

PLANNING & ZONING COMMISSION
February 9, 2009 Meeting

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

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 7:16 pm.

Chairman Gannuscio stated that Jim Tatro had become a full-time member replacing Kim Blackburn and Anthony Scarfo was taking Jim's place as an Alternate.

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the January 12, 2009 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown, Ms. Ramsay, Mr. Tatro and Mr. Leiper were present at that meeting. He then asked the Commission members and staff for any comments or corrections. Mr. Steele suggested the following corrections: page 14, first paragraph, second sentence should read "Ms. Mantie replied that there was already a ramp"; page 17, sixth paragraph, second sentence should read "...Strawberry Meadow Brook which flowed into a farm pond owned by Charles Murkowicz..."; and page 18, fourth paragraph, third sentence should read "Mr. Steele stated that they were...". Mr. Gannuscio moved to accept the January 12, 2009 meeting minutes with Mr. Steele's suggested corrections. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

PUBLIC HEARINGS:

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 was published in the Journal Inquirer on January 28 and February 4, 2009.

- a. 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.**

Chairman Gannuscio stated that both of the proposed amendments had been submitted by the Commission.

Section 6.12 of the Subdivision Regulations

Mr. Steele, Town Engineer, stated that they had made the same proposed revision to Section 225 (Driveway) of the Zoning Regulations in an effort to more clearly define what a driveway was and to provide some technical language to refine the existing Driveway Regulation. He went on to say that the proposed revision to Section 225 had been approved, but that they had then noticed that the Subdivision Regulations contained the same regulation. Therefore, they had felt that it was important to also change the Subdivision Regulations to make them the same as the approved Zoning Regulations. He reiterated that the proposed change was identical to what the Commission had already approved for the Zoning Regulations.

Mr. Steele briefly summarized the proposed changes as follows:

- definition of driveways to include any area that was used for ingress and egress of vehicles and for outdoor parking of vehicles;
- addressed the issue with regard to what types of permits would be required; (Mr. Steele noted that at the last hearing there had been a discussion with regard to setbacks where there might be conflict between the sideyard requirement for an accessory structure and the standard of 10 feet that was already in the regulation.)
- wording was added to require that setback of the accessory structure would apply; and
- rewording of the drainage notations with regard to how to deal with runoff from driveways.

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

Chairman Gannuscio asked Mr. O'Leary for any comments. Mr. O'Leary stated that the proposed changes were identical to those that had been adopted in the Zoning Regulations. He went on to say that it was well drafted, needed and that he supported the proposed changes.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez stated that she agreed with Mr. O'Leary's comment and went on to say that the revised Regulations would be very helpful.

Chairman Gannuscio asked for any public comments in favor of the proposed changes to Section 6.12 of the Subdivision Regulations. There were none.

Chairman Gannuscio asked for any public comments in opposition of the proposed changes to Sections 6.12 of the Subdivision Regulations. There were none.

Chairman Gannuscio moved to close the public hearing on the proposed changes to Section 6.12 of the Subdivision Regulations. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio moved to adopt the proposed changes to Section 6.12 of the Subdivision Regulations effective February 27, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chapter VII, Off-street Parking and Off-street Loading
(Sections 701, 702, 703, 704 and 705)

Mr. O’Leary, Town Planning Consultant, stated that they had discussed the proposed changes in draft form last summer. He went on to say that it was a fine tuning of some of the landscaping and site design regulations that the Commission dealt with everyday on a site plan by site plan basis. Mr. O’Leary noted that the purpose was to do that fine tuning and incorporate some of the changes that the Commission had seen in dealing with individual site plan applications by putting those items in the Regulations. He then pointed out that prior to the start of the evening’s meeting he had distributed copies of the proposed changes dated November 4, 2008 along with his memo dated February 4, 2009 describing the proposed changes.

Mr. O’Leary referred to his February 4, 2009 memo and summarized the proposed changes as follows:

2. The title of Chapter VII was being proposed to be changed to “Off Street Parking and Site Plan Design Regulations”.
- 3a. A preamble was proposed that stated what the purpose of the Regulations were and what they were trying to achieve.
- 3b. Section 701 would remove the reference to 4 or more parking spaces.
- 3c. Section 705 D removed a reference to a 40 foot wide curb cut being permitted and stated that curb cuts were limited to a width of 25 feet unless otherwise recommended by the Town Engineer and approved by the Planning and Zoning Commission.
- 3d. Section 705 E clarified the existing regulations that all portions of a parking lot and loading area must adhere to the 10 foot side yard and rear yard setbacks.
- 3e. Section 705 F 2 substituted the term processed aggregate for gravel as a more precise and appropriate term.

- 3f. Section 705 F 4 added criteria available to the Commission where they were asked to waive the 6 foot candle limit of exterior lighting (i.e. being compatible to surrounding uses) and removed the limitation of 10 foot candles for such waivers.
- 3g. Section 705 F 6 added clarifying language to the front yard landscaping requirements.
- 3h. Section 705 F 7 added language requiring: a 10 foot landscaped island at the end of all parking rows; and a 10 foot landscaped area next to all buildings except overhead doors; and stated that the Planning and Zoning Commission could require sidewalks in those landscaped areas.
- 3i. Section 705 F 8 added a specific Landscape Plan requirement.
- 3j. Section 705 F 10 removed the language allowing the Planning and Zoning Commission to waive the landscape requirements.
- 3k. Other technical changes were made throughout Chapter VII.

Mr. O'Leary noted that one of the charges of the Commission was to make a finding that was compatible with the adopted Plan of Conservation and Development. He then referred to the Economic Chapter of the Plan that had been adopted in 2007 and stated that one of the objections in the Commercial Subsection stated that improved commercial development site plan design standards affecting lighting, landscaping, reasonable signage, circulation, proper driveway curb cuts and pedestrian circulation should be continually researched and incorporated into the Town's Land Use Regulations. Mr. O'Leary then stated that the proposed changes were entirely consistent with the Plan of Conservation and Development. He went on to say that the Commission should provide reasons for the changes and also establish an effective date that would be following the date of publication of the notice and also to place a copy of the revised Regulations in the Town Clerk's Office.

Chairman Gannuscio asked Mr. Steele for any comments. Mr. Steele replied that he had no comments other than that Mr. O'Leary had done an excellent job.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez stated that she had sent notice to CRCOG and to those on the Public Notice Registry back in November, 2008.

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

Chairman Gannuscio asked for any public comments in favor of the proposed changes to Chapter VII of the Zoning Regulations.

Gary Merrigan of 516 Halfway House Road (M & L Development) addressed the Commission and stated that the proposed changes were good. He then asked the Commission to consider the following two points:

Section 701 A:

Mr. Merrigan stated that many times people wanted to do a conversion of a small home to an office. He went on to say that he was not sure that getting rid of the minimum amount of parking, if it were a small use, and lumping it into the new more stringent regulations would apply for that type of situation; it would create a hardship. He then asked if some consideration could be given to a small conversion, not a new structure, and if something could be worked in to scale back some of the Regulations.

Section 705 F 10:

Mr. Merrigan stated that he understood the intent of the as-built plans for the commercial and industrial, but that it would pose a real hardship when building a multi-family or condominium development. He went on to say that the Regulations stated that he would have to come back and put a driveway in as he completed each structure to get an as-built before he could get a Certificate of Occupancy (CO). Mr. Merrigan commented that he felt that if the Residential component in the Multi-family could be spelled out differently than a commercial or industrial application it would be easier for Town staff and the developer. He then suggested that the Residential could be worded in such a way that before the final CO was issued the as-builts or if it were a phase then the final unit of the phase.

Chairman Gannuscio asked Mr. O'Leary for any response to Mr. Merrigan's comments. Mr. O'Leary stated that he understood what Mr. Merrigan was saying, but that the problem with excluding them completely was that then there was absolutely no regulation. He went on to say that he would be more comfortable with a Regulation that would say for small lots or for properties under a certain size that there could be a reduction of a certain percentage on the landscaping. Mr. O'Leary pointed out that he was not sure the Commission could do so under the hearing that evening, because it would entail a whole new drafting exercise. He did agree that the Commission should probably take another look at it.

Mr. O'Leary referred to Mr. Merrigan's second comment and stated that the language he was referring to was not new language. He then stated that Mr. Steele and Ms. Rodriguez dealt with it more than he did.

Mr. Steele stated that it had been their practice in multi-unit residential developments to require foundation as-builts to ensure that the structures as they were going in conformed to Zoning requirements and were set to the right elevations. He went on

to say that a final as-built was also required prior to the last unit. Mr. Steele suggested that there could be some kind of wording giving some flexibility to staff to be able to identify when it would be appropriate to require that final as-built depending on the size of the development. He then stated that it was something worth considering, but that he did not think that he could propose the specific wording that evening; he would give it some thought, put some wording together and get it to the Commission.

Chairman Gannuscio asked Mr. Merrigan if Mr. O'Leary's and Mr. Steele's comments had satisfied his concerns. Mr. Merrigan replied that it did and went on to say that the staff in Windsor Locks were great to work with, but that he was concerned with when the current staff were no longer there and someone new came on board.

Mr. O'Leary reiterated that the last proposed change was to remove the language, "The Zoning Commission may reduce, waive, or modify the requirements of green space in such instances as it finds such requirements unreasonable to the size, shape or topography of the lot." He went on to say that he had proposed to remove that language because it would leave a wide open invitation. Mr. O'Leary stated that if they were to add in that section "for 4 parking spaces or less" it might solve Mr. Merrigan's first issue. He then noted that they could make that change that evening. Mr. Merrigan stated that that would be great, but then suggested that "6 parking spaces or less" would be better. A brief discussion followed and Mr. O'Leary said that he would leave the number up to the Commission.

Chairman Gannuscio asked if they had an agreement on the as-built section. Mr. Steele commented that it was something that staff had been addressing and that it was typically spelled out as conditions of approval. He went on to say that they could add some more wording to specifically state it, but that he would rather think it through and not do it that evening.

Attorney Paul Smith addressed the Commission and referred to Mr. Merrigan's comments. He then commented that if they were to remove the first section would a Residential building lot be subject to the parking requirements. Mr. O'Leary replied that it would not because the Regulations were specifically for business, industrial and residential special uses (apartments, multi-family). He then explained that it was included in the proposed preamble.

Attorney Smith commented that he agreed with Mr. Merrigan that the revisions were well thought out. He went on to say that his only concern was that what they were going to tend to see in Town would be changes of use and intensification of uses. He

then asked how they would meld an expansion into the new standards. Mr. O'Leary replied that in Section 701, Scope of Regulations, they had put a provision in back in 1999. He then referred to Section 701 D which read "Any change in an existing use, or an intensification of any existing use, that requires a Site Plan Review application, will require that the site design standards of landscaping and buffering, as set forth below, be proportionally brought up to the existing standards as determined by the Commission." The discussion continued briefly.

Chairman Gannuscio asked for any public comments in opposition to the proposed changes to Chapter VII of the Zoning Regulations. There were none.

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

Chairman Gannuscio asked if the Commission should consider the one proposed change that evening which was to not remove the existing language on the last page and add "for parking lots of 4 cars or less" to it. Mr. O'Leary commented that if the Commission wanted to do so that evening the words "due to the size, shape or topography of the lot" should be removed and add "for parking lots of X number of spaces or less".

