

**WINDHAM PLANNING & ZONING COMMISSION
WINDHAM, CONNECTICUT
REGULAR MEETING
MINUTES**

Nov. 17, 2011

The Windham Planning & Zoning Commission met on November 17, 2011, in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:04 P.M. Members present were Juan Montalvo, Jean Chaine, Dawn Niles, Paula Stahl and Dan Lein. Also present were Zoning Enforcement Officer Matt Vertefeuille and Town Planner James Finger.

1) Approval of Minutes

Approval of the minutes was deferred to the next meeting.

2) Public Hearing

a) Gates GMC-Buick-Nissan, 129 & 137 Boston Post Road – application for a Special Permit in the M-1 Commercial/Manufacturing District for proposed 7,172+- square foot GMC/Buick Dealership Building in accordance with Section 41.2.7 (retail use).

Greg Glaude the project manager with Killingly Engineering Associates said he represents Mr. Craig Gates on this application. He introduced Normand Thibeault a Professional Engineer with the same firm, and then he submitted the certificates of receipts for the mailing to abutting property owners.

He explained that the applicant is proposing a 7,172 square foot building which will house the GMC and Buick franchises. The new building will only be used as a showroom; while repairs and maintenance will remain in the other building on site. The Nissan showroom and repair services will also remain in the current location on site.

Mr. Normand Thibeault referred to the map, giving an overview of the site. He said the eastern portion of the site houses the existing carwash and a building that currently houses all the various dealerships. Due to the Buick dealership conditions, Mr. Gates must separate it from the other dealerships, so he is required to construct another building.

The site will be paved and the paving will extend to the back of the proposed building, and will be installed to the fence line that extends across the rear property line. A number of propane tanks will be relocated to the back of the site. Currently drainage on the site is handled by an infiltration system that includes a series of catch basins and four separate infiltration drywells associated with each catch basin in the front of the site. Testing for the permeability of the soils revealed very well drained sands and gravels, and the drainage system functions very well. So we are proposing the same sort of drainage

system for the new building. The rear portion of the site will be graded in a bowl shape to handle the roof drainage, so that no drainage will drain off site.

A new entrance is proposed approximately 70 feet to the east of the current entrance. The existing property line will be adjusted in order for each of the buildings to meet the setback requirements of the zone. The revised property line will be down the center of the proposed 25 foot wide shared access, and the existing entrance will be sealed off. A second entrance will be installed at the south-western property line of the south lot to facilitate a better traffic pattern within the site. The additional entrance will allow for a circular pattern of traffic on the site, and will be less disruptive than what currently exists. Mr. Thibeault reported that they have received approval from the CT DOT, and submitted a copy of the letter, dated November 7, 2011, which he read.

The new building will be for sales and office space for the employees and a service canopy will be located on the right hand side of the building. The canopy will be used for drop-off, but all the service will remain in the existing building at Gates property.

He referred to the front façade of the building, of which a good portion of the showroom is glass. Most of the materials of construction are going to be aluminum composites, with different finishes and colors. A white aluminum composite will be used at the top and perimeters around the windows and a brushed aluminum black band will be used. A highly polished aluminum will be used around the entrance itself, he said.

He then referred to landscaping for the site. We will utilize all the areas that we have available for landscaping, and we will provide landscaping around the building. This includes ornamental trees in the islands, some grasses and evergreen shrubs, and perennials to match it up with the existing landscaping so that we have attractive visuals during all seasons. Most of the landscaping will be around the new building itself.

The entrances and exits will be marked as required by the DOT with entrance and exit arrows, directional signs, stop bars and stop signs. The existing site sign, which is currently located approximately 100 feet to the northeast, will be moved down a little further and will be relocated to the new site entrance.

Greg Glaude the project manager then referred to the comprehensive signage plans. He said there are three businesses: the new Buick/GMC dealership, the Nissan dealership in the existing building, and the Spotless Car Wash. He then reviewed the different signage on site and the dates that the signs were approved. The signs for the car wash were granted to the former property owner prior to Mr. Gates purchasing it. The Spotless Carwash sign with the electronic message board was approved by the Zoning Commission in February, 2008. The regulations allow the wall sign area to be 192 square feet, and currently the sign area is 246 square feet which is 54 square feet over. There are also a number of informational or directional signs which include a series of free-standing signs along the driveway associated with the carwash, and on the back side of the building where there is a product selection sign. Most of these signs are not visible from the road as they are on the back side of the building.

He then referred to the existing building which currently houses the GMC/Nissan dealerships. We are proposing to move an existing GMC/Buick sign from its current location over to the where the present Nissan sign is located so that it will be in front of the new GMC/Buick building. The free-standing Nissan sign was also approved by Special Permit in February 2008 as was the GMC sign. We want to swap the locations of these signs so that they are in front of the corresponding buildings.

Also approved with the Special Permit in 2008, are the directional signs for Sales & Parts sign at the entrance, and these will be relocated to the new entrance. He then referred to the wall signs on the current building where he reported that they have 240 square feet available to use for wall signs. We currently have 303.2 square feet, so we are 73.2 square feet over. He said a lot of these signs have to do with GM, but GM is no longer going to be in there. Once Buick/GMC moves over to the new location, Mr. Gates is going to redo the interior and the signage. All those signs will be coming down, he said. The new signs will be submitted to the zoning officer for approval once the move actually takes place (probably next summer).

Commissioner Juan Montalvo asked if the new signs would be the same size. Mr. Glaude said they are going to make sure that we conform to the current regulations. The new signs will be reviewed with town staff when we take out the zoning permits for those signs. He then talked about the wall signs for the proposed Buick dealership. This building has 139 linear feet of frontage. We are proposing 56 square feet for the new signs instead of the 417 square feet which is allowed. We will be well under the allowed area for those signs, he said.

He then addressed the advertising signs and “For Sale” signs along the highway. Some of these signs are temporary signs that are in the windows. They are not always there. I have talked with Mr. Gates about having them out only during sales events and not out there all the time.

Chair Stahl said one of her goals is to make sure that the town is business friendly with all businesses. She said there are more signs here then we would grant any other business in town to have. She said her concern is to have an even playing field and this is part of being business friendly. We have our regulations and we do need to abide by them.

A general discussion ensued. Zoning Enforcement Officer Matt Vertefeuille asked about the proposed lighting. Mr. Thibeault said they are not planning to add any new lighting other than building mounted lights on the new building. He said they will be relocating one pole to an area adjacent to the new building, but there is no need to add any light poles. He also agreed that the flood light above the front entrance of the existing building is distracting and it does shine in your eyes, and they have spoken to Mr. Gates about redirecting it. If we turn the light a little bit and face it down, the problem should be resolved. Right now it is positioned in a manner that is very distracting and produces glare to traffic. There is also a flood light mounted on a utility pole that could be repositioned a little better because that is one spot where we have a little bleed off into the road itself. The remaining lights on the site don't bleed onto the adjacent properties

or the roadway. He said while it is important to keep the property well lit to deter vandalism, we also understand that it is important that it is not a distraction to folks driving by on Route 66.

Planner Finger said the town engineer reviewed the plans and indicated he was satisfied with the plan. Planner Finger said although he did not include a final site development plan to the agenda, the commission has the liberty to approve the plan as presented. This is a very thorough plan, he concluded.

Commissioner Jean Chaine expressed concern with the lighting. He said it seems that maintaining maximum intensity during the entire nighttime hours is over-kill. He said we have received comments in the past on the brilliance of signs in the early morning hours. He said you can still have the security after midnight with a reduction in the lumens and still have the lot well lit. He said it would go a long way to at least be able to imply to the neighborhood that you are cognizant of the impact that bright lights have from dusk to dawn. You can reduce the brightness and still provide the security, and you don't need the maximum illumination from 6:00 P.M. to mid-night. You don't need that kind of brilliance all night long, he concluded.

Planner Finger asked if the security system (the cameras that are aimed at the vehicles on display) depend on a bright light for capturing images. He asked what is the average price of the vehicles, and how many vehicles are out there? The difference between lighting in a retail outlet within an enclosed building is that all the products are inside, whereas in this case the product is outside, so you probably are concerned about the security of the vehicles. ZEO Matt Vertefeulle said he agreed with the Planner and would not want to do anything that would jeopardize any kind of security for them.

Planner Finger said there might be some room to dim the lights at least on the periphery. Commissioner Jean Chaine said the area in which they are most vulnerable for illicit activities is that back fence where the walking trails are. It seems if you are going to have lighting that stays on at its maximum intensity; it should be in the back lot. Jumping that fence is going to be an issue, and that is an area that would need the bright lights in order to wash through a good part of the lot. If the front lights were turned down, that would be a reasonable compromise, he concluded.

Chair Stahl referred to the reader board for the car wash in terms of what messages are on it, and the frequency etc. Mr. Thibeault said the messages are varied from car rentals to car washes. Chair Stahl they seem to change every two minutes, and I think what was approved was every fifteen minutes. Mr. Thibeault asked if there was any leeway that it could be changed to five minutes or perhaps ten minutes. Chair Stahl said the message has scrolling and star bursts, and you probably need to stick to what was approved.

Chair Stahl opened the hearing for public comments. 1) Jeff LeBlanc said he is in favor of this application. He said Craig Gates runs a very good operation. You will get a nice building that will be run very well and will be well maintained. I would like to encourage you to approve this special permit for Mr. Gates. 2) Marie Green, 19 Capen Lane,

referred to the lighting in the back fence area. She said she works at EastConn which is nearby to the subject property. She said when they moved to the side where the fence is in the back there was an issue with vandalism etc. She asked if there are any plans for adding traffic lights in that area because the area is very congested and now you will be adding more in and out traffic. Commissioner Chaine questioned whether this would be in the commission's purview. Planner Finger said the commission does have an opportunity to review this because the DOT permit requires the local approval. The commission could urge that they look at some kind of traffic control for flashing lights.

Commissioner Claire Lary referred to all the extra signs on the property (the ones out front, the ones on the poles), how do you add all that up. Matt Vertefeuille said there are some that are out of compliance. There are small temporary signs. Banners are considered signs. To do an inventory of what is there would be a big task. The commission needs to make a decision on what they want out there, he said.

Planner Finger said the Zoning Officer has the authority to approve temporary signs and we do have a permit process. It is just that somehow we lost track of what they have. We did not do an inventory, and it just seems that there were a lot of signs. We had no records of it other than the big signs, but it could be an innocent oversight.

Commissioner Claire Lary said the site itself, the building and the landscaping are quite attractive and all of that clutter of signs just takes away from it.

Chair Stahl said we have been talking about revising our sign regulations and one of the things we need is to have a little more clarity regarding sign dimensions. It is hard to enforce something that is hard to understand. Commissioner Jean Chaine said when he first saw the color photographs of all the signage it reminded him of his circus days because that is what circus grounds look like. The real concern that we had in the very beginning was the impact that signs have on street sides and that a menagerie of signs eventually lose their meaning because it is too much information. But, a menagerie of signs when they are on the lot, as it turns out with Gates, does serve a purpose. I am torn on trying to regulate those to bring them into compliance along with anything that is on the frontage.

From a marketing standpoint all that information is overload. He said he is not too concerned about the internal signs. If that is the way they want to do their business, and it works for them, so be it. But, those that are visible from the street, those are the ones that we need to get a handle on, he said. The measurements and the way they came up with them, may or may not be accurate, whether it is a temporary sign, or whether they have a permit, these are issues that staff can deal with. He said it is trying to get the look that we have worked hard to try to develop for the business community on those plans that come before us. What I am hearing is that you are going to take a look at how these measurements were all calculated to see if they are somewhere close to what would be legitimate, and I think we are going to cut them a lot of slack because it has been an oversight for years. He said he would be more intent on what is visible from the street.

Mr. Glaude said the measurements that were submitted on the signs were only for the wall-mounted signs. They are not for any of the other signs. Commissioner Dawn Niles said all these little signs are taking away from your site and you can't read them as you are driving by.

Chair Stahl said we are faced with two issues; the approved use in the M-1 Zone and the other issue is the site plan.

ZEO Matt Vertefeuille said he would be very comfortable with the commission approving the site plan with the conditions that they adjust the lights that are facing the traffic that the signage is brought into compliance when they make the change with the Nissan signs and that the scrolling sign is altered. I don't have a problem if it changes every 5 minutes, said Vertefeuille. Planner Finger said he would urge the commission to give some leniency on that because 15 minutes is a very long time.

As there were no other comments, the public hearing was closed.

Dawn Niles made a motion to approve the application for a Special Permit in the M-1 Commercial/Manufacturing District submitted by Gates GMC-Buick Dealership and Jean Chaine seconded the motion. The motion carried unanimously.

Claire Lary made a motion to approve the site plan as presented with the following conditions: 1) the scrolling sign (car wash sign) go back to its original approval of no scrolling, and no starbursts and that it be allowed to change every five minute as opposed to fifteen minutes, 2) reduce and direct lights away from the roadway, and that all signage be in compliance with the sign regulations. Dan Lein seconded the motion. The motion carried unanimously.

2) Richard Dubina, 115 Chapman Street, Willimantic – Application for a Special Permit in the R-5 Residence District to convert an existing 2-family dwelling into a 3-family dwelling; one apartment on each floor.

Mr. Dubina said he is requesting permission to convert a 2-family dwelling into a 3-family dwelling with one apartment on each floor. He said there is adequate parking on the site. He said he listed 8 spaces on the plan, but there is another building on the site that is going to be demolished. That lot is 50'X100' so there will be adequate parking area.

Chair Stahl said the regulations have a minimum of one parking space per dwelling unit for multi-family. ZEO Matt Vertefeuille said he could possibly put 15 parking spaces on that property if he wanted to.

