

**PLANNING & ZONING COMMISSION**  
**January 12, 2009 Meeting**

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Marshall Brown,  
Janet Ramsay, Jim Tatro and Ralph Leiper

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands  
Officer Jennifer Rodriguez, and Town Engineer Dana Steele

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Chairman Gannuscio called the meeting to order at 7:10 pm.

Commission roll call was taken.

Chairman Gannuscio seated Mr. Tatro for Commissioner Blackburn for all of the evening's proceedings.

**MINUTES:**

**Chairman Gannuscio referred to the December 8, 2008 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown, Ms. Ramsay, Mr. Tatro and Mr. Leiper were all present and seated at different points in that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to accept the December 12, 2008 meeting minutes, as published. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**Chairman Gannuscio stated that he had received a request from Joe Flynn regarding Item V.a on the evening's agenda requesting a 65 day extension. Mr. Gannuscio then moved to accept Mr. Flynn's request for an extension and continue the site plan review of Dick's Bulldozing for the property located at 52 South Elm Street to February 9, 2009. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Chairman Gannuscio referred to Item V.b on the evening's agenda and stated that Town Planning Consultant O'Leary had not received his set of plans and suggested that they continue the site plan modification to allow Mr. O'Leary time to receive, review and comment on the plans.

Attorney Paul Smith stated that the applicant had no problem continuing the review. He went on to say that he was not sure if they had simply forgotten to send Mr. O'Leary's set of plans or if they were sent and had gotten lost in the mail, but that he would send

another set to Mr. O'Leary the following day. Attorney Smith then noted that they had received comments from both Fire and Police. He went on to say that it made sense to hold off and continue the review to the following month's meeting.

Chairman Gannuscio stated that he had received comments from the Police Chief, Gary Kuczarski and Scott Lappen.

**Chairman Gannuscio moved to continue the site plan modification review of WL Quagliaroli LLC for the property located at 11 Northgate Drive to February 9, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 -0, the motion was approved.**

#### **PUBLIC HEARINGS:**

**a. Public hearing on the liquor permit application of CPX Windsor Locks Gateway OPAG LLC for the property located at 225 Ella Grasso Turnpike.**

Chairman Gannuscio asked Mr. Brown to read the rules for conducting a public hearing. Mr. Brown then did so.

Chairman Gannuscio asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on December 31, 2008 and January 7, 2009.

Attorney Thomas Fahey addressed the Commission on behalf of the applicant and noted that Steve Therran, Corporex construction manager, was also present. He then distributed copies of an area map showing the other sites within 1,500 feet of the site. Attorney Fahey stated that the site in question was the new Marriott Spring Hill Suites that had just opened for business on the previous Tuesday. He noted that when they had gotten the original approval they had indicated that there was no full service restaurant or bar and that they did not need a liquor license.

Attorney Fahey commented that many hotels held social hours for their guests free of charge and that that practice was customary for Marriott Spring Hill Suites. He went on to say that the State Liquor Control considered the room rate an actual fee for the social hour and, therefore, they needed to obtain a liquor license to provide beer and wine at those social hours.

Attorney Fahey explained that the social hours lasted for two or three hours and were usually held between 5:00 and 7:00 pm. He then noted that they would usually hold two or three social hours per week. Attorney Fahey stated that the guests would receive a notice informing them of the social hour. He went on to say that most guests would engage in the social hour either before or after they went to dinner to have a beer or glass of wine and whatever snacks were provided and that most did not stay for the whole social hour.

Chairman Gannuscio referred to the "Applicant Information" provided on the application form that had been submitted and read the applicant's address as 100 East River Center Boulevard, Suite 1100, Covington, CT 41011. He then asked Attorney Fahey if was really in Connecticut. Attorney Fahey replied that it should have read Covington, KY (Kentucky).

Attorney Fahey stated that the Blackboard Café, The Pickle Works, and Bradley Bowl were all located within 1,500 feet of the site in question. He explained that they all had sit down service for meals and that the Blackboard Café and Bradley Bowl had full service liquor licenses, but that he was not sure if The Pickle Works held a full service license or just beer and wine. Attorney Fahey stated that the applicant would not have any full service restaurant; they would simply have a limited number of social hours on a weekly basis.

Attorney Fahey noted that the Commission had the authority to grant them permission to acquire a liquor license even though there were others within 1,500 feet if they could establish that it was accessory to and not the primary use of the premises. He went on to say that it was a very restrictive use that would only be available to their guests; there would be no outside advertising of the social hours. He then noted that there were a number of places that were currently holding social hours without a liquor license

Attorney Fahey submitted six photographs of the room that they would be using for the social hours and noted that the stools at the bar would be removed. He explained that under the license people were not allowed to sit down at the bar; it would be like a service bar.

Chairman Gannuscio asked the Commission members for any questions. Mr. Leiper asked Attorney Fahey if he had a copy of the State Liquor Control Commission regulations stating exactly what was allowed under a Café Permit. Attorney Fahey replied that he did have a copy and then proceeded to read the following from Section 30-22a of the Connecticut Liquor Statutes and Regulations:

“A Café Permit shall allow the retail sale or the sale of alcoholic liquor to be consumed on the premises of the café. Premises operated under the Café Permit shall regularly keep food available for sale to its costumers for consumption on the premises. The availability of sandwiches, soups, or other foods whether fresh, processed, pre-cooked or frozen shall be deemed in compliance with this requirement. The licensed premises shall at all times comply with all regulations of the local Department of Health. Nothing herein shall be construed to require that any food be sold or purchased with any liquor, nor shall any rule or regulation of standard be promulgated or enforced requiring that the sale of food be substantial or that the receipts of the business other than from the sale of liquor equal any set percentage of total receipts from sales made therein. A Café Permit shall allow, with the prior approval of the Department of Consumer Protection, alcoholic liquor to be served at tables in outside areas that are screened or not screened from public view where permitted from Fire, Zoning and Health regulations. If not required by Fire, Zoning or Health regulations a fence or wall enclosing such outside areas shall not be required by the Department of Consumer Protection. No fence or wall used to enclose such outside areas should be less than 36 inches high. The annual fee for a Café Permit shall be \$1, 750.00.”

Attorney Fahey pointed out that the applicant could not have an outside area unless they came back before the Commission to amend their site plan. He went on to say that although alcoholic liquor was permitted to be served under a Café Permit his client would not do so; it was not their company policy to do so. Attorney Fahey then stated that they would have no objection to the Commission stating that the permit be only for beer and wine in any approval that they made.

Chairman Gannuscio stated that he had received comments from Gary Kuczarski noting that a bar menu would need to be sent to the Northcentral Connecticut Health Department. Attorney Fahey stated that that was true and that the applicant had to do all of that as part of their permit.

Mr. Leiper asked if the applicant had any objection to a condition of approval that only beer and wine be served and that anything else would have to come back before the Commission for approval. Attorney Fahey replied that they had no objection to such a condition.

Chairman Gannuscio asked Ms. Rodriguez if she had any questions. Ms. Rodriguez had no questions, but asked if Mr. Gannuscio wanted her to read Town Planning Consultant O’Leary’s comments. Mr. Gannuscio replied that he wanted her to do so.

Ms. Rodriguez then read the following from Mr. O'Leary's January 12, 2009 memorandum:

"The applicant is requesting a Café Liquor Permit for the newly constructed Springhill Suites Hotel. According to the application, the purpose of the permit is to allow the hotel to host beer and wine receptions to hotel guests. The applicant has provided an application, written explanation of the application, and a floor plan.

Comments:

1. Chapter V of the Zoning Regulation contains the Liquor Regulations for the Town of Windsor Locks.
2. Section 501A requires a 200 foot separation from educational and certain public uses; and Section 502B requires a 1,500 foot separation from any other liquor permit location for consumption on the premises. It appears that there are other locations within this distance. The applicant should provide a list or provide a map showing other such locations within this distance.
3. Section 503 provides the Commission with the ability to decrease the separating distance of 502B. The Commission must find that: a) the liquor use is incidental; b) shall not conflict with the general purpose of the Regulations; c) not affect the health, safety or morals of the public; and d) not hinder the appropriate development of adjacent uses or cause traffic hazards.
4. I have no outstanding concerns with this application."

Chairman Gannuscio asked Town Engineer Steele if he had any concerns. Mr. Steele replied that he did not, but went on to suggest that Item 3 from Mr. O'Leary's memo be considered by the Commission when making their determination.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio asked Attorney Fahey for any response to Mr. O'Leary's comments. Attorney Fahey stated that they agreed with Mr. O'Leary's comments and then clarified that there were no schools, educational institutions or churches within 200 feet of the site in question. He went on to say that they also met with the standard of being very accessory to. Attorney Fahey then pointed out that the people who would be attending the social hours were already there; there would be no increase in traffic.

Chairman Gannuscio asked if the daycare in the Colli building was beyond 200 feet from the site. Attorney Fahey questioned whether or not the daycare would be considered a school. He then pointed out that it was located right next to the Blackboard Café which was a much more intense use than the applicant and that they were 1,500 feet away.

Chairman Gannuscio asked for any final comments. There were none.

Chairman Gannuscio asked for any public comments in support of the application. There were none.

Chairman Gannuscio asked for any public comments in opposition to the application. There were none.

**Chairman Gannuscio asked for a motion on the public hearing. Ms. Ramsay moved to close the public hearing on the liquor permit application of CPX Windsor Locks Gateway OPAG LLC for the property located at 225 Ella Grasso Turnpike. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Chairman Gannuscio commented that Section 503 was a critical section that allowed the Commission to decrease the separating distances that were set out in Section 502B. He went on to say that the primary use of the site was as a hotel and the liquor permit use was incidental and not in conflict with the general purposes of the Zoning Regulations. Mr. Gannuscio stated that, as presented, he saw nothing in the application that would affect the health, safety or morals of the public or anything that would hinder the development of the adjacent uses or cause any traffic hazards. He concluded by saying that he saw no adverse affect in decreasing the separating distances.

**Chairman Gannuscio asked for a motion regarding the application. Mr. Zimnoch moved to approve the liquor permit application of CPX Windsor Locks Gateway OPAG LLC for the property located at 225 Ella Grasso Turnpike. Mr. Tatro seconded the motion. Mr. Leiper suggested that they include a condition limiting the approval to beer and wine on site and any additional liquor to be served would have to come back before the Planning and Zoning Commission for further approval. Mr. Zimnoch amended his motion to include Mr. Leiper's suggested condition. Ms. Ramsay seconded the amended motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**ACTION ON CLOSED PUBLIC HEARING ITEMS:**

**a. Resubdivision application of Michael & Marilyn Gragnolati and Dennis Gragnolati for the property located on Roberts Street, Tax Assessor's Map 40, Block 751, Lot 2.**

Chairman Gannuscio disqualified himself, leaving Mr. Zimnoch to chair the item. He then seated Mr. Leiper in his place and noted that Mr. Tatro would remain seated for Commissioner Blackburn.

Mr. Zimnoch asked Ms. Rodriguez to read Mr. O'Leary's comments. Ms. Rodriguez then read the following comments from Mr. O'Leary's January 12, 2009 memorandum:

"In addition to the conditions of approval recommended by the Town Engineer in his letter of December 8, 2008, one of the following open space requirements is suggested:

a) A fee in lieu of open space is required in an amount equal to 10% of the appraised value of the land. One-quarter of this fee shall be paid with each of the four approved lots, prior to that lot being sold or prior to a building permit being issued for that lot, whichever event occurs first. A note shall be placed on the subdivision plan, filed on the town land records, stating this restriction on each lot.

(NOTE: This is the standard fee-in-lieu requirement); OR,

b) A 25 foot wide Conservation Easement shall be placed along the rear property lines of lots 1, 2, 3, and 4. And a Conservation Easement document shall be filed on the Land Records at the same time that the Subdivision mylars are filed.

(NOTE: This assumes that there is equal value of a Conservation Easement vs. the normal open space requirement; and, if the PZC desires the Easement there would be no fee-in-lieu); OR,

c) A 25 foot wide Conservation Easement shall be placed along the rear property lines of lots 1, 2, 3, and 4. And a Conservation Easement document shall be filed on the Land Records at the same time that the Subdivision mylars are filed. In addition, a fee in lieu of open space is required in an amount equal to 5% of the appraised value of the land. One-quarter of this fee shall be paid with each of the four approved lots, prior to that lot being sold or prior to a building permit being issued for that lot, whichever events occurs first. A note shall be placed on the subdivision plan, filed on the town land records, stating this restriction on each lot.

(NOTE: The Conservation Easement is about 12,750 s.f., similar to the size of a required open space parcel (12,934 s.f., or 10% of the size of the overall parcel). However, since an easement is considered as having only ½ the value of a fee-dedicated open space parcel, the conservation easement is considered as only satisfying ½ the open space requirement. Therefore ½ the fee is also required.)”

Mr. Zimnoch commented that at the previous meeting they had talked about perhaps instead of a conservation easement just having a no build line to provide the 25 foot separation between the abutters. He then asked if that was something that Ms. Rodriguez preferred. Ms. Rodriguez did recall a discussion of a no build area or some screening instead of a conservation easement, but went on to say that she was not familiar with those other options and how to enforce them.

Mr. Steele noted that Attorney Fahey, the applicant’s attorney, had stated that a deed restriction could be place on each lot.

Ms. Ramsay stated that from the minutes from the previous meeting Attorney Fahey had been comfortable with Option 2, the deed restriction, but was not comfortable with the deed restriction and the fee in lieu of together. Mr. Zimnoch stated that that was also his preference. He then asked the other Commission members for their preference. Ms. Ramsay preferred Option 2, the deed restriction. Mr. Tatro stated that he would prefer to combine the deed restriction with a 5% fee in lieu of open space. He went on to say that each of request for waivers made by the applicant were reasonable enough, but that they had accumulative affect and value, therefore he preferred the deed restriction with a 5% fee in lieu (Option c, but a deed restriction instead of a conservation easement). Mr. Brown stated that he preferred a conservation easement and suggested that they could make it even stronger by stating it be a no build 25 foot area also.

Mr. Zimnoch asked what the difference would be between a conservation easement and deed restriction. Mr. Steele replied that a conservation easement was something tangible that the Town would hold and was more in-line with the idea of open space. He went on to say that a deed restriction might accomplish the same purpose and might have other benefits, such as the Town not having any responsibility for it, but the Town would not actually retain anything in the case of a deed restriction.

Ms. Rodriguez questioned the enforceability of a deed restriction. Mr. Steele stated that it would be enforceable by a civil action, it was not something that the Town

could enforce. He then pointed out that the deed restriction would be simpler for the applicant. Mr. Zimnoch commented that it would also be simpler for the Town with less obligation.

Mr. Zimnoch asked Mr. Leiper for his preference. Mr. Leiper replied that his preference was Option B. Mr. Zimnoch then asked Ms. Rodriguez if the deed restriction was also her preference. Ms. Rodriguez replied that the deed restriction was her preference. She went on to say that the conservation easement did not seem to make sense in this case.

Mr. Zimnoch commented that he had driven by the property earlier in the day and that there did not seem to be any significant vegetation/trees to preserve. He went on to say that he felt that a 25 foot setback was really the only thing that they could gain. Mr. Steele pointed out that the Regulations did not require buffers between two residential uses. He went on to say that they had setback requirements and that they did not need to be screened or planted or vegetated according to the Regulations.

Mr. Zimnoch read the following from Attorney Fahey's letter dated December 12, 2008 regarding the waivers:

“In accordance with the requirements of the zoning and subdivision regulations, the applicant in the above matter hereby specifically requests the following waivers:

1. A waiver per Section 211 of the Zoning Regulations to allow lots with 116 feet of frontage where 120 feet are required.
2. A waiver per Section 3.16(1) of the Windsor Locks Subdivision Regulations regarding the installation of sidewalks.
3. A waiver per Section 5.8 of the Windsor Locks Subdivision Regulations allowing a waiver of the open space requirement.”

Mr. Zimnoch noted that the deed restriction to provide a 25 foot no build zone could be used for the open space requirement.

**Mr. Zimnoch moved to approve a waiver of the open space requirement and in lieu provide a deed restriction to provide a 25 foot no build area in the rear of the properties in question. Mr. Leiper asked if Mr. Zimnoch meant a conservation easement. Mr. Zimnoch replied that it would be a conservation easement. Ms. Ramsay seconded the motion. Mr. Steele asked if the motion was to be as it had been written in Option B from Mr. O'Leary's memorandum. Mr. Zimnoch replied that it was Option B. Ms. Ramsay seconded the motion. Mr. Tatro then argued for Option C from Mr. O'Leary's memo after taking into consideration all of the waivers that had been requested. Ms. Rodriguez**

commented that from experience in the Office if they were to call it a conservation easement it would mean that any time someone were to cut down a tree or put in any vegetation (any disturbance or change to the land) it would be enforceable, but if it were a deed restriction for no build then that would mean that no structure could be built. She pointed out that they were two very different things; the language was not interchangeable. Mr. Tatro commented that he thought that they had established that it was not necessarily in the best interest of the Town to enforce a conservation easement as opposed to the no build. Mr. Zimnoch made a new motion to approve a deed restriction for a 25 foot wide no build zone in lieu of the open space. Ms. Ramsay seconded the motion. The vote was 4 – 1 (Mr. Tatro was opposed), the motion was approved.

Mr. Zimnoch moved to approve the lot width waiver to reduce the frontage from the required 120 feet to 116 feet. Mr. Leiper seconded the motion. Mr. Tatro explained that by granting the waiver the Commission would be allowing four lots where only three would normally be allowed. Mr. Zimnoch stated that the lots were substantially deeper than they needed to be and made up for the width that they were lacking; they were not undersized lots. Mr. Tatro noted that the lots across the street only had 108 feet of frontage. The vote was 4 – 0 (Mr. Tatro abstained), the motion was approved.

Mr. Zimnoch referred to the request for a waiver of sidewalks and noted that there were no sidewalks in that part of Town and no need to connect to a sidewalk network. He then moved to approve the waiver of sidewalks. Mr. Leiper seconded the motion. Mr. Tatro commented that sidewalks were unnecessary in this case, but that the Regulations called for them. He went on to say that each time the Commission waived them they gave up something. Mr. Tatro then pointed out that they were not getting full value for the conservation easement and, therefore, he felt that they should not simply waive the sidewalk without some kind of quid pro quo. Mr. Leiper pointed out that there was no provision in the Regulations for a quid pro quo for sidewalks. The discussion continued briefly. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Zimnoch asked Mr. Leiper if he had the suggested conditions for the resubdivision application. Mr. Leiper stated that the suggested conditions were Items 6, 7 and 8 from Mr. Steele's December 8, 2008 letter and Items 7 and 8 from Mr. O'Leary's November 20, 2008 memorandum.

**Mr. Zimnoch moved to approve the resubdivision application of Michael & Marilyn Gragnolati and Dennis Gragnolati for the property located on Roberts Street, Tax Assessor's Map 40, Block 751, Lot 2 with the conditions as just stated by Mr. Leiper (Items 6, 7 and 8 from Mr. Steele's December 8, 2008 letter and Items 7 and 8 from Mr. O'Leary's November 20, 2008 memorandum). Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**NEW BUSINESS:**

Chairman Gannuscio stated that he was moving Item VIIIc on the evening's agenda up.

**c. Discussion regarding the Windsor Locks Housing Authority converting previous cafeteria area to offices.**

Jamie Mantie, Executive Director of the Windsor Locks Housing Authority, addressed the Commission and distributed a packet of information to Commission members and staff. She explained that 124 Southwest Avenue was the elderly/disabled housing complex and that the Housing Authority was looking to convert the old school kitchen into offices. Ms. Mantie stated that the primary reason for the move to new offices was that they currently rented space from the Senior Center and that the Senior Center was looking to expand their programs and needed the space back. She went on to say that the parking at the Senior Center was also not suitable for both the Housing Authority and Senior Center clients, especially when it came to handicap parking.

Ms. Mantie stated that about five years prior, during renovations at the Senior Center, the Housing Authority had relocated an office to 124 Southwest Avenue. She went on to say that they currently used that office space on a part-time basis. In addition, she noted that Janet Leiper, the Town's Social Services Director, utilized that office once a year to do part of her energy assistance programs.

Ms. Mantie stated that in renovating the old kitchen they would have to go through a lot of HazMat requirements. She went on to say that they were in the pre-approval stage of receiving a loan from CHFA to pay for the renovations. She noted that they would be paying back the loan over the course of 20 years at a very small interest rate.

Ms. Mantie explained that the Senior housing was owned by the State and was non-profit; they operated on their own reserves. She went on to say that in preparing their

budget and looking out 20 years, there would be no Senior housing at that point. Therefore, relocating the Housing Authority office would allow the Federal side of their office to pay for the rent to the State establishment.

