

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

**REGULAR Meeting #1799
March 23, 2021**

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

***** *Document Approved via Commission Review******
(Revisions shown as struck out/italicized underlined **highlighted text**)

TIME AND PLACE OF MEETING:

Chairman Ouellette called Regular Meeting #1799 of the East Windsor Planning and Zoning Commission dated March 23, 2021 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 pandemic.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Anne Gobin, Frank Gowdy, Michael Kowalski, and Jim Thurz
Alternate Members: There are currently three vacancies for Alternate Members.

ABSENT: All members of the Planning and Zoning Commission were present.

Also present was Clark Chapin, Town Planner/Director of Planning and Community Development, and Planning Consultant Michael D'Amato.

GUESTS/SPEAKERS: First Selectman Bowsza co-hosted the meeting with Planning Consultant D'Amato. Also present were: Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Deputy First Selectman DeSousa; Robert Arsenault, representing Scott Cota, and Scott Cota; Tim Coon, J. R. Russo & Associates, LLC, representing United Ag & Turf Northeast, and David Hammond, of United Ag & Turf Northeast; Randy Clifton, President, Newberry Village Homeowners Association; Jim Redinger, Secretary, Newberry Village Homeowners Association; Mr. Dupuis.

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Public (as identified in the Meeting participation list): Selectman Muska, Selectman Nordell, and others identified only as follows: Elizabeth Bragg, Gina Couture, Grateful171@cox.net, Jill's iPhone, Richard & Nita, Nina Zaleski.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members were present at the Call to Order.

ADDED AGENDA ITEMS:

Chairman Ouellette asked if there were any Added Agenda items for this meeting? Director Chapin indicated he had a question regarding a Site Plan modification he'd like to discuss with the Commission. Chairman Ouellette suggested adding this discussion under the **BUSINESS MEETING.**

LEGAL NOTICE:

The following Legal Notices were read by Chairman Ouellette:

- 1. PZ-2021-08, 111 South Main Street Special Use Permit**
Application for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast

LEGAL NOTICE

EAST WINDSOR PLANNING & ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, March 23, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

Join meeting: <https://zoom.us/j/3326833563>

Meeting ID: 332 683 3563

Dial by your location
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The following public hearing will be held:

PZ-2021-08 111 South Main Street Special Use Permit Application for construction of a 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast, Owner: Lawrence Farm LLC

A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated March 9, 2021, East Windsor, CT.

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: March 11 and March 18, 2021

2. **PZ-2021-07, 142 North Road, Special Use Permit Application** for a barbershop. (Map 124, Block 24, Lot 015) Zone B-3. Applicant: Brett Faraday

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PZ-2021-07 142 North Road, Special Use Permit Application for a barbershop.
(Map 124, Block 24, Lot 015) Zone B-3. Applicant: Brett Faraday

A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated March 9, 2021, East Windsor, CT

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: March 11 and March 18, 2021

3. **PZ-2021-09, 124 Newberry Road, Special Use Permit Application** for a Contractor's Office and Storage Yard. (Map 104, Block 19, Lot 15B) Zone M-1. Applicant: Scott Cota

LEGAL NOTICE

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The following public hearing will be held:

PZ-2021-09 124 Newberry Road Special Use Permit Application for construction of a Contractors' Office and Storage Yard greater

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than 2,000 SF. (Map 104, Block 19, Lot 15B) Zone M-1.
Applicant: Scott Cota, Owner: Newberry Group LLC.

A full copy of the application is available on the Town Clerk's webpage and on the Planning and Zoning Commission's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated March 9, 2021, East Windsor, CT

Joseph Ouellette, Chairman
East Windsor Planning & Zoning Commission

Journal Inquirer editions: March 11 and March 18, 2021

PUBLIC PARTICIPATION:

Chairman Ouellette queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to speak.

APPROVAL OF MINUTES/A. March 9, 2021 Regular Meeting:

Chairman Ouellette called for comments or edits regarding approval of the Meeting Minutes of March 9, 2021. Commissioner Gowdy indicated he read them; while there may be some minor grammar edits he felt they represented the meeting accurately.

MOTION: To APPROVE the Minutes of Regular Meeting #1798 dated March 9, 2021 as presented.

Gobin moved/Thurz seconded/**DISCUSSION:** None.

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

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted receipt of the following new applications:

A. PZ-2021-10, South Prospect Hill Road LLC, Text Amendment
Application to East Windsor Zoning Regulations Section 502
Permitted Uses in Business and Industrial Districts and Section
504.2A Prohibited Uses.

B. PZ-2021-11, 24 Rockville Road, Resubdivision Application, 2-lot

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Resubdivision. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

- C. PZ-2021-12, Special Use Permit Application, 24 Rockville Road,**
to allow the creation of a rear lot. (Map 039, Block 68, Lot 003) Zone R-3. Applicant: James T. Daniel, Owner: Tom Crockett, et. al.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE

No requests presented under this Item of Business this evening.

CONTINUED PUBLIC HEARINGS:

NEW PUBLIC HEARINGS/ A. PZ-2021-06, SJK Properties, LLC, Text Amendment Application to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD) (*Public Hearing to be opened on 4/13/21*).

Chairman Ouellette noted this Application isn't being heard tonight; he questioned why it had appeared on the Agenda? Director Chapin indicated Staff discussed how to best handle this application, as there had been considerable interest in a previous application. They decided it was best to note the application and it's Hearing date for public ~~awa~~Mr. Dupuis's awareness.

NEW PUBLIC HEARINGS/B. PZ-2021-07, 142 North Road, Special Use Permit Application for a barbershop. (Map 124, Block 24, Lot 015) Zone B-3. Applicant: Brett Faraday:

Chairman Ouellette read the description of this item of business. He questioned if the applicant was present to discuss his proposal? Director Chapin indicated the office hadn't been informed regarding the applicant's attendance.

Chairman Ouellette suggested the Commission could consider the information it has, but won't be able to ask the applicant any questions. He noted the Commission hadn't received a Staff memo offering a motion to consider approving or denying in their packets. Chairman Ouellette asked the Commissioners if they prefer continuing the application until Mr. Faraday is available?

Commissioner Gowdy felt the application appeared to be straight forward, but he'll go along with his fellow Commissioners.

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Commissioner Kowalski noted this application is a Public Hearing; if the applicant isn't present no one can ask questions.

Commissioner Thurz agreed with Commissioner Kowalski; the application is a Public Hearing, He can't recall the Commission holding a Public Hearing without the applicant being present.

Chairman Ouellette called for a motion to continue the Public Hearing.

MOTION: To CONTINUE the Public Hearing on Application PZ 2021-07 for a Special Use Permit for a barbershop at 142 North Road, Map 124, Block 24, Lot 015, Zone B-3 to the Commission's next regularly scheduled meeting on April 13, 2021 at 6:30 p.m. via ZOOM.

Gobin moved/Kowalski seconded/DISCUSSION**: None.**

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

NEW PUBLIC HEARING/C. PZ-2021-08, 111 South Main Street Special Use Permit Application for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast:

Chairman Ouellette read the description of this application. Present at the meeting virtually to discuss this proposal was Tim Coon, of J. R. Russo & Associates, LLC, representing the applicant, and David Hammond, of United Ag & Turf Northeast.

Mr. Coon shared an Existing Conditions Plan of the location at 111 South Main Street. The applicant is proposing to separate a 7 acre parcel from this larger parcel located on the east side of South Main Street. The parcel is located north of Winton Road, and is abutted by Lawrence Farms to the south and a Southern Auto Auction parking lot. The parcels across from this parcel on South Main Street are residential uses. Mr. Coon noted the applicant received a Zone Change approval on February 9th. The applicant is proposing to relocate the agricultural and tractor equipment from it's adjacent location.

Mr. Coon indicated the proposal is to construct a 27,000 square foot building which would house retail sales for the equipment, and a maintenance area. A 6,000 square foot storage building will be built in the rear, accompanied by a

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small gravel storage area. Additional display areas for the equipment will be located around the building. Access to the property will be at the southwest corner of the parcel, a loading dock will be located in the rear.

Mr. Coon indicated the current regulations require that they provide 79 parking spaces, which is overkill for this operation. He suggested it's not a Walmart. They are proposing 60 spaces located around 3 sides of the building, with 19 deferred spaces in the rear on the gravel surface to be constructed only if needed.

Mr. Coon indicated the property is served by public water, sewer, and gas located on Route 5 (South Main Street). They will be installing an onsite stormwater management system which will convey water to a new stormwater management basin to be located in the southeast corner of the site; the basin will discharge to the existing drainage system located in Route 5.

Regarding signage, Mr. Coon indicated they are proposing to relocate the existing pylon sign from their current location.

Mr. Coon indicated they are not proposing any pole lights at the site; there will be full wall mounted packs on the building.

Mr. Coon indicated they are proposing perimeter landscape trees and landscaping within the interior of the parking area. They are proposing a 50 foot landscape buffer adjacent to the residential properties located to the north, east, and south of the properties, as well as a 6 foot solid vinyl fence abutting the property line. They are also proposing a 4 foot earthen berm on the north and east, which will be planted with evergreen trees.

Mr. Coon then shared a Floor Plan/Elevation Plan with the Commission, noting the building being shown is a prototype of a standard building used in Maine. Regarding the 111 South Main Street location, the canopy on the building will be on the right side of the building, and the doors will be on the left. There will be split block concrete blocks on the front to break up the building. Mr. Coon indicated the east elevation is their north elevation; there will be 6 overhead doors.