Commissioner Jean Chaine asked if the R-5 District allows a 3-family dwelling. Planner Finger said it did. Mr. Chaine asked why this was listed as a cluster development. Planner Finger said if somebody proposed something entirely new then you would have a whole list of standards that would be applicable. In this instance, the most important

thing is the amount of floor area and he meets that so that is not a problem. Mr. Chaine said Section 62 really doesn't apply. Planner Finger said it does, but some of it may be inapplicable because you have an existing building. He said that although it refers to Section 62, in this case since it is an existing building, they are not adding more building to the site you could disregard that.

ZEO Matt Vertefeuille said he is tearing down a blighted building and he is taking the house that has two apartments (one of them is very large), and he is cutting that apartment in half and he will have three reasonable size apartments. Commissioner Chaine said this could have been allowed in the R-5, it didn't have to go under cluster development. Planner Finger agreed that we do in fact need to review that. ZEO Vertefeuille added that he has reviewed Mr. Dubina's proposal and has no problems with what he wants to do. It is consistent with the rest of the neighborhood and there is plenty of off-street parking. In addition, he is cleaning up a distressed property.

Public comment: 1) Marie Green of 54 Capen Lane, said she has a couple of concerns: 1) there were parking issues before there was talk of this becoming a 3-family dwelling. She said she does not see where the 15 parking spots are coming from or where all the off-street parking is coming from, but if he is taking the other building down I suppose he can put parking there. Another concern is the fact that that road is an abandoned town road. There is no through-fare from Capen Lane up to Chapman Street or from Chapman Street down to Capen Lane. Planner Finger said we have no authority on that because it is an abandoned town road. That would be a private manner because we have no jurisdiction on a private road. Certainly you have a right to sue whoever is blocking your access, but it is not a town road, said Finger. Mrs. Green said in the event of a fire, they can't even take a fire truck up that road. Capon Lane used to be open. Mr. Vertefeuille said there is an easement that is about 25 feet wide which is the old Capen Lane that goes down to Ives Street. That should be kept clear, he added. He said he will make sure that the parking doesn't interfere with that. Commissioner Dawn Niles said if there is an issue with emergency vehicles gaining access, it needs to be brought to the Town Council. Mr. Vertefeuille said he is sure that we can resolve that issue.

Mr. Dubina said his proposal is on the opposite end of this blockage situation. He said his property is on the north end of Capen Lane. My deed says that I own one third of that road. There are three people on Capen Lane, and it is up to the three of us to maintain that road, but if there is more than 6 inches of snow the town will plow it. He said in regards to the parking, none of his parking is going to be on Capen Lane. The swimming pool is gone. There used to be a swimming pool and that is where the parking is going to be. 3) An unidentified member of the audience said there is the issue that one more apartments would mean more cars; however an apartment that has five bedrooms in it can generate more cars. She said she is supportive of what he is doing.

As there were no other comments, the public hearing was closed. Juan Montalvo made a motion to approve the application for a Special Permit to convert an existing 2-family dwelling to a 3-family dwelling in the R-5 Residence District requested by Richard

Dubina for property located on 115 Chapman Street, Willimantic, CT and Jean Chaine seconded the motion. The motion carried unanimously.

3) New Business - There was no new business.

4) Old Business - There was no old business.

5) Zoning Revisions - Chair Stahl said she had nothing to report.

6) Routine Business

a) Correspondence and Miscellaneous

Chair Stahl referred to a letter from Mr. Connor regarding allowing chickens in the residential district. Commissioner Jean Chaine said this topic will require a lot of time on our part. He said he would be comfortable with sending a message that we are aware of the desire on some of the community to have chickens, but to have this take a priority over what we are already involved in is something he is uncomfortable with. He said he would like to postpone action on any movement to deal with this issue in a formal manner until we get other priorities behind us. Planner Finger said it is good to announce the commission's position rather than letting the community continue this anticipation that something eminent is going to happen with this. If it is not an eminent matter it is better to let people know that you are interested, and that you are collecting information, but you are not going to go anything about it anytime soon.

b) 2012 Meeting Schedule

Chair Stahl said we need to set our 2012 meeting schedule. She proposed keeping the same regular meeting schedule; the 4th Thursday of the month except for November and December which will be held on the 3rd Thursday of the month. Working meetings will be scheduled on the 2nd Thursday of the month.

Commission members agreement to the 2012 schedule as proposed.

c) Chaplin PZC referral for proposed Natchaug River Watershed Overlay Zone.

As there was no further business, the meeting was adjourned.

Respectfully submitted,

Lillian Murray, Clerk