Ms. Mantie stated that there was a lot of parking at the Southwest Avenue location (78 spaces with only 40 apartments). She then referred to Attachment G (map) and pointed out the location of the proposed offices. She went on to say that the parking spaces right in front of that area would be designated for the Housing Authority and that there would be two handicap spaces. Ms. Mantie noted that on average they would only need about 6 spaces at a time.

Ms. Mantie stated that she had coordinated transportation with Ann-Marie Claffey from the Senior Center to transport people from the Senior Complex on Grove Street to the Housing Authority. She went on to say that the proposed waiting room would be very comfortable to accommodate people while they were waiting for the Senior bus.

Ms. Mantie stated that they would also be renovating the Community Room for the residents which would include lowering the ceilings which were currently 15 foot high ceilings. She went on to say that they would be taking about 500 feet of the Community Room to provide handicap accessibility to the stage which they were going to use as their meeting/board room. Ms. Mantie noted that the Community Room was currently 4,872 square feet and that they would only be taking 500 square feet to make the ramps to the stage area.

Mr. Leiper asked if they had asked the current residents how they felt about the office relocation and Community Room renovation. Ms. Mantie replied that the residents were very pleased to have the Housing Authority there.

Mr. Tatro asked if the residents utilized the kitchen. Ms. Mantie replied that they occasionally used the sink and refrigerator, therefore they were going to install a sink with a counter and a refrigerator right in the Community Room.

Chairman Gannuscio asked about the pull down tables that existed in the Community Room. Ms. Mantie replied that they were going to be removing those tables and putting built-in shelves in those recessed areas for the residents to store their puzzles and arts and crafts supplies. She went on to say that they were going to install the refrigerator into one of those recessed areas so that nothing would stick out and pose a hazard for those in wheelchairs or with walkers.

Mr. Leiper asked Ms. Mantie what she was looking for from the Commission. Ms. Mantie replied that she had been told by CHFA and her own Board that she needed to get permission from the Planning and Zoning Commission to have their offices at 124 Southwest Avenue because it was considered residential. Mr. Leiper commented that the building was owned by the Town. Ms. Mantie replied that the Housing Authority was not part of the Town; they were their own separate entity and that the Housing Authority owned the building.

Ms. Mantie stated that there would be no outside construction. She went on to say that they had five employees, but that two of which were full-time maintenance staff that would not be utilizing the new office space. She then noted that they would be putting a sign up at the north entrance of the building.

Ms. Rodriguez commented that her original thinking was that it was an exempt project, but that she now felt that they needed to look into whether or not it would need a permit.

Mr. Leiper commented that he was not sure what they needed the Commission's approval for. Mr. Steele pointed out that it would be an office use in a residential zone. Mr. Leiper then noted that they had no application and, therefore, had nothing to approve. Ms. Rodriguez stated that if it was not a Town building and Town project than it would not get an exemption; it would need a special use permit.

Mr. Steele clarified that the Housing Authority was a non-profit. Ms. Mantie stated that the State side was non-profit, but that the other side was Federally funded.

Mr. Tatro commented that if there was no conversion of residential space to office then would they really need to go through a special use permit. Chairman Gannuscio stated that he felt that they needed to see some sort of plan. Ms. Mantie stated that there was a plan included in the packet she had distributed (Attachment J).

Mr. Steele asked how many employees would be in the office. Ms. Mantie replied that there would be three. Mr. Steele then asked how often they got visitors. Ms. Mantie replied that they got between five and ten visitors per day, but that they only ever got maybe three at any one time. She then reiterated that they would have a waiting room. Mr. Steele asked how many apartments were in the building. Ms. Mantie replied that there were 40 apartments. Mr. Steele clarified that they were going to be adding handicap parking spaces. Ms. Mantie explained that they would be turning four of the current spaces into two handicap spaces right in front of the office entrance.

Chairman Gannuscio asked if they would need to renovate the sidewalk to accommodate the handicap parking spaces. Ms. Mantie replied that there was already a lip. Mr. Steele commented that if there were no exterior improvements being proposed that there would be nothing to review. He went on to say that the Building Department would do a visual inspection prior to issuing a Certificate of Occupancy to make sure that they complied with the Codes.

Mr. Steele asked about the signage. Ms. Mantie stated that they would like to match the existing sign that was at Southwest, but maybe put it closer to the road than the the 3 feet that the current sign was located at. She went on to say that the sign would be 3 feet high by 7 feet wide. Ms. Rodriguez pointed out that signs were required to be 10 feet from the street line. She went on to say that the new sign would have to replace the existing sign or would have to meet the Regulations. It was agreed that staff approval of the new sign would be sufficient.

Chairman Gannuscio stated that he felt that a special use permit application was needed. Mr. Steele pointed out that business office and professional offices were not permitted in Residential zones. A brief discussion followed and Mr. Steele then suggested that it might fit as a nonprofit club which was permitted under a special permit in a Residential Zone. Mr. Gannuscio stated that he felt that the non-profit exception could work.

## **NEW BUSINESS:**

### **b. Receive New Applications**

Chairman Gannuscio stated that he had received an application from Enterprise and then asked if there was anyone present from Enterprise. There was no one from Enterprise present at the meeting.

**Chairman Gannuscio moved to schedule a review of the site plan application of Kevin Kolstad, Enterprise Rent-A-Car for the property located at 12 Ella Grasso Turnpike for February 9, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Chairman Gannuscio stated that he had received some correspondence from Attorney Fahey regarding a zone change application.

Attorney Fahey stated that the application was for the property to the rear of Oak Ridge Drive that they had spoken about at the previous meeting. He then proceeded to distribute copies of the application to Commission members and staff. Attorney Fahey stated that they wanted to change the zone from Business 1 and Business 2 to MFSD. Attorney Fahey noted that it would have to go to CRCOG so; therefore, the earliest that it could be scheduled for would be the March meeting.

**Chairman Gannuscio moved to schedule a public hearing on the zone change application of M & L Development Corporation for the property located at Lot 3 Oak Ridge Drive rear and 363 South Center Street rear for March 9, 2009. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**a. Public Input**

Attorney Carl Landolina addressed the Commission and stated that Dave Bonvelur was also present. He explained that Mr. Bonvelur owned the property at 280 North Street which was a residence that was sandwiched between Ayott Brothers Trucking on the west and Power Screen on the east. He went on to say that there was a large garage to the rear of the structure that had been built by William Worth back in 1987. Attorney Landolina explained that Mr. Worth had received a variance from the Zoning Board of Appeals to build the garage and to operate a business from there. Mr. Worth had lost the building to the bank and Mr. Bonvelur had bought it and currently operated his business out of it. Attorney Landolina stated that Mr. Bonvelur was a welder and fabricator and essentially build wrought iron fences and railings. He noted that about 80% of his work was actually done at his clients' location; he did some pre-fabrication in his workshop.

Attorney Landolina stated that Mr. Bonvelur wanted to move his business to the property located at 442 Spring Street. He noted that he had been before the Commission about 5 or 6 months prior with Rouullo Forestry regarding the same property. He explained that Mr. Rouullo's deal had fallen through and Mr. Bonvelur had entered into a contract to purchase the property subject to the approval of the Planning and Zoning Commission.

Attorney Landolina stated that he judged the proposed use as a Service Business. He went on to say that all work would be done inside.

Attorney Landolina stated that the building would be 75,000 square feet and that Mr. Bonvelur would try to rent out some of the other bays.

Attorney Landolina stated that they were there that evening to find out if the Commission agreed that it would be a permitted use through a site plan in a Business Zone.

Mr. Leiper asked what permitted the use. Attorney Landolina referred to Section 402 of the Regulations, List of Permitted Uses, and suggested that it was a Retail/Service Operation. He then reiterated that most of the work would be done off-site and that Mr. Bonvelur would be using the site to store his equipment and materials and do some pre-fabrication work.

Chairman Gannuscio clarified that there was no building currently on the site. Attorney Landolina replied that the site was currently vacant. Mr. Gannuscio stated that he did not think that it was stretching things to say that it was a Retail Service or Personal Service. He went on to say that the primary use would be storage.

Chairman Gannuscio clarified that it was currently a Business 1 Zone. Attorney Landolina replied that that was correct. He went on to say that there were currently no perspective tenants and that any tenants would have to come before the Commission.

Chairman Gannuscio asked the Commission members if anyone disagreed with allowing the use through a site plan. Everyone agreed. Attorney Landolina stated that they would prepare a site plan and submit an application.

## **OLD BUSINESS:**

### **a. Discussion with Commission and Staff**

Chairman Gannuscio asked Attorney Landolina and Attorney Fahey about the size of political signs. He explained that there had been some complaints during the past election. He then asked the attorneys if there was anything in the regulations in the Towns that they worked for that limited the size of political signs. Attorney Landolina replied that he was not aware of anything. Attorney Fahey stated that some Towns had it (Avon and West Hartford).

Chairman Gannuscio asked if they ran into First Amendment claims when they did limit the size. Attorney Fahey replied that it had come up on the Federal level. A brief discussion of large signs followed and Attorney Fahey commented that the large signs ran afoul when they became a danger or distraction to traffic.

Attorney Landolina commented that it was a really tough call. Attorney Fahey noted that the big thing was that they were temporary.

Ms. Rodriguez pointed out that the Regulations did allow them to regulate the size. She then asked if they should be regulating the size or if they should take it out of the Regulations and allow the Police to follow up if a sign was a hazard or sight line issue.

Chairman Gannuscio asked Mr. Tatro if there were any complaints within the Village about the size of the signs. Mr. Tatro replied that he had not heard about any complaints. Mr. Gannuscio then noted that the Colli sign had basically been on his own property on Route 75.

Chairman Gannuscio stated that he would rather keep them out of it and leave it to the Police to handle if a sign posed a safety hazard. Mr. Leiper stated that political signs should not be in the Zoning Regulations because they could not be enforced.

Ms. Rodriguez stated that Mr. O'Leary's email to her had contained some comments regarding some similar situations that he had dealt with. She then offered to ask Mr. O'Leary to propose something in order to deal with the issue of political signs. Chairman Gannuscio stated that they would put the issue on the February agenda in order to get some comments from Mr. O'Leary.

Chairman Gannuscio asked staff if they had any other items to discuss. Mr. Steele replied that they wanted to discuss Strawberry Meadow. He then explained that off of Halfway House Road and out back of Loten Drive there was a drainage outlet that was eroding the drainage swale that became Strawberry Meadow Brook which flowed into a farm pond owned by Mercowitz and continued down the watercourse on Route 75 that drained under Route 20 into Windsor and eventually into the Farmington River. Mr. Steele stated that the Department of Environmental Protection (DEP) had advertised that there was some grant money available for restoration projects within the Farmington River Watershed. He went on to say that the Town was looking to apply for that grant to do some stabilization work. He then noted that the \$50,000 grant along with matching Town funds would be used for the stabilization work.

Mr. Steele stated that the grant applications were due on Wednesday. He noted that it had indicated in the application that if any Boards, Commissions or Agency in Town

had endorsed the project that those endorsements could be included in the application package. He went on to say that the Commission's comments weren't required, but that they would certainly be a welcome addition to the grant application.

**Chairman Gannuscio moved to support the grant for the stabilization of Strawberry Meadow Brook. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Ms. Rodriguez stated that there had been no further meetings regarding the bus shelters. She went on to say that CRCOG had submitted a Regional Plan to the Town which she had then marked up and sent back to them. Ms. Rodriguez then submitted a copy of the marked up plan to the Commission members for their review.

Chairman Gannuscio asked if the tree issue in Northwind Estates had settled down. Ms. Rodriguez replied that she thought that they had some things to submit and would be coming back to the Commission in the Spring. Ms. Steele stated that they were working on a parking lot plan for the second portion of the open space in the Northwind Estates section. He went on to say that if there were some additional trees that needed a home they might consider them in that area.

Chairman Gannuscio asked if there were any other issues for discussion. There were none.

#### **BILLS AND CORRESPONDENCE:**

**Chairman Gannuscio stated that he had received an invoice from Mr. O'Leary for his November/December 2008 retainer in the amount of \$3,333.00. He then moved to approve Mr. O'Leary's retainer. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

Ms. Rodriguez asked if they had taken care of Mr. O'Leary's proposed changes to the Parking and Landscaping Regulations. A brief discussion followed and it was discovered that a public hearing on those regulations as well as Section 6.12 of the Subdivision Regulations had been scheduled at the November meeting for that evening's agenda, but had not been published or added to the agenda. Chairman Gannuscio then asked the Recording Secretary to add the public hearing on Section 6.12 of the Subdivision

Regulations and Chapter VII, Off-street Parking and Off-street Loading (Sections 701, 702, 703, 704 and 705) of the Zoning Regulations to the February 9, 2009 meeting agenda.

**Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 9:30 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**THIS IS A DRAFT**

**Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.**