

PLANNING & ZONING COMMISSION
WINDHAM, CT
MINUTES

March 28, 2013

The Windham Planning & Zoning Commission held its meeting on March 28, 2013 in Town Hall. Chair Paula Stahl called the meeting to order at 7:01 P.M. Members present were Scott Lambeck, Jean Chaine, Juan Montalvo, Michael Graf, Claire Lary, Dan Lein and Paula Stahl. Ed Pelletier was excused. Also present was Town Planner James Finger and ZEO Matthew Vertefeuille. Michael Graf was designated a voting member for tonight's meeting.

I) Approval of Minutes

- a) Approval of the minutes of February 28, 2013 was deferred to the next meeting.
- b) The minutes of March 14, 2013 were approved. The motion was made by Jean Chaine and seconded by Dan Lein. The motion carried unanimously.

II) Public Hearing – Incentive Housing Zone. This proposal is to consider a new Section 30 to allow the construction of incentive housing developments that qualify under the CT General Statutes 8-13m to 8-13x inclusive for the following properties as potential locations. In individual parcels are:

- Hooker Hotel, 819 Main Street, MBL 13-3/30/9
- YMCA Building, 832 Main Street, MBL 13-3/61/13
- Chapman Lot, 804 Main Street, MBL 13-3/61/16
- Old Lumberyard, 87 Church Street, MBL 13-3/89/1
- Former Cinema, 1 Jillson Square, MBL 13-1/89/17-1
- Town Land (next to Jillson Square),
- 645 Main Street, MBL 13-1/89/13 & 17
- 161 Main Street, MBL 14-3/121/8
- 165 Main Street, MBL 14-3/121/8-3
- 179 Main Street, MBL 14-3/121/8-2
- 185 Main Street, MBL 14-3/121/8-1
- 8 Elm Street, MBL 14-3/121/8-43
- 46 Capen Lane, MBL 14-3/116/4
- 34 Boston Post Road, MBL 15-3/141/7

Chair Stahl explained that the town hired WINCOG and Jana Butts, Senior Planner with WINCOG, to write the regulations for this new zone.

Ms Butts said she is the project manager for this project which was started back in 2008 when the Zoning Commission, at the time, passed a resolution saying that they would consider an Incentive Housing Zone (IHZ). She said we are here tonight to discuss the Incentive Housing Zone which has three main themes; affordable housing, economic development and urban revitalization.

Ms Butts explained that the Incentive Housing Zone is a zone that is intended to lead to the creation of urban housing opportunities that will attract residents and will serve to revitalize our economic social and physical environment in Windham's Downtown and adjacent urban neighborhoods. We started this project with an assessment which was an analysis of the housing in town right now. We looked at a lot of census and demographic data and found that in general this is a fairly affordable community, but there is a problem with quality affordable housing.

She said part of this project included a marketing analysis in which we hired a large firm - AKRF, to prepare a housing market strategy and they determined that at that time (2010) there was a market capacity for an additional 660 units in Windham's Downtown. They also determined that the target market for these units would mostly be young professionals and empty nesters. Empty nesters are generally married couples who have raised their children and are looking to downsize out of a larger single family home.

Willimantic is a fantastic community with sidewalks, public water and sewer, she said. We have a regular bus service, nearby hospital, educational institutions, a beautiful river, and greenways. She said the State recognizes the need for quality affordable housing, and as part of their smart growth strategy, they have given incentives to towns to build the type of housing that we need in communities like Windham. The project is made of three components: housing assessment, housing market analysis & strategy, and the Incentive Housing Overlay Zone Regulation and Design Guidelines.

Ms. Butts said there were two public workshops in the spring of 2011. The first one focused on where incentive housing should be located, and the second one focused on what incentive housing should look like. She said they invited the public to come to the workshops and asked for suggestions as to where it should be. As a result of these and work with the Planning & Zoning Commission, 14 sites were selected.

Zone A is in the middle of the Historic Downtown and includes the Hooker Hotel, the YMCA Building and the Chapman Lot (which is where the Tin Sin building used to be) at 819, 832 and 804 Main Street.

Zone B includes the old lumberyard property at 87 Church Street (across from the CO-OP), also the old cinema building at 1 Jillson Square and a portion of Town owned property (next to Jillson Square) at 645 Main Street. That is all parking lot right now, and as part of the IHZ we are keeping a portion of it as a parking lot because we recognize the need for parking in that area, she said.

Zone C includes properties at 161, 165, 179, and 185 Main Street as well as 38 Elm Street and 46 Capen Lane. This is actually a collection of five lots owned by one family and an adjacent parcel. Those properties are currently undeveloped and are located at the entrance to Rec Park where they recently opened up the former mill site and have a beautiful view of the river. It would be a fantastic location for some attractive housing potentially mixed with some commercial uses.

Lastly, **Zone D** would be located at 34 Boston Post Road. This is a neighborhood that has some residential and some more intense uses (automotive uses). Any development of housing in this area would have to be sensitive and certainly be buffered from the neighboring uses.

Ms. Butts explained that all of these properties that are highly visible; they are all on a major state roads going through the middle of town; and they are all next to bus stops. They are also all on public water and sewer, and they all meet the criteria for locations where you would want to have smart growth development. They are underutilized sites, and in some cases are blighted. If we put something that is attractive in these locations, it could change how people perceive the Town.

When we had the second workshop we asked people what incentive housing should look like? If you look at the draft of the incentive housing regulations you will see some beautiful pictures of structures that people selected as their preferred architectural style for each one of these sites. She said the Planning & Zoning Commission has the authority to prescribe (ahead of time) what the development on these properties will look like within the guidelines. There is plenty of room for creativity on the part of developers, she said. It should be very appealing to the neighboring property owners to know that what could go up there as an incentive housing development is an attractive development.

Anyone proposing an incentive housing development needs to meet strict criteria, but it is not a special permit use. There is less risk involved to a developer. They have a greater certainty of a speedy permitting process which is very important to developers and a permitting process that doesn't have any surprises at the end of it. She said she hopes the IHZ will grease the wheels to getting some attractive neighborhood friendly development at some of these vacant sites.

She referred to the properties under consideration. All of the guidelines are focused to their locations. We have something that is compatible with late 19th century Victorian commercial architecture. Each zone would allow mixed uses. It would allow commercial uses on the first floor and housing above. Each zone is tailored to its own location. She said this is an optional zone. Even if this zone is adopted, it doesn't change the underlying zone on any of these properties. The zone that the property is in now will stay there. The IHZ is an overlay zone and provides an additional option for anyone interested in this kind of development and who wants to take advantage of it.

She said the town could receive up to \$50,000 from the State Office of Policy & Management for the IHZ plan adoption if certain guidelines are met, including devoting at least 20% of housing units to affordable housing. She said 20% of the units can't exceed a monthly rent of between \$1,000 and \$1,100.

She then asked the Commission may have questions, as well as inviting comments from the audience.

Commissioner Jean Chaine referred to Area C. This is made up of three or four different properties; could a proposed developer just want one piece of that and qualify?

Ms. Butts said yes; the lumberyard could be developed independently of the other two parcels. She referred to the cinema parcel, which has been subject to an access easement over town property. We are trying to determine the status of that easement because we don't know if it is still in effect. If it is not in effect, then the building that we prescribed for the cinema parcel would need to be merged with the town parcel in order to build the kind of development that was outlined in the design guidelines.

Audience comments:

1) **Jeffrey Beadle, Windham Regional Community Council (WRCC)** Executive Director and a member of a non-profit housing development corporation spoke in favor of the IHZ. He said WRCC sponsors a ten-year plan to end chronic homelessness. He said we need affordable housing in order to be able to stop homelessness. The revitalization of Willimantic (as well as Windham) needs to include affordable housing. He said the proposed IHZ is offering incentives to the town as well as the developers to develop affordable housing. He encouraged the adoption of this IHZ.

2) **Sue Murphy, representing Liberty Bank and Liberty Bank Foundation**, spoke in favor of the IHZ. She said affordable housing is one of the two major funding priorities of our foundation and we have supported various projects throughout Liberty's market area. She expressed their support for this proposed incentive housing plan. She said we have seen incentive housing zones created in various communities since the Home Connecticut Law was passed in late 2006 and implemented in 2007. We think this is a real win-win for Willimantic. Revitalizing Main Street with mixed use, mixed income housing is going to help us create something like we had here 100 years ago. Everything along Main Street was mixed use. She said think of the implications of having a livier, more vibrant downtown; filling in some of the holes of these blighted buildings that we would all like to get rid of, and having people in their homes over these retail/professional spaces at night. Think about the implications for security because if you have people living downtown, living in attractive housing, then you have a more secure downtown at night. Incentive housing has a lot of benefits in terms of safety and security. She said this proposal fits so well with all the modern research that has been done on smart growth; transportation oriented growth, and mixed use. By approving this proposal you can fill in some of the spaces where eyesore buildings can be turned into spaces where people want to live. We think this has a lot of potential and it is going to make these particular sites more attractive to developers. She said we support this proposal, and we hope as it comes to your agenda for actual vote and approval that you will support it as well.

