

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

MINUTES

FEB. 24, 2011

The Windham Planning & Zoning Commission held its regular meeting on February 24, 2011 in the Meeting room, Town Hall. Chair Paula Stahl called the meeting to order at 7:04 P.M. Members present are: Vic Rayhall, Juan Montalvo, Jean Chaine, Dawn Niles, Claire Lary and Paula Stahl. Dan Lein was excused.

1) Approval of Minutes

a) The minutes of January 27, 2011 were amended as follows: pg 2, para 4 ...the Hospital proposed **last summer...** also pg 5 para 5 ...we are **requiring** buffers where the property line... pg 6 para 4 ...on this property since 1928 or **1929...** Dawn Niles made a motion to approve the minutes as amended and Claire Lary seconded the motion. Voting on the motion were Vic Rayhall, Juan Montalvo, Dawn Niles, Claire Lary and Paula Stahl. Jean Chaine abstained, as he did not attend the last meeting.

b) Action on the minutes of February 17, 2001 was deferred to the next meeting.

2) New Business

a) Public Hearing – Windham Hatch/Hospital Corp. 112 Mansfield Avenue is seeking approval for a 4-lot subdivision plan with access through private streets for property located behind the Hospital with an address of 605 Valley Street.

Planner Finger's staff report explained that the Hospital has submitted an application for a 4-lot subdivision of their property, which includes the use and construction of private streets and a new 12 inch water line extending approximately 2,000 feet from Tower Road. Since the Commission has already seen this proposal on several occasions and worked on regulation changes to accommodate the project there is nothing new to report.

Chair Paula Stahl opened the public hearing for Windham Hospital. She confirmed that abutting property owners within 300 feet of the Hospital were notified of the hearing.

Philip Doyle, Land Planning Consultant with LADA Land Planners introduced Kevin Clark, Civil Engineer with Clark Engineering, Edward Bussiere, Director of Facilities at Windham Hospital and Bill Mogensen, with Castle Corp., the developer for this property. The subdivision will allow for a building on each of the three lots with one lot remaining as open land. He said several months ago the Commission granted site plan approval for the first of three buildings that the Hospital plans to build on the rear portion of the property. The first building will be a 30,000 square foot building. He said the proposed subdivision will allow the Hospital to remain competitive and stay in Willimantic for

many more years, but the Hospital will need some flexibility. He said recognizing some deficiencies in the Zoning Regulations, the Commission recently completed modifications to the Zoning Regulations for the Hospital, and some of the land around the Hospital. The Commission established a B-4 Zone; a Hospital/Healthcare Zone. He said the Commission also made modifications to its subdivision standards to allow for commercial subdivisions and to allow a Health-Care District. The subdivision will make it easier for the Hospital to add each building separately, especially for financial purposes. He said they hope to have financing in place sometime next month.

The Hospital's plan is to create three new lots from a, 18.82+ acre parcel owned by the Hospital. There is a Valley Street lot, a Mansfield Avenue lot and a lot that sits in the middle called Hatch/Hospital Corp. Creating the three new lots will allow for the construction of new medical office buildings. This subdivision proposal will create a new lot, called lot #1, around the recently approved building and parking area. In addition, two other lots are proposed. The master plan that we showed you earlier is reflected on this subdivision plan, he said. The subdivision will be serviced by the looped driveway that was approved as part of the site plan process. All the existing internal drives within the Hospital site will become private streets owned by the Hospital, and each will have a name that will be shown on the plan. The looped driveway that was approved in the site plan process will be a new private driveway, and in the future it may be that we might want, and you might require, an extension out to Quarry Street. We know there is some type of easement or right-of-way that may exist along the rear property line so we are showing that to be a possibility in the future. We have been trying to accomplish the ideas that the Commission has brought forward, he said.

The Water Commission has asked us to extend the 12" water line that exists on the property because right now there is only one feed down Quarry Street for water to the center of Town. The Water Commission said it would like to have a redundant system in case there is a problem. They want to be able to shut one line down and still have the municipality serviced with water. It is an expensive extension, but the Hospital said they would undertake that, said Doyle. We had to approach the Seventh Day Adventist Church and ask them if they would consider an easement that would allow us to accomplish these things. The Church has been working with us and I believe we have come to an agreement on those easements subject to the lawyer's working out the final details, added Doyle.

Mr. Doyle then identified four waivers that the Hospital needs in order to put the subdivision in place. Waiver #1 is to allow the roadways in the project, which will be private, to have a 65 foot radius, as opposed to 75 feet. The 75 feet is based on an assumption that the roads be 25 MPH roads. All of the existing roads at the Hospital are signed for 15 MPH, said Doyle. All of the private streets that we are designing are 15 MPH streets. This will allow us to be consistent with our road standards, he added. Chair Paula Stahl pointed out that our subdivision regulations under Section 11.13 permit us to grant waivers. Commissioner Jean Chaine asked, with a radius that is that short, will there be a problem with commercial deliveries. Mr. Doyle said no, that radius will work alright. Actually, that radius will make it more manageable for larger vehicles. He

said the Hospital's roads have the narrower radius, but vehicles have not had difficulty because of the layout of the property and the speed limits. Waiver #2 relates to this in that the regulations call for a private street speed to be 25 MPH. A 15 MPH design speed is proposed because the Hospital is signed at 15 MPH. Waiver #3 is a request to waive bonding for public improvements on the project as this is a private subdivision and there are no public improvements, other than the water line that we have been asked by the Water Commission to extend. We have water on site. We can service the buildings with the water that we have on site. We are making this improvement really to benefit the Town. It is a very expensive improvement, and we would like to be relieved of the need to bond when it is not necessary. It is a public betterment. So, we are asking for a waiver for that. The 4th waiver we are asking for is from Section 10.2.5 of the subdivision regulations. Under Section 10.2.5 you would normally require that the roads be built with a binder course prior to the transaction of the lot. Usually that is done because the subdivision regulations are set up for residential lot development and you want to make sure property owners can get to their lot.

Our proposal is to build the road in its entirety up to the lot line of lot #1. We will be building out with the binder course and adding all of the utilities. We will be building the balance of the roadway, and when we come along with lot #2, we will not need a waiver from the regulations to transact lot #2 because the regulations allow it to be transacted if the binder course is in place. Once this is recorded on the land records, we will go into financing for the project. He said we need that financing in place in order to build the water lines, the buildings and the roads. That is the extent of the waivers that we need in order to accomplish the subdivision, he said.

Commissioner Jean Chaine referred to the extension of the water line. He said it appears as though the Hospital is underwriting the full cost of the extension, and that is pretty generous. He said it would seem as though there might be some benefit behind the scenes to do that. Mr. Doyle said this was an unusual request for the Water Authority to make. The cost to extend the water line is estimated to be \$250,000., but that does not include extra money for legal or design issues. In lieu of that, the Town Council has approved a tax abatement over 5 years in exchange for extending the water main.

Chair Stahl opened the meeting for public comments, but hearing none she closed the public hearing and announced the Commission would take up the waivers first.

Claire Lary proposed the following **motion**: Be it hereby resolved that in view of the request for waivers from the proponents of Windham Hospital's subdivision application, the Planning and Zoning Commission finds that extra-ordinary hardships or practical difficulties will result from compliance with these regulations. Therefore the Planning and Zoning Commission approves the waivers as requested on pages 10, 11, & 12 of the application; specifically the Table I, Section 7 for roadway design and the requirements for a centerline radius of 75 feet for a private roadway with a design speed of 25 MPH to permit a reduction to a centerline radius of 65' at 15 MPH; and the third and fourth waivers on the requirement for bonding for the installation of public improvements under Section 10.2 of the regulations, and to grant a waiver of Section 10.2.5 to permit

conveyance of lot #1 prior to the completion of all public improvements. The Commission has determined that substantial justice may be accomplished and the public interest secured. In addition, the Planning and Zoning Commission has found that the following circumstances are satisfied based upon the evidence presented: a) The granting of the waiver will not have a significant adverse effect on other adjacent property. b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property. c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if these regulations are to be carried out; and, d) the waiver will not in any manner conflict with the provisions of the Zoning Regulations, Plan of Development or regulations of any other Town board or commission, Finally the Commission has determined that such waivers will not have the effect of nullifying the intent and purpose of these regulations. Vic Rayhall seconded the motion. The motion carried unanimously.

Dawn Niles made a **motion** to approve the subdivision as presented and Jean Chaine seconded the motion. The motion carried unanimously.

Bill Mogensen of Castle Corp., the developer of the project, said the Commission as done something entirely unique for an inner city, and he expects the project to help the city. This will be a center of excellence and will grow he said, adding people will get used to coming to the city.

b) Town of Windham – Environmental Magnet School, 141 & 145 Tuckie Road, Windham Center – receive application for Final Site Development Plan approval. Discussion and possible action.

Planner Finger's staff report explained that the consultants for the Town's Magnet School Project have submitted a final Site Plan for the Commission's approval. The Magnet School Project Committee Chairman has explained that they are behind schedule, and are hoping to secure approval as soon as possible.