Mr. Coon indicated they've received confirmation for sewer capacity from the Water Pollution Control Authority.

Mr. Coon also noted that all comments referenced in Town Engineer Norton's memo dated 3/17/2021 have been addressed.

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Mr. Coon concluded his presentation, suggesting they feel the application meets all criteria and is in harmony with the neighborhood.

Commissioner Thurz questioned if his fellow Commissioners had received Town Engineer Norton's memo dated 3/17/2021; his packet included a memo dated 3/8/2021. Chairman Ouellette and Commissioner Gowdy indicated they received the 3/17/2021 memo.

Commissioner Thurz indicated he's good with the proposal; he's glad to see the applicant expanding his business.

Commissioner Gowdy:

- **Floor drains, oil/water separator:** Do you plan to install a drain in the building to catch oil or gas spills? Mr. Coon indicated there will be floor drains installed in the maintenance area, which will be connected to an oil/water separated connected to the sewer.

Commissioner Gobin:

- **Residential screening:** Commissioner Gobin questioned if this location was across from the condominiums off of Winton Road? Mr. Coon believed so. Commissioner Gobin cited the berms proposed for the north and the east, she questioned if a berm is being proposed so the people living in the condominiums wouldn't be staring at the building? Mr. Coon suggested the intention for the 111 South Main Street site is to have a display area which is visible from Route 5. Mr. Coon questioned if a berm had already been installed at the condominium site? Commissioner Gobin then considered that the residents would be looking at Route 5. Mr. Hammond, of United Ag & Turf Northeast, suggested they will have the white picket fence in front of the area; he felt it will be eye-catching.

Commissioner Kowalski:

- **Conceptual vs. Actual Elevation Drawings:** Commissioner Kowalski suggested it's a bit unusual to present drawings of a building that you're not actually going to be building. He questioned if the regulations require submission of the actual drawings before approval? Mr. Coon suggested what the Commission is seeing is what you'll be getting – just flipped-flopped. Commissioner Kowalski indicated he understood, but felt what was in the record should be what you're building. Mr. Coon suggested the actual plans will be submitted to the Building Department. Mr. Coon suggested they can submit the revised plans to the Planning Department, but he requested that submission of plans not be a condition prior to the

start of construction.

Mr. Hammond indicated that they are currently working with 3 different contractors on bids for the building; within 30 days they will have chosen their contractor. Commissioner Gowdy indicated the Commission would like to see the actual building, especially if you have 3 different people bidding on the construction. Mr. Hammond suggested it will be what you're looking at now. Commissioner Kowalski noted the Commission heard this is being flipped, and this will be different; there's no elevation showing the 6 overhead doors. Chairman Ouellette clarified to Mr. Coon that if the Commission gets to the point of considering a motion, the plans referenced in the motion should be the plans shown on the screen. It would have been helpful for the Commission to visualize more complete concept plans. Mr. Hammond suggested they have those plans but don't want them to be part of the public record until the bidding process is completed and the contractor is chosen. Mr. Hammond ultimately e-mailed Mr. Coon a depiction of the building being bid on; Mr. Coon was unable to accept the plan as he didn't have access to his work e-mail from home.

Chairman Ouellette:

- **Building material and color:** questioned that it would be a steel building? Commissioner Kowalski questioned the color being considered? Mr. Hammond suggested they are considering light grey for the warehouse, with perhaps a different shade of grey to break up the building. Commissioner Kowalski noted that should be shown on the drawings.
- **Water quality basin/fencing:** Chairman Ouellette questioned the depth of the water quality basin at it's deepest point; would it warrant installation of a fence? Mr. Coon suggested the elevation at the edge of the parking lot is 65.5 feet, while the bottom elevation of the basin is 54.9 feet, so roughly 10 feet. Chairman Ouellette questioned the elevation at the outlet? Mr. Coon indicated it will be a permanent pool 4 feet deep; it's designed to be a wet basin during the wet season. Chairman Ouellette questioned what's the depth that would require a fence? Mr. Coon suggested they leave it up to the owners, as it's a liability issue. Chairman Ouellette questioned that there were no engineering standards? Mr. Coon replied negatively.
- **Dumpster/screening:** Chairman Ouellette questioned the location, and provisions for screening. Mr. Coon indicated the dumpster would be located on a pad at the rear of the building, and would be surrounded by a fence with privacy slats.

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Chairman Ouellette noted this application is a Public Hearing; he asked for comments from the public. No one requested to speak.

Chairman Ouellette looked to Director Chapin and Planning Consultant D'Amato for direction. He noted this Commission doesn't get into plans to the level of the Building Department, but the plans submitted at this Hearing are missing key details. He asked if it was possible to draft a condition that could accommodate everyone? Planning Consultant D'Amato worked on a potential condition and shared it with the Commission. Mr. Coon, on behalf of the applicant, agreed to the condition. Mr. Hammond didn't feel the site work would begin prior to May 1st; he felt the Commission could have the actual plans in your hands to approve before May. Mr. Hammond suggested it's to be a light grey metal building, one main door, several maintenance doors, normal 20 foot eave height.

Discussion continued regarding closing the Public Hearing and/or taking action prior to submission of the actual drawings. Commissioner Kowalski was reluctant to close the Public Hearing without the actual drawings, as that would prohibit raising questions for the Commission or the public. Commissioner Kowalski was concerned with setting precedent. Commissioner Gowdy understood Commissioner Kowalski's concerns but felt Planning Consultant D'Amato's condition covered the issue for him. Commissioner Thurz was ok with adding the condition; he felt they were just flip-flopping the building. Commissioner Gobin was satisfied with Planning Consultant D'Amato's condition.

Chairman Ouellette queried the public again; no one requested to speak.

Chairman Ouellette asked if the Commission was ready to close the Public Hearing and take action tonight?

MOTION: To CLOSE THE PUBLIC HEARING on Application PZ-2021-08, 111 South Main Street for Site Plan Approval for 111 South Main Street for Site Plan Approval for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast.

Gobin moved/Gowdy seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Ouellette/Gobin/Gowdy/Thurz
Opposed: Kowalski**

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Abstained: No one.

MOTION: To APPROVE Application PZ- 2021-08, 111 South Main Street for Site Plan Approval for 111 South Main Street for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast. Approval is subject to the referenced plans and architectural plans and 19 conditions, with Condition #10 stricken, as noted in Planning Consultant D'Amato's motion revised during the Meeting.

Gobin moved/Gowdy seconded/DISCUSSION: Planning Consultant D'Amato noted his proposed approval motion also includes a new Condition #11 referencing the filing of the Site Plan. Planning Consultant D'Amato also noted his previous Staff memo had referenced the application as a Site Plan Approval; he has revised the proposed approval motion to indicate the Application is for a Special Use Permit. Commissioner Gobin noted her motion to Close the Public Hearing had referenced the Site Plan Application; she suggested that motion should be amended. Planning Consultant D'Amato indicated that the legal notice accurately reflected that the public hearing was for a Special Use Permit and that he felt his reference to Site Plan Approval was inconsequential.

This motion died for lack of a vote.

MOTION: To APPROVE Application PZ- 2021-08, 111 South Main Street for a Special Use Permit for 111 South Main Street for construction of 27,000 SF building and 6,000 SF storage building for sales and maintenance of Agricultural and Grounds Maintenance Equipment. (Map 052, Block 20, Lot 061) Zone TZ5. Applicant: United Ag & Turf Northeast. Approval is subject to the referenced plans and architectural plans and 19 conditions, with Condition #10 stricken, and Condition #11 added, as noted in Planning Consultant D'Amato's motion revised during the Meeting.

Gobin moved/Gowdy seconded/DISCUSSION: Nothing further.

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

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MOTION TO APPROVE:

Application # **PZ-2021-08: Special Permit** Application, 111 South Main Street (Map 052, Block 20, Lot 061). Applicant: United Ag & Turf Northeast, Owner: Lawrence Farm, LLC.

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission and this approval) and the following conditions/modifications.

Referenced Plans

1. “United Ag & Turf Northeast” 111 South Main St. Prepared by J.R. Russo & Assoc. Sheets 1-10 inclusive. Dated:2-18-2021
2. Architectural Plans, United Ag & Turf, Sheets 1-3 inclusive. Prepared by George Parker, Architect.

Conditions which must be met prior to signing mylars:

1. A copy of this approval motion has been incorporated into the plans
2. A copy of the final approved plans with any necessary revisions shall be submitted to the Planning & Development Office for review and comment.
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
5. A separate “Lot Split Plan” and property title search or legal affidavit shall be provided to the satisfaction of the Planning & Development Office to confirm the proposed parcel is eligible for a “first cut/ free split” as indicated.

Conditions which must be met prior to the issuance of any permits:

6. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office. A copy of this approval motion shall be incorporated.
7. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.
8. A zoning permit has been obtained from the Planning and Development Office for the project.
9. An Erosion Control Bond has been provided, such estimate shall be reviewed and approved by the Town Engineer.
10. Confirmation has been provided to the satisfaction of Town Staff that

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~~a Right to Drain has been obtained from the adjacent property or that a Right to Drain is not necessary.~~

11. A site plan has been filed with the Planning and Development Office in accordance with Section 601.4(b)(4) for any parking not to be installed immediately.
12. A final architectural plan, including color schemes shall be provided to the Planning & Development Office to determine conformance with the approved site plan and applicant presentation. Major deviations from the conceptual plan provided will require approval by the Commission.

Conditions which must be met prior to the issuance of a Certificate of Compliance:

13. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
14. One electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways, final floor elevations and spot grades shall be submitted.

General Conditions:

15. In accordance with Section 900.3(h) of the Zoning Regulations, the construction of any buildings associated with this approval shall commence within one year of this approval date and all improvements shall be completed within five years. Such approval shall otherwise be null and void unless an extension has been granted by the Commission.
16. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
17. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
18. Additional erosion control measures may be required by Town staff if field conditions necessitate.
19. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

NEW PUBLIC HEARING/D. PZ-2021-09, 124 Newberry Road, Special Use Permit Application for a Contractor's Office and Storage Yard. (Map 104, Block 19, Lot 15B) Zone M-1. Applicant: Scott Cota:

Chairman Ouellette read the description of this item of business. Joining the Commission virtually were Robert Arsenault, representing Scott Cota, and Scott Cota, the applicant.

Mr. Arsenault reported the parcel under discussion is 5.13 acres located on the south side of Newberry Road; the parcel is zoned M-1. They are looking for a Special Use Permit for a contractor's storage yard and 9,000 square foot building containing office space and 4 bays. Mr. Cota plans to occupy 4,500 square feet, and one bay; the remaining three 1500 square foot bays would be rented to other small contractors. Mr. Arsenault indicated that sewer and water are available in Newberry Road.

Mr. Arsenault noted the parcel slopes from the road to the rear, which contains some wetlands. They have submitted an application to the Wetlands Commission and anticipate being heard in April. They are proposing to install a wet detention pond in the rear which will discharge to the rear near the wetlands, but not into the wetlands.

Mr. Arsenault indicated they're proposing to install a gravel area in the rear of the building for storage of business materials, such as catch basins; nothing hazardous will be stored on the site.

Mr. Arsenault reported he received comments from Town Engineer Norton. Those comments have been incorporated into plans revised to 3/19/2021, which will be submitted to the Town at the end of the week. Mr. Norton's comments included:

- More information regarding the existing grades; he also wanted spot grades in the rear and front.
- Availability of gas – Eversource has said there is no gas main along Newberry Road.
- Details to be added to the plan.
- Detention basin outlet – the outlet has been redesigned based on the actual elevations.

Mr. Arsenault indicated they received Planning Consultant D'Amato's comments dated 3/18/2021, which included the following:

- Landscaping elements – Mr. Arsenault indicated they're now showing

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- flowering dogwoods and low spreading yews.
- Overhead door locations – Mr. Arsenault reported they originally had an overhead door on the side of the building; they are now showing 2 to the rear.
- Parking spaces – Mr. Arsenault indicated they are now showing 21 parking spaces.
- Lighting – Mr. Arsenault indicated there will be wall mounted wall packs on the building; they are not proposing any pole lights.
- Dumpster/screening – They are proposing a vinyl fence in front of the building going around to screen the dumpster.
- Turning movements – Mr. Arsenault indicated they have changed the turning movements to accommodate trucks turning into the site.

Mr. Arsenault reported they will be going back to Wetlands with these revised plans.

Mr. Arsenault shared Elevation Drawings with the Commission. He noted the building will be metal, with split block on the front to break up the look of the building. They are proposing darker grey on the bottom, with lighter grey above. There will be a canopy on the side of the building occupied by Mr. Cota; the canopy will run around the side of the building. There will be pedestrian doors adjacent to the overhead doors on the rental units, and down-lighting under the eaves on the rental units as well.

Mr. Arsenault indicated they have also provided a planting schedule for the wetlands enhancement area and the wet basin.

Chairman Ouellette asked from comments from the Commissioners.

Commissioner Gowdy indicated he would defer to his fellow Commissioners.

Commissioner Gobin indicated she needs the plans being reviewed tonight to be on the record; she also needs Staff comments.

- **Building detail** – Commissioner Gobin indicated she's glad to see Newberry Road getting some new development, but she's concerned what the people living in the condominiums across the street will see. Commissioner Gobin questioned Planning Consultant D'Amato if there was something more appealing for the front of the building than what's been shown?
- **Landscaping along Newberry Road** – could it be improved?

Commissioner Gowdy suggested when someone buys a property they may need to consider what could go in across the street. He indicated he didn't agree with Commissioner Gobin's comments.

Commissioner Thurz:

- **Building detail** - Commissioner Thurz agreed with Commissioner Gowdy regarding the residents nearby. Commissioner Thurz suggested that most of these buildings are two-toned.
- **Zone of property across the street** - Commissioner Thurz questioned if the property across the road from the property under discussion is residential or vacant land? Mr. Arsenault suggested that property across the street is within the 100 foot set back.
- **Development on Newberry Road** - Commissioner Thurz indicated he liked Commissioner Gobin's comment about seeing new development on Newberry Road.

Commissioner Kowalski:

- **Dumpster** – Commissioner Kowalski noted the building will serve 4 occupants; is a communal dumpster being proposed or will the public see 4 dumpsters on a pad? Mr. Cota indicated the other units will be rented to small contractors; he felt one 7 yard dumpster should be ok.
- **Consideration of use of rental units** – **Commissioner Kowalski questioned who decides** what type of businesses will go into the rental units? Can Mr. Cota decide what uses will go into the rental units, or will each contractor need a Special Use Permit? Planning Consultant D'Amato felt that if the proposed rental fell within the contractor's storage uses the renting contractor wouldn't need a Special Use Permit.
- **Source of gas** – Commissioner Kowalski questioned what source of gas will be provided if there isn't a main in Newberry Road? Mr. Cota suggested he anticipates a propane tank at the back of the building which would be piped into each unit; each unit would probably have a 250 gallon tank. Commissioner Kowalski indicated that would be 1,000 gallons of aggregated propane; he felt that should be reviewed by the Fire Marshal.
- **Bituminous apron** – Commissioner Kowalski questioned where that would be located? Mr. Cota indicated the bituminous aprons would be for the contractor rental units during construction; they'll disappear after completion of construction.

Chairman Ouellette:

- **Signage** – Chairman Ouellette questioned if any signage was being

- proposed; would there be a pylon sign indicating each contractor or something else? Mr. Arsenault indicated there would be an address sign for the building. Mr. Cota reported there wouldn't be signs out front.
- **Vinyl fence** – Chairman Ouellette questioned Staff if the 6 foot vinyl fence was needed as the properties are separated by Newberry Road. Chairman Ouellette indicated he couldn't recall any other application when a fence was required of the applicant in a similar situation. Commissioner Thurz indicated that's where he was going with his question. Commissioner Gowdy indicated he couldn't recall a similar requirement either. Chairman Ouellette indicated it's ok if the applicant wants to install one but he questioned the regulation requirements.

Planning Consultant D'Amato cited Section 600 of the Zoning Regulations regarding a 100 foot buffer between a commercial use and a residential use for Special Use Permit Applications. He suggested this is similar to the United Ag and Turf Application; he felt the regulations require it. Chairman Ouellette noted the Commission doesn't have the ability to waive the requirement if it's in the regulations; he suggested the Commission may have been interpreting the regulations differently.

Chairman Ouellette noted this application is a Public Hearing; he opened discussion to the public.

Jim Redinger, Secretary of the Newberry Village Homeowners Association:
Mr. Redinger reported he likes the plan shown tonight for the following reasons:

- **Driveway locations** – Mr. Redinger likes the driveways as currently proposed, which proposes the site driveway across from Mourning Dove Trail. Mr. Arsenault reported they wanted to keep the driveway accesses across from each other. Mr. Redinger indicated the residents would be concerned for mud and debris entering Newberry Road during construction.
- **Building lighting** – Mr. Redinger referenced the wall mounted lights on the building; he questioned if they would be on 24/7? Mr. Cota indicated they will be security lights. Mr. Redinger felt they would be a concern for the people living on the corner of Mourning Dove Trail. Mr. Redinger indicated it appears Mr. Cota is taking a lot into consideration for the residents; they appreciate that.
- **Truck access** – Mr. Redinger questioned if they anticipate issues with large trucks turning into the site across from a residential street. He questioned if there would be a stop sign, or a light on Newberry Road? He noted many people speed on Newberry Road currently; this is across

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the road from a 55 and over community with many people in their 70s. Mr. Arsenault indicated it's better to have the driveways align across from each other. He felt they could install a stop sign. Mr. Arsenault also noted that with contractors they usually leave in the morning and don't return until later in the day. He noted there isn't the constant traffic as with other operations.

Chairman Ouellette also noted that regarding the illumination of the building, there are Zoning Regulations that require that light be contained within a property owner's own property so there shouldn't be any light spillage onto an adjacent property.

Randy Clifton, President, Newberry Village Homeowners Association:

- **Business uses** - Mr. Clifton indicated he understood there will be 3 rentals which will be related to the use granted, but he doesn't know what those businesses can be. Planning Consultant D'Amato clarified they would be permitted uses. Mr. Arsenault suggested they would be Mr. Cota, and maybe a plumber, or electrician; they would be small individual contractors. Mr. Clifton indicated he was concerned that a body shop might go in; he's ok with the businesses described.
- **Turning access** - Mr. Clifton reported he was also concerned with the right turn into the property but you've explained that.
- **Driveway alignment** - Mr. Clifton reported he also agrees with the driveway for this business across from the entrance to Newberry Village.

Chairman Ouellette asked if Staff had any comments or suggestions; Director Chapin and Planning Consultant D'Amato had no additional comments.

