

WINDHAM PLANNING & ZONING COMMISSION
August 22, 2013 – MINUTES

The Windham Planning & Zoning Commission held its meeting on August 22, 2013 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Ed Pelletier, Jean Chaine, Juan Montalvo, Michael Graff, Dan Lein, Claire Lary and Paula Stahl. Scott Lambeck was excused. Also present were Town Planner James Finger and ZEO Matthew Vertefeuille.

I) Approval of Minutes

a) The minutes of June 27, 2013 had a minor correction (typo); page 4, item IV, line 1 should read: Chair Paula Stahl **said...** - Ed Pelletier made a motion to approve the minutes of June 27, 2013 as amended and Claire Lary seconded the motion. Voting in favor of the motion were Ed Pelletier, Claire Lary, Jean Chaine, Michael Graff, Dan Lein, and Paula Stahl. Juan Montalvo abstained as he was not present at that meeting.

b) Juan Montalvo made a motion to approve the minutes of July 11, 2013 and Jean Chaine seconded the motion; all voted in favor, and the motion carried unanimously.

c) Jean Chaine made a motion to approve the minutes of July 25, 2013 and Ed Pelletier seconded the motion. Voting in favor of the motion were Jean Chaine, Ed Pelletier, Michael Graff, Dan Lein and Paula Stahl. Juan Montalvo and Claire Lary abstained.

d) The minutes of August 8, 2013 were approved. A motion was made by Jean Chaine and seconded by Juan Montalvo. The motion carried unanimously.

II) New Business

a) Rose Brothers, 351 Boston Post Road, North Windham – Application for a Special Permit and Certificate of location to permit a used car dealer license at existing auto repair facility.

David Rose said we have a Repairer's License approval for this location and we would like to upgrade the Repairer's License to a Used Car Dealer's License. He said we are also seeking relief on the setback rule so that vehicles can be displayed up to the property line. Because the lawn area is so deep due to the fact that Boston Post Road was widened and moved, it is very difficult to see the displayed vehicles that are for sale if they are not up front on the lawn. The sight lines will not be affected. There would be a capacity to display 20 vehicles on the lawn.

Commission member Ed Pelletier said it appears that the shaded area might be over the state highway line and said he didn't know if they would approve that. Mr. Rose said it shouldn't be a problem because we have no plans to alter the existing parking lot in any way.

As there were no other comments or questions from Commission members the commission took receipt of the application and scheduled a public hearing for September 26, 2013.

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b) **John Walker, 81 Union Street, Willimantic** – Special Permit for signage.

Planner James Finger spoke regarding the application in the absence of Mr. Walker. He explained that Mr. Walker received approval from the former Zoning Commission to erect the directional pole sign for businesses that were not located on the site. It was a unique sign and the commission agreed to allow it on a temporary basis.

The conditions of approval were:

- the sign panel was restricted to the name of the local business and the distance within a radius of 5 miles;
- each sign panel should be limited in size to 10” wide and not more than 8 feet in length;
- each sign may be double faced on the pole to allow visibility in two directions;
- the permit for the directional pole signs will be limited to 5 years and may be renewed, or revised by the Zoning Commission upon request.

Planner Finger said Mr. Walker is now back asking for a renewal.

Planner Finger referred to the picture of the directional pole sign in the packet – that shows it located on the corner of Jackson Street and Main Street near the Yellow Rose Barbecue. He said there is a farmer’s market pavilion on that corner.

Chair Stahl referred to the photo that was submitted with the application. She said I didn’t believe any of the businesses that were advertised were those that were approved by the Zoning Commission. She said there are other signs in that location that she had directed the Zoning Enforcement Officer to look at. The old regulations don’t allow signs advertising a business that is not on that particular parcel. This is why the former zoning board gave Mr. Walker a Special Permit on that property (for 5 years) in 2005.

He also came before the commission requesting banner type signs located on the back of the building.

ZEO Matt Vertefeuille explained that in January 2001 a Special Permit for 3’X10’ vinyl banners allowing other businesses not on the parcel to advertise.

Commissioner Jean Chaine said it seems that this particular location is transitioning into something a lot different from what was originally approved, and that may be a problem.

As there were no other comments the commission took receipt of the application and scheduled a public hearing on September 26, 2013.

c) **Connecticut Casket company** – proposal for use of **534 North Windham Road**, as manufacturing facility and other compatible uses.

