

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

August 23, 2012

The Windham Planning & Zoning Commission held its meeting on August 23, 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, Dawn Niles, Dan Lein, Claire Lary, Paula Stahl and new alternate member Phoebe Godfrey. Juan Montalvo was excused. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

1) Approval of Minutes

- a) Approval of the minutes of July 26, 2012 was deferred to the next meeting.
- b) The minutes of August 9, 2012 were approved. Motion made by Dawn Niles and seconded by Jean Chaine. Voting in favor of the motion were Dawn Niles, Jean Chaine, Claire Lary, and Paula Stahl. Victor Rayhall abstained. The motion carried.

2) Old Business

a) Gates, 490 Boston Post Road, North Windham, CT Site Plan for Restaurant & Country Store.

Norm Thibeault, PE with Killingly Engineering Associates, representing the applicant Craig Gates, spoke to the application. The original applicant was John Bellavance, who has unfortunately passed away, said Thibeault. His partner in the project, Craig Gates is now heading up the project, and I have submitted a revised application with his name on it, he added.

Mr. Thibeault said at the close of last month's meeting there were a few items that we needed to address. Based upon the commission's comments we had a meeting with Mr. Gates on site, and also a meeting with town staff, and based upon that meeting we have made some adjustments to the plan, but not a lot to the site itself. The site will essentially stay the same. Instead of a 2-level building with 3,000 square feet on each floor, it will now be a 4,000 square foot building, on one level, and will house the country store and restaurant. There will also be a partial basement in the back to allow for storage.

One of the concerns raised by a representative of Joshua's Trust was the location of the dumpster near the property line. They felt that it would mar the beauty of the Trust's site. To address their concern, we have relocated it to the back of the site behind the country store and restaurant building. The covered dumpster will have screening around it, and will be positioned on a hard surface to prevent any leakage that might occur.

Originally, we were showing a picnic area in the upper right, back portion of the site. We have relocated the picnic area to another section of the site where we had previously shown parking

and access. The restaurant will have a walkup window. There will be some seating inside and some seating on the front porch. The owners are envisioning the restaurant to be the type of place that people drive up to in the summer and grab a burger or some ice cream etc, and sit outside. The back portion of the property is rather secluded, and set back from the road. Although it is well treed in the back, we plan to add additional trees, said Thibeault.

Mr. Thibeault then went on to describe the floor plan of the building. The country store will be located on the left side of the building. There will be a pass-through to allow movement between the two areas. We have a few tables in the restaurant side of the building as well as a serving counter, a freezer and a small kitchen. There will be a couple of service windows and a service counter on the right hand side of the building.

Mr. Thibeault said we eliminated the dormers across the front of the building and have extended the roof peak out facing the road, exposing a gable in order to break up the appearance of the building. We had originally showed a porch with stairs going up, but Mr. Gates did not want the look of a ramp going up the front of the building. The overall height of the building will be approximately 32 feet from the lowest level to the peak of the roof. The façade of the building will feature an exposed gable, tongue-and-groove native pine, fiberglass shingles, solid wood beams, wood columns with stone bases and a concrete slab for the porch and deck area.

With regards to the lighting, we originally showed colonial style lantern-like fixtures, but one of the concerns with the lantern-style lights is that they tend to bleed outward, so we substituted those with a shoe box type light that directs the lighting downward so as not to affect neighboring properties.

We will landscape around all the areas to try to dress up the building as best as we can. The picnic area will be adjacent to the dumpster so we will have a landscaping buffer between the picnic area and the dumpster.

Mr. Thibeault then referred to impervious coverage. He said he misinterpreted the regulations. He said the commission is in the process of modifying the regulations to clarify the impervious coverage for the C-4 Zone. I interpreted the regulations to mean that the site itself could not have more than 25% impervious coverage, said Thibeault. The regulations are a little hazy, but it appears that the impervious coverage will be 25% for the building, upcoming, not currently. We plan to use gravel and crushed stone for the parking surfaces, but this possibly might be updated to pavement in the future, said Thibeault. Right now we are at approximately 24.54% impervious coverage with the building and paved parking, but most likely by the time this gets constructed the regulations will have changed. At that time Mr. Gates can make a decision whether the crushed stone is appropriate, or if he wants to go with a paved surface.

To address the parking, Mr. Thibeault said the C-4 Zone's parking regulations call for a maximum of five spaces per 1000 square feet of building, but the restaurant use allows up to nineteen spaces per 1000 square feet. Based on that, we could have 57 parking spaces on this site. What we are showing is 23 spaces. If in the future he feels the need to create more parking, the whole level in the back is very level and we could add another 10 or 12 parking spaces, said Thibeault.

Commissioner Jean Chaine questioned whether the parking formula states that there must be so many spaces per table. Chair Stahl said one of our former drafts did determine the number of parking spaces by the number of seats, but we don't have that in the regulations now. Mr. Thibeault said typically it is one space for every three seats.

Mr. Thibeault said they met with the Fire Marshall and he requested written responses to his concerns. These have been sent to him, and also presented to town staff. He questioned the width of the driveway. Twenty-four feet is the standard driveway width and is accessible for any kind of vehicle, said Thibeault. The Fire Marshall also questioned the type of heating we would use. It will be propane fuel, said Thibeault. We will also add a fire hydrant as requested. As far as access, the site is capable of allowing turning motions for a C30 vehicle and this is standard for what the DOT uses, he added.

Commissioner Dawn Niles referred to the requests made by Joshua's Trust. Mr. Thibeault said they asked for two things. They talked about adding a stockade fence and moving the location of the dumpster. We moved the dumpster, said Thibeault. If they want to erect a stockade fence we have no issue with that.

Commissioner Jean Chaine said that particular issue has nothing to do with health, safety or welfare. They had raised concern with wind blowing debris and initially wanted a stockade fence along the property line, said Chaine. It is unfair to saddle the applicant with the cost of putting up something that only has a benefit for the abutters. He added if Joshua's Trust wants a stockade fence then they should be the ones to put it up.

Mr. Thibeault said they had considered the fence, but that would necessitate removing some very large trees. Commissioner Chaine said that land is for public use, and I think the sheer exchange of personnel between the business and the walking area is something to be encouraged. He said I'm sure people are going to use your parking lot in order to gain access to the walking areas. He said I think it would be a detriment to put up a blockade there. Not having an obstruction there encourages the use of that facility, he added.

Chair Stahl referred to the signage. She suggested that the applicant include signage over the two doors as secondary signage to identify the restaurant from the country store.

With regards to drainage, Mr. Thibeault said drainage overflow will be discharged and conveyed to a drainage system located within the state right of way. Drainage from this system ultimately will drain to a large gravel retention/infiltration area located on the north side of Route 6, he said.

Commissioner Claire Lary asked if the outdoor lights could be on a timer so that when the business is closed at night the lighting could be reduced by at least half power.

After some additional discussion, Dawn Niles made a motion to approve the plan as presented with a condition that the lighting be dimmed by 50% after closing. Victor Rayhall seconded the motion. The motion carried unanimously.

3) Windham Mills – preliminary discussion on proposed zoning application.

Mr. Karl Nilson gave a brief update on the application. He said three applications have been drafted. An application will be submitted to town staff on or about September 6, 2012. The commission will receive the application at its September 27th meeting and most likely will schedule a public hearing in October.

Planner Finger said he also met with Mr. Nilson to define the area planned for residential use exclusive from the industrial use.

4) State Plan of Development Map

Chair Stahl explained that the state is in the process of updating the Plan of Development for the entire state. They are designating different parts of town as “priority development areas”, and others as “not priority development areas”. She said if we were ever to need funding for a project that would be a development project, and it is in an area that the state hasn’t sanctioned as a development area, they probably wouldn’t give us a grant to do it.

Commissioner Jean Chaine explained the problem that he ran into and used the Country Club as an example. He said they are showing this as a “high priority development area”, but the way it is defined.... if part of an infrastructure is within the region they have designated as a block then the entire block is being designated. That is what happened at the Country Club. Chair Stahl say they base it on statistical analysis on the census block. Commissioner Claire Lary said they have given us the opportunity to go into their maps with one purpose, and that is to change them. Chair Stahl said it is a fast approaching deadline (either the end of September or possibly October 6, 2012). She said we also talked about including village district areas in our Plan of Development, but there are none shown on these maps. The commission agreed to consider this at the next work session meeting (September 13, 2010) and review the areas they have designated as “high priority development areas and areas in town that we would like to see designated as “high priority development areas”.

5) Zoning Revisions

Chair Stahl said since January, 2010 the P&Z has been working to encourage business development by reworking the regulations. We set out some goals because we decided that our zoning regulations were hurting us in terms of economic development. One of our goals was to work toward the implementation of the 2007 Plan of Conservation & Development. Another goal was to have business friendly regulations that eliminated hoops and provided methods for quick approvals that were easy to understand. We wanted the regulations to be flexible and to be able to adapt to market changes, provide a long term fiscal benefit to the town, have a high multiplier effect, provide opportunity for employment at good wages, increase the community’s image, and enhance the quality of life for Windham residents. .

In the past two years the commission has made several major changes to the regulations. We created a new health care district, a downtown district (B1), a downtown transition district (B1A)

and the North Windham East District (C-4). In addition we revised our parking and alcohol regulations.

Chair Stahl reviewed the proposed revisions affecting the business zones which are scheduled for public hearing on September 27, 2012.

The proposed revisions include a complete revision of Section 32 – General Business District B-2 and zoning district changes for some of the existing district along the north side of Main Street.

Also, the creation of a new district, General Business District B-2A and Section 32-A and zoning district boundary (formally part of the B-2 District).

Sections 32 B2 and 32A B2A – the purpose and intent of this district is to encourage and permit a variety of businesses at a lower density than the Downtown District, oriented to vehicular transportation and providing pedestrian connectivity. We also recognized that the pattern of development along Main Street and West Main Street between Memorial Park and Mansfield Avenue evolves differently in that part of town where many of the businesses are on the sidewalk. We want to encourage that and not force people to put businesses set back farther from the road because it would not fit in with the pattern.

The creation of a new district General Commercial District C-2A Section 35-A and zoning district boundary change along the northerly side of Route 6 in North Windham, Boston Post Road and Industrial Park Drive.

Sections 35 C2 and 35A C2A – the purpose and intent of these revisions is to encourage and permit general commercial development at a lower density and larger scale than other districts, oriented to vehicular transportation.

Some of the other changes include:

Rezone Wilson Street from Commercial C-2 to Residential R-5. Chair Stahl said she would also look at Holbrook Avenue and Vermont Drive for rezoning from commercial to residential.

Zoning change for ECSU property at High, Valley & Windham Streets from B-2 to R-6.

Zoning change for AT&T parking lot off School Street behind Town Hall from B-2 to B-1A.

Zone change for property at 79 Bridge Street and a parcel abutting, but not including 85 & 95 Bridge Street along the Willimantic River from B-1 and M-3 Reserved Land

Revise Section 39 C-4 Commercial District to increase lot coverage allowance.
Proposed zoning district boundary changes.

Complete revision of Section 61 on Site Plan Standards and Process, and renumbering of Section 62 on standards for certain Special Uses to Section 84 with no change in standards. This clearly

outlines the process for Site Plans or Special permit uses that must go to the Planning & Zoning Commission for approval.

Renumbering 62.6.1 through 62.6.8 on special Standards for child day care centers/Facilities, Hospitals and Homes, Public Utility Substation, Adult Uses, Vehicle Washing Facilities, Commercial Radio and Television Towers, and Clustered Multi-Family Development to 84.12 through 84.7.

Section 84 – This is a new section that simply moves Several Special Uses from Section 62.6. No changes are being made to the standards of regulations of these Special Uses, only the section number is changing.

Revision of Section 3.10.7 on process for expansion of non-conforming properties and revision of Section 39 for the lot coverage restriction.

6) Routine Business

a) Notification from the Town of Mansfield regarding their proposal to increase the maximum height in the NB-1 and NB-2 Zones from 30' to 35' and to provide the PZC with the discretion to adjust the dimension requirement in accordance with the Design District Regulations. The commission was in agreement that this proposed change would not impact the Town of Windham.

b) Notification from the United States Department of the Interior regarding Scotland Hydroelectric Project, Shetucket River. Commissioner Jean Chaine said what is fascinating is that a while back the attorneys were battling back and forth. Now the State has gotten involved because one of the regulatory agencies said that both lands are equal. Now they are finding that they are not equal, and we are back to the fish situation. He said what they seem to be doing is favoring Norwich Public Utilities.

c) Notification from the Town of Columbia regarding proposed zoning regulation changes concerning Columbia Lake front water quality issues. The commission determined this would not impact the Town of Windham.

d) Chair Stahl said she teaches classes at UConn and this spring she had a UConn student who had changed his major from landscape architecture major to urban planner. She said she gave him as his final project the Jillson Movie Theater area. Chair Stahl reviewed his plan and design for the area. Commission members made reference to the 1965 Plan of Development, 1976 Plan of Development and the 2007 Plan of Conservation & Development.

As there was no further business, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Lillian Murray, Clerk