3) **Christopher Brechlin** said he graduated from ECSU and after graduation he decided to stay here because he loves Willimantic. He said he has a lot of faith in the opportunities that he has found here. He said he started his own business recently and still works at ECSU. He said he is also speaking as a representative from a statewide group called Young Energetic Solutions, a collection of young professionals advocating for keeping more young people in Connecticut. Connecticut has the third highest rate of young people, age 25–34 leaving. The major reason that is cited, and something that we

advocate for frequently, are livable, walk able communities, and the IHZ really promotes that in a huge way in downtown Willimantic. He said he often tries to convince his peers that they should stay in Windham rather than moving on to the bigger cities like Hartford and New Haven, but one of the reasons is what they have access to; where they can have their apartment and literally walk out the door and go to the places that they are going to meet up with their friends and spend some time. He said we are not talking about incentive housing for low-income people. He said this is for work-force housing. These are the people that have careers and they will spend money at local businesses. He asked the commission to consider this very strongly and hopes it goes through.

4) **Andrew Gutt, owner of Cafémantic**, spoke in favor of the Incentive Housing Zone. He said he is a small business. He went from eight employees and now has nineteen employees. He said some of his employees are communicating from Westerly, Rhode Island and are starting to set up some roots here. They are looking for high quality housing with mixed use development. As an employer I have to be my own search committee to find high quality housing for a work force, skilled labor young professionals who are not ready to buy a home yet. Finding an option with the existing housing stock is increasingly difficult. I think this would be a great thing to move forward on. He said, let's go for it.

5) **John Dobrolet** referred to two of the sites; one is next to a junkyard and the other is next to the old Lumber & Coal. He said he would be interested to find out if these sites have had any sample soil testing done. This might be something that the P&Z might want to look into, he said.

6) **Barbara McGrath** said she has served in the past as a member of the **Home Connecticut Task Force**, a state task force looking to try to develop more housing to make sure that all towns and cities have the kind of housing for the people who live and work there. We are very concerned about the number of young people who are leaving the area. She said I am sorry that you are concerned about the fact that the state is not as consistent, but there has been an effort made by the state to make sure there is some support available and there is an entire group of people across the state who are working together to make sure that the state continues to remember what it has promised towns. She strongly recommended the adoption of the IHZ because it is something that really came up out of the needs of people representing concerned housing developers across every town in the state.

Jana Butts said the question has been raised if there have been soil samples and has testing been conducted especially regarding the two sites that were mentioned. She said much to her knowledge that has not been done. However, if this zone were adopted, there is a second phase of the grant program which could be used to do that type of testing. A pre-development grant could be used for preliminary engineering, and soil testing if there was some thought that those sites were contaminated. She said all of our sites have been urbanized for some time, and this is a smart growth principle to utilize Brownfield areas that maybe have had development in the past and to utilize the properties that might actually be contaminated in some way rather than going out of town and building on a virgin piece of land where you have to cut down all the trees and fill in all the wetlands to build housing. It is much more a smart growth strategy to focus on areas that have already been used in the past. This was a great point that was brought up

and we would want to make sure that any development growth conducted in a manner that was consistent with public health and safety and that might include remediating some contamination on site. Since public water is available on all these sites there is a real possibility that anything contaminated could be essentially capped and built on top of.

Chair Stahl said the town received a grant from the Office of Responsible Growth in 2008 to consider the possibility of developing incentive zones that would be consistent with the state's policy of promoting responsible and affordable housing. She said the state has another grant available to towns who have already adopted the Incentive Housing Zone to help the development process.

Ms. Butts said this is the second round of the grant. Pending funding availability, the Town could receive up to \$2,000 for every unit that could be created under the Incentive Housing Zone when you adopt the zone that is capped at \$50,000. Additionally, there is a second payment of \$2,000 per housing unit at the time the unit is built and becomes occupiable. Every time the town issues a Certificate of Occupancy the town could go back to the state for the additional \$2,000. She said she thinks the total of the two payments is maxed at \$50,000. The state also provided the \$50,000 grant for this program and the second round of funds that could cover soil testing is up to \$50,000. This shows that the state is interested in pursuing this. They know that it is part of the statewide strategy.

Chair Stahl asked Ms. Butts to outline the next step in this process.

Ms. Butts explained that the next step is not for the Planning & Zoning Commission to approve or deny the proposal. This is the first public hearing and pending any changes that might come about from what you have heard tonight the Planning & Zoning Commission would then adopt a resolution to send this application to the state in order for them to review it. The Town Council would also have to adopt a resolution to send the 'Application of Preliminary Determination' to the State so they can check it and make sure that you have met all the requirements. That is the next step, said Butts.

The state will need some time to review it; and assuming they approve it then the Commission can take action. At that point, you would probably reopen the public hearing and take action to approve or deny. She said it is great that the Commission decided to hold this public hearing to make sure everybody's opinion on this is heard and has a chance to comment on it; as property owners, neighbors, people who love this town and want to see the best for it. This (hearing) is not a requirement from the state, she said. This is something that the Planning & Zoning Commission chose to do to make sure that everyone had an opportunity to comment; and she applauded the Commission's effort in making this happen.

Chair Stahl said one of the reasons why we wanted to hold a public hearing is because this is very different from any zoning regulation that we have on our books. In any other zone, if we decide it needs to be changed - we can draft a regulation, hold a public hearing and consider the adoption of the regulation. But because of the type of zone that

this is, and because it has to get the state's approval, we cannot make any changes once we adopt it.

Commissioner Dan Lein asked is there a limitation on how long the public hearing can stay open? Chair Stahl said no - because we are the applicant we can extend it as long as we need.

Commissioner Jean Chaine asked, if a piece of that parcel were in fact sold off and developed outside the incentive zone structure, would that jeopardize the rest of the parcel as far as the state's classification for funding the process. Ms. Butts said it does not jeopardize the whole site. It is three parcels, so the lumberyard parcel is completely distinct. She said if that cinema parcel was redeveloped (differently & independently) - that would prevent what we had envisioned; but she said she didn't know if that is bad thing. It might be a good thing if you actually have someone renovating one of these properties; and it would be good to see something happening there. We outlined an attractive site design that would look great as incentive housing, but the role of this program is not to prevent anything else from happening there, if it happens on its own accord.

Chair Stahl clarified that in terms of the incentive payments, (the two parts of the incentive payments) - when we adopt the zone we would get that payment, but we would not get any additional funds for that parcel if it is not developed under the Incentive Housing Zone. Ms. Butts said this is for the dwelling unit payment, and is only issued when the people are ready to move it under these regulations.

Commissioner Jean Chaine asked for clarification - the plan has to be endorsed by Town Council and approved by the P&Z Commission. Ms. Butts said the commission could take action to endorse it tonight, or at a later date.

Chair Stahl said the public hearing will be continued until we hear back from the state.

Commissioner Dan Lein moved to RESOLVE that the Planning and Zoning Commission of the Town of Windham, CT:

- 1) Endorse submission of the zone adoption application under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS; and
- 2) Certifies that it will consider the creation of one or more incentive housing zones as identified in the application. Such application is attached to and made a part of this record.
- 3) Certifies that it will consider and act on the Incentive Housing Development when proposed within the approved Incentive Housing Zone/s in compliance with Section 8-13 (m-x) of CGS.

Commissioner Jean Chaine seconded the resolution. Voting in favor of the resolution were: Dan Lein, Jean Chaine, Claire Lary, Juan Montalvo and Michael Graf. Voting in opposition – 0. The RESOLUTION was unanimously approved.

III) Old Business

a) Horizons Inc. for property located at 103, 107, 127, & 153 Babcock Hill Road, South Windham – Applicant requested Clarification and Reconsideration of conditions on Special Permit Application approved February 28, 2013.

Scott Lambeck recused himself from participating in this request and left the room.

Chair Stahl explained that the town received a request from Horizons to reconsider portions of the February 28, 2013 decision in approving the Special Permit application. She referred to the letter dated March 13, 2013 regarding the request. She said she spoke with the Town Attorney who indicated that regarding the request from Horizons, we should be considering it as a request to clarify our decision. Chair Stahl said the original motion was an oral motion. The Town Attorney has indicated that it is proper for us to clarify the decision and the conditions, if we wish to do so. He also cautioned that our clarification must be based only on the testimony we received in the public hearing of February 28, 2013. No other information shall be considered. The Chair said we shall not hear from the applicant, nor the public tonight. If we have received any information outside of the public hearing, we must disregard that information. If you cannot disregard that information - then you must recuse yourself from this portion of the meeting. Only those members who were present at, and voted on the February 28th decision may participate in this discussion. They are Paula Stahl, Jean Chaine, Dan Lein, Claire Lary and Michael Graff. If you do wish to clarify the motion, I have a written motion for the commission to consider. She asked if commission members wished to clarify the motion and members said yes. She asked if commission members could disregard any information that might have been received outside of the public hearing. Commission members said yes.

Chair Stahl said in order to clarify her original motion, she will make the following motion: I move to approve Special Permit application # 774 filed by Horizons, Inc., to modify an existing camping areas special permit, with the following conditions;

- 1) The parcel shown on the highlighted plan submitted by the applicant (the “plan”) bordered by green marker shall be used exclusively for existing parking, non-commercial wood splitting as part of camp programs, and grazing of horses;
- 2) The parcel shown on the plan as 107 Babcock Hill Road, bordered by peach marker, shall be used exclusively as a single family residence;
- 3) The parcel shown on the plan as 153 Babcock Hill Road, bordered by red marker shall be used exclusively as a single family residence;

- 4) The parcel shown on the plan as 103 Babcock Hill Road, bordered by yellow marker, shall be used exclusively for ingress;
- 5) As to the parcel shown on the plan as 127 Babcock Hill Road, bordered by blue marker, the conditions of use are as follows:
 - i. No expansion of the gross building space currently put to office use;
 - ii As to overnight camping, the following annual limits:
 - a. no more than 8 weeks of overnight campers during the months of June, July and August;
 - b. no more than 16 overnight weekend camps (overnights Friday and Saturday nights), during months other than June, July and August.
 - c. No more than one additional week overnight camp during the months other than June, July and August.
 - iii. Daytime programs shall not exceed current intensities;
 - iv. Screening, as shown on the submitted plans, shall be done in compliance with Section 3.2.1;
 - v. No more than four outdoor live entertainment concerts annually, during June, July and August, using electrically amplified sound systems, so long as the amplification system is used only between the hours of 10 am and 5 pm and take reasonable measures to limit the sound from reaching surrounding properties.
- 6) Take reasonable measures to control and reduce the noise associated with the intake of campers, so as to reduce the level of those sounds reaching outside the property boundaries;
- 7) During any construction do not unload trucks or other vehicles on Babcock Hill Road, but do so in the interior of the property

Dan Lein seconded the motion. Voting in favor of the motion: Paula Stahl, Dan Lein, Jean Chaine, Claire Lary and Michael Graf with none opposed.

IV) Report from Zoning Officer

A) Zoning Enforcement Officer Matt Vertefeuille referred to the newest owner of a business in Downtown Willimantic and asked him to give the commission a brief description of his business. It is called Burns BMS located at 24 North Street in Willimantic. Matthew Burns said they just opened last Friday. We discovered there was a need for BMX (safety gear, shoes etc). He said he graduated from Eastern last May and has lived in town for three years and has fallen in love with the area. He said he is really glad to be here.

B) Vertefeuille said the only other thing he wanted to talk about and this goes right along with economic development. In the last 60 days, the intensity of economic development type projects has increased substantially. He said we have heard from people wanting to open businesses, people calling and inquiring about properties. He

said it is very encouraging. He said one of the things he keeps hearing is that zoning is getting better and better.

C) He said he recently met with the owners of the Hurley Building and they are working to get the financing in place. He said he did have them secure the building; there were some windows that were blown in during the storm. They hope they can get going in the next couple of months.

D) Commissioner Jean Chaine referred to signage on the corner of Jackson and Main Street. Vertefeuille said it has not been resolved yet, but he should have some information at the next meeting.

E) Vertefeuille said a blighted building on 15 Milk Street was torn down recently.

V) Correspondence

a) Chair Stahl said we received a letter from the residents around the Horizons neighborhood concerning their request for clarification of our decision of February 28, 2013. A copy of the letter was distributed.

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Lillian Murray, Clerk