

**PLANNING & ZONING COMMISSION**  
**WINDHAM, CT**  
**MINUTES**

**February 27, 2014**

The Windham Planning & Zoning Commission held its meeting on February 27, 2014 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members in attendance were Edward Pelletier, Jean Chaine, Scott Lambeck, Michael Graf, Dan Lein, Claire Lary and Paula Stahl. Also present were Town Planner James Finger and Zoning Enforcement Officer Matthew Vertefeuille.

**I) Approval of Minutes**

The minutes of January 23, 2014 were approved on a motion made by Ed Pelletier and seconded by Michael Graff. Voting in favor of the motion were Ed Pelletier, Michael Graff, Jean Chaine, Dan Lein, Claire Lary and Paula Stahl. Scott Lambeck abstained. The motion carried.

Commissioner Jean Chaine said he has some comments to make, but he would like to postpone them until later in the meeting.

**II) New Business**

**1) Windham Materials** – Five year update – progress plans for existing earth excavation sites:  
a) Pole Yard Site – 252 Windham Center Road b) Screening Plan Site – 316R, 330R and 338 Plains Road.

Joseph Boucher, M.S., L.S. with Towne Engineering, explained that he is before the commission to present a 5-year update on a pre-existing sand & gravel operation in accordance with Section 75.2.2. He said we were before the commission approximately 5 years ago. The plans are to continue the existing sand & gravel operation. He then identified the sites on the plans.

a) The Pole Yard, 252 Windham Center Road, is located in South Windham on the southerly side of Route 203, westerly of Jerusalem Road and easterly of the railroad tracks. There has been active excavation on this site going back to 1990, said Boucher. The original grading plan was prepared in 1995. Mr. Boucher pointed out the areas where excavation has taken place. He said once areas are excavated the site will be restored.

ZEO Matt Vertefeuille said the only thing that has changed in the last five years relates to the power lines that bisect the property. The power company plans to change those lines to approach Windham Materials and they have decided to re-grade the area under the power lines to a finished grade so that when they put the new poles in and realign them they won't have to do it again. He said in the northern (yellow) quadrant of that pit there has been activation from time to time depending on what jobs needed the material. That is the only thing that has changed with this operation in the last five years, said Boucher.

ZEO Matt Vertefeuille said it is a unique pit in that there is a variety of gravel that comes out of there, and that is part of the problem. From time to time, depending on what the need is for certain jobs, they excavate from this pit and that's why it seems that there are areas that are open.

Mr. Boucher said once the areas are excavated the applicant will restore the site. He said it would be foolish to close it up before all the material is taken out of it.

Chair Stahl asked if there have been any traffic complaints. ZEO Vertefeuille said that have been some complaints with motorcycles.

Harold Hopkins said we have had wonderful cooperation from the State Police as far as those types of issues. There have been tickets served and confiscation of vehicle, and this has eliminated that type of activity pretty quickly.

He said as far as the site itself, the current ownership has inherited the site pretty much in the condition that it is in. He said there were a lot of areas open on this site when they took it over, but it would be foolish to cover them up until it is finished. He said we are proceeding to do this as quickly and effectively as possible.

A discussion ensued. Commissioner Jean Chaine asked if they are here tonight to renew their permit for another 5 years. Mr. Boucher said it is not a 5-year permit. We are required to come back to the commission every 5 years to update the commission on the on-going activity of existing gravel pits.

Commissioner Chaine said the commission should have some control over these types of operations. How do we stop an operation that we have concerns with. ZEO Matt Vertefeuille said if the commission does have concern with any gravel operation it becomes an enforcement issue. Chair Paula Stahl said the Zoning Enforcement Officer has the authority to close down a gravel operation if they fail to meet the requirements. ZEO Matt Vertefeuille said he is comfortable with what is going on on this site.

Dan Lein made a motion to accept the plans for the gravel operation at the pole yard site to continue for another 5 years and Jean Chaine seconded the motion. The motion carried unanimously.

b) Screening Plant Site, 316R, 330R, & 338 Plains Road site.

Joseph Boucher, M.S, L.S. with Towne Engineering identified the screening plant site on Plains Road. When we were here last, we talked about closing out the area in the back which is mostly processing and washing.

Commissioner Jean Chaine referred to an old dump located in the north-west corner near the railroad tracks. He said when you start cutting the bank back will that create a problem, he asked. Mr. Boucher said it would not.

Commissioner Dan Lein made a motion accept the plans for the gravel operation at the screening plant site for another 5 years and Scott Lambeck seconded the motion. The motion carried unanimously.

**2) Builders Concrete East, LLC, 87AR & 87BR Boston Post Road, North Windham** – five year update on progress plans for existing earth excavation behind Batch Plant Site.

Joseph Boucher, MS LS with Towne Engineering identified the site on the plan. It is located in North Windham on the westerly side of Route 66, lies on both sides of the “rails to trails” and extends westerly to the Natchaug River. This site contains the concrete batch plant, company office, and truck maintenance facility. He pointed out the area that is leased to the contractor who is doing the CL&P upgrades. He said we are here for a five year renewal.

A general discussion ensued.

Chair Stahl asked how far are we from getting the site fully excavated so it can be reclaimed.

Harold Hopkins pointed out the different activities on the site. There are numerable excavations on this site including storage areas.

Commissioner Jean Chaine asked about the location of the rifle firing range. Mr. Vertefeuille explained that approximately 5 years we approved the rifle firing range using bunkers. Commissioner Ed Pelletier said the Army is still coming to check on the area.

Commissioner Chaine asked how they are dealing with the vandalism taking place in the storage areas right along the Airline Trail. Mr. Hopkins said the trucks have been safe for quite awhile now, but we have had some problems with the storage buildings on the opposite side.

Dan Lein made a motion to accept the plans for the gravel operation behind the Batch Plant Site at 87AR & 87BR Boston Post Road to continue for another 5 years and Scott Lambeck seconded the motion. The motion carried unanimously.

**3) EJK Properties, LLC & Jayne Pelletier, 46 Quercus Avenue, Willimantic** – application for zoning amendment from R-4 to NPR-2.

Commissioner Ed Pelletier recused himself on this application at 7:33 P.M.

Joseph Boucher, MS, LS with Towne Engineering, representing Jayne Pelletier and EJK Properties LLC asked the commission to accept the application and schedule a public hearing to consider a zone change for two properties located at 36 and 46 Quercus Avenue. The property is located on the east side, south of the American Legion ball field. The applicant is requesting the zoning amendment to allow for a professional use. They would like to relocate their business, Datum Engineering & Surveying LLC office, to 36 Quercus Avenue.

The commission took receipt of the application submitted by EJK Properties LLC and Jayne Pelletier and scheduled a public hearing on March 27, 2014.

Commissioner Ed Pelletier returned to his seat on the commission at 7:38 P.M.

**4) David Evans, 606 Back Road, North Windham** preliminary review of a proposed subdivision plan.

Wes Wentworth, LLC, representing David Evans, said the property is located on Back Road, Windham, and is over 16 acres in size. He identified the property on the map and pointed out the Beaver Brook State Park, Back Road and Parish Hill. The property which fronts on Back Road is primarily wooded, and directly across the street is the state forest area. There is a rear lot and a front lot abutting on the south side, and three homes that abut on the north side. There are slopes that come down to the west towards Back Road. As a result of runoffs that come off the property there is a small isolated wetlands area. These are a result of ground water bleed-outs.

He pointed out there was a farmhouse in this area which burned down in 2013. The house was razed and the property filled in. It has been graded and stabilized, he said. There is also a 2-car garage which is part of the site.

Mr. Wentworth said off Back Road there is a 1000 foot setback line. The rear lot regulations call for a 1000 foot driveway limit. He said the property abutting the wooded area would be ideal for possibly recreation or open space. He said as far as vegetation there are some trees throughout the area. The area has been partially cleared and could become an agricultural field. He then went on to identify the buildable areas.

Chair Stahl asked about access to the site. Would you put a road in and have driveways feed off of that, she asked. Mr. Wentworth said he would envision the buildable areas to be up by the road. There would probably be one central driveway. The plan would also contain a conservation easement and also buffering for the neighbors, he said. .

ZEO Matt Vertefeuille said the roadway would have to be built according to our specifications. Chair Stahl said one of the things that is nice about a shared driveway is that it is a good use of the land. Without the shared driveway you would have 10 driveways coming in. Mr. Wentworth asked, if you have a common driveway, does the entire frontage have to be on a town road.

Chair Stahl said we are bound by our regulations say. We need to meet the regulations, but we do have some latitude with lot layout, lot size etc. She added that modifications are also possible.

Jean Chaine referred Mr. Wentworth to Section 6.4.2.

Mr. Wentworth said the next step would be to review the regulations pertaining to common driveways, rear lots and also to review soil types.

A discussion ensued. Commissioner Jean Chaine asked what is the constraining component for that lot theory. Is it the land, the regulations or is it just a bad time to make it financially viable.

Mr. Wentworth said possibly the price of the land is a factor because that property renders itself very well to development.

Commissioner Jean Chaine asked why this is not happening? Is it something that we are saying in our regulations that needs to be changed, or is it the economy, he asked.

Chair Stahl cited the economy. She said if the owner is anxious to develop this property, we may need to review the subdivision regulations, she added.

Mr. Wentworth said he would review the regulations regarding subdivisions and common driveways, and rear lots. He said he would do further soils sampling and will return to the commission.

**5) Walter Landon, 755 & 765 Windham Road, South Windham** – preliminary discussion on revision to site plan of vacant property.

Joseph Boucher, M.S, LS with Towne Engineering, identified the property on the map. He said the driveway for Rogers Corp in South Windham is across the State highway on the east side.

ZEO Matt Vertefeuille reviewed the history of this property. He said this application originally came to us in 1994 for access to a 4-lot subdivision. There was a single driveway coming in which then hooked over to the lots. The Planning Commission at that time approved the 4-lot subdivision with a fifth parcel being given to Walter Landon.

ZEO Vertefeuille said DOT looked at the plan and approved the driveway for a location opposite the one for Rogers Corp. in 1994. In 1997 an application was submitted to the Zoning Commission for site grading. They filed an extension at that time to include the changes made by DOT. There was a signed agreement for the Miller Bros. to recreate the adjoining property lines with the abutting lots. This was recorded in the Land Records and there was also a note in the plan saying that the site plan approval must be granted by the Zoning commission prior to the development of any lot.

In June 1999 Mr. Garrison came before the Planning Commission requesting a 5-year extension to complete the public improvements. In September 1999, Mr. Landon conveyed parcel 2-3 and 2-4 by deed to Richard Garrison, and later Mr. Garrison conveyed the lots back to Mr. Landon.

In January 2004, Mr. Garrison started to finalize the public improvements of the subdivision and submitted the plan to the Planning Commission. They approved the list of public improvements including the driveway to the paved apron, the first set of catch basins, the soil in the front and the water line.

In 2008, there was an application to the Zoning Commission for a warehouse storage use for the entire four lots subdivision to be developed as a single property. The plan shows the existing driveway that was roughed in, (it was not paved at that time).

In August 2008, a revised site plan was submitted . This included the Storage King facility. Commissioner Jean Chaine said the proposal for the Storage King activity on that lot encompassed the original lots. If the Zoning Commission approved it, doesn't that imply that the building lot issue of that land has been abandoned. Planner James Finger said only if they filed a new map which encompassed the entire premises. They did not record the map, said Finger. If they had recorded a map for the entire property as one single lot, then it would have extinguished the lots.

Mr. Boucher said Mr. Landon came to him just before the first of the year and stated that he still has the two lots in South Windham that he wants to sell, and is it possible to get another driveway to service those two lots. Mr. Boucher advised him there were two hurdles; 1) would the DOT say yes and 2) will the P&Z say yes. Mr. Boucher said the Planning Commission had approved it with one common driveway.

A lengthy discussion ensued. Chair Stahl said there is an easement across lot 2-2 and 2-3. ZEO Vertefeuille said there was never an easement filed in the Land Records. Mr. Boucher said the easement shows up in the deed for the Storage King. Chair Stahl said our concern is how many cars would be coming out of that driveway. She said this plan was approved one way and then built a different way. But, if DOT has approved a driveway, then there is a driveway, she said.

The Commission took no further action.

### **III) Report from Zoning Officer**

- 1) Lefty's Landing, which was located on Route 66 in Columbia, is relocating to the building which formerly housed Opus on Main. Their fare will consist of hamburgers, hot dogs, salads etc and will be moderately priced.
- 2) A catering or banquet facility is going in where the old City Side Deli was located

### **IV) Correspondence**

- 1) Notification from Town of Coventry regarding miscellaneous zoning changes.

### **V) Miscellaneous**

Commissioner Jean Chaine has been asking for a clear understanding on any liability in the case of an approved application that isn't constructed, and subsequently the zoning regulations were changed. Is there a life to an approved site plan, or must it be pursued within a certain amount of time. Discussion ensued about renewals, and members commented that if there isn't timely funding in place for the parking garage the approval would need to be renewed. Mr. Chaine said that he is still looking for an answer to his questions about the changes in regulations affecting projects. As staff couldn't answer his question, Chair Stahl asked the Town Planner to contact the Town Attorney for an answer.

The meeting adjourned at 9:00 P.M. Motion by Ed Pelletier and seconded by Jean Chaine. So voted.

Respectfully submitted,  
Lillian Murray, Clerk