

WINDHAM PLANNING & ZONING COMMISSION
WINDHAM, CT
MINUTES

June 23, 2011

The Windham Planning & Zoning Commission held its meeting on June 23, 2011 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Vic Rayhall, Jean Chaine, Juan Montalvo, Dan Lein, Dawn Niles, 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 April 28, 2011 were approved. The motion was made by Dan Lein and seconded by Dawn Niles. Voting in favor of the motion were Dan Lein, Jean Chaine, Juan Montalvo, Claire Lary, Dawn Niles and Paula Stahl. Vic Rayhall abstained. The motion carried.

The minutes of May 26, 2011 were approved. The motion was made by Juan Montalvo and seconded by Dan Lein. Voting in favor of the motion were Jean Chaine, Dan Lein, Juan Montalvo, Claire Lary and Paula Stahl. Dawn Niles and Vic Rayhall abstained, as they were not present at the meeting. The motion carried.

II) New Business

Vic Rayhall made a motion to include under New Business an application submitted by DeSiato Sand & Gravel for a gravel excavation permit renewal. Jean Chaine seconded the motion. The motion carried unanimously.

Chair Stahl said the owner is submitting an application and also granting the commission a 65 day extension. The commission took receipt of the application, but will wait until the revised regulations are in place before considering the request. Hopefully they will be in place by the October regular P&Z meeting, said Stahl.

Commissioner Jean Chaine said it is unlikely that the kind of modifications we are considering would adversely affect the current applicant. Chair Stahl said because we are looking at changing the way existing gravel operation permits are renewed, making it easier for gravel operators, especially the ones that are not causing any neighborhood complaints, we would like him to have the option of waiting until the new process is in place.

Public Hearings

Public Hearings on the Proposed Revisions to the Windham Subdivision and Zoning Regulations. Chair Stahl said we have several public hearings this evening. She said when we first started this process we decided that we wanted to focus on the commercial regulations because when the economy turns we want the town to be ready and have the welcome mat out for businesses.

Chair Stahl said as a municipality we have to notify the Regional Planning Agencies of any changes that we are anticipating. She said we have comments from WINCOG, the Windham Council of Governments and the Southeastern CT COG that is an abutting Council of Governments (Franklin and Sprague). The letters from both agencies were read into the minutes.

WINCOG states that they have reviewed the proposed amendments to the Zoning Regulations. Katherine Holt, chair of WINCOG RPC, said the Regional Planning Commission's comments are purely advisory. She said the extensive proposed zone text and boundary changes are directly consistent with the goals and policies of the Windham Regional Land Use Plan, WINCOG's regional guide for conservation and development. One matter of concern is the regulation prohibits religious uses in certain zones. We would advise that you consult with your Town Attorney concerning the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) a federal law concerning land use regulations that may infringe on religious freedom.

The letter from WINCOG went on to say that, the proposed changes to the parking regulations are another welcome addition. The Windham Planning & Zoning Commission may wish to consider specifying that for single-family residences, parking spaces may be stacked in the driveway, and shall be exclusive of the garage space. In addition, the Windham PZC may wish to better define the distinction between a residential and non-residential subdivision because there is no distinction in the authorizing statutes. Any piece of land subdivided for a commercial purpose could eventually be converted to a residential use provided it is allowed in the zone. Lastly, the proposal is not anticipated to create negative inter-municipal impacts, she concluded.

James Rabbitt, Senior Planner with The Southeastern Connecticut Council of Governments Regional Planning Commission said that based on a review of the information submitted it was determined that the proposed text amendments would not have any adverse inter-municipal impact.

1) Public Hearing on Proposed Changes Affecting the Downtown Area

Chair Stahl opened the public hearing on the proposed changes affecting the Downtown Area. She said we are revising the B-1 District and also the B-1 District boundaries. In addition, a new zone B-1A District is also proposed to serve as a transition between the central business district and surrounding areas to permit a broader mix of compatible uses. It will encourage and promote an urban environment similar to the B-1 District, but at a lesser density. Building heights would not be as high as those allowed Downtown, and buildings would not be as close to surrounding buildings..

We are revising Section 73, Alcoholic Beverages to reflect changes to the B-1 regulations regarding restaurants serving alcohol.

Stahl referred to the Town Plan of Conservation and Development. Section 5 in our Plan of Development focuses on the city's center, as well as on the social and economic activity Downtown, creating a pedestrian friendly environment, preserving and enhancing the Willimantic Main Street Historic Districts, increasing the population density, encouraging economic development, and capitalizing on our assets (the River, Eastern University and the East Coast

Greenway). She said the purpose of revising the B-1 District is to encourage and permit high density urban environment catering to retail businesses with an emphasis on arts and entertainment. The focus is on retail, but is also permitting restaurants in the Downtown, she said. We are eliminating the difficulties that a business needs to go through currently in order to serve alcohol. She said all of the uses listed under Permitted Uses can be approved by Town Staff, and it would not be necessary for applicants to come back before the PZC unless Town Staff feels that it is something that we would like to look at. Special uses would include cafés and entertainment venues. Many of the Prohibited Uses would remain as they are. Churches and other places of worship would be prohibited in the immediate B-1 District.

Another change is lot area and frontage. We are proposing no minimum lot size and no minimum frontage for the Downtown area. We are increasing the density in the Downtown by putting things a little closer together, and requiring that the buildings be on the sidewalk, or at least not set back more than 10 feet of the sidewalk.. .

Zoning Enforcement Officer Matt Vertefeuille referred to Section 31.2.3 which states that alcoholic beverages for consumption on the premises under a Restaurant Permit or a Dinner Theater Permit, with no separation requirement from neighboring uses. He added the following text...all restaurant permits shall abide by other regulations in Section 73 which regulates how they operate.

Chair Stahl opened the hearing for public comment:

a) Peter Quercia of Walnut Street, Willimantic said Main Street is a disgrace. There are buildings that were supposed to be torn down that are still there. Hotel Hooker is still there. The place looks terrible. If you look down Main Street, all you see is empty storefronts. I applaud anything that you can do that will change the rut that the town is in and I hope you can bring about change very quickly. b) Joel Myers said the direction that you are going in is excellent. Downtown has its issues. It is an uphill battle, but I think we are going to get there. He said he is upset because after approving the new owners of the Hurley building the town was hit with a lawsuit; and, now three weeks later you want to approve downtown parking etc. I hope there is no favoritism going on. He added that when new buildings do start going up we will be short on parking. I hope that success happens with this in the future. c) Lori Jeffers said she has an issue with increasing residential property Downtown. Having more people Downtown will cost us money and that will be a detriment to economic development. d) Henry Crane said in the beginning of this meeting there was a letter read regarding restricting churches in the Downtown.

Chair Stahl explained that when we were contemplating eliminating religious uses in the B-1 we asked the town staff to get in touch with the Town Attorney to see if that was something that we could do. Matt Vertefeuille said the response from the Town Attorney was because we provide a place in town and 92% of the area in town was okay and there is precedent in case law for restricting them in the other 8%..

e) William Hettinger, who is Chairman of the Windham Economic Development Commission applauded the commission on the proposed Zoning Regulation changes. He said a residential use on the second floor and higher, under the proposed regulations would simply require administrative approval, and would eliminate the need to appear before the commission. He said

he appreciates the “need to get feet on the street”. He said he also likes the idea of allowing more restaurants Downtown.

f) Kent Mawhinney, a principal with Frog Bridge Development LLC (aka 560 on Main) and 699 Main LLC said it is refreshing to see regulations that will help lead to the revitalization of Main Street. Mr. Mawhinney said a concern with Historic Buildings Downtown was that some buildings would have to be demolished due to structural failure. He said if someone purchased a historic building with structural flaws, he would be forced to take the building down and would have to go through the PZC permitting process again. He recommended that if the building was falling down and was structurally unsafe, the town should allow the building to be rebuilt in a historic manner without having to go through a lengthy process. g) Bill Meehan said the commission has done a nice job on the proposal. I like the way you are starting to loosen up on the rules and laws and regulations. We need people on Main Street. If Mr. Mawhinney wants to take over the Hotel Hooker and put more rooms in it that is good. I would like to congratulate the commission on its efforts. We need people Downtown.

h) Town Planner James Finger referred to creating a Special Permit process for buildings built after 1945. He said Cafémantic has a lot of empty space in the back and that building was built in the late 1950’s or early 60’s. If they wanted to put apartments in there, I believe it would require a Special Permit. He referred to Section 31.2.9 which talks about dwelling units that are 700 square feet or greater and located above the ground floor. Dwelling units that are ADA compliant may be a minimum 450 square feet, he said. This allows old buildings to have housing on the second floor regardless of the age of the building. But, the next provision compromises that by saying (in 31.2.10) that dwelling units in any building constructed before January 1, 1945 may be located on the ground floor, and no more than 75% of the dwelling units may be 450 to 699 square feet. It is a confusing standard. One says you can have units of 700 square feet on the upper floors and units that are ADA compliant of 450 square feet. The next provision modifies that. If we took out the 700 square foot then maybe it would make more sense. With respect to new construction, you could allow rebuilding a structure that had to be demolished as long as it was consistent with the design standards that we have in place for the Downtown area. If it were a new structure that was not consistent with the standards, then maybe that would require a Special Permit - because that would be a major deviation from the standards. We want to encourage buildings that are consistent and sympathetic to the historic character, said Finger.

He then referred to provisions dealing with restaurants that creates a Special Permit process for those restaurants that have take-out, or have outdoor seating; and that the Commission would determine the hours of operation. However, another provision on this Special Permit section says: - if existing, Section 61 applies (a site plan review process). Under Section 61, you do not have the discretion to impose conditions that are not written. You need to enumerate what standards apply. So, if you are going to impose an hour limit or maximum operational period you need to say that. He suggested instead of making it a Special Permit, allow the Zoning Officer the flexibility to make a determination as to whether take-out is a problem because of the added traffic and whether there is suitable room for outdoor seating. Another consideration is outdoor seating. The State requires businesses with a Liquor permit to have outdoor seating for people who smoke. This would trigger a Special permit under the proposed regulations. If we are going to have rules on outdoor seating then maybe we can lay out what the rules are so that when the

developer wants to have outdoor seating we can say as long as it is within these parameters you can do it if the outdoor seating does not cause a nuisance to neighbors. He urged the commission to have a set standard on those things.

He then referred to Section 31.2.12 dealing with municipal uses that are permitted. Section 31.3 dealing with parks requires a Special Permit. Why would any municipal use be permitted in one section, and then later on you require parks to have a Special Permit. I would urge that we say that municipal uses are permitted.

Chair Stahl concurred with the municipal park; and then explained that she felt the concern was with a park owned and operated by a non-profit. So this provision was to allow the Town to have some control over what a non-profit could decide was appropriate for a park. She said she would have no concerns with moving 31.3.4 up to permitted use

There were more audience comments:

i) Bonnie Caulkins said this is quite a feat accomplished. She questioned whether the Hurley Building was originally the site of the Willimantic Methodist Church. The deed was rewritten so that it could be converted to a commercial use, and it specifically stated that it would never have an alcohol disbursement presence. She asked the commission to ensure that that doesn't happen. The deed would supersede everything else, said Stahl.

She said her second concern is parking. She referred to traffic and encouraged the commission to require a Traffic Study before development takes place. She disagreed with granting tax breaks to developers, and urged that everybody pay their fair share.

j) Bill Meehan referred to Section 31.2.9. We rent rooms that have common kitchens and bathrooms. It looks like you are telling us how many square feet we can have. Chair Stahl said this is just in the Downtown. Matt Vertefeuille also stated that existing uses would be grandfathered.

Matt Vertefeuille addressed a comment made regarding the parking regulations in the B-1 District. He said there is no requirement for parking in the Downtown and there are proposed changes to that regulation.

Commissioner Dan Lein referred to the comments expressed by Planner Finger and asked whether we should incorporate those recommendations. Chair Stahl said Matt Vertefeuille has been working on changes to the B-1 District, and the parking regulations.

Matt Vertefeuille referred to the proposed changes to Section 31.2.3. He suggested moving 31.3.4 and Section 31.3.1 to the Permitted uses. He then referred to Section 31.2.10 which states that buildings that are demolished due to structural failure and are rebuilt in a historical consistent manner. That would give developers the incentive. Claire Lary asked who determines if a building is demolished due to structural failure. Vertefeuille said structural failure would have to be determined by a structural engineer. Structural failure would mean that the structure of the building is unsound and that would be determined by a licensed engineer. He said further

discussion is needed on Section 31.2.9 and 31.2.10 and also to consider language which Mr. Mawhinney has proposed.

Commissioner Jean Chaine referred to the lengthy discussion on the proposed revisions to the Downtown, adding that the meeting has deteriorated into a work session. We have worked on this for six months and we are getting a few surprises this evening. We are going to have to put this back into a written format so that we are all consistent in our thinking of what we are doing with these changes and postpone any decision tonight. We are getting comments from town staff at the eleventh hour. This should have happened during the six month period that we were working on this.

Planner Finger said the public hearing is an interactive process and is open to the public. So when you walk it around and listen to the people's comments - you learn things that you hadn't considered, and that maybe you made a mistake. He said we have talked to a lot of people in the last three weeks on these revisions, and they offered a lot of good comments.

Commissioner Chaine suggested that the commission take the comments and suggestions and put them in a revised document rather than trying to have town staff incorporate the changes to the document.

Chair Stahl said the public hearing will be kept open until later in the evening so that Town Staff can incorporate the comments and revisions into the proposed regulations. She then moved on to the next hearing on the agenda.

2) Public Hearing on proposed changes to the Windham Parking Regulations. Revise Section 71 of the Windham Zoning Regulations to provide flexibility in determining parking requirements needed to meet demand.

Chair Stahl explained that based on the Town Plan of Development under the Business & Economic Development Section; we are encouraging the town to review the parking regulations and to revise them in order to be more consistent with actual needs. The actual number of parking spaces needed is determined by the specific use, what the developer feels they need, and also what town staff feels is appropriate. There are places for waivers and exceptions. We also encourage shared parking especially for businesses that have different parking needs at different times of the day.

She reviewed the changes proposed by the Zoning Enforcement Officer to Section 71. She said the proposed regulations will allow for a more realistic look at parking requirements and also allow for shared parking requirements.

Zoning Enforcement Officer Matt Vertefeulle said it is the intent of these regulations to encourage the best management practices to maximize treatment and reduce degradation of water quality and flooding potential of storm water runoff from parking lots in all districts.

All developments shall be designed to have no net runoff from the site, he said. The proposed regulations are more business friendly and will expedite the permitting process by having administrative approval instead of full meetings before the commission.

Chair Stahl opened the hearing for public comment. a) Bill Hettinger said this is a great idea from the economic development perspective. This should open up some opportunities. It will make the town business friendly for developers so that we do not have a lot of black top that is underutilized and we let people pick the number of spaces optimal for their business. That should be beneficial, and it goes a long way for making the town business friendly. b) Joe Boucher, a Land Surveyor with Towne Engineering said he is concerned about Section 71.9.3.b.v.i - which requires that all landscaped aisles be depressed in the parking lot. This is an odd detail and it all goes toward the idea of rain garden uses. Each of the islands would have to have some sort of a storm water inlet in them so that they don't become a pond. He added that there should be no curb around islands. c) Blaine Cromie referred to rain gardens in the parking lot. He said in the Purpose & Intent for the parking section you are talking about allowing flexibility in setting the menus and strategies of how to meet our goals for parking. One of the goals that everyone has is stormwater management, and making sure that we do the best that we can. Requiring things like rain gardens in the parking lot is giving you a mandate. Things like rain gardens should be an option and not necessarily a requirement. He said besides that he is very pleased with what the commission is doing and commended the commission for its hard work.

Commissioner Dawn Niles said the commission put six months into this and all of these suggestions are great, but I think our process needs to be a little more open in the sense that I had asked if we had received input from people that will be affected by this. I think that these people should have attended our work sessions so that we could have actually voted on some of these things tonight. I feel that I need to see this one more time now. She said that she would hope with the next group of revisions that people and businesses that are going to be affected attend the work sessions so that we can get this done before hand. If you asked me to vote on these 2 hearings, I am confused at this point because I need to see it again.

Chair Stahl asked if the Commission has sufficient information to make a decision on the regulations or if additional information was needed; the members stated that they had sufficient information but would like to see the final wording before voting. The Chair closed the public hearing on Parking Regulations.

3) Public Hearing on proposed changes affecting the North Windham area along Northridge Road up to and including the Tractor supply Store by creating a C-4 District with zoning regulations and boundary to encourage and permit general retail/commercial development with flexibility allowing the zone to be responsive to market trade.

Chair Stahl said in Section 5.6 of the Plan of Conservation & Development there is an extensive section on the North Windham retail area. The North Windham area especially the Northridge Drive area has been developed predominately for retail and restaurants over the years, although that area is zoned manufacturing. She said our regulations have not kept up with what has been happening out there. Currently if a retail business wanted to move into this area and locate themselves right next door to another retail business, they would have to come to the town under a Special Permit. Trying to encourage retail development that is compatible with what is existing, we are creating a new zone (C-4) called the North Windham Retail East. This zone would go from the Northridge Drive area up to the current Tractor Supply Store. It would start just past Crystal Road and go up to the Tractor Supply property and back to the East Coast Greenway.

This is an area where staff could approve retail sales, restaurants, including the sale of alcoholic beverages, banks, and food vendors.

Code enforcement Officer Matt Vertefeulle reviewed some additional revisions. He said he attempted to incorporate additional comments from the public. He referred to Section 39 – North Windham Retail-East (C-4). The purpose and intent of this District is to encourage and permit general retail/commercial development with the flexibility to allow the zone to be responsive to market trends, and help the town to realize optimum economic return. He went on to review Permitted Uses and Prohibited Uses. He said we have a limited amount of Permitted Uses and it was suggested that we move some of the Special Uses into Permitted Uses to make it a little easier. It was also suggested to move hotels and multi-stories out of Prohibited Uses. He went on to review proposed changes to Special Uses, Lot Area, Shape and Frontage, Setbacks, Height, Coverage, Standards and Special Regulations.

Chair Stahl opened the hearing to public comments: a) Richard Cromie thanked the commission and town staff for all the work that went into these revisions. He offered two recommendations: 1) Modify the language in Section 39.A.1. By deleting the first words ...related businesses, included but not limited to, and just start by listings what you do not want there. Those words could mean that a store like Wal Mart, or Home Depot, or Sears could not sell tires, car batteries, or any car parts. He recommended deleting those phrases. 2) In addition, he said Section 39.4.8 prohibits residential uses on the first floor of a building. He said in all likelihood this property is going to be developed perhaps under the provisions of Section 51 of the Zoning Regulations, where a developer will come in do a Planned Development District. He said Section 51 allows some residential uses on the first floor. He said if you deny residential use other than on the second floor, or third floor of a commercial building you are really denying any use of a significant portion of this property.

Commissioner Jean Chaine said Mr. Cromie makes a good point. He has described a very narrow, problematic piece of land. The front of the building would be at the upper level, and the back of the building would be at a sub level, so I don't think there would be a problem with the concept, as I understand it, to have that residential. After some additional discussion. the commission agreed to take Mr. Cromie's recommendation under advisement.

Meeting recessed at 9:07 P.M.

Meeting resumed at 9:15 P.M.

b) Doug Lary, 183 Summit Street, referred to the C-4 Zone. He said he appreciated the discussion from a person (Mr. Cromie) who knew the land well. It seems to me that a reasonable solution would be simply to carve out that piece, but maintain your thoughts for the C-4. You might only need to revise the location and complete this tonight.

c) William Hettinger, Chairman of the Economic Development Commission spoke in favor of the proposed changes. He felt this would make the Town more business friendly and would promote economic development. He said particularly in North Windham where historically there has been a lot of demand. Since nobody is doing manufacturing anymore, I think making this commercial space is a really great idea. The other thing is that a significant amount of tax revenue is coming

from the businesses that are locating in that space. So, if we can get more of those in there, that will help the tax revenues.

d) Blaine Cromie referred to Section 39.6 – Setbacks. He said I think the parking setbacks have been addressed in Section 71.5. He requests that the word “parking” be removed from that sentence and rely on making it consistent with the rest of the regulations and rely on what is said in Section 71.

e) Bernie D’ Auteuil of 168 Walnut Street referred to the setbacks and how they relate to the travel point on Route 6. You really need to go out and walk the dike on a dark night and see how much light permeates from the Tractor Supply Company sign. He said he usually enjoys going out there to watch the meteor showers. You have to go to the extreme end of the dike in order to experience that because there is so much light coming from the Tractor Supply Store and that is an air runway approach. That has to affect pilots. There should be a way of toning that back because that is way too much light.

To provide time to revise the regulations, and to allow time for further input, Chair Stahl said the public hearing will be continued until July 14, 2011.

Chair Stahl said since there are members in the audience to speak on the proposed definition of Family, she asked for a motion to move that up on the agenda as the next order of business. Dawn Niles made a motion to move the discussion on Family as the next order of business. Dan Lein seconded the motion. The motion carried unanimously.

Commissioner Dawn Niles said she had asked for this to be removed from the agenda earlier today because I have requested in the past that we go to CHRO (Commission of Human Rights and Opportunities) Rental Units and get a ruling because if somebody felt that our definition was against State Statutes then we would be in violation and could be fined I didn’t feel that we should be voting on the definition of Family until we have something from CHRO stating that this is an acceptable definition based on Conn. State Statutes. I did show this to a CHRO attorney who said this is not acceptable language. That is why I asked for it to be removed tonight.

Chair Stahl said she would open the public hearing, but will continue it until we receive an acceptable definition.

4) Public Hearing #6 on Proposed changes to Section 4.2 on the definition of Family in the Windham Zoning Regulations.

a) Linda Gorgonne, 98 Oxbow Drive, Windham, said this has been an ongoing issue. She said she has been a resident of Windham for 20 years. She said she lives in a small development, and has a situation where a person who lives on the side of her has decided they are going to rent rooms out. She said she has to deal with this all the time. Why should I have to deal with this? We have zoning. We have rules that say single family. It is not fair to me and my family. Where do I go from here? Do I have to get a lawyer? What do I do? This is unfair.

Code Enforcement Officer Matt Vertefeuille said in the three years he has been doing this, the definition of family, how to enforce this regulation, and how to enforce illegal rooming houses has been by far the most challenging thing that he has come across. It is nearly impossible to

enforce. He said part of the problem is - how do you collect the evidence? He said he is not sure what the definition of a family is. A family is anyone who is related by blood, marriage or adoption.

b) Rachel Cormier, 93 Oxbow Drive, Windham said we have two situations up there. They arrive in taxies, bicycle, and they walk. People are dropping them off. One has a car. She said she has two small children. She said she chose to live in a residential area and said she shouldn't have to deal with this on a daily basis. I have no idea who is living next to me.

Matt Vertefeulle said he will get in touch with the Town Attorney and CHRO about this.

c) Joel Myers said he has units all over Willimantic. He said the language states: '... not to permit leasing individual rooms as rooming or boarding houses'. It has always been like that. What is going on in a few houses cannot dictate what is going to happen on a whole. You cannot hinder us with the kind of language on who we can put in our homes. I think your idea of taking that out is a very smart idea because it shouldn't have been put in to begin with. Please take that wording out, he concluded.

Matt Vertefeulle said he would prepare a presentation to try to explain it a little better.

d) Doug Lary said he is the owner of a 3-family house. He said he has lived in and next to properties that have multiple adults in a single living unit all his life. He suggested that the wording should state three adults per living unit at a maximum. If you want more people than that then make more units. But suggesting that several people per bedroom in a large house is an inappropriate use of the house devalues my property, he said. He said what matters is where is the responsible adult. Is the property manager in town? Is the property manager off site? If the property manager lives there, that might affect how many people you allow in the building. Is the property manager reachable? If you can't solve it that way then three adults is a good simple, easy to understand approach.

e) Lori Jeffers commented on family being three adults. You could have mom, dad, and two or three kids in college living at home or coming home for the summer who are adults. She said three is very arbitrary.

f) Joel Myers said he thinks the town will be opening itself to discrimination if you say three adults. Commissioner Jean Chaine said three adults was suggested as a concept, as a starting point. The Housing Code is something that needs to be looked at

Chair Stahl closed the public hearing. Dawn Niles made a motion stating that the Board is not making a decision on this tonight, and will come back at a later time with a new definition. Vic Rayhall seconded the motion. The motion carried unanimously.

1a) Chair Stahl reopened the public hearing on the B-1 – Downtown Area, the B-1A and Section 73.

Commissioner Jean Chaine said if this does reflect all the modifications why do we need to reopen the public hearing. Why don't we do the same as we are doing with the other changes and wait for them to be finalized in print?

Code Enforcement Officer Matt Vertefeuille distributed revised language to Section 31.2.2. Commissioner Dan Lein said I believe we want to take the time to read through the changes.

A discussion ensued. Town staff attempted to incorporate the comments and suggestions to this section, but were unable to come up with an acceptable draft.

The public hearing will be continued on July 14, 2011.

5) Public Hearing #4 to revise Section 5.13 of the Windham Subdivision Regulations for commercial (non-residential) Subdivisions; and exceptions for certain types of subdivisions. This will provide exemptions from standard requirements on residential development.

Chair Stahl explained that in 2009 the Planning Commission adopted new Subdivision Regulations as a step towards implementing the Town Plan of Conservation & Development. We made complete and total changes to the regulations and we knew that once we started working with them we would need to make some changes. There are two areas where we need to make some changes 1) allow commercial (non-residential) subdivisions in areas where there is public water and sewer. In the future we also need to take a look at making it a little easier for residential small subdivisions.

Chair Stahl opened the hearing for public comment. Commissioner Claire Lary referred to the comment made by WINCOG that the PZC might want to distinguish between a residential and non-residential subdivision because there is no distinction in the authorizing statutes. Any piece of land subdivided for a commercial purpose could eventually be converted to a residential use provided it is allowed in a non-residential zone. There was no public comment and the public hearing was closed. Dawn Niles made a motion to approve the changes to the Subdivision Regulations as presented. Jean Chaine seconded the motion. The motion carried unanimously.

6) Public Hearing #5 on proposed changes to Miscellaneous Provisions in the Windham Zoning Regulations under Sections; 61.4, 62.4, 76.4, 3.1, 3.2.1, 3.10 on non-conforming properties, 52.7 on flood plains rules, 74 Performance Standards, deleting 77 on Soil Erosion and Sediment control & revising reference in 3.16, Section 80 on Home Occupations, 91.4 Administrative and Enforcement adding 91.10 on violations, and 92.5 deleting provisions for Certificate of Location on Motor Vehicles repair/dealers, bulk oil, and gasoline filling stations.

Chair Stahl said most of these are housekeeping issues that were brought to us by staff. She went on to review the changes: #1 is for sections when there was a separate Planning Commission and deleting the fact we need to refer things to ourselves. Item #2 under Section 3 changing the word application to request and increasing the time limit from one year to 3 years, item #3 is regarding properties that are non-conforming. These are properties that zoning has changed. Our current Zoning Regulations are not consistent with State Statutes and some of that is being deleted, and we are also including a way for the Zoning Enforcement Officer to approve modifications to make property a little more compliant than it currently is, item #4 is within Section 52 Special Flood Hazard Area. The Town Planner had requested some clarification, item #5 Soil Erosion and Sediment Control plan. We currently have the whole section because Section 77 refers to that. The Planner is suggesting that we refer to the Connecticut Erosion and Sedimentation

Guidelines. Then, item #6 Home Occupations - Currently we only allow somebody to work at home in a single-family residence. This revision will allow somebody to have a home occupation in an apartment. Item #7 Section 91 is Administrative and Enforcement allowing the ZEO to have the authority to approve minor deviations to the regulations providing that the deviation does not have a substantial affect on neighboring properties and are compatible with neighboring properties, and revising how that person is notified of the action. Item #8 this is a new section. The ZEO has requested that the regulations allow him to revoke a zoning approval if that is the last resort for someone who is refusing to adhere to the regulations and will not come into compliance. Item #9 eliminating procedures for Certificate of Approval for Motor Vehicle uses, bulk fuels, and gasoline filling stations that are not consistent with the Connecticut General Statutes. The State used to require that the ZBA handle the certificate of location for the sale or repair of any motor vehicles, and for the establishment of gas stations. They no longer require that. Now the PZC will handle that. Item #10 Revise Section 74 on Performance Standards relating to Public Health, Safety, Welfare and Value and Reasonable use of other lots, specifically adding provisions on Land and Water Pollution, eliminating lighting provisions, and existing landscaping provisions, and adding a new sections dealing with Site Plan Standards. Most of the rest of the language is outlined in various other Sections in the regulations.

As there were no comments from the audience - nor any additional comments from the commission, the Chair closed public hearing. Dawn Niles made a motion to approve the proposed changes to the Miscellaneous Provisions and Juan Montalvo seconded the motion. The motion carried unanimously.

7) Revisions to Downtown Area, C4 and Parking Regulations

Returning to the draft of all the changes proposed for the Downtown B-1 District, the Commission felt that this needed more work and study. The Commission agreed to continue the public hearing on the proposed changes to the B-1 and B-1A District as well as for those planned for the North Windham area along Northridge Road.

The public hearing on the Windham Parking Regulations was closed earlier in the meeting, and action was deferred to the next meeting.

After a brief discussion, the Commission agreed to hold a special meeting on July 14, 2011 to continue the hearings and possibly act on the proposed changes.

III) Correspondence

a) Notification from the Town of Coventry regarding proposed changes to their Zoning Regulations.

b) Notice from Albany Engineering regarding the Scotland Dam

The meeting was adjourned at 10:20 P.M. The next meeting will be a special meeting on July 14, 2011.

Respectfully submitted, Lillian Murray, Clerk