

**PLANNING & ZONING COMMISSION
WINDHAM, CT**

MINUTES

April 22, 2010

The Windham Planning & Zoning Commission held its meeting on April 22, 2010 in the Meeting Room, Town Hall. Chair Paula Stahl opened the meeting at 7:02 P.M.

Members present were Dan Lein, Jean Chaine, Dawn Niles, Victor Rayhall, Paula Stahl and Claire Lary. Also present were Town Planner James Finger, Code Enforcement Officer Matthew Vertefeuille and Mayor Ernest Eldridge. Chair Stahl and Commission members welcomed Mr. Lein as a new member to the Planning & Zoning Commission.

I) The **minutes** of March 25, were approved on a motion by Victor Rayhall, seconded by Claire Lary. Voting in favor of the motion were Vic Rayhall, Claire Lary, Jean Chaine, Dawn Niles, and Paula Stahl. Dan Lein abstained, as he was not present at the March meeting. So voted.

II) New Business

The Commission agreed to move item #3 to the first order of business under New Business.

1) Application for Open Space Grant to improve and restore parcel of land acquired from Windham Mills and abutting REC Park.

In his staff report dated April 16, 2010 Planner Finger explained that the property is a little over five acres, but most of the land is in the floodplain. According to Scott Clairmont of the Public Works Dept. there are quite a few hazards that would need to be addressed before the public would be allowed to access the property. There are numerous areas where the riverbank is too steep or rocky for safe passage to the river. There are also remnants of the old hydroelectric equipment scattered throughout the area such as manholes, valves, a sluiceway and a large vault of some sort.

Planner Finger said the Public Works Dept. feels that the best use of the area would be for passive recreation, but this would involve removing the existing fence that separates REC Park with the new property. Public Works would then thin out the underbrush and invasive plants in the area to make the river and the hydroelectric equipment visible from the park. They would also continue to maintain parcel 2B as an urban forest with some hiking trails. The estimated cost of this work is just under \$45,000, for which we hope to get either 50% or 65% matching grant funding, said Finger. The Town's share would be in-kind, or donations of material.

Planner Finger identified the parcel of land on the map. He said he is applying for a matching grant fund, and in order to pursue this he needs a letter of endorsement signed by the chair of the P&Z Commission stating that the P&Z Commission approves the

proposed project, and that said project is consistent with the Town Plan of Conservation and Development. He added that the grant application is due May 3, 2010.

Commissioner Jean Chaine asked about the intent of connecting this strip of land. Planner Finger explained that there is an easement that goes from the Mill property to this property, and it is our intent to link the two properties. This is the first step in the process of creating a river-walk area, which would be open to the public, he added.

After a brief discussion, Dan Lein made a motion that this project, as presented, is consistent with the Town Plan of Conservation and Development and directed the Chair to write a letter to the State of Connecticut detailing the P&Z 's support of this project. Dawn Niles seconded the motion. The motion carried unanimously.

2) 600 Main Street, LLC – Revisions to Site Plan Review for Thirsty Frog, and Off Track Betting Facility within the existing building.

Planner Finger's staff report explained that the owner has decided to revise the floor plan for the Thirsty Frog, and move the Off Track Betting Facility down to the first floor where they currently have the nightclub. This will reduce parking demands, and make it more convenient for all customers, he said.

Code Enforcement Officer Matt Vertefeuille gave a brief overview of the plan. He said the applicants took note of the comments made at the public hearing. They plan to move the Off Track Betting Facility to the first floor, and plan to move the kitchen to an alternate location. The Check Cashing Facility will be moved to a new location in town, and that space used for a take-out window. They also wish to expand the existing outdoor patio to the entire length of the building. By eliminating the nightclub, the noise issues should be resolved. The OTB entry will be off the patio, and they will create a pedestrian walkway to access the OTB entrance.

Chair Stahl referred to the parking on site. She suggested adding a 15-minute parking spot for patrons at the take-out area. Matt Vertefeuille said he will be working with the applicants on the layout of the building and will take all recommendations into consideration.

Jean Chaine said expanding the businesses' take-out is going to increase short-term traffic flow, and create the potential for congestion at the entryway. It seems adding "entrance-only" and "exit-only" locations could minimize the congestion, particularly with traffic coming both ways. The Commission reviewed different options for the entryway. Matt Vertefeuille said the applicants have stated that when they re-do the parking lot they are going to add some painted arrows to direct traffic in a circular motion in order to minimize traffic congestion.

Matt Vertefeuille explained that no action is required by the P&Z regarding the changes. It is handled administratively in house, he added.

3) Application for Special Permit for Iglesia De Dios Pentecostal Church to establish a Church at 134 Ives Street, Willimantic – The Commission simply needs to take receipt of the application and schedule a public hearing.

Code Enforcement Officer Matt Vertefeuille said this is the location of the former Pulaski Club, at 134 Ives Street. He explained that a liquor permit for this property was revoked. The Church is interested in buying the property to expand its services to include community outreach programs such as establishing a food pantry, etc. The Church has agreed to clean up the property, clean up the parking lot and install fencing.

The Commission took receipt of the application and will schedule a public hearing for the next regular meeting in May 2010.

III) Other Business

1) Update on Incentive Housing Zone Study by Jana Butts.

Ms. Butts made her presentation at the last meeting so she will not be here this evening.

2) Subdivision Preliminary Review Process

Chair Paula Stahl explained that when the former Planning Commission was re-writing the Subdivision Regulations they included language that strongly encourages applicants to come to the Commission early on in the process to be able to discuss the location of the subject property, and determine what is the best use of the property, open space, etc. Coming to the Commission early also enables the Commission to make recommendations before the applicant has spent a lot of money on engineering costs. She said as the regulations were being re-written the focus was on: 1) to allow the land to determine the design of the subdivision for locating the houses, driveway, water, the septic systems, open space etc., 2) be as flexible as possible especially with the design of subdivisions that were over 5 lots or 15 acres. We wanted to be able to let the land tell us what should be there and where, she said. The regulations list things to consider in the layout, and the first one is to find where septic can go based on the soil. Another goal was to design the subdivision so that any open space would benefit the townspeople, as well as the residents in the subdivision. She said while some communities specify that 50% of a conservation subdivision must be designated as open space, we decided that we shouldn't include a specific percentages, and let the site determine what the right percentage would be. The regulations do specify that all subdivisions have a minimum of 20% open space, or pay a fee in lieu. The goal is to have the amount of open space that makes sense for each subdivision.

She then referred to a piece of property in Windham that a developer is considering buying, and wants to see what the development opportunities are. Commissioner Jean Chaine questioned his role in this application, as the purchaser of the property is a friend of the family. Chair Stahl said there is no conflict at this point because the prospective buyer has not yet purchased the property. He is only considering purchasing the property

at this time; consequently there is no conflict. Commissioner Rayhall said there didn't appear to be a financial interest.

Wes Wentworth, PE, said he is before the Commission on the behalf of John Brown who is considering purchasing the property. He reviewed the map and gave a general overview of the property. He identified Windham Center, Route 14, Route 203, Plains Road, the Sand & Stone property, the ball field, Lover's Lane, Tuckie Road and Douglas Manor. He also identified the subject property on the map. There is a brook and a pond on the property, and a large vacant lot that has a house on it. The property is about 12 acres in size. He identified the old house, adding that there is a wetlands watercourse system that drains down into the pond. The property abuts the Douglas Manor and the parcel southeast of Douglas Manor that the town acquired for future recreational fields.

He said the underlying zone requires a 2-acre lots with 200' frontage, and onsite septic systems and onsite wells. He said the property can easily yield four 200' lots in addition to the free split of the farm house, (but we could actually fit 5 smaller lots). Some of the remaining 2 acres on the property is not usable land because the property is steep and has wetlands on it.

He said an alternative plan that his client is interested in doing would be to develop a flexible subdivision with a common driveway. He said the existing house is in bad condition and possibly could be torn down (there is a 2-car garage there now). He said the topography is very flat up top and there are no wetlands up top, but they are very well defined at the bottom. The soils are good (gravely). Open space could take different venues; we could make it part of a lot, or it could be transferred over to the town, but that has some issues. It does not benefit anyone if it is not going to be used for anything in particular because it will become overgrown and will be a nuisance. Looking on the long-term there are good site lines, and excellent access here. The area could be used for a municipal building or it could be developed for recreation with parking area.

Chair Stahl said that if this plan were submitted, there may be a few modifications to consider (as permitted under the subdivision regulations) because with a flexible subdivision, we need to be flexible.

Mayor Ernest Eldridge said he has concerns with the common driveway. Who will upkeep and maintain the driveway, he asked. Mr. Wentworth said this will be a private roadway that will be owned and maintained by the property owners similar to that of a Condo Association.

Commissioner Jean Chaine referred to the common driveway. He said the whole idea was to find a way to be able to get the developer to keep costs down to make the houses more affordable. A brief discussion ensued about common driveways versus private driveways. Jean Chaine said the topography and geology of the land lends itself to good perk tests which would allow for smaller size lots. Could we squeeze that even further and get the bonus limit. That would drive the cost of those houses down, he said.

Mr. Wentworth said there is a provision in your regulations that states if 20% of your houses meet the affordable requirements as set by HUD, and that could be low-income or moderate-income housing it state that a house can cost no more than a certain amount (every town has its own number based on medium income of all the people). He felt that the houses would need to be priced higher than that.

Dawn Niles asked if the project would be a condominium project with a shared driveway, and would an easement be required to access the property to pick up trash, etc. Mr. Wentworth said there would be an easement over the driveway, which would favor everybody, but that easement would only be for the driveway. A Homeowners Association, which is similar to a condo association, would be formed and members would share the costs of maintaining the driveway including snowplowing. That will be attached to each property owner's deed, he added. The town's subdivision regulations state that.

Chair Stahl referred to open space. She said open space can serve many purposes. It can be recreational. Or it could support wildlife and not be open to the public. Perhaps this site could be a wildlife area, as a buffer around the pond to help support well water quality in that area. In deciding the future of any potential open space, we need to think to the future, not just today. She said one of the things that Mansfield does in its subdivision process is to require that every subdivision plan has to figure out how it will fit in with the network of potential walking trails - eventually throughout town people will be able to walk to the community center on these trails.

Mr. Wentworth will return to the Commission if his client purchases the property.

3) Meeting Request from Magnet School Committee

Chair Stahl said the Magnet School Committee has requested to meet with the P&Z with reference to the Magnet School.

Code Enforcement Officer Matt Vertefeuille explained that the Magnet School Committee recently gave an overview of the proposed school and reviewed the school layout with the Town. He pointed out the proposed location of the school on Tuckie Road. He said in order to receive grants and funding, they need to be actively working on the project by June 30, 2010. He said they need to be working on grubbing etc. by that date, but they need to meet with the Inland Wetlands Commission, as well as the Planning & Zoning Commission before they can start the grubbing process.

Commissioner Jean Chaine said they need to take possession of the land and have a groundbreaking before June 30, 2010. The Commission concurred that a special meeting would most likely be required to consider site work because of the timeframe of the project. Chair Stahl polled members to see when they may be available for a special meeting. The date will be determined (probably in June), she said.

4) Zoning Regulations Revisions – schedule working meeting date/location.

The Commission tentatively scheduled a meeting on August 12, 2010; the first items to look will be the commercial sections of the Zoning Regulations

IV) Routine Business

Correspondence

- 1) The Commission received, with regret, the resignation of Curtis Ehler who recently moved out of the area.
- 2) The Windham Regional No-Freeze Hospitality Center is requesting an extension of its permit. This will be taken up as an agenda item at a future meeting.
- 3) A workshop entitled Reinventing the Commercial Strip & Creating New Mixed-Use Centers will be held on May 17, 2010 from 6:00PM - 8:30PM in Chaplin, CT.

V) Miscellaneous

Chair Stahl said she recently met with the Economic Development Commission. She advised them that the P&Z Commission is looking at updating the Zoning Regulations. She said they talked about different ways that both commissions could work together to ensure that what we are doing is in line with what they are trying to do. She told them that the P&Z will work closely with them.

As there was no other business, the meeting was adjourned at 9:00 P.M. Motion by Vic Rayhall and seconded by Claire Lary. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk