

PLANNING & ZONING COMMISSION
November 8, 2010 Meeting

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Janet Ramsay,
Anthony Scarfo and Alternate Jim Szepanski

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands
Officer Jennifer Rodriguez, Town Engineer Dana Steele and
Town Planning Consultant Michael O'Leary

Chairman Gannuscio called the meeting to order at 7:04 pm.

Commission roll call was taken.

Chairman Gannuscio seated Mr. Szepanski for Commissioner Brown for all of the evening's proceedings.

MINUTES:

Chairman Gannuscio referred to the October 12, 2010 meeting minutes and asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the October 12, 2010 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

A member of the public asked if he could comment on the October 12, 2010 meeting minutes. Chairman Gannuscio replied that he could not; he was not a member of the Commission.

Chairman Gannuscio referred to the October 25, 2010 special workshop minutes and asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the October 25, 2010 special workshop minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

PUBLIC HEARINGS:

- a. Continued public hearing on the site plan review application of Jin Hospitality, LLC for the property located at 4 Loten Drive.**
- b. Continued public hearing on the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive.**

Chairman Gannuscio confirmed that Ms. Rodriguez had received correspondence from the applicant asking that the public hearings be continued to December. Ms. Rodriguez stated

that she had received such a request from the applicant. Mr. Gannuscio then noted that the applicant had also granted the necessary extensions of time for the Commission to take action on their applications.

Chairman Gannuscio moved to continue the site plan review application and the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive to December 13, 2010. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

- c. **Public hearing on the Zone Change application of Stephen W. Ayotte (Ayotte Enterprises) to change the zone from Residential to Industrial 2 for the property located at 288 North Street, 11-2-77 and 290 North Street.**
- d. **Public hearing on the site plan review application of Stephen W. Ayotte (Ayotte Enterprises) for the property located at 288 North Street, 11-2-77 and 290 North Street.**

Chairman Gannuscio stated that due to technical and legal problems with the publication of the legal notice the two Ayotte public hearings needed to be rescheduled to the December meeting.

Chairman Gannuscio moved to reschedule the public hearings on the zone change application and the site plan review application of Stephen W. Ayotte (Ayotte Enterprises) for the property located at 288 North Street, 11-2-77 and 290 North Street to December 13, 2010. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

The President of Concorde Landing Condominiums addressed the Commission and stated that he and the other members of the public in attendance that evening had understood that there was going to be a public hearing that evening regarding the Margueritas Restaurant. He then noted that they had not been notified that the public hearings were not going to take place that evening. He went on to say that they had some issues that should be brought forward prior to the next meeting. Chairman Gannuscio stated that he would not go forward with any hearing without the applicant present, especially since some revised plans might be submitted. The President of Concorde Landing then confirmed that any revised plans would be publicized before the December meeting. Mr. Gannuscio stated that any revised plans should be available in the Building Office. Ms. Rodriguez stated that anyone could call the Building Office to see if revised plans were submitted. Another member of the public then asked when the revised plans would be available. Ms. Rodriguez replied that they would be available when the applicant submitted them. That same member of the public then

commented that if the revised plans were submitted the same day as the meeting they would have to look at them the day of the meeting. Ms. Rodriguez replied that that was possible; it happened that way sometimes. That same gentleman stated that that was unfair. He went on to say that he also felt that it was unfair that the minutes, the way that they had been written, were not written as they had been said at the meeting. Mr. Gannuscio asked the gentleman to identify himself for the record. The gentleman then identified himself as Frank D'Amato. Mr. Gannuscio stated that that was the end of the comments. He went on to say that, if Mr. D'Amato had problems with the minutes or anything else, he would have to wait until the public hearing in December.

Chairman Gannuscio asked Attorney Paul Smith, who was present that evening, if he had something new to discuss with the Commission. Attorney Smith replied that he was present to have the Dairy Cream plans signed. He also noted that he had received the approval letter that had been sent via Certified Mail. Mr. Gannuscio asked Town Engineer Steele if the plans were okay. Mr. Steele replied that he believed that they were.

Chairman Gannuscio called a five minute recess at 7:16 pm in order to sign the Dairy Cream plans.

FIVE MINUTE RECESS

Chairman Gannuscio called the meeting back to order at 7:25 pm.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

NEW BUSINESS:

a. Public Input

There was none

c. Informal discussion regarding a home occupation at 60 Spring Street.

