

PLANNING & ZONING COMMISSION
March 30, 2009 Meeting

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Marshall Brown, Janet Ramsay, Jim Tatro, 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 7:10 pm.

Commission roll call was taken.

PUBLIC HEARINGS:

a. Public hearing on the zone change application of M & L Development Corporation for the property located at Lot 3 Oak Ridge Drive rear and 363 South Center Street rear.

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 March 18 and 26, 2009.

Attorney Thomas Fahey of Spring Street, Windsor Locks addressed the Commission and stated that the following individuals were also present that evening:

- Gary Merrigan of M & L Development Corporation;
- Daryl Lefeverre of M & L Development Corporation;
- Daniel Merrigan of M & L Development Corporation; and
- Kevin Johnson of Close, Jensen & Miller.

Attorney Fahey stated that the applicants were contract purchasers of the parcels at issue and that there were two parcels. He then presented a map of the area which had been supplied by the Town's GIS system. He explained that the Business 1 zone was shown in blue and the Business 2 zone was shown in green. Attorney Fahey noted that Parcel 1 was presently owned by the Chase Family and Parcel 2 was presently owned by Jane Malec-Jutras. He then pointed out that they were surrounded by various zones.

Attorney Fahey stated that they were there that evening to change the zoning to MFSD which would be a good transition from the surrounding uses. He then noted that following surrounded the property: Oak Ridge Condominiums (144 units) was to

the south of the property in question in a Business 2 zone, Bradley Suites (formerly Howard Johnsons) was to the east of Oak Ridge, a day care center, open space, and residential. Attorney Fahey commented that the present zoning of the site did not lend itself to any effective commercial development because of some of the site constraints (i.e. wetlands). He then pointed out that their concept plan for the property called for 40 units.

Attorney Fahey referred to the Plan of Conservation and Development and noted that the anticipated school projections were declining. He then referred to the Rutgers University study "Residential Demographic Multipliers" which showed that based upon 100 units of multi-family housing ranging in size from two to three bedrooms it would produce between ten and twelve students per year. Attorney Fahey commented that Bigelow in Enfield contained 500 units and that the ratio of units to students was actually less than the figures shown in the Rutgers study.

Attorney Fahey stated that most of the units would be two bedrooms and that it would be a common interest community which usually did not generate a lot of school age children because of the rules and regulations that were in place (i.e. no pools allowed, no swing sets allowed, etc.). He reiterated that the rules were usually too confining for a young family to raise children. Attorney Fahey noted that The Elms had 30 units with only ten children and The Village at Old County consisted of 37 units and had only four children.

Attorney Fahey referred to Section VII of the Plan of Conservation and Development and noted the following projections:

- School Year 06/07, 1,883 students;
- School Year 09/10, 1,708 students; and
- School Year 12/13, 1,586 students.

Attorney Fahey stated that they were in compliance with the following requirements:

- a sign had been up at the location;
- the publication had been done;
- they had delivered the application and map to the Town Clerk;
- the map showed everyone within 500 feet of the site;
- a legal description had been provided; and
- a concept plan had been presented which showed access from the cul-de-sac.

Anthony Scarfo arrived at the meeting at 7:30 pm.

Attorney Fahey stated that the property was served by public water and public sewer. He went on to say that the capacities were adequate to handle a project of the size of the one being considered. He then commented that it did not appear, by the lack of their presence at the meeting that evening, that the neighbors had any big issues with the zone change. Attorney Fahey commented that he thought that the neighbors in the Oak Ridge Condominiums preferred to have a similar use adjacent to them. He went on to say that they were currently paying the full cost to maintain Oak Ridge Drive. He then explained that at some point the applicants were going to improve Oak Ridge Drive up to the cul-de-sac according to the subdivision plans and that it would then be able to be accepted by the Town. He noted that until that time the maintenance of Oak Ridge Drive would be shared by those in Oak Ridge Condominiums and those in the proposed new multi-family housing.

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

Chairman Gannuscio asked Mr. O'Leary to go through his comments. Town Planning Consultant O'Leary referred to his memo dated March 9, 2009 and stated that the first part of that memo laid out what the request was, some of the procedural requirements, and described the surrounding zone pattern and land use pattern. He noted that the property in question was somewhat of a transitional area in the land use pattern. Mr. O'Leary commented that the Commission was basically being asked to draw the line between business and residential type districts with regard to the land use pattern.

Mr. O'Leary referred to Item 5 of his memo and stated that the Commission was required by Statute to look at the application's compatibility with the Plan of Conservation and Development (Plan). He then referred to Item 6 of his memo and stated that one of the items in the Plan looked at the entire area along Route 20, depicted in blue on the map that had been presented that evening. Mr. O'Leary went on to say that Section VI, Economic Development, of the Plan suggested that it might not be the best zoning pattern for that area in Town and that the Commission should look at the pattern and possibly develop a different zone that might encourage a mixture of uses. He pointed out that the Plan had suggested that the AIOZ zone might be a place to start. He reiterated that they were not looking at the entire Route 20 corridor that evening, just a very small part of it.

Mr. O'Leary stated that there was open space to the north of the site in question, retail to the east and residential to the south. He went on to say that in his view another multi-family or cluster residential district was not an unusual pattern.

Mr. O'Leary reiterated that there were some planning issues involved; the Commission should look at the Plan of Conservation and Development, the land use patterns, and future development of the Route 20 corridor. He then commented that he did not see the zone change and concept plan being presented as inconsistent with those planning ideas that had been discussed in the Plan of Conservation and Development.

Mr. O'Leary stated that once the Commission closed the public hearing and started deliberating they were required by Statute to provide reasons for any zone change and that they were not required to provide reasons if they were to deny the zone change. He went on to say that if they were to approve the zone change they must establish an effective date of the change and that the applicant was required to file a final map in the Town Clerk's Office.

Chairman Gannuscio asked the Commission members for any questions for Mr. O'Leary. They had none.

Chairman Gannuscio asked Mr. Steele for any comments. Town Engineer Steele stated that he had reviewed the zone change map and the concept plan that had been submitted and that he had no issues with them. He went on to say that the applicant had demonstrated that if they were to change the zone a development of a reasonable scale could be constructed on the property.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez replied that she had no issues. She then noted that she had received an email from Attorney Fahey after the previous meeting agreeing to the extension. She went on to say that she had sent notice to those on the Public Registry. Ms. Rodriguez stated that she had received an email from Patrick McMahon and asked Mr. Gannuscio if he had also received that email. Mr. Gannuscio stated that he had received the email from Mr. McMahon which contained favorable comments from the Economic and Industrial Development Committee (EIDC) with regard to the zone change application.

Attorney Fahey stated that the legal description that was included with the application described everything that fell between the parallel lines on the map that he had presented that evening. He went on to say that Parcel 1 and the rear portion of the Malec property were the subject of the zone change.

Chairman Gannuscio stated that he had received a memorandum dated January 14, 2009 from John Suchocki, Chief of Police. He went on to say that the Chief's comments were more directed toward the potential development than the zone change itself. Mr. Gannuscio then read the following from Chief Suchocki's memo:

“I have reviewed the above-identified zone change application in connection with the above-identified locations. The only comment I have is for the developer to consider laying sidewalks in the residential area.”

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

Chairman Gannuscio asked Mr. O’Leary for any further questions or comments. He had none.

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

Chairman Gannuscio asked for any public comments in opposition of the zone change application. There were none.

Chairman Gannuscio commented that he felt that the parcel as it sat in its current zoning as Business 1 and Business 2 was a victim of the Connecticut Department of Transportation’s (DOT) widening of Route 91 and closing of three of the four exit ramps. He went on to say that any business use of the parcel had become impractical, if not impossible, and that the zone change offered the chance for a quieter and better use. Mr. Gannuscio stated that it would also become a more compatible use with the Water Company land easement that was being sold to the Town. He concluded by saying that it was a more practical and relevant use of the land. Ms. Ramsay agreed with Mr. Gannuscio.

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

Chairman Gannuscio commented, with regard to the zone change application, that it complied should the Commission vote to change the zone from its current designation and that it offered sufficient grounds for voting in favor of the change. Ms. Ramsay agreed with Mr. Gannuscio’s comments and went on to say that along with Mr. McMahon and EIDC’s endorsement of the change she did not see any reason not to vote in favor of it.

Chairman Gannuscio moved to approve the zone change application of M & L Development Corporation for the property located at Lot 3 Oak Ridge Drive rear and 363 South Center Street rear from Business 1 and Business 2 to MFSD effective April 17, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Zimnoch moved to adjourn the meeting. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 7:55 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.