

# WINDHAM PLANNING & ZONING COMMISSION

October 24, 2013

## MINUTES

The Windham Planning & Zoning Commission held its regular meeting on October 24, 2013 in Town Hall. Vice-chairman Jean Chaine called the meeting to order at 7:00 P.M. He explained that Chair Paula Stahl would be a little late. Members present were Ed Pelletier, Jean Chaine, Juan Montalvo, Dan Lein, Michael Graff, and Claire Lary. Also present were Zoning Enforcement Officer Matthew Vertefeulle and Town Planner James Finger.

### **I) Approval of Minutes**

The minutes of September 26, 2013 were approved on a motion made by Ed Pelletier and seconded by Claire Lary. Voting in favor of the motion were: Ed Pelletier, Jean Chaine, Michael Graff, Clair Lary, and Dan Lein. Juan Montalvo abstained from voting as he was not present at the September meeting. The motion carried.

### **II) New Business**

**a) Windham Region No Freeze Project, Inc** – Application for a Special Permit for relocation of the emergency shelter to 75 Bridge Street, Willimantic, CT. Take receipt and schedule for a public hearing.

The Windham Region No Freeze Project has the opportunity to move to a new location at 75 Bridge Street due to the sale of the building that they are currently in on Main Street. The landlord has offered to relocate the No Freeze Shelter to the new location at 75 Bridge Street.

ZEO Matt Vertefeulle said the representatives from the No Freeze Shelter are here to answer any questions regarding the proposed relocation to Bridge Street. The application will be scheduled for a public hearing next month, and at that time they will make a full presentation. He said they will be moving to the former Cardinal store location. The new location is bigger and will better serve their needs, said Vertefeulle. Last year they discovered that they were short on space and had to open a second location. This required additional staffing and insurance coverage. He said they definitely need a location that is a little bigger, where they can offer better services to their guests. ZEO Vertefeulle said they looked at other properties in town, but felt this site would better fit their needs.

Town Planner James Finger said we were not sure how to process the application because it is not listed among the permitted, or the prohibited uses. He said in looking at the old file for this location, approximately 5 years ago the former Zoning Commission approved the shelter as a temporary use. The shelter has exited downtown for approximately 10 years, yet the zoning regulations do not include emergency shelters except in the hospital zone. Mr. Finger said time is of the essence because of the impending cold weather. He said we are concerned about where the homeless will go in the meantime. He said they can stay at the current location temporarily, and then they would have to establish a new location. This would result in having two operations running at the same time and that would spread their resources real thin.

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The commission discussed whether the application required a Special Permit (and a public hearing), or if it could be handled as a temporary permit as it had been in the past. Vice-Chair Jean Chaine said a decision was made years ago which results in our being unable to make a different decision because they already cemented that particular use. If the previous commission approved it as a temporary use, and its use hasn't changed, are we in a situation where we cannot deny the use in another location. Planner Finger said the commission needs to interpret the regulations, and to determine the appropriate procedure for this application. He said the new location which is off of Main Street will have fewer impacts than the current location which is located right across the street from a park. The shelter, in its current location, is very noticeable and visible from Main Street, he added.

Vice-Chair Jean Chaine asked, are they before the commission seeking a special permit. Planner Finger said it is the board's decision to determine what procedure to apply. He said we have no provisions for this emergency shelter other than to call it some other business use. He said it is not their permanent location, and added that he is not sure whether this is ideally suited to be their permanent location. They are just looking for a place to go for a limited amount of time. He said when they came to town hall we gave them the application for Special Permit and charged them the fee for the Special Permit.

ZEO Matt Vertefeulle referred to Section 31.8.3.7. Commissioner Dan Lein said the issue is where is it permitted?

Leigh Duffy, Executive Director of the No Freeze Shelter said the new location is the old Cardinal building located in the storefront closest to Bridge Street. The entrance to the building would be facing Bridge Street. The new location contains approximately 3,000 square feet. This is 500 feet more than what we have right now, she said.

She said the existing shelter is located right on Main Street and is visible to the general public. This is embarrassing for guests waiting to access the building. The new location would enable guests waiting for the shelter to open in the evening a place to wait in a less publicly visible location. This is a perfect location in that we are still close to the services that people need.

She said there are rooms located above that are being rented and this makes it a safer location to be in. She said the quality of air in our present location is not very good. There are mold issues and no ventilation. We have had guests (and volunteers) who could not stay there and had to leave due to allergic reactions. The new location has a better heating/air/ventilation system which could allow for extended use over the summer. She said we do operate during the summer; we let people come in and use the showers. There are no public showers or bathrooms in town. We will have the ability to put in handicap bathrooms and handicap showers which we do not have now.

She said the Fire Marshall has inspected the location and estimated that 10 more beds could be accommodated in the new location. She said because we will have to do some

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renovations which will take at least 1 ½ -2 months, if approved we hope to get in there as soon as possible.

State Representative Susan Johnson spoke to the plan. She said she totally supports the transition from the Main Street area to the Bridge Street Plaza. I think it is a positive move. They have wonderful people working here to make sure that the shelter is run properly. She said she fully supports the proposed move.

Vice-Chair Jean Chaine said members must determine how we will handle the request. If we were to have a public hearing, it would be on November 21, 2013 because of the Thanksgiving holiday falling on the commission's regular meeting date. The real question is does this commission want to go through the public hearing process.

Commissioner Dan Lein said in fairness to all the businesses that exist there, he felt there should be a public hearing. He said there is no question that there is a need for this. That is not the issue. The issue is where it is going, and what it requires in order to get there. If it requires a Special Permit then we should have the public hearing and offer the opportunity for people to respond to it.

Vice-Chair Jean Chaine said the issue early on was whether or not precedence had been established making the permit not necessary, but I think we have gotten beyond that and it seems as though we have gravitated towards having a public hearing. Commission members agreed.

Mr. Chaine asked if the Special Permit is approved, have we set the tone for that location whereby they could make it their permanent location and we would have no recourse. ZEO Matt Vertefeuille said you could condition the Special Permit. Mr. Chaine said granting a temporary permit accomplishes the same thing. ZEO Vertefeuille said as the Planner has stated, the regulations are yours to interpret.

Planner Finger added that nobody has voiced an objection to it. No-one has filed an appeal. Mr. Chaine asked, do we schedule a public hearing, or do we approve it this evening as a temporary permit.

After further discussion, the commission agreed to schedule a public hearing on November 21, 2013. Planner Finger suggested that we direct the applicants to notify all the surrounding property owners, as well as the businesses in the Plaza by a hand delivered notice.

### **III) Report from the Zoning Enforcement Officer**

a) Signs – Are the signs on the corner of Jackson Street and Main Street in compliance with the regulations. ZEO Vertefeuille said he is working on this.

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b) The CL&P building is going to be available as they are vacating the building. He said the building has been updated with natural gas. Possible uses for the building could include Town Hall offices, Public Works and school offices.

c) The old YMCA building is under renovation.

**IV) Correspondence**

No correspondence.

**V) Misc.**

Planner Finger referred to a notice from the Airport Advisory Committee and asked if any Commission members might want to sit on that committee.

As there was no further business, the meeting was adjourned at 7:45 P.M. Motion made by Ed Pelletier and seconded by Juan Montalvo. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk