

**Planning & Zoning Commission
Windham, CT
Regular Meeting Minutes
December 16, 2010**

The Windham Planning & Zoning Commission held its meeting on December 16, 2010 in the Meeting room of Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Victor Rayhall, Jean Chaine, Dawn Niles, Dan Lein, Claire Lary and Paula Stahl. Juan Montalvo was excused. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

I) Approval of Minutes

- a) The minutes of October 28, 2010 were approved on a motion by Dawn Niles, which was seconded by Jean Chaine. The motion carried unanimously.
- b) The Commission deferred action on the minutes of November 18, November 23, and December 9, 2010 until the next meeting.

II) Public Hearing and possible action – 1603 West Main Street LLC (DBA – Willimantic Car Wash) 1607 West Main Street, Willimantic, CT. – application for a Special Permit for digital message board.

Chair Paula Stahl outlined the procedure for conducting a public hearing. She said once the applicant has concluded his presentation members of the audience will be allowed to ask questions and make comments.

She then opened the public hearing on the application submitted by Willimantic Car Wash for a digital message board at 1603 West Main Street. She explained that zoning does allow digital reader boards in certain circumstances; mostly to list time and temperature. Displays are easier to change digitally and can be changed in the office instead of having to get up on a ladder to change the text, she added.

Planner Finger's staff report explained this to be an application for a Special Permit for a digital message board as allowed under Section 72.8c to allow the business to have a means to display specials and announcements in an electronic format instead of the letters mounted on the reader board that must be changed manually, and are subject to random alteration and vandalism. He said in the past the Commission has been concerned about scrolling text, and rapid fire changes in the graphic display.

Richard Whitehouse, owner of the car wash, said at the present time there is a changeable reader board under the main car wash sign. The movable letters, which sometimes blow off in the wind, can be creatively changed by vandals at night. He said he is seeking approval for a digital reader board, which can display messages. He said the message board, which will be two-sided, will contain two lines of text, and will change on the average of every 10-15 seconds. The new digital message board will not exceed town regulations, he said. It will contain no graphics, nor

will the message scroll. Mr. Whitehouse said we have owned the car wash since October of 2009, and have made a number of improvements to the facility. This new signage will bring us up to 2010, he added.

Code Enforcement Officer Matt Vertefeuille said in the past the Zoning Commission has dealt with similar requests. Commissioner Vic Rayhall said he was a member on the former Zoning Commission, which approved this type of signage for Gates Ford, Bob's IGA, and the former Starbucks Coffee Shop. At that time the Zoning Commission had concerns with how frequently the messages would change. They didn't want the messages to change too rapidly so that it would not be a distraction to passing motorists. They recommended that the message change every 20 seconds, said Rayhall.

Mr. Whitehouse said the sign will not have Pac-Man eating letters or graphics. The sign will not scroll, nor will it have falling leaves or snowflakes, he added.

A discussion ensued. Code Enforcement Matt Vertefeuille said the applicant has made a number of improvements to the facility since taking ownership in 2009, and added that the facility is an asset to the community. Commissioner Jean Chaine said he would find it hard to oppose the proposal, and said approving the Special Permit is a no-brainer. Dawn Niles said she prefers the electronic sign versus the current sign with the movable letters. Commissioner Dan Lein said he felt the sign would work well. Chair Paula Stahl said presently there are signs in town that change every 2 to 3 seconds, and these signs are an enforcement issue.

As there was no one in the audience to speak for or against the request, and since there were no other questions or comments from commission members, the public hearing was closed. Dan Lein made a motion to grant a Special Permit to Willimantic Car Wash for a digital message board and stipulated that the message flash every 15 seconds. Vic Rayhall seconded the motion. The motion carried unanimously.

III) Old Business

Dawn Niles made a motion to amend the agenda to include a Section 8-24 recommendation on the CL&P easement for above ground vaults in Downtown Willimantic to the Town Council. The agenda was not posted in adequate time to cover the FOI recommendation. Victor Rayhall seconded the motion. The motion carried unanimously.

a) Revisions to Subdivision and Zoning Regulations. Discussion & Action.

Planner Finger stated in his staff report that in response to the Hospital's desire to subdivide their property several revisions to our subdivision and zoning regulations are necessary.

Chair Paula Stahl said at the November 23, 2010 special meeting the commission discussed the need to revise the zoning regulations and subdivision regulations to meet the current development pattern in the area around Windham Hospital. The commission discussed possible zone districts; one surrounding the hospital at one density, and another one along portions of Quarry Street and Mansfield Avenue for Residential/Professional Office. She, Town Planner

James Finger and Code Enforcement Officer Matt Vertefeuille recently met with representatives from Windham Hospital to review a memo from Phil Doyle, a member of the hospital team, listing the concerns the hospital has with the current zoning.

Stahl then referred to the proposed changes to the Windham Subdivision Regulations Section 5.13 and Section 5.13.1. She said the proposed changes to the subdivision regulations would apply to all non-residential subdivisions within the Willimantic Service District. A proposed new zone would encourage medical services in a small area surrounding the existing hospital buildings. A small minimum lot size and permitted dense development would increase the economic development opportunity in an area where density would not impact neighboring residential property.

Chair Stahl then reviewed the proposed changes to the Windham Zoning Regulations. Section 2 – Districts: Add Health Care District.

Section 4 - Definitions would be revised.

Section 36 – Add Health Care District

Section 36.1 Purpose & Intent – the purpose and intent of this district is to encourage and permit a variety of medical related services and businesses at a higher density than other business districts.

Section 36.2 - Permitted uses. These uses would be permitted by right.

Section 36.3 - Special uses would be allowed by Special Permit.

Section 36.4 - Prohibited uses would be listed.

Section 36.5 – Lot Area and Frontage. Each lot shall have a minimum of 25,000 square feet with a frontage of 50 feet or more on a public or private street.

Section 36.7 – Height restrictions as they pertain to Valley Street, Mansfield Avenue and Quarry Street.

Section 36.9 – Coverage. The lot coverage of all buildings, excluding surface parking and parking structures, shall not exceed 40% of the area of the lot. There was concern about impervious surfaces.

Section 36.10 – Standards. Performance standards of Section 74 of these regulations shall be met.

Section 36.10 – Special Regulations. These include site plan approval, parking, exiting private streets, buffers, service areas and storm water systems.

Commissioner Dawn Niles thanked Stahl for all the time and effort she put into drafting the language of the proposed revisions. We need to find ways to encourage people to come to Windham/Willimantic, she added. Changing the regulations to make them more user friendly is certainly a step in the right direction, she added.

Dan Lein made a motion to send the proposed language to the subdivision and zoning regulations which are being proposed for a Health Care District in the B-4 zone and pertaining to all non-residential subdivision within the Willimantic Service District to a public hearing on January 27th. Dawn Niles seconded the motion. The motion carried unanimously.

b) Parking Standards

A discussion was held on the existing parking regulations. Chair Stahl said she has studied several other towns' requirements to see how they handle parking. She said she wants to do a parking study of our current regulations to make sure the goal of reducing the parking requirements would be met with new ones. She identified several businesses in town that are typical of anticipated future commercial development and asked the Town Planner to detail for each one the building size, number of patron seats (for restaurants or assembly buildings) and what would be required for parking if that business were to apply today. We could then compare our regulations with the parking that is actually needed for that business. Commission members felt that in general the parking requirements are excessive. She asked commission members to survey area businesses and parking lots over the next few weeks and to report their findings. This information will be used to develop new parking requirements, she said.

Code Enforcement Officer Matt Vertefeuille said looking at the parking requirements is a positive approach. We need to be more flexible with respect to parking in order to be more business friendly. We need to make our regulations more realistic and base them on what the real world would need for parking. We need to determine what is needed versus what is required at the present time, he said.

Commissioner Dawn Niles commented that she recently stopped at the Sears Hardware Store in North Windham and noted that there were only five cars parked in the parking lot. A repeat visit yielded the same scenario, she added. Stahl noted that they were required to have 227 parking spaces.

Jean Chaine said some stores like having an oversized parking lot. They feel that it gives the impression that the store is a busy and thriving store.

Chair Stahl said we must determine certain factors. In the case of a restaurant, do we determine the parking required for that business based on patron seats or square footage. She said we will be looking at different formulas as we review the parking requirements. We will continue working on the parking plan and hopefully be ready for a public hearing later in the winter, she said.

c) Recommendation to Town Council on 8-24 Review on CL&P easement for above ground vaults in the Downtown Willimantic.

Chair Stahl explained that at a meeting in October the commission did not approve CL&P's request for easements necessary to replace old aging transformers in vaults under Main Street. Stahl said our main concern at that time was with the proposed locations for the new transformers. They were being proposed on town property that could possibly be sold or developed in the future. One site was property that a developer inquired about just yesterday. Another site was Walnut Street, a site being considered for a future parking garage. In terms of aesthetics, the vaults would be visible in pedestrian areas and some are concerned that they could become a target for graffiti. At the October meeting Ms. Stahl suggested that CL&P return to the commission with revised locations. After a proposal was submitted to the Town Council

subcommittee, Stahl scheduled a meeting with representatives of CL&P and the Town Engineer to see if a resolution could be found. She reported that the meeting was successful and referred to a memo from the Town Engineer detailing the results of the meeting.

A memo from Town Engineer Joseph Gardner dated December 16, 2010 explained the new locations for the vaults. The River Street transformer location has been changed to the Crosbie Parking Lot off Church Street. The Chapman Block location has been changed to the grass area of the Safety Complex at the corner of Bank and Meadow Streets. The transformer to be located off Walnut Street would remain as is, but CL&P has stated that should a parking garage at Walnut Street become a reality it would be their responsibility to relocate their equipment. Mr. Gardner said removing the vaults from under Main Street would result in a benefit to the town as the grates on Main Street would be removed, which would then allow Main Street to be paved by DOT. He also outlined the stipulations agreed to at the meeting with CL&P: a) Should the town build a parking garage on Walnut Street, CL&P agrees to relocate the conduit at their cost. b) The transformers shall be landscaped. c) Should a transformer need to be moved in the future it would be done at CL&P's cost. He added that CL&P will be paying the town for the easements, but the costs have not yet been determined.

Chair Stahl said with the new plan 5 underground vaults will be replaced with 3 above ground vaults. She said these areas will be landscaped to make them less noticeable. She said we also have an agreement with CL&P that the manhole covers will be placed outside the current crosswalks if possible. CL&P said it will depend on the configuration of how it is set in the street as to where the grate is. They said they will try to accommodate the town the best they can.

Claire Lary asked about the landscaping being proposed. CL&P said landscaping would be in the form of shrubbery, yews or plantings that are not invasive. The CL&P representative said we want to have something that will remain compact and that will not grow into the transformer, or anything abutting the area of the transformer, and at the same time make it accessible for us. Claire Lary asked how graffiti on the transformers would be handled. CL&P said they inspect their transformers on an annual basis and makes repairs as needed. To my knowledge it has not been a problem in the city of Willimantic, he said. There are a number of these transformers in town and there have been no graffiti issues.

CL&P has stated that the concept behind their proposal is to provide a safe and reliable power supply to serve the town's growing energy needs. With new economic development projects taking place, CL&P is looking to increase their capacity downtown. He said with this proposal the voltage will be increased from 4,800 volts to 23,000 volts. Most of the existing units around the downtown area are currently at 23,000 volts, and what we are trying to do is to make it more consistent. To do that requires us to bring the transformers above ground to make them more serviceable. With this concept we will increase your reliability and will be reducing the amount of transformers from 5 located underground to 3 above ground units. We will have the flexibility of varying the size of the units. Transformers are based on the rate that you use power, and in terms of future development, we can vary the size of these transformers. What you have currently is very restrictive. Basically, the current vaults are inadequate, he said. The new ones are constructed so that they can accommodate a large variety of transformers in order to

accommodate power needs. You can double the size of the transformer and still use the same pad, he concluded.

After a brief discussion, Dan Lein moved the following Resolution: Be it hereby RESOLVED pursuant to the Connecticut General Statutes Section 8-24, that the Windham Planning & Zoning Commission recommends that the Town grant the easements to the Connecticut Light & Power Company (aka Northeast Utilities) and to allow the installation of above ground vaults with the following recommendations as outlined in Town Engineer Gardner's report dated Dec. 16, 2010; a) Should the Town build a parking garage at Walnut Street, it would be CL&P's responsibility to relocate conduit at their cost. b) The transformers shall be landscaped. c) Should a transformer need to be moved in the future, it would be done at CL&P's expense. He further stated that this is consistent with the Town Plan of Conservation & Development. Dawn Niles seconded the resolution. Voting in favor: Dan Lein, Vic Rayhall, Jean Chaine, Dawn Niles, and Paula Stahl. Voting in opposition was Claire Lary. Resolution passes. Chair Stahl said the commission's recommendation will be forwarded to Windham's Town Council.

IV) Correspondence

a) Code Enforcement Officer Matt Vertefeulle said State Regulations for street signs will be changing January 1, 2011. All street signs will be required to have a minimum lettering of 6 inches. This pertains to all street signs; street names, speed limit, stop signs etc. Our street signs do not have that, so we have to go back and make the changes, as this is mandatory he said. Dawn Niles questioned whether existing signs could be grandfathered. Matt Vertefeulle said he believes all signs will have to be changed to be compliant with the State DOT new regulation.

b) Chair Stahl referred to notification from the Town of Chaplin that they are revising some of their zoning regulations (mostly home occupations). This is a courtesy notification sent to abutting towns. She said they are in the process of doing some interesting village design regulations. It will be interesting to see what they come up with because we may want to borrow some of their language.

V) Miscellaneous

The next working meeting on revisions to our regulations will be held on January 13, 2011 at Kramer. Another workshop meeting will be held on February 17, 2011. Regular meetings will be held on January 27, 2011 and February 24, 2011.

The meeting was adjourned at 9:03 P.M. Motion by Vic Rayhall and seconded by Dan Lein. So voted.

Respectfully submitted,

Lillian Murray, Clerk