

**WINDHAM PLANNING &
ZONING COMMISSION**

MINUTES

November 21, 2013

The Windham Planning & Zoning Commission held its meeting on November 21, 2013 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Jean Chaine, Ed Pelletier, Scott Lambeck, Dan Lein, Claire Lary, Paula Stahl and Michael Graff. Also present were Town Planner James Finger and Zoning Enforcement Officer Matthew Vertefeuille.

Chair Stahl congratulated Juan Montalvo on his recent election to the Board of Education. She thanked him for his many years of service to the commission and the town. She also designated Michael Graff to be a full voting member this evening.

I) Approval of Minutes

a) The minutes of October 24, 2013 were approved. The motion was made by Jean Chaine and seconded by Scott Lambeck. Voting in favor of the motion were Jean Chaine, Ed Pelletier, Scott Lambeck, Dan Lein, Claire Lary and Michael Graff. Paula Stahl abstained as she was not present at the October meeting. The motion carried.

b) Action on the minutes of October 10, 2013 and November 14, 2013 was deferred until the next meeting.

II) New Business

A) Public Hearing for the Windham Region No Freeze Project, Inc – Application for a Special Permit for relocation of Emergency Shelter to 75 Bridge Street.

The Chair opened the Public Hearing.

Norman Janes, Chairman of the No Freeze Shelter, said we have to move from our present location because the landlord is actively trying to sell the building. He has offered another one of his properties at 75 Bridge Street as a possible new site. This location will provide us more space, a much healthier space, and it will also permit us to have better bathroom and shower facilities. He said we feel this is a very good move for the shelter. He went on to explain that they are developing a five year plan that includes a goal of finding a permanent location, perhaps one that they own.

Mr. Janes said we have given written notice to all abutting landowners outlining our intention to relocate to 75 Bridge Street. He said Leigh Duffy, our executive director, has tried to meet personally with all of the property owners in the plaza, and most of them were aware of the planned move.

He said there is some concern about our guests milling about and interfering with some of the businesses in the downtown area. To address this concern, the landlord has already installed a door in the back of the building, and that is where our guests are going to come in and out. It is actually better for our guests as well because they will not be in the public eye and will not interfere with any of the businesses there. He said we are negotiating a 3-year lease with a possible 2 or 3 year extension, he concluded.

Chair Stahl asked is there a way or system in place so that the guests don't have to wait to get in each night. Last year the guests were coming early to make sure they were able to get a bed. Leigh Duffy, Executive Director of the shelter, said we did experience a problem last year with overflow because we had more guests and fewer beds. Eventually we had to open another location to fit the overflow needs, she said. The system in place this season is if you are there by 9:00 P.M. tonight, you will get the same bed tomorrow. She added that there will be an enclosed courtyard so that if anyone has to wait they won't be visible to anyone.

Chair Stahl opened the meeting for public comments: 1) Chris Mc Naboe, a Main Street business owner, said she is happy to hear that the No Freeze Shelter is seeking this space and added her support to the proposed move. 2) Jean Rotter spoke in favor of the proposed move. She said I think this is a great move for the guests and the Main Street businesses. 3) Patricia Sanchez said she has done studies on homelessness. She said the homeless really need this type of service, and also added her support. 4) Leigh Duffy, Director of the No Freeze Shelter, said we are currently on Main Street, and in the five years that we have been there we have resolved any issues that came up. She said we have staff on location when we are open. The guests are well mannered and understand the impact on the business community, and we feel we can be partners with the businesses that are located there, she added. 5) Kim Wilcox, ECSU, said we have volunteers who volunteer at the No Freeze Shelter four days and nights a week during their regular season. They also help out in the office, she added. They have art projects and other programs for the guests as well. This helps the administration of the shelter and allows the volunteers to work directly with the guests. She said we feel it is very important to encourage our students to become involved in their local community, and feel this is a very important contribution for our students to make. She said we are very much in support of this relocation. 6) Chair Stahl read a letter into the record from Jim Turner, President of the Windham Whitewater Partnership, a non-profit organization dedicated to creating a downtown white water park on the property at 28 Bridge Street. He said we welcome the move of the emergency shelter to 75 Bridge Street and encourage the Planning & Zoning Commission to approve the relocation of this essential community resource to the new address.

A discussion ensued. Commissioner Jean Chaine said the Special Permit is for a seasonal activity, but the preliminary discussion this evening has made reference to a poor ventilating system and also being able to provide showers during the summer months, but not offering sleeping arrangements.

Mr. Janes said over the summer we have been offering showers. He said the existing location has no air conditioning and no ventilation. This makes for a very unhealthy situation. He said there were times last summer when we had to open up for brief periods of time due to storms etc.

Being an emergency shelter we felt that we had to respond. We do not plan to open a year-round shelter, but during an emergency we would like to be available for showers during the day.

Commissioner Jean Chaine said this encompasses more than I originally thought.

Henry Crane spoke in favor of the proposal. He said being able to take showers is a good thing. Some of the guests have job interviews and having good hygiene gives them more confidence when they go out on interviews.

As there were no other comments from the audience, the Chair asked if the commission members had sufficient information to render a decision, or if the hearing needed to remain open. The members indicated that they sufficient information and the Chair closed the hearing.

A general discussion ensued.

Commissioner Jean Chaine said this activity is not defined in the regulations. The real problem that I am having is if we approve this by granting a special permit, we are now making it a permitted use in that zone. Would we actually be setting a precedent by making this a permanent use, and allow the shelter to stay there forever. Once we start the snowball rolling, we are not going to be able to stop it even if we wanted to for whatever reason, he said.

ZEO Matt Vertefeuille said the special permit would just be for that location because a special permit is unique to the property. You could also condition approval, he said. Chair Stahl agreed that the special permit would only be for that site, not the entire zone. The No Freeze Shelter, which is non profit, could go out of business and a new nonprofit could come in and establish their activity at that site, she said. Commissioner Jean Chaine said that is what I am talking about. We are not approving this on a temporary basis; we are doing this for that site permanently. Chair Stahl said we could establish a time limit of 5 years, 2 years, etc.

ZEO Matt Vertefeuille said the long term goal of the No Freeze Shelter is not to have to move from location to location. It is looking to get a permanent home, he said.

Commissioner Scott Lambeck said this location is a better location than their present site. I think it would be great if this works out to be their permanent location.

Commissioner Dan Lein said just because this has been approved in the past, it doesn't mean that when they come back for renewal that it has to be renewed. He asked would the businesses in that location have located there if there had been a No Freeze Shelter there. Is that where they would have gone, he asked. He said this is not a permitted use in that zone. That is the issue. To have this in the business area downtown is not ideal; not ideal for the shelter and not ideal for the businesses in the area.

Commissioner Jean Chaine said he agrees with Commissioner Lein. Does this use meet the spirit and intent of the area? Is it actually defeating what we intended for those areas?

Commissioner Scott Lambeck said this is a special use that could be capped at two years, or three years. Commissioner Ed Pelletier said if approved for a certain amount of time they would have to return to the commission for renewal, and if there are issues with the shelter we don't have to renew it at that time. I really don't see the downside. I think the need out weighs our concerns, he said.

After some further discussion, Scott Lambeck made a motion to grant the special permit with a stipulation that they must come back before the commission in three years for renewal. Ed Pelletier seconded the motion. Discussion ensued about the time limit. Chair Stahl said we could add an amendment stating that the special permit would expire June 30, 2016. ZEO Vertefeuille said the commission could approve the special permit and impose conditions.

Further discussion resulted in Scott Lambeck withdrawing his motion and Ed Pelletier withdrawing his second to the motion.

Commissioner Jean Chaine said I would feel better about granting the special permit if we stipulated that they must return to the commission at the end of each year of the three-year approval to address any complaints. This would allow us to maintain some control, he added. Commission members were in agreement.

Dan Lein made a motion to grant the Windham Region No Freeze Project a special permit to operate the shelter at the proposed site located at 75 Bridge Street expiring June 30, 2016. During this time the No Freeze Shelter shall come before the commission each June for renewal with reports of their activities and detailing the comments and complaints filed at Town Hall and/or Police Department. Any adverse impact on neighboring businesses would be monitored and considered when the commission determines whether the shelter can continue for another year. Ed Pelletier seconded the motion. The motion carried unanimously.

b) Aspen Dental, 320 Boston Post Road, No. Windham, CT

The commission reviewed a preliminary proposal for a new dental office and small retail store to be located between Advanced Auto and Aldi's on Boston Post Road, No. Windham. The proposed driveway would be off the drive between Advanced Auto and the bowling alley.

The representative said it would be necessary for them to go before the Zoning Board of Appeals asking for a special exception from Section 35.7.6 seeking a reduction of the setbacks to 16'. She said the stormwater plans have not been designed yet. The buildings would be placed in the back portion of the site with parking in the front. The area would be landscaped using Dogwood Trees etc. She said they are here looking for preliminary feedback from the commission.

Chair Stahl said that in this zone the requirements are that unless the site is such that it is impractical, buildings must face the street with parking in the rear of the site. Parking in the front, as suggested, would cause traffic problems with people assuming there is an access directly from Rte 6. Commissioner Jean Chaine agreed. He said having the buildings in the front makes more sense in terms of exposure.

Commissioner Ed Pelletier said when Advanced Auto came before the commission they had to widen the roadway because you couldn't make the turn. He said the Fire Marshall may have some concerns with the access.

The representative said they would also like to have a monument (free-standing) sign. Chair Stahl said if the building is up front you would be able to see the signage on the building from the road, it might serve the business better if the free-standing sign were placed on at the turn-in off the access way.

The representative thanked the commission for their comments.

III) Report from the Zoning Enforcement Officer

a) Matt Vertefeuille said Medical Pharmacy on Main Street has recently expanded by purchasing the adjacent building. It is contemplating using a portion of that building as a marijuana dispensing facility. There will be 4 or 5 regulated dispensaries in the state. The facility would have round-the-clock security and would be staffed by a registered pharmacist, dispensing would be by appointment per state regulations. The entrance would be in the rear, and the signage would be separate from the other pharmacy business. He asked the Commission if such use should come before the Commission for approval, or if it would be considered an extension of a pharmacy use and as such only require staff approval. Members felt it should be considered a permitted use with staff approval.

b) Signs are coming into compliance.

IV) Routine Business

a) Planner Finger spoke regarding the FAA updating their airport plan, but there is no funding available. He said they talked about having charter flights, but they would have to clear the approach area, and also secure the area.

b) ZEO Matt Vertefeuille said the town is scheduled to go before the ZBA on December 5, 2013 seeking variances from the setback regulations for the proposed parking garage. And will come before PZC on December 19th.

c) Possible drag strip in South Windham. Although on the radio news, no one has spoken to town staff about it.

As there was no further business, the meeting was adjourned at 9:00 P.M.

Respectfully submitted,

Lillian Murray, Clerk