No one was present for the discussion.

d. Request for a favorable report under Section 8-24 by the Public Works Department for Suffield Street sidewalks.

Mr. Steele explained that they were going to install sidewalks on the west side of Suffield Street between Pearl Street and Circle Drive.

Chairman Gannuscio clarified that the Commission just needed to submit their approval so that the Town could go to bond for the project. Mr. Steele stated that that was correct.

Chairman Gannuscio asked if installing the sidewalks would undo anything that had been done in the area in recent years. Mr. Steele replied that they should not have to dig up the road nor have much impact on traffic. The discussion continued briefly

Chairman Gannuscio moved to make a favorable recommendation to the Board of Selectmen under Section 8-24 of the Connecticut General Statutes in favor of sidewalks on the west side of Suffield Street. He then noted that the Commission had encouraged installation of sidewalks under the Plan of Conservation and Development and in new plans that had come before the Commission to continue sidewalks up to and through Circle Drive. Ms. Ramsey seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

COMMUNICATIONS AND BILLS:

Chairman Gannuscio stated that he had received a letter from Con O'Leary regarding Babylon. He went on to say that a public meeting regarding Babylon was scheduled for the following evening.

NEW BUSINESS:

e. Informal discussion regarding the Babylon Recycle Facility.

Chairman Gannuscio commented that Babylon was a continuing source of possible noncompliance with the train coupling that occurred at night. Mr. Zimnoch noted that it usually started about 11:30 pm and continued on past midnight, making a lot of noise. Mr. Gannuscio pointed out that that was beyond their operating hours. The discussion continued and Mr. Steele stated that Babylon straddled the Suffield/Windsor Locks line with the main facility in Suffield and the storage and railroad on the Windsor Locks side.

Ms. Ramsay played the video that had been prepared by a resident of Windsor Locks for the Commission members and staff to see and the discussion continued further with Chairman Gannuscio stating that the hours of operation were supposed to be 5:00 am to 6:00 pm Monday through Friday and 6:00 am to 3:00 pm on Saturday. He went on to say that the following were the anticipated types of waste that would be handled at the site: clean wood, land clearing debris, pallets, brush, C&D and CI waste, MSW, furniture, mattresses, rugs scrap tires, paper, cardboard, assorted containers, scrap metal including appliances containing or not containing CFCs, liquid, plastic residue, street sweepings, catch basin cleanings, and processed C&D waste. Mr. Gannuscio then noted that there had been a spontaneous combustion fire at the Babylon facility about six weeks prior.

Mr. Scarfo asked how big the Babylon lot was. Mr. Zimnoch replied that the building that they had put up had a spur coming off of it and that three or four railroad cars could pull into it to be loaded. He went on to say that that was just a portion of the building, with the rest of the building be a wide open space for sorting the materials. Mr. Zimnoch stated that it was a pretty massive building.

Ms. Ramsay asked what control the Town had. Chairman Gannuscio replied that the Town had no control. He went on to say that it seemed as though it was something that did not fit with the Regulations. The discussion continued regarding a few old landfills that had existed in Windsor Locks in the past.

Chairman Gannuscio noted that Babylon's proposal called for 228 round trips, 16 total trips per hour with a peak estimate of 55 trucks plus two employee/visitors. Mr. Steele clarified that they were calling for 55 trucks in a one hour period. Mr. Gannuscio stated that that was correct. He then noted the back-up of traffic that they had on Main Street from about 4:15 to 5:00 pm at the Spring and Main Street traffic light each day. Mr. Gannuscio reiterated that their hours of operation were going to be from 5:00 am to 6:00 pm and would fall pretty heavily into the rush hour traffic delays on Main Street.

Mr. O'Leary asked if the Town Attorney had rendered an opinion. Chairman Gannuscio stated that he had been consulted.

Mr. Scarfo asked who the applicant was. Ms. Rodriguez replied that it was Babylon Recycling, LLC. Mr. Scarfo then asked if the State Department of Environmental Protection (DEP) was directly involved. Ms. Rodriguez replied that Babylon was permitted and regulated by the State. She went on to say that they had only come before the Commission the first time for the building and parking area site plan.

Mr. Scarfo asked if the facility was going to be just for Windsor Locks or if it was going to be used by many towns. Chairman Gannuscio replied that it was going to handle materials coming from the eastern part of the State.

The discussion continued and it was noted that it would not be a landfill; it would be for temporary storage and transfer out of waste materials.

Mr. O'Leary asked what the format for the following evening's meeting was going to be; would the applicant be there to present information. Ms. Rodriguez stated that the applicant was going to attend the meeting, but that the DEP had said that they would not attend. Mr. O'Leary then asked how big of area the facility would serve. Ms. Rodriguez replied that they did not know how many towns it would serve.

Chairman Gannuscio stated that the facility was currently permitted to handle 850 tons per day and that their proposed modification would allow the acceptance of up to 250 tons of MSW from industrial, residential and commercial sources for a new capacity of 1,100 tons per day. Mr. Steele pointed out that MSW was much lighter than construction debris and that the volume of materials would be a much larger increase than just 25%.

Chairman Gannuscio asked Ms. Rodriguez if she felt that it was open for debate. Ms. Rodriguez replied that the DEP had said that they were hoping for comments from the Town; it was a renewal of a permit and that they could work with the municipality. She then pointed out that the permit only had to do with the building operations and not the railroad.

Cornelius O'Leary, a Town resident whose property overlooks the Babylon facility, had stated in the past that there had been damage to the chimney on his house from the vibration coming from the coupling of the railroad cars. He went on to say that Con O'Leary's other complaint had been that the existing trees were not in bloom all year round; during the fall and winter months there was no screening. Mr. O'Leary asked if the elevation was the same for the facility and the surrounding homes. Mr. Zimnoch replied that the facility was a little higher. Ms. Rodriguez pointed out that those were the types of things that could be brought up before the DEP for consideration. Mr. O'Leary commented that something similar to what was used for the industrial uses on Old County Road could be used (large berms and evergreen trees).

Mr. O'Leary asked if there was going to be a hearing at the DEP. Ms. Rodriguez replied that there would be a hearing at the DEP, but that it had not yet been scheduled. Mr. Szepanski asked who was taking the lead for the Town; was it the First Selectman. Chairman Gannuscio stated that Steve Wawruck, the First Selectman, had been very upfront and vocal about opposing the whole concept. Ms. Rodriguez stated that the DEP was looking for a joint opinion from Suffield and Windsor Locks.

Ms. Ramsay asked if the Commission was going to submit something along the lines that it did not fit with the Plan. Chairman Gannuscio replied that it would not hurt to have a

statement from the Commission. A brief discussion followed and the Commission members agreed that a statement from the Commission should be submitted containing the following concerns:

- enforcement of the hours of operation;
- the hours of building the trains would only extend with the larger quantity of materials handled.
- buffers, noise barriers; and
- MSW would have an odor, additional modifications to the plan should be made to mitigate that.

Chairman Gannuscio stated that he would draft the Commission's statement.

b. Receive New Applications

i. Application to amend Section 605 and add new Sections 607 and 602d to the Zoning Regulations.

Chairman Gannuscio moved to schedule a public hearing on the application to amend Section 605 and add new Sections 607 and 602d to the Zoning Regulations on January 10, 2011. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio asked Mr. Steele if he had received the request from T&M and North Group, LLC. Mr. Steele replied that he had received it. He then explained that T&M and North Group, LLC had formally requested acceptance of all of the roads in the subdivision, except for the cul-de-sac portion of Meg Way. He went on to say that he and Scott Lappen, Public Works Director, needed to walk the site and put together a final punch-list of items that needed to be taken care of by the applicants. Mr. Steele noted that once the applicants had addressed everything to his satisfaction he would make a recommendation to the Commission for acceptance of the roads.

Chairman Gannuscio asked the Recording Secretary to list an informal discussion of the T&M and North Group, LLC roadway acceptance request on the January, 2011 meeting agenda.

OLD BUSINESS:

a. Discussion with Commission and Staff

Main Street Zoning

Mr. O'Leary distributed a packet of information regarding the Main Street zoning that they had started talking about back in May. He commented that the Plan of Conservation and Development talked about a couple of different options; either a Village District Downtown or more of a Historic Downtown Zoning District. He went on to say that after discussing it further they had looked more towards the Village District. Mr. O'Leary stated that Ms. Rodriguez had since talked with Windsor's Planner about their downtown zoning and that the packet that had been distributed that evening explained Windsor's approach.

Mr. O'Leary explained that Windsor's approach was much more of a traditional Downtown District with regulations that really talked to a downtown with some overlay provisions. He then distributed some color maps of Downtown Windsor. Mr. O'Leary referred to the second page of the packet which was a Zoning map of Downtown Windsor. He then pointed out the B-2 Zoning District (shown in red on the map) which included the streets that came into Broad Street at a 90° angle. He went on to say that there was quite a bit of a mixture of land uses.

Mr. O'Leary referred to the third page of the packet and stated that Windsor's Plan of Conservation and Development had created an overlay zone that covered eight different zoning districts in the center of Downtown.

Mr. O'Leary referred to the fourth page of the packet and stated that Windsor had brought that overlay concept into their Zoning Regulations with the use of a series of overlays. He went on to say that Windsor's Downtown District had been written to have quite a bit of Downtown aspects to it.

Mr. O'Leary referred to Section 13.1, Center Design Developments, and stated that it was Windsor's basic overlay district. He went on to say that it covered eight different underlying zoning districts. He then pointed out that it was very good at creating what the purpose and intent of the downtown should be (higher density, mixed uses, etc.). Mr. O'Leary noted that Windsor was similar to Windsor Locks in that they had the river, railroad, and a train station. He then noted that the differences were that the river in Windsor was a little farther away than it was in Windsor Locks, and that Windsor had two sides to their Main Street with their Town Hall on one side as an anchor, a huge town green, a library, and a Post Office. Mr. O'Leary stated that Windsor allowed 20 dwelling units per acre and that it could actually be increased to 30 units per acre.

Mr. O'Leary stated that pages D-1, D-2 and D-3 contained a lot of good language as to what a good Downtown Overlay District should include. He went on to say that Attachment E in the packet contained information regarding Windsor's B-2 Business Zone. He noted that as it had been written it would be a really good Downtown Zoning District model for Windsor Locks. Mr. O'Leary pointed out the following aspects of that district:

- drive-thru windows are prohibited;
- buildings shall have at least two stories capable of occupancy and shall be no higher than 45 feet;
- the percentage of the glazed area of exterior walls shall be a minimum of 25% for any first floor wall facing any street; and
- buildings shall be set back a minimum of 10 feet and a maximum of 15 feet from any street.

Mr. O'Leary suggested that the Commission members read through the packet. He then noted that a lot of what was contained in the packet he would recommend be included by Windsor Locks.

Mr. O'Leary referred to Attachment F, Conversion of Existing Buildings, and stated that that was where Windsor permitted the conversion of single-family homes to professional offices, home-based businesses, and residential uses.

Mr. O'Leary commented that Windsor's approach was different than the Village District approach, but that it was one that was more practical for a town like Windsor Locks. He went on to say that it was a much more doable technique for Windsor Locks to use. He then suggested that he and Patrick McMahon, Economic and Industrial Development Committee (EIDC) Consultant, attend one of the EIDC meetings to discuss it with them.

The discussion continued briefly and Mr. O'Leary stated that the next step would be to start to delineate the Downtown Zone, then reach out to Downtown business/property owners.

Chairman Gannuscio stated that the approach that Windsor had taken to their Downtown made sense for Windsor Locks. Mr. Zimnoch agreed. Mr. O'Leary pointed out that it could always be transformed into a Village District down the road.

The discussion continued further and then Mr. O'Leary stated that he would start drafting an outline of what would be in the District and that he would then talk with Mr. McMahon. Chairman Gannuscio agreed that that was how they should proceed.

Ms. Rodriguez commented that they had received a lot of inquiries in her office from people wanting to do various types of offices, but not actually live on-site. She went on to say that she currently had to say "no" to those inquiries, because the area was zoned Residential. She went on to say that she would make a list of the types of inquiries that had come in. Mr.

O'Leary suggested that she also make note of where those inquiries had come in for. A discussion then following regarding various buildings throughout the town's Residential areas that were being partially used for businesses and how they were working out.

Chairman Gannuscio asked Ms. Rodriguez if she had anything further to discuss. Ms. Rodriguez had nothing further.

Chairman Gannuscio then asked Mr. Steele if he had anything further to discuss. Mr. Steele had nothing further.

Chairman Gannuscio moved to adjourn the meeting. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

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.