

To join by phone please dial 1-415-655-0001; and use the access code 132-291-6104.

Jonathan Blake stated aloud the information above for anyone who may want to be heard either during Citizens' Comments or during the public hearings portion of the meeting. He also posted this information in the feed for FaceBook Chat. There were no callers.

V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – None.

VI. PUBLIC HEARINGS – (review / discussion / action)

NOTE: To participate in either the CITIZENS' COMMENTS OR THE PUBLIC HEARINGS – the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code 132-291-6104.

1) **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).

There was discussion with Town Attorney Ken Slater, Halloran & Sage, regarding the simultaneous applications for a text change and a special permit. In this case, the Applicant has indicated that there are extenuating circumstances with timing issues. His recommendation:

- You can have conditions attached to a special permit use. The use does not become valid until the final condition is met.
- After the public hearings are closed, if the Commission approves the text change, he recommended setting the effective date for the text change in the usual way (30 days after the date of adoption).
- Then, if the Commission approves the special permit, a contingency could be put in place that the special permit does not become effective until the text change is fully in effect and not under appeal. That way, the right to establish a special permit does not come in to be if there is an appeal filed and it does not come in to be until it becomes effective on the effective date that was set. There is no risk to the Commission that the use will start in advance of that point in time. The Applicant will know that it will all be finalized upon the effective date of the new Regulation. Attorney Slater noted that if it is approached in this way this time, the Commission is not obligated to do it this way in the future. It is the Commission's prerogative.
- Attorney Slater explained that Staff would take care of publishing the notice of decision which gives people the right to appeal the decision.

Mr. Thurlow asked Attorney Slater if all of the public notices have been met prior to this. Attorney Slater stated that they were. There was more discussion, for clarity, regarding setting the effective date, after which, Attorney Slater left the meeting.

Mr. Thurlow asked Mr. Blake to summarize the proposed text change:

- Exact same language that currently exists in the General Commercial Zone under Section 420.2.2.m. There is no deviation between the two Zones. Staff reviewed the proposed text change, adding this to the Industrial Zone, and agreed that the language seemed appropriate in either Zone.

Mr. Thurlow asked for Comments from Commission Members:

John Sarantopoulos expressed his opinion that it is a good idea to allow the time limit to run its course if someone should have an objection to the proposed change.

Virge Lorents stated that her question regarding setting the effective date had been answered.

Brian Card – None.

Mr. Thurlow asked for Staff Comments:

Mr. Blake stated that it seems like a continuation of a lot of other aspects of the Industrial Zone that are already approved in the Industrial Zone and it seems like a natural progression of adding it to the Zone seeing that it is already allowed in very similarly-regulated zones like General Commercial.

Mr. Blake gave the phone number and access code and stated that anyone from the public that would like to comment is welcome to call in at this time. He also stated that this information is posted in the Facebook Chat and is the same phone number and access code for the next public hearing as well. There were no callers from the public.

Mr. Blake offered that Drew Sigfridson and Mat Douglas were welcome to comment regarding **Zoning Text Change Amendment Application #20-1253** at this time:

- Mr. Sigfridson stated that he had no comments.

Brian Card commented that there had been some concern in the past for the General Commercial Zone regarding vehicles waiting for service being visible. He referred to the proposed language in paragraph three and asked if it should be modified. He asked whether vehicles need to be at the rear of the property or could they be on either side of the building like a general trucking business might be, which is allowed in this Zone as well. There was discussion regarding screening. Mr. Blake noted that this would be for all lots for the Industrial Zone and he explained that if there is concern for a particular site a condition could be added for special permit. Discussion continued. Mr. Card recommended the following language which he feels is a small change and consistent with what was posted:

- "All vehicles stored out-of-doors waiting for service and/or pick-up are preferred to be located at the rear of the building and screened, using vegetation and/or fencing, from any adjacent residential property."

There were no objections stated from the other Commission Members. Mr. Thurlow commented that this language could be made part of the motion if this Application goes forward.

Mr. Blake stated that there were no callers for public comment.

There were no further comments from the Commission Members or Staff.

Motion was made by Virge Lorents to close the public hearing for **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes.

Motion carried unanimously (4-0-0).

2) **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Drew Sigfridson, owner of the property, explained that TransAxle, LLC (which sells parts for trucks and also does some servicing) has 28 locations throughout the northeast and that Mat Douglas is a Regional Manager. They are looking to locate on this property. They would have an office, a small customer parts area, warehousing and storage, and a small area to service vehicles. He said that all of the proposed uses, except for servicing the vehicles, are already allowed in the Industrial Zone, which is why they have applied for the text change and the special permit. The site and location works well for TransAxle and they do not anticipate having many vehicles that would be waiting on site for service at any given time.

Mat Douglas, TransAxle LLC, stated that they do not re-manufacture on site: No lubricants, oils, etc. to be drained. They plan to merge their Hartford, CT and Shrewsbury, MA locations to provide service to their customers. Currently the Shrewsbury location allows them to: install transmissions; differentials, etc. They are not doing oil changes, fluid changes, things like that. He said that (full disclosure) there will continue to be some fluid transfer there all gathered in tanks, above-ground, within the building. These would be contractually removed by companies like Central or CTS.

Ms. Lorents asked Staff if the process for fluids is covered under the Regulations and if they would apply. Mr. Douglas explained that they burn most of it as part of their energy efficiency and what they can't burn is stored above-ground in the building and then removed by a company. He said that they are all to DEEP standards and regulated by the State. Ms. Lorents asked about a containment structure. Mr. Douglas explained that, per OSHA, all of their locations have an area that has an elevated and/or drained area available for fluid containment which would also be part of this project. Mr. Blake explained what is covered under the Regulations for the Industrial Zone and that all of the State of CT waste management

policies would apply. He said that if it were in an aquifer zone, there would be additional restrictions placed. There was discussion.

Brian Card asked if there will be a Spill Prevention Control Plan on site. Mr. Douglas stated that they will as it is part of the program at all of their locations.

Mr. Card asked for the following:

- For someone to describe the building as no Floor Plan was included in the Application.
- Are there floor drains in the building?
- He asked for the activity to be described.
- He said that the Site Plan is very limited from the special permit application point of view as it does not show all of the parking, where things will be stored, how many employees on site, and all of the other items that are typically required for a special permit application.

Mr. Sigfridson responded:

- The building had been formerly occupied by Spirol Corporation and it was mostly used for warehouse and minimal office area.
- In the front portion of the building on Lake Road, there is approximately 1,000 s.f. of office area with a bathroom and, if this Application is approved, they are planning to submit a building permit application to expand the offices slightly.
- The rest of the space is just warehouse (dimensions 50' x 220').
- No columns, no floor drains, just concrete floor.
- Steel construction with metal wall panels.
- The area to the east of the building is currently paved and accessed by a drive-in door. There was, previously, a second drive-in door that faced toward the pavement area which was closed up by Spirol during the past ten years. They plan to open another one of those overhead doors.
- The rest of the land area there has been cleared of trees and is now a graveled site.
- There are two curb cuts: one just to the east and one just to the west of the building. The rear area was used for tractor-trailer storage. There is a berm at the rear of the parcel that was created when they cleared the site. The berm has vegetation on it to provide a buffer from the rear neighbor.

Mr. Thurlow asked what the intent is for the rest of the area:

Mr. Sigfridson responded:

- TransAxle does not need the entire site. They only need the building, the paved area, an area for employee and customer parking (10-15 vehicle spaces), and an area for trucks and/or trailers (roughly 5 spaces) for storage or service.
- He does not have a planned use, at this time, for the rest of the area that is graveled. He would like to find another business to bring to Town and, hopefully, build another building in the rear of the parcel in the future or another adjacent business that might need tractor-trailer storage, or some other allowed use.

Mr. Thurlow asked about trailers being in the back.

Mr. Douglas responded. He explained that while merging their two locations, for a period of about six months, they need to have 3-5 trailers parked at the location (inventory that they need to find a place to put).

Mr. Thurlow asked about parking and the requirement for pavement.

Mr. Douglas responded. The graveled area is to be used for storage and the existing paved area is appropriate for employee and customer parking.

Mr. Thurlow asked if access to the storage trailers would be toward the existing asphalt.

Mr. Douglas responded that they would have to be because that is the only way they would be able to get to them with a fork lift.

