

PLANNING & ZONING COMMISSION
WINDHAM, CT

MINUTES

April 28, 2011

The Windham Planning & Zoning Commission held its meeting on April 28, 2011 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:02 P.M. Members present were Victor Rayhall, Jean Chaine, Dawn Niles, Dan Lein, Juan Montalvo, Claire Lary and Paula Stahl. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

1) Approval of Minutes

a) The minutes of March 24, 2011 were approved. Motion by Jean Chaine and seconded by Vic Rayhall. Voting in favor of the motion were Jean Chaine, Vic Rayhall, Dawn Niles, Juan Montalvo, Claire Lary and Paula Stahl. Juan Montalvo abstained.

Chair Stahl referred to the format of the minutes. She said because the minutes are prepared in depth, we are not meeting FOI regulations because it takes too long for the secretary to complete them. Commissioner Dan Lein said FOI only requires the motion and the vote. Chair Stahl said in her opinion the minutes do not have to be as detailed as they are. She felt a summary of the discussion would suffice. Commissioner Jean Chaine said a lot of the detail does really put forth in print the spirit and the intent of what the final votes reflect in the minutes. The historical record is good for those who want to go back and understand what it was that we considered and did. He said FOI only requires that the members are identified, what motion was made and what the vote was. That becomes the public record of what we did, said Chaine. He said we could satisfy the FOI regulation by posting the vote that was taken early, but the minutes could come later with all the detail that reflects the vote. Commissioner Dawn Niles said that would be the first set of minutes, which could be amended at the next meeting. Chair Stahl asked the secretary to do a shorter version for this meeting, and we can decide if that is enough.

b) Chair Stahl said at the last meeting, the PZC asked Town staff to draft a letter stating that the PZC is willing to consider the Access Agency's request for zone changes in order to allow them to develop senior housing at 1315 Main Street. Chair Stahl agreed to sign the letter when completed.

c) The April 14, 2011 minutes were approved on a motion by Claire Lary and seconded by Jean Chaine. Voting in favor were Claire Lary, Jean Chaine, Dawn Niles, Vic Rayhall, Juan Montalvo and Paula Stahl. Dan Lein abstained, as he was not at the April 14, 2011 meeting. The motion carried.

2) Public Hearing – Willimantic Waste Paper Co., Inc. seeking zoning amendment for former Lounsbury Trucking site at 1562 West Main Street and 161 Chronicle Road – returning a portion of property comprising of 11.3 acres to an M-4 District.

Planner Finger's staff report dated April 21, 2011 explained this involves a zoning amendment for a portion of the property, which abuts Chronicle Road and formerly occupied by Lounsbury Trucking. The request also includes changing an access strip from West Main Street to a Manufacturing M-4 classification. The applicant also seeks Special Permits for uses outlined under Section 43.3.2 for a truck terminal and vehicle maintenance facility for their waste processing operation, as well as filling within the flood plain as outlined under Section 52.7. The proposed facility will provide a centralized location to service and maintain their fleet of vehicles by permitting them to perform mechanical repairs when needed, and to wash their vehicles to keep them clean and to reduce garbage odors.

The property is within a 100-year flood plain, and the proposal will involve excavation of more than 1,000 cubic yards, but less than 5,000 cubic yards, which will be placed within the flood plain, he said. He said the site is not within the river channel; it is merely subject to flooding due to a large box culvert under the Railroad. No other property would be affected by flooding on this side of the Rail line, as the subject property is at the lowest elevation, added Finger.

Kevin Grindle, ASLA with Anchoring Engineering, presented the proposal and described their plan for the property. He identified the property on the map. The zoning map amendment will allow us to modify the C-2 Zone (granted to Lowe's Home Improvement); thus returning approximately 11.3 acres of the total 14 acres back to the M-4 Zone. This will take place on the southerly portion of the property, he said. We will retain the frontage along West Main Street to allow for possible future commercial development. Approximately 2.7 acres along West Main Street would remain a C-2 Zone, said Grindle. This will allow us to move forward with an application under Section 43.3.2 for industrial uses similar to permitted uses within the Industrial Zone. We are looking to utilize this M-4 Zone as a truck terminal and vehicle maintenance facility. Reverting back to the M-4 Zone allows Willimantic Waste Paper flexibility in growing their business and keeping their business local, and also allowing the Town access to future commercial development along West Main Street, he said.

Chair Stahl asked about the strip of property that continues up to West Main Street. Mr. Grindle said that would be a 50' access up to West Main Street. There are many towns that require frontage against the address parcel to have contiguous zoning. The M-4 frontage would be contiguous to West Main Street because a portion of that property is 1562 West Main Street. We didn't want to have an address parcel that would not have frontage to the street that it fronts.

Chair Stahl asked if Chronicle Road was a private road or a Town road. Code Enforcement Officer Matt Vertefeuille said that it is a Town road. She asked the applicant if they are changing the property line. Mr. Grindle said our desire would be to

revise that property line to coincide with the zone line, but until our applicant takes ownership of the property we cannot revise the property line. The 50 foot frontage to West Main along with the proposed revision to the property line are items that are still in motion, and we are working through them with the applicant, the seller and town staff..

Chair Stahl referred to the 50-foot strip of land. She said the topography is such that you would never be able to convert that to a road. Mr. Grindle said that is correct. We have identified that there is a grade change between West Main and the bottom of our site at this time.

A discussion ensued. Commissioner Dawn Niles announced that she is not able to participate neither in the discussion, nor in the vote on this application because a family member works at this facility. She stated this in protest because she doesn't agree with the Town Attorney's ruling that it would be a problem. Chair Stahl suggested that both Commissioner Niles and Commissioner Vic Rayhall leave the room during this portion of the meeting. Commissioner Rayhall refused to leave the table. Chair Stahl explained that generally members are asked to leave the room because a lot of statements can be made that are not verbal. Mr. Rayhall said it is up to us to make the decision whether we want to vote or not. I have made the decision not to vote because my wife works there. But, we don't have to leave the room, he added. Stahl said generally the statement of recusing oneself means that you step outside of the meeting room, and I believe the Town Attorney suggested that. Dawn Niles left the room. Vic Rayhall remained in attendance.

Commissioner Dan Lein referred to the frontage on West Main. Is that where the trucks will be entering and exiting the site, he asked? Chair Stahl said access will be either off Chronicle Road, or they can enter at the parcel connection because they own the abutting property with the exception of the Railroad lines.

Jean Chaine asked, do any of the Willimantic Waste vehicles access the parcel that is generally accessed by Chronicle Road from West Main Street. Mr. Grindle said there will be no truck access off West Main that does not currently exist.

Chair Stahl said this hearing is to consider whether or not it is appropriate for this area (shown in gray on the map) to be zoned back to M-4. Commissioner Dan Lein said he wasn't on the commission at the time when Lowe's asked to change the zone from M-4 to C-2. He asked Stahl to go over the history of that application. Stahl said when Lowe's was interested in the property this was an M-4 District, and retail is not permitted in the M-4; however because the neighboring zone to the south and up on Route 32 was classified C-2, it was appropriate to extend the zone line to C-2. Now we are being asked to change it back to M-4. This change would be compatible with the neighboring uses, because it abuts M-4 on two sides, and it also abuts C-2 on two sides, so it is appropriate to be either zone. .

Public comments: 1) Dan Rotino spoke in favor of the zone change. He said this is a natural expansion for Willimantic Waste to occupy that property.

Commissioner Juan Montalvo was in favor of the zone change. He said this is good for Willimantic Waste and it is good for the Town.

Planner Finger said he is glad that Willimantic Waste can make use of this property. They own two of the abutting properties, and they plan to make some connections between their properties. This is a superior plan compared to the Lowe's plan. They are managing waste in a good environmental way, he added.

Commissioner Claire Lary said this change makes the best sense for the use of this property.

Dan Lein made a motion to approve the zone change from C-2 to M-4 and Claire Lary seconded the motion. Voting in favor of the motion were Dan Lein, Claire Lary, Jean Chaine, Juan Montalvo and Paula Stahl. Vic Rayhall and Dawn Niles abstained. The motion carried.

3) Public Hearing – Willimantic Waste Paper Co, Inc., 1562 West Main Street, and 161 Chronicle Road – seeking Special Permits for uses outlined under Section 43.3.2 for a truck terminal and vehicle maintenance facility for their waste processing operation, and filling within the flood plain as outlined under Section 52.7 between 1,000 cubic yards, but less than 5,000 cubic yards

Kevin Grindle, ASLA with Anchor Engineering Services, referred to the site plan for Willimantic Waste Paper Co. He said the portion to the west of the property will be the C-2 parcel up along West Main Street. The area in the center of the parcel will be the outside vehicle parking and storage area, and to the east of that will be the easterly boundary of our M-4 Zone. They are presently maintaining their vehicles at their facility at 185 Recycling Way, and are looking to construct a larger, safer, more state of the art facility to grow the business, and to allow more flexibility on their existing facilities.

He said we are proposing to construct a truck terminal and vehicle maintenance facility under Section 43.3.2: other commercial or industrial uses of a similar nature. The facility will be located on the northwest corner of the property. The facility will be approximately 8,000 square feet of garage and maintenance bay. This facility will allow onsite fueling of their vehicles, which are currently being done at Recycling Way, onsite maintenance of their vehicles, and generally allowing those uses to be separated from their recycling activities. Allowing this facility to coexist and utilizing Chronicle Road as its main entrance, we are proposing to get the vehicles that are currently stored (overnight storage) at Recycling Way across the tracks onto this property allowing for a much safer traffic pattern for entering and exiting along Route 66 and Columbia Avenue.

There will be a paved surface around that building so that we can encompass the DEP Guidelines in regards to erosion and sedimentation controls. There will be a storm water handling unit so that we can protect the onsite wetlands, as well as the off site wetlands. The building itself will have the necessary floor drains, the necessary oil and grease traps

to insure that we will be complying with all State requirements, all the DEP requirements and all the local requirements, he said.

The building itself will be used to maintain only their own vehicles. Within the structure there will be space to wash and sanitize their vehicles. It will be utilized in a very similar fashion as an industrial use in an Industrial Zone, although our proposed use has less of an impact on the property.

Mr. Grindle said we are also before you under Section 52.7.c; for filling within the flood plain, which is an existing flood plain to the adjacent river. We propose to add approximately 15,000 cubic yards of fill, which will enable us to elevate the building above the flood elevation, and get drainage away from the building. He said the previous Lowe's application incorporated approximately 25,000 cubic yards of fill within the flood plain. It had a significantly greater impact to both the property and the flood elevations, he added. We feel this is an ideal use for the property and are looking to complete this facility by winter.

A general discussion ensued.

Chair Paula Stahl asked the applicant to point out the location of the proposed connection to adjoining properties. Mr. Grindle said we propose a connection to the 1590 Recycling facility on the westerly boundary of this property, and a future connection to the Recycling Way facility to the south of this parcel. In both of these connections, we will be working with CL&P and with the Vermont Central Railroad looking to gain easements through their properties in order to access our property, he said.

Chair Stahl said there doesn't appear to be any buffer (tree edge) between the two zones. Generally we look for a buffer between two zones to enhance the less intense zone, she said. She asked if buffering could be included in the final site plan. Mr. Grindle said we are planning to utilize the existing 90± ft. tree canopy and existing vegetative buffer between West Main Street and the Lounsbury Trucking use to buffer our immediate impact on the parcel. He said our client is more than willing to buffer their existing and proposed uses from the road.

Chair Stahl questioned using Capitol Avenue as a roadway. Driving east on Capitol Avenue, when you get to West Main Street, it is almost impossible to make a left turn because there is no traffic light there. Owner Tim DeVivo said improvements made to the internal traffic patterns on site will greatly alleviate congestion in this area.

Commissioner Dan Lein asked if the existing above ground diesel oil tank would be increased from 10,000 gallons to 20,000 gallons. Mr. Grindle said the existing 10,000-gallon tank will be relocated to this parcel. Commissioner Jean Chaine asked if the site plan would contain a provision for fuel runoff. Mr. Grindle said there will be drainage within the building that will then be piped to a holding tank and then removed off site.

Commissioner Claire Lary expressed some concern with Section 42.4.3. Chair Stahl said that section does refer to public gas stations, etc so we may want to add a condition of approval stating that there shall be no public repair or maintenance etc. In addition, we may want to stipulate that buffering be provided between the C-2 and the M-4 Zone, as well as limiting impervious surfaces to no more than 30%, and also delegate final site plan approval to the Zoning Enforcement Officer.

Public comment: 1) Dan Rotino spoke in favor of the application. He felt this would not make the traffic in that area any worse, but could actually make it safer on Route 6. He said this will be a modern facility, and they will probably be employing more people so this will be good for the Town.

As there were no other comments the public hearing was closed. Claire Lary made a motion to approve the request of Willimantic Waste Paper Co., Inc. for a Special Permit for a truck terminal, and vehicle maintenance facility at 1562 West Main Street and 161 Chronicle Road with the following conditions:

- a) No retail fueling, repair or vehicle washing.
- b) At a future appropriate time add buffering between the C-2 and M-4 Zone.
- c) Impervious surfaces limited to 30%.
- d) Delegate final approval of the site plan to the Zoning Enforcement Officer.

Juan Montalvo seconded the motion. Voting in favor were Claire Lary, Juan Montalvo, Jean Chaine, Dan Lein and Paula Stahl. Vic Rayhall and Dawn Niles recused themselves. The motion carried.

Planner Finger referred to a technical problem. There is another Special Permit that you need to approve and that is the activity for filling or excavation within the flood plains. That was the other Special Permit and we overlooked that one, he said.

Dan Lein made a motion to approve the Special Permit for the proposed work in the flood plains for excavation and filling between 1,000 cubic yards, but less than 5,000 cubic yards as indicated. Jean Chaine seconded the motion. Voting in favor of the motion were Dan Lein, Jean Chaine, Claire Lary, Juan Montalvo and Paula Stahl. The vote carried.

4) Ronald and Alan Miller, 801 Windham Road, South Windham – preliminary request for Site Plan review and approval for three proposed self storage buildings.

Planner Finger said this was posted as a preliminary request because he had not yet received the plans when he put the agenda together. We have since received the plans and the Town Engineer has reviewed it along with the Zoning Enforcement Officer and we are all set, he said.

Dan Lein made a motion amend the call of the meeting to remove the word preliminary from the notice and Claire Lary seconded the motion. Voting in favor of the motion were Dan Lein, Claire Lary, Jean Chaine, Juan Montalvo and Paula Stahl. The motion carried.

Joseph Boucher, P.E., with Towne Engineering, said Miller Brothers has a 13-acre parcel. Their excavation permit was renewed in January. He said this proposal is to create three self-storage buildings. They are giving up their United Van Lines franchise and would like to have an onsite storage facility. He referred to photos of the site. The existing hillside along Route 32 hides the bulk of the gravel pit, he said. There will be a chain link fence along the north and west side and will tie into their existing building. The storm water design will be a series of ten onsite catch basins and dry wells.

Chair Stahl asked how long it would take to complete these buildings. Mr. Boucher said they would like to start the first two buildings in June. Chair Stahl said all the grade changes would need to be reviewed before you do the first building. Mr. Boucher agreed.

Mr. Boucher said the buildings will have electricity for security purposes, but they will not be heated.

Zoning enforcement Officer Matt Vertefeulle asked if they would continue the gravel operation. Mr. Boucher said they would. Chair Stahl asked what access will be used for the gravel operation.

Chair Stahl said we do not have enough information to make a decision tonight. Section 61 lays out quite a lot of information that we need to have, that we don't have. We need more information on lighting, signage, landscaping, circulation, and parking. She said this is a preliminary plan, and we do need more information. She referred Mr. Boucher to Section 74. Mr. Boucher agreed to meet with staff and return at the next meeting.

5) Revisions to Windham Zoning Regulations. The Chair reviewed some of the zoning changes that the Commission is working on:

- a) Parking requirements, b) North Windham Retail Area, c) Downtown Business Zone, d) Section 74 additions to standards, e) Section 91 additions to administration and enforcement.

No action was taken, as these items will be discussed at the next work session.

6) U-CONN Land Use Academy session planned for May 18, 2011. This is beneficial for land use planners as it explains their roles and responsibilities, said Stahl.

The meeting was adjourned at 9:23 P.M.

Respectfully submitted,

Lillian Murray, Clerk