

**Windham Planning & Zoning Commission
Windham, Ct**

Minutes

January 24, 2013

The Windham Planning & Zoning Commission held its meeting on January 24, 2013 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Dan Lein, Juan Montalvo, Dawn Niles, Claire Lary, Jean Chaine, Phoebe Godfrey, Michael Graf, Paula Stahl and new members Ed Pelletier and Scott Lambeck. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

I) Approval of Minutes

a) The minutes of October 25, 2012 were approved. The motion was made by Dawn Niles and seconded by Dan Lein. Voting in favor of the motion were: Dawn Niles, Dan Lein, Jean Chaine, Phoebe Godfrey and Paula Stahl. Juan Montalvo and Ed Pelletier abstained. So voted.

b) The minutes of November 15, 2012 were approved. The motion was made by Juan Montalvo and seconded by Dawn Niles. Voting in favor of the motion were Juan Montalvo, Dawn Niles, Dan Lein, and Paula Stahl. Ed Pelletier and Scott Lambeck abstained. So voted.

c) The minutes of December 13, 2012 were approved. The motion was made by Dawn Niles and seconded by Juan Montalvo. Voting in favor of the motion were: Dawn Niles, Juan Montalvo, Jean Chaine, Claire Lary, Ed Pelletier, Paula Stahl, Phoebe Godfrey and Scott Lambeck. Dan Lein abstained. So voted.

d) The minutes of January 10, 2013 were approved. The motion was made by Dan Lein and seconded by Dawn Niles. Voting in favor of the motion were Dan Lein, Dawn Niles, Jean Chaine, Claire Lary and Paula Stahl. Juan Montalvo, Ed Pelletier and Scott Lambeck abstained. The motion carried.

II) New Business

a) **Camp Horizons** – Take receipt of updated Master Plan and Special Permit application, and schedule for public hearing. Scott Lambeck recused himself from participating on this application and left the meeting room.

Joseph Boucher, L.S., General Manager with Towne Engineering, said Horizons will be submitting a Master Plan showing all the proposed improvements they would like to make in the coming 5 years. Chris McNaboe, Executive Director for Horizons submitted

a narrative indicating that they have been on a continuous improvement plan since purchasing the property in 1985. They will be addressing several infrastructure issues, as well as building improvements. These improvements include replacing existing structures, and are not adding to the total number of structures on the property.

Chair Paula Stahl said all walkways, trails and vehicular passageways should be shown on the site plan. In addition, information on the camp's activity level and how many people will be attending their sessions. Chair Stahl said we have received clarification from the Town Attorney that we will be reviewing this application under Section 62 of the Zoning Regulations. Attorney Cody concluded that the use is **not** non-conforming because by issuing Horizons special permits in the past, the former zoning boards listed their activities as permitted uses.

Commissioner Jean Chaine asked how we are classifying their activities. Should it be considered a campground as it is technically classified, or should it be considered a non-conforming use? Chair Stahl said Horizons is a campground, and it will continue to be used as it has been used in the past. Chair Stahl said Attorney Cody has reiterated that it is **not** a non-conforming use because by issuing special permits in the past former zoning boards have declared that Horizons activities are permitted uses even though the property is in a residential zone.

ZEO Matt Vertefeuille said it is a permitted use technically which makes it conforming. Commissioner Jean Chaine said it would not be a permitted use if someone other than Horizons came in seeking to make changes.

Chair Stahl said it is a permitted use on that parcel, but it would not be a permitted activity outside of that perimeter. ZEO Vertefeuille said if it were non-conforming the Commission could impose footprint expansion limitations on the use, but seeing that it is not non-conforming the Commission would have to pursue other control measures with regard to the use. He said conditions could be included in the Special Permit renewal. In addition, the Commission could create a unique zone for Horizons in the future which would define their activities within their footprint.

Commissioner Dan Lein said our work should be to create this area as its own place, he said. Chair Stahl said creating a new zone in a hurry would not have been appropriate because Horizons was already working on renewing their Special Permit. She did say, however, that in the future when the Commission begins work on revising the residential zone regulations, such an option might be considered.

