

WINDHAM PLANNING & ZONING COMMISSION
WINDHAM, CT

MINUTES

June 28, 2012

The Windham Planning & Zoning Commission held its meeting on June 28, 2012 in Town Hall. Chair Paula Stahl called the meeting to order at 7:05 P.M. Members present were Victor Rayhall, Dan Lein, Juan Montalvo, Dawn Niles, and Paula Stahl. Jean Chaine and Claire Lary were excused. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

1) Approval of Minutes

a) The minutes of April 26, 2012 were approved. Motion made by Victor Rayhall and seconded by Dawn Niles. Voting in favor were Victor Rayhall, Dawn Niles, Juan Montalvo, Jean Chaine, Claire Lary and Paula Stahl. Dan Lein abstained as he did not attend the meeting. So voted.

b) Approval of the minutes of May 10, 2012 (joint meeting with Windham Historic District Commission) was tabled until the next meeting. Motion made by Dan Lein and seconded by Juan Montalvo. Voting in favor were Dan Lein, Juan Montalvo, Dawn Niles and Paula Stahl. Vic Rayhall abstained as he was not present at the meeting. So voted.

c) The minutes of May 10, 2012 (work session) were approved. Motion made by Dan Lein and seconded by Juan Montalvo. Voting in favor were Dan Lein, Juan Montalvo, Dawn Niles, and Paula Stahl. Vic Rayhall abstained as he did not attend the meeting. So voted.

d) Action on the minutes of May 24, 2012 was tabled. The motion to table was made by Dawn Niles and seconded by Juan Montalvo. The motion carried unanimously.

e) The minutes of June 14, 2012 were approved. Motion made by Dan Lein and seconded by Juan Montalvo. Voting in favor of the motion were Dan Lein, Juan Montalvo, Dawn Niles and Paula Stahl. Vic Rayhall abstained as he was not present at the meeting. So voted.

2) New Business

a) John Bellavance, 490 Boston Post Road, North Windham, CT – Site Plan for Restaurant and Country Store. Take Receipt of the application.

ZEO Matthew Vertefeuille explained that the applicant was not able to attend the meeting, but has submitted a full set of plans. Chair Stahl asked for a definition of a country store and what will they be selling? Planner Finger said the applicant didn't explain the country store aspect other than it accompanies the restaurant. He said the restaurant is the primary use. Chair Stahl said in order to gauge the parking and other aspects of the site we need to know

what a country store is selling. Also, is the restaurant open for breakfast, or dinner, she asked. Planner Finger said he characterizes the country store as being similar to a Vermont Country Store where they sell a variety of products, including jams, jellies etc.

ZEO Matt Vertefeuille said the applicant has addressed some concerns that we had regarding Joshua's Trust. Planner Finger said the applicant did meet with representatives of Joshua's Trust who advised him to direct storm water drainage overflow to a state drainage system. They also advised him to screen or cover the dumpsters, and suggested changes to the proposed plantings in order to eliminate potential invasive species.

The commission took receipt of the application and will include the application on the agenda for the July 26, 2012 meeting.

b) Windham Mills – preliminary discussion on potential zoning changes.

Tom Briggs, speaking on behalf of Windham Mills, said the value of the property has been assessed at 70% of the assessed value. He added that there are no existing abatements on the property. ZEO Matt Vertefeuille asked if there are any encumbrances that would hold the applicants back from adding residential to the plan. Chair Stahl asked about financing or any grants. Mr. Vertefeuille clarified that everything was cleared out with the bankruptcy, and there are no strings attached. Chair Stahl said we had heard that there were other opportunities for you to assign some part of your financing package that would have restricted residential use and we wanted to make sure that was not the case. Commissioner Dawn Niles asked if there were any grants, or anything from the town, or from the state, that was based on your bringing in jobs. Mr. Briggs said absolutely not. None what-so-ever, he added.

Martin Connor, a certified planner who does consulting work and also does work for towns said he has a good familiarity with towns such as Windham. He referred to his letter dated June 22, 2012 which explains the applicants would like to discuss a possible zone change to allow for some residential use along with the existing office, restaurant, commercial/industrial uses. He said the applicants would like to discuss a new Planned Development District in accordance with Article V, Section 51, Planned Development Districts – PDD of your regulations. He added that the applicants believe that the Windham Mills Business Center is of sufficient size to accomplish a true mixed use development that includes residential development. He said that another existing zoning district could not be appropriately established on this property that would provide for the mixed uses we envision, he said.

The proposed Windham Mills Planned Development District would include the existing Permitted uses and Special uses permitted currently allowed in the M-3 Industrial District, and would include multi-family residential uses similar to those allowed in the PDD Frog Bridge District. We would request that studio, one bedroom and two bedroom units with the same minimum size requirements as the PDD Frog Bridge District be allowed. There would be no three bedroom units. In addition we would request that student housing and work/live

studios be included in the permitted uses in the proposed Windham Mills Planned Development District.

We are here before you in preliminary discussion to see what the commission's ideas are. He said the previous minutes were reviewed and that is why Mr. Briggs was asked to be here to answer the tax questions. There was a question as to what is the better way to proceed if we propose a change in the zoning regulation. After looking at the zoning regulations and after looking at what you have currently for districts it seemed that the best idea was to have a unique district which would be the Windham Mills District. We would like to include the uses that are currently allowed in the M-3 District and maybe a hybrid PDD District. In looking at the Frog Bridge District it allows studio, one and two bedroom units. That is something that we would be interested in. We are not proposing three bedroom units. We are looking to capture the empty nesters, young professionals and perhaps students. We feel that this would probably work the best.

There were some concerns on how this might fit in with the Plan of Conservation and Development. Looking under Section 3.3, under existing businesses and existing commercial buildings, there is a sentence there that encourages the reuse of existing buildings and development of vacant land. He then went on to review Section 3.3 and described how the proposed PDD would be compatible with this section of the zoning regulations. Under your strategic plan for smart growth and new commercial areas, it states to build upon existing infrastructure. To revise zoning regulations. Multi-tenant development in areas of concentrated development should be pedestrian friendly. This site is very pedestrian friendly, said Connor. He said mixed uses; villages, businesses with retail on the first floor, and housing and offices on the upper floors should be encouraged in certain areas. We feel this area would fit into that category. It says that development must be compatible with the character scale in architecture. We would not be proposing any changes to the architecture.

He then referred to Section 3.4 under zoning. It suggests that you re-evaluate and modify existing commercial, business and manufacturing/industrial zones to better reflect opportunities. He said this is an opportunity as far as housing is concerned.

Section 5.4 reflects population density. It encourages development at the market rate, housing on upper floors, such as one bedroom and two bedroom units to encourage students, professionals and senior tenants. We think our proposed PDD is certainly compatible with this section of the regulations. Under Economic Development in Section 5.4 it specifies to work with existing businesses to enhance their success.

Section 5.5 states to capitalize on the assets. He said the Willimantic River is an underutilized resource. Future development and renovations should include access from Main Street to the river walk. Development with some housing fits right in with that, he said. Section 5.5 under zoning states that zoning regulations should be designed to enhance pedestrian experience and to encourage pedestrian activity. We feel our plan will put feet on the street and increase the pedestrian activity, he said.

Looking at the Neighborhood Section, the Central Business District is a pedestrian oriented historic downtown area in the center of Willimantic and includes high density urban, retail, office, government, arts & entertainment uses. This classic downtown extends from the Windham Mills to Bridge Street between the Willimantic River and Valley Street, and is listed on the national Register of historic places. You have already identified that area to be the central business district, so I think you can make a finding that a lot of what is being proposed would fit in with the Plan of Conservation & Development.

Chair Stahl identified the B-1 Downtown District. She said this is the area where our focus has been. We have been rewriting the zoning regulations to meet the development pattern. She said we didn't allow apartments downtown in the B-1 District. She said the zoning that we have changed in the B-1 District extends between Liberty Bank and Church Street. We anticipate that three buildings in this area are going to be developed.

Mr. Connor referred to the State Plan of Conservation & Development (draft plan). He said that plan really speaks to what we are proposing here.

A general discussion ensued.

Chair Stahl said the way the proposal is written, 100% of the mills could be residential, and she said she didn't think that this was what is intended. One of the things that we have to remember is that the PDD will live forever.

Commissioner Dawn Niles asked if the commission could stipulate how much residential would be allowed in the PDD. ZEO Vertefeuille said it could. He cited the Cedarwood PDD as an example. He says that PDD specifically says that they have to have 30% supportive housing in that building. He said the commission can write any kind of a caveat it wants into that.

Chair Stahl asked what market rent and asked what they were looking at for a studio apartment. Mr. Briggs said a lot of the details have not been worked out as of yet. We first wanted to proceed with the PDD.

Commissioner Dawn Niles asked what the procedure is for the PDD. Chair Stahl said we have been writing changes to the regulations and it will be similar to that, except they will be writing it. It would then come to us for approval before the public hearing. At any time during the process we can modify what is being proposed. Commissioner Niles asked with the changes that we have been doing, why does it make sense for them to write the PDD and not us. Chair Stahl said we can't do spot zoning for a specific property, but they can make a proposal and make a case that this is a unique situation.

Commissioner Dan Lein said we believe that the Windham Mills Business Center is of sufficient size to accomplish the mixed use development that includes residential development and that another business district could not be established (in other words, we cannot spot zone). Mr. Connor said he took that language out of the PDD regulations. It serves as a guide to not make an application for a PDD, but to take a look and make sure

there isn't already a zone that exists. If there was already a zone that would accomplish everything that we wanted then the thing to do would be to ask for that. We believe this situation is so unique and there isn't another zone where it would work.

Dawn Niles asked about the parking, as she felt that they would need more than what is available now – especially with the residential use. She asked if they had considered building a parking garage on the site. Some discussion ensued with Mr. Conner saying that they would look into that.

ZEO Matt Vertefeuille suggested that any commission member who has not yet toured the Mills site to do so. Karl Nielson said we would like to work with the commission and if there are some things that we should add, then by all means we will add them. It is hard to figure uses because things change over the years. We see kind of a high end use here. Planner Finger said market value has to be considered, but we all want affordable units. Mr. Connor said they would work developing language for a PDD.

Planner Finger said the plans that you are looking at were developed and approved. They already have a layout; it is just a matter of tweaking it for this use. Chair Stahl suggested possibly adding a hotel conference center to the plan.

Dawn Niles made a motion to move **Routine Business** as the next order of business and Vic Rayhall seconded the motion. The motion carried unanimously.

3) Routine Business

a) Correspondence and brochure received from the Connecticut Environmental Review Team (ERT) programs, a free service to municipalities in Connecticut. It provides free, multidisciplinary, expert, non-partisan, and project-directed advice and recommendations to municipalities in making important land use decisions. They also enclosed a survey to be completed and returned to them.

b) Miscellaneous – Town Manager letter to OPM requesting an extension to complete the Incentive Housing Grant.

c) Miscellaneous - Main Street Investment Fund – grant program. Chair Stahl said there is a Main Street Investment Fund that the State has created promoting economic growth and job creation in the state which is allowing funding to come to municipalities to do primarily public infrastructure enhancements. A little can go to façade improvements also, she said. She said we need to have a Town Commercial Center Plan in order to be eligible to apply for it.

d) Notification from the Town of Franklin regarding a proposed change to their zoning regulation dealing with earth excavation. ZEO Matt Vertefeuille said this is a continuation of their permit which is expiring.

e) Planner Finger referred to a Pilot Program regarding solar panels. Volunteers are needed to promote this. It is an opportunity for Windham to try to be one of the pilot program participants. They will be selecting 4 and we hope to be included, he said.

f) Miscellaneous – ZEO Matt Vertefeuille said the Planning aspect of the Planning & Zoning Commission is charged with directing the way the housing code enforcement should be done. He said he separated the town north, east, west and south etc. We are currently on the east section. The plan was to start on the south section. He asked the commission if this is an appropriate direction to go in. He said currently there is one full time inspector and one part-time, 30-hour inspector in his department. He said he has authorization to hire another 30-hour person. We are waiting for some union issues to be resolved, he said

After a brief discussion, Dan Lein made a motion to follow the recommendation as presented by Mr. Vertefeuille to follow a detailed plan of implementation that is based upon the geographic location of property in the Town of Windham. Dawn Niles seconded the motion. Commissioner Vic Rayhall asked if the State can overrule our decision. Mr. Vertefeuille said yes it can. The motion carried unanimously.

4) Revisions to the Business Zones

Chair Stahl reviewed the proposed changes to the **B-2 District**. She referred to page 2 of the special uses. She said in this draft the B-2 between High Street and Blockbusters was changed to reflect members' comments at the working meeting that vehicle fueling stations, renting & leasing should be a prohibited use. She said in that whole stretch from High Street to Mansfield Avenue many of the buildings sit on the sidewalk and this draft now reflects a setback of 10'. She said from the former Co-cola Bottling plant out to the highway the biggest change in this draft is adding gas stations as a permitted use. Sexually oriented adult uses would continue as a special use and the applicant would need to come before the commission for approval.

Chair Stahl then reviewed changes to the C-2 District. She said the maximum footprint of 100,000 Square feet might not work for this area, as it is too large in places and too small in others, she suggested adding a C-2A component. Sexually oriented adult uses would be prohibited.

She said we also need to review Sections 61, 62, and 64.

As there was no other business, the meeting was adjourned at 9:03 P.M. Dawn Niles made a motion to adjourn and Vic Rayhall seconded the motion. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk