

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

January 27, 2011

The Planning & Zoning Commission held its meeting on January 27, 2011 in the Meeting Room, Town Hall. Chair Paula Stahl called the meeting to order at 7:09 P.M. Members present were Victor Rayhall, Juan Montalvo, Dawn Niles, Dan Lein, Claire Lary and Paula Stahl. Jean Chaine was excused. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

I) Approval of Minutes

- a) The minutes of November 18, 2010 were approved on a motion by Dawn Niles, seconded by Victor Rayhall. The motion carried unanimously.
- b) The minutes of November 23, 2010 were approved on a motion by Dawn Niles and seconded by Victor Rayhall. Voting in favor of the motion were Dawn Niles, Victor Rayhall, Claire Lary, Paula Stahl. Juan Montalvo and Dan Lein abstained, as they did not attend the meeting. The motion carried.
- c) The minutes of December 9, 2010 were approved on a motion by Dawn Niles and seconded by Victor Rayhall. The motion carried unanimously.
- d) The minutes of December 16, 2010 were approved on a motion by Dawn Niles and seconded by Victor Rayhall. Voting in favor were Dawn Niles, Victor Rayhall, Claire Lary, Dan Lein and Paula Stahl. Juan Montalvo abstained, as he did not attend the meeting. The motion carried.
- e) The minutes of January 13, 2011 were approved on a motion by Dan Lein and seconded by Claire Lary. Discussion: Dawn Niles said at the January meeting we talked about setting goals; and the goal is to bring the new parking standards, and the RPO-HC District on the west side of the Route 6, North Windham retail area to public hearing in June. Voting in favor of the approving the minutes were Dan Lein, Claire Lary, Jean Chaine, and Paula Stahl. Victor Rayhall and Juan Montalvo abstained. The motion carried.

I) New Business

1) Public Hearing on Revisions to Subdivision Regulations for the Willimantic Service District and Proposed B-4 Health Care District, also related definitions, and map designations.

Planner Finger, in his staff report dated January 24, 2010, referred to the Plan of Conservation and Development. Changes to the Zoning and Subdivision Regulations will enhance economic activity by allowing the Hospital and adjacent facilities to grow.

The creation of a Health Care District is to recognize the growth in demand for medical services that has not existed up to this point. The Hospital and other medical professionals require a regulatory process that promotes flexibility to meet changing medical practices.

Chair Paula Stahl opened the public hearing. She said the State of Connecticut requires that every 10 years all municipalities develop a Plan of Development. She said we developed our plan in 2007. (This can be viewed on the Planning & Zoning website). She said both the Planning Commission and the Zoning Commission recognized for a number of years that our regulations are not consistent with the current pattern of our development. They are not very business friendly, and they do not encourage fiscally beneficial development. She referred to the Plan of Development and said the first section of the plan refers to business and economic development. It refers to Smart Growth – a planned pattern of development that balances the development opportunities of community needs and demands for future services. She said a hospital is a nice service and a community need. Smart growth is smart money because it doesn't focus on the immediate tax gain, but rather on the long-term benefit of a positive fiscal impact. It also mentions that an area's quality of life generally is a notable factor in the site selection process. Having a good quality hospital is adding to the quality of our lives, she said.

Under Community Development we talk about using the community's assets to attract new businesses. She said she feels that the Hospital is one of our community assets. We want to seek businesses that create jobs with good wages. Again, that fits the bill of the Hospital. The Hospital and other medical professionals are major stakeholders in the Town's economic development plan. A key for growth for the Hospital and other medical professional offices is the need for flexibility for future growth to attract other medical professionals to enhance the town. We want to seek businesses that have a long-term positive fiscal impact on the town. We want to seek economic development that will be an asset for the Town for generations. We want to strive to retain existing businesses and encourage their growth and expansion.

She said the Town combined the Planning & Zoning Commissions, and since then we have been in the process of addressing a lot of concerns. We have been working in different parts of town, and while we were doing that the Hospital proposed by summer to build a 30,000 square foot building on Hospital property. They submitted a site plan including some internal streets that the PZC approved last October. She said the Hospital started looking at ways to subdivide their property so that they would be able to include additional buildings. Because their first building is being so well received, they are considering adding a second building to the Hospital campus. The problem is that most of the land that they are considering for future development is in a residential zone. It is a RPO (Residential and Professional Office Zone). It doesn't allow the density. It actually would have stopped the Hospital project if there was no way to change the zone. She said our regulations were at fault because the property is in a residential zone, but it is actually hospital property. She said we should take the lead in fixing it. One of the options was to let the hospital change the zone for their own property, but it would have only changed their one parcel. What we are looking to do is to change the zoning for the

area around the hospital to help us with future zoning and to take it down a positive road for future development in that area. We met with the Hospital team a number of times. We looked at the current land use in that area, and analyzed the land use that was there before we made any decisions as to where the boundaries would be. We drafted regulations, reviewed them, amended them and brought them forward to a public hearing this evening.

She went on to review the regulations and the changes. One of the issues with the Subdivision Regulations is that the regulations certainly do cover commercial development, but not a densely covered area for non-residential subdivisions. The PZC would like to change that. We are inserting **Section 5.13** and naming it Non-Residential Subdivisions within the Willimantic Service District, and in lieu of the open space that is required it would state that 20% of the property would be in landscaping, landscaped buffers and natural areas, not necessarily in one area, but it could be a collection of different treed areas and shrubbery, or buffers thus allowing existing and proposed private drives and streets to be used as internal private streets for the project. Again, within the Subdivision Regulations we have referred to different parts of the Zoning Regulations that require a buildable envelope that is residential in nature and we are excluding those.

In terms of a housekeeping issue, we talk about a sub-divider being required to complete all improvements in a timely manner while the Town holds a bond. The intent was that those improvements would be public improvements (meaning streets) that would become Town property. If it is a private street it is not an issue, added Stahl. This was discovered as we were looking at the regulations for the hospital project. She said these are basically the subdivision proposals.

Chair Stahl then went on to review the proposed changes to the Zoning Regulations. We are creating a new district called The Healthcare District, the B-4 Zone. We are also adding a definition for service area, which we refer to frequently in our Zoning Regulations, but we never define it. We are creating a definition for service area; an area for waste storage and collection, loading and unloading, loading docks, storage facilities, dumpsters, recycling areas, fueling areas and vehicle service and maintenance areas.

We are adding **Section 36** specifically for The Healthcare District.

Section 36.1 Purpose and Intent. The purpose and intent is to encourage and permit a variety of medical related services and businesses at a higher density than other business districts. The following regulations will apply to the use of land, building and other structures and the location and bulk of buildings and other structures.

Section 36.2 Permitted Uses. The PZC worked and spoke with representatives from the Hospital to determine their needs. But, we also wanted to think about compatible uses that would be appropriate that were outside of the Hospital's request because this isn't just Hospital property. Some of the properties are owned by other individuals. The permitted uses in this area would include hospital, nursing home, offices providing

medical services, offices providing dental services, supporting retail businesses such as a pharmacy, a florist and a gift shop, medical supplies, accessory uses to a hospital or a nursing home such as a heating plant, laundry, ambulance service, which would include the heliport, offices, classrooms, meeting rooms and other customary health care support services. Also accessory uses to a hospital or a nursing home that provide staff services such as cafeteria, recreation facilities, affordable housing, healthcare teaching facilities, emergency shelter/mission, a halfway house, child or adult care, and municipal use. These are all uses that are permitted by right, said Stahl

Section 36.3 Special Uses. Under certain conditions, the Commission will permit the following uses by Special Permit in accordance with Section 62 of the regulations, unless existing, then Section 61 shall apply. Special uses that we would include in the regulations are things that under certain conditions, the Commission would act upon; a hotel, other professional services (maybe a small bank) and a conference facility.

Section 36.4 Prohibited Uses. All other uses are prohibited. It is fairly clear that this is restricted to healthcare and a few related services, said Stahl.

Section 36.5 Lot Area & Frontage. This section states that each lot shall have a minimum area of 25,000 square feet, and shall have a frontage of 50 feet or more on a public or private street. Chair Stahl said the Hospital is asking for 2 acre zoning. We wanted the regulations to provide a little more flexibility. We are trying to have our regulations be responsive to the needs of developers.

Section 36.6 Setbacks. No building or structure shall exceed within fifteen feet of any public or private street line, within 10 feet of any rear or side property line unless it is next to a residential district, then it would be thirty feet. We are trying to be mindful of the fact that there are residential abutters, said Stahl.

Section 36.7 Height. No building or other structure shall exceed the height of three stories, or forty feet, if located within 100' of Valley Street, or 200' of Mansfield Avenue or Quarry Street; however, they could be six stories or 84' if located in excess of 100' of Valley Street's right-of-way, 200' of Mansfield or Quarry Street's right-of-way or another district. That is in response to the fact that the Hospital actually has 6 stories currently, and it would be appropriate for them to be able to add on at that same height, but still be far enough away from the streets and the residential districts that it would not be out of scale and overwhelm the neighborhood, she said.

Section 36.8 Coverage. The aggregate lot coverage of all buildings and other structures, on any lot shall not exceed 40% of the area of the lot. Chair Stahl said coverage is something we generally think of with development, and that is how much area of the land is devoted to impervious surfaces. This is permitting development on smaller lots, said Stahl.

Section 36.9 Special Regulations.

(Section 36.9.1) A site development plan as specified in Section 61 of the regulations shall be submitted for any new development, or use of an existing site for which an addition to the floor area is sought. This requirement shall not apply to any new use of property to be housed within an existing building with sufficient parking on the lot to satisfy the regulations, and where no changes are proposed for the exterior of the site, provided a Certificate of Zoning Compliance is secured prior to use and occupancy.

(Section 36.9.2) Existing private streets. Existing private streets are exempt from Standards for Streets as set out in Section 61.2.2c1 of these regulations and Section 7 of the Windham Subdivision Regulations. Chair Stahl said the minimal travel width for an existing private street shall be 20'. The developer shall provide a statement from a Civil Engineer licensed to practice in the State of CT that states that the existing private street substantially meets construction standards suitable for the intended volume of traffic. And, street line and right-of-way shall be a minimum 12.5' from the center line of all existing and previously approved private streets. That gives the opportunity and the space if there is a narrow private street and it needs to be widened, said Stahl.

Section 36.9.3 Parking. Shared parking is encouraged. Parking lots can overlap lot lines with appropriate easement provisions and maintenance agreements between property owners. Parking is not permitted within a setback abutting residential use. We are encouraging shared parking, said Stahl. Parking lots can overlap property lines if the two property owners agree. The perimeter and interior islands of parking lots shall be landscaped.

Section 36.9.4 Buffers. Land abutting RPO and residential districts shall have effective screening using evergreen trees in combination with earth berms, privacy fencing and shrubs, consistent with other material used in the development. Buffers will be maintained in a condition that assures their continued effectiveness. Again continuing with the good neighbor concept we are encouraging buffers where the property line is against residential properties, said Stahl.

Section 36.9.5 Service Areas. a) Locate all service areas at the side or rear of the principal building. b) Separate the service area and its vehicular access from internal walkways, parking areas, or other pedestrian areas by landscaped islands, grade changes or other devices. Chair Stahl said service areas in the vehicular access are separated for safety. c) Screen the service area (including dumpsters and deliveries) to minimize visibility from public and private streets, main entrances, main entrances, abutters and public areas.

Section 36.9.6 Stormwater Systems. Design the stormwater system as an integral and attractive component of the landscape; use an open stormwater system whenever possible to increase groundwater recharge and avoid impacts to natural stream flows and be designed consistent with the Connecticut Dept. of Environmental Protection. Any

detention or retention basins shall be designed and landscaped with appropriate plant material.

Chair Stahl then went on to review the map depicting the draft district boundaries. She said the area this covers is about 52 acres. When we were determining boundary lines we were looking at existing uses, she said. As seen on the map the boundary follows Mansfield Avenue down to the southern boundary of Generations' property and back up to Valley Street encompassing all the Hospital property, the nursing home, and additional Hospital property that is not developed. There is a detention basin on Valley Street. It then goes up northward along the Hospital property line to behind the two buildings that are off Quarry Street behind property lines that are up Quarry Street.

She then opened the hearing for public comment.

1) Joseph Boucher, of Towne Engineering, asked for clarification of the Generation's property. He said it look like the line cuts off part of the Generation's property. Chair Stahl said it is not intended to so. The intent is that it follows the southern boundary of the Generation's property.

2) Philip Doyle, Land Planning Consultant for the Hospital expressed his appreciation for the time that staff members and the chairman have spent working on this application. He said initially we were looking to subdivide the property and made an application to you for financing purposes. It became apparent to the staff, and to us, that the existing Subdivision Regulations had not been revised in a while. They focused mostly on residential development. This effort works well to bring it into a global perspective looking at some commercial issues. Certainly it benefits the Hospital, and I think it is a benefit for commercial properties throughout the Willimantic Service District. The Hospital has been on this property since 1928 or 1829, he said. As the Hospital has grown, it has reached a point where the Zoning Regulations and the Subdivision Regulations, as they are defined today, will not allow the Hospital to grow. The Hospital would like to stay on that property for another 80 or 150 years, he said. It doesn't want to move. From our point of view these regulations are very important to allow long-term growth. There are probably four or five pages in the Plan of Conservation & Development that support that idea. We need this to be able to move forward, not only for the immediate project, but for the long term, he added.

3) Bill Mogensen with Casle Corp., the developer for this property and this project, said he has been working in close unison with the Hospital to develop a medical office building to serve this region. He said we work in a lot of communities and suburban towns, and we have to work within the structure of the Zoning Regulations and the commissions that oversee them. In some communities, we look at the regulations and their overall mission, and their Plan of Development, and we end up proposing something that they react to and it becomes reactive. In many respects, they drive that kind of development out of town. The process that we have gone through here and I want to applaud you for all the cooperation because you haven't been reactive. You have been proactive. You have a Plan of Development and you have certain visions in the growth

of your community. You have worked with us to make that happen. As I looked at this area I quickly discovered that all roads lead to the center of Willimantic. What you are about to do will provide an opportunity to compete and capture a medical market for this community and a tax base for this community. You have set up the ability for this not only to happen, but for it to thrive and grow on the Hospital campus. He said lets get it up and let's get it occupied. You have now created an environment for it to thrive and succeed, he concluded.

Chair Stahl pointed out for the record that the Subdivision Regulation revisions are for all subdivisions within the Willimantic Service District, not just for the Hospital area. She said it will help commercial development in Willimantic Service District.

Juan Montalvo said this gives one a sense of accomplishment. It is something that we have worked very hard to bring to this community. It is wonderful. It gives you a good feeling, he added.

Chair Stahl referred to a letter from the Regional Planning Commission stating that the proposed Health District is compatible with the Windham Region Land Use Plan 2010. The proposal is not anticipated to create negative inter-municipal impacts.

The public hearing was closed. Juan Montalvo made a motion that the Windham Planning & Zoning Commission approves the revisions to the Windham Subdivision Regulations, the Windham Zoning Regulations and the Windham Zoning District Map as presented at the January 27th public hearing, and further stated that they are consistent with the Town's Plan of Conservation and Development. Dan Lein seconded the motion. The motion carried unanimously.

II) Windham Hospital Subdivision Application. Take receipt and schedule for public hearing on February 24, 2011.

Ed Bussiere, Director of Facilities and Construction at Windham Hospital applauded the Commission and its chairman, as well as all the Town officers who have worked tirelessly with us to create the atmosphere of allowing this project to hopefully move forward. You have set in motion the framework that will hopefully allow for a number of these buildings to be built in the future, said Bussiere.

Code Enforcement Officer Matt Vertefeuille asked if the plans submitted tonight are the final plans or are there any other changes to the plan. Mr. Doyle said these are 99.99% complete. We are double-checking the plans, but we feel they are pretty much complete.

The Commission scheduled a public hearing on February 24, 2011.

NOTE - Chair Stahl said there will be an all day Land Use Academy session on May 14, 2011 at UCONN. Stahl said she will be teaching map reading.

III) Windham materials LLC, 167R, 199 & 255 Plains Road, Windham Center –
continuation of existing earth excavation permitted under Section 75.2.2.

Planner Finger's staff report explained that this an update on the continuation of the existing earth excavation permitted under Sec. 75.2.2. The site comprises a total area of 90 acres and the excavation area is 39 acres.

Code Enforcement Officer Matt Vertefeuille said he and the Town Planner went out and inspected the site. He said the site is consistent with the plans that they have submitted.

Joe Boucher, of Towne Engineering, said the Gallow's Hill pit is located on the southerly side of Plains Road. He said the Zoning Commission approved Phase 2 of the excavation expansion in year 2003. At that time the activity was lended to the bulk of the property. He referred to photos of the property and identified locations. He said the activity is self-contained. We are before the Commission seeking a 5-year extension to our permit, said Boucher.

Dan Lein made a motion to approve a 5-year extension to Windham Materials LLC and Juan Montalvo seconded the motion. The motion carried unanimously.

IV) Revisions to the Windham Zoning Regulations.

a) Parking Standards. Chair Stahl said she is continuing to research what other towns are doing. She said one town has a one size fits all standard. They treat stores like Wal Mart and Home Depot the same as Dunkin Donut. We are looking to do just the opposite. We are looking to custom tailor, she said. Looking at the Wal Mart, Sears and Home Depot area, it appears they have more parking than they need. We are looking at different ways of grouping businesses together so that maybe the fast food, gas stations, convenience stores and Walgreen type places would be one category based on their square footage. We also are looking at opportunities for shared parking so that we can reduce the number of parking spaces. We have been talking about doing something where we offer a range of 10% or 20% of the standard requirement, or something like that, said Stahl. We have a tremendous opportunity especially in the North Windham area to increase development with the kind of standards we have been talking about. Chair Stahl said she will continue to work on this over the next couple of months with a goal of being ready to go to a public hearing in June.

b) North Windham Retail Area. She said we have started doing a study similar to what we did with the Hospital where we looked at the land use around a particular area. In looking at the North Windham area it is primarily commercial. There is a little residential on Baker Road and Crystal Road. Other than that it is primarily commercial. She said there is a lot of space up there that has opportunity for development, especially with different parking regulations. She said she would like to come up with a road pattern for the west side of Route 6 so that we can increase development in that area, but we must first find a new home for the Town Garage. She suggested having Town staff contact some of the property owners in that area to see if they might be receptive to

engaging in conversation similar to what we did with the Hospital. At some point in time, the Town might have the funds to move the Town garage, she said. There is a tremendous opportunity for economic development along that area. She said - we need to start meeting with the owners. It would be terrific if we could figure out a road system that would open up their property to increase the development potential. She said it might be best to start it at staff level, or possibly at a work session.

Chair Stahl said she has started drafting some regulations for the B-5 District. She said we are looking at the two sides of Route 6 in a somewhat different way. The east side (the Wal Mart & Home Depot side) has more opportunity for franchises and a larger footprint businesses being located there because there is room there. There is not a lot of space between Route 6 and the airport on the other side of Route 6. In that area we could be thinking in terms of smaller footprints, smaller businesses similar to what is there now, and perhaps encouraging, if not requiring, (in certain areas) 2-story buildings, thus minimizing taxes. She said she has started working on the assessor's database to see what kind of property brings in the most taxes. An article in a planning magazine said to look at things in terms of assessment per acre, to look at areas where we are getting the most revenue. She said the area in Town where we are getting the largest revenue per acre is in our B-1 Downtown District. There are 97 taxable businesses in this district. She asked, do 97 businesses take up 18.4 acres? The assessment value is a little over 19 million dollars. This comes out to one million dollars per acre. In the rest of the Town we have 214 taxable properties, and it comes out to be \$187,000 per acre. She said she only used commercial properties in her analysis. She said a lot of it has to do with density because there is no space between buildings. That might be appropriate for the Downtown, but it is not appropriate in other places. She said most of our buildings Downtown are 1, 2 and 3 stories buildings. The properties Downtown do not have to have parking because the municipality provides the parking on the form of parking lots, she said.

She said the seminar some of us attended last spring brought home the fact that with a multi-story commercial property the developer benefits because it doesn't cost as much to add the square footage and it increases the tax base. Chair Stahl agreed to forward the assessor's data sheet to members so they could review the information. She said what we need to strive for are areas that have denser development like what we are doing in the B-4 District where we are getting a lot of development in a small confined area.

The other thing we talked about when we started considering the changes for the Hospital is creating a RPO (Residential/Professional Office) with healthcare focusing on the northern boundary of our new B-4, (the northern and eastern side of the B-4). She said she would share draft regulations at the next workshop. We will be looking at smaller lots assuring that they will fit in with the scale of the neighborhood. Creating this new district should not affect the market value of property in this area, she added. Perhaps at a future working session we can spread out the town parcel map and really go through it and start thinking about zones. She referred to the timetable for proceeding and said the goal is to have these revisions to a public hearing in June.

V) Routine Business

a) Correspondence

1) Main Street Navigator, a newsletter of the Connecticut Main Street Center highlighting the 2010 Connecticut Main Street Awards Gala Downtown Bridgeport.

2) Connecticut Bar Association is sponsoring the Connecticut Land use Law for Municipal Land use Agencies, Boards and Commissions training session on March 12, 2011 from 8:30AM – 4:30 PM at Wesleyan University in Middletown, CT.

3) Clearscapes -Newsletter of the Center for Land Use Education and Research at the University of Connecticut.

4) Notice from the Town of Coventry regarding revisions to their Zoning Regulations.

5) Miscellaneous

Planner Finger said the historic survey has recently been completed. He referred to a map of all historic properties. He said he would try to get this information on CD so that members could have access to the document.

The meeting was adjourned at 8:40 P.M. Motion by Dawn Niles and seconded by Juan Montalvo. The motion carried unanimously.

Respectfully submitted,

Lillian Murray, Clerk