Commissioner Jean Chaine said we need to define what we, as a commission (as well as the public) can do and cannot do. We need to develop the ground rules up front. We need to define what we can talk about among ourselves and/or with the public. Chair Stahl stressed that it is important that commission members not communicate with Horizons, neighbors or among themselves.

The commission set a date of February 28, 2013 for the public hearing. At this hearing representatives from Horizons, neighbors, members of the commission, and the community can begin considering Horizons' request for a special permit renewal. She said it is important that neighbors and interested citizens come to the public hearing to become appraised of Horizons plan and to voice their comments. If anyone is not able to attend the public hearing, they may submit written comments to the town. These will be read into the record at the February 28th public hearing.

After some further discussion, the commission agreed to hold a site walk on the property. ZEO Matt Vertefeuille said a site walk is considered a public meeting and needs to be posted. The site walk will take place on February 2, 2013 at 11:00 AM., with a snow date of February 3, 2013.

Dan Lein made a motion to add a preliminary discussion for New Life Assembly of God Church under New Business and Dawn Niles seconded the motion. The motion carried unanimously.

Scott Lambeck returned to the meeting room.

b) New Life – Assembly of God Church

Joseph Boucher, L.S., General Manager with Towne Engineering, spoke to a preliminary plan to establish a Church on South Park Street, Willimantic, CT. ZEO Matt Vertefeuille said he walked the site and didn't see anything questionable.

Rev. Martin Colon said presently there are 32 members in the congregation. He said they plan to add onto the building sometime in the future.

ZEO Matt Vertefeuille said this is a preliminary discussion and they are looking at what should be included on the site plan. Chair Stahl questioned what types of services are projected. Phoebe Godfrey questioned the distance to the nearest residential property. There was also a concern with wetlands.

ZEO Matt Vertefeuille agreed to meet with Mr. Boucher to review the site plan.

III) Regulation Revisions

Chair Stahl said the main focus is to address specific changes to the regulations, and to schedule a public hearing. Prior to one month before the public hearing, minor changes may still be made before the list is published. She said we can then start the public hearing by saying we want to revise some of the language in this section.

a) Incentive Housing Zone

Chair Paula Stahl explained that the Office of Policy & Management originally proposed to pay municipalities money for the creation of an Incentive Housing Zone (IHZ)

provided that certain criteria are met (proximity to public water and sewer, availability of bus service and providing that 20% of the units are state defined affordable housing units. Recently the IHZ incentive payments decreased. Originally the Office of Policy & Management agreed to pay \$2,000 per unit of housing that could be built in a municipality's new IHZ, and an additional \$2,000 per housing unit that was completed and occupied. These adoption payments will now be capped at a maximum of \$50,000, and that is subject to the availability of state funds. It is significantly less, she said.

Chair Paula Stahl explained that an Incentive Housing Zone (IHZ) is an area pre-approved for development based on certain zoning and design regulations. It is an overlay zone which overlays other zones, and has special design requirements. A developer may wish to take advantage of the streamlined permitting process.

Planer James Finger referred to a draft distributed at the commission's previous meeting:

Chair Paula Stahl then went on to review the revised Zoning Regulations:

Section 30 lays out the Purpose & Intent of the zone. **Section 30.2.2** talks about location. She said the IHZ looks at the underlying zones, and the revised regulations need to allow more housing than what the underlying zone would allow. Areas for possible development include the Jillson Square area (near the old lumberyard), right on the river is the Uncle Ken's property (across from the tennis courts inside Rec Park), and the old Franco's property across from the NAPP building.

Commissioner Jean Chaine asked if **Section 30.3** still allows for townhouses. Chair Stahl said townhouses are actually being required in some areas. **Section 30.3.1** looks at detail for each of these zones. **Section 30.10** is not correct and will be revised. **Section 30.5** deals with lot area, shape and frontage. Chair Stahl said she has some questions on this language and will address it with Ms. Butts. **Section 30.4** allows stores on the ground level. **Section 30.6** deals with setbacks. Chair Stahl said if they want smaller setbacks, they have the recourse of going to the ZBA. **Section 30.10.1** deals with overall design standards. Town Attorney Rich Cody suggested removing the second paragraph. Also, the paragraph starting with "in 2006" to be removed. **Section 3.10** talks about Zone A. Chair Stahl said the Nathan Hale building is not part of the overlay zone. Jana Butts will delete the Nathan Hale Building. Chair Stahl suggested adding the word (proposed) parking garage in the drawing.

Chair Stahl referred to **Building Design Materials**. She proposed changes to this language. This would only affect the YMCA Building and Chapman Block. She questioned **Section 10.4.1 - Road Location Transit Service**. The requirement is to align with the alignment in the street (St. Mary's Church). She felt this language to be too descriptive, and suggested that it be stated as parallel (more or less) to Church Street and perpendicular (more and less) to Main and Valley Streets. She also suggested some minor changes for clarification.

The commission agreed to schedule a public hearing on March 28, 2013.

b) Draft Revisions to Sign Regulations Section 72.6

Chair Paula Stahl said our goal is to review the sign regulations, continue to work on the language at our next work session with a target of maybe April for a public hearing. She said she is drafting these regulations for the commission, and explained some of the principles that sign regulations should be governed by. She said what people in the industry are finding is that lower signs are more effective. On a 4-lane roadway signs should be a bit higher to accommodate for the distance between driver and the sign, but as a general principle lower is better, she said.

ZEO Matt Vertefeuille said currently a single business on a lot is allowed 48 square for a free-standing sign. He referred to the working draft prepared by Chair Stahl. He said that the draft includes flexibility, and options for businesses for instance, if a sign height is lower the maximum square footage of the sign is 24 square feet, if you want a higher sign, then the maximum square footage would be smaller. The draft gives business owners the incentive to keep the signs lower which are more effective. 24 feet is half the maximum size that is allowed now, but 48 feet is a pretty good size sign. He said the sign in front of Liberty Bank is under 48 square feet. The new Aaron's Rental sign which is on a post is 49 square feet. ZEO Vertefeuille agreed. that 48 square feet is a little big, but that seems to be a standard which a lot of chain stores have for signage. The draft includes the maximum per building and the flexibility for business owner to determine what type of signs would be best for them.

In order to come up with appropriate dimensions, commission members agreed to notice signs (whether they are too big or too small) over the next few weeks and report their findings to Mr. Vertefeuille who can then go out and come up with the precise dimensions of each sign mentioned. He said a chain store already has a formula as to the size of the sign and where a sign should be placed in order to maximize effectiveness. Smaller stores often think that the more signage you have is the better, said Stahl, but cramming a lot of information onto a sign does not serve the business well, she added. She said our goal is to make signs more business friendly. She said we will continue to work on the sign regulations at our next work session.

c) Report from Zoning Enforcement Officer

ZEO Vertefeuille said he recently witnessed someone putting up a vinyl sign that covered the entire storefront window, but the business did not have a permit to do so. He asked for the sign to be taken down. The sign was not taken down, but the next day the store owner did come into the Planning Office. Vertefeuille said he explained that his sign was not allowed. The store owner contested this and asked that it be brought before the PZC. Commission members agreed that Vertefeuille was right. He said he would need to address the situation, along with other similar sign related violations in this area. Chair Stahl said many new businesses, having secured permission from the building owner to erect a sign are not aware they need to secure permission from the Town.

IV) Routine Business

a) Notice from the Town of Mansfield regarding the Sauve Subdivision on 29 North Windham Road, Mansfield, CT. The proposal is for a 3-lot subdivision on a property of 10.74 acres. It was determined that no response necessary.

b) Notice from Town of Coventry regarding revisions to their zoning regulations. This is proposed for the Gateway District and the Village District.

c) Chair Stahl urged members to attend the Connecticut Land Use Law Seminar to be held on March 16, 2013 at Wesleyan University in Middletown.

As there was no other business, the meeting was adjourned at 9:10 P.M. The next regular meeting will be held on February 28, 2013 and a workshop meeting will be held on February 14, 2013.

Respectfully submitted,

Lillian Murray, Clerk