

**Planning & Zoning Commission
Windham, CT**

Minutes

Nov. 15, 2012

The Windham Planning & Zoning Commission held its meeting on November 15, 2012 in Town Hall. Chair Paula Stahl opened the meeting at 7:05 P.M. Members present were Dawn Niles, Dan Lein, Paula Stahl and Juan Montalvo. Claire Lary and Phoebe Godfrey were absent. Jean Chaine was excused. Also present was Town Planner James Finger and Zoning Enforcement Officer Matt Vertefeuille. In addition, several residents from Babcock Hill Road and East View Terrace were present.

I) Approval of Minutes

- a) Action on the October 25, 2012 minutes was deferred until the next meeting.
- b) Action on the November 8, 2012 meeting was deferred until the next meeting.

II) Report from Zoning Enforcement Officer

Chair Stahl said one of the things that the Planning & Zoning Commission became aware of several months ago were concerns raised by the neighbors regarding the development that has occurred at Camp Horizon's. She said historically the camp has been in operation since 1937. She said she asked ZEO Matt Vertefeuille to review the history of Camp Horizon's and also to look at the process to make sure the commission has a clear understanding of the process going forward. She said Camp Horizon's would like to come before the commission possibly in January to submit a master plan for future rearranging of some of the buildings, etc. At that time the commission will receive the plan and schedule a public hearing possibly in February 2013. She explained that tonight's meeting is strictly informational for the commission, as well as for the public. She cautioned that this is not a public hearing and the public may not make comments intending for the Commission to use when reviewing any future application. According to Connecticut State Statutes public comments may only be made during a public hearing which in this case is expected to take place in February. She said that we can answer questions to clarify part of the ZEO report tonight.

Zoning Enforcement Officer Matt Vertefeuille said he performed a thorough examination of all documents relating to the property on Babcock Hill Road in South Windham. He said he had consulted with Town Attorney Rich Cody, and had interviews with Camp Director Chris McNaboe. He then went on to review the camp's history. He referred to two reports prepared for the commission; one describes Camp Horizon's history including the dates when activity occurred, and the other document reviews all the construction permits which have been pulled on that property dating back to 1987.

He said the camp was founded as Camp Merrydell, sometime between 1937 and 1960 (date is unclear because of lack of information), when the camp was used as a lake camp.

Residents of the camp could use the pond for boating etc, and their only restriction was that they couldn't go too close to the neighboring properties.

Camp Kendall was established in 1960, and transferred to Mitch Strauss in 1969.

In 1974, Eastview Terrace was built and this is when the house lots were created. The houses were all built between 1974, and the early eighties.

In 1985, the camp was transferred to Horizon's as a camp, and they continued the use - it was not extinguished.

In 1995, the Zoning Officer (at that time) worked with the Town Attorney in contacting Camp Horizons about complaints from the neighbors. The Camp replied and invited him out to inspect the site. He then asked Camp Horizon's to come in with a plan to the Zoning Commission, and to ask for a Special Permit to get their approval.

In 1995-1996 the Zoning Commission added several provisions to the regulations including "camping uses".

In 1996, Camp Horizon's submitted an application for permits for some of the cabins. They proposed removing two existing cabins and building one new cabin to replace it while keeping the same number of campers.

In 1997, Camp Horizon's submitted an application for a Special Permit to update and modernize the camp for "People with Special Needs". Their complete package for the Special Permit would modernize the camp, and complete all improvements in order to bring it up to current standards. They wanted to renovate some of the buildings, and build a couple of new buildings. At that time all of the planned uses were stated, and they also submitted documents to the Zoning Commission which included all of their programs and all of the uses. The Zoning Commission approved the Special Permit with no conditions imposed.

In 2004, Camp Horizons came back before the commission to seek another Special Permit to expand to property it wanted to purchase next door at 153 Babcock Hill Rd. They proposed to expand the parking, landscaping and lighting in order to address neighbor's complaints about on street parking. This Special Permit was also approved with no conditions imposed on the permit.

In 2006, they came in for another Special Permit to continue the expansion and they submitted a Capital Improvement Plan. The Capital Improvement Plan explained all of the uses, the buildings and all of the future uses. It included maps that showed the location of the Program Center etc. The Special Permit was approved by the commission with a condition to avoid having construction equipment parked on the street, and to add more parking on-site.

In 2006, Planner James Finger approved the lot split of neighboring property at 107 Babcock Hill Rd., as it was only for conservation purposes - not for any building purposes. The 20 acre property was split leaving one-half for the camp and one-half to the abutting neighbors. Horizons also purchased the house know as the “Spector Property”.

In 2011, Horizons began discussions with ZEO Matt Vertefeuille and Planner James Finger about the expansion of the program building as seen on the 2006 plan. (This was within their five year period.)

In 2011, they started the construction and site work. ZEO Vertefeuille had approved some modifications to the site plan to accommodate a GEO Thermal Heat System, also some septic system modifications. They also wanted to move the building a little farther away from the property line and turn it a little bit. This was approved by the ZEO as a minor change to the site plan.

In 2011, the Camp wanted to create an off street parking area behind the “Spector House” which was mentioned as a condition of approval in 2006. They wanted to get all of the cars onto camp property rather than having them on the street which was one of the chief complaints from the neighbors. This was submitted to the ZEO and was approved as it was consistent with the 2006 approval. ZEO Vertefeuille worked with the excavator to ensure the parking area was sheltered from view of neighboring properties.

In 2012, the discussion started regarding the reconstruction of the Dining Hall and also moving the program cabins as shown in the site plan. ZEO Vertefeuille advised Horizons that a new Special Permit was needed with an updated overall site plan, but they will need Wetlands approval first.

In 2012, the Crossroads building on the site was advertised on their website as being available to other non-profit organizations for meeting space. This upset some of the neighbors because that would be running a business there and it wasn't an approved use. The ZEO asked them to cease this use. The Camp Director signed a Consent Agreement and the advertisement was taken down immediately.

ZEO Vertefeuille said Horizons is a different camp than when the Indians met at this sacred site for hundreds of years according to Historian Ridgeway. It is different than Camp Merrydell when they just used the lake; and it is different than Camp Kendale that was a typical summer camp during the summer months.

The camp was allowed to continue their past use. Horizons came to the Zoning board and asked for a Special Permit to approve the expansion several times. Each time, they disclosed all of the uses and construction plans, and these were done with public hearings, notifications and proper filing of all necessary notices. Mr. Vertefeuille said he has been involved as a ZEO with this property for several years and found the Camp to be willing to change quickly to comply with any issues which have come up whether it has been noise, parking, traffic or whatever. He said he has done several site walks over

the past few years (including today 11-15-13), which has shown no expansion beyond what was permitted.

The camp will be submitting plans to this board for the reconstruction of the dining hall and to move two program cabins to one site. They said they would talk with the neighbors and explain what their plans are.

Mr. Vertefeuille said all of his discussions and review of records with Attorney Cody have confirmed his findings that it is not a non-conforming use; it is a permitted use and we need to treat it as such. He said that the Town Attorney recommended that if the Commission wanted the camp to stay the way it is now - and to stay the same size, it could limit how much further they can expand by creating a new zone. You can't limit the number of campers, or the number of people that come in and out of there during the day. Alternatively, attorney Cody suggested looking at the campground regulations that we have and re-craft them so they meet the needs of the camp as it is (within current boundaries) and as they outlined in their plans; but any further expansion would be limited beyond that. He said that may be the best way to deal with it. We may have a clearer picture in December or January when they come in with their next expansion plans; and at that time the public could come out and express their concerns.

A discussion ensued. Commissioner Dan Lein said there was a public hearing in 1997. A member in the audience asked about the use of the two houses on the property. ZEO Vertefeuille said the use for those two properties is residential. Commissioner Juan Montalvo said they have to comply with ADA laws, and sometime they have to change in order to comply with the new laws. ZEO Vertefeuille said the ADA laws are constantly changing and it is not always easy to comply.

He said a plan was submitted on May 19, 2011 regarding parking. He said that parking lot is designed to fit 60 cars. The man in the audience complained that the driveway is too narrow. Mr. Vertefeuille agreed that this is something that needs to be addressed as the driveway has to be widened so that you are not stacking cars onto the road.

Chair Stahl said one of the things we have asked for when Camp Horizons comes in is a master plan that details what they plan on doing over the next five or ten years with buildings, walkways, and all of the driveways, new and existing.

ZEO Vertefeuille said although it is a permitted use, any expansion has to come before the board for a special hearing. This is the trigger mechanism that asks the board to review what they are planning to do - not just with the expansion of the building, but also with the use. This is an opportunity for the neighbors to come out and hear about it, talk about it and express their concerns. He said he has been working with Horizons on their future plans and exactly what kind of things we want to see on this map. We talked about making sure that all of the neighboring properties are shown on the map, and that it contains details as to what the uses are etc. Mr. Vertefeuille said it is very important for all the neighbors to come to the public hearing when the board looks at this - we want them to see the big picture.

Commissioner Dan Lein said when they came to the Zoning Board in 1997, they were approved for a Special Permit to do that plan. At that time the residents in the area were informed what this permit was for and they didn't object to it. Planner Finger said there were a few people who had spoken against, but added that there was no appeal after it was approved.

Commissioner Lein asked how can we balance the camp's growth with the neighbor's concerns. Commissioner Juan Montalvo said they are doing what they were approved to do.

Mr. Vertefeuille reported that Commissioner Jean Chaine had asked if there was an expansion to the use for a piece of the property that was added (107 Babcock Hill Rd.). Mr. Vertefeuille said he walked the ten acre area today (11-15-12) and that is not being used. He said there was a proposal for a 20 lot subdivision. They did some test pits, and a little bit of logging; but otherwise it's a pristine piece of property.

Commissioner Dawn Niles said the Planning and Zoning Commissions were separate at that time. She said this commission is now a combined Planning & Zoning Commission. This project is something new for us. So, we are now able to look at the complete plan. We are able to look at the zoning portion of it and then we will look to see if it fits in with the Town Plan

Chair Stahl said once the plans are submitted we could have a site walk for fact finding purposes. We are not allowed to comment as to whether we like something or not at the site walk.

III) Regulation Revisions.

Chair Stahl said we have done a lion's share of the work we set out to do, but we are not yet finished. She said in the past couple of years the PZC has made several major revisions to the regulations including approving the hospital zone, approving the B-1, and the B-1A, approving the North Windham East District (C-4), as well as revisions to the parking, and alcohol regulations. We also approved Section 75 relating to Standards, approved the B-2, the B-2A, Section 51 and Section 62.

Commissioner Dawn Niles asked when the commission would be addressing fire safety. Chair Stahl said we will be working on the Subdivision Regulations, we have enough language in our current subdivision regulations that we can use to address any subdivision application that come in before we modify the regulations on fire safety.

Some of the things we said that we were going to do next was to address non-conforming properties, signs, and lighting. We also need to look at our industrial zones and manufacturing zones, as well as residential. Part of residential would include things like neighborhood business, camping, clubs and things that we allow in residential districts. She asked members if they wanted to tackle the revision in this priority order, members agreed.

IV) New Business

There is no new business.

V) Old Business

Incentive Housing Zone. Last March or April, Jana Butts sent her draft to Town Attorney Rich Cody for his comments. Based on some of the things that Attorney Cody said she took out the reference to owner-occupied units. She also drafted an enforcement plan, said Stahl. She then referred to an e-mail from Ms Butts directed to ZEO Matt Vertefeuille, Planner James Finger, Chair Stahl, Town Attorney Rich Cody and Town Manager Neal Beets. She writes, in anticipation of submitting these documents to the State, if anyone had any additional comments or suggestions. She went on to say that ZEO Matt Vertefeuille responded stating his concern with the enforcement plan. Chair Stahl said she responded that the PZC would require setting a public hearing, but she thinks the commission has several questions that need to be addressed before going to public hearing. Mr. Finger suggested asking Attorney Cody to help with the legal notice.

VI) Routine

a) Correspondence

Copy of a letter addressed to Judith & Robert Anderson, William and Candance Powers, and Robin & Arlene Gazza from Arthur P. Christian II, Supervising Civil Engineer, Inland Water Resources Division, Bureau of Water Protection Land Reuse stating that the DEEP has granted emergency authorization to conduct a regulated activity at the Robinson Pond Dam in Windham, CT. The authorization will expire 60 days from the date of issuance unless an extension is approved by the commissioner.

b) The commission agreed to continue holding its regular meeting on the fourth Thursday, and a working meeting on the second Thursday of every month. The only exception would be in November and December when the regular meetings would be on the third Thursday because of the holiday schedule. Chair Stahl said a working meeting is scheduled for December 13, 2012 and the next regular meeting will be December 20, 2012.

The meeting was adjourned at 8:30 P.M. Motion made by Juan Montalvo and seconded by Dawn Niles. The motion carried.

Respectfully submitted,

Lillian Murray, Clerk