

WINDHAM PLANNING & ZONING COMMISSION  
Regular Meeting

DATE: May 27, 2010

TIME: 7:00 PM

PLACE: Windham Town Hall, 979 Main St., Willimantic

A G E N D A

I. **Call to Order**

II. **Approval of Minutes** - April 22, & May 13, 2010

III. **New Business** – DISCUSSION/POSSIBLE ACTION

**\*\*REVISED**

1. **Public Hearing- Iglesia De Dios Pentecostal, Inc. Ebenezer** - Application to establish a Church at 134 Ives St., Willimantic in former Polish Club property – hearing will be continued to June 24<sup>th</sup>.
2. **\*Town of Windham – Environmental Magnet School 141 & 145 Tuckie Rd., Windham Center** application for **LIMITED** Site Plan approval for clearing and grubbing of proposed site – **APPLICATION WITHDRAWN**
3. **Anthony & Samantha Riccio – for 128 Windham St., Willimantic** – application for Special Permit for leasing of rooms in owner occupied single family home – take receipt, and schedule for hearing.
4. **No Freeze shelter at 1110 Main Street** - request for continuation of Zoning Approval to operate the shelter at the existing site
5. **Quimette Builders – Victory Lane** - request for waiver of subdivision requirements on issuing Final Certificates of Occupancy for new homes
6. **\*Hain Materials Corp. 127, 249A, and 249R Windham Center Rd.** – Continuation of existing earth excavation permitted under Sec. 75.2.2
7. **\*Hain Materials Corp. 298 Windham Center Rd.** – Continuation of existing earth excavation permitted under Sec. 75.2.2

IV. **Other Business** – DISCUSSION/POSSIBLE ACTION

V. **Routine Business** - DISCUSSION/POSSIBLE ACTION

1. Correspondence
2. Miscellaneous

VI. **Adjourn**

Paula Stahl Chair

# Town of Windham

## MEMORANDUM

**TO:** Planning & Zoning Commission  
**FROM:** James Finger, Town Planner  
**DATE:** May 20, 2010  
**SUBJ:** Planner's Report for next meeting

### **New Business - DISCUSSION/POSSIBLE ACTION**

**Iglesia De Dios Pentecostal, Inc. Ebenezer** for property located at 134 Ives St., Willimantic - This is an application to convert the former Polish Club to a Church. The property had been used as a bar and nightclub for the past six to eight years. Then the owner let the liquor license expire, and they were operating without a permit. This brought a number of Police calls to the property; they were shut down, and the Zoning Officer revoked their zoning certificate. The owners then applied for a Special Exception seeking a waiver on the separating distances from the neighboring church to re-establish the liquor license, but Zoning Board of Appeals denied the application.

Now the Pentecostal Church, which is currently located on Chapman St., is interested in purchasing the property to move their church here. The building was originally designed as a 'use of assembly' for the Polish Club, and the Church use is classified as the same use. The Church does not plan to make any changes to the building other than to clean it up, so there isn't any substantial change to the use – just a change in activity for the use. The most significant change is that the level of activity will be much less than what occurred when the Polish Club, or Nightclub occupied the building, and more likely that there will be fewer Police calls.

### **Town of Windham – Environmental Magnet School 141 & 145 Tuckie Rd., Windham Center** - *This application has been withdrawn.*

**Anthony & Samantha Riccio – for 128 Windham St., Willimantic** – this is an application for a Special Permit for leasing of rooms in owner occupied single family home located in an NPR-2 Residential District. This is an activity that is permitted by reference to the R-4 District. The Commission merely needs to take receipt, and schedule it for hearing.

**No Freeze shelter at 1110 Main Street** – this is a request for zoning approval to allow them to continue to operate the shelter at the existing site. We have no provisions in the regulations for the establishment of an emergency shelter. So, the former Zoning Commission approved the use for this site because it was urgently needed, and there were few complaints about this location compared with other locations.

**Quimette Builders – Victory Lane** – This is a request for a waiver of the old subdivision requirements on issuing Final Certificates of Occupancy for new homes on this street. Under the old subdivision regulations under Section 5.4., the following items are applicable:

3. Until such street and all appurtenant facilities are deemed complete by the Planning Commission, *no certificates of occupancy shall be issued.*
4. Until such street is accepted by the Town, all purchase and sale agreements for lots in the subdivision shall clearly state that the lot is not eligible for Town services (i.e. snow plowing, school bus pick up, garbage pick up, etc.) until the roadways and appurtenant facilities are accepted as public facilities at a Town meeting. In lieu of acceptance of the street by the Town, the developer may record a condominium declaration on the land records, which shall outline the responsibility of the provision of these services to be that of the developer, or the condominium association.

The current subdivision regulations don't have this restriction, but according to State Law, an approved development cannot be made to conform to the new regulations, but is subject to the regulations in place at the time the plan was approved. In any case, I believe that the Commission could consider a modification to regulations as you choose to do so, because it would be less restrictive. Mr. Ouimette has indicated that he would make it clear to all purchasers of homes in his development that until the Road is accepted by the Town, it is a private road, and he will take the responsibility for all of the services that the Town would normally provide. We don't have any procedure in place to consider this type of request after the fact; so there is no language that I can offer at this time. If the Commission is favorably inclined, you would simply approve the waiver requested with conditions that the owner may offer.

**Hain Materials Corp. 127, 249A, and 249R Windham Center Rd.** This is a progress plan for the continuation of existing earth excavation permitted under Sec. 75.2.2. The site comprises 212.2 acres of which approximately half of the site is actively used in the operations, but only 14 Acres is under excavation. The site has been the home base for Hain Materials since 1963, and currently employs seven people. The majority of the active operations occur in the M-2 Manufacturing zone, with a small portion located in the R-3 Residential zone - but not near any homes. Hain Materials produces asphalt at its plant located close the entrance and office, and draws most of its earthen materials from this site. The earthen materials include various aggregates of crushed stone, and sand products. Due to the variability in quality of earthen materials, they need to keep several areas open to provide the appropriate product to satisfy their customer's needs.

**Hain Materials Corp. 298 Windham Center Rd.** This is a progress plan for the continuation of existing earth excavation just down the street from their main plant. The site comprises 44 acres, but only about 6 acres of the site is used for earthen materials. The property is located in an M-2 Manufacturing zone, and is well hidden from any public view. The site has a long access road down to the pit, and is located in between the Shetucket River, and the Railroad track.