

**PLANNING & ZONING COMMISSION**  
**May 11, 2009 Meeting**

Commission Members Present: Alan Gannuscio, Marshall Brown, Janet Ramsay,  
and Jim Tatro

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands  
Officer Jennifer Rodriguez, and Town Engineer Dana Steele

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Chairman Gannuscio called the meeting to order at 7:15 pm.

Commission roll call was taken.

**MINUTES:**

**Chairman Gannuscio referred to the April 13, 2009 meeting minutes and noted that Mr. Zimnoch, 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. Ms. Rodriguez noted that clarification of the motion regarding the special use permit application of Sales Auction Company, LLC for the property located at 55 King Spring Road had been requested by Attorney Paul Smith. She explained that one of the conditions of approval had stated “no repair or refurbishing of equipment”, but that during the discussion they had actually talked about no repair or refurbishing of auction equipment. She went on to say that when the motion had been made auction equipment had not been specified, but that it should have been. Mr. Tatro moved to approve the April 13, 2009 meeting minutes, with the following change:**

**- Condition 8 of the Sales Auction Company, LLC special use permit motion should read “No repair or refurbishing of auction equipment”.**

**Ms. Ramsay seconded the motion. All were in favor. The vote was 3 – 0 (Chairman Gannuscio abstained, he was not present for that meeting), the motion was approved.**

**PUBLIC HEARINGS:**

- a. Public hearing on the site plan review application of David Bonvouloir for the property located at 442 Spring Street.**

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 had been published in the Journal Inquirer on April 29, 2009 and May 7, 2009.

Chairman Gannuscio noted that there were only four Commission members present and, therefore, any vote would have to be unanimous.

Attorney Carl Landolina of Fahey, Landolina & Associates, 487 Spring Street, addressed the Commission and then distributed revised drainage calculations and a revised set of plans. He then stated that the following individuals were also present that evening:

- David Bonvouloir, the applicant;
- Len Norton, project engineer; and
- Gary LeClaire, land surveyor.

Attorney Landolina noted that Mr. Bonvouloir was not the owner of the property in question; it was owned by Sabine Enterprises, LLC. He went on to say that Mr. Bonvouloir had a contract to purchase the property pending approval of the Commission.

Attorney Landolina stated that he had had an informal discussion with the Commission regarding the proposal several months prior. He explained that Mr. Bonvouloir currently ran an operation on North Street, in the garage behind the house by the Ayotte Brothers. Attorney Landolina stated that Mr. Bonvouloir had purchased that property eight years prior, lived on the property and ran his business out of the garage. He went on to say that Mr. Bonvouloir's business had outgrown the facility and he wanted to relocate his business to the property in question.

Attorney Landolina explained that Mr. Bonvouloir welded and fabricated wrought iron fencing, stairs and other types of metal fabrication. He went on to say that most of the work was done off-site at his client's location. He then noted that some pre-fabrication and preparation of materials would be done at the site in question. Attorney Landolina stated that the property was zoned as Business 1 on Spring Street. He went on to say that they felt that Mr. Bonvouloir's business would be considered a "personal service shop".

Attorney Landolina pointed out that there were a number of operations on Spring Street which were similar to what Mr. Bonvouloir was proposing. He then referred to 445 Spring Street (Joe LaPierre' building) which contained Sinsigali Signs, Joe LaPierre's office and five or six large garage bay doors where parts and equipment were stored. He then referred to 465 Spring Street (Mr. Sales' building) which contained Red Rider Lawn Equipment and large garage bay doors around back with a mason contractor, a mechanical supply facility and a carpet/tile person as well.

Attorney Landolina stated that the building that was being proposed was approximately 9,000 square feet (60' x 150'). He went on to say that Mr. Bonvouloir intended to occupy half of the building (4,500 square feet). He then explained that in addition to whatever garage/bay doors were associated with Mr. Bonvouloir's business there would be three additional large bay doors so that he could divide the remaining 4,500 square feet into three 1,500 square foot places for tenants or possibly keep it as one 4,500 square foot space for one tenant if he found someone who wanted the entire space. Attorney Landolina stated that there were currently no prospective tenants for the building.

Attorney Landolina reiterated that he felt that the proposal would fit under the personal service provisions of the business regulation.

Len Norton of Norton Engineering, Broad Brook, Connecticut, addressed the Commission and described the proposal as follows:

- property located behind Spring Street Automotive;
- the building was being proposed on the left side of the shared driveway;
- a 9,000 square foot building;
- a driveway already existed
- a proposed parking area and loading area in the front of the building;
- parking spaces out to the front property line;
- loading areas with parking and overhead doors in the front;
- a swale around the back of the building to take care of any roof water in the back;
- a dry well off the rear of the building;
- a series of leaching chambers or galleys with a catch basin system to take care of the water in the front;
- a groundwater recharge for the area for the stormwater;
- the front half of the roof would be piped into the catch basin which would go to the galleys;
- screening in the back, a double row of trees starting at the northeast corner going around the back of the property by the residential properties;
- public sewer, will connect to an existing manhole in the street;
- will drill a well for water since there was no public water; and
- a dumpster with the proper screening.

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

Attorney Landolina referred to Town Planning Consultant O'Leary's memorandum dated April 26, 2009 and stated that at the time Mr. O'Leary had drafted the memorandum it was based upon a prior version of the site plan layout (dated April 3,

2009). He went on to say that as a result of Mr. O'Leary's comments they had made at least one significant change to the plans. Attorney Landolina then explained that they had originally proposed one row of Arbor vitae along the northerly portion of the property and along Mr. and Mrs. Valentino's property, but that as a result of Mr. O'Leary's comments they had doubled that up to two rows of Arbor vitae to provide an adequate buffer. He noted that it was at least 25 feet in width, which was required under the regulations. Attorney Landolina noted that Mr. O'Leary's other comments had to do with elevations, which they had since provided.

Attorney Landolina referred to Mr. O'Leary's comment 6c regarding Section 705.f.7 which required that 15% of parking areas be landscaped and stated that they had not done so. He then explained that the reason that they had not done so was due to the nature of Mr. Bonvouloir's business. He went on to say that fairly large (moderate-sized) trucks would be coming in and out of the facility, on an infrequent basis, to deliver materials and equipment. Attorney Landolina noted that, given the large bay doors, if they were to take up any of the parking areas with landscaping it would be difficult for trucks to negotiate the parking area for deliveries. He then pointed out that they did not want to move the deliveries around the back of the facility, because they wanted as much buffer between the facility and the residential properties as possible. Attorney Landolina reiterated that all deliveries would be made to the front of the facility and, therefore, it would be impractical to provide any landscaped areas within the parking area.

