

**PLANNING & ZONING COMMISSION
WINDHAM, CT**

MINUTES

July 26, 2012

The Windham Planning & Zoning Commission held its meeting on July 26, 2012 in the Meeting Room, Town Hall. Chair Paula Stahl; called the meeting to order at 7:00 P.M. Members present were Victor Rayhall, Jean Chaine, Juan Montalvo, Claire Lary, Dan Lein, Dawn Niles, and Paula Stahl. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

I) Approval of Minutes

a) The minutes of May 10, 2012 (joint meeting with the Historic Districts) were approved. The motion was made by Dan Lein and seconded by Juan Montalvo. Voting in favor of the motion were Dan Lein, Juan Montalvo, Vic Rayhall, Dawn Niles and Paula Stahl. Jean Chaine abstained as he was not present at the June meeting. So voted.

b) The minutes of May 24, 2012 were approved. The motion was made by Dawn Niles and seconded by Dan Lein. The motion carried unanimously.

c) The minutes of June 26, 2012 were amended as follows: pg 5, #3 Routine Business, item c) Miscellaneous – 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. Pg 5, para 4 add: Dawn Niles requested that they consider the parking needs for their plan. Pg 6, item d, line 2 - ZEO Matt Vertefeuille said **this** is a continuation of their permit which is expiring. Pg 6, item 4 zoning Revisions. Chair Stahl revised the minutes relating to the B-2 zone. Commission members agreed and the minutes were approved as revised. The motion to approve the minutes of June 26, 2012, as amended. was moved by Dawn Niles and seconded by Vic Rayhall. The motion carried unanimously.

d) The minutes of July 12, 2012 were approved. The motion was made by Dawn Niles and seconded by Claire Lary. Voting in favor of the motion were Dawn Niles, Claire Lary, Jean Chaine, Juan Montalvo, and Paula Stahl. Vic Rayhall and Dan Lein abstained. The motion carried.

2) John Bellavance, 490 Boston Post Road, North Windham, CT – Site Plan for a Restaurant and a Country Store.

Normand Thibeault, P.C. with Killingly Engineering Associates, and representing the applicant, explained that originally the name listed on the application was John Bellavance. Mr. Bellavance passed away last week due to complications from leukemia. The other property owner is Craig Gates (a cousin of Mr. Bellavance) and whose name is

on the check that actually paid for this application. Mr. Thibeault asked that the name on the application be changed to Craig Gates.

Mr. Thibeault said the applicant proposes to construct a 6,000 square foot “Country Store” and restaurant (3,000 square feet per level) on a 1.48 acre property in Windham. The property is located on the southern side of Boston Post Road (Route 6) and abuts the existing Tractor Supply facility to the west and the White Cedar Bog to the east and south which is owned by Joshuas’ Trust, a land preservation organization. Currently there is an abandoned home and several wooden out buildings, as well as an in-ground swimming pool. These will be demolished and will be replaced with a rustic building with a porch on the front of the building. There will be two levels, the lower of which would be entered from a lower elevation at the rear. One front entrance would lead to an ice cream shop and the other would lead to the country store which will sell pottery, glassware, candles, and gourmet foods. Customers will be able to order ice cream at a walk-up window on the side of the building and sit on picnic tables close-by.

He said the State DOT has approved the plans with a condition that a 30” stop sign be placed at the exit.

The property is located in the C-4 Zone. This area was recently rezoned, and as a result of that we have limitations as to the amount of impervious area that we can utilize on the site, said Thibeault. For that reason, portions of the parking will be constructed of crushed stone to meet the maximum 25% impervious coverage requirements. The project proposes to construct the maximum allowed parking of 30 spaces with only 9 of them paved. The existing loop driveway will be eliminated and a combined 24’ wide access/egress will be constructed. The driveway point provides excellent sightline in both directions and the 70’ pavement width provides sufficient passing lanes for vehicles turning into the site. The plan is currently under review by the CRDOT.

The soils on the property are extremely well drained soils. Drainage will be substantially by sheet flow to a grassed infiltration area located at the southeastern corner of the parcel. A smaller portion of the drainage will be collected into a closed drainage system and conveyed to a drainage system located within the CT state right of way. Drainage from this system ultimately drains to a large gravel retention/infiltration area located on the north side of Route 6.

The project will be served by a public water supply that will be extended from the current termination point at the eastern property boundary across the frontage to the western property boundary. The septic system that we are proposing along the back of the building will be a Geomatrix system, a proven technology that is utilized extensively along shoreline properties and has been approved by the State Dept. of Health. These types of systems were originally designed for properties along coastal areas in the State. He said this is the third such system that he has designed. He has designed one system in Groton and one in East Lyme, along the coastal waterway and both are working very well. The system is sized to accommodate up to a 40-seat restaurant by State Health Code requirements, as well as retail for the remainder of the building. The restaurant will

also have a grease trap installed as required by the State Health Code. He said one of the things that we had to do because of the limited area where we could put the septic system was to keep it as far away from the Joshuas' Trust land that is behind it. He said test holes were dug and monitored and there was no water, he added. ZEO Matt Vertefeuille said one of the other things that we found when we did Tractor Supply Store was that water actually flows out of the bog towards the airport. Mr. Thibeault said it is a really unusual situation there where you are digging these test holes 60 or 70 feet away from this wetland and the bottom of the test hole is 3 or 4 feet below the level of the bog and there is no evidence of water at all. It is all fine sandy and gravel material.

Mr. Thibeault said we are proposing 30 parking spaces, but only 9 of them will be paved. The rest will be gravel. Currently there is a looped driveway that comes out in two spots on Route 6. We did look at utilizing that looped driveway, but it just took up too much space and also resulted in a lot of additional paving. One of the other nice things about the lack of paving is that with gravel surfaces the water will infiltrate into the soil much better. He said for the 2-year and 5-year design storms, collected runoff will be infiltrated entirely. For larger storms, overflow from the system will be conveyed to a drainage system located within the state right of way. Drainage from this system ultimately drains to a large gravel retention/infiltration area located on the north side of Route 6.

Mr. Thibeault said they did walk the property with Joshuas' Trusts' representatives and incorporated into the plans revisions relating to drainage and plantings. Also there were concerns about the dumpster and we have agreed to cover and screen the dumpster with fencing. They also suggested changes in the proposed plantings to eliminate potential invasive species and suggested a maintenance procedures for the drainage system.

Mr. Thibeault then referred to a conceptual floor plan of what the building would look like. He said the building will be a rustic looking building with a rough sawn exterior, with large windows, a deck, a porch and two separate entrances. One front entrance would lead to the ice cream shop and the other would lead to the country store. The downstairs level would include the restaurant and would have several tables and booths. The entrance to the restaurant will be in the back.

Planner Finger said one concern relating to the decorative dormers and the room for signage is that there is not a lot of room for signage on the face of the building. He said maybe that needs to be addressed so that you have more face on the building.

He said the owner has not indicated what type of signage they want to have. Chair Stahl asked about a lighting plan. Mr. Thibeault said they are proposing a total of five colonial style lights; one at each of the front islands, and 2 in the back. They are 10 feet high and typically do not produce a lot of light. They are very low intensity lights. Their purpose is to provide safe pedestrian access, but no to shed glare off the parking lot.

Chair Stahl asked about the elevation at the road. Mr. Thibeault said the elevation at the main entrance is about 256' and the finished floor at the upper level would be

264'.

Planner Finger said the town engineer has reviewed the first plan that had a different drainage pattern and he said they were okay. Mr. Finger said he told him about the current situation of putting the water into the state's system and dumping it over to the airport and he said that was even better. We just received a report from the Fire Marshall said ZEO Matt Vertefeuille. They need to relocate the fire hydrant from the Route 6 area to the island where you drive into the property on the right hand side. Mr. Thibeault said currently the water line terminates at the property boundary and according to the Water Dept. we have to extend the line all the way across the property.

Although this is not a public hearing, the Chair asked the members and Mr. Thibeault if Joan Hill, who is on the Stewardship Committee for Joshuas' Trust, which abuts the property to the northeast, could speak as she was present. All agreed. Ms. Hill said putting a dumpster near the property line would mar the beauty of the Trust site. This is the only part of our property that is dry and accessible to the public. She also was concerned about discharge of storm drainage overflow. Ms. Hill also requested the erection of a stockade fence on the property line so that the parking area would not be visible from the Joshuas' Trust side.

Commissioner Jean Chaine said one of the most unsightly things when you are out enjoying nature is the trash that people leave behind. There are recommendations at the trail head about bringing trash in and out, and those of us who pick up the trash want to have someplace to put it. He suggested that Mr. Gates might grant Joshuas' Trust visitors the use of his dumpster in exchange for leaving it at the proposed location, but Ms. Hill felt the compromise was not satisfactory.

The discussion then continued regarding erecting a stockade fence. Mr. Thibeault felt that utilizing a stockade fence, such as the 8' fence at the Tractor Supply Store invites people to throw trash over it. He said perhaps a green vinyl coated chain link fence with some landscaping might be more appropriate than a stockade fence. Planner Finger said one of Ms. Hills' concern was the visual impact with the parking lot. The chain link will character the natural environment, said Finger. Ms Hill said she prefers a stockade fence.

Commissioner Jean Chaine asked whether or not having a shared dumpster to encourage trash being carried out with a place to put it might have some benefit to Joshuas' Trust that would mitigate a full blown visual blockage between the two properties. Ms. Hill said no because we find very little trash on our property. Once a year we bring in two pickup trucks and take out the trash along Route 6 that comes onto our property.

After additional discussion, Mr. Thibeault agreed to place the stockade fence along the Joshuas' Trust side of the property and also move the dumpster to the other side.

Chair Stahl advised the applicant that before the commission could take action on the plan a revised and more detailed plan, addressing the concerns with signage, and lighting and how long the lights would remain on, etc., and also showing the relocated fire

hydrant and dumpster would need to be submitted. Mr. Thibeault agreed to submit the revised plans prior to the commission's next meeting on August. 23, 2012. Planner Finger suggested that we ask for an extension of time, due to the circumstances, to allow the material to come in.

3) Windham Mills – Preliminary Discussion on Potential Zoning Changes

Martin J. Connor, AICP, Planning Consultant introduced other members of the William Mills team; Kenneth Hrica of Hrica Associates and Karl Nilson of Zoning Info CT. Owners of the property are TWB LLC and Loch View LLC. When we were last here on June 28, 2012, we talked about establishing a Planned Development District (PDD). The PDD would include existing Permitted Uses and Special Uses currently allowed in the M-3 Industrial District and would also include multi-family residential uses similar to those allowed in the PDD Frog Bridge District.

He referred to his letter dated July 21, 2012 addressed to Chair Stahl and asked that it be entered into the record. The letter explains that the applicants wish to be placed on the July 26, 2012 to continue their preliminary discussion with the commission on a proposed new Windham Mills Planned Development District. When we last met with the commission on June 28, 2012 we agreed to prepare a list of proposed uses for the new Windham Planned Development District. We also agreed to show the areas of the property that we felt would be appropriate to be converted to a residential use. We have worked with our engineer, Kenneth Hrica, to determine what sections of the property could be converted to a residential use. Our proposal would be that no more than 40% of the existing floor area on the property would be allowed to be devoted for residential uses. We have also worked with Mr. Hrica to develop additional parking information.

The Permitted Uses we would propose in connection with the new Windham Mills PDD are manufacturing, processing or assembly of goods, warehousing and wholesale businesses, research labs, Town of Windham, State of Connecticut, U.S. Government offices, recreation, parks and utilities sub-stations, professional offices, medical and dental clinics, professional counseling services, financial services, educational uses, retail, personal service services, exercise facilities, adult & child daycare centers, restaurants including establishments serving alcoholic beverages, entertainment, theater, hotels and conferences, contracting businesses, including but not limited to plumbing, heating, electrical, mechanical and general contracting, accessory uses to principal uses on the property, other industrial and commercial uses of a similar nature provided they are not specifically prohibited in keeping with spirit and intensity of the district. Residential uses in the Windham Mills' PDD shall be no more than 40% of gross floor area. Multi-family residential dwellings may include studio, 1-bedroom, and 2-bedroom units. There shall be no 3-bedroom units. Customary accessory uses to the above permitted uses including, but not limited to laundry, and drying facilities, lounges, rental offices, indoor or public parking, and onsite storage residences, home occupations in accordance with the zoning regulations. Regarding dwelling unit size, the minimum floor area shall be as follows: A studio would have a 600' square foot area, a 1-bedroom would have 900 square feet, 2-bedroom 1300 square feet.

Basically we have updated the list of uses based on comments we have heard before and we have looked at the other similar residential PDD.

He said the commission has expressed concern with parking. They questioned whether the Mills' current parking plan could adequately accommodate needs if residential uses were permitted.

A lengthy discussion ensued regard the proposed parking.

Mr. Ken Hrica, of Hrica & Associates, PE reviewed the proposed parking plan. He said the 40% residential use figure had been calculated by looking at the number of parking spaces (429) and working backward, based on space capacity, to determine the maximum number of people that could be accommodated. He said the calculations were complicated by the mixed nature of proposed uses for the complex in which the owners propose the incorporation of office, restaurant, manufacturing, education and storage elements, as well as residential units. It was just the way to put numbers on a plan and say this can work. He said the 40% residential use would be the maximum, not the goal. It doesn't mean that we are going to target 40%. It just gives us another option to fill the buildings, he added.

Using the plan, he identified the parking proposed for the site. He identified building numbers and included the number of parking spaces proposed for each building.

Chair Stahl referred to the use of education. She said looking at the minimum and maximum, and the use that would fall between those, it would be something that would be determined either by staff approval or through the Planning & Zoning Commission. It would probably have to be based on the actual enrollment, she said.

