

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

Corrected
MINUTES

October 28, 2010

The Windham Planning & Zoning Commission held its meeting on October 28, 2010 in the Meeting Room of Town Hall. Chair Paula Stahl opened the meeting at 7:04 P.M. Members present were Dan Lein, Dawn Niles, Juan Montalvo, Victor Rayhall, Jean Chaine, Claire Lary, and Paula Stahl. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

I) Approval of Minutes

The minutes of September 23, 2010 were approved on a motion by Vic Rayhall, seconded by Jean Chaine. The motion carried unanimously.

Jean Chaine referred to the minutes of October 14, 2010. He said he wanted to clarify a comment made at the last meeting with regards to businesses on Main Street not being frequented by the college community because Main Street is poorly lit. He said what he really wanted to get across is that when the businesses on Main Street close, their storefront lights go out and that contributes to the dimness of Main Street. I didn't want to imply that the lighting on Main Street was inadequate; but the fact that there are a lot of dark storefronts and that does not make it desirable for people to walk Main Street after hours.

Dawn Niles made a motion to approve the minutes as presented and Dan Lein seconded the motion. Voting in favor of the motion were Dawn Niles, Dan Lein, Claire Lary, Juan Montalvo, Jean Chaine and Paula Stahl. Vic Rayhall abstained. The motion carried.

II) Windham Medical Associates LLC – Final Site Development Plan for a 30,000 +- sq. ft. professional medical office building, with related accessory uses, to be located behind the Windham Hospital. The property (with an address of 605 Valley Street, but more commonly known as 112 Mansfield Avenue, Willimantic) is in an R-6 (RPO District), and is owned by Windham Community Memorial Hospital/Hatch Hospital Corp. The site plan is being requested in accordance with Section 26.3.2 of the Windham Zoning Regulations.

Richard Brevnik, President of Windham Hospital, introduced Philip Doyle of LADA, PC, land planner for the project, who has been working with Castle Development Co. and Windham Hospital. He said the Hospital is very excited by the project, and hopefully Mr. Doyle will be able to convey more details so that the enthusiasm can be shared by the Commission as well.

Philip Doyle, an architect and land planner with LADA, PC said they have been working with the hospital, to create a master plan, projecting 10 or 15 years into the future. The

master plan shows a total of three buildings, with the remaining two buildings being built in the future.

He referred to an illustration of the hospital property and identified the location of the proposed building. The building will be situated behind 90 Quarry Street, a medical office building taking access from Quarry Street, behind another medical office taking access from Mansfield Avenue and immediately north and adjacent to the existing parking lot. He said the hospital has about 37 or 38 acres of land, which are partially developed. A section of the property located in the northwest quadrant, above the parking lot, is where we are looking for future development, said Doyle. There is a provision in the regulations that says if you look at a big piece of property and you want to develop it you need to make a master plan of the entire site. This plan gives you a vision for the future. We might have 2 buildings similar to, or identical to the building that we are proposing at this time.

He said based on staff comments, as well as input from this commission, we have modified the plans to include a looped drive, a secondary drive to get us up into the area for future development. Prior discussions recommended separating construction traffic from the traffic for doctors, nurses and patients at the hospital. We have assigned in our plans the Valley Street entrance as the rear entrance to get up around the northern section of the existing parking lot where we plan to build the driveway into the site, and separate ourselves out from the majority of the hospital parking and access issues. He said other comments we heard were long term; is there any other way into the hospital, and that has been part of our internal master planning as we worked with the hospital over the past year, he said.

Town staff brought to our attention an old right-of-way on Tower Road. Tower Road is part of that right-of-way which goes back to the 1870's. We have been exploring with the Town and also with the Seventh Day Adventist Church, which sits on the corner of Tower Road (their property touches the northwest corner of our property) the utilization of that right-of-way. One of the issues raised by the Water Department was could we loop our water hook up. Years ago, the hospital brought in a 12" water line and stubbed it just at the top of the driveway of the boiler plant. We were asked to bring our water lines in from 2000 feet to the water tank. That would provide water service to this section of Willimantic, and we are exploring doing that. He said we have to bring that water line down the Tower Road right-of-way. In the future that could be a back door entrance to the hospital, said Doyle.

He then referred to the drawings. He said most of the construction vehicles will be coming in from Valley Street at the northern end of the parking lot, looping around and coming up into the elevated development of the site. Most of the customer traffic (once this building is built) will be coming up and will make a right hand turn into the current access to the main lot. That access will be cut off to the main lot, and when we build the new driveway they will be able to come up to the new building and will be able to circulate around the building and exit at that point. We are proposing gates at what will be the construction/fire lane so we will not be proposing to use that actively at this point.

The final coat of pavement will be put down after we get into the construction of the second building. We won't pave it now because during construction and looking forward, we know the area around building #1 is going to be entirely occupied. There will be as many cars there as are using the existing parking lot.

He then referred to the RPO Zone, which has a series of bulk standards. Those standards reference both the R-4 and the R-5 zones for various densities; heights, setbacks, coverage etc., and we more than meet all of the standards, he said. The building will be a two-story building, 30,000 square feet with 15,000 square feet on each floor. We need 143 parking spaces to accommodate that building and we have 143 spaces (10% designated as handicap spaces) shown on the plan.

Mr. Doyle then identified pedestrian circulation. A pedestrian access is proposed with sidewalks and pedestrian entrances at both ends of the building. We have a sidewalk system along the front of the building that will connect to a sidewalk proposed along our driveway. Emergency vehicles will more than adequately be able to gain access to the site. All utilities will be underground. We have also redesigned the grades in the parking lot and have lowered all the grades along the driveways wherever a sidewalk is planned.

He then reviewed the landscaping plan. He said they will be using mostly shade trees in the landscaping scheme. There will be a mixture of Spruce, Oaks, Red Maples, Birch and deciduous trees. We will pick up the palate of the plantings that are there now and use the same trees that are being utilized throughout the hospital property, while attempting to blend the plantings with the environment.

Mr. Doyle then referred to the drainage on site. Collecting storm water will be done in a controlled fashion, he said. We are proposing to use the island that is in the center of our parcel as a rain garden. Basically what happens is that we put in a mixture of soil that is sand and topsoil. All of the water is drained into that island where it lets as much water as possible percolate into the soil. It is cleaned by a stone baffle that is down in the soil and then it is sent into an underground detention system, stored and eventually discharged. We will landscape that area with plant materials, grasses, groundcovers, and shrubs that can take inundation. Sometimes it is wet and sometimes it is dry. You create an environment where the plants are doing some of the nutrient uptake. If there is oil in the water, or silt, those plants are going to filter that material out, he said.

He then reviewed the lighting plan. We are trying to match the illumination that currently exists on the hospital property, he said. The hospital uses 15-foot tall poles and we will match that. While the hospital uses fixtures that are 175 watt, we are planning to use 250 watt fixtures because the DEP is about to come out with a new regulation that will prohibit using 175 watt fixtures as they are not energy efficient. We will try to keep the illumination levels the same as they are in the hospital lot, he said.

Chair Paula Stahl expressed concern about vehicles coming into the property from Mansfield Avenue. She said it is a little confusing because of the angles. A driver not knowing where he is going would probably turn right to get into the new building instead

of going into the parking lot to the hospital or the Shea entrance. She said maybe it should be more of a 90 degree turn instead of a gradual turn. It seems like the road now is leading directly into the building.

Mr. Doyle said we are going to have three buildings up there and we do want to direct people into that area. When you come up from Mansfield Avenue you will be coming in at a 90 degree angle to an arch. We will be adding directional signs, but we have not yet submitted any signage plans. We will want an internal directional sign in this area that will direct people to the new buildings and to the parking lot. We want to ensure that people coming to the building will use that parking lot and people coming to the hospital will use the hospital parking lot.

Chair Stahl expressed concerns with the parking shown on the north side of the building. The building entrance is in the middle of the building, but the pedestrian entrance is over on the side. People parking on the north side will see the front door and will have a tendency to walk toward the front door. Mr. Doyle said we have a long rain garden in here, and we were trying to get the greatest amount of area in that rain garden for capture of rainwater and infiltration. The entrance could be moved over, but that means the rain garden gets a little smaller.

Chair Stahl said there should be a way across the rain garden for pedestrians, and just rearranging the handicap accessible area lines for people's car doors would be beneficial. Mr. Doyle said if in the center of the island there was one of the 16' wide required end spaces that might become the island. We could do it as a concrete flush condition. That would be the way to do it and not lose parking spaces, he said. Chair Stahl said she felt it will be an issue unless you have an access point. Mr. Doyle agreed to make the change.

Mr. Doyle then identified the location for a dumpster to the west of the building in the upper parking lot. There is a reinforced 8 inch concrete pad for the 20'X16' long dumpster which will be completely screened with gates. Chair Stahl referred to a chain link fence shown on the plan. Mr. Doyle said he added the chain link fence on the plan, but now feels they don't really need it at this time and it could be eliminated.

Commissioner Dan Lein referred to the driveway coming off Valley Street. He asked how the trucks would make the turn. If you are going out the hospital parking lot and down that hill, the area is real narrow. Is that area going to be blocked off, or just used for construction traffic, he asked. Mr., Doyle said most of the construction traffic will be directed. At some point we will be installing water and sewer lines along the main driveway (off Mansfield Ave.), and when that happens we will have contractors working in that area and they will have to direct people around (to the Valley St. entrance). Everyone else is going to be directed to use the Valley Street entrance. He said he doesn't foresee that to have a major impact.

Dan Lein referred to the right-of-way coming off Tower Road. Utilizing that right-of-way would help set up the future development and also relieve the current conditions of getting to the site from the northwest side.

Mr. Doyle said if we had guaranteed access to that point it would probably be less expensive for us to come in through that point. But, there are legal issues that still exist out there and we are not sure if we have that access point. That right-of-way could have been activated at some point, but it has not been activated, so you have a situation where we believe the Church owns that property. They bought a piece of property, with full knowledge, that says in the deed and on their plans that goes back to the 1870's, that the property was offered to the Town of Windham for highway purposes. No one has ever officially used it. When the water tank was built there was somewhat of an informal extension of the use of that right-of-way. The Church never complained so no one dealt with it, but the Church still owns this land. If the town was willing to accept that right-of-way, and be able to do that with the blessings of the Church, then we might be able to use that. Short of that I don't think it is going to be possible, said Doyle. We and town staff have met with the Church, and they are willing to work with us to see if we can extend the utilities through there, and maybe in the future be able to see Tower Road become a real road. But, that is a slow process. There is a lot of work that we have to do (provide easements) to make sure that we can use that. The Church had a concern regarding putting in the utilities, and asked how close we are going to be to the Church school. They asked that precautions be taken to protect the children.

Jean Chaine referred to the master plan. When you refer to the future buildings it sounds like the construction road you are creating circles the existing large parking lot. He asked if that might be the access to those future buildings. Mr. Doyle said that would not be the sole access, but it is intended that in the future there will be another loop. We have the main loop, and we will have a secondary loop, and then there will be an internal parking connection and maybe another connection to Tower Road.

Mr. Chaine said that in the future when it comes time to propose the subdivision or the proposal for the two buildings, if you don't have an additional access you may run into a problem with the length of the driveway being over the 1000 feet limit, and whether you come in from Mansfield Avenue or Valley Street I think you are going to exceed that. Mr. Doyle said he didn't think there would be a 1000 foot issue. We all would like to focus on being able to make the Tower Road access work, but I think it is going to take a few months just to be able to get our utility connections through, but I think we will get there eventually, he concluded.

Kevin Clark of Clark Engineering referred to the utilities for the site. We are planning to tap into the water system up where the tank is, and extend it down through the site from the north down through the developed area along the easterly side of the site with a 12-inch water line. We will come down through the parking area between the building and the proposed detention basin, which will be along the southerly property line. It will then come down heading southerly toward the intersection of the driveway, and will proceed down the driveway towards Mansfield Avenue, and then connect to the existing 12-inch line. We have been working with the Jim Hooper of the Water Dept. and have submitted a set of plans along with the profile drawing for his review. He has reviewed the plans once, and recommended a few minor changes he would like us to make. The plan has been forwarded to him again for his approval.

The sanitary sewer ends at a manhole down on the easterly side of the access drive coming in off Mansfield Avenue. We will extend that sanitary sewer and will try to stay in the grass area along the right hand side of the driveway, and that way we don't have to do any more excavation in the existing driveway. We will then come to the center of the new main driveway and extend the sanitary sewer up along the drive. We have taken a look at the grades for potential development up in the site to make sure that that sewer is deep enough to serve that area. That will be built as an 8 inch sanitary sewer and we will have 6 inch connections into that.

The storm water management system is designed to treat storm water with a series of devices because storms vary in intensity. Storm water will be treated in a variety of ways including the use of rain gardens, which lead to a series of underground pipes. The water then drains into a detention basin, which goes into town drains and eventually into the Willimantic River. Chair Stahl referred to the outlet for the detention basin and asked about the elevations. Mr. Clark said the outlet is about 365. Mr. Clark said the storm water system is designed so that the peak flows are equal to, or less than the existing flows from the site for a 2 to 100 year storm. The only storm where there is an increase (but no increase towards Valley St) is for the 2-year storm as you go towards Mansfield Avenue. Again, once you get through our two detentions systems, there is another detention system so we don't feel that it will have a significant impact. Juan Montalvo asked if the development would affect water pressure in the area. Mr. Clark said it would not because the connection of the 12 inch water main through the site will improve the water circulation and quantity of water for the area.

Town Engineer Joe Gardner said he has reviewed the plans, and added they had done a good job. Chair Stahl asked if the applicant would consider treating the detention basins as landscaped areas and not detention basins. Chair Stahl said since the detentions basins are going to be at the entryway to the project it would be nice to landscape them so that they enhance the project. Mr. Doyle was in agreement. Chair Stahl referred to the north side of the building where the applicants have included sun-loving shrubs. She asked if they would reconsider some of the plants for suitability, as well as some of the rain garden ground cover. Mr. Doyle said they would double-check the plans to make sure the plants are compatible with the locations.

As there was no further discussion, Jean Chaine made a motion to approve the site development plan as presented, including the modifications that were discussed, and Juan Montalvo seconded the motion. The motion carried unanimously.

III) Preliminary Subdivision Sketch Review-Windham Hospital, 112 Mansfield Avenue, Willimantic, CT.

Planner Finger's staff report explained that the Hospital's master plan envisions three new buildings. To achieve this, the Hospital would like to create a three-lot subdivision of land in the rear section of the Hospital property. This will allow the proposed buildings to be independently owner and financed. This will be a commercial

subdivision with the lots having frontage on a private road. The private roadway would simply be using the existing Hospital driveway as the new collector road.

Code Enforcement Officer Matthew Vertefeuille said the best way is to divide the property so that they can come in with individual site plans, (while meeting our requirements) so that they can individually mortgage the properties etc. This plan is intended to be a preliminary subdivision sketch to review the idea and see what the commission's feelings are. They will come back to the commission at a later time with a subdivision plan.

Mr. Doyle said the reason we are here doing a brief discussion about the potential subdivision of the property is driven by financing. The Hospital has been built for many years and there are mortgages on the property. For example, in the core of the Hospital site there is a 3-1/2-acre piece, which was mortgaged for the Hatch wing, and it was financed on a separate lot. When we submitted the application we identified three pieces of property that the Hospital has. They have a 16-acre piece for Windham Community Memorial Hospital, a 17-acre piece that is to the north, and sitting in the middle is the Hatch Wing. There are various ways to fund the development, said Doyle. You could do it as commercial-condominiums. The banks have indicated to us, and Hartford Hospital has indicated as well, that they would prefer that we have an independent lot for this building. Future buildings could be independently financed with a separate mortgage in place.

We would have three lots with a spine road that flows through the property. That spine road (a private driveway that runs through the site) is there by virtue of a series of easements, he said. There are cross easements that have been developed that allow the Hospital, and the people who are using the Hospital, to move through that property. Our concept is to take and use our entire spine road as our access road system, a commercial driveway system. We would diminish the size of the Valley Street lot, which is owned by the Hospital, and is primarily vacant. We would break out three separate lots on that piece. Each lot would be 3 to 3 1/2 acres in size, sufficiently large so that it meets all the setback requirements, bulk requirements, all the standard zoning requirements, and we wouldn't put any of the approvals in jeopardy for those individual lots. They would all have frontage on the private commercial roadway system.

The roadway system would circumnavigate through the site using easements, which would be defined curb to curb for that road. There would be blanket cross easements for utilities, access, maintenance and all of those issues. The Valley Street lot would probably remain, but somewhat smaller than what it is now. The main Hospital lot might be a little smaller, but primarily the same size so all of its bulk standards would remain the same. The Hatch property would remain the same and virtually the same cross easements would exist. We are not asking for an approval for this now because we are not sure how the final design would work. What we have represented is a potential if we are able to work with our neighbors and the Town to bring Tower Road in. It could be a cul-de-sac, he said. That is one of the reasons why we left the parking lot recessed from the northern edge of our property so we had room to potentially develop the cul-de-sac.

We could bring Tower Road in, terminate it and then bring part of the road and driveway system down through, and to the middle of the property. In terms of access between buildings, that would give us tremendous views, and a nice entrance to the Hospital. But because we still have to work out some of the issues with the Town and the Church on how we use that right-of-way, that might be an issue that we would come back and address as a re-subdivision or a lot line adjustment. We would be looking now to break out three lots, and this lot would most likely be the lot that we would be placing the mortgage on to finance this building. The drainage system would remain as it is. The Hospital plans to return to the Commission with a plan to subdivide the property.

IV) Update on Incentive Housing Zone by Jana Butts of WINCOG

Jana Butts gave an update on the status of the project. She said one of the goals of the Housing Market Analysis is to determine demands for housing in Willimantic. There is a need for better quality housing while keeping rents low. She said the original estimate was that there was a demand for 430 units. We took another look at the commuting pattern of people who live outside of Windham, but commute to Windham for work, and they actually increased the housing demand from 430 units to 660 units. She said the target demographics are for 20-30 year olds and 60-75 year olds.

She then referred to the zoning map and spoke of an Incentive Housing Zone. She distributed material outlining State Criteria for an Incentive Housing Zone set by statute. She said certain requirements must be met when developing this zone. Some of the requirements include being in locations with bus service and public water and sewer, densities, a percentage of the housing must be affordable, and developments in this zone are not allowed by Special Permit. If the plan meets the Zoning Regulations it must be approved. No additional conditions may be applied.

She said in the Housing Market Analysis they found that if you want high quality development you may have to provide an incentive to developers. They made reference between for profit developers and not for profit developers. Since these developments cannot be by Special Permit, that in itself is a strong incentive to developers because you are removing some of the risks that developers have to incur when they have to go for a Special Permit. You have to be very specific when setting standards for an Incentive Housing Zone because when a developer comes in and meets the letter of the Zoning Regulations you can't add any other requirements.

Commissioner Jean Chaine asked if there are standards that exist for this zone. Ms. Butts said not at the present time. The P&Z Commission would be the body that would write those standards. She said these standards must be very thorough, and should try to include every scenario. Mr. Chaine said once these standards (which we have written) become the standards in this zone, developers must follow these standards and nothing additional can be added. If it meets the Zoning Regulations, it must be approved. Ms. Butts concurred. She added that she will be meeting with the Economic Development Commission in the near future to explain the Incentive Housing Zone and its benefits.

She said when considering this zone, Windham Downtown priority locations to consider for mixed development are the Jillson property, the Hurley building, the Hooker building and the Nathan Hale building. Another consideration is how to handle problems of cost and code requirements when renovating existing historic structures. She said when she returns to the Commission she will bring sketches of what these buildings should look like.

V) Recommendation to Town Council on 8-24 Review on acceptance of Victory Lane as a public street.

Joseph Boucher, of Towne Engineering, said Victory Lane and its appurtenances have been substantially constructed in accordance with the approved plans and the specification of the Town of Windham with some very minor variations, which were previously approved. Chair Stahl referred to a letter from Town Engineer Joseph Gardner stating that the property owner has asked the Town to proceed with accepting Victory Lane as a Town street. He recommends the Planning & Zoning Commission provide a favorable recommendation to the Town Council that victory Lane be accepted as a Town street.

Dan Lein made the following Resolution and Vic Rayhall seconded it.

Be it hereby RESOLVED pursuant to the Connecticut General Statutes Section 8-24, that the Windham Planning and Zoning Commission recommend that the Town accept Victory lane and the appurtenances as public facilities as the roadway is completed. This is consistent with the Town Plan of Conservation and Development.

VI) Recommendation to Town Council on 8-24 Review CL&P easement for above ground vaults on Main Street in Willimantic.

Chair Stahl referred to a letter from Town Engineer Joseph Gardner regarding the CL&P easements. Mr. Gardner writes that CL&P has 30+-year-old aging transformers in vaults under Main Street. They would like to replace them with new above ground units that would be located on Town properties. Site 1 is located off Walnut Street between the Walnut Street parking lot, the Opus Restaurant and property owned by the Horrocks. Site 2 is located within the Railroad Street right-of-way adjacent to 664 Main Street, which is owned by ECSU. Site 3 is located off Main Street on the former Chapman Block property, 804 Main Street. Mr. Gardner recommends that the P&Z Commission provide a favorable recommendation to Town Council on granting the easements to CL&P.

Chair Stahl said she has concerns with the philosophy of above ground vaults in urban areas. In terms of aesthetics, these vaults would be visible in pedestrian areas, and one would be on property that we have just talked about for an Incentive Housing Zone. She said she has concerns with all three locations being proposed for the above ground vaults. She recommends that CL&P either look for other locations for the vaults or consider keeping them underground.

A representative from CL&P said we have aging structures and we are looking to replace them in order to make it easier to maintain the units, as well as making it a safer alternative for our employees. In addition, with new economic development projects taking place in town we are looking to increase the capacity of power downtown.

Jean Chaine stated that in the early 1960's there was a big push by CL&P to get rid of all the above ground telephone poles, and 40 years later we are talking about going back to having these units above ground. He said there has to be some compelling reason for the change. Is it the cost, or is it the convenience, he asked. Why the change in philosophy. The CL&P rep said it is safer for our men to service the units when they are above ground. Usually there is only one entry for our men to go down into those holes. It makes it harder to get a man to a safe point. Mr. Chaine said when you have these types of situations you give them hazard pay. It becomes a job that has a little more of a dangerous element. That is one way around it, he said. The rep said that is not the solution because you still have a man in a manhole that may or may not come out alive.

Juan Montalvo said there is also the possibility that the above ground units will attract graffiti. The rep said CL&P would be willing to paint the transformers if that happens.

Chair Stahl asked if CL&P would be willing to look for other locations because the problem is that we are not in favor of the three locations being proposed. She said one of the units is being 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' X 18'). The issue with that location is that it is town property, and 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. Perhaps there are other locations in that area where you could put the above ground transformers, she said.

The rep said we could put a structure with an open top vault on the Main Street property and we probably would want it closer to the street. Chair Stahl said you would still need the same amount of easements. The rep said that might not be the case because if there was a problem with the above ground unit we would be able to access the transformer from the street. We would be able to use a crane to take it out and they wouldn't have to block off the street. The above ground units are a lot easier to maintain. If something happens we can usually replace them within 6-8 hours, while if something happens underground it would take a lot longer than that to repair it. And then you have to consider that we are blocking the road, and it is possible that we would have to block off a large area to insure public safety.

She referred to a report from Town Engineer Joseph Gardner stating that his recommendation is that the P&Z send a favorable recommendation to the Town Council for granting these easements. Mr. Gardner said he has worked with them to try to find private properties, but they were unable to find any private properties in that area. We

didn't see any other locations where they could place the units, he said. But, if the P&Z is unable to offer a favorable recommendation to the Town Council to grant the easements it is not going to hurt my feelings, he said.

Dawn Niles asked if the Walnut Street location is close enough to the location of the future-parking garage. Could they build into it, she asked. Town Engineer Gardner said we have struggled with that because they initially wanted it in the location of the parking garage, but we said we may need that space for a parking garage in the future. Chair Stahl asked if they could build it in as part of the parking garage. Mr. Gardner said CL&P wants to do the work now. The parking garage could be 4-5 years away. Gardner said Main Street is in bad shape and DOT wants to pave Main Street next year. The last thing we want to do is to pave Main Street and then have to dig it up. The rep said he has been in contact with DOT, and they are willing to postpone the paving until CL&P gets their work completed. Chair Stahl suggested that CL&P get together with the Town Engineer and look for other locations, or consider staying underground. Mr. Gardner said we could move the one on Railroad Street. Chair Stahl said it probably could be moved to the sidewalk up against the fence.

Dawn Niles referred to an article in the newspaper that stated that these changes are needed for economic development (apartments next to the Frog Bridge, Generations' new medical facility and the proposed medical offices on hospital property). She said while these changes may be needed, she felt there were other options open to them. Chair Stahl agreed that one of our biggest concerns is with economic development. Dawn Niles said we wouldn't be saying no to them forever; we could tell them to come back with different locations.

Juan Montalvo said another issue to consider is health and safety. Dawn Niles said the health and safety issues were 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. She said they could put them underground; either under the road or in another location.

Code Enforcement Officer Matt Vertefeuille said he goes to a lot of other cities and you just don't see a single place in downtown New Haven that has an above ground vault. Chair Stahl said usually in urban areas they are located underground. The rep said they are at the point where they need to do something because a lot of the equipment out there is starting to deteriorate. Chair Stahl said they could be improved underground.

After some discussion Juan Montalvo made a motion to **not recommend** to Town Council the granting of easements to CL&P for above ground vaults and Jean Chaine seconded the motion. The motion carried unanimously.

VII) Miller Brothers, 801 Windham Road, South Windham - Continuation of existing earth excavation permitted under 75.2.2.

Planner Finger's staff report explained that the site comprises of 13 acres, and of this number 7.5 acres is actively used in the excavation of sand. The gravel operation was established prior to the adoption of zoning in 1972, and started out as a sideline business, because sand was in demand and this supplemented the ebbs and flows of the moving and storage business. Four acres of the site includes the moving and storage business. We have notified the owners of violations of their permit, specifically the large headwall and large expanse of exposed soil that causes dust to blow onto neighboring properties. They have made some efforts at securing about one acre of the site, and stabilizing the slopes near a neighboring residential area on South Windham Road.

Joe Boucher, Towne Engineering, spoke on behalf of the applicant's request to continue his gravel operation. There is an issue with sand blowing off the site on the northeast corner. He said the top of the embankment contains very gravelly material. Code Enforcement Officer Matt Vertefeuille said the area on the northwest corner is still pretty steep.

After some discussion Dan Lein made a motion to approve the continuation of the gravel excavation for Miller's Brothers and Jean Chaine seconded the motion. The motion carried unanimously.

VIII) Revision to Zoning Regulations

This item will be moved to next month's agenda.

There being no other business, the meeting was adjourned at 9:45 P.M. Motion by Vic Rayhall and seconded by Juan Montalvo. The motion carried.

Respectfully submitted,

Lillian Murray, Clerk