

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

**REGULAR Meeting #1788
September 22, 2020**

Meeting held via ZOOM Teleconference
Meeting ID: 332 683 3563
Town Hall closed to the Public by
Executive Order of First Selectman Bowsza
due to Coronavirus pandemic

MEETING MINUTES

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

Chairman Ouellette called the September 22, 2020 Regular Meeting of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Dick Sullivan, and Jim Thurz.
 Alternate Members: Anne Gobin, and Frank Gowdy.

ABSENT: Regular Member Moore and Alternate Member Zhigailo.

Also present was Town Planner Mike D'Amato, and Zoning Enforcement Officer Ruthanne Calabrese.

GUESTS/SPEAKERS: First Selectman Bowsza hosted the meeting. Also present was: Mike Frisbie, owner of Noble Gas.

Public: Selectman Nordell.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Chairman Ouellette requested Alternate Member Gobin to join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE: None.

ADDED AGENDA ITEMS: None.

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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/September 8, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1787 dated September 8, 2020, amended as follows:
Page 21, CORRESPONDENCE/A. E-mail from First Selectman Bowsza to Planning and Zoning Commissioners regarding review of application process – Silverman project; line 821: “Chairman Ouellette questioned that ~~we can~~ CANNOT have it both ways.”

Sullivan moved/Thurz seconded/DISCUSSION: None.

VOTE by show of hands: In Favor: Ouellette/Sullivan/Thurz/Kowalski/Gobin
(No one opposed/No Abstentions)

RECEIPT OF APPLICATIONS:

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

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.

NEW BUSINESS/A 8-24 Referral from Board of Selectmen Passive Recreation Easement – 343 North Road:

Town Planner D’Amato cited that under the Connecticut General Statutes there are a number of things the PZC must consider prior to the Town accepting any parcel of land, including evaluating if the parcel is in compliance with the Plan of Conservation and Development’s (POCD) goals. With regard to the parcel at 343 North Road the easement providing access to the Scantic River is part of the American Heritage River Commission’s trail system. The easement under consideration is 25foot wide along the

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river's edge to be used for passive recreation, such as hiking and walking, which is meant to have minor impact on the environment.

Chairman Ouellette questioned if any consideration is associated with acceptance of this easement; Town Planner D'Amato indicated no mention of any (monetary) consideration was made in the Board of Selectmen's referral to the PZC.

Commissioner Sullivan asked the length of the easement? Town Planner D'Amato suggested the easement is for the extent of the property going north from Route 140/North Road. Chairman Ouellette read an excerpt from the easement document, citing the parcel contains 2 acres but noted no mention is made of the length of the parcel. Commissioner Sullivan indicated he's a member of the American Heritage River Commission and will be recusing himself from the vote for that reason, but he suggested that anytime anyone is willing to give the Town land bordering the Scantic that's a good thing. Chairman Ouellette clarified the property owner is providing an easement - permission to use the land – rather than a gift of the land. Town Planner D'Amato cited Chapter 4 of the POCD promotes preserving access to the Scantic River. He suggested this is a great opportunity; the easement will remain in perpetuity at no expense to the Town. Public Works isn't required to maintain the easement.

Chairman Ouellette questioned Commissioner Sullivan that the American Heritage River Commission wasn't aware of this potential easement? Commissioner Sullivan indicated he hadn't been able to attend the most recent meetings and was unaware of the Commission's knowledge of this easement.

Commissioner Kowalski questioned if the Town is obligated to mark the boundary of the easement so people don't stray onto other people's property. Commissioner Gobin suggested the abutting landowner might want to put up "no trespassing" signs. Commissioner Sullivan suggested that in the area under discussion people wouldn't be able to walk more than 25 feet along the river due to the dense underbrush.

Hearing no further requests for comments, Chairman Ouellette called for a motion.

MOTION TO APPROVE:

8-24 Referral by East Windsor Board of Selectmen for "Passive Recreation Easement" for 343 North Road, Known as Map 108-Block-36 -Lot-39 as Required by Chapter 126, Section 8-24 of CT. General Statutes.

Kowalski moved/Gobin seconded/DISCUSSION: None.

VOTE by show of hands:

In Favor:	Ouellette/Kowalski/Thurz/Gobin
Opposed:	No one
Abstained:	Sullivan

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**NEW BUSINESS/B, 8-24 Referral from Board of Selectmen McGrath Property
MBL: 024/42/030:**

Town Planner D'Amato cited this is a gift of land the Town has been offered. The parcel contains 5 acres and is adjacent to other land owned by the Town. The parcel is located on Plantation Road Extension; it is landlocked as it has no frontage on Rye Street. The parcel is located within the flood plain of the Scantic River, and is impacted by wetlands. Acceptance of the parcel preserves the wetlands and watershed and the banks of the Scantic River. This parcel abuts a 45 acre parcel and a second, 40 acre parcel already owned by the Town; it conforms to the Open Space goals of the Town in that it's contiguous to other Town owned land.

Commissioner Sullivan questioned that this is a gift of land to the Town? Chairman Ouellette concurred.

MOTION TO APPROVE:

8-24 Referral by East Windsor Board of Selectmen for "Gift of Land" for 00 Plantation Road, Known as Map 024-Blovk-42 Lot-030 as Required by Chapter 126, Section 8-24 of CT. General Statutes.

Kowalski moved/Gobin seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Kowalski/Thurz/Gobin
 Opposed: No one
 Abstained: Sullivan**

OLD BUSINESS/A. Site Visits:

Zoning Enforcement Officer (ZEO) Calabrese advised the Commission she has been out of the office this past week for CAZEO training. She offered the Commission the following updates:

131 North Road – The resident continues to clean up the property; work is progressing.

Phelps Road – ZEO Calabrese reported she has received correspondence on this issue.

Newberry Road – ZEO Calabrese reported she has received correspondence on this issue as well.

34 Harrington Road – Commissioner Thurz indicated he drives by this location frequently and has noticed the resident has been bringing in cars through the back of his property for service again. Commissioner Gowdy reported he has noticed that as well.

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OLD BUSINESS/B. Warehouse Point Planning Study to include Terri Hahn of LADA P.C. Land Planners:

Mrs. Hahn was unable to attend this meeting.

OTHER BUSINESS/A. Informal discussion to include Mike Frisbie regarding accessory use to gas stations:

Mike Frisbie, owner of the Noble gas station on Route 140/North Road, joined the Commission virtually. Mr. Frisbie indicated he has come to the Commission this evening to question the Town's appetite for a car wash as an accessory use at his North Road gas station, which is currently located in a B-3 Zone. He reported he currently owns a 1.08 acre parcel adjacent to the gas station; Mr. Lavoie, who owns a slightly larger parcel at 7 Winkler Road, may be willing to sell him that parcel, which abuts the smaller parcel on North Road. Both of these parcels are located in the B-3 Zone as well.

Mr. Frisbie advised the Commission he, and other partners, currently owns 5 gas stations in various locations in Connecticut, including East Windsor, New Britain, and Hartford. He is currently involved in putting in the infrastructure for electric vehicles at some of his locations. Mr. Frisbie believes the East Windsor location would be a good choice for installing the electric charging stations.

Regarding the car wash, Mr. Frisbie reported he has been working with Sunny's Car Wash, of Florida. He would have his own management team for the car wash, separate from the management team for the gas station. Mr. Frisbie referenced a preliminary Site Plan submitted digitally to the Commission this afternoon. He indicated part of this business plan is for the customer to have a higher level of customer experience than the existing car washes in East Windsor, which are older operations. Mr. Frisbie indicated he would continue to operate the gas station at this location as well.

Mr. Frisbie reported he has discussed his proposal with Town Planner D'Amato, who has advised him car washes are not currently allowed in a B-3 Zone. Town Planner D'Amato had suggested Mr. Frisbie come forward tonight to discuss modifying the bylaws or regulations to allow car washes as an accessory use.

Chairman Ouellette questioned if Mr. Frisbie had a master plan he could share with the Commission indicating where the charging stations and car wash would go in relation to the gas station? Mr. Frisbie cited the patio where the picnic tables are currently located was originally intended to be the location of a 2-story building for his business office, but the business office has now been incorporated into the Hartford development project. He would install the infrastructure for 2 to 3 DC fast chargers and 4 to 6 parking spaces for the charging stations in the patio area, which would now include a canopy over the

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charging stations. Access to the charging stations would be available from North Road on the left side of the diesel stations. Mr. Frisbie reported that normally it would take several hours to get an 80% charge for the electric vehicles; with the DC fast chargers a customer could get an 80% charge in 18 to 20 minutes.

With regard to the car wash, Mr. Frisbie suggested he would move the existing white fence currently adjacent to the house on that parcel closer to the house to buffer that use; access to the car wash would be from Winkler Road. Mr. Frisbie had provided the Commission with an Elevation Drawing of the car wash, which is a single bay operation. Mr. Frisbie suggested if the Commission looked favorably on this proposal he would engage J. R. Russo & Associates for formal plans.

Chairman Ouellette suggested the Commission could approach this proposal via a Text Amendment to allow a car wash as an accessory use in a B-3 Zone, or the B-3 Zone could be changed. He questioned Town Planner D'Amato which would be the most appropriate option?

Town Planner D'Amato reported he read the Minutes from the last zone change but there wasn't much to tell him what the Commission was thinking about when they proposed the B-3 Zone. He suggested to Mr. Frisbie that it appeared that the Commission didn't feel a car wash was an appropriate use for the B-3 Zone, but Town Planner D'Amato felt a car wash could be an important amenity to the gas station. He suggested they could submit a Special Use Permit Application for an accessory use to something like a filling station. Mr. Frisbie's proposal is moving this operation towards a rest-stop where people can get food while stopping for gas or recharging their vehicles. Town Planner D'Amato suggested to change the zone would be approving something other than a B-3 zone in the middle of the B-3 Zone.

Chairman Ouellette questioned if installing the charging stations gives Mr. Frisbie more flexibility down the road? Is there potential for growth without the addition of the charging stations? Mr. Frisbie felt he should return to the Commission to share his master plan. Town Planner D'Amato felt the proposal would include a Text Amendment, and Mr. Frisbie should return to the Commission with a Site Plan Modification to share the other components with the Commission.

Chairman Ouellette called for comments from the Commissioners.

Commissioner Gobin suggested that assuming that the climate change effort and alternate energy resources continues and isn't totally disrupted by the Federal Government electric vehicles will be a large part of our future, and condominium dwellers and others who don't have access to charging stations to plug their vehicles in to will need services such as what Mr. Frisbie is proposing. Commissioner Gobin suggested this is a need East

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Windsor will be dealing with; she would like to see the regulations allow the charging stations more broadly, especially in commercial developments.

Chairman Ouellette questioned how Commissioner Gobin felt about the proposal for the car wash? Commissioner Gobin felt the use fits with the operation, but she noted there are residential uses abutting the parcel on Winkler Road. She questioned if the residents would be concerned for potential noise from the car wash? Mr. Frisbie reported the parcel facing North Road contains 1.08 acres, and abuts the larger parcel which has frontage on Winkler Road. He indicated the exit point would be towards North Road; the dryers would be directed towards North Road rather than Winkler Road. Commissioner Gobin cited the operational sounds of an existing car wash near Wagner Lane. Mr. Frisbie suggested the type of operation he is proposing is a conveyor mechanism where the cars are pulled through a 78 foot building. The vacuums would be on the back, away from the residences on Winkler Road.

Commissioner Sullivan questioned if a Special Use Permit could be granted for this proposed use? Town Planner D'Amato referenced current footnote 10 in that section which references that car washes are not allowed; he felt a Text Amendment would be required. Discussion continued regarding if the Special Use Permit goes with the site, or is an overall permitted use? Does granting one Special Use Permit for a particular site require approval of all Special Use Permits for similar uses?

Commissioner Gobin questioned if the neighbors would be notified of the proposed use? Chairman Ouellette replied affirmatively, noting the Special Use Permit occurs under a Public Hearing. Mr. Frisbie indicated he would reach out to the neighbors about what he would be doing.

Commissioner Thurz indicated he would be in favor of this proposed use. Mr. Frisbie's current operation has been there 3 to 4 years; it's neat and clean; he runs a great operation. Commissioner Thurz felt this use would be an asset for the Town.

Commissioner Kowalski indicated he wasn't opposed to the proposal but he questioned if this use would require additional curb cuts? He noted you already have people driving around the building in 2 lanes. Commissioner Kowalski indicated he's also concerned with water migrating onto the road in the Winter.

Commissioner Gowdy felt the proposals were a great idea and were well thought out. Commissioner Gowdy indicated he agreed with Commissioner Gobin regarding reaching out to the neighbors and the future of electrical vehicles.

Chairman Ouellette felt the proposals are good concepts. He queried the Commission regarding the approach to allowing these proposed accessory uses.

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Commissioner Gowdy questioned if the applications would be Special Permit applications or Text Amendments? Chairman Ouellette suggested the Text Amendment would require a Public Hearing. Commissioner Gowdy recalled that Commissioner Gobin was responsible for getting chargers included in the casino application. He felt the addition of the charging stations also goes with the current use. Chairman Ouellette noted Commissioner Gowdy's suggestion would be for 2 Public Hearings – 1 for the Text Amendment and 1 for the design. Commissioner Gowdy felt that was the appropriate way to handle the proposals. Chairman Ouellette suggested Mr. Frisbie should continue to work with Town Planner D'Amato and the Planning staff.

Mr. Frisbie suggested I-91, 84, 95, the Merritt Parkway – will all be locations for the charging stations. Mr. Frisbie indicated he felt the East Windsor location will be a perfect place because people can find the location on their phone apps and see that they will be able to get a fast charge in 80 minutes. He indicated he may be doing this at his Hartford and New Britain locations as well; he's also changing his logo to include the EV (electrical vehicle) logo. He suggested he will build something in East Windsor that we can be proud of.

CORRESPONDENCE:

Chairman Ouellette reported he got a call today regarding an anonymous letter which was submitted to the First Selectman and the Planning and Zoning Commission regarding the work at South Water Street. He cited he doesn't have a copy of the letter to share with the Commission, but he was notified of its receipt.

Town Planner D'Amato indicated he didn't have a copy of the letter either, but he advised the Commission the Planning Office has received a number of calls on the Silverman Project. Town Planner D'Amato noted that anonymous letters are difficult to follow up on for the Planning Staff and Commission. He indicated the Town is taking the comments seriously; if there's something actionable the Town will follow up on it. First Selectman Bowsza concurred that it was an anonymous letter but it does threaten litigation so responses should be referred to the First Selectman.

BUSINESS MEETING/A. General Zoning Issues:

➤ **Commissioner Membership:**

Chairman Ouellette noted Commissioner Zhigailo and Commissioner Moore's terms are coming up to terminate shortly, he questioned if either Commissioner has indicated their intent to be reappointed? First Selectman Bowsza felt

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Commissioner Zhigailo has forwarded a letter to his office; he has not seen anything from Commissioner Moore.

➤ **Permit Extension – Charbonneau pit:**

Chairman Ouellette noted that prior to COVID the Commission had granted an extension to Mr. Charbonneau which included a request that he return to the Commission with documentation to show that progress is being made. He questioned if Town Planner D'Amato was aware of that issue? Town Planner D'Amato questioned the timing of the extension? Chairman Ouellette suggested late February or early March; it was an in-person meeting rather than a remote meeting. Commissioner Thurz recalled Mr. Charbonneau was to bring in drone photos; Commissioner Kowalski also recalled he was to bring in proof that the drivers were driving over the grates at the entrance. Chairman Ouellette acknowledged the site is being reviewed by the Siting Council, but while it's still an active pit there is a permit outstanding. He suggested Town Planner D'Amato contact J. R. Russo & Associates as they represented Mr. Charbonneau. First Selectman Bowsza acknowledged the site is under review of the Siting Council for the proposal of DESRI for Gravel pit solar projects.

➤ **Commission Membership II:**

Commissioner Sullivan advised the Commission that the second meeting in October will be his last meeting serving on the Commission. He will be out of state for 6 months each year; out of fairness to the Commission and the Town he felt he should resign. Chairman Ouellette indicated Commissioner Sullivan's service will be missed; he wished him well.

Chairman Ouellette advised Town Planner D'Amato Commission elections occur the second meeting in October; all Regular Members must be present. The elections should be scheduled while Commissioner Sullivan is serving. He noted the Commission will be looking for a new Vice Chairman for the coming year.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:35 p.m.

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

Respectfully submitted, _____
Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission