

WINDHAM PLANNING & ZONING COMMISSION
September 26, 2013 - MINUTES

The Windham Planning & Zoning Commission held its meeting on September 26, 2013 in Town Hall. Chair Paula Stahl called the meeting to order at 7:04 P.M. Members present were Ed Pelletier, Jean Chaine, Dan Lein, Claire Lary, Paula Stahl and Scott Lambeck. Juan Montalvo was excused.

I) Approval of Minutes

Jean Chaine made a motion to approve the minutes of August 22, 2013 and Dan Lein seconded the motion. Voting in favor were Jean Chaine, Dan Lein, Claire Lary, Ed Pelletier, and Paula Stahl. Scott Lambeck abstained as he was not present at the August meeting.

Chair Stahl made a motion to add an item to the agenda under New Business, item 2 for Sara L. Baxter for a dog training facility. She proposed the Commission address this under New Business, accept the application and schedule a public hearing. Dan Lein seconded the motion. The motion carried unanimously.

II) Public Hearings

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

David Rose presented his proposal seeking a Special Permit and Certificate of Location to add a Used Car Dealer's License at an existing auto repair facility on Boston Post Road. He said he is also seeking relief on the setback to allow the display of vehicles up to the front property line. This is because the fact that Boston Post Road was widened and the lawn is so large, it would be very difficult to see the vehicles that are for sale. He said the grassy area could accommodate approximately 20 vehicles, and the sight line would not be affected. Vehicles would be approximately 20 feet from the fire hydrant and would allow enough room for emergency vehicles to access.

He referred to the strip of land owned by the State of Connecticut DOT. He said he contacted the State, and they may, or may not allow him to use the land. So he said he is not sure whether he wants to proceed with that part of it, and at this point he is not sure how to proceed with his application.

Commissioner Jean Chaine asked if there would be enough room to park the cars in the existing parking lot if the State land is not available. Mr. Rose said yes, but added that the parking lot is a shared parking lot for the entire plaza. Chair Stahl said if you are going to park 15 cars in that existing parking lot, will there be enough space available for people who are waiting for service to park their vehicles. Mr. Rose said he felt there would be more than enough room.

Commissioner Jean Chaine said he didn't think Mr. Rose was going to put the vehicles in the parking lot. I thought he was going to put them on the grass, said Chaine. Chair Stahl said only if DOT approves that down the road. If DOT doesn't approve it, then the 15 cars would be in the parking lot. Commissioner Jean Chaine said why can't he convert the grass area (not owned by the State) into crushed stone or aggregate in order to be able to park 15 vehicles thus leaving the parking spaces open. Chair Stahl said she doesn't think anyone knows exactly where the /DOT property line is without a survey. ZEO Matt Vertefeuille said to the best of his knowledge the property line is between 10 and 15 feet from the edge of the asphalt. Mr. Vertefeuille suggested allowing Mr. Rose

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to have the Motor Vehicle Dealership Permit; he can park his vehicles in the existing parking lot, and then come back at a later time if he gets the State's approval to have them parked over the line.

Commissioner Ed Pelletier said if the cars are eventually parked on the grass he would hope that the area is maintained as it presently is being maintained. He said the landlord keeps the area looking very attractive (even in bad weather), and he would want some assurance from Mr. Rose that he will maintain the area in the same manner.

Mr. Rose said that is something he could do.

Audience Comments: 1) Jeff Le Blanc said he knows Mr. Rose personally and on a business level. He said Mr. Rose is a reputable business man, runs a clean business and operates by the rules. He encouraged the Commission to vote favorably on his request.

As there were no other comments or questions the public hearing was closed.

Dan Lein repeated for clarification purposes that Mr. Rose is requesting that we authorize, or permit the sale of cars in the current parking area and then, if permitted by the State, move the cars forward in order to display the cars closer to the road. This would thus free up and restore the parking spaces to where they were before.

Dan Lein made a motion to approve the Special Permit and Certificate of Location for a Used Car License and permit the applicant to park 15 cars in the parking area. Scott Lambeck seconded the motion. The motion carried unanimously.

2) John Walker, 81 Union Street, Willimantic – Special Permit for renewal of pole signage.

Mr. Walker said the sign has been up in that location for several years, and he is looking to renew it.

Chair Stahl explained that the former Zoning Commission approved this sign for a period of five years, and the approval ran out in 2010. She said the Zoning Officer has worked with Mr. Walker for a number of years to get him to come in to renew the permit for the sign which had expired. Mr. Walker said he is here this evening to renew the sign. He said everyone loves the sign, and he has never heard a negative thing about it. It helps to support area businesses in town, he said.

Commissioner Dan Lein said in the future if Mr. Walker has to come before commission for whatever reason, and it is ignored then I would stipulate that any future action and any delay in responding to the commission would constitute a rejection of the application. This is the rule. This is the law, said Lein. He cautioned Mr. Walker to be on time in the future.

Chair Stahl referred to the other signs on the property. She said when the former Zoning Commission approved the sign it stipulated that the advertising was to be limited to the following categories: legal, real estate, banking, including lenders, restaurants, distributors, food service, health services; doctors and doctor's offices, hospitals and pharmacies. She said she didn't think the signs meet anything that was approved by the former commission. Mr. Walker said when he came before the Commission that time, they asked who he was going to rent to for advertising. He said they wanted him to come up with the name of every business or potential customer, and that was impossible to do in the few moments.

Chair Stahl asked if the other signs on the property, such as The Yellow Rose, or Napa were in compliance with what was approved. She said these might not fall into the categories of what the

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former commission approved. She said this intersection is the front door of our town and she isn't sure if people actually see the signs. They see the busy-ness.

Commissioner Jean Chaine said the comment that this is really at the gateway to our community is a valid point. He said I can't fault the owner for wanting to do everything that he can to maximize his income, but this is beginning to be visual pollution. He said another issue - approving this - really sets a tone for many others businesses who might want to do the same thing. He asked, if this really in keeping with what we have been trying to do for the last two years; attempting to standardize the regulations in such a way that they are beneficial to the business community. He said the pole has a lot more signage than what was originally on this corner. Mr. Walker said the size of the sign is the exact same size that has always been.

Chair Stahl pointed out that Mr. Walker submitted his application for renewal prior to our adopting the new regulations so he falls under the old regulations. She said, in reality, none of the signs, except for the Yellow Rose sign would meet the old regulations.

Commissioner Jean Chaine said we are only acting on the pole sign. Chair Stahl said yes, just the pole. She said she only wanted to bring up the other signs because it seems that Mr. Walker doesn't follow the regulations. She said there were two separate approvals; one for the pole and the other was for the banners on the back of the building. The banners were to be used for legal, real estate, banking, restaurants and food service, health services, doctors and doctor offices, hospitals and pharmacies.

Audience comments:

1) Bob Hackemack said he is anti-signs. We have so many signs everywhere. You could say that this is Willimantic's premium intersection. When I come across the Frog Bridge I see this totem pole with the signs. I really can't make out what they say because I am moving fairly fast. What you have on this property is a totem pole sign; you have a building with signs; you have a fence with signs; you have signs on the sidewalk; you have cars in the parking lot with signs on them. I think it is time that we start to cut back on that a little bit. I think we should not okay that pole and we should look into trying to reduce the signage on everyone of our premium corners. I think we should hold back on renewing it.

2) George Hernandez, a member of the Small Business Association voiced his support of renewing the pole sign. He said Mr. Walker's efforts should be applauded, not reprimanded. He said signs are communication for small businesses. We have a limited climate to get that message across, said Hernandez. We have to do everything we can to support the small businessman. He encouraged the Commission to grant the approval.

3) Jeff LeBlanc said the root of all business in town is the small business, and clarified that his business – NAPA is locally owned. Mr. Walker is a small anchor business on Main Street, and he said he didn't think that corner is any worse than any other. He urged that we should give this guy the strength to fight the big box competition. He encouraged the Commission to approve the pole sign and make it that he doesn't have to come back before the Commission for renewal.

The Chair asked if there were any other comments, and if the members had sufficient information to make a decision. Ed Pelletier made a motion to close the public hearing and Dan Lein seconded the motion. The vote was unanimous to close the public hearing.

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Ed Pelletier made a motion to renew the pole sign with a stipulation that the frog returns to the sign in a reasonable amount of time. Chair Stahl added that we might want to further stipulate that Mr. Walker come into compliance regarding the other signs on the property.

ZEO Matthew Vertefeuille said there may or may not be an issue with non-compliance. This is a unique situation. He said he would have to investigate further, but urged the Town Planner to read from the regulations where the Commission could require compliance.

Town Planner James Finger read the language in Section 62.1.

...In addition to any other civil or criminal remedies or penalties available to the Commission or the Town under any regulation, charter, law, statute or ordinance, the Commission may deny an application for a Special Permit (or any modification, change or amendment thereto), or, in lieu of denial, provide for conditions, when the Commission finds, after the public hearing, that the property subject to the application, any improvement thereon, or any use thereof, is in substantial violation of one or more of the provisions of these regulations. Should the Commission decide to impose conditions hereunder when issuing a permit, the conditions may include those conditions prescribed generally under these regulations and one or more of the following:

1. That the applicant take affirmative and complete measures to cause the property to come into compliance, prior to the issuance of a certificate of zoning compliance for some of all the activities allowed under the special permit to commence, and in doing so may provide for incremental compliance under a time schedule which, if not strictly met, will result in an expiration of the special permit;...

He said this does give the Commission the ability to condition approval (on Special Permits) with regard to resolving violations and the time frame needed to complete that work.

ZEO Matt Vertefeuille said since Mr. Walker has not cooperated with zoning or code enforcement in the past, it might be appropriate for the Commission to impose a condition of approval stipulating that the pole sign could remain providing all the other signs on the property are in brought into compliance.

Chair Stahl reviewed the motion to renew (with no time limits) the same language of the previous approval. These signs are restricted to: the names of the businesses within a radius of 5 miles of sign location, and that each sign panel shall be limited in size to a 10" flat board not more than 8' in length. The sign may be double faced to allow the ability to see it in two directions.

Jean Chaine amended the motion to renew the pole sign providing all the other signs on the property are brought into compliance. Dan Lein seconded the motion. Voting on the motion were Jean Chaine, Dan Lein, Scott Lambeck and Ed Pelletier. Claire Lary and Paula Stahl voted in opposition. The motion carried.

III) Path Academy, Windham, 832 Main Street, Willimantic – Site Plan Review for alternative school.

Mr. William Crosskey, II, AIA, LEED AP of Crosskey Architects, spoke to the plan. In his letter dated August 20, 2013 he stated that the plan is for Our Piece of the Pie (OPP) to rehabilitate the

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building as a charter high school for approximately 200 students. He said OPP's school program is 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. He said a portion of the cost for this project will be funded by historic tax credits.

The project includes a complete renovation of the former YMCA buildings; converting the existing buildings into a charter high-school. The existing (1960's) block façade will be removed and the front facades will be restored to their original appearance. As part of this renovation, a new entry will be provided at the rear of the building connecting it to Riverside Drive.

Mr. Crosskey identified the building on the plan. He said the building was donated by the DeVivo family and includes roughly 28,000 square feet and three above ground stories. He pointed out the YMCA Building and also the Gem theater building. He said in 1954 the YMCA was expanded and took over the Gem Theater. New façade was added to the building and the façade of the Gem Theater was removed. He said we found that the original façade of the YMCA building was largely intact. He said our plan is to take down that 1960's façade and restore the buildings to their original appearance.

On the YMCA building we would be restoring the masonry and putting back the detail of the front entrance. New windows to match the windows that are there will be added, he said.

Mr. Crosskey then identified the main entrance into the school on the map. There will be a new sign over the door in the back and also in front.

He explained that they have a very steep slope in the back of the building - down to street level. There is an existing stairway that is in poor condition which leads up to the alleyway and then runs up to Main Street. Our plan is to clean up the area behind the buildings, and then clean up the masonry and create a functional back entrance in the rear of the building. We also plan to build some new steps and a new entry into the back of the building. He pointed out the service entrance located behind a green fence. The fence will also shield the generator and dumpster. The area will be landscaped and lighting will be added going up the steps. He said a bus drop-off will be located behind the building, and pedestrian access will be from Main Street.

He referred to the drawing and pointed out the existing building showing Main Street at the top of the plan sheet. He said the building occupies most of the site. There is an alley to the side which is not on our property, he added.

As part of the demolition plan, we will be taking down the walls in the back and clearing that area out. We will clean up the service entrance, and put up a retaining wall. Mr. Crosskey said we are not changing the footprint of the building, nor are we expanding the square footage.

A general discussion ensued: Commissioner Ed Pelletier asked about the school hours. Mr. Crosskey said the school will be in operation from 8:00Am to 4:00 P.M. Mr. Pelletier asked how many school buses will be coming to the site. Mr. Crosskey said about one-half of the seats in the school will be for Windham students. Windham Public Schools will be providing transportation for those individuals. The balance of the students will come from surrounding towns. We expect these

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students will be dropped off in the rear of the building. Staff parking will be in municipal parking lots near-by.

Mr. Crosskey said most of the student's work is not done in classrooms. The students will do their lessons and homework on computers. Students work at their own pace. Staff will monitor student's progress and based on their progress they will get the additional help they need.

Mr. Rath said this is called a blended strategy and found to be effective with the students that we will be working with.

Commissioner Jean Chaine said he is not in favor of this location for the school. This is a non-retail activity in the heart of the Arts & Entertainment District. He said you are going to have students from Windham that are going to be part of the population as well as students from out of town. He asked if all students are tuition students. Mr. Rath said this is a State Charter-School. The state provides a certain amount of funds per student, and the balance is made up by taxpayer's dollars. Commissioner Chaine asked if we are now going to be paying a certain amount for each student to go to this academy on top of what we are already paying. Mr. Rath said these are brand new dollars that are coming into Windham to support Windham students.

Commissioner Chaine referred to the right-of-way along the east side of the building. He said this is an ideal way to encourage people to get from that lower level to Main Street. Mr. Crosskey said I suppose we could consider making that connection.

Chair Stahl said she has mixed emotions about putting the school on Main Street. Changing the façade back to the original indicates that it is not retail. She said she is disappointed that there isn't a way to have some sort visual connection with the street. Maybe something like an art gallery or something in the windows; something that enlivens the street as people walk by. Mr. Crosskey said they could do something that would meet that request.

Commissioner Dan Lein asked about security in the building. How will students come in and out of the building? Mr. Crosskey said both entrances will be secured. Mr. Rath stated that in the Hartford School we started off with 65% attendance and now we are up to 85%. He said we have some approaches in working with these young people that is very effective and they do show up for school, and they stay in school all day, he said.

George Hernandez, Chairman of the Board for the Path Academy in Willimantic, spoke to the success Our Piece of the Pie has experienced in Hartford and other towns. He applauded their efforts to adhere to best practices. He said they are working with an "at-risk population", and the intent is taking that population and encourage them to become accepted members of society. He said they will be urged by the coaches, by the staff, and by the whole structure of the program to become a productive member of society to engage in a positive way in society. He encouraged the Commission to approve the site plan as presented.

Commissioner Dan Lein said the reality is that there will be a certain percentage of students who will not accept what you are offering and will be in the Main Street of the downtown area. They will interact, not in a positive sense, but in a negative sense. From my experience, the reality is that you

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will not succeed with a certain portion of the population. Is this needed? Absolutely! My concern is those students are not going to do what you want them to do and they are going to be in the downtown area for the sake of a façade. If I had the choice to put the school there, or not put it there, I would not put it there.

Chair Stahl asked if the Fire Marshall has seen the plan. Mr. Crosskey said they have not yet submitted for a building permit, we plan on doing that by November 1, 2013. He said we will get together with everyone and secure all the approvals that we will need. We need to do that very quickly. He said we are anxious to get started and would like to start construction in November, 2013 and have August 2014 as our target date to open.

Chair Stahl asked about lighting. Mr. Crosskey said we plan to have lighting in the ceiling area of the entrances that will shine downward. We will also have three lights over the building sign identifying the school, and a light over the entrance. On the back of the building we will have lights on the piers at the four corners. Chair Stahl asked if the lights will stay on all night. She said one of the things that we are encouraging is the lighting of our Main Street until 10:00 PM. Mr. Crosskey said yes.

Mr. Crosseky then identified the locations for deliveries, handicap parking space and handicap entrance.

Chair Stahl introduced the memo to Planner James Finger from Town Engineer Joseph Gardner regarding the proposed Path Academy. He states that the Willimantic Traffic Authority consisting of the Police Chief, Public Works Superintendent, and Town Engineer voted unanimously to not support a handicap drop-off area in front of the proposed Path Academy. The handicap drop off area would eliminate a parking space on Main Street which are in short supply. Mr. Crosskey said that they have already addressed that, the handicap drop-off area will be across the street at an existing handicap parking spot.

Ed Pelletier asked the age of the students. Mr. Rath said more than likely 60% are in the 16-18 year age bracket. In Connecticut public schools go to 21 years, so it can go to 21 years.

Commissioner Jean Chaine said the buildings in the 1950's and 1960's were not retail. One of those buildings had residents on the second floor. He said he had a hard time supporting this facility in this location.

Dan Lein asked what happens in this building after 5:00 PM. Mr. Rath said there will be after school activities. Mr. Rath said this school has 206 days of instruction versus the regular 190 days. This is close to a year round school. The length of time for graduation is going to be 3 years.

ZEO Matt Vertefeuille reminded the board that this is a site plan review. He reviewed what things should be considered as the Commission makes its decision. He said the school will enhance the area.

George Hernandez said we would be hard pressed not to see this as a win-win situation. This will definitely be a plus for the downtown. He encouraged the Commission to support the application.

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After some further discussion, Claire Lary made a motion to approve the site plan as presented. Scott Lambeck seconded the motion. Discussion on the motion followed:

1) Jean Chaine said he still has a problem with this location despite all the counter arguments. I will vote in favor of the application, but I want to stress that I have real difficulties with this location. 2) Ed Pelletier said he still has a problem with parking. This will generate more traffic. I, too, feel this is not the right location. 3) Chair Stahl said she did not disagree. She said if she were to find the perfect place for the school, it would not be this location. She said she felt it would be better if it were a block off Main Street, but the regulations do allow the use. 4) Dan Lein said he likes the idea, but he doesn't like the location. ZEO Matt Vertefeuille said it is a permitted use, and if it meets the criteria in Section 61.8 you must approve the application.

The motion carried unanimously.

III) New Business

A) Sara L. Baxter, 7 Commerce and 3 Commerce Drive seeking a Special Exception to establish a dog training facility.

The Commission took receipt of the application and scheduled a public hearing on October 24, 2013

IV) Report from Zoning Enforcement Officer.

ZEO Matt Vertefeuille reported on signage. He said our signage regulations were put into place effective 1 ½ week ago. We've done an inventory, and we have sent out warnings to a lot of people and we will follow up with enforcement.

Ed Pelletier made a motion to adjourn the meeting at 9:30 PM and Jean Chaine seconded the motion. The motion carried unanimously.

Respectfully submitted, Lillian Murray, Clerk