Chairman Gannuscio clarified that Mr. Steele might have some more language to revise at a later date. Mr. Steele stated that that was correct. He went on to say that there were other parts of the Regulations that addressed as-builts and it would not be a bad thing to have some overlap of those ideas in this Section. He then recommended that they take a more comprehensive look at the Regulations to make sure that it made sense before rushing to adopt something. Mr. O'Leary reiterated that the Regulation amendment presented that evening was really aimed at landscaping and site design requirements; there were no proposed changes to the as-built requirements. He went on to say that to change the as-built requirements would really start to go outside the focus of the public hearing.

Attorney Smith pointed out that the Commission was allowed to draft corrective language and address it at the following meeting. Mr. O'Leary reiterated that it was okay to change the size of the lot, but the as-built change was outside the realm of the hearing. The discussion then continued further regarding the language "due to the size, shape or topography of the lot" and Mr. O'Leary reiterated that he recommended that the language be removed.

Chairman Gannuscio asked the Commission members for any questions. Mr. Tatro clarified that Mr. O'Leary had proposed eliminating the language after "unreasonable" in the last paragraph. Mr. O'Leary stated that that was correct. Mr. Tatro stated that he agreed with taking that language out because it did not establish any specific reasons that would likely be a reason for a waiver; the Commission would have to look at the totality of the application. Mr. O'Leary reiterated that the way the language was last proposed would allow the Commission to make the interpretation for any and all cases that would make the application of those Regulations unreasonable (it would not limit it to size, shape or topography). He went on to say that it would give the Commission the flexibility that it would need.

Mr. Zimnoch stated that he was comfortable with the modification and that he thought that it would do exactly what needed to be done in the special circumstances of smaller parking lots. He then noted that four was probably a number that was slightly too small; five or six will be more appropriate. Chairman Gannuscio asked if Mr. Zimnoch felt that they needed to discuss the number. Mr. Zimnoch replied that he did.

Chairman Gannuscio moved to close the public hearing on Chapter VII, Off-street Parking and Off-street Loading (Sections 701, 702, 703, 704 and 705) of the Zoning Regulations. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio asked if anyone was opposed to voting on the proposed changes that evening. All of the Commission members stated that they were ready to vote that evening. Mr. Leiper asked Mr. Gannuscio to read the exact language for the change that had been made that evening. Mr. Gannuscio read the language on page 7 as follows:

“The Zoning Commission may reduce, waive, or modify the requirements of green space in such instances as it finds such requirements unreasonable for parking lots of X spaces or less.”

He went on to say that they needed to discuss the number of cars because it had been suggested that they needed to go with a higher number than four. Mr. Gannuscio then stated that he would be willing to go with six cars or less. Everyone agreed. Mr. Tatro then commented that it should say “6 spaces or fewer” not “less”. Chairman Gannuscio read the suggested language as follows:

“The Zoning Commission may reduce, waive, or modify the requirements of green space in such instances as it finds such requirements unreasonable for parking lots of 6 spaces or fewer.”

Chairman Gannuscio moved to approve the amendments to Chapter VII, Off-street Parking and Off-street Loading (Sections 701, 702, 703, 704 and 705) of the Zoning Regulations as printed with one change to new Section 705 10 where the ending language in the next to the last sentence would read “The Zoning Commission may reduce, waive, or modify the requirements of green space in such instances as it finds such requirements unreasonable for parking lots of 6 spaces or fewer. Such facilities shall be constructed and maintained at the developer or owner’s expense.” effective February 27, 2009. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

REVIEWS:

a. Continued site plan review application of Dick’s Bulldozing for the property located at 52 South Elm Street.

Joe Flynn addressed the Commission and stated that he represented the owner, St. Robert’s Church, and authorized to speak on behalf of Mr. Briggs of Dick’s Bulldozing. He went on to say that the application had originally submitted back in October, but that it had become evident that they needed to make it a little more formal than what had originally been submitted.

Mr. Flynn stated that under consideration were the lots, 50 South Elm Street (St. Robert’s Church) and 52 South Elm Street (the rectory). He pointed out that they were two separate pieces, each approximately 5.5 acres. He then noted that the Commission should be working off of a plan dated January 15, 2009 which consisted of four sheets.

Mr. Flynn referred to page 2 of the plans (the schematic) and commented that the need for the additional parking lots had been made apparent when the two parishes in Windsor Locks merged. He went on to say that St. Robert’s Church now had a 4:30 pm mass on Saturday and an 8:30 am mass on Sunday. He then pointed out that there were fewer masses at St. Robert’s, but there were far more people attending each mass. Mr. Flynn pointed out the two entrances and exists off of South Elm Street, and noted that the primary one was to the south of the Church, between the two lots.

Mr. Flynn explained that Father had plans for two rectangular lots each about 10,500 square feet (approximately 60’ x 160’). He then noted that it had not been well planned and the easterly of the two lots had gotten paved in October, 2007 without any kind of review by the Town.

Mr. Flynn stated that the biggest impact was on drainage. He then explained that the natural drainage on the parcel ran from the south to northeast. He went on to say that the two lots would be drained with catch basins on the northeast corner of each lot that would discharge into a drywell located to the east of the two lots. He then noted that the drywell sat within an excavation basin so that if there were an intense amount of rain the water would not back up in the catch basins. Mr. Flynn commented that the drainage schematic was best seen on page 3 of the plan.

Mr. Flynn stated that there were two lots and that they did not want to merge the two lots, therefore there were two easements. He explained that an easement was required on the southerly entrance to the Church and another to get to the Rectory. He went on to say that it was important not to merge the two lots at that time.

Mr. Flynn stated that they had no objections to Mr. Steele's comments, but that there was one item that they did need to discuss. He then addressed Mr. Steele's comments as follows:

1. They intended to show the topography.
3. They intended to pave the western lot which was currently gravel.
4. The pavement encroaching on the abutting property to the north, Bradley Court, would be excavated out.
5. They had submitted the revised drainage calculations to Mr. Steele earlier that day.
6. The test pit would be noted on the plans.
7. They would submit the as-built according to the Regulations.
8. They had no objection to the \$2,000 bond.

Mr. Flynn stated that Mr. Steele and Mr. O'Leary had different ideas on what to do about the configuration of the two non-connected rectangular parking lots. He went on to say that the Parish wanted to abide by Mr. O'Leary's suggestion and actually connect them on the southerly end. He pointed out that it was not reflected on the plan, but that they were hoping to move forward that evening and just make a note of it and condition of approval.

Mr. Flynn referred to the landscaping and stated that they showed three Spruce to the west of the parking lot and that there were already some trees there. He went on to say that there was also a strip of land between the two parking lots with three proposed bushes. He then stated that the land that was going to be excavated to make the basin would be used to build a 4 foot high berm which would serve to screen the southern part (by the High School driveway). Mr. Flynn noted that there was still a lot of old vegetation at the site and that the elevation ran from 144 at the southwestern tip down to 134 at the rear parking lot.

Mr. Flynn commented that the parking lots would only be utilized for 70 minutes on Saturday afternoon and Sunday morning in addition to Christmas and Easter.

Chairman Gannuscio asked Mr. Steele to go through his comments. Mr. Steele stated that he had submitted a letter dated February 5, 2009. He went on to say that he had received a revised drainage calculation addressing Item 5 from his letter. He then summarized his comments as follows:

1. The survey should conform to the accuracy requirements of the Regulations, however he felt that it was appropriate to waive the datum requirements.
2. The applicant had indicated that they wanted to accommodate Mr. O'Leary's suggestion and that it could all be addressed through a staff review. Mr. Steele suggested the following condition "The parking will be reconfigured as recommended by the Planning Consultant's Item 3 subject to staff review".
3. Dealt with the parking surfaces and the applicant had indicated that it would be paved. Mr. Steele then asked that a detail be provided for the pavement thickness.
4. The applicant had indicated that the pavement that encroached over the property line would be removed.
5. Has been addressed.
6. Required an additional inspection by the Engineer prior to installation of the drywell.
7. As-built survey.
8. Recommended a bond amount of \$2,000.

Mr. Steele suggested that all of the items in his February 5, 2009 letter be incorporated as conditions of approval except for Item 5 and Item 2 modified in accordance with Mr. O'Leary's recommendation.

Mr. O'Leary distributed a memo dated February 3, 2009 and stated that Mr. Steele's review captured most of the items contained in his memo. He went on to say that it was a fairly simple application to add the two parking bays. He then noted that his most significant comment was a suggestion that it would be more user-friendly not to have dead-ended spaces and the applicant had agreed to that. Mr. O'Leary agreed that a condition of the action by the Commission, if they acted on it that evening, could solve that dilemma.

Mr. O'Leary stated that there were several easements. Mr. Flynn then stated that they had no objection to putting them in written form and recording them as had been suggested. Mr. O'Leary then suggested that the easements as proposed be executed and filed on the Land Records prior to any further construction.

Mr. Flynn asked that the partial waiver of the planning requirement in Mr. O'Leary's report be formerly noted. Mr. O'Leary stated that they were proposing three canopy trees and that there were existing large evergreens and other wooded areas around the site as well as a fairly large grass island in the center of the two parking areas. He commented that there was plenty of green space and trees.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez had no comments.

Chairman Gannuscio commented that it was something that had been worked out very well.

Chairman Gannuscio asked the Commission members for any questions. Mr. Leiper asked why they did not want to merge the two lots. Mr. Flynn replied that once they were merged they were merged and they would lose the flexibility especially if the Church ever had to sell it. Mr. Leiper asked why the berm was only 4 feet high. Mr. Flynn explained that there would be plantings on top of the berm and that there was a natural 10 foot drop from the southerly boundary to the parking lot. Mr. Leiper stated that he was concerned with screening the parking lot. Mr. Flynn noted that there was already natural vegetation screening most of the parking lot.

Chairman Gannuscio asked for a motion. Mr. Tatro moved to approve the site plan review application of Dick's Bulldozing for the property located at 52 South Elm Street subject to the following conditions in Mr. Steele's letter dated February 5, 2009:

- 1. The surveyor should confirm that the topography shown conforms to T2 accuracy in accordance with Section 1102.A.2.c. The datum requirements of Sections 1102.A.2.b-c may be waived due to the limited nature of the proposed improvements.**
- 2. The parking table indicates 64 proposed spaces, but the plan appears to show as many as 70 proposed spaces. Areas not intended as parking spaces should be landscaped or striped with hatching. Reconfiguration in accordance with Mr. O'Leary's requirement for staff review to add circulation between the two parking lots.**
- 3. The plans should indicate the existing and proposed surface treatments for the parking expansion areas.**
- 4. The survey indicates pavement encroachment on the abutting property to the north, Bradley Court LLC. The pavement appears to be new, probably paved at the same time as the southeastern lot expansion. The encroaching pavement shall be removed.**

6. A notation should be added to the plans requiring a test pit in the area of the proposed drywell prior to installation. The engineer shall provide a report to the Town Engineer verifying suitable soil conditions for infiltration.
7. Upon completion of the site improvements, an as-built survey shall be provided in accordance with Section 705.F.9. An electronic copy of the as-built shall also be provided in accordance with Section 1102.A.12.
8. The developer shall provide a bond in the amount of \$2,000 for erosion control items during construction and to insure completion of the as-built survey.

And Item 2 from Mr. O’Leary’s memo dated February 3, 2009. Mr. Brown seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio called a five minute break at 9:05 pm.

BREAK

Chairman Gannuscio called the meeting back to order at 9:15 pm and noted that Ms. Ramsay had left the meeting. Therefore he seated Mr. Leiper for Ms. Ramsay for the following review.

b. Continued site plan modification application of WL Quagliaroli LLC for the property located at 11 Northgate Drive.

Attorney Paul Smith representing the applicant addressed the Commission and stated that Mr. Quagliaroli had owned the site since the late 1980’s. He went on to say that the industrial building had been constructed in 1989. He then noted that he was proposing an addition of over 6,600 square feet onto the existing building. Attorney Smith explained that Mr. Quagliaroli operated Evergreen Tree Service from the site and the reason for constructing the building would be to allow him some additional storage for his vehicles and equipment. He then noted that the existing development had been approved in 1989; a building permit had been issued for the existing building.

Attorney Smith submitted an aerial of the site which he had gotten from the Town’s GIS system. He then noted that the site was 4.26 acres.

Attorney Smith explained that the wood pile on the site was generated from Mr. Quagliaroli’s work; it was not a public site where people could drop wood off. He then commented that he had operated that way for almost 20 years.

Attorney Smith explained that when the building was originally built the side yard requirements were different; therefore they had to obtain a variance for the side yards. He went on to say that they had received a variance for the westerly side of the building from the Zoning Board of Appeals and then distributed copies of that variance to the Commission members and staff.

Attorney Smith stated that the issues for consideration were as follows:

1. Was there a need for additional parking? Attorney Smith explained that they were proposing gravel parking spaces, but they were not proposing additional parking. He went on to say that there were 7 to 8 employees (less in the winter), therefore they had sufficient parking. He then noted that the reason for the proposed gravel area in front of the addition was to access the building itself. Attorney Smith stated that under the Parking Regulations they were asking the Commission to consider it a low use/low impact area.
2. Lighting – they were proposing no additional lighting. Attorney Smith explained that it was not a night operation.
3. Landscaping – they had not proposed any additional landscaping. Attorney Smith then commented that they were willing to discuss it.

Attorney Smith stated that there were a number of comments from Mr. Steele which Norton Engineering was in the process of addressing. He went on to say that they should hopefully have the comments addressed and on the plan by the Commission's next meeting.

Attorney Smith stated that they had always considered the lots merged, but that they could file a Certificate of Merger, if needed.

Attorney Smith commented that Mr. O'Leary had asked if they had an A-2 survey of the entire site. He then stated that they did and then submitted a copy of the survey to Mr. O'Leary and the Recording Secretary.

Attorney Smith concluded by reiterating that it was an expansion of the building, but that it did not expand Mr. Quagliaroli's business.

Chairman Gannuscio asked Mr. O'Leary to go through his comments. Mr. O'Leary stated that he did not think that the plans were ready to seriously review at that point and that it was not worthwhile going through his list of comments. He went on to say that there was a lot more information that was needed on the plan for it to be properly reviewed.

Mr. O'Leary asked if in 1989 the building permit just referred to the 11 Northgate Drive address and if the others had been added on later. He went on to say that he was not sure if the Commission had ever approved any of the activity in the other parcels. Attorney Smith replied that there were two add-ons; one was a number of years ago (in the early 1990's) and the second long lot had been five or so years ago.

Ms. Rodriguez stated that in the Summer of 2007 some of the residents in the area had tested for some kind of petroleum or environmental issue on their properties and something was found in an irrigation well. She went on to say that someone from the State had been back there and said that there was a lot going on back there and had asked to look at a site plan. Ms. Rodriguez then stated that they could not find one. She went on to say that in the Fall of 2007 a letter was sent from her office to Mr. Quagliaroli asking for some kind of site plan approval from the Planning and Zoning Commission. At that point Mr. Quagliaroli's engineer had contacted her office and things had then begun to progress slowly to the application before the Commission that evening.

Attorney Smith stated that his thrust that evening was not to ask the Commission for any approval, but rather just to get a sense of anything other than what was in the staff comments that they needed to address.

Chairman Gannuscio commented that Mr. O'Leary's comments were pretty specific. Mr. O'Leary stated that that was correct. Mr. Gannuscio then asked Mr. Steele if there was anything additional that he was looking for. Mr. Steele replied that they were looking for the plan that showed the entire properties so that they were looking at everything that was going on on the lots so that they could look at it comprehensively and not simply as a building addition.

Mr. O'Leary stated that it would be helpful if their engineer contacted Mr. Steele and then they could sit down and look at the existing conditions, how they got to be the existing conditions, and start to build on existing data and moving toward what they needed to do to move into compliance with the Zoning Regulations for what was there and then work out the addition. He went on to say that there needed to be a lot more interaction from their engineer with staff to move it forward. Mr. O'Leary stated that an existing conditions plan would be great.

Chairman Gannuscio asked Attorney Smith if he had enough time to get the information together for the Commission's next meeting which would be held on March 9, 2009. Attorney Smith replied that he hoped so; that their engineer was currently working on it.

Chairman Gannuscio moved to continue the site plan modification application of WL Quagliaroli LLC for the property located at 11 Northgate Drive to March 9, 2009. Mr. Leiper seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

c. Site plan review application of Kevin Kolstad, Enterprise Rent-A-Car for the property located at 12 Ella Grasso Turnpike.

Chairman Gannuscio seated Mr. Leiper for Ms. Ramsay for the review.

Kevin Kolstad submitted updated plans to the Commission members and staff and stated that he was the Operations Manager for Enterprise Rent-A-Car. He went on to say that they were looking for approval of a truck rental facility. He then explained that six months prior they were running their Enterprise Rent-A-Car facility out of that site, but that they had moved that to 1 National Drive.

Mr. Kolstad stated that Enterprise had been in the truck business for 10 years and was currently operating in 30 states across the country. He went on to say that they were proposing to rent out 24 to 26 foot trucks, box trucks, $\frac{3}{4}$ ton pickups and cargo vans from the proposed facility. He noted that the fleet would be relatively small with a minimal amount of trucks. Mr. Kolstad then commented that what had been indicated on the plan was probably the peak for the site; usually there would be fewer trucks on the site.

