

WINDHAM PLANNING & ZONING COMMISSION
WINDHAM, CT
MINUTES

October 27, 2011

The Windham Planning & Zoning Commission held its meeting on **October 27**, 2011 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:02 P.M. Members in attendance were Jean Chaine, Victor Rayhall, Juan Montalvo, Dan Lein, Claire Lary and Paula Stahl. Dawn Niles was excused. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

I) Approval of Minutes

The minutes of September 22, 2011 were considered. Juan Montalvo made a motion to approve them as written, and Dan Lein seconded the motion; all voted in favor to approve except for Vic Rayhall who abstained as he was not at the meeting.

Chair Stahl requested that approval of minutes for the special meeting held on October 13, 2011 be added the agenda and all agreed. Jean Chain made a motion to approve the minutes of October 13, 2011, Dan Lein seconded the motion. The motion carried with Vic Rayhall abstaining as he was not present.

II) Public Hearings

a) Generations Family Health Clinic, 40 Mansfield Avenue, Willimantic, Ct. – Special Permit application in accordance with Section 72.8c for an electronic message sign. The Chair explained that this was the continuation of the hearing from last month, and invited the representative from Generations to speak.

Melissa Bonsall, representing Generations, presented the revised plan for the sign to the Commission explaining that now they will use brushed Aluminum as the background, so there won't be any bright light for the background to blind anyone; this is similar to what the Hospital has for their signs just up the street. The electronic message will display either one row or two rows of text, depending on the size of the text, but it will be within the 13 inches available for the electronic message reader board. They will have sign on from sunset to sunrise. She added that the sign will display special services provided by Generations that will benefit the whole community. Such messages might include flu shot clinics, school physicals etc. She said the sign which will be programmable will display one message a day.

Chair Stahl expressed concern regarding proliferation of electronic message boards, and read from the regulations:

72.8 Under special circumstances, where the Commission determines that it is in the interest of the public and community, the Commission may grant a Special Permit in accordance with Section 62 for unique signs ...

Thus, the Chair reminded the Commission that we need to be careful to ensure that the sign is in the interest of the public and the community; perhaps alerting the public on the availability of flu shots would qualify.

Commissioner Claire Lary agreed, and raised the thought that perhaps they may want to change the sign again at least one other time during a 24 hour period. A general discussion ensued.

The public hearing was closed. Juan Montalvo made a motion to approve the sign as presented with the following conditions: No scrolling or flashing text and the message shall remain static with a change permitted no more than two times during a twenty four hour period. Vic Rayhall seconded the motion, and all voted to approve.

III) New Business

1. **Gates GMC-Buick-Nissan – 129 & 137 Boston Post Rd.** Application for Special Permit in M-1 Commercial/Manufacturing District for proposed 7,172 ± sq. ft. GMC/Buick Dealership Building in accordance with Section 41.2.7 (retail use). Greg Glaude, Land Surveyor of Killingly Engineering Associates represented the application. After a brief presentation, the Chair asked that a few additional details be provided, including a complete sign plan as required by the regulations:

61.2.2 The following information shall be required by the Commission:

h. Lighting and Signs

1. Location, size, height and design details of all proposed signs, including street signs, including the method and intensity of lighting proposed, if any; color and style of lettering.
2. Location, size, and design of all proposed exterior lights, including the intensity of light.

The Commission scheduled a public hearing on the application for November 17, 2011.

2. **Richard Dubina – 115 Chapman St.**, Application for Special Permit in R-5 Residence District to convert existing two family dwelling into a three family. Mr. Dubina explained his proposal, and explained that currently there is a small apartment in the lower level, and a large apartment in the upper level that he wants to divide in two. There will be no exterior changes to the building. Matt Vertefeuille explained that given the neighborhood conditions, the proposed use would fit in, plus the new owner will be demolishing the old fire damaged house on Capen Lane that was added to this property; and he will have eight parking spaces on-site.

The Commission scheduled a public hearing on the application for November 17, 2011.

4) Old Business

DeSiato Sand & Gravel Corp., 64 Jordan Lane & 329 Beaver Hill Road, North Windham, CT – seeking a Special Permit for the continuation of an existing earth excavation operation. Commissioner Jean Chaine said he went out to see the site, and was surprised to see how clean it was, and that there was only one excavator there to load vehicles and was impressed with how orderly it was. Juan Montalvo said he also went out to the site, and felt that it was very orderly. Jean Chaine mentioned that he was concerned about beginning the phases near the neighboring residences anytime soon, as the dust and noise could become a problem that the neighbors were worried about. Mr. DeSiato said he doesn't plan to do any excavation in that area in the near future.

After a brief discussion, Commissioner Jean Chaine made a motion to approve the Special Permit for the continuation of the earth excavation as requested, and subject to the conditions already imposed as the owner was agreeable to these terms. Juan Montalvo seconded the motion, and all voted in favor to approve.

5) Zoning Regulations

a) Update on Incentive Housing grant project – The Chair referred to materials that Jana Butts of the Windham Regional Council of Governments provided. A brief discussion ensued, and Chair Stahl said that this matter would be taken up when Jana has developed the design standards for review, hopefully at a special meeting on December 8th, 2011.

Chair Stahl then reviewed the other items on the list for revision; these include:

- Keeping of hens – much discussion ensued
- Revisions to the B-2 zone for the area west of the Town Hall to the Route six expressway.
- Sign regulations – Chair Stahl mentioned she had reviewed those for Freeport Maine, as that was a town cited by Member Juan Montalvo, and Tolland CT
- Gravel regulations, as we have started on this, and don't want to lose our momentum
- North Windham area along and abutting the airport, and
- The various villages
- Also, Matt Vertefeulle raised concern about a hypothetical example of when a restaurant with a liquor permit stops serving food, but still serves alcohol up until 1:30 AM, and then just remains open as some type of Night Club. A general discussion ensued, with the conclusion that the zoning regulations need to be clarified on the fine points of when the business changes to something other than a restaurant to a Café, a bar, or a Night Club.

6) Correspondence

a) Scotland Hydroelectric Project, Project Nos. 2662-012 and 12968-001 Answer of Norwich Public Utilities to better adapted statement of FirstLight Hydro Generating Company, and Response of FirstLight Hydro Generating Company to better adapted statement of Norwich Public Utilities. Commissioner Chaine gave a briefing explaining that the two petitioning licensees appeared to be picking at each other with critical comments. But the important issue was on how to allow fish to gain access upstream. Chair Stahl agreed, and said that the fish lose their energy as they go up stream, and so the means to travel needs to be easier for them to reach their destination; and then for their spawn to travel back down stream.

b) Mr. Sutherland of Brandy & Brew presented a signed petition urging the Commission to change the separating distance between package stores back to 1500 feet, as all of the existing stores are at least this distance. Chair Stahl said that the Commission is concerned about this issue too, and plan to take it up in the near future. His option is to submit his own application for a zoning revision, and then the Commission would have to process the application in accordance with the State law.

The meeting was adjourned at approximately 8:30 P.M.

Respectfully submitted,

James Finger, Town Planner