Mr. William Covey, a partner with Connecticut Casket Company, spoke to the request. His letter dated August 14, 2013 explained that they are discussing the possibility of acquiring the property for their use. The 19 acre parcel that is located at the corner of

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Route 203 and Boulevard Road had two gigantic chicken coops on it. Although the property is currently zoned R-1 (for residences), and doesn't allow commercial uses, the property has historically been used for a high density agriculture use. The owners were forced to stop using it for that purpose when the Dept. of Health issued a cease & desist order due to a major fly problem in that area. They could not satisfy the Health Dept., so they closed.

He said that his company manufactures wooden caskets and urns and sells to funeral homes across New England, New York and New Jersey. These units are environmentally safe and cost efficient to the public. We feel that we offer a value to our customers, said Covey. Currently we are in the middle of a deal with the Connecticut Department of Redevelopment and if this moves forward we anticipate creating 30 more jobs in the town.

He said they plan to use one of the existing buildings on the parcel for their manufacturing facility and the other would be used for various other uses such as storage.

He said that they are currently located at Moulton Court, Willimantic, CT., in an old mill building that is no longer suitable because of its size, limited parking and loading facilities.

Commissioner Dan Lein asked how much traffic this business would generate, adding that this is in a residential area. Mr. Covey said realistically if this plan goes to full capacity we would be at almost 40 employee cars, we would be receiving one lumber truck in every day one truck out every day. So, one tractor trailer truck in a day and one tractor trailer truck out a day.

ZEO Matt Vertefeuille said previously the property was used as a chicken farm and that produced a lot more traffic. Commissioner Jean Chaine agreed. He said this business and the activity it would generate would be less than what was there before.

Chair Stahl said we will do everything possible to keep a business in town, but we must also keep in mind that this is a residential zone and the neighbors must be considered. Commissioner Jean Chaine asked if abutting property owners would be notified. Planner Finger said we could ask the applicant to do that.

Commissioner Jean Chaine asked about hours of operation. Mr. Covey said they currently operate from 6:00 AM to 3:00 PM.

ZEO Matt Vertefeuille said the use would be allowed under special uses. He said the commission has a couple of different options; 1) the proposed plan would be allowed under the Special Use Permit and 2) we could change the zone. He said as far as the process goes, if the Commission wanted to we could actually schedule a public hearing for our next regular meeting for a zone change and a Special Permit, and run them simultaneously. ZEO Vertefeuille said we could tentatively schedule a public hearing on October 24, 2013. Chair Stahl said we cannot schedule a public hearing until we receive

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an application. She suggested that Mr. Covey meet with Town Planner James Finger and ZEO Matt Vertefeuille to discuss timetables and how best to proceed.

III) Regulation Revisions

a) Continuation of Public Hearing –Complete revision of Section 72 on signs.

Chair Stahl referred to the proposed changes listed in the draft copy. She said the language appears to be the same language that we had before with the exception of what is in bold type and what is underlined.

She then reviewed all the changes in Section 72.1 through Section 72.13 (See attached).

She then read a letter from Joseph Boucher listing his comments pertaining to Section 72.3 & 72.4.4, Section 7.4.d, Section 72.6, Section 72.6.3, Section 72.7.1, and Section 72.11.b.

Chair Stahl said she wanted to check some of the recent businesses that are open. She said we tried to look at newer signs that have gone up in town to see whether or not the maximum sign area is in the proposed regulations. We looked at Aaron's, Stop & Shop, The Bench Shop and Aldi's. They have ample signage, but are well within the new parameters.

Chair Stahl recommended the following changes: page 7 at the bottom of the page regarding Wall Promo Signs. She recommended under maximum area and height – change to total less than **40%** of major sign. Also just for clarity on Page 9 change wording to state **there is no maximum sign area per lot within the B-1 District**. Also, at the ZEO's suggestion, Page 9 regarding Menu Sign-sandwich board style. Remove **“limited to restaurants”** under additional requirements.

Chair Stahl then opened the hearing for audience comments: 1) Joseph Duval thanked the commission for incorporating many of his recommendations made at prior meetings. He referred to specific sections of the proposed draft, such as Section 72.3.5 and Section 72.4.8d. The commission responded to his questions. 2) Bill Potvin read a letter from John Walker (who is unable to attend this hearing) voicing his opposition to the proposed changes to the regulations. He listed numerous complaints in his letter. He said the average renter cannot understand the regulations nor has the money and time to comply. He said there are a multitude of issues that he would like to discuss with regard to the regulations and asked the commission to table action for several months so the issues can be vetted further.

Mr. Potvin said being a small business he sometimes feels there is too much of a polarization between government and small businesses that are working so hard to compete against the corporate world and sometimes you get things from government that make it difficult and very frustrating so that is while he and his brother felt Mr. Walker's letter was worth reading here. 3) Roger Adams, working for the Chamber of Commerce

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said he does agree with what Bill Potvin said about how easy it is to confuse new start-up businesses with regulations and requirements. He said he also agrees with Joe Duval has said regarding digital signage. This is something that we are going to have to adapt to. He commented on Section 72.4.7b – signage at malls not being able to identify tenants. Also Section 72.12 - flood light illumination deleted. This raises the issue of future projection signage which is growing and can be quite attractive. I hope that section does not prevent projection signage. 4) Kurt Lessenger said he agrees with Joe Duval and Roger Adams on the Section 72.3.5. He referred to sign lettering and said he feels 6” is a fairly big size for a minimum lettering size. He suggested reducing that to 4” depending on the size of the sign. He referred to 40% text and 15% background which are illuminated. All of a sudden you have only 15% of the sign that is illuminated. That limits the design and readability. He referred to digital signs. He said he feels it is unfair to allow only some businesses to have digital signs. He referred to Non-conforming Signs. He suggested adding verbiage that all non-conforming signs must be maintained in good condition or they will have to abide by the new regulations. 5) John McCommas said he was pleased with the revisions, but didn’t understand why signs have to be consistent with the architecture. I think the sign should be up to the owner.

As there were no other comments, Ed Pelletier made a motion to close the public hearing and Juan Montalvo seconded the motion. The motion carried unanimously.

Dan Lein made a motion to approve the regulations as proposed and revised and Juan Montalvo seconded the motion. The motion carried unanimously.

b) Continuation of Public Hearing for a new Section 77 on Lighting.

Chair Paula Stahl reviewed the proposed revisions to the Lighting Regulations. She reviewed all deletions (shown as struck-through) and additions (shown in bold type and underlined).

A general discussion ensued.

Ed Pelletier made a motion to close the public hearing and Dan Lein seconded the motion. The motion carried unanimously. Juan Montalvo made a motion to approve the proposed revisions on Lighting as written and revised and Dan Lein seconded the motion. The motion carried unanimously.

c) Continuation of Public Hearing on a proposal to establish an Incentive Housing Zone for several properties identified as The Hooker Hotel, 819 Main Street, the former YMCA Building, 832 Main Street, Town Owned Property know as the Chapman Block, 804 Main Street, the Old Lumberyard, 87 church Street, the former Cinema, 1 Jillson Square and the adjacent Town owner land (next to Jillson Square, 645 Main Street, Also properties as 161 Main Street, 179 Main Street, 185 Main Street, 38 Elm Street, 46 Capen Lane and 34 Boston Post Road.

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Planner Finger said he mailed out 85 letters and only have 3 responses. A letter from Stephanie Johnson, 51 Elm Street was opposed to the proposal to develop an Incentive Zone on her area. She cited problems with drug dealing, and persistent problems with tenants of non-owner occupied rental units. She said there is also enormous blighted property on the street. She suggested experimenting with this on Main Street first and then revisit the idea of imposing this on our smaller neighborhoods.

Ed Pelletier made a motion to close the public hearing and Juan Montalvo seconded the motion. The motion carried unanimously. Dan Lein made a motion to adopt the Incentive Housing Zone and Juan Montalvo seconded the motion. The motion carried unanimously.

IV) Report from Zoning Enforcement Officer.

ZEO Matt Vertefeuille reported that he met with the contractors for the Horizons project, and they have submitted plans for permits with a planned start date of September 2nd – and a groundbreaking for is planned for September 4, 2013. He mentioned that students at Eastern (ECSU) will be starting next week and he had been meeting with Eastern Officials to discuss student behavior on and off campus. He said he had done a site plan review of Valley Oil on Columbia Ave. They currently have a 20,000 gallon oil tank, and they want to install a propane tank and expand their business. They discussed where to place the tank, safety, and procedures. He said he didn't foresee them having to come before the PZC as its accessory use to their current business.

He then mentioned a meeting with 'Our Piece of the Pie' - (Path Academy) and their consultants to discuss the new Charter School that plans to go into the former YMCA building. He referred to a letter from Crosskey Architects who plan to pull permits for construction starting in about November 1st with an opening date of August 1, 2014. Lastly, he explained that there have been a lot of comments about the Housing Code changes, and a lot of misinformation – but not to believe this unless it came from him. He said the changes are on the Town's web site, and you can read them and make your own judgment – and if there are any questions – to give him a call.

Commissioner Jean Chaine related to the Horizons project and asked if there is going to be any verification to ensure that all the equipment on the property and not on the road-side. Matt answered that this was absolutely part of the pre-construction meeting about where staging can happen. The type of construction is going to be steel frame with structurally insulated panels – which come on tractor trailer trucks. The trucks will only come one at a time, and the material will be off-loaded and staged on-site – and then put together.

Commissioner Chaine said they may have all the intentions of satisfying our concerns, but someone has got to get to the truck drivers. Matt agreed, and said – they are well aware of it, and he will be working side by side with them as he usually does on these projects. He said that they will have security fences installed, and pulled back at night so that emergency vehicles can get in at night.

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Chair Stahl asked if there had been any complaints from neighbors during the past summer season. Matt answered that he had not directly had a single complaint about noise this year, but through the Town Hall that there was a lot of traffic. He added that during one of the four out-door concerts - he saw one of the neighbors out in their front yard in lawn chairs listening to it.

Commissioner Chaine said their antenna should be up after what we went through during the hearings.

Matt added that Horizons has continually tried to address neighbors concerns, and just recently decided to put up a six foot fence behind the homes along East View Terrace so they can't see the new building – and they are going to paint it a dark color in hopes that it will block out the lighting.

V) Correspondence – The Zoning Officer read the letter from Crosskey Architects where he reports that they will be working with 'Our Piece of the Pie' (OPP) to renovate the former YMCA into a Charter School serving two hundred students – which has been very successful in other communities – designed for 'at-risk', and disadvantaged youth. OPP's school provides supportive services and enables these students to obtain high-school diplomas and receive vocational training.

OPP chose the YMCA building because of its prime location on Main St. Not only will the school benefit the youth of Willimantic, but it will also help with the economic redevelopment of Main St.

Since the YMCA is located in Willimantic's Main Street Historic district (on the National and State Register of Historic Places), we investigated the possibility of using federal and state historic tax credits to pay for the rehabilitation. We found that the building is classified as a 'non-contributing' building because of the 1964 concrete block façade. We considered the possibility of removing this façade, but had to abandon that approach.

Here is why: while the old YMCA façade remains intact underneath the 1964 façade, the Gem Theater façade was removed in 1964, along with the theater's interior. There is simply nothing left of the theater building to restore, making that portion of the project (50%) ineligible for tax credits. The State Historic Preservation Office (SHPO) suggested that since the renovation is almost 50 years old, the 1964 façade might be eligible for the National and State Historic registers. IF so, both the old YMCA and Gem Theater buildings would qualify for historic tax credits.

The federal tax historic tax credit program is 20% of qualified rehabilitation costs, and the state's program is 25%. Taken together, the tax credits are worth over \$2 million for this project, with a construction budget of \$5,000.00. OPP needs both the old YMCA and Gem Theater – the entire building – to be eligible for tax credits in order to make the project financially viable.

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In order for the school to be open next year, the rehabilitation project must be completed by August 1, 2014. In order to do so, OPP must begin construction by November 1, 2013. We need to submit the historic tax credit applications by August 25 in order to secure state tax credits before construction begins, as the program requires. We hope that the Town will support this project by reviewing and granting approvals so that it can meet the deadlines and open for school August 1, 2014.

Matt explained the frustration in satisfying the Historic tax credit requirements that they cannot get any credit for replicating the former façade of the Gem Theater that was replaced with concrete block.

Commission members puzzled over the possibility that the current concrete façade would be eligible for historic register nomination – even though it doesn't fit with the neighboring buildings.

Matt explained that our regulations require a site plan review for changes to the traffic, lighting and landscaping. He added that we have time to get them on our agenda for next month's agenda. He said he has one set of the plans showing twelve classrooms, a couple of offices, and recreation room. They're not going to have a full cafeteria – but just a warming kitchen.

Commissioner Chaine said that he wasn't interested in looking at every detail of the floor plan as he didn't feel comfortable to approve those.

Chair Stahl agreed that the Commission is not responsible for approving the detailed floor plans. We need to be comfortable about the flow of traffic – both pedestrian and vehicular, and lighting – especially Riverside Drive. Matt reported that they anticipate up to 200 students, and 12-15 staff; so it may push us to the point where we will have a parking problem downtown.

Commissioner Chaine asked if the lack of the Historic Tax credit killed the deal. Matt answered that it would.

Adjournment - Commissioner Pelletier made a motion to adjourn, and Commissioner Chaine seconded the motion.

Respectfully submitted

Lillian Murray

Corrected and revised - James Finger