

**WINDHAM PLANNING & ZONING COMMISSION
WINDHAM, CONN.
MINUTES**

June 27, 2013

The Windham Planning & Zoning Commission held its meeting on June 27, 2013 in Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Scott Lambeck, Ed Pelletier, Jean Chaine, Michael Graff, Claire Lary, Dan Lein and Paula Stahl. Juan Montalvo was excused. Also present were Zoning Enforcement Officer Matthew Vertefeuille.

I) Approval of Minutes

a) The minutes of April 25, 2013 were approved on a motion made by Jean Chaine and seconded by Scott Lambeck. The motion carried unanimously.

b) The minutes of May 23, 2013 were approved on a motion made by Jean Chaine and seconded by Claire Lary. Voting in favor of the motion were Jean Chaine, Claire Lary Dan Lein, and Paula Stahl. Michael Graff, Ed Pelletier and Scott Lambeck abstained. The motion carried.

2) Old Business

a) Hain Materials Corp., 289 Windham Center Road, Windham, CT – Site Plan application for revised plan for excavation.

Chair Paula Stahl explained that the commission reviewed this application last month, and that the applicant needed to go before Inland Wetlands because it is near the river.

Joseph Boucher, L.S. with Towne Engineering, said the applicant intends to excavate to the north of the existing pond. They plan to excavate the pond on the south eastern part of the property in an area that has already been excavated. He identified the location on the map. He said the site is well contained. He said there is plenty of top soil stockpiled on the site to be able to finish the bank. He added that the ponds will be connected by an under water pipe. The Inland Wetlands Commission has approved the plan.

There were no comments or questions by commission members. Ed Pelletier made a motion to approve the continuation of the submitted plan for excavation for another 5 years and Jean Chaine seconded the motion. The motion carried unanimously.

b) Horizons Inc, 127 Babcock Hill Road, South Windham – Site Plan for new Commons Building.

Commission member Scott Lambeck recused himself from participation and the vote on this application and left the room.

Chair Stahl said this is a new site plan application submitted by Horizons for a new Commons Building along with site improvements. She said Horizons was here at the last meeting at which time the Commission reviewed the proposed site plan. Horizons also needed Inlands Wetlands approval.

Joseph Boucher, LS with Towne Engineering, said Horizons did receive Inland Wetlands approval. He said there are two revisions to the plan that was presented last month. He said the first revision is with proposed guardrails along the storm water basin. He said the plan that the Commission has in their packets to replace the guard rails with boulders instead. The second change is an Inland Wetlands condition of approval that they maintain the hay bales that are there now and also install hay bales along the storm water basin. He said this is essentially the same plan that the Commission approved under the Special Permit application.

Michael Graff made a motion to approve the site plan application as submitted and Jean Chaine seconded the motion. The motion carried unanimously.

Scott Lambeck returned to his seat on the commission.

3) New Business

a) Iglesia Pentecostal Vida Nueva, 107 South Park Street – Special Permit Application for a proposed church. Take receipt and schedule for Public Hearing.

Joseph Boucher, LS with Towne Engineering identified the location of the property (former Electro Motive Mfg. building). They wish to buy the property and establish a church in the 40 X 40' building. He said they already have a presence in Town as they are presently renting space in North Windham, CT.

Mr. Boucher said they are planning to provide parking in the rear. They plan to have 27 parking spaces and two handicap spaces on the lot including some gravel spaces at the South Street entrance. He said this site was approved by the Zoning Commission in year 2000, but no construction occurred at that time; and this is basically the same plan. He said there is space in the north-west corner of the property and as the church grows they would like to construct a larger building in that location.

Chair Stahl asked if the storm water area is landscaped. Mr. Boucher said it was. Chair Stahl asked about signage and lighting. Mr. Boucher said that information is shown on the second sheet. ZEO Matt Vertefeuille said there are street lights there and there are houses on either side of the site.

Chair Stahl expressed concern that when the future building is built it will be located in a sea of a graveled parking area. She said they might want to make the building smaller to allow movement on the site. She said she realizes they are not proposing the new building at this time, but she said that would be a concern.

Commissioner Ed Pelletier referred to storm drainage and asked if there had been any testing done. Mr. Boucher said testing will be done. ZEO Matt Vertefeuille said this application will come back before the commission for a public hearing in July and issues such as drainage will be covered at that time.

Commissioner Ed Pelletier referred to the new building. He said the Fire Code may prevent them from putting the building that close to the property line. He said they usually want to be able to have emergency access around the building. ZEO Matt Vertefeuille said that will be reviewed by the Fire Marshall.

The commission took receipt of the application and will schedule a public hearing on July 25, 2013.

b) Peter A. Fish -169 Mansfield Avenue, Willimantic – Pre-application review of a 3-lot subdivision.

Commissioner Ed Pelletier recused himself from participating and voting on this application and left the room.

Peter Fish said he wasn't sure whether he should proceed with a 3-lot subdivision or whether he should consider a lot line adjustment.

ZEO Matt Vertefeuille explained that when Mr. Fish bought this piece of land, it was sold to him as one chunk of land. The deed describes three separate parcels, but they are not conforming lots. The question that Mr. Fish has raised is - how can he re-configure the three lots so they will be conforming. He has enough land and enough frontage to make three conforming lots.

Mr. Vertefeuille said he thought Mr. Fish could ask for a lot line revision for each one of the lots. He said he felt that Mr. Fish would be able to do that as long as he's not leaving a non-conforming lot or creating a new lot (he mentioned a similar case on Jerusalem Road). So, he could choose to do it that way formally, but it is kind of a gray area. It could be a subdivision because it has been sold and used as one lot even though it was described as three lots.

Mr. Vertefeuille explained that this preliminary review with the Commission is to determine whether he should come in for a sub-division or whether he should consider a lot line revision. ZEO Vertefeuille said the confusing part of this is that the metes and bounds are described by "along the boundary of one property, and along the boundary of another ...".

Chair Stahl explained that this property was never legally combined into a single lot. ZEO Vertefeuille said it is still described as three different lots on the deed.

Commissioner Jean Chaine asked if this is still described as three different lots, is he breaking it up to conform to the description of the three original lots.

ZEO Vertefeuille said no. The Assessor's Office considers it a single property if you own a parcel of land with a house on it, and it is contiguous to a vacant lot - and that is what happened. But the three properties and the frontage etc leaves him with the ability to make three conforming lots out of it and still maintain the proper frontage and side lines etc. As far as the subdivision regulations, he could come back if you consider it a new subdivision; or if you consider this just a reconfiguration of the three existing tracts of land we could do a lot line revision, he said.

Commissioned Jean Chaine said he felt we could fast-track this if the information he is giving us is accurate and doesn't change anything, but if any changes are made he would have to come back before the commission. Members agreed that since this was already listed as 3 lots on the deed, there was no need for a subdivision application.

ZEO Matt Vertefeuille said what we would require for a lot line revision would be a survey showing the new property lines submitted with the application. He would also have to have a new deed drawn up showing the metes and bounds. Mr. Vertefeuille offered to meet with the applicant to talk about how to proceed with the lot line revision.

IV) Public Hearing – Complete revision of Section 72 on signs,

Chair Paula Stahl said we have been working on revising all of our zoning regulations. We have been working our way, piece by piece, and making changes. We have 2 public hearings tonight on two of those changes. They are two separate public hearings. Neither one of the public hearings will be closed tonight. We will continue them until July 25, 2013.

She then opened the public hearing on Section 72 on signs. The purpose of these revisions is to make sure we have effective roadside communications for businesses through signage. We want to make sure signs are legible and clearly visible to the public. We also want to address the unique design challenges of each location and types of business. It is a way for us to continue to be business friendly.

She said we began discussions in January 2012. We started off by looking at our existing regulations. We received comments from the Town Planner and the ZEO on the lack of clarity and confusion in interpretation of the existing regulations. One of the things that we did was to look around town at the existing signs and to determine which signs were effective. If they were effective we said why is that. Is it the height, is it the size, is it the type, or placement. We used that as a basis for the new regulations. We also looked at regulations from other towns to see what other towns were doing to make them clearer. We also researched the United States Signs Council regarding guideline standards for business signs. Based on all our research we drafted regulations and then we revised them again and again.

She said we are using the table format for clarity; clarity for businesses and developers, the commission and also town staff. It provides flexibility on the size and the type of sign. It is not a "one size fits all" which is what our current regulations are. It permits

signage for all tenants in a building. It permits hanging signs. She said any existing signs that are permitted at the time of the adoption of these proposed regulations will be grandfathered in. She said the Town Attorney will also be reviewing the proposed changes.

ZEO Matt Vertefeuille said the proposed regulations provide more clarity than the existing regulations. He said he feels the new signage regulations will benefit local businesses. He said he doesn't think there is anything in the signage that is any more restrictive than what we currently have.

Chair Stahl opened the hearing for public comments: 1) John Mc Commas, a member of the Economic Development Commission said the revisions are very nit-picky. He said the proposed regulations require that sign colors and styles need to compliment the building or area. I think that should be up to the business owner, he said. I also feel some of the signs are too small. 2) Weison Huang said he owns a business (Connecticut Soapstone) on Vermont Drive, but has no signage on Main Street. He said his business is located in the back of Main Street and nobody knows his business is there. ZEO Matt Vertefeuille said his business is on Vermont Drive behind Schiller's Sewing Circle. You really can't see it from Main Street. He has received permission to park a truck with a sign on it in a parking lot (between Schiller's Sewing Circle and the building that housed the No freeze Shelter) on Main Street. He said Mr. Schiller has offered to provide him a spot on his building for a sign. We need to figure out a way to make this kind of situation work with the new sign regulations. This is something that the commission has to address. He is a good businessman, it is a good business and we don't want to lose him. We need to find a way to make the regulations work for him.

Chair Stahl asked if the old regulations would allow it. ZEO Vertefeuille said the regulations are silent, they don't say that you can or you can't. Chair Stahl referred to Section 72.13,1 a&b. This section does allow the commission to consider special circumstances.

She then addressed some of the comments received from the previous two speakers. She said in terms of the professional designing of the sign, that would be the person making the sign and I think you would want the design professional making the sign to be involved in working with you on what the design would be. With regard to color and style, she said we are not regulating color and style. It talks about complimenting the sign. It doesn't say that it has to match. She added that the regulations are not meant to restrict, but to make signage more effective for businesses and to enable all businesses to succeed. She said you may feel this is over reaching, but we want to create an even playing field for all businesses, and not the ones with the most money.

3) Joe Duval, a professional sign maker and owner of Signs Plus, said when he first read the regulations he was disappointed by the number of minute details that are in here that are overextending the power of the commission. He then went on to offer comments on the proposed revisions to Section 72 and offered a lengthy list of suggestions. He discussed how certain information such as name, logo, and type of business should be

included on a sign. He also suggested allowing electronic signs as this is a way of the future. He said the regulation should be changed to allow this type of sign with restrictions.

Chair Stahl said she received letters of approval from the Windham Regional Council of Governments and the Southeast Council of Governments.

4) Joseph Boucher referred to the lack of a regulation for the Planned Development Districts and Health District. He also expressed concerns with limiting the height of signs as low signs can be hidden by snow.

Chair Stahl said the Commission would address the comments received tonight. The public hearing will be continued on July 25, 2013.

V) Public Hearing – Proposal for a new regulation on Lighting.

Chair Paula Stahl opened the public hearing on lighting standards. She said the public hearing will be continued on July 25, 2013.

Audience comments: 1) Joe Duval referred to Section 77.5.4 with regard to floodlighting being prohibited.

VI) Report from Zoning Enforcement Officer

a) Saucier Subdivision on Jerusalem Road. The applicant came back to meet with the Zoning Enforcement Officer, and it was determined that they no longer want to create additional lots, but do a lot line revision.

b) Windham Hospital – the new hospital building has been completed and was issued a Certificate of Occupancy.

c) Magnet School – They are at about 95% completed. They need to complete final grading and some runoff issues. They would like a C/O for the building in July.

d) Edible Arrangements has moved to the former electrical wholesale building on Watson Street.

e) Camp Horizons had its first camp session's "in-take session" which includes cheering as campers arrive with no complaints received from the neighbors.

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Lillian Murray, Clerk