

PLANNING & ZONING COMMISSION
April 13, 2009 Meeting

Commission Members Present: 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, and Town Engineer Dana Steele

Mr. Zimnoch called the meeting to order at 7:10 pm.

Commission roll call was taken.

MINUTES:

Mr. Zimnoch referred to the March 9, 2009 meeting minutes and noted that he, Chairman Gannuscio, Mr. Brown, Ms. Ramsay, Mr. Tatro, and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Zimnoch moved to accept the March 9, 2009 meeting, as published. Mr. Tatro seconded the motion. All were in favor. The vote was 4 – 0 (Mr. Scarfo had not arrived at the meeting yet), the motion was approved.

Mr. Zimnoch referred to the March 30, 2009 special meeting minutes and noted that he, Chairman Gannuscio, Mr. Brown, Ms. Ramsay, Mr. Tatro, and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Zimnoch moved to accept the March 30, 2009 meeting, as published. Mr. Tatro seconded the motion. All were in favor. The vote was 4 – 0 (Mr. Scarfo had not arrived at the meeting yet), the motion was approved.

PUBLIC HEARINGS:

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

a. Public hearing on the site plan review application of American Honda Motor Company, Inc. for the property located at 555 Old County Road.

Mr. Zimnoch asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on April 1 and April 9, 2009.

Michael Irwin, Project Manager with BVH Integrated Services, addressed the Commission and stated that Mike Rutledge, from American Honda, was also present that evening. He went on to say that the hearing that evening was to facilitate the temporary shutdown activities at the site. Mr. Irwin explained that they had submitted plans for the Town's review, had received comments back from staff and then had responded back to staff, he believed to their satisfaction.

Mr. Zimnoch asked Mr. Irwin if he had received Mr. O'Leary comments dated April 6, 2009. Mr. Irwin replied that he had received Mr. Steele and Ms. Rodriguez' comments, but had not received Mr. O'Leary's.

Mr. Zimnoch asked Mr. Steele to read Town Planning Consultant O'Leary's memorandum dated April 6, 2009. Mr. Steele then read that memorandum as follows:

"The applicant is requesting approval of an application and a set of plans which depicts a temporary shutdown of the present construction site. The plans received for review are dated 3/31/09 prepared by BVH.

Comments:

1. This application was submitted as a Site Plan application requesting temporary modifications to the approved Site Plan. The Commission required a public hearing process for the application as there appeared to be some public interest in the request. The Commission should consider this as a supplement to the originally approved plan, not a replacement of those plans that contained more details and requirements of the full build out of the site. As a request for a temporary site condition, the Commission, if there is a decision to approve the application, should establish an expiration date of the temporary approval, e.g., a one-year approval, at which time the applicant could re-apply if necessary to explain the need for an extension. The five-year mandatory completion date of the original Site Plan, as required by State Statutes, would remain unchanged by any approval of this application.
2. A major aspect of the temporary site condition is the continuation of the storage trailers on the site for the duration. The plan shows the location of where trailer parking will occur. The Commission may wish to consider a condition that these are the only areas approved for temporary trailer parking and specify a maximum number of trailers allowed.

3. The applicant has completed the construction of the required landscape berms and has indicated that they will complete the site perimeter landscaping and buffering to screen these trailers. Any approval should contain a deadline that these plantings should be installed. The note on the landscape plan states that planting will occur between 3/15 and 5/15. I would suggest a condition of this application that this planting will occur by 5/15/09.
4. There had been temporary spotlights installed on the building causing off-site glare. These I believe have now been turned-off. They should be removed from the building. Any site lighting, permanent or temporary should be conditioned to be full cut off fixtures.
5. The Fire Department should comment on whether site access during this temporary shutdown is acceptable.”

Mr. Irwin stated that they agreed with the timeframes described in Item 1 of Mr. O’Leary’s memorandum. Mr. Steele clarified that the one-year timeframe was acceptable. Mr. Irwin stated that that it was acceptable. He went on to say that the completion within five years was also still acceptable. Mr. Steele asked if the location of temporary storage trailers as shown on the plan would be the only areas and also what the maximum number of trailers would be. Mr. Irwin replied that the temporary storage trailers shown on the plan would be the only areas. He then noted that they had previously submitted the maximum number of trailers. Ms. Rodriguez stated that Mr. Rutledge had sent an email on February 20, 2009 which stated that the total maximum number of trailers would be 40. Mr. Steele commented that it looked like there were more than 40 spaces shown on the plan. Mr. Rutledge stated that they had reduced the number of trailers.

Mr. Steele asked if they would have the landscaping planted by May 15, 2009. Mr. Irwin replied that the installation of the irrigation was currently being completed. He went on to say that they expected the submittals for the planting any day and that the plantings would be done within the next few weeks; they would hit the May 15, 2009 time period.

Mr. Steele asked if the building mounted lights would be removed. Mr Irwin replied that they would be removed.

Mr. Zimnoch asked about Mr. O’Leary’s last comment regarding the Fire Department. Ms. Rodriguez then read the following memorandum dated March 11, 2009 from the Fire Marshal:

“Please be advised that review of the site plan and specifications for the above noted project disclose no issues affecting fire apparatus access or fire suppression.”

Mr. Zimnoch asked the Commission for any questions. They had none.

Mr. Irwin asked Ms. Rodriguez to send him a copy of Mr. O’Leary’s memorandum. Ms. Rodriguez stated that she would do so.

Mr. Zimnoch asked Town Engineer Steele for his comments. Mr. Steele referred to his letter dated April 3, 2009 and summarized his comments as follows:

1. The application was a temporary one, therefore the applicant had agreed to a one-year timeframe.
2. Since there was an approved site plan that was on file, still active and remained approved for a five-year period from the date of the approval, the staff had felt that it was appropriate to waive certain site plan requirements for the application (i.e. A-2 survey, finished grades, paved parking areas, construction details and drainage calculations).
3. The lighting plan had been revised to show non-conforming flood lights removed from the building. The remaining temporary site lighting appeared to be full cut-off fixtures conforming to the regulations.
4. The site plans showed areas designated for trailer storage.

Mr. Steele noted that 40 trailers was the number that had previously been discussed.

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

5. The site was not going to be paved during the temporary shutdown; it was going to be a gravel surface. Structures would be elevated and some retrofitting of the drainage had been done to minimize the effects of puddling and ponding.
6. Honda had been operating under those conditions for some time and they had felt that it was working acceptably. Town staff had felt that on a short-term, temporary basis it was acceptable.

Mr. Steele stated that Items 7, 8 and 9 were suggested conditions.

7. In addition to a time frame for this approval, any motion to approve should also include a condition that additional erosion control measures deemed necessary by the Town Engineer shall be installed promptly at the owner’s expense.
8. At least three paper copies of the approved shutdown plans shall be submitted, signed and sealed by the engineer for signature and filing with the Building Department.

9. If a site erosion control bond is not already in place, the applicant shall submit such bond in an amount acceptable to the Town Engineer and in a form acceptable to the Town Attorney prior to Commission signature of the approved plans.

Mr. Steele stated that, in addition to the suggested conditions in Items 7, 8 and 9 of his letter, Mr. O'Leary had suggested conditions in Items 1, 2, 3, and 4 of his memorandum. He then explained Mr. O'Leary's four suggested conditions as follows:

- expiration date of one year;
- limiting the trailers to only the area shown on the plan and to a maximum of 40 trailers;
- landscaping installed by 5/15/09; and
- lighting on the building be removed and all site lighting be full cut-off.

Mr. Zimnoch asked Ms. Rodriguez for any comments. She had none.

Mr. Zimnoch asked the Commission members for any questions. They had none.

Mr. Zimnoch asked Mr. Irwin if all of the suggested conditions were acceptable to him. Mr. Irwin replied that they were all acceptable.

Mr. Zimnoch asked for public comments in favor of the application. There were none.

Mr. Zimnoch asked for public comments in opposition to the application.

Lori Norris of 2 Merrigan Lane addressed the Commission and stated that 40 trailers were too many to put on the site. She explained that she lived across the street from the site and commented that "storage" was too vague; what did the applicant mean by storage, what were they going to put in there. She went on to say that trucks were moving in and out of the site all night long. Ms. Norris pointed out that they also had the actual cabs parked around the corner in addition to trailers on Old County Road which she believed was in violation.

Mr. Zimnoch stated that it would be a temporary storage facility while the construction was on hold. He went on to say that it would be limited to 40 trailers total which would allow the applicant to hold the parts and move them in and out as needed. Ms. Norris clarified that that would be for another year. Mr. Zimnoch stated

that that was correct. Ms. Norris then asked “a year from when, today?” Mr. Zimnoch replied that that was correct, if it were approved that evening. Ms. Norris commented that they had already had their time.

Ms. Norris stated that they had put new lighting in the front that was too bright; it did not shine into the house, but it did shine onto the lawn. She then commented that there was also beeping all night long and that it should be around the back of the facility. Ms. Norris pointed out that they had not had that in the past. She stated that there had been a lot of commotion at the site since the start of the project. She went on to say that it should be done in a timely manner and that it had already been going on since December, way too long.

Mr. Zimnoch asked Mr. Irwin for any rebuttal. Mr. Irwin stated that they were sensitive to the neighbors. He then explained that the current economy was causing Honda to delay the construction date. He went on to say that the trees that were there had been removed to allow for the construction and that they would be planting new trees there in the next few weeks. Mr. Irwin noted that the lights that had been installed on the building should not have been installed because they were way too bright and that they would be removed. He then pointed out that the truck activity was a function of business, but that the addition would get rid of many of the trucks. Mr. Irwin commented that Honda had made a good faith effort in reducing the number of trucks and then reiterated that it was temporary. He concluded by saying that Honda had been a relatively good business to the Town and had managed their site fairly well. He then asked for the neighbors’ patience and noted that in one year it would all hopefully be behind them.

Mr. Zimnoch asked for a motion regarding the public hearing. Mr. Tatro moved to close the public hearing on the site plan review application of American Honda Motor Company, Inc. for the property located at 555 Old County Road. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0 (Mr. Scarfo had not been seated for the hearing), the motion was approved.

Mr. Zimnoch moved to approve the site plan application of American Honda Motor Company, Inc. for the property located at 555 Old County Road with the following conditions as listed in Mr. O’Leary’s memorandum dated April 6, 2009:

- 1. limit the temporary shutdown of construction for a period of one year starting today;**
- 2. a maximum of 40 trailers parked and only in the areas shown on the plans;**
- 3. landscaping will be planted by May 15, 2009; and**

4. **temporary lighting will be removed from the building and all of the temporary on site lighting will be full cut-off.**

Also included are the conditions as listed in Mr. Steele's letter dated April 3, 2009 as follows:

7. **additional erosion control measures deemed necessary by the Town Engineer shall be installed promptly at the owner's expense;**
8. **three paper copies of the approved shutdown plan shall be submitted, signed and sealed by the engineer for signature and filing with the Building Department; and**
9. **site erosion control bond, if already not in place, shall be made in an amount acceptable to the Town Engineer and in a form acceptable to the Town Attorney prior to Commission signature of the approved plans.**

Mr. Tatro seconded the motion. All were in favor. The vote was 4 – 0 (Mr. Scarfo had not been seated for the hearing), the motion was approved.

Mr. Zimnoch seated Mr. Scarfo for Mr. Gannuscio for the rest of the evening.

b. Public hearing on the special use permit application of Joseph Larrivee for the property located at 20 Old County Road.

Mr. Zimnoch asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on April 1 and April 9, 2009.

Richard Saloomey, Mr. Larrivee's partner and President of Landmark Enterprise, addressed the Commission and stated that they were proposing a U-Haul franchise at 20 Old County Road. He explained that they would be using one of the office spaces at that location as the U-Haul office and would be storing from one to six vehicles for rental on the property.

Mr. Zimnoch asked Mr. Saloomey if he had seen Mr. O'Leary's report. Mr. Saloomey replied that he had not seen it. Mr. Zimnoch then asked Mr. Steele to read Mr. O'Leary's report.

Mr. Steele read Mr. O'Leary's memorandum dated April 10, 2009 as follows:

“Comments:

1. The property in question is located on the east side of Old County Road, in the B-1 Zoning District. The property is developed with a multi-tenant office building with a paved parking area. The site has one curb cut to Old County Road and shares another curb cut with the property to the north. All surrounding properties are zoned B-1 with

commercial uses to the north, west and south, and a multi-family residential development located to the east (rear). Most of the site is open with an existing treed area to the rear.

2. The applicant is requesting to park 6 U-Haul trucks on the site, presumably for leasing.”

Mr. Steele noted that the applicant had confirmed that the trucks would be for rent or lease. Mr. Saloomey then stated that six would be the maximum number of trucks, but that the average would be three.

- “3. The site plan submitted with the application shows that there are 24 parking spaces on the site. The parking calculation on the plans shows that the existing office uses require 18 parking spaces, leaving 6 spaces for the requested trucks.
4. It is not clear that the rental of trucks is a use allowed in Section 402. However, as per Section 401, the Commission may make the determination that a use is permitted if it is similar to other uses permitted in the district and will be in harmony with those permitted uses; and, further the Commission may permit the use subject to conditions.
5. Conditions that the Commission may wish to consider to limit the visibility of the trucks on the site and to bring the site closer to conformity with the Town Zoning Regulations are:
 - a. The number of trucks to be parked on the site for lease is limited to 6, and they shall be parked at the rear of the site;
 - b. Two canopy trees shall be planted along the site frontage, as required in the Zoning Regulations.”

Mr. Zimnoch asked Mr. Saloomey if he had any issues with the suggested conditions. Mr. Saloomey replied that he had no problem with any of the conditions. Mr. Zimnoch clarified that the two canopy trees would be planted in the front. Mr. Saloomey stated that they would. Mr. Zimnoch then clarified that the trucks would strictly be parked in the rear. Mr. Saloomey stated that that was correct.

Mr. Zimnoch asked Mr. Steele for his comments. Mr. Steele stated that he had not prepared any formal comments on the application, but that he had reviewed it. He then pointed out that it was not a new site plan and that there were no proposed improvements to the site; therefore there was really nothing for him to review. Mr. Steele reiterated that the issue was whether or not it was an allowed use in a B-1 Zone. He went on to say that Mr. O’Leary had suggested that, if the Commission were to find that it was similar in use to other uses that were permitted and that it would be in harmony with those other uses, then the Commission could allow it under Section 401.

Mr. Zimnoch asked Ms. Rodriguez for any comments. She had none. Mr. Steele then read the following uses from the list of permitted uses for the zone contained in the Regulations:

“retail stores, retail service, personnel service shops, research laboratories including fabricating, processing or manufacturing which was secondary and incidental to such services provided it creates no objectionable noise, vibration or odor noticeable off the premises but excluding the use of any explosives or flammable material which may create a hazard.

Mr. Steele noted that the proposed use could be classified as a retail use.

Mr. Zimnoch asked Mr. Saloomey what other types of businesses were at the location. Mr. Saloomey replied that there were currently seven other tenants in the building. He went on to say that they included a courier service, massage therapy, a nail salon, and a security company; all small offices with no more than two people in any of them. He noted that Center Line Construction was the largest tenant with six parking spaces allocated to them where they parked their trucks at night. Mr. Zimnoch asked where they parked those trucks. Mr. Saloomey replied that they were parked on the side of the building.

Mr. Saloomey stated that U-Haul had been talking about starting them off with one to two vehicles at the site. He explained that six vehicles was the number that they had chosen if the business grew. He then pointed out that they would not all be trucks, the majority were regular vans and trailers.

Mr. Zimnoch asked the Commission for any further questions. They had none.

Mr. Steele noted, with regard to the use, that automobile sales were also a permitted use in a Business 1 Zone by Special Use Permit. He went on to say that it also noted that vehicles must be 15 feet from any residential zone. He then pointed out that there was a residential use to the rear of the site, but that it appeared to be about 200 feet away.

Mr. Zimnoch asked for any public comments in favor of the application. There were none.

Mr. Zimnoch asked for any public comments in opposition to the application. There were none.

Ms. Rodriguez read the following from the Fire Marshal's letter dated March 11, 2009:

“Please be advised that a review of the site plan and specifications for the above noted project disclosed no issues affecting fire apparatus or suppression.”

Mr. Zimnoch asked for a motion regarding the public hearing. Mr. Tatro moved to close the public hearing on the special use permit application of Joseph Larrivee for the property located at 20 Old County Road. Mr. Brown seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Zimnoch asked for a motion regarding the application. Mr. Tatro moved that the Commission determined that the special use intended for the property was in conformance with the Business 1 Zone requirements. Ms. Ramsay seconded the motion. A brief discussion followed and Ms. Ramsay moved to accept the special use permit application of Joseph Larrivee for the property located at 20 Old County Road with the following conditions as listed in Mr. O'Leary's memorandum dated April 10, 2009:

- 1. The number of trucks to be parked on the site for lease is limited to 6, and they shall be parked at the rear of the site.**
- 2. Two canopy trees shall be planted along the site frontage, as required in the Zoning Regulations.**

Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

c. Public hearing on the site plan application of Stephen Ayotte for the property located at 288 North Street.

Mr. Zimnoch stated that the Commission had received a letter dated April 13, 2009 from Stephen Ayotte. He then read the letter as follows:

“Dear Commissioner, at this time I would like to withdraw my application to return at a later date in order to address staff comments on the property in question.”

Ms. Rodriguez stated that the file and all submitted materials would remain in the Building Office. She then noted that it was a public record and that if anyone wanted to review it they could do so. She went on to say that, depending on what happened in the very near future, her Office would have to follow up on it as an enforcement issue.

Mr. Zimnoch moved to accept the withdrawal of the site plan application of Stephen Ayotte for the property located at 288 North Street without prejudice. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

d. Public hearing on the special use permit application of the Sales Auction Company, LLC for the property located at 55 King Spring Road.

Mr. Zimnoch asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on April 1 and April 9, 2009.

Attorney Paul Smith addressed the Commission and stated that it was an application that they had discussed with the Commission at a previous meeting during an informal session. He went on to say that they were proposing to use the industrial site on King Spring Road for a commercial auction company. Attorney Smith stated that the site was owned by Sam and Frank Sales and noted that Sam Sales and his son Sam were present that evening along with Kevin Johnson from Close, Jensen and Miller.

Attorney Smith described the site as follows:

- approximately 6.4 acres;
- located on the north side of King Spring Road;
- currently had a storage building and shop on it in the front;
- currently had a large contractors area in the back; and
- the Sales had operated the site as an equipment storage site/contractor yard for 40+ years.

He went on to say that the Sales were not active in the construction business any longer, but that they did still store some equipment and material on the site. Attorney Smith stated that they were proposing to start up a commercial heavy equipment auction site at the location.

Attorney Smith distributed an aerial photo of the site that had been printed from the Town's GIS system. He then explained that it was a very active industrial area with the large C & S warehouse at the end of the road, the asphalt plant, contractor yards, auto body shops, and a storage facility. He noted that there were all industrial uses up and down King Spring Road.

Attorney Smith stated, with regard to their proposal for the site, that they had designated an area to the rear of the property (behind the existing buildings) to keep the equipment to be auctioned off and that there was an additional area for overflow

parking which would be used only when there was an auction. Attorney Smith commented that one of the first questions that they had been asked at their informal discussion with the Commission had been did the proposed use fit into a Section 402 Industrial use. He then referred to the permitted uses in Section 402 for Industrial 1 (page 19 of the Regulations) and read the following two uses:

- “The furnishing of any services such as cleaning, repairing, cold storage, bottling and distributing, including freight terminals, railroad yards, truck terminals and transfer stations.
- “The fabrication, manufacturing, or industrial or research operation of any kind which will not constitute a public hazard or create obnoxious odor.”

Attorney Smith stated that the proposed use was an industrial use; it was the storage of commercial and construction equipment (not cars or pickup trucks).

Attorney Smith stated that they would designate an auction date, assemble the equipment on the site three to four weeks before the auction and would remove the equipment from the site within a day or two after the auction. He went on to say that it fit very comfortably within the Section 402 uses. He then pointed out that most of the equipment, if not all of it, that was going to be auctioned off was not owned by the company. Attorney Smith explained that they would take the equipment on consignment, sell it (they were the middle man) and then it would be removed from the site by the new owner rather quickly.

Attorney Smith stated that they were not proposing and were not going to do the following:

- not going to do any repairs or refurbishing of any equipment on the site;
- the site would not be open to the public, except on auction days; and
- it would not be operated as a retail site, it would not be a used equipment dealership.

Attorney Smith noted that many of the bidders were internet bidders which might reduce the amount of people at the auction. He explained that they would have trucks moving the equipment in and out of the site on occasion, but that truck traffic already occurred on King Spring Road. He went on to say that there would not be a lot of impact on Town roads since King Spring Road was a dead end street which was directed off onto Route 75.

Attorney Smith explained that, if they were extremely successful, they would anticipate having as many as four auction dates on the site per year, but that to start out they would probably only have one to two auctions per year. He went on to say that they would be one-day auctions and would be held on Saturdays. Attorney Smith noted that 8:00 am to 8:00 pm would be the extreme limit for the auction hours.

Attorney Smith noted that the biggest question was regarding the parking area. He explained that they had proposed a parking area to handle the public parking for the auctions and that they anticipated about 75 to 100 customers at each auction. He went on to say that they had provided an additional 52 parking spaces (most people would arrive with more than one individual per vehicle). Attorney Smith stated that it was not a very intense use from a customer usage standpoint. He then reiterated that it would not be a very busy site, except on the auction days.

Attorney Smith stated, with regard to the parking that, the question was how they should deal with the parking. He went on to say that he felt that it clearly fell into some sort of temporary parking. He pointed out that it would be a small, local auction house concentrating on Connecticut, Massachusetts and possibly New York. He then reiterated that the trend was to move toward internet auctioning. Attorney Smith commented that there were several scenarios for dealing with the parking and that they had proposed a gravel area for parking, but that Mr. Steele had had some concerns with regard to drainage for a gravel parking area. He noted that the existing surface was fairly pervious. He went on to say that Mr. Steele's suggestion had been that they designate a parking area and keep it at its current surface condition.

Attorney Smith distributed a list of suggested conditions to the Commission members and staff. He then read the suggested conditions as follows:

1. Auctions shall be held no more than four days per year.
2. Applicant shall provide adequate off street parking for all auction customers.
3. Auction hours shall be limited from 8:00 am to 8:00 pm.

Attorney Smith stated that, as required, they had gone to the Zoning Board of Appeals (ZBA) in order to obtain a Motor Vehicle Dealers License. He explained that some of the equipment that they were going to auction (dump trucks and trailers) were registered and anyone who sold more than five registered vehicles at any type of auction was required to have a Dealers License to do so. Attorney Smith then noted that the ZBA had approved the Dealers License location and had indicated that it was for the commercial equipment auction.

Attorney Smith stated that they had received comments from Fire, Police and Wetlands and that they had all indicated that they had no issues with the site. He then submitted the comments from Fire, Police and Wetlands to Mr. Zimnoch for the record.

Mr. Zimnoch asked the Commission members for any questions. Mr. Tatro clarified that the auctions would take place on Saturdays. Attorney Smith stated that that was correct. Mr. Tatro then asked if it would be reasonable to amend the suggested

condition to read “auctions shall be held no more than four Saturdays per year”. Attorney Smith replied that the only reason he would be reluctant to do so was because he did not know if there might be a special auction that the applicant might want to run on another day of the week. He went on to say that they were happy to limit the auctions to four days per year and that, if the Commission felt it were important to limit them to Saturdays, the applicant would consider it. Attorney Smith commented that he thought that the level of activity and traffic on King Spring Road was less on Saturdays. Mr. Sales noted that it was pretty busy on King Spring Road every day, except for Sunday, because of the C & S warehouse. He went on to say that he would like to keep the flexibility for a weekday auction, if possible.

Mr. Zimnoch referred to Condition 2 that had been suggested by Attorney Smith and asked if it referred to having an area set-up on the parcel for parking. Attorney Smith replied that that was correct. Mr. Zimnoch then asked if they were proposing any type of gravel area. Attorney Smith replied that they had proposed it as an aggregate surface, but that the operative question in Mr. Steele’s letter was that if they were to put 6 inches of gravel down it would pack down over time and become an impervious surface. He then noted that the current surface was fairly pervious absorbing the water pretty well and that they were not going to be changing the grade of the area. Attorney Smith went on to say that if they were to put an impervious surface in they might need something else for drainage (i.e. catch basin, detention area, swaling, etc.). He then commented that they felt that they would only have people using the parking area four times per year making it a low intense use. He pointed out that they could certainly drive vehicles in the area and park very easily, it was currently level and clear. Attorney Smith stated that what they were committing to in Condition 2 was that no matter what they would provide adequate off-street parking and if it were not adequate at any point they would have to go back to the Commission for some type of expanded parking. Mr. Zimnoch commented that vehicles parking on the street would be the trigger. Mr. Sales stated that he did not want to park any vehicles on the street because it was a pretty busy street. He went on to say that he believed that there were currently “No Parking” signs on the street anyway.

Mr. Zimnoch asked Attorney Smith if he had received a copy of Mr. O’Leary’s comments. Attorney Smith replied that he had.

Mr. Zimnoch asked Mr. Steele for his comments. Mr. Steele stated that he had supplied a letter dated April 13, 2009 and summarized his comments as follows:

1. The plans that were submitted showed some lighting on the building, but the applicant had confirmed that they were not proposing any new lighting; only the

- existing lighting would remain. The Existing Condition Plan should be clarified to show those lights on the existing plan, because they currently were not shown on the existing plan but were shown on the site plan.
2. The plans proposed a processed aggregate surface for parking of vehicles. Section 705.F.2 of the Regulations talked about parking surfaces being either paved or a 6" gravel surface (the gravel surface being for low volume, seasonal type uses). Mr. Steele explained that one of the things that was happening in environmental engineering technology development was looking for new ways to reduce the impacts of development. One such thing was pervious pavement type surface treatments that would provide a hard durable surface, but would still allow the water to infiltrate into the ground. Mr. Steele commented that he hoped that in the Commission's interpretation of the Regulations they could find room for that type of application as a positive alternative in certain situations. He stated that, in visiting the site, he felt that the existing surface was pretty level, easy to drive on, and he did not see any particular issue with it. He went on to say that he felt that it was something that the Commission could consider. He then pointed out that the aggregate surface would require a stormwater basin to treat the runoff, because that type of surface would increase runoff off the site. Mr. Steele stated that a pervious pavement, crushed stone surface or the current existing condition would all be acceptable options. He then stated that he felt that for the frequency and condition of soil he did not see a problem with the existing surface, but that it was for the Commission to determine.
- Mr. Steele referred to Mr. Tatro's suggestion to limit the auction to certain days of the week and commented that he had also thought of that, but that he did not know if any other day of the week was any worse than any other. He went on to say that the applicant had stated that they anticipated 75 to 100 customers. He then noted that the plan showed parking for 52 vehicles with some additional parking in the front of site as well. Mr. Steele suggested that the Commission might want to consider limiting the number of customer vehicles on the site.

Mr. Steele asked about bathroom facilities. Mr. Sales replied that there were going to be three to four portolets at each auction. He went on to say that the auction would strictly be outside, the building would be closed.

Mr. Steele commented that one of reasons for a paved surface would be for winter activity for ease of maintenance. He went on to say that if the auctions were not going take to place during the winter months the Commission could work that in as another condition to provide some additional control. He then noted that they may even want to limit it if it were raining. Mr. Sales stated that that would be tough, because if an auction was scheduled and it rained they could not postpone it since it would have already been advertised. Mr. Steele pointed out that if there were a lot of

activity after heavy rainstorms they could get a lot of rutting and additional erosion. He then suggested that there be a condition that addressed weather conditions. Mr. Sales stated that the only time that he got any really muddy conditions was in the early spring. Mr. Steele then suggested a condition to the effect of “no auctions performed when the ground surface or weather conditions do not provide a stable parking surface”. Attorney Smith stated that that would be fine. Mr. Steele pointed out that the problem with any condition was enforcement, but that he thought that it would probably work.

Mr. Zimnoch asked what would need to be done in the back of the site in order to provide the parking area. Mr. Steele replied that it would depend upon the type of parking; if the Commission were considering leaving the existing surface then they would only need to remove the existing material that was stockpiled in the middle of the parking area. He went on to say that the site was already level and did not need to be regraded or disturbed in any way. Mr. Zimnoch asked how the parking area was accessible. Mr. Steele replied that it was all open; there was no defined travel road. Mr. Zimnoch stated that he thought that the Regulations would require a tracking pad. Mr. Steele stated that there was a paved parking area in the front that would provide quite a bit of tracking before the vehicles actually reached King Spring Road; there was adequate anti-tracking control.

3. A comment regarding the survey notes.

Mr. Zimnoch stated that it basically sounded as though the access onto the property was not the issue, but rather the parking lot was; whether it would present itself as a problem in the future. He went on to say that it was something that perhaps could be captured in a condition of approval. Mr. Steele pointed out that the applicant had suggested Condition 2, “Applicant shall provide adequate off street parking for all auction customers.” He then clarified that the word “adequate” was intended to mean both type of surface and quantity. Attorney Smith stated that that was correct. He then suggested that, if it were approved as surface parking as it currently existed, they limit it to the area indicated on the plan and demarcate it for the auctions. Mr. Sales stated that they would do so anyway to keep things orderly.

Attorney Smith suggested leaving the surface as it was, restricting the auctions to four days per year, and restricting the parking to the area shown on the plan. He went on to say that they had no objection to a condition of “no auctions in December, January and February”. He then also noted that they would be happy to include a condition which stated that no auction would be held unless they could provide a stable parking

condition. Attorney Smith stated that they did not have any objection to requiring portolets for the auction days. Mr. Steele stated that they should show the designated area for them and for trash receptacles.

Mr. Steele commented that the applicant had mentioned that equipment would be brought onto the site, auctioned off and removed. He then asked the applicant if he was concerned that the equipment would stay on the site for extended periods of time; if a piece of equipment came for an auction and didn't sell could it stay for the next auction and so on. Attorney Smith stated that the applicant did not own the equipment and did not want it on the site for a long period of time. Mr. Steele asked, if the equipment did not sell, what the owner's incentive was to take it away. Mr. Sales replied that the incentive was that they still owned it; it wouldn't make much sense to leave an expensive piece of equipment on the site for an extended period of time. He then commented that he had never seen it happen before. Mr. Sales stated that they would take two weeks prior to the auction to assemble the equipment on the site and that they would try to get it off the site quickly after the auction for liability reasons; generally within one week everything would be gone.

Mr. Zimnoch asked Mr. Steele to read Mr. O'Leary's comments. Mr. Steele then read Mr. O'Leary's memorandum dated April 10, 2009 as follows:

- “1. The applicant has submitted a Special Use Permit application to permit a ‘heavy equipment auction site’ on his property at 55 King Spring Road. The site and all surrounding properties in Windsor Locks are zoned Industrial – 1 and are developed with industrial uses. The site abuts the Town of Suffield to the north.
2. The site is presently being used to store construction trucks, material and equipment. The proposed site plan shows the allocation of a planned parking area for customers of the auction and a vehicle storage and display area for the auction. The customer parking area is shown to be improved with a processed aggregate surface. No improvements are shown for the vehicle storage and display area.
3. As to the proposed use, Section 402 does not clearly indicate this as a permitted use; however, Section 401 of the Zoning Regulations allows the Commission to make the determination that a use is permitted if it is similar to other uses permitted in the district and will be in harmony with those permitted uses; and, further the Commission may permit the use subject to conditions.
4. The Commission may wish to have in writing, as part of the record of this application, additional information regarding this application – e.g., what is the frequency of the planned auctions?, what are the expected hours and days of the auction?, what would be the expected

attendance and number of vehicles associated with the auction? The Commission may wish to condition any approval with such criteria. A potential condition of any approval that the Commission may wish to consider is to require that sufficient off-street parking spaces for all customers for the auction are provided; and if the planned number of spaces is not sufficient, additional spaces will be immediately provided.

5. Section VII of the Zoning Regulations requires that parking areas are paved with appropriate base. It also allows “low volume” parking areas to be constructed with a 6 inch gravel surface on a suitable sub-base. The Town Engineer recommendation should be sought in this matter. This section of the regulations also requires that parking areas have a certain amount of landscaping. The Commission will have to make a determination as to the applicability of this requirement in this circumstance. The proposed parking area is well removed from views from off the site.
6. As an application within 500 feet of an abutting town, notification was required to be made to Suffield.”

Mr. Zimnoch noted that they had discussed all of the issues raised in Mr. O’Leary’s comments.

Mr. Zimnoch asked Ms. Rodriguez if she had visited the site. Ms. Rodriguez replied that she had visited the site. She then referred to Item 3 in Mr. O’Leary’s memorandum regarding Section 402 and noted that similar uses did exist, i.e. repair garages, shops, wholesale trade, bulk storage, distributing and manufacturing. Ms. Rodriguez stated that there were certainly some similar uses that were permitted and the proposed four auctions per year was a much less intense use.

Ms. Rodriguez stated that she had sent a letter to the Town of Suffield and had received no correspondence back from them. She then noted that the Zoning Board of Appeals had approved the license location approval required by the State Statutes. Ms. Rodriguez went on to say that she had received comments from Fire, Police and the Soil Scientists. She noted that the Soil Scientist had stated that the proposed use was outside of the review area and no work was proposed/no disturbance was proposed. Ms. Rodriguez then commented that, from an enforcement perspective, what had been proposed was reasonable; she would hear about any problem. She went on to say that temporary uses were permitted by her with consultation from other departments. She then commented that she did not think that it was unacceptable to have something four times per year with the existing conditions; she had no problem with what was being proposed and discussed.

Mr. Zimnoch clarified that the Commission could go with the conditions as they had been suggested by the applicant and the additional conditions that were added; no auctions unless stable parking surface could be provided and there would be portolets and trash receptacles located on the plan. He then noted that the trigger would be the second condition, “the applicant shall provide adequate off-street parking for all auction customers” and if that condition was not being met then it would require that the applicant go back before the Commission to resolve the issue.

Mr. Zimnoch asked for public comments in favor of the application. There were none.

Mr. Zimnoch asked for public comments in opposition to the application. There were none.

Mr. Brown asked if he was correct in assuming that the applicant would not have any repair facility on the property. Attorney Smith replied that that was correct; they were not set-up to do any repair work. Mr. Sales stated that he was not interested in doing any painting or repairs.

Attorney Smith summarized the conditions as follows:

1. Auctions shall be held no more than four days per year.
2. Applicant shall provide adequate off street parking for all auction customers.

Mr. Steele suggested that they add “with appropriate surface treatments” to Condition 2.

3. Auction hours shall be limited from 8:00 am to 8:00 pm.
4. Portolets for auction days.

Mr. Zimnoch stated that they were requiring portolets and trash receptacles for auction days and adding them to the plan.

5. No auctions in December, January and February.

Mr. Steele suggested “no auctions when surface or weather conditions do not provide a stable parking surface”. Attorney Smith stated that he had viewed it from the other direction; if they had a problem with the surface they could not have auctions until they corrected it. He went on to say that it was not practical to cancel an auction because it was raining, but rather if they created an unstable condition they would have to resolve it before another auction could take place. The discussion continued and Mr. Tatro suggested that the Commission’s approval be conditional upon a review after one year. Attorney Smith stated that they would be willing to do a one year review. The Commission members and the applicant then agreed to the following condition:

6. Applicant shall return after one year to review parking conditions and provide additional improvements as needed.

7. Parking shall be on existing conditions, limited to areas shown on plan and shall be marked on auction days.
8. No repair or refurbishing of equipment.

Mr. Sales stated that he had no problem with any of the conditions.

Mr. Zimnoch pointed out that the applicant had mentioned that vehicles would be brought onto the site two weeks prior to the auction and would be gone within one week after the auction.

Mr. Zimnoch read the March 19, 2009 letter from the Police Chief as follows:

“I have reviewed the application for site plan modification at the above-identified location and have no problems or concerns at this time.”

Mr. Zimnoch read the March 24, 2009 letter from Michael Gragnolati, Soil Scientist, as follows:

“As per your request I visited the above referenced site for the presence of inland wetland or watercourses. I am pleased to inform you there are no wetlands on site but there is a small stream to the west of the property. The top of bank of this stream is the boundary of the regulated area.

As part of my site visit I reviewed a Modified Site Plan prepared for property owned by Samuel P. Sales & Frank D. Sales Jr., 55 King Spring Road, Windsor Locks, CT by Close, Jensen, and Miller dated 2/25/09. This plan shows no work within 80 ft. of the watercourse which takes it out of the upland review area which negates the need for review of the Windsor Locks Inland Wetlands and Watercourses Agency.”

Mr. Zimnoch read the March 11, 2009 memorandum from the Fire Marshal as follows:

“Please be advised that review of the site plan(s) and specifications for the above noted project disclosed no issues affecting fire apparatus access or fire suppression.”

Attorney Smith commented that when they had submitted the application they had done it as a Special Use Permit and a Motor Vehicle License Location Approval, because both check-off boxes were on the application form. He then questioned whether it was really a Motor Vehicle License Location Approval before the Commission since the Zoning Board of Appeals (ZBA) had already approved that. Ms. Rodriguez commented that the Motor Vehicle License Location Approval check-

off box on the application may have been there since before the Statute had changed and confirmed that the license location had already been approved by the ZBA and that the applicant was before the Commission for the use.

Mr. Brown moved to close the public hearing on the Sales Auction Company, LLC for the property located at 55 King Spring Road. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Tatro asked if the Commission needed to make a formal motion on the determination regarding the use. A brief discussion followed and Ms. Ramsay moved that the Commission determined that it was an accepted activity on the site. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Zimnoch moved to approve the special use permit application of the Sales Auction Company, LLC for the property located at 55 King Spring Road with the following conditions:

- 1. Auctions shall be held no more than four days per year.**
- 2. Applicant shall provide adequate off street parking with appropriate surface treatments for all auction customers.**
- 3. Auction hours shall be limited from 8:00 am to 8:00 pm.**
- 4. Portolets and trash receptacles for auction days.**
- 5. No auctions in December, January and February.**
- 6. Applicant shall return after one year to review parking conditions and provide additional improvements as needed.**
- 7. Parking shall be limited to areas shown on plan and shall be marked on auction days.**
- 8. No repair or refurbishing of equipment.**

Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and Staff

Mr. Zimnoch asked the Recording Secretary to carry forward the discussions on the zoning regulations (density, shared parking and a possible village district) and the sign regulations (election signs) to the Commission's May meeting.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

i. Site plan review application of David Bonvouloir for the property located at 442 Spring Street.

Ms. Rodriguez noted that in January, 2009 there had been some discussions regarding the property in question and at that time it was decided that a public hearing was needed for the property because there had been some public concern. She then noted that there were still some members of the public present and asked if there was anyone present that wanted to speak during the public input portion of the meeting; a few people replied that they did. She then explained that the application would legally get received that evening and scheduled, but that there would be no public hearing on it that evening. Ms. Rodriguez noted that no public hearing was required for the application. Mr. Zimnoch backed the meeting up to Public Input again.

a. Public Input

Bernard Saucus of 40 Dale Street addressed the Commission and stated that his property abutted the back of 442 Spring Street. He went on to say that the trees had been chopped down by the owner and that the stumps were left in the back of the property. He then noted that on Spring Street there was a strip mall with a little building behind it and next to that was a pile of brush that could be a fire hazard. Mr. Saucus then stated that there was also a bunch of garbage parked on the north side of the building.

Mr. Zimnoch asked when the owner had removed the trees. Mr. Saucus replied that it had occurred during the past two months. He went on to say that they had cut right up to the 25 foot buffer zone. Mr. Saucus then asked what type of building was going to go in on the property. Mr. Zimnoch replied that they did not know; the Commission was just receiving the application that evening. Ms. Rodriguez pointed out that the information was on file in her office and that it was for public record. She went on to say that anyone was welcome to look at it during office hours.

Mr. Steele pointed out that the cutting of trees did not require a permit. He went on to say that currently there was no use on the property and that when a use application came in it would require a certain buffer which would be addressed at that time.

b. Receive New Applications

i. Site plan review application of David Bonvouloir for the property located at 442 Spring Street.

A brief discussion took place and the Commission members agreed that a public hearing was needed on the application.

Mr. Zimnoch moved to accept the site plan review application of David Bonvouloir for the property located at 442 Spring Street and to schedule it for a public hearing and site plan review on May 11, 2009. Mr. Brown seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

ii. Special use permit application of David Griffin and Christopher Burke for the property located at 12 North Street.

Attorney Paul Smith addressed the Commission and stated that the Commission had approved, about one year prior, an Adaptive Reuse of 12 North Street to have two apartments and a business underneath. He explained that they were now proposing to change the business on the bottom to another apartment. Attorney Smith noted that he had submitted an existing conditions map.

Mr. Zimnoch moved to accept the special use permit application of David Griffin and Christopher Burke for the property located at 12 North Street and schedule it for a public hearing on May 11, 2009. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

iii. Site plan modification application of All Weather, LLC for the property located at 9 North Gate Drive.

Mr. Zimnoch moved to accept the site plan modification application of All Weather, LLC for the property located at 9 North Gate Drive and to schedule a site plan modification for May 11, 2009. Mr. Brown seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

c. Discussion of 177 Old County Road

Ms. Rodriguez explained that 177 Old County Road was Lucas Pond and had been approved years prior. She went on to say that the plan would expire this year and, therefore, they were looking to have their Wetlands and Planning and Zoning permits extended. She noted that they were planning on coming to the meeting that evening, but that when they realized that they were last on a very long agenda they had called to say that they were in no rush and wanted to come in at the following month's meeting.

Mr. Zimnoch clarified that they were looking for an extension. Ms. Rodriguez stated that that was correct; they had done some site cleanup, but nothing else. Mr. Zimnoch asked if they would need some type of application for the extension. Ms. Rodriguez replied that that process was not really written into the Regulations as something that was required. Mr. Steele commented that he did not think an application and public hearing was required; a letter and a discussion would be all that was needed. A brief discussion took place and Mr. Zimnoch stated that they should have them come back to the Commission to provide an update and reasons for the extension.

Mr. Zimnoch moved to schedule a review for the extension of 177 Old County Road at the May 11, 2009 meeting under Old Business. Mr. Tatro seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Steele stated that the Northwind Estates Subdivision was requesting a bond reduction for the roadway improvements in that subdivision. He went on to say that he had not completed his review of it, but asked that a review of the bond reduction be added to the May meeting agenda under Communications and Bills.

Mr. Steele stated, with regard to that same subdivision, that the applicant had been before the Commission regarding some revisions to the drainage system for the third phase of the development due to the high water table. He explained that they were pursuing an option to purchase some property rights on the Suffield property to the

north, but had been unsuccessful. Mr. Steele stated that they had then gone back to the drawing board and were working on a plan to construct a new detention basin on a couple of the lots in the development. He noted that it was an important thing to the Town that they resolve the issue; it needed to be addressed. Mr. Steele explained that there would be no change in the number of lots and no change in the roadway. There would be a change to the infrastructure and to the conservation easement.

Mr. Steele asked if the Commission would like them to come back for a modification or a staff review. Mr. Zimnoch commented that it sounded pretty complicated. Mr. Steele stated that it was technical, but that he felt that it could be handled administratively with staff; it was up to the Commission how they wanted to handle it. He then noted that they were going back to Wetlands. Mr. Zimnoch stated that since it was all technical it would be okay for staff review. All of the Commission members agreed.

Mr. Zimnoch moved to schedule a review of the bond reduction for Northwind Estates under Communications and Bills at the May 11, 2009 meeting. Mr. Tatro 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 10:15 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.