Mr. Thurlow asked if the stumps (where the area was disturbed initially) along the western border of the big stone parking area and to the northwest and to the north would be taken away and if the area would be landscaped.

Jonathan Blake explained that any of the side or rear areas should have vegetation and/or fencing particularly adjacent to residential properties. The zones to the north and to the west are both Industrial, but the current uses are residential. So,

even if it were a common courtesy of the business or a condition placed by the Commission, the recommendation from Staff would be some sort of vegetative buffer at those two locations. He explained that a berm had been placed by Mr. Sigfridson to try to address concerns from a neighbor. Mr. Thurlow stated that there is no issue with the berm, but that he is concerned about the stumps. Mr. Blake explained that the Commission could condition removal of the stumps. Mr. Thurlow stated that it does not seem pertinent to TransAxle since they would not be using that area, but it does seem that it would be pertinent to any development of that property. Mr. Thurlow's opinion is that the stumps should be removed. Mr. Douglas stated that he feels that the conditions have been met by the property owner and he stated that the adjacent property is also owned by Mr. Sigfridson. Mr. Sigfridson stated that if and when they ever develop the rear lot (he hopes soon), he would be happy to address the stumps as well as vegetation along those sections as part of that development. Mr. Card asked for clarification as to whether Mr. Sigfridson would be enhancing the vegetation screening to the west and north as stated under this application. Mr. Sigfridson stated that he would prefer to do it later. Mr. Card commented that the northwest corner and the southwest corner seem to be a little sparse with vegetation at this time and he noted that, per the Regulations, there is supposed to be a 25' vegetative buffer between Industrial and Residential Zones. Since they are used residentially, it would be nice to leave buffering. Mr. Douglas stated that there would be very minimal activity on the western side of the building. Mr. Card asked if there would be any traffic using that curb cut under this application. Mr. Douglas stated that he would not want to prevent them from using that curb cut, but it would be very minimal. Mr. Thurlow commented that four storage containers would be blocking access to that area on the east side of the building and he asked what they would be accessing from going in by the westerly entrance (are there doors on the western side of the building?) Mr. Douglas stated that there are no doors on the western side of the building. Mr. Sigfridson stated that there will probably be one door on the northern side (an overhead door which they intend to use, but he does not know how frequently) and two doors on the eastern side. Mr. Sigfridson stated that they could look at adding some vegetation near the home (which is in the Industrial Zone).

There was discussion regarding whether paving is needed if they will be using the back door for deliveries. Mr. Blake explained that if any hazardous materials was coming in or exiting there, it would be required to be paved by State Regulations. Under the Town's current Zoning Regulations, as modified in October 2020, the gravel portion, even for parking in the Industrial Zone, can be allowed by the Town Engineer or acting MS4 Agent if they feel it benefits adding impervious coverage. The Town Engineer reviewed this Application and did not make any comments regarding requiring additional parking, but that is up to the Commission. Discussion continued. Mr. Thurlow expressed concern for stabilization and he said that the material that is out there is very coarse and aggressive and very difficult to grade. He feels that there are two conflicting areas in the Regulations and he would like to get a determination. Mr. Blake explained that the Site Plan, as presented, shows the majority of commercial traffic to be on the eastern side of the building and he suggested a condition of the Application, as it pertains to the northern door, for the Applicant to come back at that time (either to the Town Engineer or to the Commission) if they look to make that portion viable adding a door and commercial traffic in that area. Mr. Card clarified that no door is shown/proposed on this Application, so if approved, no door would be approved on the northern side. Mr. Card stated that the Site Plan is lacking and he suggested that when they make that request, they modify the Site Plan and show more detail to address Section 700.

Mr. Card stated his understanding for this Application:

- All work is to be done on the eastern side of the building (employee parking).
- Only trucks to be coming in on the eastern side.
- All activity to be done on the inside of the building, no exterior activity happening under this Application.

Mr. Douglas stated that the rear door was asked of the property owner for the purpose of bringing vehicles in and out and park vehicles in and out. He said it was an important part of their decision as to whether they would lease the property or not. He referred to a "K" thruway purpose for moving vehicles around. Mr. Sigfridson explained that he did not realize that it needed to be noted on the Site Plan if they were not going to be paving.

Mr. Card explained that they would need to look at the Site Plan and look at Section 700 (Site Plan Special Permit Requirements) and make sure that all of the requirements are shown so that there will be a clear understanding of the Site Plan and what is in the record will be appropriate. Mr. Thurlow asked if this could be handled by Staff should this Application were to move forward tonight. Mr. Blake explained that if there were a modification (the door were added and the traffic pattern - even if it exits on the more western curb cut), those items could be considered minor and as long as they are reviewed by the Town Engineer and all of his requirements are met. The condition could be included on the Application. He said that the intention of the more western curb cut was to allow for larger trucks to exit and have less of an issue with a guard-rail or something closer to the east and also further away from the traffic light. This is a safety approach with the site from the Town Engineer's Office. If there is a modification, the Town Engineer would be able to give direction as to how to proceed on these items in the spirit of the Regulations.

There were no further questions or comments from Commission Members.

There were no further comments from the Applicant.

There were no further comments from Staff.

Mr. Blake stated that there were no callers for public comments.

Motion was made by Virge Lorents to close the public hearing for **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Second by John Sarantopoulos. No discussion.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – no; Keith Thurlow – yes. Motion carried (3-1-0).

VII. UNFINISHED BUSINESS – (review / discussion / action)

1) **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k).

Motion was made by Brian Card to approve **Zoning Text Change Amendment Application #20-1253** – Deerfield 26 Marshall, LLC; Text Change Amendment Application. Add subsection as stated under Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; to the Industrial Zone as a Special Permitted Use (430.1.2.k), with the following change to language in the third paragraph: delete the word “shall” and add “are preferred to.” Third paragraph to read as follows: “All vehicles stored out-of-doors waiting for service and/or pick-up are preferred to be located at the rear of the building and screened, using vegetation and/or fencing, from any adjacent residential property.”

Effective date to be thirty days from today. (**NOTE:** That will be Friday, February 19th at 12:01 am)

Second by Virge Lorents.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

2) **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone.

Motion was made by Virge Lorents to approve **Special Permit Application #20-1254** – Deerfield 26 Marshall, LLC; for TransAxle, LLC., to operate under the proposed Section 420.2.2.m – Heavy Equipment and Heavy Specialized Vehicle Sale, Rental and/or Service/Repair Establishments; 429 Lake Road; GIS Map 62; Lot 46; 5.25 Acres; Industrial Zone, with the following conditions:

- Vegetative buffer strip to be added on the western boundary near the resident. Recommend a 15-foot width to be marked-out and approved with local Staff.
- The Site Plan can be modified for the northern door addressing the traffic flow, the gravel, and parking issues with the Town Engineer and Town Staff and Site Plan modified and recorded accordingly.
- Effective date no earlier than the effective date and the completion of the appeals on the regulatory change just made (#20-1253) – February 19, 2021.

Second by John Sarantopoulos.

Roll Call Vote: Brian Card – yes; Virge Lorents – yes; John Sarantopoulos – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

VIII. NEW BUSINESS – (review/discussion/action)

1) **Special Permit Application #21-1255** – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. **Receive, and if**

application is complete, schedule for public hearing. Next Available date for public hearing is TUESDAY, FEBRUARY 16, 2021.

Jonathan Blake stated that the Application is complete and that it already has IWWC approval.

Virge Lorents asked about another project/use for that land that had been spoken about in the past. Mr. Blake explained that Country Living at Westview had fulfilled that goal and that this is a new proposal.

There was discussion regarding the location of the property.

Motion was made by Virge Lorents to receive **Special Permit Application #21-1255** – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. Second by John Sarantopoulos.

There was discussion regarding location and Jonathan Blake stated that IWWC approval has been obtained.

Roll Call Vote: Virge Lorents – yes; John Sarantopoulos – yes; Brian Card – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

NOTE: AS NO DATE WAS MENTIONED DURING THE MOTION THE HEARING DATE WILL BE ON THE NEXT REGULARLY SCHEDULED MEETING OF TUESDAY, FEBRUARY 16, 2021 AT 7:00 PM

Note: The February 16, 2021 meeting to be held in the Town Meeting Room, 2nd Floor, 172 Main Street.

There was discussion regarding Special Permit Application and Site Plan Application for this proposal. Mr. Blake explained that it is per the Ordinance. Mr. Blake will provide clarification to Commission Members.

2) Site Plan Application #21-1256 – Westview Land Company; proposed 5040 SF child day care center with proposed access drive, parking, walkways and municipal water and sewer connections; Section 410.2.2.f (Nursery Schools/Day Care Centers; 39 Thompson Pike (Rte. 21) & 137 Ware Road; GIS Map 32; Lots 44 & 44.1; Low Density Zone. **Preliminary Review of Site Plan prior to hearing on Special Permit listed above.**

Mr. Blake stated that the Application is complete.

No action required at this time.

IX. ADOPTION OF MINUTES – (review/discussion/action)

- 1) Regular Meeting Minutes – December 21, 2020
- 2) Special Meeting Minutes – December 30, 2020

Motion was made by Virge Lorents to approve both the Minutes of the Regular Meeting of December 21, 2020, and the Minutes of the Special Meeting of December 30, 2020.

Second by Brian Card. No discussion. Motion carried unanimously by voice vote (4-0-0).

X. OTHER / MISCELLANEOUS – (review / discussion / action)

1) **File Number #21-1257;** Danielson Airport (through Waters Construction Co., Inc.; erosion and sedimentation control measures for work at Danielson Airport; rehabilitate runway 13-31, Taxiway “A” and “B”; and replace airfield lighting and signs. **Receive, and determine if what further action (by staff or commission), if any, needs to be completed.**

Jonathan Blake referred to Section 590.6.1 of the Regulations and displayed an Erosion and Sedimentary Control Plan. He explained that, although airports are a State entity, Waters Construction Co., Inc. requested local review. Under Section 590.6.1, Staff is looking at it and making recommendation to the PZC whether or not to certify that the Plan meets the Town’s Regulations for erosion and sedimentary control. Mr. Blake and the Town Engineer have reviewed the plans and are

in agreement that all items have been properly addressed in the Application. They are repaving and re-grading the existing runways and all E&S measures are addressed. Therefore, they are asking that the PZC certify as submitted.

Motion was made by Virge Lorents to certify, as submitted, File Number #21-1257; Danielson Airport (through Waters Construction Co., Inc.; erosion and sedimentation control measures for work at Danielson Airport; rehabilitate runway 13-31, Taxiway "A" and "B"; and replace airfield lighting and signs. Second by John Sarantopoulos. No discussion.

Roll Call Vote: John Sarantopoulos – yes; Brian Card – yes; Virge Lorents – yes; Keith Thurlow – yes. Motion carried unanimously (4-0-0).

XI. CORRESPONDENCE – None.

XII. DEPARTMENTAL REPORTS – (review/discussion/action)

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)

B. Inland Wetlands and Watercourses Agent's Report

Jonathan Blake stated that all approved agendas were posted with the Town Clerk for ZEO and IWWC. He offered to answer any questions from Commission Members and he explained that they are in the process of updating permitting software which includes digital permits, applications, and plan review that could be live to the public as soon as the end of February.

C. Building Office Report – No discussion.

XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT

Jill St. Clair reported:

- Trinket Shop has a retail tenant that will be moved in by the end of February.
 - EDC approved a \$100,000 small business revolving loan pilot program to begin in March.
 - Bousquet's has moved to their new location.
 - RollVac's 30,000 s.f. expansion to be completed mid-April.
 - SBA expanded their program for the economic injury disaster loan program until December 31, 2021.
 - The Tours of Marketing Matching Grant Program gave the Last Green Valley \$25,000.
- There was discussion.

XIV. TOWN COUNCIL LIAISON REPORT

Patti Larrow George reported:

- Approved BOE's request to move up to \$880,945 to the Unexpended Education Funds Account.
- The Town is offering the Property Tax Relief Program again (Executive Order 9R).
- KMS grant application has been approved, so that project will be moving forward.
- Revisiting the Community Center moving to Westfield Avenue. Doing a renewed feasibility study. Public Hearing February 9th.

XV. ADJOURNMENT

Motion was made by Virge Lorents to adjourn at 8:37 p.m. Second by John Sarantopoulos. No discussion. Motion carried unanimously by voice vote (4-0-0).

Respectfully submitted,

J.S. Perreault
Recording Clerk