Planner Finger explained that the school will be designed as a pre-kindergarten through eighth grade environmental inter-district Magnet School. Public water and sewer services will be extended to Club Road for the inclusive use of the school. The site is a 24+- acre parcel with the main entrance off of Tuckie Road with an emergency access road out through Carriage Lane. The two one-way driveways will enter from Tuckie Road to the middle of the site to access the various parking areas. These will include a bus turn-around area, as well as student drop off and pick-up area to permit delivery of students without the need to park.

Will Walter, Project Engineer with BSC Group, the Town's engineering consultants on this project said we believe the project meets the requirements of the regulations including bulk and dimensional requirements. Earlier this month we received two variances from the ZBA. The first variance was from Section 23.3. The regulations

require 200' of frontage, and we have 150'. They granted a variance on the frontage. The second variance was from Section 21.6. The regulations say you can't have more than 15% of your site be impervious surfaces. We are proposing 20% of impervious surfaces, and they approved a variance for that as well.

He said the existing site is probably 65-75% wooded. He identified the location of the site as well as surrounding areas. He said Tuckie Road is on the east side of the project. He identified Carriage Lane and Old Mansfield Road. We also received approval from the Inland Wetlands Commission to do work within the buffers, said Walter.

He identified the building as a U-shaped building with two wings that will be constructed to accommodate the sloping topography. One of the wings will be one story, while the other wing will be two stories. He said we have incorporated two courtyards with neat landscaping features which will be integrated into the learning curriculum.

He said we are showing the main entrance off Tuckie Road. The busses are going to continue around to the north, and there will be a dedicated bus turn area where the students will be dropped off. Parents will have a separate curb side drop off. We have configured the parking to work with the slopes on the property, he said. We are proposing an emergency fire access which will be a gravel road off Carriage Lane. We are providing 107 parking spaces with some overflow parking for events at night. We are proposing an overhead yellow flashing traffic light. In addition there will be a flashing beacon to the north and to the south. The combined effect will make drivers aware of the school zone.

Mr. Walter said our plans include 2 ball fields. One is a multi purpose field where they can play soccer, football and things like that. The other will be a baseball softball field. We have also included a playground for the 1st thru 6th grades, as well as a Pre-K playground.

The south side of the property has some neat features; a sundial, a small detention basin with a trail behind it, butterfly gardens, a sensory garden, and a vegetable garden. We are also going to be incorporating a nursery where the children in the first grade can plant a tree, continue to raise it and harvest it when they leave. They can bring it home and plant it at their home, he said.

We have looked very closely at the storm water. It is our understanding through discussions with the neighbors, as well as the engineering staff, that the neighbors to the north currently experience flooding under existing conditions. There is also a problem on Carriage Lane under heavy rain events. The design that we have before you will significantly reduce storm water peak flow from where it is going right now. As far as treating the water on the site, we have designed our measures according to the 2004 Dept. of Environmental Protection's Storm Water Quality manual. Our design includes construction of engineered wetlands, water quality swales, rain gardens and detention basins; as well as open bottom dry wells, (in lieu of traditional catch basins) to allow some of the flows to leach back into the ground. The storm water design has been

reviewed by Town Engineer Joe Gardner. We have done that in a collaborative effort, and he supports our design. The combined effect from these measures is that the flow that currently goes out to Tuckie Road is going to be maintained and slightly reduced. The flow that is coming to the west where there is a large wetlands area will be maintained and very slightly reduced. But, the flow that comes down to Carriage Lane currently, as well as to the north, is going to be significantly reduced.

Mr. Walter said the electric service will be coming off of Tuckie Road. As far as water and fire protection, we are tapping into a main on Club Road about 2000 feet to the west. There are easements in place from St. Joseph's Church and Victor Coughi to allow for the utilities to be run underground to the school. The public will not be allowed to tap into the water lateral. It is being sized solely for this project, he said. This will provide for all the domestic water and fire protection needs for the site.

As far as sanitary, there is an existing gravity sanitary system on Old Mansfield Road that we will be able to tap into without going across anyone's property, he said. Commissioner Juan Montalvo asked if there would be outside sanitary facilities, especially in the ball field areas. Mr. Walter said there were no plans for outside sanitary facilities, but agreed to take a look at that.

Lighting on site will include 16-20 foot poles strategically placed throughout the site to provide minimal 1-foot candle power for all the drive and parking areas, said Walter. We will be providing building mounted lights to illuminate the entrances and courtyard.

As far as signage, we have placed eight different directional signs into the site that are traffic related. They will direct cars where to park etc.

We will have a loading dock in the back where trucks can come in, go around the loop and then back up to make deliveries. We have shown the location for the dumpster pad on the plans.

We have three easements included on our plan. The first is a 20-foot wide easement on the east side along the western border that is in favor of Mr. Coughi. That was part of the settlement to get the easement across his property for the water. We also have two 20-foot easements to cross Mr. Coughi's property and St. Joseph's Church. We have consulted collaboratively with the Town Engineer, the Fire Chief, the Fire Marshall, the Water Pollution Control Authority, and the Water Dept. We have shown our plans to the State Police and have had correspondence with the State Traffic Commission, and I believe we adhere to all their requests, added Walter

The Commission was concerned with our intent to provide a walkway from the school all the way down to Tuckie Road because there are no sidewalks on Tuckie Road, said Walter. He said it was not on our original plan to include a walkway, but that was one of the requirements of the Bureau of School Facilities. Chair Stahl and other Commission members said they do not want to encourage students and Tuckie Road residents to walk to the school unless there is a sidewalk along Tuckie Road. Senior Project Manager

Norman Benjamin from Arcadis said we can try to fight the walkway as we seek the additional approvals from the State. The majority of the plans that have been submitted to the State are for clearing and grubbing, as well as site development. The main package including the building, the sidewalks, pavement etc have yet to be submitted. I think that at that point in time we may have the opportunity to rebut the walkway. Commissioner Dawn Niles said perhaps we could seek a waiver from that.

Tom DeVivo addressed Commissioner Montalvo's suggestion regarding the outdoor toilets. He said while it is a good idea, the State will not cover the cost. He said out buildings are not be reimbursable. Chair Stahl said it is a good idea, but it would be very expensive (water, electricity, heating). Another concern the Commission had was with the detention basin. Mr. Walter said you asked if we could make it a little shallower and take away the need for a fence around it. We did take a look at that, but it is critical to the use of this site because storm water is such an issue coming down to Carriage Lane. This detention basin is being used to intercept a lot of that flow and re-route it. He said we were able to reduce it from 5 feet to 3 ½ feet, but we will have to provide some kind of a gate around it. When you look at the basin it is not just a deep hole. We will add some plantings and make it a part of the landscaping, he said.

Jesse Harris, landscape architect with the BSC Group spoke to the landscaping plan. He said the intent is to use a majority of native materials, not only to enhance the aesthetics of the site, but also to provide a learning tool for the kids. The plan also calls for shrubs and trees to create a natural succession into the forest along the edge of the property. We plan to use seed mixes that contain native trees and shrubs so that over time they will fill in and promote a natural expression of the forest edge. This will also help buffer the edges from the closer residential properties, and will recreate the under story that will be lost due to the clearing of the site. All the trees and plantings around the parking lots and the site drives are native trees (Red Maples, Sycamore Maples). There are also a few Green Ash trees. They will help shade a lot of the open space areas, he said. Closer to the building (at the entrance) we will have a berm with some plantings and native vegetation. We also have recreated the stone walls that were lost due to construction. That kind of reinforces the heritage of Native Americans and the reasons why they built stone walls in the past. That will be carried through the courtyard which will also have native species.

The courtyard will be a major learning environment where kids can come out and view the native species, and hopefully through the curriculum the kids can learn and identify the native plant materials that are in there. In rain events, we will have rain chains that display the storm water off of the roof so that the kids can see how storm water functions when it rains. It will be piped down to the courtyards down to the rain gardens where it will be displayed, and the heavier flows will drain back into the detention ponds. The kids will be able to follow the whole cycle from roof down through and see how it interacts with the environment.

There is another more passive learning environment on the south side. There will be a butterfly garden and the kids will be able to observe and interact with the life cycle of

butterflies native to the area. He said we are using an excessive amount of native materials; about 95% of the materials are native to the area. This will provide the kids with a great learning environment.

A general discussion ensued.

Chair Paula Stahl referred to the top detention basin and asked if this area will be fenced. Mr. Walter said it would be fenced. She said if it is not going to be a decorative basin perhaps it needs to be screened with some decorative shrubbery.

Commissioner Jean Chaine said he would like to talk about the Tuckie Road entrance. Chair Stahl said I don't think that the Commission should be making decisions about the by-pass lane, red lights, flashing lights or any of that tonight. Commissioner Chaine said while that is true I think the Commission owes it to the Town Council to weigh in on what their position is. He said the Commission should make a recommendation to the Town Council regarding Tuckie road improvements. He said he personally recommends a right-turn lane or a stacking lane. The Town Council is aware of the situation, but has done nothing about it. The concern is who is going to pay for it. I understand the State funding will not pay for it, and the Town doesn't seem to want to pay for it even though they voted to go with the school because they were going to get a 40 million dollar school for 2 million dollars. Why are they complaining about spending another couple thousand dollars to do something about that entryway. He said it seems that some kind of widening of the road is greatly needed at that location. It would be more economically feasible to entertain the right-hand turn now, and have the Town fund it. It would be cheaper because it would be done at the same time that the contractors are on site. Mr. DeVivo voiced his support for the right-turn lane on Tuckie Road, but said the Town Council cannot seem to move along with a plan. Mr. Chaine said he is not proposing that the Magnet School underwrite it, he is proposing that the Town Council make a decision. They may not have enough information. They may be on the fence and maybe a little more information will help them go one way or the other. Mr. Chaine said if the Building Committee is on board with this, and the Planning Commission is on board, and that is reported to the Town Council, they need to take a vote, and they are not doing that. Code Enforcement Officer Matt Vertefeulle said it is within the Commission's purview to make that recommendation.

Chair Stahl said her hope is to consider a decision on the site plan tonight. Commissioner Chaine said I hope that we could indicate to the Town Council that we have a strong feeling that they should give serious consideration to a right-turn lane. Chair Stahl said she wouldn't be able to make a decision on that tonight, but agreed that the PZC could discuss the issue at a future meeting. She said I'm not sure that a right-turn stacking lane would help that much. Commissioner Chaine said he would not argue with the chair on being uncomfortable to make a decision this evening, but he said he would argue that we need to phrase our approval process tonight, leaving the door open that this issue is one that we want to weigh in on. We want to avoid having the Town Council make a decision without our opinion. That is my concern, he said.

The discussion continued.

Commissioner Claire Lary asked if there has been any consideration for using solar energy. Mr. Walter said this whole courtyard is based upon having solar access here to create a micro climate. Is there anything for the building itself, she asked. Mr. Benjamin said as far as using solar energy, all the domestic hot water will be produced by solar. We are also thinking about incorporating that into the learning aspect as well. We are talking about re-circulating some of the storm water runoff to keep that courtyard flowing. There are some ideas out there for that, he said.

Chair Stahl asked if the emergency access could be grass paved instead of a gravel drive. Mr. Walter said gravel pavements were considered because grass pavements get ripped up and need maintenance.

Chair Stahl referred to the lighting plan and said she had a concern with the lights being on all night. She suggested that perhaps $\frac{3}{4}$ of the lights be turned off at 10:00 P.M.

Commissioner Chaine said he wants to make sure that the recommendation regarding Tuckie Road improvements is iron clad so that we don't have the rug taken out from under us. Chair Stahl acknowledged that whether we make a decision tonight or a month from now, they may or may not take our recommendation. Commission Chaine said he would like to have the recommendation in place before the Council takes a final vote. Chair Stahl said she is not comfortable making a decision on Tuckie Road tonight. She said she needs to ponder that.

Code Enforcement Matt Vertefeuille said the application this evening is for a site development plan. That is why you are here tonight. If you want to add a recommendation that they study and address the access from Tuckie Road you can make that a condition of the site plan approval. Or, you can leave it off the site plan approval and just do a side letter to the Town Council from the PZC saying although the PZC has approved the site plan; we think Town Council should consider the Tuckie Road access when they approve the project.

Chair Stahl said the motion should also include a statement that the sidewalk to Tuckie Road would only occur once Tuckie Road was pedestrian friendly.

Dawn Niles said we could make a motion to include that we approve the site plan, but we encourage the Committee to go back to the State of Connecticut and ask for a waiver regarding the sidewalks until improvements are made to Tuckie Road.

Dawn Niles made a motion to approve the site plan as presented with a stipulation that they go back to the State of Connecticut and ask for a waiver on the sidewalks until such time that improvements are made to Tuckie Road. In addition, a stipulation that the outside lights be put on timers, and to incorporate all the changes that were discussed with regard to the detention basins. Vic Rayhall seconded the motion. The motion carried unanimously.

Jean Chaine made a motion that we take up for discussion at the next meeting the recommendation we want to forward to the Town Council with regards to the driveway and entryway of the Magnet School. Vic Rayhall seconded the motion. The motion carried unanimously.

3) Revisions to the Zoning Regulations. The Commission agreed to delay this discussion to a future meeting.

4) Routine Business

Correspondence – 1) Letter from the Access Agency. 2) Invitation to attend the grand opening of the Lucky Frog and Bruno’s Restaurant.

The next workshop meetings will be held on March 10, 2011 and April 12, 2011.

The meeting was adjourned at 9:15 P.M. Motion made by Dawn Niles and seconded by Claire Lary. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk