

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

MINUTES

June 24, 2010

The Windham Planning & Zoning Commission held its meeting on June 24, 2010 in the Meeting Room of Town Hall. Chair Paula Stahl called the meeting to order at 7:01 P.M. Members present were Jean Chaine, Dawn Niles, Dan Lein, Claire Lary, Juan Montalvo and Paula Stahl. Also present was Code Enforcement Officer Matthew Vertefeuille.

- 1) The minutes of May 13, 2010 were approved on a motion by Dawn Niles, seconded by Dan Lein. Voting in favor of the motion were Dawn Niles, Dan Lein, and Claire Lary. Paula Stahl, Jean Chaine, and Juan Montalvo abstained. The motion carried.
- 2) The minutes of May 27, 2010 were approved on a motion by Jean Chaine, seconded by Juan Montalvo. Voting in favor of the motion were Jean Chaine, Juan Montalvo, Dawn Niles, Dan Lein, and Claire Lary. Paula Stahl abstained.
- 3) **Continued Public Hearing for Iglesia De Dios Pentecostal, Inc. Ebenezer -**
Application for Special Permit to establish a Church at 134 Ives Street, Willimantic in the former Polish Club property.

Attorney John Mc Grath, representing the Church, said he had no further comments to add to the comments made at the previous public hearing. He said he and Church members were available to answer any questions the commission may have.

Jean Chaine asked if both properties would be taken off the grand list if this request is granted. If this property is vacated, will it immediately switch over to another religious Church activity, or is there a transition period when that property will be added to the tax roll, he asked. Chair Paula Stahl said it would depend on what type of use goes into that building. It could be another Church. It could be a store such as was there several years ago. Mr. Chaine asked does it become taxable property on day one after it is vacated. Chair Stahl said she didn't think it would be on the tax rolls on day one. Attorney McGrath said most likely it would appear on the next grand list.

Audience comments: 1) Jeffrey Viens spoke in favor of the Special Permit. He said he feels that the Church is a good fit for that neighborhood and he urged the Commission to seriously consider granting approval regardless of the taxes. That neighborhood really needs some help to revitalize itself, and this is a great way to begin. Commission Jean Chaine said it is good to see so many people in the audience to support this request. This shows such good spirit, he said. Chair Stahl agreed. Hearing no other comments, the public hearing was closed.

Dan Lein made a motion to approve the application for a Special Permit to establish a Church at 134 Ives Street, Willimantic and Juan Montalvo seconded the motion. The motion carried unanimously.

4) New Business

Incentive Housing Zone Report by Jana Butts of WINCOG - Ms. Butts has requested that the commission take this up later in the meeting.

a) Madeline Manning, 75 South Windham Toad – Continuation of an existing earth excavation permitted under Section 75.2.2.

Planner Finger's staff report dated June 21, 2010 explained that this is a progress report for the continuation of an existing earth excavation located on South Windham Road. The site is comprised of 22 acres, but approximately only 15 acres are actively used in the excavation operations. The majority of material found there is just sand, he said.

The site is also the home of its owner (Madelyn Manning), and was established prior to the adoption of zoning in 1972. Given that the owner is not actually involved in the operation, control of the site has been more challenging because several different operators have opened up different parts of the site looking for the appropriate product to satisfy their needs. More recently, one of the operators, Merritt Knight, has taken the lead in securing the site, and has made some positive efforts at organizing the areas of excavation, and closing out areas which are near the neighboring residential property.

Code Enforcement Matt Vertefeuille said he walked the site several times, at least once with Town Engineer Joseph Gardner. We talked about the history of the site. He said the site has been well maintained over the last few years by Merritt Knight and Knight's Excavation. He said Merritt Knight has done a great job keeping things tidy up there. He has dressed some of the sharp banks, changed the entrance driveway around a little bit, and put down millings to keep the dust down. Mr. Vertefeuille said there was a concern from one of the neighbor who lives next door and Mr. Knight immediately met with her to address her concerns. I support the request to extend the existing earth excavation, said Vertefeuille.

Joseph Boucher, P.E. with Towne Engineering, introduced Mrs. Manning and her son Peter sitting in the audience. He said this is her 5-year renewal. Gravel has been excavated from this site since 1934. Mr. Boucher then went on to identify the property on the map and pointed out the lower pit where Mrs. Manning's house sits today. He said this is a historic gravel pit that falls under Section 75.2.2. Following a site walk with Code Enforcement Officer Matt Vertefeuille, Mr. Boucher met with Peter Manning and Merritt Knight and discussed the concerns raised by Mr. Vertefeuille on the site walk. These include stabilizing the area in the vicinity of the

house, access way improvements; remove an old truck body, a paving box and an old tank from the site, and to clean up the area. In addition, a deep embankment on the site will be stabilized.

Mr. Boucher said 5 years ago we created some storm water detention basins. These detentions basins will be cleaned out. In addition, we will create one more detention basin as shown on the site plan. He said the gravel pit is well contained. The screening machinery is down in a hole. Mr. Boucher said Matt Vertefeuille had raised some issues about getting more top soil on the site. It was suggested that they use some of the material that the town uses for composting. Mr. Boucher said that is a legitimate concern, and he will look into the matter.

Commissioner Jean Chaine asked if there is a limit on how deep the pit can be without causing problems. Mr. Boucher said we are 4 feet above seasonal ground water. This is well above the ground level, said Boucher.

Commissioner Dan Lein asked how this pit compares with other old sites. Mr. Boucher said he was quite surprised how well the operation was being run. He said this pit is well managed and is well contained.

Commissioner Jean Chaine confirmed that this operation is for screening only and there is no crushing on the site.

Dan Lein made a motion to extend the earth excavation permit for 5 years and Jean Chaine seconded the motion. The motion carried unanimously.

b) Kingdom Life Christian Outreach Church, 116 Union Street, Willimantic – application for a Special Permit to establish a Church in a NPR-2 District. The Commission will take receipt of the application and schedule a public hearing.

Planner Finger's report explained that this is an application to establish a Church in the former Stick Screw factory. The property is located in an NPR-2 District, and the Church is a special use. The Church will include an outreach program for engaging youth in the neighborhood in productive activities, and counseling them on how to be prepared for a job, and arrange for job shadowing.

Pastor Dan Ortiz said the purpose to use this building is for a youth community center/chapel. In the Union Street area there are a lot of young people. There are a lot of things going on there that are not so much in the positive aspect. We have identified some programs that will bring the youth there and be part of the initiative program. We are also planning to bring in other programs, but what has limited us in the past is being able to have bible space and a place where we could offer these different programs. This building has been vacant for approximately 7 years. The owner of the building and myself have come to an agreement with a lease that will benefit both us, he said.

Commissioner Dawn Niles asked if this would be a community center. Pastor Ortiz said it would be a community center/chapel. There are days that we will use it for service days and certain programming. Our major goal is the youth community center. We are trying to make the program with two different focuses, one is for youth community and one is religious space, but that will come in the future obviously. We are using the Church now as a forum to be able to get the youth programs started and then work from there. We are presently renting space from the First Congregational Church, he said.

The commission accepted the application for a Special Permit to establish a Church in the NPR-2 District. A public hearing will be held on July 22, 2010.

c) Ives Racing & Recreation – Preliminary proposal to occupy property at 4-6 Industrial Park Drive in North Windham as property occupied by Keeper Corporation.

Planner Finger's report explained that Mr. Ives is considering moving his motorcycle sales and service business, which is presently located in Chaplin to the property, occupied by Keeper Corporation in North Windham. This use would require a Special Permit for retail sales in an M-1 Manufacturing District, as well as a Certificate of Location for the Motor Vehicle Dealers license.

Kenny Ives said he and his wife presently own Chaplin Kawasaki in Chaplin. He said they are currently entertaining the thought of purchasing the Keeper Corp. building and moving their dealership into the Keeper Corp. building. Mr. Ives explained that they are in the preliminary planning stages and he is hoping to purchase the Keeper Corp. building in order to house his business and also some tenants. He said the 68,000 sq. foot space would accommodate the motorcycle and retail operation and racing radio-controlled cars on Sunday. We met with Planner James Finger to review our intention, and he recommended that we come before the Commission to explain what we want to do and to ask the Commission for guidance in the process.

Code Enforcement Officer Vertefeulle explained that the property is in a Manufacturing Zone so they would need a Special Permit to allow for retail sales as well as a certificate of location for motor vehicle dealers. He said they are looking for some feedback on how the board feels about the proposed use and for certification for a Motor Vehicle Dealers license.

Dawn Niles asked if the property is in a different zone than Wal Mart. Chair Paula Stahl said they are in the same zone, but retail is not permitted in that zone without a Special Permit.

Mr. Ives said he would be closing the business in Chaplin. In addition to the motorcycle and retail operation, they would like to race radio-controlled cars on the weekend. He said the auto racing part of his business was not well received in Chaplin. Residential abutters cited issues with noise. Commissioner Dan Lein asked

how much noise is associated with the car racing. Mr. Ives said approximately 74 decibels. Code Enforcement Matt Vertefeuille said noise shouldn't be an issue because the property is located near the airport and the Town's transfer station.

Mr. Vertefeuille asked if they would be occupying the entire building. Mr. Ives said the building would allow growth for his motorcycle business as well as some other new franchises.

A general discussion ensued.

Mr. Vertefeuille said a site plan would be required showing the parking layout, lighting, how the building will be utilized, how the auto racing will be laid out, etc. Commissioner Dan Lein said that area has a lot of traffic because of the transfer station. He was also concerned about cutting down too many trees. Mr. Ives said we will only take down what we have to. Chair Stahl referred to signage, especially with the multiple businesses in the area. She said the proposed use doesn't seem incompatible with the area. Commissioner Juan Montalvo said he didn't think noise would be a factor because this property is close to the airport. Matt Vertefeuille said since the property is zoned Manufacturing a Special permit would be required to allow for retail sales, as well as a certificate of location for motor vehicle dealers. The commission also had questions regarding the access way. After some further discussion Matt Vertefeuille agreed to supply Mr. Ives with a list of items that need to be included on the site plan.

5) Routine Business

a) Correspondence

1) Joel Meyers referred to his letter requesting to convert a barn (53R Spring Street) to a one family house. On May 6, 2010 his property at 19-25 Chestnut Street was destroyed by fire. He said he has some very good tenants that were displaced by the fire and he would like to accommodate them by converting the barn to a one family house.

Chair Stahl said this is something that we discussed a month ago and felt that there was nothing that we could do about it. It does not meet any of our Zoning Regulations. There are already two houses on the property. Two is one too many so you can't increase the non-conformity of that property. While the commission was sympathetic to Mr. Meyers request, they said they do not have the authority to consider the request. Code Enforcement Officer Matt Vertefeuille said the only way to consider this would be to change the Zoning Regulations.

2) E-mail from Patty Lein regarding putting in a sidewalk at her property on Chestnut Street. Chair Stahl said the Town has an ordinance that stipulates that in the city limits any new houses must have sidewalks. She said while she thinks the sentiment of the ordinance is perfect, however, there are places in Town where there

are no sidewalks. She said perhaps there should be a way to put a lien on a new house so that if the Town decides to add sidewalks in the future then the homeowner would be required to pay their portion of the cost.

Matt Vertefeuille spoke to the history of the ordinance. He said the reason the ordinance was established was to ensure that eventually we would have sidewalks in town. When a house is built we could require the homeowner to pay for the sidewalk just as though they were paying an assessment for a water line or a sewer line, etc. We would require the sidewalks even if they go nowhere. At some point if we get a grant we want to fill in the areas around town that do not have sidewalks at the present time. He said he is a firm believer that we absolutely need this. We should require it, but there are cases where it doesn't necessarily make sense at this time. Chair Stahl said it could be handled like a promise to pay. She said if you go further down Chestnut Street there are missing sidewalks between Lewiston Avenue and Summit Street

Matt Vertefeuille said the commission does not have the authority to waive the ordinance. He suggested that the Lein's go before the Town Council and petition for a waiver.

Dan Lein thanked the commission for taking the time to discuss this and added that they would take their request for a waiver to the Town Council.

3) Letter from Fran Bowen who has concerns regarding a new house at 278 High Street. She said she is in favor of affordable housing, but this property is not being kept up. Matt Vertefeuille said he looked at the property and discussed the property with the property owner. Ms. Bowen said why are we adding these types of houses (affordable) in the "hill section".

4) Incentive Housing Zone Report by Jana Butts of WINCOG

Ms. Jana Butts said about 5 years ago there was a growing concern in this state that there was a lack of affordable housing. Housing costs were too high. There should be opportunities for people like public school teachers to find housing in the communities that they work in. Additionally, we know we have a problem with sprawling developments and urban decay. This is not a problem that is restricted to Windham or Connecticut, but nationwide our cities have been going down hill. We are losing population and there is a lot of underutilized infrastructure. Those are some of the factors that led to the creation of a program in the State of Connecticut called Housing for Economic Growth. The main feature of the Housing for Economic Growth program is what we are here to talk about tonight, and that is the Incentive Housing Zone. In 2007 there was a public act of the legislature that created this program and created some funding. This program is directly compatible with the State Plan of Conservation and Development and the act concerning responsible growth.

An Incentive Housing Zone must be consistent with State, Regional and local Plans of Conservation and Development, she said. It must be located in areas that have regular bus service, and public water and sewer. The big plan of Conservation and Development zoomed in on the Willimantic part of Windham. That is a part of town that could qualify for an Incentive Housing Zone in Windham under their requirements.

One of the criteria of the Incentive Housing Zone is that when you create one, at least 20% of the units must be affordable. Affordable is defined very specifically for people making 80% of the area medium income, and they don't pay more than 30% of their income on housing costs. We will get into that when we discuss the market analysis.

A commission member asked what is the area of medium income. Is it the Willimantic area or the Windham Region? Ms. Butts said all the figures are set by HUD, but it has been defined as \$48,000. As the State defines Incentive Housing Zones you have to go with a town figure.

Another fact about the zone is that when you adopt this zone, which you don't have to do, we will go through all the steps of making one and drafting a regulation. In this zone, housing developments must be allowed as a matter of right, and would have to go through site plan approval. In Connecticut, in zoning, if something requires site plan approval you must specify all the regulations and criteria they might need. And, as long as they meet them all you must give them approval. The difference with a Special Permit is that you have a more discretionary authority. You have criteria that may be applied on an individualized basis to each applicant that comes before you. The Incentive Housing Zone that we will be looking at would be by Site Plan Review. It is important that all your criteria are already well thought out because you won't have any discretionary authority when an application comes in.

One of the factors is that the Incentive Housing Zone must be compatible with the Windham Plan of Conservation & Development. The Windham Plan speaks about high quality housing in the Downtown area, and for ways to increase pedestrian activities in order to patronize Downtown businesses. Also there is a strong desire to preserve historic structures, vitalize neighborhoods using existing infrastructure and capitalize on existing assets.

The market rate for these housing units is actually whatever the market can support. The goals found in the Windham Plan refer to a desire to make sure that new housing developments are integrated into whatever neighborhood it is in.

She then gave a description of the project plan. The project plan consists of mainly four components; 1) housing assessment, 2) housing market analysis and a strategy for Downtown housing. 3) Create Housing Incentive Zone regulations, and 4) determine where the Incentive Housing Zone is going to be. That will be up to you, she said. The Chapman Block has been mentioned, she added.

She said she wanted to distribute some of the material to get commission members started thinking about that, and that will include setting up some design guidelines. We want to include the community in this because they might have some thoughts on how they want the community to grow. We have information that we would like to have go out into the community in order to solicit their input and to educate the community on the goals of the project.

A lengthy discussion ensued.

Christian Schell said in order to start the project we must first assess the local housing market and secondly quantify the demand. Commissioner Dan Lein said growth in the area might have been overstated. The census doesn't seem to support the additional growth that has been mentioned

Ms. Butts distributed the material to commission members to take home and review. She encouraged feedback from the commission.

As there was no further business the meeting was adjourned at 9:25 P.M.

Respectfully submitted,

Lillian Murray, Clerk