

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

The Windham Planning & Zoning Commission held its meeting on November 20, 2014 in the Auditorium of Town Hall. Chair Paula Stahl called the meeting to order at 7:04 P.M. Members present were Jean Chaine, Scott Lambeck, Michael Graf, Claire Lary and Paula Stahl. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

Chair Paula Stahl announced the resignation of Commissioner Dan Lein. She said Mr. Lein resigned from the Commission to be able to focus on other issues right now. She thanked him for his valuable service to the Commission over the past several years. She said he was certainly an asset to the Commission and will be sorely missed. She said that she hopes he will be able to join us again when he can.

Chair Stahl asked that this evening's agenda be amended to add two items under New Business. 1) a preliminary subdivision review for property on Old Bush Hill Road and 2) preliminary subdivision review for the Access property on Main Street, Willimantic, CT.

Claire Lary made a motion to amend this evening's agenda to include a preliminary subdivision review for property on Old Bush Hill Road and a preliminary subdivision review for the Access property located on Main Street, Willimantic. Jean Chaine seconded the motion and the motion carried unanimously.

I) Approval of Minutes

a) The minutes of October 23, 2014 were approved on a motion made by Claire Lary and seconded by Scott Lambeck. The motion carried unanimously.

b) The minutes of November 13, 2014 were approved on a motion made by Jean Chaine and seconded by Michael Graf. Voting in favor of the motion were Jean Chaine, Michael Graf, Claire Lary, and Paula Stahl. Scott Lambeck abstained. The motion carried.

II) Continuation of public hearing on pending Application:

a) Jordan Herrick for property at 26 Windham Center Road, Windham Center (Assessors Map 17-3/245/29 – application for three lot subdivision.

Wes Wentworth, of Wentworth Civil Engineers, addressed the Commission on behalf of the owner/applicant, Jordan Herrick. He explained that they revised the plan since the last meeting to address the concerns raised.

These were: 1) orientation of the driveway serving lots 2 & 3 on Mullen Hill road has been shifted southerly and the driveway is now along the southerly border. As a result, lot #1 has been expanded southerly which will make it larger and a more usable property without the shared driveway encroachment. The entrance of the driveway has also been shifted southerly and farther away from the intersection with Follett Rd. This will still necessitate one tree along the frontage to be removed to improve the sight lines. 2) The driveway servicing lot 2 (where it splits off from the common driveway) was shifted westerly slightly to provide more of a buffer for lot one. 3) The conservation easement area was expanded to include more of the wetlands. Mr. Wentworth explained that since there were some questions of use for the different conservation areas they have labeled them as conservation area 'A' and 'B'. Conservation area 'B' will extend out to Route 203, and will be more of a standard conservation easement area. Conservation easement 'A' will be a little more flexible. No building allowed on it, but it

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

would allow some limited mowing down to the pond area, and they would like to maintain the existing trails to use during dry periods. The total area of those conservation easements now equals a little over 7 ½ acres, or about 41% of the site. Mr. Wentworth then asked if Commission members had any questions or comments.

A lengthy discussion ensued.

Commissioner Jean Chaine confirmed that the conservation easement 'A' is going to belong to lot #2. Conservation 'A' is separated out from conservation area 'B' and conservation area 'B' has the pond which storm water drains into. It appears that area was elevated in prior years, said Chaine. It is much higher than the wetlands that are adjacent to it. He said it seems that the owner of lot #2 who has the conservation easement would want to utilize the pond area which is currently being mowed by the current owner. That is a desirable passive recreation area, he said. He said the conservation easement in the area 'B' would not be able to have anything done to it, but the one defined as easement 'A' would be able to have life use by the landowner. He asked if there was a way to have easement 'A' extended to include the pond and have tightly defined restrictions for conservation area 'B' be applied for something other than the pond area. Chair Stahl said that was discussed in the staff meeting and we talked about the fact that there is already a trail there and that the language could include trail usage. Mr. Herrick said conservation 'B' could include language to maintain trails. He said he had wanted to maintain that area near the pond, but based on conversations during the staff meeting with the Town Planner and the Chair they seemed opposed to me having that area maintained, he said.

Planner Finger said his main concern is with bonfires and ATVs at that location near the pond because we have had some incidences a few years ago and he wanted to make sure that didn't happen. He said he doesn't have a problem with mowing around it and sitting around it, but he is concerned about more intensive recreational activities.

Commissioner Chaine asked what is the concern about bonfires and recreational vehicles; that is the homeowner who is going to be monitoring that. It is not open space; it is going to have houses around it. It is going to be used by one house; one landlord. Mr. Wentworth said that is what Jordan was proposing and if that is the direction that the commission would like to go we could take this area and add it to the usable area.

Planner Finger said as Wetlands Officer he has concerns about intensive activity around the pond. He said they should be able to continue using it, having a passive area and being able to mow it, but he said he does have concern about the uses he mentioned. He said he is the agent who approves activities around wetlands and he does have concerns about ATV's and bonfires.

