

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

**May 24, 2012**

The Windham Planning & Zoning Commission held its meeting on May 24, 2012 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:04 P.M. Members present were Victor Rayhall, Jean Chaine, Juan Montalvo, Dawn Niles, Claire Lary, Dan Lein and Paula Stahl. Also present were ZEO Matthew.

**I) Approval of Minutes**

a) Action on the minutes of April 26, 2012, May 8, 2012 and May 10, 2012 was deferred until the next meeting.

**II) New Business**

There was no new business.

The agenda was amended to move **Other Business** as the next order of business. Motion made by Dan Lein and seconded by Juan Montalvo. The motion carried unanimously.

**III) Potential town land purchase and future 8-24 referral to the Town Council.**

Town Engineer Joseph Gardner said we have been talking with AT&T since year 2008 about buying the parking lot out in back. It has taken a long time, but they have agreed to sell us the land for \$90,000. The property is currently appraised at approximately \$125,000. Since land values are down, they have agreed to sell the property to us for \$90,000. Mr. Gardner said the town has an agreement with AT&T that it has been violating for 20 years; where we tax them, they pay the tax bill and we refund the tax money. We have been billing them, and they have been paying the taxes, but they have not been billing the town. Mr. Gardner said Town Attorney Rich Cody is reviewing a 22 page legal agreement which includes language that states that the grantee shall not restrict the use or sale of a grantor's property based on any zoning requirements that require parking. Mr. Gardner explained that if they wanted to turn their building into a restaurant, night club etc. they want it stated in the legal agreement that the town cannot restrict their parking. Mr. Gardner said Attorney Cody said we cannot do that because we cannot restrict the zoning regulations.

Chair Paula Stahl said the property is in the B1A Zone; however when we changed our parking regulations in order to become more business friendly, it states that if a business is within 500 feet of municipal parking that counts towards parking. Mr. Gardner said if the Board of Education was to move down here, and Probate Court was to stay here, that parking lot would have to be used solely for municipal employees, and in all likelihood we would probably have to take down the two buildings (which are privately owned) out in back in order to provide sufficient parking.

Chair Stahl said she feels this is a valuable piece of property, and added the town should acquire it if possible. It would help with the parking constraints at this end of town more than a parking garage will, she said. She suggested that perhaps the town could provide language in the lease agreement something similar to what was done with the movie theater regarding using the parking that is in front. Mr. Gardner asked if Chair Stahl could write something and send it to Attorney Cody so that he could include it in the agreement.

Chair Stahl said she and ZEO Matt Vertefeulle talked about moving the B-1 Zone boundary line. She said it is better to move a line, rather than just add an island somewhere. She added that a future Zoning Board could change the regulations for the B-1 Zone and could require parking; so that isn't going to solve their issues. Originally Attorney Cody felt it would be better to move the line and make it all B-1, said Gardner.

Commissioner Jean Chaine asked why the telephone company, who owns the building, is concerned about what would happen to a future owner. Mr. Gardner said it could affect the sale of the building for a future use because it doesn't meet the parking requirements. Mr. Gardner said the legal agreement we have with them essentially states that all they have to give us is a 30 days notice to vacate the parking lot. If that were the case we would have a real hard time parking employees at town hall.

Mr. Gardner said we would like to proceed with the purchase of the property. Chair Stahl said within the buy/sell agreement there could be a stipulation that that property has the use of parking in both lots. She said the Jillson Movie Theater's deed says they have parking rights and perhaps similar language would be appropriate for this property.

A discussion ensued.

Commissioner Dawn Niles suggested that Attorney Rich Cody look at that language and add it into the agreement. Chair Stahl said we could also give Attorney Cody our opinion about the town acquiring this property. Commissioner Jean Chaine said it seems that the future direction of that parcel is that it is going to be for the exclusive use of town hall employees. Mr. Gardner said we could simply say that there is sufficient parking within 500 feet of the property line.

Chair Stahl said if a future use of the building was for office use that would be the same time of day conflict for that parking, but if the new use is a restaurant then most town hall employees are gone by then. Mr. Gardner asked the commission to write language for Attorney's Cody review so that we can respond back to them. Chair Stahl said there could be language in the deed that says town owned parking will count towards any requirement for parking. ZEO Matt Vertefeulle agreed to send something in writing to Attorney Cody for his review.

Town Engineer Gardner said the town has the money to buy the property and it also has access to money (Local Capital Improvement Program) to improve it. Chair Stahl asked is there a way to visually incorporate a sidewalk and street lights to make people feel more comfortable going back there to park.

#### **IV) Other Zoning Revisions**

a) Chair Stahl said Windham Mills should be on the list for review. Town Council, at its last meeting, talked about whether or not they would extend a tax credit to Windham Mills for residential use. She said they never voted on that, but they did approve residential use there, and urged the commission to consider that. I guess indirectly they are saying that they would extend the tax credit for residential. Chair Stahl said she had been under the assumption that what the town did five or six years ago had been a traditional tax credit. The way that works is that you pay tax on the property when you buy it, and as you make improvements to the property you pay a graduated tax on the improvements. Commissioner Dawn Niles referred to the bankruptcy. ZEO Matt Vertefeuille explained that The Windham Mills owed 17 million dollars and they went into bankruptcy and the bankruptcy cancelled everything out. Since then they have put approximately two and a half million dollars back into the property, said Vertefeuille. Commissioner Dawn Niles said there was an entire package of different grants that we had to sign off on. I can't get anyone to tell me if we will be in violation of any of these grants. What are the consequences if we change the use of the building, she asked. ZEO Matt Vertefeuille said he has spoken with The Mills principals and they are going to have a total package prepared for the commission's next meeting. Commissioner Jean Chaine said Commissioner Niles issue is well placed because that is where we were three months ago. They came before us, but we didn't want to do anything until we knew the status of all the prior arrangements, and evidently they are not all cleared up. We are being encouraged to move forward, but we are reluctant to do that until we know the consequences. He said he is reluctant to act unless we have a clear view of what is going to happen if we move forward on the request.

Planner Finger said he had checked into this, and talked to the principals before the Town Council met. He explained that he had asked them and the Bankruptcy Trustee if there were any liens on the property. Both said no, they were all expunged. If there are any new grants, we (the Town) were not part of it, said Finger. He said he contacted the State and asked if they had any restrictions or concerns about the Mills, and they said they had none. Chair Stahl said that is only from D.E.C.D. There are a lot of grants from other places, she said. There may be limitations as to whether or not there can be a residential use there. She said this is not an easy process. We have several issues and one of the issues is that we cannot do anything that is counter to our Plan of Conservation and Development. That is one hurdle, she said. Another hurdle is the perception that we are changing regulations to benefit one person or one corporation. That is something that we have to be very careful that we are not doing. She said there are a few things that could be done such as a PDD. The other option is to figure a way to move the zoning line. We looked at some of the contiguous zones at the Mills site to see if we could pull some of that. If we add residential to the M-3, even if we limited it to say that no more than a certain percentage of the square footage of the building to be residential; we could put a limit on it, but this leaves the door open for other properties. She said commercial properties use very little in services, but they pay the tax dollars. She said adding that much residential to Windham is huge. She said one of the things that may work is an Incentive Housing Zone. We could do something over part of the building. We would have to change some of the language in the beginning of that. ZEO Vertefeuille said the PDD would be the fastest and the easiest. Jean Chaine said he would be more receptive supporting a change in the venue for the Mills if it were more in the direction of some of the things that we have been

talking about. Commissioner Dan Lein said the PDD comes closest to how this board would be able to help them. Chair Stahl said if they decide to go with the PDD, we would urge them to talk to us about some different scenarios before they spend a lot of money developing regulations and plans that could be counter to what this commission wants.

## **b) Revisions to the Business Zones**

Chair Stahl said we have been working on the B-2 and the commercial area. She asked if commission members had any comments. Commissioner Jean Chaine referred to Section 32.2.1 dealing with a maximum footprint of 20,000 square feet. Chair Stahl said that footprint is bigger than Walgreen's. Commissioner Chaine said in looking at the permitted uses and for the vast majority of them, 20,000 square feet is too large. Chair Stahl said the maximum size is not mandatory. She said she feels that is a pretty conservative number. She said we need to take a look at what some of the other sizes are. She said 20,000 square feet is 125% of Walgreen's.

Chair Stahl said one of the things she was thinking about in the B-2 is to allow for nice mixes without super large stores that dominate the area. Small stores are frequently owner-occupied. She said regarding setbacks in the B-2 we could require that there is no structure and no parking within the setback. That would give us opportunity for a nice clean area that is landscaped and that would make a sign very visible.

Discussion then focused on the C-1 which actually needs to be called the C-2. She identified areas of town that are located in the C-2.

Chair Stahl referred to some regulations that other towns use for their approval process. She said she sent them to the Town Planner and asked him which one he liked the best. She distributed an 18 page draft which is based on the Town of Coventry. It defines Section 61 as a Final Site Development Plan and how that process runs. It includes a listing of information that is required. It refers to additional application requirements that the commission can ask for; things that we would like and the things that we would be concerned about; public safety, utilities, preservation of water quality. And once everything is approved, how to file the Final site Development Plan.

Section 62 defines the Special Exception/Permit. This talks about the application and how we can waive certain requirements. We can also ask for additional requirements of the applicant. It also includes standards for Special Permits.

Section 84 defines other regulations applicable to specific uses. This is where adult uses, car washing facilities, and alcohol are defined. She said while we are looking this, we should look at the adult uses.

Chair Stahl said she would like to be able to take the B-2, C-2, 61, 62 & 84 to public hearing in July or August.

## **c) Routine Business**

### **I) Correspondence**

1) Windham Regional Planning Commission's comments on proposed zoning change for the Town of Coventry stating that it is not anticipated to create inter-municipal impacts, and Mansfield for Pleasant Valley Districts stating there is potential to create negative inter-municipal impacts.

2) Economic Development Commission Letter to Downtown property owners regarding possible grant (façade) funds. This potential funding is being made available to communities for downtown infrastructure, streetscapes and building improvements.

3) CT Main Street announces 2012 Award Winners – 560 on Main, Cafemantic, and Willimantic Brewing Company.

4) DEEP action on water Quality Certification for Norwich Public Utilities, and First Light Hydro Generating Company for Scotland Dam facility.

### **II) Miscellaneous**

1) Willimantic Camp Meeting Association – possible sewer connection. The D.E.E.P is concerned because they have failing septic systems. Chair Stahl said she met with Joe Boucher, P.E. with Towne Engineering. There are many small septic systems. Some travel across another leach field to get to their own. There are two solutions; one is a community septic system, and the other option is to extend the town's sewer line. The sewer line ends this side of IGA Market. It would be extended 1400 feet, and then up the hill. The reason it is here before us is that The Camp Meeting Association is outside of the Willimantic Service District which means it is not designated as a growth area. She said we would have to change our Plan of Conservation and Development and increase our growth area. WINCOG would have to increase their growth area. She said they are going to try to secure funding for the project, but the state will not fund it unless it is in a growth area.

As there was no further business, the meeting was adjourned at 8:40 P.M. Motion by Vic Rayhall and seconded by Jean Chaine. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, clerk