Chairman Ouellette announced he would be keeping the Public Hearing open for submission of the new plans. Planning Consultant D'Amato reported he'll provide a new Staff memo based on the revised plans.

Chairman Ouellette noted the applicant needs to return to the Wetlands Commission for approval prior to this Commission's next meeting on April 13th. He questioned if that would give the applicant time to acquire Wetlands approval before this Commission's next meeting; Mr. Arsenault replied affirmatively, noting they expect a positive response from the Wetlands Commission.

Commissioner Gowdy suggested this is a great project for Newberry Road.

Hearing no requests for further comments, Chairman Ouellette called for a motion to continue the Public Hearing until April 13, 2021.

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MOTION: To CONTINUE Application PZ-2021-09, 124 Newberry Road, Special Use Permit Application for a Contractor's Office and Storage Yard. (Map 104, Block 19, Lot 15B) Zone M-1.
Applicant: Scott Cota to the Commission's next regularly scheduled meeting on April 13, 2021 at 6:30 p.m. via ZOOM).

Gobin moved/Thurz seconded/**DISCUSSION:** None.

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

OLD BUSINESS: None.

NEW BUSINESS/A. Informal Discussion regarding Pasco Commons to include Mr. Dupuis
Dupuis:

Mr. Dupuis advised the Commission that in 1998 he purchased a building in Pascoe Commons and moved his business there from East Hartford. He ran the business for 20 years. He's recently sold the business but continues to own the 3 story building. The 2,400 square foot lower level is divided into offices; a 2,000 square foot office unit is above. Mr. Dupuis is looking to convert the bottom unit into a 1,200 residence with the remaining 1,200 square feet to be an office area. He anticipates the area to be owned by one individual; a common wall would separate the residence and business uses. As this unit is located on the bottom level he would provide a rear access as well as the front access. Mr. Dupuis indicated that the property is located in a B-1 Zone, which allows both residential and business uses. Mr. Dupuis suggested with COVID changing the work environment he felt this proposal was a unique opportunity for a sole proprietor. Mr. Dupuis questioned if he can make the proposed change under the current regulations?

Chairman Ouellette indicated he understood Director Chapin has had discussions with Mr. Dupuis regarding this proposal. Chairman Ouellette felt the proposal is in conflict with the current regulations.

Director Chapin agreed, noting that generally in the B-1/B-2 zones the first floor unit is dedicated to business uses while the second floor unit can be residential. As noted, this building has 3 stories, with office space on the lower level. He reiterated Mr. Dupuis' comment that the times have changed, and this is a unique building configuration. Director Chapin has asked Mr. Dupuis to present his proposal to the Commission to discuss if the Commission would entertain a regulation change, or would the Commission's interpretation of the regulations allow Mr. Dupuis' proposal?

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Chairman Ouellette questioned if the Commission changed the regulations would this be an a la carte change, or would the Commission be reviewing similar requests one at a time? Or, is the request applicable to only this one building?

Discussion followed regarding the Pasco Commons original approval. Planning Consultant D'Amato felt that because all the buildings exist on the one property it would be possible for the applicant to come in to modify the original approval to adjust the ratios of the units. Chairman Ouellette questioned what the negatives were if the Commission changed the regulations to accommodate Mr. Dupuis' proposal?

Commissioner Thurz noted it was approved as business in the bottom units, with residential above.

Commissioner Gobin felt it could work for Pasco Commons but questioned if it would work everywhere?

Commissioner Kowalski indicated he was reviewing the regulations as Mr. Dupuis made his proposal; Commissioner Kowalski felt going to a 3 story unit required installation of an elevator. Discussion continued regarding the regulations; Commissioner Kowalski read the excerpt for the Commission. Commissioner Kowalski also noted reference to a limitation of 900 square feet as the maximum area of the bottom unit. He questioned if this type of proposal required a Text Amendment? Mr. Dupuis felt that language would preclude anyone handicapped from living in the unit. Commissioner Kowalski cited Mr. Dupuis' situation allowed the rear access; Mr. Dupuis suggested someone would have to go out into the parking lot. Commissioner Kowalski felt if the proposal was being proposed for ADA accessibility then the elevator should be considered.

Chairman Ouellette felt the current regulations don't allow Mr. Dupuis' proposal; he questioned if there was a path forward without unintended consequences?

Commissioner Gowdy was concerned with setting precedents; he noted things change over the years.

Regarding unintended consequences, **Commissioner Kowalski** felt the Commission needed to tie the commercial and residential use to one person; **Commissioner Gowdy** agreed. Mr. Dupuis reiterated his intention that the unit would be rented to a sole proprietor who owned both the residential and commercial units; the units would share a common wall which would enable the businessowner to work with staff or clients.

