

**PLANNING & ZONING COMMISSION  
WINDHAM, CT**

**MINUTES**

**July 28, 2011**

The Windham Planning & Zoning Commission held its meeting on July 28, 2011 in the Meeting Room, Town Hall. Members present were Jean Chaine, Dawn Niles, Dan Lein, Claire Lary and Paula Stahl. Juan Montalvo was absent. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

**I) Action on the minutes of July 14, 2011** was deferred until the next meeting.

**II) Public Hearings:**

Commissioner Dawn Niles recused herself from the panel on the application to be heard citing a conflict of interest.

**A ) Public Hearing for (Six) ‘6’ Liquor & Wine**, 361 Boston Post Road, North Windham – application for Special Permit to establish a package liquor store in an M-1 District. Chirag Patel (applicant) said his family has five liquor stores in Connecticut and would like to expand their business into the Willimantic/North Windham area. He is applying for a full liquor beverage license to sell liquor, wine and beer.

Chair Stahl advised the commission that abutters should be notified of public hearings, and in this instance an abutter was not notified so we should not close the public hearing tonight. We need to give them an opportunity to speak, she said. I would like to continue the public hearing tonight because we have people in the audience, and I would like to hear what they have to say.

ZEO Matt Vertefeuille read a letter from John Sutherland into the record. He said Mr. Sutherland owns a package store (Brandy & Brew Package Store) at 315 Boston Post Road, in North Windham. He expressed opposition to the request. He said the addition of another package store just over 500 feet from his establishment would provide neither stable nor diverse economic development, contrary to the mission statement of the Economic Development Commission. It will bring to 10 the number of package stores in the Town of Windham. This over-saturation could result in two more marginal stores, versus an already stable, established business.

Mr. Sutherland said the State of Connecticut, under Section 30-14A of the Liquor Control Act, requires a minimum of 2,500 residents per package store permit. This minimum standard recognizes that there are problems inherent to the enforcement of liquor control regulations. A Special Permit should not be issued by the Town of Windham based on

barely meeting this minimum standard, especially when the stores providing the off-premise sale of alcohol is merely a two-minute walk apart.

He went on to say that the local Police Dept. does not respond to violations in our area. The Town of North Windham is under the jurisdiction of a less visible State Police presence. This often leads to longer response time, he said. Newer package stores are usually the target of increased incidents of attempted underage purchase of alcohol and theft.

Mr. Sutherland said the Town of Windham Planning & Zoning Commission needs to take these issues under serious consideration before granting a Special Permit for a tenth package store in the Town of Windham, especially at this inappropriate location.

Mr. Patel explained that every tenth year the State of Connecticut does a study to determine the town's population. He said the State just completed the study, and found that the population went up. Since the population went up, they opened one more permit for the area. What the State cares about is that the new location is over 500 feet from another liquor establishment. If it is over 500 feet the State doesn't have problems adding the additional permit. He said the Town has the same distance requirement as the State (500 feet). Mr. Patel added that the State has voiced no objection to adding another liquor package store in this location.

Mr. Sutherland reiterated that the 2,500 per person per package store is the State's minimum requirement. He again asked that the Commission not approve the Special Permit based on its close proximity to his business.

ZEO Matt Vertefeuille said the chair had asked him to look at the area in terms of parking, but he has not had the time to look at the parking.

Chair Stahl asked the Zoning Enforcement Officer to address the issue of hardship. Mr. Vertefeuille said no hardship is necessary for this type permit. The applicant is required to meet certain separation requirements, one being its proximity to a Church, a school, playground etc. Additionally, the regulations talk about whether the applicant can demonstrate that they can safely and responsibly distribute alcohol to the general public with a concern for the welfare of the public. They do not need to demonstrate a hardship, said Vertefeuille.

Chair Stahl explained that hardship basically comes into play with a Zoning Board of Appeals' decision. We have to base our decision on our zoning regulations, and then the State decides whether or not they can issue a permit for that location, she said.

Commissioner Jean Chaine said one of the questions that Mr. Sutherland asked (which hasn't been answered yet) is what are the conditions for a Special Permit. He said that location is in the Industrial Zone, as opposed to the Commercial Zone. The Commission is in the process of creating a Commercial Zone across the street, and there may be an argument in the future to expand that Commercial Zone on this side of the street, said

Chaine. It would be a weak issue to deny the permit at this time based on the fact that it is in a zone that doesn't allow it. Mr. Chaine said while he has empathy for local businessmen, an economic hardship would not hold up in court. Chair Paula Stahl said we have rules to follow, and we need to be fair and treat everyone the same. We have to honor our regulations, she added. Commissioner Chaine said what if the remaining abutter (who has not be contacted) object. Chair Stahl said we would have to weigh that into our deliberations.

ZEO Matt Vertefeuille referred to Section 73.1.4 regarding whether the sale of alcohol would have a detrimental effect on the surrounding neighborhood, or Section 73.1.5 which states that the applicant must demonstrate that the proposed use would be carried out in a manner that would be consistent with the general health, safety and welfare of the public.

The public hearing was continued until the next meeting in August.

### **III) Old Business**

a) Action on proposed changes affecting the North Windham area along Northridge Drive up to and including the Tractor Supply Store by creating a C-4 District with zoning regulations and boundaries to encourage and permit general/commercial development with flexibility allowing the zone to be responsive to market trends.

Chair Stahl referred to minor changes made to Section 39 since the last meeting:

Section 39.2.3 Financial services, institutions and agencies. Professional and business offices have been added.

Section 39.3 – Special Uses. Add movie theaters and other indoor and outdoor recreational and athletic facilities.

Section 39.10.3 amended to read that a **conceptual** pathway connection to the trail.

She also pointed out that some of the options suggested by Mr. Cromie were to have some special uses on the other side of Northridge Drive. Chair Stahl said ZEO Matt Vertefeuille was using a figure of 700 feet as a measurement which had been calculated by an engineer. It is actually 1200 feet, she said. Commissioner Jean Chaine said the issue, is not distance, but the incompatibility of the uses he suggested. Chair Stahl said she just wanted to clarify the fact that the feet that we had been talking about is not correct. She added that the Cromie property is a majority of the property that is on the other side of Northridge Drive. Chair Stahl said some of the things the Cromie's asked the Commission to consider were warehouse and distribution centers and wholesale sales of consumer goods, and manufacturing, processing, packaging and assembly of components or goods. They had also asked about a residential use on the first floor. She said we are charged with implementing our Town Plan of Development, and the Town Plan of Development clearly calls this a commercial area. I believe they will be

successful in marketing the new regulations. She said the Economic Development Commission has stated that they will be promoting the development of that area. She said any revisions made in this area will affect the entire area and not just Mr. Cromie's property so we have to be cautious as we make changes, she said. She asked if Commission members had any thoughts regarding distribution, manufacturing and residential, or any other uses the Commission would like to consider adding to the C-4 Zone as it is drafted now. Claire Lary said some manufacturing might be feasible.

Chair Stahl said adding residential in the Crystal Road area might be something we want to think about, but we would have to change the lot lines, and the district boundary. Mr. Cromie said they were considering residential near the detention basin, and not in the vicinity of Crystal Road. Chair Stahl said the area they were considering for residential is the area that goes up by Home Depot.

ZEO Matt Vertefeulle amended the language in Section 39.2.7- it should say...those facilities including **existing residences...**

Dan Lein made a motion to approve the proposed changes to the Zoning Regulations, as revised, and Jean Chaine seconded the motion. The motion carried unanimously.

Dawn Niles made a motion to adopt the Zoning Map for the C-4 District as presented and Dan Lein seconded the motion. The motion carried unanimously.

**b) Windham Community Memorial Hospital** – request for extension to file subdivision maps.

Planner Finger's staff report explained that due to a number of legal matters involving various easements, mortgage commitments, and a condominium agreement with another owner, the Hospital is requesting an extension to file their subdivision maps.

Dawn Niles made a motion to grant the Hospital the extension as requested and Dan Lein seconded the motion. The motion carried unanimously.

#### **IV) New Business**

##### **1) Preliminary Proposal for 11 machine Shop Hill Road.**

Planner Finger's staff report explained this is a preliminary proposal for the old Giant Vac (aka Janiak Manufacturing) Complex in the South Windham Village which is empty, and they have an interest from someone who would like to explore a mixed-use development.

ZEO Matt Vertefeulle introduced Mr. Premjit Talwar who has impressive credentials and has worked all over the world with companies. He has an idea for the property and is looking to the board for some guidance or an opinion how the commission might feel about making a site change in the zone, either for just that structure or maybe for the

entire zone because if we do the entire zone it will affect other parts of the town. Mr. Vertefeuille said the M-1 Zone would allow for what the applicant wants to do. It would also allow for some residential uses, he said.

Mr. Premjit Talwar addressed the Commission seeking its input regarding his proposal to convert the property at 11 Machine Shop Hill Road into a high technology incubation center to attract talent for the purpose of starting technology based businesses in Connecticut. Incubators are essentially start-up facilities for entrepreneurs to put their ideas into practice and develop successful businesses, he said. It is a requirement of the project that successful businesses stay in Connecticut for a period of ten years minimum. He wants to create a space where start-up entrepreneurs could inspire and be inspired; a place where they could be matched with mentors and experts in their fields of interest. In addition, he would like to create on-site living space for the staff. He said he feels this project would be beneficial to the Town of Windham, to the State of Connecticut and to the world.

The site includes a one story factory building, and a three story building that connects to the factory building. It also has house-like office space and a warehouse. The site is not serviced by city sewer, nor are there any plans for the town to extend the sewer line in that area. ZEO Matt Vertefeuille said he did not foresee a problem getting an engineered septic system installed on the site. Mr. Talwar said he has a lot of contacts, including some at the Massachusetts Institute of Technology that he would like to bring in on the project.

Mr. Talwar estimates that the project will attract about twenty research projects employing about 100 people in the first two years of operation. The amount of business it can generate is speculative at this time, but similar projects in other states are extremely positive.

The project will be a three phase program which will require the assistance of the Town of Windham. During the first phase (Preliminary Phase), he will ask the town to rezone the area into a Residential/Research use, to grant a tax exemption for a period of seven to ten years, and establish a board consisting of investors and key stakeholders. He estimates the total costs for the project will be about \$10 to \$12 million dollars. However, these numbers need to be confirmed or revised depending on the final study, he added. During this phase, he hopes to obtain commitments for funds and to raise enough money to purchase the property and begin the detailed study of the project. He also plans to hire architects and engineers to do the design for the area. The final step in Phase One will be to finalize design and to obtain necessary approvals to begin renovations.

Phase Two (Construction Phase) will consist of renovating the four major structures, add all necessary amenities, perform cleaning and landscaping as necessary and obtain a Certificate of Occupancy.

Phase Three (Startup Phase) Once operation begins, each business will take about two to three years, on average, to be self sufficient. Once a business leaves the Incubation

Center, other startups can be recruited. Mr. Talwar said he would purchase the property once the town demonstrates the project's approval by agreeing to the zone change and the tax exemptions.

ZEO Matt Vertefeulle said the property is zoned M-1. That zone would allow for 99% of what he wants to do, said Vertefeulle. It would also allow for single family residential use on the property.

In his executive summary Mr. Talwar identified how the existing buildings would be utilized. The main factory building may serve as the center for the complex with state-of-the-art communication and infrastructure. The building may also include an atrium to act as the center for socializing and exchanging ideas. The three-story structure may be renovated to house some of the key administration personnel. The existing office building looks like a regular home and may be converted to one. The large warehouse can easily be converted into a research laboratory to house the necessary research equipment needed for the start-up businesses. ZEO Vertefeulle said the only change in the zoning would be to allow for more residential units on that property. Everything else that he is talking about would be allowed in that area now, he added.

A discussion ensued.

Chair Paula Stahl clarified that what Mr. Talwar is looking for from the commission at this point is whether it is supportive of this idea. He is not looking for the actual regulation change in the next few months.

Matt Vertefeulle said Mr. Talwar wants to attract high-tech startup businesses. Some of the businesses might be manufacturing, added Vertefeulle. Mr. Talwar is connected with MIT, their engineers and architects, and is looking to make a world class facility there. He said this is a tremendous opportunity for the community and the region and is something we should support, said Vertefeulle.

Commission Jean Chaine said we had a real nice plan (ArtSpace) that came to us several years ago that offered residential in much the same way; to reserve the residential space for people who were going to be working in the building. That didn't work out. It became residential for something completely different than what we had envisioned. He said he is wary to encourage a project that is selling itself to be part residential. It seems there is a building that already exists that could provide much of what this gentleman is talking about except for residential, and that is the Windham Mills. You have a high technology capability in that building. He asked if that has been considered. Chair Stahl said she doesn't believe that the owners of the Mills building have the same connections that Mr. Talwar has.

Commissioner Chaine asked why he (Mr. Talwar) couldn't be the entrepreneur. The owner of the building rents the space to do what this gentleman is talking about. ZEO Matt Vertefeulle said he could, and that might be in his business plan to do. Commissioner Chaine said it would seem that rather than expanding the kind of space

that we are talking about, we should attempt to market the space that we already have. We have a big investment in that Mills building, he said. Mr. Talwar responded that he is interested in rehabilitating the old Giant Vac building and to create a world class facility that would also clean up the area.

Commissioner Jean Chaine asked what if this project turns out to be only residential. Chair Stahl said the regulations could actually set the limit on residential use.

Commissioner Dan Lein said there is interest on his part. He said he likes the concept of the entrepreneur living there. He referred to the former ArtSpace project and said he agreed with Commissioner Chaine and said he would be leery of it too. But, on the other hand, nothing is going to happen out there unless something happens out there. He said he would like to see more information regarding the project. He said this could be very exciting.

Chair Stahl said we could set a limit on the residential to 1/3 of the square footage or something like that.

ZEO Vertefeuille said I believe the commission has given Mr. Talwar enough information to cover what he wants to do now, and to be able to move forward. The commission is going to have the opportunity to have this come before it several times between now and when they actually start the project. You will have plenty of time for input and more fine tuning on this project.

Commissioner Dawn Niles said it seems from the discussions we have had in the past, this is exactly what we have talked about for the South Windham Village District; incubated type businesses. She said I don't think that we should be shy of it because I don't ever remember the Mills being projected as an incubated business. I don't remember it being something that we were marketing that way. She said our shyness is that ArtSpace was supposed to be for artists etc and it has turned into something else. It has turned into low income residences, and we need to make sure that what we are doing here is not promoting low income. She said she feels this project is perfect. We really need to see if there is a way to make this work, she said.

Mr. Talwar said when you refer to the Mills, what does this mean. Commissioner Dawn Niles explained that this is the former American Thread building. It has all been redone. It sits right on the river, and is a beautiful piece of property. Commissioner Jean Chaine added that there is water, there is sewer, there is public transportation and you have the fiber optic wire running through there. It is a fairly modern facility and it is clean. Mr. Talwar said he would like to take a look at it.

Commissioner Dan Lein said we invite you (Mr. Talwar) to proceed, to go forward because you have something unique. Commission members concurred. Chair Stahl asked Mr. Talwar if this is sufficient for tonight; to hear that we seem pretty positive about your project. ZEO Matt Vertefeuille told Mr. Talwar that we are currently revising zoning all over town, and when they address this area, which will be soon, they will

consider changes to make it work for what you want to do. You will still have to do market studies and develop a business plan before the commission can determine the change that they would have to make. Mr. Talwar said he would like to create a campus environment for that property.

Planner Finger offered his comments on the plan. He said the property is desperate for someone to love it and give it life. We really need to resurrect that area. He pointed out that the applicant will need DEP approval for the residential use, and he should explore this first because it could be a long process.

**V) Zoning Revisions – poultry, earth excavation, other commercial areas (B2, B3, C1, C2, and M-1.**

Chair Stahl said we decided that we would do poultry next. She said she has pulled some sample regulations and Commissioner Dawn Niles has provided an article called Nuggets of Wisdom. ZEO Matt Vertefeuille said he also has some articles pertaining to chickens.

Chair Stahl said she and Commissioner Jean Chaine have worked on gravel regulations. She said she provided the Town Planner with sample language and asked him to review it prior to our next special meeting. She said the next workshop meeting will be on August 11, 2011. ZEO Vertefeuille suggested that the commission start with chickens and then move on to gravel.

**VI) Routine Business**

**1) Correspondence & Miscellaneous**

a) Regional referral from Mansfield on Special Permit application within 500 feet of Town Line for Farmer’s Cow Calfe located at 82-86 Storrs Road (Staples Shopping Center).

b) Letter to Federal Energy Regulatory Commission from Albany Engineering Corp. representing Norwich Public Utilities on license for Scotland Dam requesting that the information submitted in response to questions be exempt from FOIA disclosure.

c) Letter to Federal Energy Regulatory Commission from First Light on license for Scotland Dam indicating that they had addressed the FERC’s concerns by way of electronic filing due to Critical Energy Infrastructure Information contained.

There being no other business, the meeting was adjourned at 8:40 P.M. **Motion by Dan Lein and seconded by Dan Lein.** The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk