggested they found 10% of the traffic would exit the 2 southern driveways, - 50% would exit onto Route 5, 10% would exit to the signalized intersection to the south, and 30% would make a right turn to I-91. Commissioner Leason questioned if they anticipate 50% of the business will be auto body and 50% repair? Mr. Kurker felt 60% of the business would come out of the Service Building. Mr. Wiltanger suggested extending the traffic

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study to reassess the information. Vice Chairman Thurz requested the record show that Newberry Road is a huge cut-through for traffic.

Planning Consultant D'Amato noted the Commission was hearing testimony from a traffic expert, which carries more weight than a non-expert, and, any issues that would happen on Newberry Road would be handled under the jurisdiction of OSTA. The 65 trips they're talking about, the average is about 30 to 40 trips through their average daily traffic. The percentage shakes itself out based on the existing traffic volume. They're not adding a substantial amount, which is why OSTA didn't feel a review was necessary. If they felt significant traffic was being added they would have required improvements at the traffic lights serving both accesses.

Planning Consultant D'Amato questioned the applicant if they're proposing *Mechanicals* to either of the buildings? He noted that if mechanicals aren't included sometimes doors are left open which contributes to noise. Mr. Wiltanger indicated the buildings will NOT be conditioned where the trucks will be maintained. Mr. Kurker suggested the industry standard is if you're adding 100 new trips to an intersection that's when you include it in your study, which is a threshold for IT and DOT. Noting the impact of the traffic from Lincoln Tech and Walmart, Vice Chairman Thurz questioned if the anticipated traffic is trucks or cars? Mr. Wiltanger indicated that the 65 trips usually occurs at the shift change, so they would be cars.

Vice Chairman Thurz noted the need to keep the Public Hearing open to address pending items. Attorney Hope requested clarification that the traffic study should adjust/address the distribution, and that the 60% of the trips coming in that peak hour would come from Service and 40% would come out of the Body Shop, and that the study expand the intersections reviewed? Commissioner Gobin suggested the intersections of concern are Newberry Road, and Craftsman Road at Route 5.

Discussion continued regarding pending items. Commissioner Gobin suggested that Planning Director Calabrese's proposed motion should be revised because so many of her comments have been addressed. Planning Consultant D'Amato suggested an *item d* should be added which would make all the necessary revisions stated in Planning Director Calabrese's memo. Planning Consultant D'Amato suggested adding a *General Condition* clarifying that this approval applies to the portion of the property as depicted on the site and doesn't supersede any previously issued approvals for which Mr. Dearborn has existing approvals. Commissioner Gobin requested

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acknowledgement of the use of the privacy slats. Vice Chairman Thurz cited the stockpiled material, Planning Consultant D'Amato suggested they don't need a permit for removal but if the material stays in town the recipient properties would require a permit. Commissioner Gobin noted the Commission would need to vote on the request for the 50-foot buffer reduction.

Vice Chairman Thurz called for a motion to continue the Public Hearing.

MOTION: To CONTINUE the Public Hearing on Application PZ-2023-25 for 74 Newberry Road and 9 Craftsman Road until the Commission's next Regular meeting to be held on November 14, 2023.

Gobin moved/Leason seconded/DISCUSSION: None

**VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)**

A. PZ-2023-23 – Town of East Windsor is requesting a Text Amendment to create a new section: Warehouse Point Design District (WPDD) within East Windsor Zoning Regulations:

Planning Consultant D'Amato noted Staff is proposing regulation changes for the Warehouse Point Design District. As part of providing information for the public Staff included information in the 5 Village Voices. The information noted the Commission would begin the review process in October and completing it in November, Noting that there were no members of the public in the room for discussion Planning Consultant D'Amato questioned if the Commission would like to review the Text Amendment tonight or at the next meeting? Vice Chairman Thurz suggested continuing the Public Hearing until the November meeting.

MOTION: To CONTINUE Application PZ-2023-23 for the Town of East Windsor's application for a Text Amendment to create a new section for the Warehouse Point Design District within the East Windsor Zoning Regulations until the Commission's next Regular meeting to be held on November 14, 2023.

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Leason/Thurz/Gowdy

(No one opposed/No abstentions)

- B. **PZ-2023-25 – 74 Newberry Rd & 9 Craftsman Rd is requesting a Special Use Permit for the Construction of a 32,212 SF building and a 16,783 SF building with new paved parking loading areas, site lighting concrete walkways, stormwater management system, associated utilities, and landscaping. Map 93, Block 19, Lot 05 & 09 & 10, Zone: M-1. Applicant/Owner: Penske Truck Leasing CO, LP/Newberry Road Enterprises, LLC.**

See discussion above.

- C. **PZ-2023-26 – Town of Est Windsor is requesting a Text Amendment to section: 601.2 Number of Parking Spaces:**

Vice Chairman Thurz read the description of this Public Hearing.

Planning Consultant D'Amato referenced a draft Text Amendment, which he noted included the following components:

1)– ***Single bedroom/studio apartments*** - Planning Consultant D'Amato noted the State's passage of Public Act 21-29 which requires that towns not demand more parking than 1 space for a single bedroom/studio apartment.

2) ***Public assembly vs churches*** - Planning Consultant D'Amato noted the proposal also removes the church category from parking requirements, because towns can't regulate how people assemble for religious purposes differently than they do for non-religious purposes. Planning Consultant D'Amato noted that we currently have a requirement of 1 space for every 3 seats for public assembly, while for churches we currently have 1 space for every 5 attendees. Planning Consultant D'Amato referenced the Religious Land Use and Institutionalized Persons Act which protects that usage; churches now become places of public assembly. He noted that because we're going from 1 space for 5 attendees to 1 space for 3 attendees we have no issues with non-conformity because it's a reduction.

3) ***Self-Storage*** – Planning Consultant D'Amato noted Staff is proposing 1 employee/maintainer space plus 1 space for each 20 units. Commissioner Leason questioned if this Text change would be retroactive for the previous Self-Storage applications, such as the one on Main Street and Abbe Road? Planning Consultant D'Amato replied in the negative, noting that application had been approved prior to this Text Amendment.

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MOTION: To APPROVE Application PZ-2023-26 for a Text Amendment to Section 601.2 – Off-Street Parking Regulations. The Applicant is the Town of East Windsor. Findings: The proposed Text Amendment is consistent with the East Windsor Plan of Conservation and Development, and recently passed legislation of Public Act 21-29, with the Condition that “the regulation will be effective December 1, 2023.

Gobin moved/Leason seconded/DISCUSSION: None

VOTE: In Favor: Gobin/Leason/Thurz/Gowdy
(No one opposed/No abstentions)

XI. OLD BUSINESS: None

XII. NEW BUSINESS: None

XIII. OTHER BUSINESS: None

XIV. NO AGENDA ITEM LISTED:

XV. BUSINESS MEETING: None

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:23 p.m.

Gowdy moved/Leason seconded/DISCUSSION: None

VOTE: In Favor: Gowdy/Leason/Gobin/Thurz
(No one opposed/No abstentions)

Respectfully submitted,

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