

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

MINUTES

Nov. 18, 2010

The Windham Planning & Zoning Commission held its meeting on November 18, 2010 in the Meeting room, Town Hall. Chair Paula Stahl opened the meeting at 7:07 P.M. Members present were Jean Chaine, Juan Montalvo, Dawn Niles, Claire Lary and Paula Stahl. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille. Absent: Dan Lein. Victor Rayhall notified the chair that he would be late because of a conflicting meeting.

I) Approval of Minutes of October 28, 2010

Jean Chaine referred to the minutes and the application of CL&P for above ground vaults. He recommended that the minutes reflect a more in depth discussion regarding the CL&P proposal for above ground vaults. He said it seems to me that our discussion was a little more involved than what is stated in the minutes. The minutes imply that our main concern was with aesthetics. CL&P claimed that the above ground vaults would be easier to maintain and that they would be safer for their employees.

Chair Stahl explained that CL&P addressed the Town Council recently, and I believe they have revised one of their above ground vault locations. Instead of being located on the Chapman Block as originally proposed, they are proposing to move it to the Police/Fire Complex. She said this will go to the sub-committee of the Town Council for discussion. She added that she has corresponded with Jerry Iazzetta and asked when they will be meeting so that she and other commission members can attend the meeting.

While we are concerned about aesthetics, we also have other concerns, said Stahl. One is that an above ground vault was proposed in the middle of pedestrian areas, and locating it in the Chapman Block would take up a lot of real estate that could potentially be developed in the future. When we talk about easements it sounds like you are letting somebody do something with the land. But, an easement goes on the land records for that property and it stays there forever.

The pad that CL&P is proposing next to the Foster building on Railroad Avenue is a large one (14'X18'). The issue with that location is that it is town property, but at some point in time somebody might want to purchase that parcel and put a building there, and the Town wouldn't be able to sell it. We suggested that perhaps there are other locations in that area where they could place the above ground transformer. Juan Montalvo said we also considered health and safety issues. Dawn Niles said the health and safety of the workers was discussed, but we did not hear from CL&P as to whether the same thing could be done underground. Chair Stahl said CL&P said they would prefer to have them above ground, but they could put them underground; either under the road or in another

location. Dawn Niles referred to an article in the newspaper that stated that they needed to make this change for economic development, but she said she felt that there were other options open to them.

Chair Stahl said a different representative from CL&P spoke to the Town Council. It was not the gentleman who came to our meeting. Jean Chaine said it was suggested that they locate one in the area of the proposed parking garage. One of the comments made by the presenter at the last meeting was that if CL&P had a problem above ground, they would be able to use a crane to take it out, and they wouldn't have to block Main Street. If they need a crane in order to remove the unit, or change it if they have a problem, then you will not be able to build over that transformer. These are the things that should be in the minutes so that it doesn't come across that all the P&Z Commission was concerned about was aesthetic problems.

One of our biggest concerns is with economic development, said Stahl. Dawn Niles said we didn't say no to their request forever; we told them to come back with different locations. Chair Stahl said another issue is that the staff report we had from Joe Gardner indicated that he recommended these locations, but it was very clear at the meeting that he did not, and that should be reflected in the minutes.

The minutes will be revised to reflect the above comments.

II) New Business

a) 1603 West Main Street LLC (dba Willimantic Car Wash), 1607 West Main Street – Application for Special Permit for digital message board – take receipt and schedule a public hearing.

Code Enforcement Officer Matt Vertefeulle explained that the applicant wants to do a message reader board so that he can change the message at whatever intervals the commission will allow him to do. Chair Stahl said the previous Zoning Commission did not want reader boards, but they approved one application and then another. They did set limits such as the text is supposed to change every 2 minutes or so with no scrolling.

The Commission took receipt of the application and will schedule a public hearing at the next meeting in December.

b) Incentive Housing Zone by Jana Butts of WINCOG Senior Planner.

Jana Butts, Senior Planner with WINCOG, referred to the new web page. She said commission members could view it by going to the Planning & Zoning Commission web page. A link has been added (located at the bottom of the page) to the web page that is specifically dedicated to incentive housing zones. This was designed specifically for the Town of Windham's web page. It is on WINCOG's host server, but you can get to it from the Towns' web site. She encouraged members to look at the new web page.

Ms. Butts referred to the handout entitled Draft Windham Zoning Regulations. It begins with amending Section 2.1, which lists all the districts. The Incentive Housing Overlay Zone would be added to the districts, she said. There are new definitions that will be added to the Zoning Regulations. The definitions are in draft form and commission members can certainly change them, or add to them.

She said these definitions pertain to incentive housing development, which means it is a residential, or a mixed-use development that meets the state's requirements for an Incentive Housing Zone, as well as the section of your Zoning Regulations for an Incentive Housing Zone. It also includes a definition of incentive housing restrictions that is not reflected in the Zoning Regulations yet but it refers to the 20% requirement for affordable housing. There is a definition of a mixed-use development and a definition for townhouses. She said this language comes from the State Statutes on incentive housing. We have cross-referenced the State definitions with the Windham definitions. These are four new definitions that are important to the use of the incentive housing zone regulations.

She then referred to a new Section 58, which begins with the Purpose and Intent. She said the purpose of this district is to promote the creation of better quality housing in the historic downtown and adjacent urban neighborhoods. Attractive housing downtown would increase pedestrian activity, support downtown businesses, help preserve historic structures, revitalize vacant and underutilized properties and make efficient use of existing public infrastructure and transit services.

She said Mixed Use Developments are strongly encouraged to provide a variety of business opportunities in the downtown core. Adaptive re-use of historic structures is strongly encouraged, she said. Such structures contribute to the aesthetic streetscape. Context-sensitive infill development (defined in the Business District Design Guidelines) is strongly encouraged to promote neighborhood compatibility.

She said this is a draft of what the purpose and intent of incentive housing is. She asked for comments from commission members, but there were none at this time. She said these requirements will dovetail what we already have in the regulations.

She then referred to Section 58.1 that states that the following regulations shall apply to the use of land, buildings and other structure, and the location, bulk, and design of buildings and other structures in an Incentive Housing Overlay (IHZ). She said the IHZ promotes incentive housing development by streamlining the permitting process, but it does not prohibit any use that is ordinarily allowed under the existing base zone.

She referred to a fact sheet from the Center for Land Use Education. This fact sheet will help you understand what an overlay zone is, she said. It describes overlay zoning to be a regulatory tool that creates a special zoning district, placed over an existing base zone. Common uses of overlay zoning are for natural resources protection and development guidance. Our overlay zone will be for development guidance. She said you have a natural resource protection kind of overlay zone in your regulations right now. It is

called an aquifer protection overlay zone. That is a natural resource protection overlay zone. What it does in the Aquifer Protection Zone is it introduces extra restrictions that are intended to protect the aquifer, she said. The other kind of overlay zone is the Development Guidance Overlay Zone. Rather than introduce extra restrictions, what it is doing is incorporating incentives. She said a community might use incentives along a transit corridor to encourage higher development densities, target uses or control appearance. It is important for the people who might be affected by the Overlay Zone to understand that this overlay zone is an option for them that they may choose to use, but there is no requirement to do so.

She referred to Section 58.1.3 – Design Standards. These standards are to ensure that it fits in well with its surroundings. She said an incentive housing development shall be designed to meet the goals outlined in the Business District Design Guidelines including, especially, the special incentive housing zone design standards included as goal 6 in the Business District Design Guidelines. Ms. Butts said the B-1 Business Design Guidelines are just guidelines right now. They are intended to give people an idea of what you want to see so they know what to expect before they come before the commission. She said we should utilize the existing guidelines, as they would all be applicable to the incentive housing zone. She suggested that we add a section to the special design standards for the Incentive Housing Zone. In the case of the Incentive Housing Zone they are going to be zoning requirements, not just guidelines, she said.

She then referred to Section 58.2 – Permitted Uses. She said following the format of your existing zoning regulations there is a list of permitted uses and prohibited uses. She said it is not necessary to duplicate all the uses that are already permitted in the B-1 District. These are the extra uses that would be permitted in the Incentive Housing Zone. You can do mixed uses now, and you can do multi-family now in the B-1 Zone, but a lot of those things are permitted by Special Permit. She went on to explain the permitted uses: **multi-family residential dwellings** (shall not include 3 or more bedrooms in any unit). That is based on the marketing strategy, which identifies empty nesters, young adults, young professionals who do not need extra rooms for their children. Based on target demographics she said she is limiting the number of bedrooms in the residential dwelling to 2 bedrooms. **Townhouses** cannot have anymore than 2 bedrooms. **Mixed Use Development:** cannot have 3 or more bedrooms in each unit. **Customary Accessory Uses:** including but are not limited to laundry and drying facilities.

She then reviewed **Section 58.3 – Prohibited Uses:** You can't have more than 2 bedrooms in a residential dwelling. If you are now allowed to do 3-bedroom multi-family housing by Special Permit in the B-1 District, you can still do that. If you don't want to get a special permit, and you are willing to have 2-bedrooms you can take advantage of this special Incentive Housing Zone, and get a site plan approval rather than a Special Permit approval. The permitting process for the Incentive Housing Zone is meant to be shorter, and with reduced risks to the developers. As long as they do it in accordance with your regulations, they will get a permit, she said.

A general discussion ensued (see following page).

Jean Chaine said it seems the demographics that have been mentioned will tend to put less stress on services. Are there any standards for maximum floor space in these units, he asked? There is a maximum on bedrooms. You could have 2 bedrooms in a loft apartment that is 3,000 square feet, and you have a wide space, he said. It would seem that we should be restricting the square footage so we don't get into a situation of having a large room that has been subdivided unbeknown to inspection. You could end up having more people than intended, he said. Ms. Butts said there are a lot of other towns that have adopted minimums. That is much more frequent than maximums, she said. The minimum is to keep people from living in closets. The maximum is to keep people from building 3,000 square foot units. Chair Stahl said the apartments would all be inspected by our housing code enforcement officer (maybe every other year). Ms. Butts said this is certainly something we could look at.

Jean Chaine asked if these units are owner occupied. Ms. Butts said that is not included right now. Chair Stahl said these units could be apartments or they could be condominiums. Chair Stahl said she would encourage a developer to have a portion as condominiums. Ms. Butts said Willimantic has a very low home ownership. One of the strategies should be to encourage home ownership. We have heard from people who say renters are fine. That doesn't seem to be one of the pressing strategies, she said. It is definitely something that we talked about at length, and it is a strategy you can still adopt. This was not identified as one of the most important things, but you can make it that if you choose, she said.

Dawn Niles said that recently walking around Stonegate Manor what you heard from most of the people was they just moved into town because they sold their big house and this was the only option they had for ownership. They don't own the lot that they are on; they only own the mobile home that they live in. They might be interested in ownership of the townhouse because they are downsizing. Chair Stahl said perhaps the townhouses could be condos. Ms. Butts said townhouses are generally not rentals. People who have condos own their units, but they don't own the land. Ms. Butts agreed to work on the list of permitted uses to address the option of ownership for the townhouses.

Dawn Niles said we could make a portion of this zone age restricted for 55 years and older. She said we have everything you would find in a retirement village. Maybe we should be promoting that, she said. Ms. Butts said you could make that a requirement, or you could just encourage it. If it is the desire of the commission you could think about adding an encouragement for age-restrictive housing, or what they call active adult housing.

Jean Chaine asked could an incentive zone overlay be for existing housing, and later we encourage the renovation of the housing. Ms. Butts said if the housing is already there, this zone is not going to provide what you are looking for. Code Enforcement Officer Matt Vertefeuille said you could create one. Chair Stahl said based on Connecticut State Statutes we can create our own housing overlay zone. Ms. Butts said maybe we could create a housing rehab overlay zone.

She then reviewed eligible locations for the incentive housing zoning based on where the state says you can allow it. It is supposed to be in areas that are serviceable by transit,

and our transit is the bus system. It also states in areas served by public water and sewer. That is why parts of Windham do not qualify. Chair Stahl says State Statutes specify minimum density per acre. If you don't have public water or public sewer you will never meet those densities.

Jean Chaine asked is there a financial incentive for a developer. Ms. Butts said this is what is called streamline permitting. When developers are considering a development in a particular community and are creating their budgets, they try to figure out if this is going to be easy or hard, is this going to be fast or slow, is it going to be expensive or inexpensive. One of the most important things for developers is the assurance that they are going to get approval. Jean Chaine said you are fast-tracking the permitting process. We have been finding ways to make it easier for developers, so some of the things you are indicating that are beneficial for fast-track permitting are already streamlined to some degree.

Ms. Butts then referred to a color rendering of a conceptual site plan for Commerce Square (Jillson parcel), the lumberyard and the old parking lot. This is the kind of work you would want to find in your design standards. It is a site plan of what could be out there. When you incorporate something like this into your design standards, if a developer were to build an incentive housing development you could use this as a form of zoning regulations. She reviewed the conceptual site plan and identified placement of buildings etc.

After some further discussion, Ms. Butts suggested in order to move forward it might be appropriate to set up a sub-committee to start the process. This sub-committee could be a small group to act on behalf of the board and report back to the board. Hopefully that would include some members of this commission and possibly a member or two from the Economic Development Commission. Chair Stahl said it might take two or three special meetings to work on this. Ms. Butts said the first meeting of the sub-committee would probably be after the New Year.

c) Revision to Zoning Regulations

Chair Stahl explained that as the hospital was putting together their proposal they were starting to realize that they are in two different zones; part of it is in the B-2 Zone and part of it is in the RPO Zone (this is a residential zone that allows professional offices. Building #1 (which we approved) is in the B-2 Zone. From there westward it is pretty much the RPO Zone. That really is not a zone that will handle this size building, which is not on a residential scale. The proposed building, plus parking lot, is not going to fit, said Stahl. It came about when they realized that they needed to subdivide it so they could have individual parcels that they could then sell to another corporation, or a separate LLC where they were going to get financing. Once they started that, they noticed that our zoning regulations state that in the RPO Zone, it is a 20% coverage, which means that only 20% can be covered by a building or structures. That building is just not going to fit. When they started working on the project they realized that they would need many modifications. They would have to go to the ZBA for variances because our zoning

regulations do not respond to what is happening there. What they wanted to do was to withdraw their application because we would have no option other than to deny their request because it doesn't fit our regulations so they withdrew it. Matt Vertefeuille and I met with Mr. Doyle last week and assured him that we were supportive of the project and that we recognized that it was the Towns' fault that the "square hole" "round peg" issue was there. The Town needs to take the initiative to change the zoning to accommodate the development that we want there. These buildings are not hospital buildings. They are for profit and will be on our tax rolls. We will collect tax dollars, and this is terrific for economic development. Ms Stahl said she and Matt talked to them and told them that we recognize that they want to move forward as quickly as possible, and we will try to accommodate them with respect to the regulations.

We could create a special zone all around the hospital area; a Hospital/Medical Zone with its permitted uses, said Stahl. We could possibly have a public hearing in February or March. She said the goal for the first special meeting in December is to have something to start working on. Mr. Doyle (architect for hospital) said he will give us a list of where they were finding problems in our regulations. .

d) Routine Business

1) 2011 Meeting Schedule – The commission will meet on the fourth Thursday from January 2011 to October 2011 and on the third Thursday in November and December.

2) Letter from Town Manager Neal Beets requesting that the commission, as it considers changes to the Zoning Regulations in the RPO Zone and a possible hospital zone, to pay particular attention to our parking requirements. He said he is appealing to the commission to reduce or eliminate the parking requirements in the Towns' Zoning Regulations.

There being no further business, the meeting was adjourned at 9:05 P.M. Motion by Dawn Niles and seconded by Juan Montalvo. So voted.

Respectfully submitted,

Lillian Murray, Clerk