

PLANNING & ZONING COMMISSION
January 11, 2010 Meeting

Commission Members Present: Alan Gannuscio, Janet Ramsay, and Anthony Scarfo

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

Chairman Gannuscio called the meeting to order at 7:14 pm.

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the December 14, 2009 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown, Ms. Ramsay, and Mr. Scarfo were present at that meeting. He went on to say that Mr. Steele had suggested the following changes:

- page 6, first paragraph, first sentence should end with "...he agreed that the cul-de-sac island was an improvement."
- page 17, fourth paragraph, last sentence should end with "...without coming back to staff or the Commission."
- page 21, second paragraph, first sentence should end with "...with conditions suggested in the Town Engineer's letter dated 12-11-09."

Mr. Gannuscio then read the following conditions from Mr. Steele's 12-11-09 letter:

- "1. Deeds for all rights-of-way, drainage easements and conservation easements shall be submitted to the Town in a form acceptable to the Town Attorney.**
- 2. A maintenance bond in the amount of \$27,885 shall be provided by the developer and shall expire two (2) years from the date of acceptance of the improvements."**

Mr. Gannuscio asked the Commission members and staff for any other comments or corrections. They had none. Mr. Gannuscio moved to approve the December 14, 2009 meeting minutes, as corrected. Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

PUBLIC HEARINGS:

There were none.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

- a. **Closed public hearing on the site plan review and special use permit application of M&L Development Corporation for the property located at Oak Ridge Drive, Assessor's Block 127.**

Chairman Gannuscio noted that at the previous meeting the public hearing had been closed and the Commission members had concluded that they had needed some additional time to consider possible conditions for approval. He went on to say that they now had a list of staff's suggested conditions, if the Commission were to choose to approve the applications.

Chairman Gannuscio stated that since there were only three Commission members present they would need a unanimous vote. He then asked the applicant if they were willing to proceed with only the three Commission members. Attorney Fahey replied that they were willing to proceed that evening.

Chairman Gannuscio asked the Commission members for any last comments or questions for staff. Mr. Scarfo replied that he wanted a few minutes to review the list of suggested conditions. Mr. O'Leary then offered to summarize the list of conditions, which he then did for the Commission members.

Chairman Gannuscio asked about the final condition on the list. Mr. O'Leary replied that it had to do with Section 409.G which he then read as follows:

"FILING REQUIREMENTS:

An approved site plan shall be filed with the Commission and an approved plan not so filed within 90 days shall become null and void. For filing purposes said plan shall be submitted on 'Mylar' or similar transparent material accompanied by three paper prints. Such filed plan may be declared null and void by the Commission unless construction of buildings is in progress and not less than 50% of building foundations are completed within one year of the date of approval of such plan, unless an extension of time is granted by the Commission."

Mr. O'Leary commented that if the Commission could approve an extension of time then they could do so now. He then noted that given the current conditions it would be a difficult requirement to meet. Mr. O'Leary stated that staff felt as though the conditions that they had put together were pretty tight and could control the flow of the project. He went on to say that staff had felt that it would be reasonable to give an extension given the present condition of the economy. He then pointed out that they had five years to complete the project under the State Statutes.

Chairman Gannuscio asked the Commission members for any questions. Ms. Ramsay asked Mr. O'Leary how many years staff were considering for the extension. Mr. O'Leary replied that they did not know what the down side was to just extending it to the five years allowed under the Statutes. He went on to say that he had discussed the extension with Mr. Steele and that he hadn't had a problem with it. Mr. O'Leary then clarified that it would actually be an extension of four years beyond the one year allowed under the Town Regulations.

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

Chairman Gannuscio asked the Commission members if they were ready to vote on the application. They all agreed that they were ready to vote.

Chairman Gannuscio asked for a motion regarding the special use permit application. Ms. Ramsay moved to approve the special use permit application of M&L Development Corporation for a 42-unit multi-family development in the MFSD zone on Oak Ridge Drive, a private roadway off of South Center Street in Windsor Locks, subject to the following conditions:

- 1. Work shall conform to the specifications and requirements of the approved plan set prepared by Close, Jensen & Miller, P.C., including 19 sheets revised through 11/20/09, Section 409 of the Windsor Locks Zoning Regulations and the Windsor Lock Public Improvements Manual, October 2009.**
- 2. Prior to the start of construction, the Developer shall:**
 - a) Submit to the Commission for signature, three (3) stamped and signed paper sets and a file mylar of sheets 2 & 3 of the plan set addressing all conditions of approval. Mylar sheet 3 shall include a town signature block.**
 - b) File the mylars in the Town Clerk's office within ninety (90) days of approval per Section 409G.**
 - c) Submit to the Building Department a copy of the registration for DEP General Permit Registration for Stormwater Discharge from Construction Activities at least 30 days prior to start of construction.**
 - d) Submit a cost estimate of erosion and sediment control measures for the project to the Town Engineer for determination of E&S bond amount.**
 - e) Provide an E&S bond to the Finance Department in an amount acceptable to the Town Engineer and in a form acceptable to the Town Attorney.**
- 3. Prior to issuance of a certificate of occupancy in any phase, the Developer shall:**

- a) **Install all essential infrastructure and provide sewer air test results demonstrating proper installation of the sewer system for units to be occupied.**
- b) **Install pavement binder course on access roads and temporary turnarounds to adequately service the units to be occupied.**
- c) **Stabilize lawn area around the unit with topsoil and appropriate temporary erosion control measures.**
4. **Prior to issuance of the final two certificates of occupancy within in each phase, the Developer shall either:**
 - a) **Install all improvements within that phase with exception to the top course of pavement, or**
 - b) **Provide the Town with a surety bond in an amount acceptable to the Town Engineer to cover the cost of these improvements.**
5. **Prior to commencing work within a subsequent phase, the Developer shall stabilize the previous phase with permanent ground cover or temporary erosion control measures to the satisfaction of the Town Engineer.**
6. **Prior to issuance of the final two certificates of occupancy in Phase 6, the Developer shall either:**
 - a) **Complete all remaining improvements including but not necessarily limited to removal of temporary turnarounds, installation of the top course of pavement, sidewalks and landscaping, or**
 - b) **Provide the Town with a surety bond in an amount acceptable to the Town Engineer to cover the cost of any uncompleted improvements.**
 - c) **In either case, the Developer shall also provide the Town with an as-built survey in accordance with Sections 409G., 705.F.10 and 1102.A.12.**

Mr. Scarfo seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

Chairman Gannuscio asked for a motion regarding the site plan review application. Ms. Ramsay moved to approve the site plan review application of M&L Development Corporation for a 42-unit multi-family development in the MFSD zone on Oak Ridge Drive, a private roadway off of South Center Street in Windsor Locks, subject to the following conditions:

1. **Grading plan and/or drainage design shall be revised to provide maximum 2:1 slope between cul-de-sac and culvert inlet and outlet. Timber guide rails shall be provided on both sides of the cul-de-sac where slopes exceed 4:1.**
2. **Provide a landscaped island with mountable curbing within the cul-de-sac entrance. The size and configuration of the island shall be subject to approval by the Town Engineer.**
3. **Relocate the proposed stop sign and install an accessible ramp in the sidewalk on the east side of the crosswalk in Oak Ridge Drive.**
4. **Specify inside drop and flowlines for laterals into SMH#8.**

5. Encase sewer main from units 39-42 where it crosses over the existing 24" storm drain. Provide inside drop where the main connects to the existing manhole in Oak Ridge Drive and rebuild invert to receive the new inlet pipe.
6. Lower sewer main from SMH#1 to eliminate inside drop in the existing manhole in Oak Ridge Drive.
7. Correct labeling of contours behind units 39-42.
8. Revise grading and/or drainage to keep overflow elevation below the walkout elevation at unit 25.

Mr. Scarfo seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

Chairman Gannuscio moved to grant an extension of four (4) additional years in which to complete 50% of the building foundations for the project in accordance with Section 409.G. Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

Chairman Gannuscio referred to the above motions and noted that it was a set of applications that continued the development of a parcel of property that due to its location and some of the decisions made by the State Department of Transportation (DOT) over the years had made it difficult to develop in any fashion other than some kind of a creative residential use and that the zone change for the property had set it in motion. He went on to say that it was something that put the property to use, making it more likely to meet with some success rather than continuing to try to market it the way it was (a mixed use in the previous zone application). Mr. Gannuscio stated that it was something that came forward as an application that was pretty much in concert with the existing development of the neighboring condominium parcel and offered a completion of the original subdivision of the property into the different larger chunks of land. He went on to say that the Commission's approvals that evening were made with those factors in mind and the need for quite possibly moving forward with the final development of the properties in a manner that would lead to a successful final result of their use.

Chairman Gannuscio noted that the reason why the Commission had granted the additional time to meet the requirement of 50% of the foundations being in was because of the need for some flexibility given the current economic conditions when it came to the development and sale of residential properties.

OLD BUSINESS:

a. Discussion with Commission and Staff

Chairman Gannuscio commented that at the previous meeting the Commission members and staff had thought that perhaps the items should be dealt with in a workshop rather than during a regular meeting. He went on to say that it had been suggested that they have a workshop on Wednesday, January 27, 2010.

Chairman Gannuscio moved to hold a special workshop on January 27, 2010 at 7:00 pm to deal with the following items as listed in VII.a. on the evening's agenda:

- zoning regulations (density, shared parking and a possible village district);
- subdivision regulations;
- by-laws; and
- sign regulations (election signs).

Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

b. Discussion regarding Babylon

Chairman Gannuscio referred to the Department of Environmental Protection's (DEP) Robert Isner's letter to First Selectman Wawruck dated December 28, 2009. He went on to say that what was going on on the property was not what was within the approval by the DEP. He went on to say that the issue had been put forth for people to come forward within 30 days regarding renewal or continuance of the permit.

Ms. Rodriguez stated that she had been asked earlier that day to take part in a meeting that was being held on Friday (1/15/10) with Babylon. She went on to say that enforcement was an issue because it was hard to tell what was happening on the site, at the property line, and on the railroad property. Ms. Rodriguez commented that she was hoping to have that cleared up at the meeting on 1/15/10.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

- i. Site plan modification application of Chapman Chase for the Chapman Chase property located on North Street.**

Chairman Gannuscio noted that the Commission would usually need the application two weeks prior to the meeting, but that given the early time that evening and the fairly open agenda he moved to accept the site plan modification application of Chapman Chase and begin some discussions on it that evening. Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

Attorney Thomas Fahey addressed the Commission on behalf of the applicant and stated that the Commission members and staff should have received eight (8) elevations that had been submitted. He went on to say that they had been sent in two installments; a front elevation with some specifications and floorplans and then the side and rear elevations. Attorney Fahey stated that the applicant was trying to get the elevations approved because Tony Giorgio of Chapman Chase had been unable to successfully market his models, therefore he had contracted with T&M Builders for the twenty (20) remaining units in Phase 1. He then noted that under the terms of the original approval the elevations had to be found to be architecturally consistent.

Attorney Fahey stated that the applicant had met with Mr. O’Leary and Mr. Steele earlier in December and as a result of that meeting the Commission had the submittal showing some details and some changes that had been made. He went on to say that based upon Mr. O’Leary’s comments Mr. O’Leary was fairly satisfied with the two ranch units and generally satisfied with the cape (except for a window in one of them and a few other items). Attorney Fahey stated that it appeared as though Mr. O’Leary’s primary concern was with the colonial, particularly the Rollett style colonial.

Mr. Giorgio thanked the Chairman and Commission members for allowing him to have the discussion that evening. He then thanked Mr. O’Leary for his time in meeting with him and taking the time to review what they had submitted. He went on to say that he wanted to give the Commission members and Mr. O’Leary the latest versions of the cape based upon Mr. O’Leary’s comments to see if they were moving in the right direction. Mr. Giorgio then distributed copies of the latest revised versions of the cape to Commission members and staff.

Chairman Gannuscio stated that he had visited Chapman Chase a couple of times recently and that upon approaching the existing units his first thought was “Wow! Is this Windsor Locks?” He went on to say that he had noticed the garage doors; he had never seen anything that nice before. Mr. Gannuscio also noted the quality of the trim and that there were windows all around the units.

Chairman Gannuscio stated that the strongest thing that had struck him was the appearance of the units and how they were different and an improvement over what they had seen lately in some of the offerings for sale in Windsor Locks. He went on to say that he had noticed where there was a foundation in, but no framing. He then asked Mr. Giorgio if that would be finished by Chapman Chase or T&M. Mr. Giorgio replied that the agreement that they had tentatively reached with T&M was that Chapman Chase would continue to finish the cape that they were currently working on, finish the foundation of the Canterbury colonial and finish the unit on Lot 40 which they had a contract on. He went on to say that Chapman Chase would also put a foundation into Lot 39 for either a cape or a colonial, because of the challenge of putting in structural materials once Lot 40 was built. Mr. Giorgio noted that T&M would buy the construction rights to 19 lots

Mr. Giorgio pointed out that they remained open on weekends and were still getting traffic with a couple of really live buyers looking at a ranch and a colonial. He went on to say that as the process moved along they might still get contracts and would complete those homes as well.

Mr. Giorgio noted that over the previous couple of weeks T&M had tried to replicate some of the aspects of the Chapman Chase homes.

Mr. Giorgio distributed copies of four alternatives to the Rollett Colonial to the Commission members and staff. He then commented that they recognized that there was a lot of work to be done. He went on to say that the challenge was that the Commission only met once per month, with the next meeting not being held until early February. Mr. Giorgio pointed out that for the Federal tax credits that were out there people needed to be in contract by April 30, 2010 and needed to close by June 30, 2010. He went on to say that they really needed about four months once the foundations were in to meet those deadlines.

Mr. Giorgio stated that he would like to meet with Mr. O’Leary and the other staff to work through the plans and then perhaps the Commission could hold a special meeting or authorize Mr. O’Leary to move forward with an approval so that possibly by February 1, 2010 they could get a foundation or two in.

Chairman Gannuscio commented that Mr. O'Leary had begun to look at some of the items that he had received prior to the meeting that evening and that he had written some comments regarding those items. He then asked Mr. O'Leary to go through his comments. Mr. O'Leary noted that there had been progress from the original packet that he had seen. He went on to say that he had made a copy of the original packet of elevations for the Commission members to refer to when comparing them.

Mr. O'Leary referred to his memorandum dated January 10, 2010 and noted that it had begun by complimenting the first plans; they were very nicely detailed and they had contained some really nice features. He went on to say that they needed to find some compatibility to what had previously been done and what was going to be done. Mr. O'Leary noted that it was all somewhat subjective and that it was ultimately up to the Commission as to what would be acceptable.

Mr. O'Leary stated that he felt that they had done a reasonable job on the ranches and the capes, except for a few details. He went on to say that a lot of the fairly inexpensive details that were found on the original plans should be included in the new ones. He commented that, if a little more time were spent on those little details, then they would be done with the capes and ranches.

Mr. O'Leary pointed out that the colonials in the original packet and the colonials currently be proposed were the greatest departure; they lacked the design and the details of the originals. He went on to say that they were heading in the right direction, but that they were not there yet. Mr. O'Leary stated that he did not see the Rollett fitting in in the Chapman Chase development.

Mr. Giorgio asked if there were any elements within any of the other colonials that they should spend some time developing further. Mr. O'Leary replied that the Canton had a little more play in the elevation.

Mr. Giorio referred to Item 7 from Mr. O'Leary's January 10, 2010 memorandum and agreed that it might be beneficial for everyone if they were to take Chapman Chase's four colonials and provide the square footage to compare to the new designs. Mr. O'Leary then suggested that it would also help if they were graphically the same scale as the originals as well as showing the height, width and square footage, etc.

Mr. Giorgio asked Mr. O'Leary if he had some time to meet with him in the following couple of weeks. Mr. O'Leary replied that he did.

Chairman Gannuscio referred to the detail in the Chapman colonial as opposed to what was being presented; in particular the supports for the front porch and the window in the center were elements that made those stand out. The discussion continued briefly and Mr. O'Leary pointed out that they were not on acre lots; they were tight/close together, therefore the up and down in the elevations really made a difference.

Chairman Gannuscio asked Mr. O'Leary if Mr. Steele had been part of the discussions. Mr. O'Leary replied that Mr. Steele had been in on the meeting that they had had right after the Commission's last meeting. He then noted that Mr. Steele had not seen the latest set of elevations. Mr. Giorgio stated that Tim Koons, from Mr. Steele's office, had seen the latest elevations. He then reiterated that there was not a proposal to change anything other than the architecture. Ms. Rodriguez stated that she had spoken with Mr. Steele earlier that day and that he had not had anything to bring up at the meeting.

Mr. O'Leary asked if the Commission felt that they were heading in the right direction. Chairman Gannuscio replied that he felt that they were heading in the right direction. Mr. Scarfo agreed.

A discussion took place regarding when and where Mr. Giorgio would meet with staff and it was agreed that they would meet on January 22, 2010 at 2:00 pm in Mr. Steele's office and that Attorney Fahey and representatives from T&M would also attend.

BILLS AND CORRESPONDENCE:

Chairman Gannuscio stated that he had received the yearly packet from Barbara Bertrand, Finance Director, and Con O'Leary, Board of Finance Chairman, regarding preparation of the Commission's budget for the following year. He commented that the Commission had had to come in with a zero increase budget for the current year and that they were requesting that the Commission do so again for the upcoming year.

Chairman Gannuscio summarized the current budget as of January 4, 2010 as follows:

- Recording Secretary: had used 50% of line item budget;
- Mr. O'Leary had used 33% of his line item budget;
(it was noted that Mr. O'Leary billed for two months at a time)
- Professional Development: had used about one third of the line item budget;
- Advertising: had used 5% of the line item budget;
- Printing & Binding/Regulations: had not used any of the line item budget; and
- Supplies: had used about 60% of the line item budget.

He noted that the one item that they could toss out to the Board of Finance would be the Printing and Binding of the Regulations. He went on to say that they currently had \$1,000 for that line item for the current year and that they could cut that back to \$750 since a lot of the stuff was now available on-line.

Chairman Gannuscio stated that he would go back to the Board of Finance with a budget that was pretty much the same as the current year's budget, except that he might cut the Printing/Binding line item back from \$1,000 to \$750.

Chairman Gannuscio stated that he had received Mr. O'Leary's bill for his retainer for November/December, 2009 in the amount of \$3,333. He then moved to approve Mr. O'Leary's bill in the amount of \$3,333. Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0, the motion was approved.

Chairman Gannuscio asked the Commission members and staff for any other concerns. They had none.

Chairman Gannuscio moved to adjourn the meeting. Mr. Scarfo seconded the motion. All were in favor. The vote was 3 – 0, the meeting was adjourned at 8:30 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.