The discussion then continued regarding lot lines etc.

Commissioner Claire Lary asked what the limit of wetlands on the property is for the Open Space. Planner Finger answered that the regulations limit the amount of wetlands - as part of the Open Space - to be no greater than the amount present on the site overall; but no more than 50%. Here - most of the Open Space is comprised of wetlands.

Audience comments: 1) Ray Silverra referred to a common easement that takes care of drainage in that area. He questioned if drainage coming off the road will be altered or affected as a result of this subdivision. Mr. Wentworth answered no, it will not be affected. 2) Dave Perry an abutter on Mullin

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

Hill Rd. asked about the distance of the driveway from the corner lot #2 abutting his property. Mr. Wentworth said the driveway is approximately eight feet away at the entrance, and roughly 15 feet away along its length.

With respect to the Health Department report, Planner Finger said he just received their report that day; they reviewed the plan and had no major concerns.

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

Commissioner Jean Chaine made a **motion** to approve requests for waivers on the following: relief from Section 3.2.3a which required that the Topographic Field Survey be coordinated with Official U.S.G.S Benchmarks. Also, Section 3.2.3j and Section 4.1.8.g that requires that the utility easement documentation shall be recorded in the Windham Land Records in accordance with CL&P requirements. Finally for the maximum percentage of wetlands as part of the open space. Scott Lambeck seconded the motion. Voting in favor of the motion: Jean Chaine, Scott Lambeck, Claire Lary and Paula Stahl. Michael Graff abstained. The motion carried.

Paula Stahl made a **motion** to approve the plan per the submitted plan as modified and statements made during the hearing with the following conditions:

Prior to the sale of any building lots:

1. Applicant shall provide an estimate of the erosion and sedimentation controls required on each individual building lot including any controls that will be necessary within the Town of Windham Right of Way in order to accommodate individual lot development. The estimates shall be reviewed by and approved by the Town Engineer.
2. All boundary pins and monuments shall be set and field verified by the surveyor.
3. The deed for each lot sharing the common driveway shall have language approved by the Town Attorney noting the sharing of maintenance and care.
4. In addition, prior to the sale of lot 2, the conservation easement as described by the applicant for 7 ½ +/- acres as shown on the revised subdivision plans dated 11-6-14, (and modified 11/20/14) shall be recorded, and the area tagged with Town of Windham Conservation markers.
5. The easement shall have language approved by the Town Attorney and be consistent with Section 5.12.6- 8 of the Subdivision Regulations with the distinction that conservation easement area 'A' allows mowing.
6. The applicant to pay all costs for the developer's engineer to inspect and certify that the common drive satisfies design specifications, and to provide an as-built map to the Town Clerk for recording in the Land Records.

Claire Lary seconded the motion to approve the Evans subdivision with conditions. Voting on the motion were Paula Stahl, Claire Lary, Jean Chaine, Scott Lambeck. Michael Graf abstained. The motion carried.

III) Old Business

a) David Evans, 606 & 618 Windham Back Road, North Windham - Assessor's Map 8-3/248/15 & 150) - application for six lot subdivision plan.

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

Chair Stahl said the public hearing was closed at the last meeting. She said the applicant has requested a waiver for underground utilities. Planner Finger said the dimensions of the open space issue is also still to be resolved.

Commissioner Jean Chaine expressed concern about waiving the requirement for underground utilities. He then added that since the lot lines are going to the middle of the road, or the middle of the common driveway, if he has above-ground utilities it will require the placement of poles every 75 feet or so. The poles should be positioned on one side of the roadway so that it will only impact the property on one side of the road. He asked if the utility company requires that a standard be maintained around those telephone poles. Planner Finger said yes. Mr. Chaine asked is that standard non-existent for underground utilities. You also will have a situation in which snow is going to have to be banked on the side of the road, he added.

After some additional discussion, Claire Lary made a **motion** to deny the request to permit above ground utilities and Jean Chaine seconded the motion. Voting in favor of the motion to deny the waiver were Claire Lary, Jean Chaine, Scott Lambeck and Paula Stahl. Michael Graf abstained. The motion carried.

Mr. Vertefeuille then passed out a revised plan showing a slightly relocated Open Space area that leaves a larger undesignated area open as an abutter wants to purchase the land to add to his own property on Zoldak Dr. The Commission determined that the area still comprises 8.4 acres in the Conservation area and was not materially different from what was presented earlier.

Chair Paula Stahl made a **motion** to approve the proposed Evans Subdivision per the submitted plans dated 10/22/14 and statements made by the applicant, with the conservation area as modified on 11/20/14 with the following conditions:

Prior to the construction of the private way:

1) Applicant shall provide a financial guarantee to the Town of Windham in a form authorized by Section 8-25 (d) of the Connecticut General Statutes, to guarantee the actual construction, installation and maintenance of all soil and erosion controls associated with construction of the private lane and storm water system, in an amount approved by the Town Engineer.

Prior to the sale of any building lots:

- 1) Applicant shall provide an estimate of the erosion and sedimentation controls required on each individual building lot including any controls that will be necessary within the Town of Windham Right of Way in order to accommodate individual lot development. The estimates shall be reviewed by and approved by the Town Engineer.
- 2) All boundary pins and monuments shall be set and field verified by the surveyor, with the exception of the area within the private way.
- 3) The deed for each lot sharing the common driveway shall have language approved by the Town Attorney per Section 7.6 of the Windham Subdivision Regulations noting the sharing and maintenance and care.

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

Prior to the sale of a building lot #1-5:

- 1) Either the underground utilities, private way and related storm water systems per the approved subdivision plan are completed to the satisfaction of the Town Engineer, or a financial guarantee shall be provided to the Town of Windham in a form authorized by Section 8-25 (d) of the Connecticut General Statutes, in an amount approved by the Town Engineer to complete the underground utilities, private land and related storm water systems.
- 2) In addition, prior to the sale of lot #4, the conservation easement for 8.4+/- acres as revised 11/20/14 shall be recorded and the area tagged with Town of Windham conservation markers. The conservation easement shall have language approved by the Town Attorney and be consistent with Section 5.12.5 through 8 of the Subdivision Regulations.

The applicant shall pay all costs for the developer's engineer to inspect and certify that the private way satisfies design specifications, and to record an as-built map in the Windham Land Records.

Claire Lary seconded the motion. Voting in favor of the motion were Paula Stahl, Claire Lary, Jean Chaine and Scott Lambeck. Michael Graf abstained. The motion carried.

IV) New Business

a) Preliminary Review for Subdivision on Old Bush Hill Road.

Joseph Boucher with Towne Engineering addressed the commission with a preliminary review for a proposed lot split for property owned by James Northrup located between Bush Hill Road and Old Bush Hill road and abutting property on Gates Farm Rd. in the Town of Lebanon. He identified the property on the map and reviewed some history with the location. A discussion ensued regarding how best to process the request with no action taken.

b) Preliminary Review for Subdivision for property owned by The Access Agency located at 1315 Main Street in Willimantic, CT.

Joseph Boucher with Towne Engineering addressed the commission with a preliminary review for a subdivision for property owned by the Access Agency located at 1315 Main Street. Peter DeBiassi, Executive Director of the Access Agency said we would like to separate the other parcels from the main building. Mr. DeBiassi said that the Town Council is requesting the subdivision because otherwise the Town would have a smaller voting share of the condominium agreement for the Senior Center.

Mr. Boucher said the property is located in a B-2 zone and requires 20,000 square feet of area and 100 square feet of frontage. He identified the existing businesses on this site the space occupied by the Access Agency on one end of the main building, and this space would be a possible new location for a new Senior Center. The Salvation Army Store is located at other end of the building. In separate buildings, you have the Chinese Restaurant, the Fish Store, and the AT&T outlet store occupying the old Donut Shop. He said they are hoping to add another building pad (lot 5) which they are showing as 31,000 square foot site.

PLANNING & ZONING COMMISSION
WINDHAM, CT.

November 20, 2014 Minutes

Mr. Boucher said based on his interpretation of the regulations, they would have to go before the ZBA for a variance on maximum lot coverage and parking setbacks, and then come back before the commission for site plan approval.

Commissioner Jean Chaine said the existing parking area is excessive for what you are proposing. He said the property along Main Street is a valuable piece of property to isolate just for parking. In addition, Chair Stahl pointed out that according to Section 32.7.4 the Commission could reduce the maximum impervious requirements for shared entrances and with other access management. The commission had a discussion of possible additions of landscaped areas that when combined would meet the 90% lot coverage; no action taken.

V) Report from Zoning Enforcement Officer

Zoning Enforcement Officer Matthew Vertefeuille said the Yellow Rose Restaurant has moved to property formerly occupied by the Lucky Frog.

He said The Town Council recently talked about turning the old Tin Tsin property into a parking lot. They are really pursuing more parking, he said. They have asked him and the Town Engineer to come up with some cost estimates for this, along with an alternative to develop the property through an RFP. ZEO Vertefeuille recommended that the PZC come up with a letter of recommendation for the Council based on the goals of the POCD by the next meeting.

VI) Miscellaneous

Chair Stahl asked if anyone objected to continuing the present meeting schedule for next year. Hearing none, the Chair said the PZC will continue its meeting on the fourth Thursday of the month except during November and December when the Commission will meet on the Third Thursday of the month.

The Chair brought up the recent passage of the Charter and that the PZC is affected, as of July 1, 2015, by a reduction of full members from 7 to 5. A discussion ensued. Scott Lambeck offered to become an alternate member when the time came.

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

Respectfully submitted,

Lillian Murray, Clerk