

WINDHAM PLANNING & ZONING COMMISSION
March 26, 2015 MINUTES

The Windham Planning & Zoning Commission held its meeting on March 26, 2015 in the 2nd Floor Auditorium, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members in attendance were Jean Chaine, Scott Lambeck, Michael Graff, Clair Lary and Paula Stahl. Ed Pelletier was excused. Also present were Town Planner James Finger and Code Enforcement Officer Matt Vertefeuille.

I) Approval of Minutes

The minutes of February 26, 2015 were approved on a motion made by Michael Graff and seconded by Jean Chaine. The motion carried unanimously.

II) Public Hearing for Access Community Action Agency, 1315 Main Street, Willimantic – 6-lot subdivision plan.

Mike Tarbell with Tarbell, Heintz & Associates, Inc., Surveyors and Engineers, East Hartford, CT, representing the Access Community Action Agency, identified the property on the plan. He said we are proposing a 6-lot subdivision on a parcel of land located between Main Street and Valley Street in Willimantic, CT. The plan that you see in front of you outlines the perimeter of the property. The site is roughly 7 acres in size and is located in a B-2 Zone. Our proposal is to create 6 lots. Four of the lots already contain structures. The AT&T building will be on its own parcel, the fish market will be on its own parcel, and the Oriental Café will be on its own parcel. The Access Agency, as a whole, will be on the remainder of the property.

We are also proposing two additional lots above and beyond the four lots that are presently occupied on some of the lots. With the creation of this subdivision, we will also be accessing the property with some common easements and eliminating some of the entrances that come out onto Main Street by consolidating two curb cuts (improving the traffic flow between the parcels in the front); and we are reducing the impervious pavement on the site. He said much of the existing pavement in the front portion of the property (along Main Street) will be reduced and replaced with grass and landscaping. He pointed out the pavement that will be eliminated.

At the last meeting there was some discussion about drainage and storm water runoff. The commission questioned whether there would be an increase in runoff as a result of this project. Mr. Tarbell said that generally removing pavement does reduce your storm water drainage. He said there was a concern that the storm water runoff would be increased. But the runoff will be decreased because we are reducing some of the existing pavement on the site. He said this has been reviewed by the Town Engineer who found that the reduction in pavement will be a positive thing with regards to reducing the storm water runoff. Even though we are removing some of the curb cuts, the water shed is not being changed. We will maintain the existing water shed and at the same time we will reduce the pavement and impervious coverage.

The site development of the additional 2 lots (lot 6 and lot 3) is not part of this proposal other than the creation of the lot itself. Anyone wanting to go forward with development of these lots and build a structure on these lots would have to come back before the commission for approval.

He said the proposed building for lot three - shows it encroaching into the rear yard of that lot. As I understand it, this allowed if we consider certain things such as minimizing curb cuts onto the street and reducing the impervious area and creating more landscape locations all of which we have incorporated into this plan, said Tarbell. So we are requesting a waiver of the rear yard setback that is associated with lot three, he said. All the other lots comply with the set backs, lot area, impervious coverage etc.

WINDHAM PLANNING & ZONING COMMISSION
March 26, 2015 MINUTES

Mr. Tarbell said there has also been some discussion and some correspondence regarding providing some easements across the large parcel (Access Agency) with lots 2,3,4,5,6 getting access onto Valley Street. We specifically looked at that. The problem that is if we were to decide to change the pattern of the parking, or create some additional islands, or in the case of lot three where we had some discussions, that easement would potentially be a conflict. So, if they wanted to re-stripe the parking, then the easement would cause a conflict. We made sure that lots 2, 3, 4, 5, 6 will have a right to a public road unencumbered and access to those parcels remains available.

Mr. Tarbell added that there was also some discussion about moving the lot line for lot 6 and shifting it over to the west, and we are actually looking into doing that, said Tarbell. He referred to his letter of March 18, 2015 regarding the commission's request for an adjustment to the lot line between the Access Agency's parcel and the adjacent parcel to the east owned by Thames Valley Council for Community Action. This was requested to resolve an encroachment of certain parking spaces onto the Access Agency parcel.

He said we agree that the lot change adjustment should be made, however we request that the subdivision application be allowed to move forward without that adjustment. After researching the title, mortgage and related issues involving both parcels, we have determined that the adjustment will necessarily involve mortgage holders and counsel for that adjacent property owner. He said we are working to make the adjustment without delay, but recognize that it will not be accomplished by the time for this meeting. He said they hope that the commission will look at this favorably, and asked if there were any questions.

Commissioner Jean Chaine asked Mr. Tarbell to clarify the easement situation. Mr. Tarbell explained the cross easements. He said Thames Valley Council for Community Action already has an easement in place. There is no definitive location for ingress or egress for their lot. They have a blanket easement, he said - and that is not changing. Thames Valley will have the rights that they now have even with the subdivision approval.

Chair Stahl referred to easements for the general public; one off Main Street and one off Valley Street. She said another concern is that the driveway, whether the line is changed or not, the driveway onto Valley Street is sitting on lot #6 property. We need to account for who is going to be plowing that and maintaining that. She said she happened to talk with Town Attorney Rich Cody about this, and he suggested that that could be a condition of approval. She reviewed Mr. Cody's language for maintenance and plowing on lots 1.2.3.4.6. Mr. Tarbell said he was comfortable with that language.

Commissioner Jean Chaine asked if this is time sensitive as to when the lot line should be adjusted. Chair Stahl said she did not talk to him regarding the lot line.

Planner Finger said the other easement we talked about was the potential for connecting to the Stop & Shop property. Chair Stahl said at one time there was an easement whereby you could enter the site from the Stop & Shop property. The pavement is still there. There is just a fence up. Perhaps Stop & Shop could be approached regarding reopening that access from their property.

Audience comments: 1) Thomas DeVivo spoke in favor of the request. He said this project is much needed by our community. Money has been approved for it at the state level and we need to move forward with the plan. He said this will be a great asset for the community. He added that the subdivision itself will also provide good economic opportunities for our community. This is so positive for our community and the sooner you vote yes for this the better. 2) James Flores agreed that the senior center relocation is very important for the community. Many people can't tell you how to get to the present senior center. He said it is a "secret place" (referring to its current location on Crescent Street). If

WINDHAM PLANNING & ZONING COMMISSION
March 26, 2015 MINUTES

the senior center is moved as proposed, it will be in a better and more central location. He said he drives a bus around town and there has to be enough room for a bus to maneuver throughout the site. You have to have sufficient handicap parking spaces and enough room for bus traffic, he added. 3) Mayor Ernest Eldridge also spoke in favor of the proposal this is a wonderful project and if you approve this project it will move the senior center project forward. He said he feels this is a wonderful proposal and he urged the commission to approve the subdivision plan. A discussion ensued.

Chair Stahl said we need to address the following; easements, access, shifting property line on lot 6, easement language to cover the cost of maintenance, snowplowing etc., a note on lot three regarding setback, and removing the existing sign structure on lot three. She reviewed possible conditions of approval that could be stipulated if the commission votes to approve the plan. Mr. Tarbell said these conditions seemed reasonable.

As there were no other comments or questions from commission members or the audience, the public hearing was closed.

Paula Stahl moved to approve the Access Community Action Agency's subdivision plan as presented with the following conditions:

- 1) The note on page 2 regarding connection to Stop & Shop property to include "and connection will be made upon consent of Stop & Shop property owner".
- 2) Lot 6's western parcel line to be shifted westerly to provide an 80' frontage on Valley Street to accommodate pending lot line adjustment with Thames Valley Council for Community Action property. Lot 6 cannot be sold until lot line is adjusted to align with the paved access to Valley Street.
- 3) Easement language that equitably spreads the cost for maintenance, repair and plowing of the street access way easements upon the owners of lots 1,2,3,4,6 in terms and conditions subject to review and approval by the Town Attorney.
- 4) A note on the plan stating that Lot 3 meets the setback regulations as presented.
- 5) Site work improvements shown on the plan must be completed before the sale of lot 3.
- 6) The existing sign structure on Lot 3 to be removed prior to development.

Jean Chaine seconded the motion. The motion carried unanimously.

III) HRES Willimantic, LLC, 161 Main Street, Willimantic – formal application of site plan for retail building with site improvements on current vacant lots.

Chair Stahl thanked the applicant for changing the design of the structure and making changes on the plan. She said they make a big difference. She referred to the zoning requirement of lot coverage at 25%.

Attorney Michael Bonanno said there were some changes made to the plan. Chair Stahl said commission members were concerned about not knowing what is happening in the back portion of the property. We weren't sure if it would be used for parking, for a house or condo. Attorney Bonanno said they have been in contact with the property owner and they are not sure at this time what they will be doing with that lot, but it could be low income housing or a high density plan. They do realize that they would have to come before the commission if they planned to develop that lot. Chair Stahl said she is not sure if something like that would be approved seeing what the access is. She said that is her concern with access to that back lot. She said she would be more comfortable if that future access could be closed off. She referred to ownership of that lot. Attorney Bonanno said the current owner will retain ownership of that back lot.

WINDHAM PLANNING & ZONING COMMISSION
March 26, 2015 MINUTES

She said another concern that the commission members had was the detention basin. She asked if there was a way to recalculate the infiltration. Doug Murray of Hunt Real Estate reviewed the drainage plan. He said the detention basin is designed to retain water, but it would be dry even in a 100 year storm.

At the last meeting Chair Stahl explained that the building must be oriented to the side of the street and there should not be a blank façade against the street. A general discussion ensued.

Mr. Murray reviewed the revised façade of the building. The revised plan includes a false façade on the Main Street side of the building. The façade is designed so that it appears as though the building is facing the street. The building has shutters, but there are no windows. Commissioner Jean Chaine said this design looks less like a warehouse than the original design. Chair Stahl said she feels her concerns have been addressed.

Another issue discussed at the last meeting dealt with deliveries to the store. Mr. Murray said their trucks deliver only once a week. They tend not to deliver during high usage time, so they will not be there at 4 or 5 PM.

Discussion then followed regarding how to satisfy the lot coverage restriction of 25%. Chair Stahl said perhaps there could be a lease agreement for one year on the back lot and perhaps it could be taken off the present plan. Mr. Murray asked if that would work. Planner Finger said they would need to withdraw the application for the lot configuration plan, as the commission is concerned about what will happen in the back.

After some further discussion, Attorney Bonanno said they will withdraw the configuration plan and come back before the commission next month with a new reconfiguration plan. Chair Stahl said the commission has 65 days to take action on the plan, but the applicant could grant an extension to that timetable.

IV) Report from zoning Enforcement Officer.

The ZEO had no report.

V) Correspondence

Referral from the Town of Columbia on a proposed zoning change.

As there was no other business, the meeting adjourned at 8:14 P.M. Motion to adjourn made by Jean Chaine and seconded by Claire Lary. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk