

WINDHAM ZONING BOARD OF APPEALS

AMENDED MINUTES

December 5, 2013

The Windham Zoning Board of Appeals held its meeting on December 5, 2013 in the Meeting Room, Town Hall. Chair Robert Coutu called the meeting to order at 7:00 P.M. Members present were Roger Morin, John Vilella, Mary Ann Daly, Robert Wolf, Robert Coutu, Joseph Beaulieu, and Jose Cruz. Voting members will be Roger Morin, Joseph Beaulieu, Mary Ann Daly, Robert Wolf, and Robert Coutu. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

Chair Coutu welcomed new member John Vilella to the board.

Public Hearing – Town of Windham, 13-17 Walnut Street & 13 Bank Street (corner of Walnut & Meadow Street, Willimantic, CT seeking a variances from Sections 31.7 from the setback regulations, 31.9 building footprint > 10,000 sq. ft., 31.11.3 on parking close to street, and 71.5.1 (j) on minimum 5 ft. setback from property lines for a parking facility).

Planner Finger's staff report dated November 26, 2013 explained that the Town is seeking variances from Section 31.7 from the setback regulations as the proposed parking structure extends across internal property line, and will overhang the sidewalk along the two street sides. The Town owns the adjacent parcels, and does not want to consolidate the properties due to unnecessary costs to the public. Also, a variance from Section 31.9 on the maximum building footprint of 10,000 square feet, and Section 31.11.3 on parking close to street, and 71.5.1 (j) on minimum 5 feet setback from property lines to build the parking facility closer to the sidewalk.

He further stated that concern was raised about the height as the structure is taller than the maximum of fifty feet. However, the definition of height states that the height of a building shall be measured as the vertical distance of a line drawn at the center line of the principal front, from the established street grade, or shall be measured from the average ground level within ten (10) feet of the building or other structure to the average level of the highest main roof; whichever is greater. The established street grade is the elevation of a street grade as fixed by the Town. He further states that the provisions of these regulations pertaining to height shall not apply to church steeples, ornamental towers, silos, chimneys and water towers or to elevator, heating, ventilation or air conditioning equipment on the roof of a building.

Planner Finger advised the board that he had mailed notices (Certificate of Mailing) to all the surrounding property owners about the hearing. He said he also placed the maps at the Willimantic Library so that property owners could see this plan.

Planner Finger said the notice failed to mention that the structure also exceeds the maximum lot coverage of 90%. He said he cited the section numbers so all of that section is applicable and is properly before the board.

Mr. Brandon Schrenker, Project Engineer with Walker Parking Consultants said we met with Town staff, the Town Manager, Planning & Zoning, the Police Dept., the Fire Department, and then reviewed a series of regulations for design. From those discussions, we came up with the plan for this particular location. Approximately one year ago the plan was also presented to the Town Council.

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Bob Wolf asked why the properties were not consolidated.

ZEO Matt Vertefeuille said that was brought up during the Planning & Zoning process. Planning & Zoning wanted to make sure this looked like separate buildings. They wanted it up closer to the sidewalk like the other buildings in the Downtown. He said when you look down that street it does look like a part of the Downtown.

Joseph Beaulieu said he has been a firefighter in the City of Willimantic for 37 years. He said the building was originally built as a fire station, and then the Police Dept. came in on our coat tails. I see that it is the same thing with this parking garage. I understand that the Police Dept is going to be given quite a few parking spaces to house their personal vehicles, and I understand there may be some spots for the fire service. My concern is that you are boxing in that back section of the fire headquarters. If we knew that we were going to do this years ago, we shouldn't have bothered to put the rear doors back there. It seems that this is really infringing on the fire headquarters. The equipment is getting bigger instead of smaller, and I feel this will be a hardship for the guys working there.

The other thing I see a problem with is getting in and out of that back section. You will be losing some parking spaces on Walnut Street because these vehicles have a tough time turning in off of Main Street with parking on both sides.

In addition, you have a constant flow of water under there. When they built the building that water was flowing under there constantly. He said this is a parking garage so why go out and spend the taxpayer's money to make this like a hotel or stores. He said I feel this is an over-expenditure.

ZEO Matt Vertefeuille said the engineering firm has done extensive studies of this site and they know what they are up against with putting this building in these soils conditions etc.

Joseph Beaulieu said he knows for a fact when they were constructing this building that water ran constantly the whole time that J.F. Nasin was building this building, and it still runs today.

Chair Coutu said he has some reservation about the size of the proposed garage, and that it is being proposed on Meadow Street between the parking garage and the Police Complex, and that it is going to extend to the sidewalk. How are the police cars going to get to where they need to park, he asked.

Mr. Schrenker said the plan shows the building located off Meadow Street into the back parking area behind the existing Police/Fire Complex. He said the main entrance for the public will be off Walnut Street. Public parking will include 248 parking spaces. He added that there will also be parking in the NE corner of the building, with an entrance off Meadow Street. This will be used exclusively by police and fire employee vehicles, and will include 42 parking spaces. He said there is higher head room in this area to accommodate emergency vehicles. These spaces will be separated from the other parking spaces by a removable type barrier, and in the event of an emergency, vehicles could exit out onto Meadow Street.

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Planner Finger said as a point of reference Mr. Schrenker is showing the diagonal dimensions on the NW corner of the building, and the SE corner of the building. The SE corner of the building is where two driveways are located; one from the proposed garage and the other one is actually through the southerly access point out into the parking area abutting the back parking lot of the Police/Fire Complex.

Mr. Schrenker's narrative (attached to the application) states that the three lots that comprise the site are of sufficient size to accommodate the proposed parking garage structure; however, due to the **irregular shape of the existing lots** and the **restricted space due to the existing Safety Complex**, relief from the stated Planning & Zoning Regulations is required in order to accommodate a parking facility that will provide the number of parking spaces required by the town.

Mr. Beaulieu said, is that going to be strictly police parking? Where are the Firefighters going to park? Mr. Schrenker said it would be for police and fire vehicles.

ZEO Matt Vertefeuille said they are netting out with more parking spots than they had before, once you add in that designated area. That is the important thing to know, he added.

Mr. Beaulieu expressed concern with the designated parking arrangement for the Police/Fire vehicles. We are boxing them in, and I don't like that.

Member Mary Ann Daley said I would think there are state-wide standards of design which we must follow.

Mr. Schrenker said that is absolutely correct. This project is funded through federal housing. Everything has to be according to standard, he said

Member Roger Morin asked about drainage on the site as there seems to be a lot of underground water in that area. Mr. Schrenker described the proposed drainage system. We will install underground drain pipes and we also plan to use crushed stone, he said.

Chair Coutu said there was mention of a bus stop. Mr. Schrenker said the bus stop area will be located in the NW corner of the site. ZEO Vertefeuille said there is also a small commercial spot in the bottom of the building in that corner. Pedestrian traffic is also shown in the NW corner. An elevator and a stair tower will be located in the SW corner, said Vertefeuille.

Member Al Beaulieu asked about snow removal. Mr. Schrenker said the snow would have to be trucked off site because the property is poorly located to dump snow over the sides. ZEO Vertefeuille said a lot of parking garages like that will often push snow to side and let it melt. You just lose 20 spots for the winter, said Vertefeuille.

Member Al Beaulieu asked how many parking spaces will be available to the public. Mr. Schrenker said the proposed parking facility will provide parking for approximately 270 passenger vehicles on three structure supported tiers and one on-grade tier. He said this

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represents a new add of approximately 174 spaces above the existing public surface lot and the existing police station lot.

Chair Bob Coutu reminded the members that there are certain criteria that the board has to consider in order to approve the variances. He asked the Town Planner to read that criteria into the record.

Planner Finger read Section 92.3. into the record. He said these are the provisions on granting a variance and attaching conditions. He said he also included a packet for board members. It has all the rules and guidelines.

He said he mailed out notices to all the surrounding property owners by Certificate of Mail which is required by State law. He added that when he advertised this hearing in the newspaper, it identified the hearing location as the Town Hall although the agenda had posted the location as the auditorium. He said when he learned that no-one was going to be occupying this room, I felt this room would be a more appropriate and more suitable location. He said he checked with the Town Clerk and she said we could move the hearing as long as we posted the other location and directions to get to this location. He said when we started the hearing he went up to the auditorium to make sure we weren't missing anybody, and there was no-one there to attend the hearing. So, I feel that we addressed the notice of relocation properly.

Mayor Ernie Eldridge said he spoke to the Police Dept. this morning, as well as to the Fire Dept. and asked them for their opinions on the parking garage. The Police are very happy with it and couldn't see any problem with it at all. All the Fire Dept. members said was they liked the idea that the ladder trucks are out back.

He then referred to the funding for the parking garage. He said in order to secure the funding we have to submit a design.

Tom DeVivo, 110 Bolivia Street, Willimantic said he sold his business in Scotland and moved it to Willimantic. One major problem we encountered was that there is no parking. If we, as business owners, want to move our businesses here, but if our clients can't park here then we are out of business. How are we going to build business if we can't park? He said I think this parking garage is very important and if the location is an issue, that should have been addressed a long time ago. I think it is a good location; it is in the center of Town, he added.

ZEO Matt Vertefeuille said he has been involved with this parking garage long before he was a town employee. He said when he was chairman of the Planning Commission he was involved with it. There were several different locations that we looked at. Everyone of them had their own unique issues. This was by far the best location. We actually did a study of the areas to select this location. Some were too wide, some were too narrow, and we would be loosing too many parking spots, there was no net gain, construction costs were too much. It was very well thought out why this site was selected.

Board member Al Beaulieu asked if the other sites that were looked, were encroaching on a public safety building. ZEO Vertefeuille said this is the only safety building in Town.

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Mr. Beaulieu said if at some point the Police Dept. and Fire Dept. have the need to expand they are not going to have room to do it.

ZEO Vertefeuille said if our City Fire Dept, or City Police Dept. had a need so great, that they had to expand their department so much that they outgrew their space, that would be a great problem to have because that would mean that our grand list has grown, that there are more businesses in Town, more construction in Town, and more people in Town. That would be a fantastic problem to have.

George Hernandez said this is a great opportunity for Willimantic. We need to have something in this city to be able to grow. If parking spaces are going to do that then that is the way we should do this.

After some further discussion, the public hearing was closed. Mr. Beaulieu announced he was relinquishing his vote, and Mr. Coutu said he was also relinquishing his vote on the matter.

Robert Wolf made a motion to approve variances from Section 31.7, 31.9, including 90% lot and coverage, 31.11.3 and Section 71.5.1(j).as these changes will not have a negative effect on neighbors, and that the parking garage will be in harmony with other sites, is in compliance with the Town Plan of Conservation and Development, in particular safety, convenience, and traffic flow in the Downtown.. Mary Ann Daly seconded the motion. The motion carried unanimously among the voting members.

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

Respectfully submitted,

Lillian Murray, Clerk

(Minutes transcribed from tape)

James Finger revised to report on Mr. Beaulieu and Coutu's decision to relinquish their votes.