Mr. Kolstad stated that they would staff three employees at the facility and would be open Monday through Friday from 7:00 am to 5:00 pm, Saturday 7:00 am to noon and closed on Sunday. He went on to say that the target market was the commercial business and that the auxiliary use would be to rent to consumers in the area for weekends if they moving, etc.

Mr. Kolstad stated that under the current regulations the use was allowed and it just required a site plan approval. He went on to say that they were looking to get site plan approval and approval of the signage on site that evening. He explained that there were no changes to the site itself; it was really just reconfiguring the parking to allow for trucks and the return of trucks. Mr. Kolstad stated that the flow was very simple; enter and if returning a truck would enter the Return Lane, it would be checked in, pulled to the back of the building to be prepped and then pulled back around and put into one of the designated storage areas. He then explained that the new site plan was a little different than the old because Mr. Steele had mentioned that the turning radius had turned through one of the light poles and that they had since fixed that.

Mr. Kolstad mentioned that the Police Chief had commented that he was concerned about 24 to 26 foot trucks exiting the site. He then stated that he had contacted the Chief and discussed the issue with him and found that the Chief's main concern was trucks taking a left hand turn out of the site. Mr. Kolstad stated that they had proposed putting signage on the site saying "Right Turn Only" out of the site as well as educating their employees to make only right hand turns out of the site. Chairman Gannuscio stated that he had had a telephone conversation with the Chief and the Chief was satisfied with the proposed signage.

Mr. Kolstad reviewed the signage as follows:

- The allowable signage on the site was 148 square feet.
- Prior signage on the site was a 3' x 15' sign on the road and a 4' x 20' sign on the building.
- They were proposing to reface the signage on the road with the new logo.
- They were going to take the 4' x 20' sign down and replace it with a 5' 3 ¼" x 6' 6" sign for a total of 57 square feet which was a reduction in signage on the building.
- They were proposing a total square footage of signage of 102 square feet.

Chairman Gannuscio asked Mr. Kolstad if he had received the Commission's concern about the address being on the sign. Mr. Kolstad replied that he had receive it. He then commented that at their National Drive site they had actually put "1 National Drive" on the sign, but that he had noticed that a lot of the signage around town just had the number. Mr. Kolstad then asked if the intent was to have the actual street address spelled out or just the number. Mr. O'Leary replied that the number had just been required. Mr. Kolstad stated that they were not opposed to adding the address, but that it might infringe on the trade address. Mr. Gannuscio stated that the Commission had not been forcing the address into prepackaged signs; just as long as it was visible. Mr. O'Leary commented that it could be in the box or as a drop down. Mr. Kolstad stated that they could put the address underneath

Mr. Leiper asked how far the southerly boundary was from the highway. Mr. Kolstad replied that he was not sure. Mr. Leiper then noted that if it was within 500 feet they would have to notify the adjoining Town. Chairman Gannuscio asked staff if the site was within 500 feet of the Windsor town line. Staff could not determine for sure if it was within 500 feet of the Windsor town line based on the vicinity map that had been submitted, although they thought that it appeared to be just over 500 feet. The discussion continued and Ms. Rodriguez then left the meeting to return to her office to check the Town's GIS system.

Chairman Gannuscio asked Mr. O'Leary to go through his comments. Mr. O'Leary stated that he had not written a report because the issues were simple. He went on to say that the sign proposal was below the maximum size allowed in the Regulations, the existing size of the freestanding sign was nonconforming, but that the Commission had permitted face replacement of nonconforming signs before. Mr. O'Leary stated that with the addition of the address on the face or below the face it would be acceptable. He noted that the building sign was smaller. He then concluded that from a signage standpoint it was reasonable and acceptable.

Mr. O'Leary asked if the lights were full cut-off. Mr. Kolstad replied that they were. Mr. O'Leary then noted that the Police Chief had wanted an additional sign facing in towards the site saying "Right Turn Only". Mr. Kolstad replied that that was correct. Mr. O'Leary commented that as long as the sign faced into the site it would be okay and they should spot it on the plan.

Mr. O'Leary concluded by saying that the use was so similar and the changes were so minor that the above comments were the only ones he had.

Chairman Gannuscio asked Mr. Steele to go through his comments. Mr. Steele stated that there were no proposed site improvements. He went on to say that his biggest question was how the trucks were going to get in and out and how it was going to work. He then noted that there had been a conflict with a utility pole, but that it had been addressed. Mr. Steele asked Mr. Kolstad if they had actually taken trucks back behind the building to see if the trucks could make the turn. Mr. Kolstad replied that they had and explained that the trucks would pull in, go around the building, pull to the right and back in the bay, be prepped and then pull straight out of the bay and make it right around the building. Mr. Steele stated that he had visited the site and that it was tight, but he did not see a lot of other things that he could suggest to make it better. He went on to say that if the applicant thought that they could make it work then he had no objections to the application.

Ms. Rodriguez arrived back to the meeting and stated that after checking the Town's GIS system the site was located more than 500 feet from the Windsor town line.

Chairman Gannuscio asked the Commission members for any other questions. Mr. Leiper asked if the Fire Department had reviewed the application. Mr. Kolstad replied that he had received no feedback from the Fire Department. Mr. Gannuscio asked Ms. Rodriguez if she had received any comments from the Fire Department. Ms. Rodriguez replied that she had not.

Chairman Gannuscio stated that he was comfortable having the changes in signage be for staff review.

Chairman Gannuscio asked the Commission members for any final questions or comments. They had none.

Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to approve the site plan review application of Kevin Kolstad, Enterprise Rent-A-Car for the property located at 12 Ella Grasso Turnpike with the condition that the signage be reviewed by staff for their approval for the placement of the address and also the traffic sign directing right turns only for exiting traffic. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There was none.

OLD BUSINESS:

a. Discussion with Commission and Staff

Sign Regulations (election signs)

Chairman Gannuscio noted that it was a continuation of a discussion from the Commission's previous meeting. He explained that Ms. Rodriguez had gotten complaints regarding the size of election signs during the last election. He went on to say that at the previous meeting he had asked Attorney Tom Fahey about the issue and he had said that most towns tended to shy away from any kind of attempt to try and regulate political signage because of the First Amendment concerns. Mr. Gannuscio then asked Mr. O'Leary if Hebron had anything in their Regulations pertaining to political signage. Mr. O'Leary stated that Hebron had modified their regulations about one year ago based on recommendations from their Town Attorney. He went on to say that Hebron had had some older Regulations that were fairly restrictive and generally ignored and that they had received a letter from the ACLU saying that they were violating First Amendment rights. Mr. O'Leary noted that Hebron had been told by their Town Attorney that they were very limited in what they could regulate, especially in residential areas. He then pointed out that sight line requirements and lighting requirements could be adhered to in commercial areas.

Mr. O'Leary stated that he could bring a copy of Hebron's amended Regulations regarding political signs in for the Commission to review. He went on to say that they could not enforce political signage requirements because the signs came and

went. Mr. Leiper stated that no matter what requirement they put on political sign, they could not enforce it; the signs were down before any action could be taken. Mr. O'Leary stated that sight line and safety were still important. He went on to say that the Commission should look at taking out what they could not enforce.

Ms. Rodriguez explained that the election sign issue had started two years prior when one political party had called to complain about the opposing party's signs and at that point someone had been assigned to take the signs down for safety reasons. She went on to say that during the past election the opposing party called and wanted her office to take some signs down. She noted that she had told them that they had not been the ones to remove the signs the year before.

Chairman Gannuscio asked Ms. Rodriguez if the size of the signs had been the main concern. Ms. Rodriguez replied that the size and that they weren't conforming to the Town's Regulations were the two complaints. The discussion continued briefly and she then suggested that the Commission look at the Regulations with regard to political signs and focus on safety.

Chairman Gannuscio asked what the Regulations currently stated. Mr. O'Leary read the following from the Regulations:

- political election signs are allowed no more than six weeks prior to election and must be removed no later than seven days following;
- the maximum sign area is 6 square feet;
- no maximum number of signs; and
- Location: back of street line.

The discussion continued briefly.

Chairman Gannuscio commented that it was best left alone, and that if signs posed a sight line problem or safety issue then they would be taken care of. He then asked Mr. O'Leary if there was anything in Hebron's Regulations to deal with it. Mr. O'Leary stated that he would pull together some information and bring a copy of Hebron's Regulations to the Commission's next meeting.

Repaving of the Canal Path

Ms. Rodriguez stated that she and Mr. Steele were working on the repaving of the canal path. She noted that it was 4.2 miles long and ran from Windsor Locks to Suffield. She then explained that they were hoping to repave the path and that they were submitting a grant proposal to do so. Ms. Rodriguez went on to say that they had been meeting with CRCOG and would be meeting with the Connecticut Department of Transportation (DOT) on Wednesday. She noted that part of the grant

proposal was to submit Town support from various Commissions and Boards. She then asked the Commission members if they had any questions and if the Commission could give their support to the repaving.

Chairman Gannuscio noted that one reason they were looking at it as a “Shovel Ready” project was that they were looking at it in conjunction with the dike extension on the bridge between Suffield and Enfield, because a bike lane was being added to the sidewalk portion that would go down around and under to eventually hook into the canal path. He went on to say that at a recent Town meeting that he had attended it had been mentioned that the path was fairly narrow and that they would use small trucks for the repaving. Mr. Gannuscio reiterated that they were just looking to upgrade the condition of the path. Mr. Zimnoch commented that the path was pretty bumpy

Chairman Gannuscio moved that the Commission recommend to the Board of Selectmen, or whoever was responsible for putting forward the project request, that the Commission endorses the repaving of the bicycle path along the canal as a project that the Town should pursue and hopefully complete. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio noted that he had a letter from CL&P and asked if there was anything the Commission needed look at. Ms. Rodriguez replied that the letter had just suggested to Zoning Commissions that they include something in their Regulations about utilities for newly proposed building lots on unimproved roads. A brief discussion followed and Mr. Gannuscio then asked Mr. O’Leary if it was something that he had dealt with in other places. Mr. O’Leary replied that he had not. He went on to say that typically the developer would deal with CL&P directly. Ms. Rodriguez commented that she could give CL&P a call to see if other towns had started putting anything together. Mr. Zimnoch commented that the thought that it was more for rural settings. Mr. O’Leary agreed and noted that there was not a lot of applicability in Windsor Locks.

Chairman Gannuscio stated that he had printed out the bus shelter questionnaire. He then asked Ms. Rodriguez if there was anything that she needed from the Commission. Ms. Rodriguez stated that she had completed the questionnaire and sent it off months ago. She went on to say that she would try to find the results of the questionnaire and send it to Mr. Gannuscio.

Chairman Gannuscio asked Ms. Rodriguez if the Partnership for Strong Communities was something that she had wanted to discuss. Ms. Rodriguez stated that David Fink had visited the Commission and then met with the Board of Selectmen. She went on to say that the Commission had supported going forward for a grant for a planning study and that it had finally gone through the Board of Selectmen who had approved going forward by a 2-1 vote. Ms. Rodriguez then stated she had been asked to start putting the grant proposal together for the Town. In doing so she had discovered that there was a very detailed resolution that was needed. She then distributed copies of the resolution to the Commission members.

Mr. Tatro asked if there was a submission deadline. Ms. Rodriguez replied that various Towns were doing it in different stages. Mr. O'Leary noted that 35 plans had been awarded the planning grant.

Chairman Gannuscio commented that since they had the draft resolution they should get it in the works.

Chairman Gannuscio seated Mr. Leiper for Ms. Ramsay for the vote.

Chairman Gannuscio moved that the Commission resolved that it endorses submission of the grant application for assistance under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS and certifies that it will consider the creation of one or more housing incentive zones. Mr. Tatro seconded the motion. Mr. Leiper stated that he was opposed to the whole concept because there were strings attached. Mr. Tatro stated that the presenter had said that there were no strings attached to the planning grant and that that was all they were applying for. The vote was 4 – 1 (Mr. Leiper was opposed), the motion was approved.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

There were none.

Attorney Paul Smith addressed the Commission and stated that he was there to discuss the property located at 1620 Old County Road which was the site of the existing car wash and office building. He went on to say that about 3 or 4 years prior they had proposed a truck wash on the site, but there were some neighbors in opposition to that proposal. Attorney Smith stated that because of the negative reaction from the abutters and the Commission concerns they had decided not to pursue the truck wash. He went on to say that they had drawn up a preliminary plan which would allow them to build like a Jiffy Lube (an oil/fluid change facility, not a service station). He noted that it would be a "Mobile One" franchise.

Attorney Smith explained that they would have up to three bays where vehicles would be pulled into for a 15 minute oil change while the customer waited. He went on to say that it was allowed under the Regulations with a Special Use Permit because it was a Business 1 zone. He noted that his client wanted to get some sort of reaction from the Commission before they did a full site plan.

Attorney Smith stated that they would propose merging the lots which would provide plenty of room for coverage and impervious coverage. He went on to say that traffic would be somewhat of a concern in terms of flow, but that they could work on it. Attorney Smith commented that he did not know how the neighbors would react to the proposal, but pointed out that it would be less of an intense use than the truck wash had been. He then noted that their intent was to capture the people who were using the existing car wash.

Chairman Gannuscio asked Mr. O'Leary for any comments. Mr. O'Leary asked what the hours of operation would be; would it be open 24 hours. Attorney Smith replied that it would not be open 24 hours; they would be open business hours and closed on Sundays. Mr. O'Leary commented that circulation would be a bit of a challenge. He then asked where Attorney Smith had seen it listed in the Table of Uses. Attorney Smith replied that he considered it a "Service Station". Mr. O'Leary noted that they did not call out specifically oil change facilities in the Table of Uses. He then asked if the proposed use would require a Repairer's License. Attorney Smith replied that he did not believe that it did, because they would not be repairing any vehicles. Mr. O'Leary then stated that in the review of the application the Commission would like to see some improvement to the frontage and some upgrades (landscaping). Attorney Smith stated that they were certainly willing to look at it.

Chairman Gannuscio asked if there were still some trees left at the back to act as a buffer. Attorney Smith replied that there were. He then noted that they would do a much lower volume of traffic than the car wash; they were looking at maybe 30 customers per day. The discussion continued briefly.

Chairman Gannuscio stated that he had no strong objection to Attorney Smith's client pursuing it.

Attorney Smith stated that Sales Construction owned property on King Spring Road in an Industrial area and that they were considering opening an auction business to auction off equipment one or two times per year. He went on to say that the site was large enough and that it had an existing building and parking on-site. Attorney Smith stated that there was nothing in the Regulations that addressed it.

Chairman Gannuscio asked if they would store vehicles on-site waiting for auction. Attorney Smith replied that they would. He then reiterated that the open question was that it did not fit in any real neat box in the Regulation.

Attorney Smith pointed out that they would not be a seller of equipment, they would take the equipment in on consignment and auction it off. He went on to say that under the new Department of Motor Vehicles (DMV) Regulations if someone auctioned off trailers and large dump trucks, etc. they would need a Dealer's Auctioneer's License.

Attorney Smith reiterated that it was in an Industrial 1 area on an 8 acre parcel. He went on to say that it fit closely with a "Distribution Service". He noted that it was in a fairly intense industrially used area. Attorney Smith stated that they would probably go forward with a site plan and special use permit.

Chairman Gannuscio asked Mr. O'Leary if any red flag jumped out for him. Mr. O'Leary replied that when you thought of the neighborhood it would not seem to be out of the ordinary and not the most intense use. Mr. O'Leary went on to say that trying to fit it in the box of uses would be more difficult.

Mr. Steele asked if the auction would be open to the public. Attorney Smith replied that it would not. Mr. Steele commented that they would have to get a sense of how many patrons they would get in order to determine the parking. A brief discussion followed.

Chairman Gannuscio suggested that Attorney Smith give it a shot. Mr. O'Leary stated that it would definitely be a Special Use Permit.

COMMUNICATIONS AND BILLS:

Chairman Gannuscio stated that he had not had a chance to pick up his mail. He then noted that Ms. Rodriguez had been receiving continuing calls about Honda and the need to contain the site now that the addition had been put on hold. Mr. Gannuscio

commented that they would probably see a new site plan on how they would contain the site. Ms. Rodriguez replied that that was correct and that Honda was aware that they needed to come to the Commission. She went on to say that they had said that they would be ready to submit something in the next few days. Mr. Gannuscio noted that he would want to see it scheduled with a public hearing.

Chairman Gannuscio asked if there was anything else for discussion. Ms. Rodriguez stated that Comfort Suites was looking to convert to a Holiday Inn Express. She went on to say that they were planning on coming to the Commission for new signs and possibly some façade changes, but that that would not happen for a few months. In the meantime they were asked to put up accent lighting and they had asked if they could do so now without Commission approval. Ms. Rodriguez then distributed photos of the proposed lighting. Mr. Gannuscio asked Commission members and staff if they saw anything major with it. Ms. Rodriguez replied that she did not. Mr. Zimnoch noted that they were 150 watts shining up or down. A brief discussion followed and Mr. Gannuscio stated that they would leave it for staff review.

Chairman Gannuscio asked if there was anything else for discussion. There was not.

Chairman Gannuscio moved to adjourn the meeting. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 11:00 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.