

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
FEBRUARY 1, 2021**

**MEETING HELD VIA ZOOM**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Patrick Kennedy, Vice Chairman  
Michael Stebe, Secretary  
Jessica Scorso  
Jessica Poland

Alternate Members: Julian Stoppelman  
Bonnie Potocki  
Teresa Ike

Also Present : Gary Anderson, Director of Planning  
Megan Pilla, Senior Planner  
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The secretary read the legal notice when the call was made.

VOLTA CHARGING LLC (continued from January 20, 2021) – To revise the zoning regulations at Art. I, Sec. 2 to add definitions for “Electric Vehicle Charging Station” and “Operator” and to add a new Article IV, Section 24: Electric Vehicle Charging Station – Zoning Regulation Amendment (2020-081)

Attorney Tom Regan, Partner in the Law Firm of Brown Rudnick, LLP, City Place One in Hartford, Connecticut, introduced himself. Attorney Regan informed the Commission that he is representing Volta Charging for the text amendment.

Volta was founded in 2010 and has developed the technology for giving a seamless free charging environment, according to Attorney Regan. The applicant has entered a potential agreement with the Buckland Hills Mall to provide charging stations. Attorney Regan reported that, after looking at the Town of Manchester Zoning Regulations, there was nothing referring to charging stations. The applicant has been working with Town Staff for the past few months on a draft text amendment to allow charging stations in all zones as an accessory use and to allow certain signage as part of their economic model in business and commercial zones.

Mr. John Stuckey, who works on deploying the Volta Charging Network throughout the greater New York metro area, introduced himself. Volta’s plan for building a charging network is to put charging stations in heavily trafficked areas and ask businesses to sponsor the effort. Their

objective is to build a network of charging stations which are free to the public and supported by both national and local businesses, with mall foot traffic making them a prime candidate.

Mr. Stuckey displayed a video depicting the charging stations at night, which are a digital messaging platform. The stations are meant to capture foot traffic rather than drivers on the road. The idea is to create a messaging platform that businesses are interested in sponsoring right where individuals are about to enter a shopping experience, Mr. Stuckey said.

Attorney Regan explained the text amendment and their proposal. The applicant proposes to add three definitions to the zoning regulations: (1) electric charging station, (2) operator (of the electric charging station); and (3) electric charging position (each individual charging spot). Attorney Regan stated that they have proposed a new section in the regulations, Art. IV, Sec. 24, Electric Vehicle Charging Stations, which is the heart of the text. It would designate electric vehicle charging stations as an accessory use, allowing them in accordance with the Town's public improvement standards. He stated that it would put some limitations on the number of vehicles, no more than 20 electric charging positions per shopping center or free-standing building. The language states that the stations would be maintained in accordance with every state, federal and local regulation, and provide contact information. He added that Sec. 24.02 is the signage provision which would allow, subject to special exception approval by the Planning and Zoning Commission, the right for the signage only in business and commercial districts. Attorney Regan stated that this is in line with the Town's sustainability goals.

Ms. Virginia Pepe commented that the Commission is familiar with the sustainability efforts the Mall has put forth, which include solar arrays, and these will further support their efforts to provide environmental amenities.

Attorney Regan relayed that this is consistent with the trends in Connecticut as they have installed charging stations around the state.

Mr. Stebe remarked that this is a zoning change to allow the charging stations. He noted that there are charging stations in town in various locations, and nothing has blocked them from being installed. Mr. Stebe questioned whether there is anything in the regulations which would stop the installation of charging stations. He offered that he is not 100% certain the Commission needs to change the regulations if they are already able to be installed.

Ms. Pilla informed Mr. Stebe that he is correct as there is currently no language in the regulations that regulates electric vehicle charging stations. By omission, they are permitted at this time. She noted that, when working with the applicant, they came across a signage regulation because of the advertising component. However, it was determined that the applicant preferred to propose text regulating charging stations which also allows the advertising component by special exception.

Mr. Anderson added that Planning views it as similar to the solar voltaic installation regulation. At some point, the Commission decided such items are very prevalent and the Town seeks to be clear about policies and regulations, and this is the Town's first opportunity for review.

Mr. Prause commented that the Commission has handled some locations through special exception modifications in the past.

If there is a special exception use; i.e., over 60 parking spaces, this would be a site plan change, according to Mr. Anderson.

Ms. Potocki acknowledged that this is the way of the future. One of her concerns relates to the signage and technology changing. She prefers to hear more about the text amendment putting in a definition, and as technology changes, the PZC may need to adapt. Ms. Potocki inquired whether other towns made changes in definitions.

Another concern offered by Ms. Potocki was that the applicant is limited to signage and the amount of signage and square footage. Her specific question was whether there will be dimmer switches and the amount of light pollution. In terms of public safety, she noted that people are not always aware of their surroundings, and assumed there would be a site plan required for the installation of the chargers not always at central islands but scattered throughout the parking areas.

Mr. Stuckey responded that the stations fall within the existing federal regulations for digital signage that is visible to roadways. The lights are not meant to be visible to roadways or add to light pollution.

Ms. Pawlowski explained that the stations have an ambient light sensor built in which have a dimmer on them to dim/brighten as the sun rises and sets. If nighttime light pollution is a concern, they could work with the mall and the Town to determine what hours the screen could be shut off.

Mr. Stuckey added that a broader point is the reason they want to consider this advertising model. It allows them to build a network in advance of an electric vehicle adoption, but also allows them to give power away for free. He added that their network is the most heavily-utilized network by a factor of 4 or 5, based on publicly available data. It is planned to be a symbiotic relationship between the customer driving the EV, the site host, and Volta which gives them a way to monetize and build out this network for easy adoption.

Attorney Regan stated that the definitions themselves are not technical in nature. They describe the physical aspect, but are not describing a charging station by its specs. He added that if the technology were to change, it would not affect the definition being used by the text amendment.

Ms. Pawlowski stated that they work with each location to site them in such a way that they are safe from distracted drivers. However, she added, if they are close to the edge of an island, they could install bollards.

Attorney Regan reported that all their installations comply with and meet the federal highway safety standards.

Ms. Potocki questioned Staff about definitions for the stations and why other towns in the state require a definition.

Ms. Pilla noted that, in reviewing the application, she looked into the regulations for those towns mentioned and did some research on the pertinent regulations in more local surrounding towns. All with the exception of the City of Hartford were in the same situation as Manchester, where electric vehicle charging stations were not mentioned anywhere in their regulations.

Mr. Stuckey explained that he was not involved with the other towns' installations, nor was Ms. Pawlowski.

Mr. Stuckey stated that they have had many of these types of conversations with towns, and have dealt with the signage, noting they have had a lot of success with New Jersey specifically.

Ms. Potocki acknowledged that the Commission cannot regulate content, but her concern is potential for adult entertainment, drugs, etc. in a public place.

Ms. Pawlowski reported that, from Volta's perspective, their agreement with the mall specifically prohibits adult content and drugs.

Attorney Regan added that, as part of the special exception condition, there could be limitations placed on the specific special permit for their signage that would prohibit certain categories.

Ms. Potocki asked Attorney Regan if it was in Connecticut that they were able to put conditions on the content for special exceptions.

Attorney Regan replied that he has seen conditions in the past that prevent types of uses.

Mr. Kennedy summarized that the applicant is looking to put these at the Buckland Mall currently, which Attorney Regan confirmed, though they may install charging stations at other locations in the future. Mr. Kennedy speculated that the locations where the charging stations with signage have been are similar to this proposal, i.e., malls.

Attorney Regan noted that the other locations are in major malls because they are a desired amenity for a mall.

Mr. Stuckey responded that it is not just malls; they also plan other sites, such as grocers. He noted that, in the northeast, based on the population density and the age of our infrastructure in towns, they are very seriously looking at how their product could be brought to municipalities as well. In his opinion, the question is where to find the foot traffic at the center of any commerce.

Mr. Kennedy did not feel the advertising is a problem in the mall area. However, if it would be allowed in all the business districts around town, he was concerned. For example, if the advertising is added to the regulations in the CUD zone, that would work for the moment, with the potential to expand the regulation in the future.

Attorney Regan stated that is one of the comments from Staff as a way to regulate this. He felt it is less about a zoning district and more about the size of the property. Therefore, it would be for larger-scale properties such as Buckland Hills, where it is appropriate. If smaller locations were interested, he added, and were deemed appropriate, the regulations could be amended.

Mr. Stoppelman sought confirmation that a change to the regulation would not affect either private homes having non-advertising chargers for their homes or dealers with charging stations.

Attorney Regan explained that the way the regulation was drafted, working with Staff, is the charging stations themselves are accessory uses in any zone; i.e., Residential, Commercial or an Industrial zone. If a resident sought to add a charging station to their house, it would be an accessory use.

Mr. Stoppelman speculated that, in Connecticut, electricity cannot be resold, which Attorney Regan confirmed.

Attorney Regan said he previously worked in the energy field and is familiar with the statute Mr. Stoppelman referred to. He was unsure if that would apply to a charging station. Typically, the application is about reselling energy; i.e., a landlord cannot mark up their energy and sell it to a tenant.

Mr. Stoppelman questioned whether the advertising will run when the charging station is not in use, which Mr. Stuckey confirmed, as it is meant to be messaging for individuals walking into the mall.

Mr. Stoppelman asked where in the mall parking lot these would be located. Also, he speculated on whether the regulation will apply to current charging stations.

Ms. Virginia Pepe reiterated that the intent is to install these adjacent to the pedestrian mall entrances. She commented that existing charging stations should not be affected by the regulation, as charging stations in general would still be permitted in almost all zones. Ms. Pepe suggested that the Commission consider whether it is appropriate for the Historic zone. Volta understands the ever-evolving technology and sustainability and to restrict charging stations in general from residential zones was not entertained. Their focus is on the signage component of the Volta charging station model, which would not be permitted in residential zones.

Mr. Stebe referred to the verbiage in the application, specifically the number of spaces. He anticipated that the applicant will come before the Commission with a special exception public hearing for the installation of their product. The text states in Sec. 24.01 “no more than 20 electric vehicle charging positions per shopping center or free-standing building.” Mr. Stebe pointed out that there are a number of areas where the stations would be allowed. He gave the example of Stop & Shop on Broad Street, where there are a number of individual lots within the larger lot. By the suggested verbiage, each individual lot would be allowed to have 20 charging spaces. Because the individual lot within the larger property area has not been subject to a hearing, installing 20 charging stations would be allowed. Mr. Stebe questioned how that would be handled between the mandatory spaces for the shopping areas vs. the charging station request.

He speculated that there would be nothing to prevent non-charging individuals parking in those spots, but the owner of the property could tow those vehicles. In addition, there is no time limitation on the vehicles charging, which would allow an individual to shop far longer than the length of the charge. In his opinion, there needs to be a sliding scale on the number of charging stations, and he asked what recourse a shopping center owner would have for someone who parks and is not charging.

Mr. Stuckey stated that it is not in Volta's interest or the mall owners' interest to deal with someone not charging being towed. It is also common practice to designate the spots as available for EV charging. He added that it is not Volta's intention to change parking counts or designate spots for EV only. Mr. Stuckey added that they could put limits on how much charge cars may take at any given time.

Attorney Regan commented that, with regard to the 20 stations, there are a couple of ways that it can be regulated. Part of that could be regulated in the site plan amendments. He referred to Mr. Kennedy's comment that they could be limited to much larger properties, and the number of charging stations could be on a sliding scale based on the number of general parking spaces available.

Mr. Stebe asked, if there is a shopping mall with 100 designated spaces with a minimum number of spaces required of 100, how would Town Staff interpret the five charging stations? He questioned whether that would make the designated spaces 95, not the minimum required.

Ms. Pilla suggested consulting with the Zoning Enforcement Officer for his interpretation. She added that her inclination is to say that it would not decrease the amount of parking spaces, similar to ADA spaces not counting toward the total number of parking spaces.

Mr. Prause noted that the current sign regulations are governed through Sec. 9.14.03(f) which refers to limiting sign characteristics so they do not revolve, simulate motion, flash or create other distracting behaviors. He questioned whether Sec. 24.02 is intended to replace Sec. 9.14.03(f).

Mr. Regan replied that the intention was to create a new category of signs in connection with charging stations.

Mr. Prause commented that the intention in the existing sign regulation is to make sure that images are displayed once and perhaps a different image is displayed the next day. He assumed that this is something different, more in line with an animated sign.

Mr. Stuckey stated that their signs are digital from the ground up and allow for change. Every sign is capable of transitioning a static image every 8 seconds, which is within the existing safety regulations. He reported that it is not their intention to cause any distraction, but rather to have a network that is capable of change quickly. Mr. Stuckey stated that they will be an interesting tool for smaller businesses long term because: (1) They can buy a smaller portion of ad space quicker and more effectively; and (2) There have been a couple of pilot programs with

emergency responses and the ability to dynamically take over the messaging and display it for a jurisdiction.

Mr. Prause questioned whether there would be video on the signs and Mr. Stuckey assured him there will be no video or audio.

Mr. Prause stated that he is confused by proposed subsection (a) which specifies a maximum size of 10 sq. ft. per side per unit. It further states, he added, that it advertises a commodity or service which may not be found or available on the premises. Mr. Prause questioned whether it is intended to advertise anything other than the tenants in the building.

Mr. Stuckey responded that it is meant to be open to as many forward-thinking businesses as would want to advertise. In his opinion, this is a very compelling advertising and messaging medium for anyone who is launching a new electric vehicle. He added that, in terms of a mall, they would be advertising for goods and services sold on the premises.

Attorney Regan added that the language is intended to make it clear that there may be advertising from businesses that are not on the premises.

Mr. Stoppelman pointed out that there are similar signs within the mall that the Commission does not regulate.

Mr. Stebe stated that he read the line about the advertising where the “may not” applies. It would be an ongoing issue if it is advertising a commodity or service not limited to services available on the premises. His opinion is that the language is very clear this will be for a wide variety of items and the Commission is stating what it cannot be. Mr. Stebe felt it would be good to insert language in there to delineate what the Commission deems changeable. Currently, changeable can be anything, and though the applicant states that they will not use video or audio, the next applicant will note this is not prohibited in the regulations. Therefore, the definition of changeable must be expanded, and the Commission should delineate the number of changes or reference the 8-second federal code, but add that there is no audio or video. Mr. Stebe reported that the amendment needs to expand to insert the appropriate language into the signage portion of the zoning regulations.

Attorney Regan stated that he was in favor of the suggestion. He explained that he and Staff went through the verbiage twice to try to pick up every change possible for the regulation. Adding to the signage section referencing this suggestion is helpful.

Mr. Stebe questioned how items are displayed on the board: a quick flash, fade in-out, or swipe across. Even if they are dark sky compliant, how the image changes is important as well and should be taken up at the special exception hearing.

Ms. Applegate explained that the intent is for the content to change without any suggestion of motion.

Ms. Pilla confirmed that Staff and Attorney Regan went through several suggested revisions on the text. Staff made technical suggestions on the language for clarity and consistency with the regulations. She reported that the applicant was happy to oblige. There are a handful of more substantial questions that arose, and Ms. Pilla recapped those questions in detail.

Ms. Scorso said she cannot recall how the Commission handled solar panels for the historic district. She questioned whether there was a special exception for that area.

Ms. Pilla replied that the solar voltaic section added has general standards for solar energy systems in residential and historic zones, which are the same, but also requires any solar energy system in the historic zone to be approved by the Cheney Commission and then by the Planning and Zoning Commission before the issuance of a building permit. It is not listed technically as a special exception but as a required site plan approval.

Mr. Stoppelman observed that the historic district has residential in it and the Commission has to be careful that they are not restricting a wire coming out of a garage to plug into an electric vehicle. The Commission must come to allow that.

Mr. Stebe noted that the current verbiage is that it is an allowable accessory use in residential zones. Therefore, no one would need to come before the Commission in order to install a charging station regardless of district. The questions on the more significant locations in the Cheney area are more of an issue, which can be addressed at a later date. Mr. Stebe stated that he would favor retaining this as an open item to receive feedback from the Zoning Enforcement Officer and an opinion from the Cheney Commission chair.

Attorney Regan reported that they have no objection to continuing to the next meeting.

Mr. Prause questioned whether the proposed changes had been forwarded to CRCOG for comments.

Ms. Pilla stated this was forwarded to CRCOG for comments. They felt it was consistent with the plan for the region.

Mr. Mike Licamele introduced himself and reported that he is working on the Broad Street development. He is in favor of the idea of putting regulation in that people can rely on for EV charging stations, but understands it is important to determine the advertising component. He sought to address the limitation issue of 20 per site. Mr. Licamele reported that he is vehemently opposed to the idea of limits on EV charging stations. He stated that, in his opinion, the goal of the country is to become 100% electric and, in putting together their development, they are all in on EV charging.

Mr. Licamele reported that part of their project's economic plan is to put together the infrastructure for EV charging stations for every site; i.e., the stations will not be there but the electrical structure will be, so they do not have to continue digging up the road. Mr. Licamele acknowledged that, in addition to EV in the future and the amount of charging stations required at individual sites increasing dramatically, they also see that autonomous vehicles are going to

require charging areas. He reported that he is opposed to any limits on the number of charging stations as it becomes anti-competitive and restrictive. He understands the advertising component, but in terms of straight EV charging stations, there should not be any limits.

Mr. Stoppelman offered that the way to handle it is the limits should apply when there is advertisement, not pure charging stations.

Mr. Prause observed that it appears that the Commission is going in the direction of continuing the public hearing. He asked if there is any more direction the applicant would like from the Commission in addition to the prior discussions.

Attorney Regan stated that he believes they have received good feedback and the applicant can return with clear language and proposals. As a proponent of sustainability, he believes there will be residential developments where every space will have an electric charging space on it.

Mr. Anderson stated that he is interested in more direction in terms of the application being just the mall property. He questioned whether the Commission feels it should start small on the largest properties, or if it is a wider application. In Mr. Anderson's view, comments would be helpful in terms of the applicant moving forward.

Ms. Potocki stated that she concurs with Mr. Kennedy that, at this time, the Commission should concentrate on a larger property. She was concerned with how much advertisement people would want on residential properties.

Mr. Stebe did not see the need to limit the regulation to just the CUD zone, as the large portion of hesitation is just the advertising. It is a fairly large deviation from the advertising and signage in other sections of the zoning regulations. There should be a higher level of scrutiny when looking at advertising in conjunction with the introduction of the charging stations. He noted that advertisements are not allowed in residential zones, and the question is how it will be incorporated in shopping centers or the Industrial zone. For example, if an existing condo development put charging stations in with no signage, they would be limited to 20, so how are the space choices made? Mr. Stebe stated that, in his opinion, this should not be limited to just the CUD zone; the language about the advertising needs to be cleaned up. As each of the stations has two sides, he questioned how many advertising sides at 10 sq. ft. will be allowed for each installation.

Mr. Prause agreed that he would like some clarification if this section is replacing the requirements for signage in Sec. 9.14. There should be something in that section saying that signage for charging stations is covered under Sec. 24.02 to delineate which section has the right of regulation.

Mr. Stoppelman reiterated that no video is part of the regulations on the state or national basis. Perhaps the Commission could include that in the regulations.

Mr. Kennedy stated that his concern about limiting the amendment to the CUD zone was for the advertising piece. He noted that he has no problem with electrical charging stations in other places.

Mr. Anderson added that, if the Commission continues the item to the next meeting in two weeks, the Cheney Commission does not meet in that period. If the Commission wishes them to formally discuss this topic at a meeting, that would be on February 18<sup>th</sup>.

Mr. Kennedy did not feel that the topic should be delayed a month, and said the PZC could get feedback from individual Cheney Commission members.

**MOTION:** Mr. Kennedy moved to continue the public hearing to February 17<sup>th</sup>, 2021.  
Mr. Stebe seconded the motion and all members voted in favor.

The Public Hearing meeting was closed at 8:30 P.M.

I certify these minutes were adopted on the following date:

2/17/21

Date

Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD  
IN THE PLANNING DEPARTMENT.**