Chairman Ouellette noted the original approval was given to Paul Benson; he questioned how Mr. Benson feels about this proposal? Mr. Dupuis indicated Mr. Benson

still owns a unit in the complex. He did run this proposal by Mr. Benson, who suggested he come to the PZC for approval.

Chairman Ouellette questioned if Director Chapin or Planning Consultant D'Amato needed to do more research, or do you have enough guidance from the PZC to decide if this proposal requires a regulation change? Chairman Ouellette indicated he wasn't opposed to the change. Is it time to revisit the regulations; maybe an adjacent Town has something that works differently. Chairman Ouellette indicated he was on the fence regarding this proposal.

Commissioner Gowdy questioned the need to change the regulations for this one request.

Commissioner Thurz felt there are a lot of businesses in first floor units that might decide to split the units and rent one of them out.

Commissioner Kowalski felt the units need to share a common wall, and be occupied by the same person.

Commissioner Gobin agreed with Commissioner Gowdy; the Commission has a lot of regulation changes to work on. If Mr. Dupuis wants to pursue this he has the right to come in with a Text Amendment. Commissioner Gobin felt some of the other regulation changes had higher priorities. **Commissioner Gowdy** concurred.

Chairman Ouellette advised Mr. Dupuis no one seemed opposed to the proposal. He suggested Mr. Dupuis continue to work with Town staff regarding his submission of a Text Amendment request. Chairman Ouellette indicated he would like to hear how other towns approach this issue.

OTHER BUSINESS: None.

CORRESPONDENCE: None.

BUSINESS MEETING/A. Zoning Regulation Revisions Update:

Planning Consultant D'Amato advised the Commission the list before them this evening began with his initial presentation at the previous meeting; he's added Chairman Ouellette's list of items to be considered as well.

Initially Planning Consultant D'Amato felt the Commission should consider, or revisit, the following:

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- Site development standards – currently scattered throughout the regulations; consolidate standards within one regulation section.
- ~~Devine~~ **define** what triggers a minor vs major site modification.
- Consider low impact development.
- Update definitions.

Additionally, the Commission prioritized the following items:

- Review regulations for clarity and interpretation.
- Identify, and revise, blatant misinterpretations
- Streamline the development process so not every request must come before the Commission
- Revisit allowing “Granny Pods” which would allow a second small residential unit on one property, usually associated with an aging family member.
- Revisit accessory apartments.
- Revise lighting standards, require a photometric plan for commercial buildings

Chairman Ouellette questioned the possibility of seeking funding to hire consulting services to assist with regulation overview. First Selectman Bowsza reported he has provided some funding in the Planning Department Budget to assist with project such as those reviewed tonight. The Board of Selectmen’s Budget has been forwarded to the Board of Finance; hopefully the funding will be retained.

BUSINESS MEETING/B. Site Plan Modifications:

Director Chapin reported he’s been in discussions with a property manager for an apartment complex located in a MFDD Zone who had put in a man-made pond which is highly visible, and located near a road. They’ve found the pond to be an attractive nuisance, and would like to get rid of the pond. Reviewing the regulations Director Chapin suggested it’s unclear what defines a minor vs. major modification; he questioned if this request should come before the Commission as an application, or can Staff manage the site work?

Chairman Ouellette questioned that the pond is aesthetic rather than a drainage component? Director Chapin replied affirmatively. Commissioner Kowalski questioned what would the property manager replace it with; Director Chapin indicated they would install landscaping. Commissioner Thurz questioned if Wetlands should review the work as well? Commissioner Kowalski questioned if the pond has become a wetlands habitat.

Discussion continued.

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The Commission was divided regarding formal review. Chairman Ouellette advised Director Chapin the Commission has confidence that Staff can handle the project administratively.

The following items were brought to the Commission's attention:

- **Election of Officers:** Chairman Ouellette noted that now that the Commission has a full board of regular members election of officers should be held at a future meeting. The Commission currently lacks a Vice Chairman and Secretary.
- **Special Event Permit:** Commissioner Thurz noted an event with a band and food trucks and vendors is being advertised for Bassdale's Plaza on Facebook. He recalled when Joe's Liquors held similar events they came to the Commission for consideration of parking concerns; they also hired Police Officers to manage traffic crossing the road.

Chairman Ouellette felt the event should come before the Commission for review.

- **Status of casino property:** First Selectman Bowsza gave a brief overview of the State's arrangement with the Tribes to legalize gaming; that deal precludes the sale of the East Windsor property for 10, or more, years. First Selectman Bowsza reviewed the impact of that decision on East Windsor, the impact of the loss of the revenue during that period, and various individuals he's contacted regarding the State's decision.

Discussion continued regarding the loss of revenue from the casino, as well as the loss of tax revenue if other large-scale projects were to occupy the property.

EXECUTIVE SESSION: None this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 9:15 p.m.

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

Respectfully submitted,

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