Mr. Connor said we heard what the commission said at the last meeting and we said we had to figure out what would be the percentage that we could possibly have for residential. Chair Stahl said her guess would be if you need 82 spots for education, you might have 100 students. She asked, using your calculations are you considering the spaces that are already at Art Space. Mr. Hrica said the uses in terms of parking spaces, education would use the most spaces. He identified the areas they have targeted for residential. Commissioner Dan Lein said given the amount of parking space and the ability for a retail person going in there, and now you have it filled with people living there, where would you park in order to get to that retail. Mr. Hrica said we believe there will be spaces available especially with the mixed use. Commissioner Claire Lary said the parking lot that is over next to Art Space now is usually full.

Commission Jean Chaine asked is there an easement for recreational walkways along side the river. Chair Stahl said the walkway is still there and there is an easement for parking.

ZEO Matt Vertefeuille clarified that they are showing 429 parking spots. If each unit had one car that is only 25% of the parking. Currently at night they are only using 10% of the parking. So, it wouldn't even reach 30 or 40% of the total parking at night, he said.

Commissioner Jean Chaine said back in March, 2012 you stated that you wanted to do something a little different at Windham Mills, and one of the areas that we talked about under residential was housing for residents who have inadequate resources and special needs. He raised concern about the tenants who might come to inhabit the Mills. Those who need assistance tend to be a very needy population and as a result the kinds of services that they require begin to be supported by taxpayers. What market are you now targeting for residential, he asked. Is there a way to try to balance the portion of the population who need assistance so we are not saturated with this type of housing? All the houses are market value, and would not be special needs housing, said Connor. We are not asking for any special residential uses. Furthermore we're thinking that this is going to be higher-end housing with young professionals, empty nesters as the targeted demographic groups. Commissioner Chaine said he felt marginally better. He asked if the applicants would be willing to write that into the plan if we approve this PDD. Mr. Connor said yes, it is on the list right now.

Chair Stahl said the next step for the Mills' owners is to finalize and submit an application for their list of proposed zoning regulations for the PDD, after which we will schedule a public hearing. Mr. Connor said they will submit the completed application. Chair Stahl suggested that they submit their application in time for the October meeting.

4) Revisions to the Zoning Regulations

Claire Lary made a motion to schedule a public hearing on September 27, 2012 for revisions to the Business Zones and Dawn Niles seconded the motion. The motion carried unanimously.

5) Chair Stahl said the Main Street Investment Fund grant process is moving along, and the Town Planner is working on the Grant.

6) Routine Business

a) Complaint regarding Camp Horizon, South Windham

ZEO Matt Vertefeuille said we received a complaint signed by several people who live in the area of Camp Horizon, which is a camp up on Babcock Hill Road in South Windham, CT. Recently they completed a construction project of a new building which houses an educational component and some office space where they bring in people and have training and classes. When they originally came to this commission for a Special Permit, they showed the site plan which had this building on it with the additional parking. They had special hearings on this and people had the chance to come out about it. The history on this is the camp has been in operation for over 80 years. He said he grew up in the village of South Windham, and 40 years ago when he was a young man he could hear the

camp from his house at the bottom of the hill. They have always used loud speakers and have had big gatherings with cheering etc. He said he met with Chris McNaboe, Director of the camp. We walked through the entire camp went into every building and talked about every program they do and all the events they have and how they handle drop-offs etc. She expressed her concern about the complaint. One of the things she did before this letter came out was she went door to door to every one of the abutters and to the people across the street and handed out a flyer that includes all the events which are called Second Sunday Festivals and invited all the neighbors to come. They had live music, a block party, a farmer's market, 4th of July fireworks. She has been very inviting, her door is open. She said she is very concerned about the complaint and since then has gotten the Rotary Club to donate dozens of Motorola radios that all of the counselors use, so instead of having a loud speaker or a megaphone for emergency situations, and they have 4-6 emergency situations a day, instead of announcing the emergency on the loud speaker they now are using walkie talkies. Additionally, the drop off area for the campers was in a building that was close to their property line and now they are centralizing the camp so when the campers are dropped off they enter in the center part of the camp. They have done away with all amplified sounds on the property, he said. I feel really confident that they are doing all that they can to mitigate the noise, said Vertefeuille. They have a landscaping buffer between the new building and the abutting properties and she said she is going to continue to work on the landscape buffer, he added.

Commissioner Jean Chaine pointed out the petitioners' main concern was the continued acquisition of abutting properties, and I don't think that is anything that we can control. When they convert that property for the additional use that is when we can exercise some control if we want to maintain the spirit and intent of the zone that they are in which is strictly residential. ZEO Vertefeuille said future development is going to need Special Permits awarded by the PZC. On each permit application the PZC will be able to weigh their requests against feedback from the neighbors.

Mr. Vertefeuille said he will draft a letter to the residents explaining the PZC's response and inviting them to meet with him and Ms. McNaboe. My plan is to respond to every person on this complaint, said Vertefeuille.

As there was no further business, the meeting was adjourned at 8:50.

Respectfully submitted,

Lillian Murray, Clerk