Attorney Landolina referred to page 57 of the Regulations, Section 705.f, the last paragraph and noted that it stated the following:

“The Zoning Commission may reduce, waive or modify the requirements of green space in such instances as it finds such requirements unreasonable due to the size, shape or topography of the lot.”

He then asked the Commission to consider not requiring any landscaped areas within the parking area.

Attorney Landolina referred to Section 705.f.7 and Mr. O'Leary's comment 6d and noted that it required that all paved areas be separated from the building by a 10 foot wide landscaped area. He went on to say that they were not showing that on the proposed plan. He then commented that he could not find any such requirement in his copy of the Regulations. Attorney Landolina stated that, if the requirement did exist, the Commission reduce or modify the requirement as allowed under Section 705.f. He commented that they could put some green space between the bay doors, but that it would make it more difficult to plow and would be impractical.

Attorney Landolina referred to Section 6e of Mr. O'Leary's comments in which he pointed to another regulation that required one canopy tree for each 10 parking spaces. He then noted that they had 13 parking spaces which would require that two canopy trees be put somewhere in the parking area. He went on to say that they could do so if the Commission wanted, but that it would be impractical and unreasonable to do so. Attorney Landolina stated that they were trying to keep as much buffer area between the facility and the residential properties as possible.

Attorney Landolina referred to the parking requirements and noted that one space for every 150 square feet of building floor area was required. He pointed out that excepted from that calculation were utility areas and storage areas. He then explained that they did not intend to have any office or retail space, the entire area would be storage space. Attorney Landolina commented that Mr. Bonvouloir might have a small desk and computer in the back, but other than that it would all be storage of equipment and materials. He went on to say that Mr. Bonvouloir was a one-man operation and only needed a parking space for his truck. He then noted that, if anyone came to see Mr. Bonvouloir, they had provided 13 parking spaces which was more than adequate. Attorney Landolina stated that, if the Commission felt that 13 spaces was not adequate, there was enough room on the paved area to stripe another 10 spaces.

Attorney Landolina commented that, if someone came in as a tenant, they would have to come before the Commission for approval of their use. He went on to say that, if the Commission required additional parking spaces, they could layout some additional spaces on the pavement.

Attorney Landolina stated that they had received comments from the Fire Marshal dated March 11, 2009 stating that he had no issues affecting fire apparatus access or fire suppression. He went on to say that they had also received comments from the Water Pollution Control Authority which was essentially just a warning that there was a connection fee of \$3,000 per unit.

Chairman Gannuscio pointed out that the requirement of 15% of all parking areas be landscaped as noted by Mr. O'Leary was contained in the most recent set of Regulations. He then read the following from those Regulations:

“Any parking area shall have at least 15% of its gross parking lot area as determined by the Commission in landscaped areas. At a minimum all parking rows shall end in landscaped islands having a minimum width of 10 feet. Any area within the parking lot which is not required for parking spaces, loading space, isle, driveway or walkway shall be landscaped. All paved and gravel areas shall be separated from all buildings, except in

front of garage doors, by a minimum 10 foot wide landscaped area. This area may include sidewalks. The landscaped areas along the front of the building shall contain foundation plantings. In every parking area at least one canopy tree with a minimum of size of 2 ½ inches in caliper shall be provided for each 10 parking spaces provided in said parking area. Trees shall be distributed over the entire parking lot. The Commission may require sidewalks within the parking lot to safely permit pedestrians to move from parking spaces to the building entry. These sidewalks may be calculated as part of the required parking lot landscaped areas.”

Attorney Landolina pointed out that most of the front of the building was taken up by doors of some kind (large bay doors and entrance doors). He went on to say that it would be somewhat difficult to add the landscaping, but that they could add some between the doors.

Chairman Gannuscio clarified that the front of the proposed building looked on the back of the building that housed the Cuttery. Attorney Landolina stated that that was correct. Mr. Gannuscio stated that one of the things that the Commission could take into consideration, rather than redrawing and putting some of the landscaped areas in, would be to concentrate some of the green space to try to buffer from the residential properties to the rear and west. Attorney Landolina commented that that was what they had done.

Chairman Gannuscio asked what was located at 466 Spring Street; was it the old Ziggy's. Attorney Landolina replied that that was correct and that it was currently vacant.

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

Chairman Gannuscio asked Town Engineer Steele if there would be any engineering affect of concentrating the landscaping for screening the residential properties as opposed to having the landscaped areas in the parking area. Mr. Steele clarified that Mr. Gannuscio was suggesting that the front parking area stay as it had been proposed and not be moved. Mr. Gannuscio stated that that was correct. Mr. Steele stated that the applicant's design was based upon the current plan and that they had accounted for drainage for that lay-out. He went on to say that if the proposed layout was acceptable to the Commission no changes would need to be made. Mr. Gannuscio then asked the Commission members if they had any problems with his line of thinking with regard to the parking and landscaped areas. They had no issues.

Mr. Steele asked Chairman Gannuscio if he was satisfied with the buffering. Mr. Gannuscio replied that the only question that he would raise was that it looked as though the property had been clear cut and how quickly the buffering would actually do what it was supposed to do (provide a buffer to the houses). Attorney Landolina stated that Mr. Gannuscio was correct; the property had essentially been clear cut in the past six to eight months. He then pointed out that in addition to the landscaping that was shown on the plan the applicant was willing to offer a solid wood fence along the common boundary between his property and all of the residential abutters. He went on to say that it would be a five or six foot high solid wood fence along the northerly and westerly boundary with the trees behind it. Mr. Gannuscio clarified that the fence would be on Mr. Bonvouloir's side and then the trees on the abutter's side. Attorney Landolina stated that that was correct. He then noted that the trees that had been on the site were hardwoods and would not have provided a year-round buffer. In addition, it had been the property owner who had clear cut the trees and not Mr. Bonvouloir. Mr. Gannuscio stated that it sounded like a reasonable alternative and that he would rather see the landscaping concentrated in the back as a buffer as opposed to in the front in the parking area.

Chairman Gannuscio asked Mr. Steele for his comments and if he had had an opportunity to review the drywell analysis that had been distributed that evening. Mr. Steele stated that he had reviewed it earlier that afternoon and that everything was in order. He then referred to his April 7, 2009 letter containing ten items and stated that pretty much all of the his comments had been addressed. He went on to say that some of those ten items were suggested conditions of approval and that they had been incorporated as notations on the revised plans (Notes 14, 15, 16, 17 and 18).

Mr. Steele stated that the applicant had provided a detail for the sanity sewer, but that he would have to review it to be sure that it met the Town standard. He then referred to Item 5 of his letter regarding the area in the front and why there was 64.5 feet of pavement between the building and parking area. Mr. Steele noted that the answer that had been given that evening was that they needed the area for vehicles to turn around in the front. He then commented that in his opinion it was not really big enough for vehicles to turn around in the front. He went on to say that, if there were no vehicles in the parking spaces, a truck could probably turn around by driving up on the grass where the leaching gallery system was located. Mr. Steele pointed out that it would all depend on how it would function; would deliveries be made when vehicles were parked there.

Mr. Steele stated that Ms. Rodriguez had brought up a question about the plan with regard to landscaping. He explained that the applicant had added a lot of landscaping on the back side with a double row of Eastern Red Cedar trees which wrapped around

the side of the building. He then pointed out that it was only about 14 feet on the side, but that there was a 25 foot requirement. Mr. Steele commented that it appeared as though the trees could be moved over to provide some room for when they grew so that they did not overhang onto the neighbor's property; push them off the property line. He went on to say that the swale that was located there could be pushed over closer to the building as well without too much trouble.

Mr. Steele stated that most of his comments had been addressed, but that some of Mr. O'Leary's comments should be considered by the Commission.

Chairman Gannuscio asked about Item 6 from Mr. Steele's letter. Mr. Steele stated that the applicant had provided the information on the plan. He then explained that there would be only 70 watt bulbs in the back mounted at 8 feet high. He went on to say that he was not sure that the photometric foot candles shown on the plan were correct. Mr. Steele referred to the ½ foot candle requirement at the property line and commented that by his estimation the ½ foot candle came out 32 feet, but that the plan only showed it coming out 13 feet. He then noted that the building was about 42 feet from the property line; therefore there was still about 10 feet to spare. He also pointed out that it did not account for the landscaped screening that would further shield it. Mr. Steele stated that an 8 foot high mounting was very low. He went on to say that the front of the building had 175 watt lamps mounted at 15 feet high. He then commented that he saw no issue with it.

Chairman Gannuscio asked Attorney Landolina for any response to Mr. Steele's comments. Attorney Landolina referred to the buffer and stated that they could shift the trees over and move the swale closer to the building.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez referred to Item 4 from Mr. O'Leary's memorandum and stated that it was a difficult process when a new tenant came into the Building Office asking if they could move into a building. She went on to say that she wanted a very clear process for approving any new tenants as a condition of any approval regarding the application. Ms. Rodriguez then referred to "industrial" and stated that it should be made very clear that it was a secondary use. She then asked if there would be a vehicle for any required parking changes when a new tenant moved in. She noted that when a new tenant moved into the building they would need to provide a parking table and if the spaces were met then it would be okay, but if the required number of parking spaces were to change it would have to be brought to the Town Engineer and possibly the Commission. Mr. Gannuscio commented that that sounded reasonable.



Ms. Rodriguez referred to the 25 foot buffer and commented that she had assumed that 18 Smalley Road was a residential property; therefore she wanted to see the 25 foot wide buffer written into the plan rather than just the 15 foot side yard that was currently shown on the plan. Ms. Rodriguez stated that she had not received a copy of the lighting standards and then asked for a copy for her file. She then referred to the signage and asked if it would be for staff approval or if the applicant would be required to go back before the Commission with their sign information. Ms. Rodriguez pointed out that she had not seen any outdoor storage on the plan and asked for clarification as to whether or not there was going to be any outdoor storage.

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

Attorney Landolina stated that they did not intend to have any outdoor storage for Mr. Bonvouloir's operation and that they were not going to allow any tenants to have outdoor storage either. He went on to say that they could put a line on the plan showing the 25 foot buffer.

Attorney Landolina reiterated that they were only asking for approval that evening for Mr. Bonvouloir to use the site and that any future tenants would have to go to Ms. Rodriguez and the Commission, if necessary.

Chairman Gannuscio stated that he had received a letter from the Police Chief dated March 25, 2009 which contained the following three comments:

- “1. While I realize that we have no authorization to mandate ‘No Parking Signs’ on the driveway to the building, it would be advisable to post such signs to allow for emergency vehicles to enter.
2. In the event, either now or in the future, a decision is made to place lights in the parking areas, be sure they do not reflect on the rear yards of residents on Dale Street.
3. At the entrance and exits onto Spring Street, be sure to adhere to all Planning and Zoning regulations.”

Attorney Landolina stated that they could put “No Parking Signs” on their side of the driveway, but that they could not control what Spring Street Auto did on the other side. Chairman Gannuscio commented that the lights did not reflect onto the residents on Dale Street and pointed out that Dale Street was on the back side of the building where there was no parking and there was a buffer and full cut-off lighting mounted on the building. He then noted that the entrance and exit onto Spring Street was beyond the scope of the application.

Chairman Gannuscio asked Ms. Rodriguez if she had received comments from the Fire Department. Ms. Rodriguez replied that she had received a letter from the Fire Marshal dated March 11, 2009 which stated that there were no issues with fire apparatus access or fire suppression.

Chairman Gannuscio asked Ms. Rodriguez if there were any wetland concerns. Ms. Rodriguez replied that there were none.

Chairman Gannuscio asked the Commission members for any questions. Mr. Brown clarified that most of the work would be done on the customer's property and that none of it would be done at the site in question. He then commented that he was concerned about noise levels. Attorney Landolina stated that some fabrication (welding) would take place inside the building, but that they did not believe that any noise levels would be off-site. Mr. Brown then asked if the welding being done on-site would be done during normal business hours. Attorney Landolina stated that that was correct.

Chairman Gannuscio referred to the elevations and commented that smaller doors were on the west, east and north side of the buildings; anything facing the residential properties had doors that would probably be closed most of the time. He went on to say that, if any doors were going to be left open, they would be the larger bay doors which faced the back of the existing building. Attorney Landolina stated that that was correct.

Chairman Gannuscio asked for any public comments in support of the application.

Bernard Saukis of 40 Dale Street addressed the Commission and asked where the dry well was going to be located and how deep it was going to be. Mr. Norton stated that the dry well was designed to be 9 ½ feet deep and 6 feet in diameter. He then explained that water would drain into the ground, there would be no pipes going out of the dry well; there would be one pipe going into the dry well from the back of the roof.

Mr. Saukis asked what the hours of operation were going to be. Mr. Bonvouloir replied that the hours of operation were going to be 7:00 am to 4:00 pm. Mr. Saukis then asked if most of the cutting would be done inside the building. Mr. Bonvouloir replied that that was correct. Mr. Saukis asked what the height of the fence was going to be. Mr. Bonvouloir replied that he was willing to put up a fence up to 8 feet high.

Mr. Saukis then asked if any new tenants would have to go before the Commission. Chairman Gannuscio replied that they might. He explained that they would first go to the Building Office and if there were any questions regarding the proposed use it would then go before the Commission. He then reiterated that any action that was taken that evening would be solely based upon Mr. Bonvouloir's proposed use. Mr. Saukis asked what lighting was being proposed on the back of the building, on the Dale Street side. Mr. Gannuscio replied that they had proposed building mounted fixtures, 75 watts with full cut-off fixtures directing the light down and not out.

Mr. Saukis asked Mr. Bonvouloir what end of the building his operation was going to be in. Mr. Bonvouloir replied that it was going to be in the west end. Mr. Saukis then asked where his storage tanks were going to be located. Mr. Bonvouloir replied that there would be one set in the shop and the others would stay on the truck. A brief discussion continued regarding the tanks and their storage.

Steve Sullivan of 22 Dale Street addressed the Commission and stated that he was not in favor or opposed to the application. He went on to say that he had spoken with the applicant earlier and that he seemed to be very accommodating. Mr. Sullivan stated that he had the following concerns:

- operating hours of the business;
- operating hours of the construction;
- future tenants;
- trash removal;
- weekends and holiday work;
- deliveries; and
- the work inside.

He noted that all of his concerns were geared toward noise generation. Mr. Sullivan stated that they had a fairly quiet neighborhood and that he wanted to keep it that way.

Chairman Gannuscio stated that the dumpster was located on the Cuttery side of the building. Mr. Sullivan stated that he was more concerned with the time of day that the dumpster would be picked up. Mr. Bonvouloir stated that he would schedule the dumpster pick-up during normal business hours. He went on to say that his business would operate during normal business hours and maybe Saturdays if he got really busy. Mr. Bonvouloir noted that all of the deliveries were made Monday through Friday between 7:00 am and 4:00 pm on flatbed trucks. He then stated that any tenants would be respectable; he would make sure of that. Mr. Sullivan stated that he had a welding background and if Mr. Bonvouloir was going to do his work inside the building then it should be fine.

Chairman Gannuscio asked for any public comments in opposition to the application.

Clark Mason with Spring Street Service Center at 436 Spring Street addressed the Commission and stated that he was not necessarily opposed to the proposal but that he did have some concerns. He went on to say that one of his concerns was that the proposal showed a well in close proximity to their well and that he would prefer it be moved further away from their well. Mr. Mason then stated that there was the prospect of large vehicles coming in and that he was not sure if the driveway would be able to take vehicles of that size. He went on to say that he was also concerned with the ability to turn large vehicles around in the proposed parking area; they might have to back into their area to turn around and possibly back into their customers' vehicles.

Chairman Gannuscio asked Ms. Rodriguez if North Central Health would have final say regarding the well. Ms. Rodriguez replied that that was correct; her office did not handle it. Mr. Steele stated that one of the conditions that he had suggested be added to the plans was that if North Central had a problem with the well location the applicant would have to find another suitable location. He went on to say that Mr. Mason's concerns regarding trucks backing up onto his property was a valid one. Mr. Steele commented that he felt that it was tight, but that he did not know if there was a way to improve the situation.

Chairman Gannuscio asked if any of the Dale Street or Smalley Road residences had wells. Mr. Saukis replied that they had both city water and wells. Another gentleman stated that the majority of residences on Dale Street had wells.

Robert Motega of 46 Dickerman addressed the Commission and referred to the concerns that had been mentioned regarding the turn around of trucks. He stated that most of the delivery trucks would be the same width as the wreckers that delivered vehicles to Spring Street Auto and would have a 20 to 24 foot bed. Mr. Motega noted that he could turn the truck around on a dime in the proposed parking area without leaving the parking lot. He went on to say that he drove trucks delivering iron and cranes and that the 64 feet that was being provided was enough area to turn a truck around in. He then pointed out that at the Department of Motor Vehicles driving test tractor trailers had to do U-turns in 64 feet.

Chairman Gannuscio asked the applicant for any response. Mr. Norton commented that, if it was a little tight to turn a truck around, they had proposed a Cape Cod- type, mountable curb that the trucks could go up and over without damaging them, if necessary. He pointed out that they actually had a little more room than they showed on the plan and that turning the trucks around should not be a problem.

Attorney Landolina stated that they would accommodate Mr. Steele's request for some additional notes on the plans.

Chairman Gannuscio asked Mr. Steele for any comments. Mr. Steele referred to Item 4 from Mr. O'Leary's memorandum regarding parking requirements. He then stated that Section 705.i.6 talked about other uses that were not listed in the regulations and required parking as determined by the Commission. He went on to say that his concern was that the parking based upon employees was really for Industrial uses and not for Business uses; therefore it was not being consistent with the regulation. Attorney Landolina agreed with Mr. Steele that the table on the plans should be modified because it did read like one parking space per employee which was the Industrial standard and did not apply. He went on to say that the parking would be whatever the Commission said it should be and that that was what they would provide; therefore the table should be modified.

Chairman Gannuscio asked Mr. Bonvouloir how many people came into his business on an average day. Mr. Bonvouloir replied that it was mostly sales people and that he might get one per day, but not very often because he was usually out in the field.

Mr. Steele referred to Item 7 from Mr. O'Leary's memorandum which said "no sign information has been provided" and then asked if the signage was going to be a separate application. Mr. Bonvouloir stated that a new utility pole was going to be going in and that he would have to fit the sign in after the utilities and the new pole were installed. Attorney Landolina stated that it would be a separate application.

Bill Fargo of Dale Street addressed the Commission and stated that his property backed up to Spring Street Auto. He went on to say that one of his concerns was that if there was a fire in the proposed building there was no water back there other than the well water and how the fire trucks were going to get back there.

Mr. Steele stated that the Fire Department had already commented on the application. Chairman Gannuscio reiterated that the Fire Department had stated that they had no problem with access or fire suppression. He went on to say that the Police Chief had strongly suggested that the driveway be kept clear, although the Commission could not impose that. Mr. Fargo asked if they could make the driveway wider. Mr. Gannuscio replied that the driveway was already in existence and that the stub for the entrance to the proposed building was all that the applicant had control of.

Mr. Fargo commented that he was not for or against the application. He then asked what the height of the building was going to be. Mr. Bonvouloir replied that it would be 17 feet to the gutter and 19 ½ feet to the ridge line. Attorney Landolina noted that the regulations provided for a 35 foot high building.

Ms. Rodriguez stated that when the applicant came in for a building permit for the building, its contents and fire suppression for the interior of the building would be reviewed by the Fire Marshal again in more detail.

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

**Chairman Gannuscio asked for a motion regarding the public hearing. Ms. Ramsay moved to close the public hearing on the site plan review application of David Bonvouloir for the property located at 442 Spring Street. Mr. Tatro seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**Chairman Gannuscio asked for a motion regarding the application. Mr. Brown moved to approve the site plan review application of David Bonvouloir for the property located at 442 Spring Street in a Business 1 district with the following conditions:**

- 1. any tenants that might come in to the open areas that are not going to be used by the applicant go before the Planning Coordinator, and possibly the Commission for approval;**
- 2. signage application will come in later;**
- 3. if possible, “No Parking” signs be posted so as not to block any of the driveway;**
- 4. an 8 foot fence will be installed blocking the view from Dale Street;**
- 5. hours of operation will be 7:00 am to 4:00 pm Monday through Friday and possibly Saturdays;**
- 6. the noise level be kept to a minimum, not to disturb the neighbors;**
- 7. the Table of Parking to be modified to show the actual parking use;**
- 8. the dumpster removal hours to be regulated by the owner of the building to be later in the day;**
- 9 add a 25 foot buffer line to the plan and move the evergreens away from the property line; and**
- 10. no outside storage.**

**Chairman Gannuscio referred to Section 705.f.7 for parking lot landscaping and noted that the Commission waived strict adherence to the requirements in light**

**of the applicant's intention to concentrate more resources on buffering the site from the residential abutters in terms of a fence and concentrating more landscaping in those areas. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Chairman Gannuscio called a five minute break at 8:53 pm.

#### **FIVE MINUTE BREAK**

Chairman Gannuscio called the meeting back to order at 9:00 pm.

#### **b. Public hearing on the special use permit application of David Griffin and Christopher Burke for the property located at 12 North Street.**

Chairman Gannuscio 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 29, 2009 and May 7, 2009

Attorney Paul Smith addressed the Commission and stated that Christopher Burke and David Griffin were also present that evening. He then described the site as follows:

- 1 acre site;
- located at the corner of North Street and Suffield Street; and
- three buildings on the site (a small commercial storage building, a two-family that fronts on Suffield Street and a three storey commercial building which they had converted the top two floors of to residential back in 2007).

Attorney Smith stated that the applicants had rehabilitated the building and installed all of the landscaping and other site improvements as required by the 2007 site approval.

Attorney Smith stated that they were asking the Commission to consider allowing them to convert the lower floor from commercial to residential. He then noted that they would end up with a three-family, a two-family and a commercial storage unit on the site. He went on to say that the applicants had been very actively trying to find a tenant for the commercial unit over the past year, but had been unable to do so. Attorney Smith stated that the applicants had talked with the Building Department regarding the conversion and the Building Inspector had inspected the building and had had no issues with the proposed conversion.

Attorney Smith submitted the following four photographs of the site:

- the front view from North Street;
- the side where two entrances to the two existing apartments were located;
- the view looking down North Street at the site improvements; and
- the interior of one of the apartments.

Attorney Smith stated that there were currently tenants in the two apartments and that there were no issues with the neighbors and that the neighbors had had no issues with the tenants.

Attorney Smith stated that it would be an excellent fit to convert the lower floor. He then referred to Section 407 and noted that the Commission had to consider the surrounding area and if it were compatible. Attorney Smith pointed out that there was a four-family residence located to one side of the property, a mix of commercial uses across the street on North Street, and commercial and multi-family on the corner of North and Suffield Streets. He went on to say that the applicants had significantly improved the property and increased the value of it and the neighborhood. Attorney Smith reiterated that it was compatible. He then commented that it would be difficult to envision a reasonable commercial tenant. Attorney Smith noted that there would be two entrance points to the proposed unit.

Attorney Smith stated that they had received comments from Police and Fire which he then submitted to Chairman Gannuscio. He then noted that neither Police or Fire had had any issues with the proposal.

Attorney Smith stated that they had no comments to Mr. O'Leary's memorandum; they did not disagree with anything contained in that memorandum. He went on to say that Item 5 from Mr. O'Leary's memorandum asked that they confirm that all improvements and landscaping had been completed. Attorney Smith then confirmed that they had all been completed.

Attorney Smith asked if they needed to get another plan signed. Mr. Steele noted that the information that had been submitted with the application was a copy of the previous approval. He went on to say that his assumption was that the Commission would consider waiving the requirement for an updated plan. Mr. Steele pointed out that the applicant was not proposing something more intense or any changes. The discussion continued and it was noted that the applicants would have a special use approval letter that they could submit to the Building Office. Mr. Steele stated that Section 1102 allowed the Commission to waive the requirements, if the Commission chose to do so.



Chairman Gannuscio asked Ms. Rodriguez for any comments. She had none.

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

Chairman Gannuscio noted that Mr. O'Leary's memorandum had not raised any issues other than the Commission making the determination that it would be compatible with the surrounding area.

Chairman Gannuscio asked for any public comments in favor of the application. There were none.

Chairman Gannuscio asked for any public comments in opposition to the application. There were none.

Chairman Gannuscio asked Attorney Smith for any final comments. He had none.

**Chairman Gannuscio moved to close the public hearing on the special use permit application of David Griffin and Christopher Burke for the property located at 12 North Street. Mr. Brown seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Chairman Gannuscio referred to the special use application and stated that he could see the logic in not requiring another full set of plans and that the Commission waive the requirements of Section 1102 when it came to filing additional paper. He then referred to the actual conversion and stated that he felt that it fell in line with what existed in the area surrounding the property in question. He noted that there were numerous multi-family dwellings within the considerable radius of the property. Mr. Gannuscio stated that the property had been cleaned up and improved considerably. He went on to say that the existing use offered an upgrade in appearance and probably use of the building on what previously had existed. Mr. Gannusco concluded by saying that it was something that the Commission should look favorably on.

**Chairman Gannuscio moved to approve the special use permit application of David Griffin and Christopher Burke for the property located at 12 North Street to allow the use of the first floor of the building as a residential dwelling unit. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**REVIEWS:**

**a. Review of the site plan modification application of All Weather, LLC for the property located at 9 North Gate Drive.**

David Palmberg of William R. Palmberg & Son Land Surveyors, LLC addressed the Commission and distributed revised plans to the Commission members and staff. He explained that the site in question had a previous site plan approval dated July 10, 2006 for a landscaping operation and associated parking lot.

Mr. Palmberg noted that they were presenting a modified site plan for that same landscaping operation. He then explained that they had relocated the proposed building, which had originally been proposed on the south end of the site, to the north side of the site and that they had reduced the impervious pavement on the site as well. Mr. Palmberg stated that everything else had stayed the same.

Mr. Palmberg summarized the site as follows:

- a proposed 2,000 square foot building (which was 300 square feet larger than what had originally been approved);
- reduced the proposed paved area to consist of the access driveway into the site, a paved handicapped parking area between the building and North Gate Drive, and a paved area leading up to two overhead doors on the south side of the building;
- outside of the paved area from the building line back they had proposed a processed stone parking area for their transient vehicles associated with All Weather's business (i.e. trailers, trucks and equipment); and
- the site was serviced by public water and sewer.

Mr. Palmberg stated that they had prepared a site plan which had been reviewed by Town Engineer Steele. He then commented that he had had a conversation with Mr. Steele the previous week regarding some of Mr. Steele's concerns. He went on to say that they had also received comments from Town Planning Consultant O'Leary.

Mr. Palmberg referred to Mr. Steele's comments and stated that Mr. Steele had raised some concerns which required the applicant to modify the proposed paved area with regard to separation from the building (10 foot setback from the building). He went on to say that the revised plan showed a paved area that abutted the building in two areas where the two overhead doors were located, but that everywhere else there was now a 10 foot buffer between the paved or processed stone area and the building. Mr. Palmberg pointed out that on the immediate southeast corner of the building and the east side along North Gate Drive they were proposing a landscaped area. He went on

to say that they were also proposing a lawn area between the two overhead doors and another one between the west side of the building and the processed stone area. Mr. Palmberg noted that Mr. Steele's remaining comments had been editorial in nature.

Mr. Palmberg stated that he had received another letter from the Mr. Steele earlier that day. He then referred to Item 3 of that letter in which Mr. Steele pointed out two drainage swales. Mr. Palmberg stated that currently the area to the south of the site was a pasture and that the site in question was an open lot. He went on to say that the property to the north and west were elevated somewhat. Mr. Palmberg explained that they had provided a catch-all for any run-off from the site to be captured and directed towards a stormwater collection system primarily providing infiltration (it was very sandy soil).

Mr. Palmberg referred to Item 4 from Mr. Steele's letter and stated that it provided for the gravel surfaces for the equipment/truck storage and parking to the rear and the south. He then reiterated that they were transient type vehicles, most likely on job sites or to and from job sites except for the winter months. He explained that that was why they had proposed processed stone as well as to reduce the impervious coverage on the site.

Mr. Palmberg referred to Items 5 and 6 of Mr. Steele's letter and stated that they were editorial in nature and that they had no objection to them.

Mr. Palmberg referred to Item 7 of Mr. Steele's letter which asked for clarification of the roof run-off. He then explained that they had indicated on the revised site plan that the roof leaders would be connected to a catch basin in the front which would be connected to the storm drainage system.

Mr. Palmberg referred to Item 8 of Mr. Steele's letter regarding white pines. He then explained that they had proposed white pines along the southern property line and that white pines were a fast growing vegetative screening. Mr. Palmberg noted that Mr. Steele had suggested possibly using Arbor vitae instead of the white pines to minimize any encroachment of the property line. He then stated that, if the Commission preferred Arbor vitae, they could use Arbor vitae instead of white pines.

Mr. Palmberg referred to Mr. O'Leary's comments that they had received earlier that day. He then addressed those comments as follows:

1. a procedural item
2. a procedural item

3. indicated specifying the intended use  
Mr. Palmberg reiterated that the site was previously approved for a landscaping operation and that the use was staying the same.
4. indicated that a few years prior side yard requirements were increased to 25 feet  
Mr. Palmberg stated that the previously approved site plan had been approved with a 12 foot side yard and that the building was located to the south. He went on to say that they had moved the building to the north and had maintained the 12 foot side yard (it was actually 13 feet off the property line). Mr. Palmberg noted that the plan had previously been approved for modifying an approved site plan and that to the north of the site was the Evergreen Tree Service with their parking area immediately abutting the property (the Evergreen Tree Service building was located on the north end of their site). He went on to say that to the south they were providing the processed stone parking area, buffer area, and a 12 foot lawn area.
5. regarding parking requirements  
Mr. Palmberg stated that the plan contained a parking summary based on the square footage of the building (2,000 square feet) as well as the number of employees (3 employees). He went on to say that a total of four parking spaces were required. He then noted that they had provided five parking spaces consisting of one handicap parking space located in the front of the building and four parking spaces located to the rear of the building. Mr. Palmberg stated that the five spaces conformed to the parking requirements. He then referred to interior landscaping in the parking area and stated that they were below the six parking space number which would require the interior parking plantings of 15%. He reiterated that they were not proposing any interior landscaping, but that they did have landscaping all around the site and had maintained the 10 foot separation of the building and the pavement with the exception of the overhead doors.
- 6&8 indicated that Mr. O'Leary would like to see dimensions on the plan indicating the 10 foot area around the building and the right-of-way  
Mr. Palmberg stated that they were shown on the revised plan. He then noted that the two street trees that Mr. O'Leary had requested were not shown on the plan. Mr. Palmberg then asked that the addition of the two street trees (2 ½ caliper) be a condition of approval.
7. outdoor lighting  
Mr. Palmberg stated that outdoor lighting was proposed, but not shown on the plan. He explained that the outdoor lighting would primarily be for security reasons and would probably consist of two wall pack units, full cut-off, mounted on the building. Mr. Palmberg asked that "cut sheets be provided to the Planning Office" be a condition of approval.

9. regarding 15% of the parking area being required for landscaping  
Mr. Palmberg reiterated that they were under the six parking spaces that would require that 15% landscaping.
10. signage  
Mr. Palmberg stated that they were not proposing any signage either on the building or freestanding.

Mr. Palmberg reiterated that they were addressing a previously approved site plan. He then noted that they had reduced the impervious area somewhat even though the building had enlarged slightly although the overall footprint had been slightly reduced. He went on to say that the use was the same and the number of employees had remained the same.

Chairman Gannuscio asked if the Grant property that was shown was a residential property. Mr. Palmberg replied that it was not a residential property, it was an industrial lot.

Chairman Gannuscio asked Mr. Steele for his comments. Mr. Steele stated that he had submitted a letter dated May 11, 2009 which indicated that he had reviewed the site plan as well as drainage calculations, architectural sketches and a basic floor plan. He went on to say that his letter contained 11 items, some of which were just comments and some were suggested conditions. Mr. Steele then suggested that Items 5 through 11 be incorporated as conditions of approval. He then summarized some of his other comments as follows:

4. gravel parking  
Mr. Steele stated that he felt that the gravel surfaces were appropriate for the truck storage area. He went on to say that Section 705.f.2 allowed for low volume uses to be gravel and the applicant had indicated that it would be low volume. Mr. Steele stated that, if the Commission was satisfied, then he saw no problem with the gravel surface area.
3. drainage swale  
Mr. Steele stated that the swales were so narrow that they were going to have to be graded flat which would mean that after a rainstorm there would be puddles. He went on to say that the soils were pretty sandy and the intention was that it would infiltrate into the ground. Mr. Steele pointed out that they would have to maintain the area and keep it mowed to keep it from turning into a wetland.

Mr. Steele stated that he had had a couple of technical comments regarding the handicap parking spaces, the roof drainage and landscaping. He went on to say that the white pine would grow to a 20 or 30 foot diameter and were proposed at 2 feet off

the property line. A brief discussion followed and Mr. Steele then pointed out that an Arbor vitae was more compact. Mr. Palmberg stated that they would have no problem substituting Arbor vitae for the white pines.

Mr. Steele referred to Mr. O'Leary's memorandum which had been based upon the March 3, 2009 site plan and not the latest plan that had been submitted. He then pointed out that the difference between the two sets of plans was very minor. Mr. Steele then summarized some of Mr. O'Leary's comments as follows:

3. Asked for the intended use to be noted on the plans.

Mr. Steele asked if there was going to be any need for outside storage (i.e. bark mulch, etc.). The applicant from All Weather replied that there would be no outside storage other than the equipment. Mr. Steele stated that the applicant had made the argument to use the 12 foot side yard rather than the 25 foot side yard. He went on to say that Mr. O'Leary had also suggested that you could draw that conclusion based on the fact that the subdivision was made prior to the change in the side yard requirements. He then noted that the site plan had been approved by the Commission in July, 2006.

Mr. Steele noted that the applicant had mentioned that they were going to have some lighting. He then asked where the lighting was going to be located. The gentleman from All Weather replied that they would put lighting on all four sides of the building for security purposes. Mr. Palmberg stated that they did not know the exact location of the lighting. He then reiterated that the lighting would be wall pack, full cut-off fixtures mounted to the building. Mr. Palmberg then asked if the lighting could be for staff approval as a condition of approval. Mr. Steele replied that usually the location and the number of lights would fall to the Commission, but that, if the Commission chose to, they could defer the location and number of lights as well as the specifications to staff.

8. Called for two street trees.

Mr. Steele asked if the applicant was agreeable to putting in the two street trees. Mr. Palmberg replied that they were agreeable. Mr. Steele stated that it also called for a canopy tree, one for every ten spaces. He went on to say that the applicant had only five spaces and asked if they would be willing to put in one canopy tree. Mr. Palmberg stated that they were open to whatever the Commission wanted. Mr. Steele suggested maybe something ornamental near the building maybe by the handicap space.

Mr. Steele noted that the applicant had mentioned the section of the regulations that allows for waiving any landscaping requirements for parking lots with six or

fewer parking spaces. He then pointed out that the proposed parking area had six spaces and that the Commission was not required to waive anything, but that the Commission could do so.

Chairman Gannuscio asked Ms. Rodriguez for any comments. Ms. Rodriguez referred to Item 10 from Mr. O'Leary's memorandum and stated that if no signs were proposed then she had no issues; everything else had been covered. She went on to say that she had provided a copy of the Town Attorney's letter dated April 22, 2009 regarding the side yard. Mr. Gannuscio noted that the Town Attorney had essentially stated that since it was a previously approved subdivision the plans did not need to comply with any subsequent changes to the Subdivision Regulations.

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

**Chairman Gannuscio moved to approve the site plan modification application of All Weather, LLC for the property located at 9 North Gate Drive subject to complying with the following conditions:**

- 1. Items 5 through 11 of Town Engineer Steele's May 11, 2009 letter;**
  - 2. note on the plans the intended use of the property;**
  - 3. lighting details will be added for staff review regarding the type of fixture, the intensity of the lighting, the location of the lighting fixtures as well as the number of lighting fixtures, the photometrics and specifics of manufacturer and details;**
  - 4. all lighting fixtures shall be full cut-off;**
  - 5. the Commission shall waive any internal parking landscape requirements including the canopy tree because it was a parking area of six spaces or less; and**
  - 6. Items 3, 6, the modification to 7, and 8 from Mr. O'Leary's memorandum.**
- Mr. Brown seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**ACTION ON CLOSED PUBLIC HEARING ITEMS:**

There were none.

**OLD BUSINESS:**

**a. Discussion with Commission and Staff**

Chairman Gannuscio commented that they needed Mr. O'Leary present to discuss the sign regulations (election signs) and the zoning regulations (density, shared parking and a possible village district); therefore he suggested that they continue those discussions to the June meeting. He then asked the Recording Secretary to add those items to the June meeting agenda.

**b. Review of the extension for 177 Old County Road**

Chairman Gannuscio stated that they had asked the Commission to carry it over to the June meeting. He then asked the Recording Secretary to add it to the June meeting agenda.

**NEW BUSINESS:**

Chairman Gannuscio commented that while driving down Route 75 earlier that day he had noticed that the Ramada had made a change to their sign without going before the Commission. He went on to say that he had spoken with Ms. Rodriguez earlier that day to see if the change had been presented to staff for approval and that it had not. Mr. Gannuscio stated that the Ramada Inn sign now had the Ramada Inn sign at the top and then three little signs for off-site businesses.

Chairman Gannuscio asked Ms. Rodriguez if anything had come up. Ms. Rodriguez replied that the hotel on South Center Street now had a purple strobe light on top of it. Mr. Gannuscio pointed out that there was also quite a large sign on the road in for the building. A brief discussion followed.

**a. Public Input**

There was none.

**b. Receive New Applications**

Chairman Gannuscio stated that they had received a site plan modification application from the Congregational Church. Attorney Paul Smith addressed the Commission and stated that they had discussed it a few months prior with the Commission about putting in a gavel based parking area for the Church. He went on to say that they had



an application to Wetlands that was scheduled to be heard at the Inland Wetlands Commission's June 3, 2009 meeting. Attorney Smith then asked if the Commission could schedule the site plan modification for the June meeting.

**Chairman Gannuscio moved to schedule a review of the site plan modification of The Congregational Church of Windsor Locks, Conn., Inc. for the property located at 8 Main Street for June 8, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Chairman Gannuscio stated that he had also received a site plan modification application from Aaron Hotel Partners, LLC for the property located at 600 Spring Street to replace the Comfort Suite signs with Holiday Inn Express signs.

**Chairman Gannuscio moved to schedule a review of the site plan modification application of Aaron Hotel Partners, LLC for the property located at 600 Spring Street for the June 8, 2009 meeting. Mr. Brown seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

#### **BILLS AND CORRESPONDENCE:**

##### **a. Review of the bond reduction for Northwind Estates.**

Mr. Steele stated that he had received a letter from T & M Building Company, the developer for the project, requesting a bond reduction. He explained that the subdivision had had three phases and that Phases 1 and 2 were mostly complete; they needed a top course of pavement and they had run into a problem with drainage in Phase 2. Mr. Steele stated that they had come before the Commission and discussed some changes that needed to be made to the drainage in Phases 2 and 3. He went on to say that it looked like they were going to put a detention basin in Phase 3.

Mr. Steele explained that the original Phase 3 called for dry wells along the side of the road in Phase 2, but because they had run into the issue of a high water table they had abandoned the idea of dry wells and were looking at a detention basin. He noted that his original bond estimate had not included the detention basin in Phase 3, but that they needed the detention basin in Phase 3 to really finish Phase 2. Mr. Steele referred to Section 12.2 of the Regulations and stated that they only allowed for a maximum reduction of 2/3 of the bond; they must leave 1/3 of the original bond amount in place until the road was accepted.

Mr. Steele referred to the Phase 2 Performance bond amount of \$262,000 and stated that about \$60,000 to \$70,000 worth of work was left to be done in Phase 2, but there was also the detention basin. He went on to say that he felt that there was enough money there to address it. Mr. Steele noted that the Regulations allowed the Commission to periodically review outstanding bonds and increase them in necessary. He concluded by saying that he felt comfortable with the reductions and that they were what he was recommending. He then pointed out that they could use Phase 2 money to build the detention basin if need be as well.

Chairman Gannuscio asked how the open space had progressed. Mr. Steele replied that there were no open space improvements required in North Wind Estates. He went on to say that there was one cleared area and that they were talking with the developer about putting some parking in that area.

**Chairman Gannuscio moved to reduce the Phase 1 E&S Bond, Phase 1 Performance bond, Phase 2 E&S Bond and the Phase 2 Performance Bond for the North Wind Estates Subdivision with the notation that the Phase 2 bond reduction will also be applied to the construction of any detention basin necessary for Phase 3 and that the bond amounts be reduced to the amounts recommended by the Town Engineer in the letter dated May 11, 2009. Mr. Tatro seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**Chairman Gannuscio stated that he had received a bill for Mr. O’Leary’s retainer for March/April, 2009 in the amount of \$3,333.00. He then moved to approve that bill for that amount. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

**Chairman Gannuscio distributed copies of the updated Regulations and stated that he was going to be printing 25 additional copies. He then asked the Commission for pre-approval of up to \$175.00 to print those 25 copies. Mr. Tatro moved to pre-approve \$175.00 to cover the cost of printing 25 copies of the Regulations. All were in favor. The vote was 4 – 0, the motion was approved.**

Chairman Gannuscio asked Ms. Rodriguez and Mr. Steele for any other concerns. Mr. Steele replied that he had no other concerns. Ms. Rodriguez stated that they had been having some meetings with Primrose (the Montgomery building). She explained that they had been talking with Primrose about where they had left off and where they were going. She went on to say that what had been mentioned was that their zone change

approval had been granted, but that their zone change map had never been filed. Ms. Rodriguez pointed out that the Regulations allowed for a certain amount of time to have those maps filed and that they had not complied with it. She then noted that the Statute simply stated that the zone change map must be filed to be in effect, but that it did not give a date; although the Regulations did give a date. Mr. Gannuscio commented that the Regulation was probably preempted by the Statute.

Mr. Steele stated that Primrose was looking for feedback/direction as to whether they needed to apply all over again or if they could just file the zone change map. Chairman Gannuscio replied that Primrose was a new group and suggested that the Commission allow them to just file the zone change map.

A brief discussion of the Springfield/New Haven rail line took place as well as other rail issues.

Ms. Rodriguez then clarified that they could let Primrose file the zone change map. Chairman Gannuscio stated that that was correct; they would allow Primrose to file the zone change map with a letter stating something to the effect of Primrose “being new to the project and here is the previously approved zone change map”.

Mr. Steele commented that Primrose had asked whether the zone change was valid if they did not notify the State Traffic Commission of the zone change. Mr. Steele went on to say that he and Ms. Rodriguez had made trips to the Department of Transportation (DOT) and had met with their representatives at which time the DOT had raised questions but had not given them anything definite. He noted that the DOT had certainly known what was happening. The discussion continued briefly.

Chairman Gannuscio stated that from what he had heard Primrose was a reputable group and that they were their own contractors. Mr. Steele noted that Primrose finally had a contract with the group from New York. Mr. Gannuscio commented that he would encourage Primrose, if they wanted to, to have a meeting or some kind of discussion with the Commission.

**Chairman Gannuscio moved to adjourn the meeting. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 10:24 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**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.**