

PLANNING AND ZONING COMMISSION
January 14, 2019 Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Jim Szepanski, Alexa Brengi, Cindy Cooper, Doug Wilson (Alternate), and Peggy Sayers (Alternate)

Commission Members Absent: None

Town Staff Present: Dana Steele (Town Engineer), Mark Pellegrini (Economic Development Coordinator)

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:03 pm.

II. Roll Call

Commission roll call was taken. (Doug Wilson arrived to the meeting one minute after roll call.) Peggy Sayers was introduced as a new Alternate member.

III. Approval of Minutes from the December 10, 2018 Regular Meeting

It was **MOVED** (Szepanski) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the minutes of the December 10, 2018 regular meeting.

IV. Public Hearings (none)

V. Reviews (none)

VI. Action on Closed Public Hearing Items

i. Update on Status of Withdrawal of Application for a Special Use Permit with Site Plan Review and Liquor Permit for a Microbrewery at 592 North Street

Chairman Gannuscio stated that on January 7, 2019 the Building Office received a letter from Brian Diggins asking for a formal withdrawal of his application filed in October 2018. He pointed out that if there is a new application the fees will be waived, per the commission's vote.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission accepts the withdrawal of the application for a special use permit with site plan review and liquor permit for 592 North Street.

VII. Old Business

A. Discussion with Commission and Staff

* 75 King Spring Road

Dana Steele, Town Engineer, stated that JSL Asphalt, 75 King Spring Road, previously proposed a building with a garage space or office space in front and a garage space in the rear, which was approved by this commission last year or the year before. The construction is done now and they are looking for a CO. They have submitted an as-built. There are some items that are not completed yet, so they are requesting a temporary CO, and they need to provide a bond to cover these items. He has reviewed this and agreed upon an amount for that bond. In reviewing the as-built and from some site visits he has observed some deviations from the plan that was approved. One deviation was two parking lights in front of the building that were in different locations than what was on the photometric plan. When he asked for an additional photometric plan to confirm this, they balked at it and suggested he go out and take a look at it, which he did. After looking at it, he thought it was fine. He does not think it will be an issue if the commission is comfortable with the informality. He cannot confirm that it meets the regulations but from a visual inspection he doesn't see a problem. There is also a light on the back of the building that is not a full cutoff fixture—it's one of those flood lights that shines out, so that doesn't conform with the regulations either. They explained to him that that light is attached to a security camera which is tied to a motion sensor, so when there is activity behind the building the light comes on and lights the area briefly so the camera can pick up the activity. They are asking for some accommodation to deviate from the regulation for that purpose. It's behind the building so you can't see it from the street. It only comes on as a motion sensor. Mr. Steele stated he feels this is a reasonable accommodation but is not sure if this is best covered by a variance or if this falls in enough of a gray area with the regulations that the nature of it does not warrant the need for a variance. The other items were fairly minor deviations. They called for concrete sidewalks and they put in two minute sidewalks instead. It's just a private sidewalk within the site that's between the parking and the building. There are some other things that are not in compliance with the plan but they said they will bring them into compliance, and that's what the bond is for, to make sure they do what they say they are going to do. Mr. Steele commented that he will get a final as-built when they are finished with the work and he can ask them to reference the motion sensor light on it to document that it will only come on with motion. He pointed out that the commission may want to think about a future text amendment to the regulations which provides some flexibility regarding security lights and to be careful about setting a precedent. Commission members agreed that the security light does not violate the regulations. Mr. Steele added that the bond was over \$30,000.

* **1000 Old County Circle**

Mr. Steele explained that this is the u-shaped building on the inside arc of Old County Circle and is a multi-tenant commercial building. Some years ago an application came in to add a cell tower behind the building. You can't see the ground structures from Old County Circle or the highway. A question came up about can they put in a pad that is increasing impervious coverage without a site plan and how to address concerns about storm water. This pad is only five feet by ten feet and is to house a generator. He asked the Building Inspector how to handle an application like this and if a permit would be issued for it. Mark Doody said to look for confirmation from the Town Planner that it conforms with zoning. Mr. Steele commented that something like this would not necessarily come to this commission. It could, but it's a very minor change. It's within a chain link fence, and you can't really see it. He stated that his conclusion was, the site where it is right now is not impervious, so putting a pad in there would increase impervious coverage to the site. He did a calculation and it looks like right now the site is at about 60%, and the allowed amount is 75%, so it's well under the maximum allowed, so this is not really an issue. An updated as-built survey seems like an excessive expense for something so small. Secondly, the question is, is this negatively impacting the storm water? The State of Connecticut has implemented environmental regulations to municipalities requiring them to regulate all of their storm water discharges. Every time someone builds a project and their water discharges into a town drainage system, the town is responsible for making sure that water is clean as it leaves the site. Technically, with this new MS4 environmental regulation you're not supposed to have any increase in directly connected impervious. The concern is that this is a violation of this regulation. He suggested that since it's such a small area they cut out some pavement where they don't need it; surely they could lose 50 square feet of impervious somewhere on the site. They said they could, but the problem is they are not the owner. There is the property owner, then the lease owner, and then the actual cell phone company who is the sub-leasee. Mr. Steele concluded that where this pad is going to be is all surrounded by pervious area so water is going to run off this pad into the pervious landscape stone and filtrate back in again, so it's not going to have an impact. He determined that it is impervious but is not directly connected. This didn't really warrant the commission's attention but he would like the commission to be aware of what he has concluded to be sure there are no objections. Commission members did not have any objections to his decision. Mr. Steele reminded the commission that we need to put on our agenda for the future to prepare regulations that address these new MS4 requirements more clearly so the commission has more authority to be requiring this.

B. Action Items (none)

(VIII. New Business)

C. Informal Discussions

i. Vacant Land on Choice Road Owned by Ahlstrom

Bob Stewart, Stewart Appraisal Services, 58 Hartford Turnpike, Tolland, and John Kumpa, Multi-Mode Logistics, 3 Choice Road and 495 North Street, addressed the commission. Mr. Stewart explained that Mr. Kumpa called him to find out the value of a piece of land that Ahlstrom is proposing to sell to him. When Mr. Stewart looked he saw a “whole lot of issues,” so they met with the Building Inspector and the Administrative Assistant last week who suggested he discuss this at the Planning and Zoning Commission’s meeting. Mr. Stewart proceeded to distribute color photos and maps and other information to the commission in order to give some background information about this land. He identified on the map the location of the property in question. Ahlstrom approached Mr. Kumpa, who handles a lot of Ahlstrom’s shipping and storage, and said they have a new project and will need more storage space. They own the subject property and asked if Mr. Kumpa would be interested in buying it from them so they could use that property for storage. Mr. Stewart looked at it and said access is a problem. John Barberino owns #6 Choice Road, and his approval back in 2014 and then in 2015 with modifications was to pave the road and extend Choice Road all the way to the property line. The problem is there’s a railroad there. There are still two spurs there. Mr. Barberino paved up to the railroad tracks, but didn’t go over the tracks. Mr. Stewart said he did some research and discovered when that property was created in 1970 there was a consent with the railroad that that property had a right to cross the railroad. He then read the approval for Mr. Barberino and saw that he needs to be able to transfer title insurance and transfer the area of the road to the town. That would then be the subject’s 50 feet of road frontage at the end of Choice Road, for access. He saw in the file a letter from Attorney Fahey talking about a spur that was abandoned. The transfer hasn’t happened yet. On the second map, Barberino’s plan, it shows one removed spur, with one still remaining that was split in two. One goes on to John’s land and one goes on to the property next door. This spur gets used monthly.

Mr. Stewart continued that it is a 7½ acre piece of land but right now it doesn’t have any road frontage, and until Mr. Barberino gives the town that 50 by 90 feet area, it won’t have any frontage. There are variances, but this is a variance down to zero from 400 feet, and that’s the billion dollar question. What are the commission member’s thoughts on whether that can happen?

Mr. Steele asked Mr. Stewart how he knows that the transfer has not occurred yet. Mr. Stewart replied that according to the land records, as of last Thursday it had not occurred. Mr. Steele stated that it was his understanding that it had occurred, but he did not know that for sure. They have paved a portion of the road, not

across the railroad tracks, but they've paved up to and including their driveway accessing their site. There was some discussion about whether we were going to require them to extend the pavement across the railroad tracks all the way to this rear parcel which is being called the subject parcel, but Mr. Barberino objected to that. The agreement was that they would deed the land so full access could be provided and Mr. Kumpa would have that 50 feet of frontage that is being discussed. The commission has already made a recommendation for acceptance of that road and it's gone to the Board of Selectmen. Mr. Steele's understanding was that the Board of Selectmen approved it and it then had to go to a Town meeting where it would be officially accepted. Selectman Kervick affirmed that it has been approved by the Board of Selectmen. He believes a date has been chosen for a Town meeting. Mr. Steele stated that it's in the works, and once it's done they will have 50 feet of frontage. He cautioned that because the pavement has not been extended over the railroad tracks, if they wanted to develop an access across there, then they would have to pave that portion of the road. He went on to say that when the pavement was put in, it wasn't brought up flush to the tracks. Mr. Stewart stated that it was not at all what was on the approval plan because the 50 foot strip to the boundary line to give to the town, with square footage of the size goes to the other side of the tracks, so that tells him that's where the boundary line is. Mr. Steele acknowledged that it's a little vague and you could interpret it that way, but he doesn't believe that was the intention. He cautioned that they not only have to cross the tracks, but also have to transition the pavement to blend in with that existing pavement, and it may require moving some of the pavement that's there. Mr. Steele advised, "When you're considering the cost of developing this site, you need to take this into consideration." The crossing will also need some type of guards or signs at least. Mr. Stewart said he realizes this is a rear building lot with 50 feet of road frontage and will need a variance. Mr. Kumpa would like to start with a simple storage of tractor trailers and inventory on the property with eventual development. It does abut a residential zone but it's the rear boundary which has a 50 foot setback. There is a stockade fence there now and the 35 foot landscape buffer would be in that 50 foot setback so they're staying away from the residential zone at least somewhat with those two setbacks. Eventually there would be a building.

Mr. Kumpa explained that he purchased 495 North Street mostly for the use of the rail. They bring in 6 to 12 or 18 rail cars a month for Ahlstrom. They worked out a simple arrangement where the rail cars come down onto their property, they offload the rail cars every month, drive around the corner, and bring it down to 159 or onto Churnside. Recently Ahlstrom acquired a very large company and expect to grow quite a bit, which led to a conversation about Ahlstrom not having enough room. They suggested that Mr. Kumpa start by getting the land appraised to see what it's worth. The track that Mr. Barberino cut led right to 3 Choice Road where Treasure Chest used to bring product right into the building. He met with the railroad, and he has a document, if he ever needs it. The rail has an easement, so that rail could go back in if he needed it. He doesn't know where that spur would begin but it would probably come right across Barberino's

property right back to 3 Choice Road. The Old Choice Vend building was recently sold, and in that building are himself and his largest client. Their leases end together, and rather than see this business leave and go elsewhere, this is a vision that he has. This property would be a good location for him. He is also buying 80 King Spring Road. He is very committed to Windsor Locks and is just working with Ahlstrom to see what they can do there. He added that it is awkward to get to Ahlstrom's trailer yard.

Chairman Gannuscio commented that this a timely meeting for them with Dana Steele, Town Engineer; Mark Pellegrini, Economic Development Coordinator; and Chris Kervick, First Selectman being here. He suggested that they collect some cards.

Mr. Steele stated that he doesn't understand why an existing lot of record needs a variance. Mr. Stewart noted that this lot was created in 1970 and was included in a concept map that is recorded. It's not a signed, approved subdivision. Mr. Steele replied, "It was cut illegally, so a variance would clean that up." Mr. Stewart said it's only a variance because it got created after zoning, so it's not a pre-existing non-conforming, and at this point it's one more step. Mr. Steele pointed out that a variance is no guarantee, and it's difficult to determine value on something you don't know if you're going to get. Mr. Kumpa said their hope was to try to determine the value of the property, but they ran into a lot of "stuff." Mr. Stewart stated it was brought up that Mr. Barberino is actively using the spur, but the spur is abandoned. They have learned a great deal at this meeting and appreciate the time the commission has spent on this.

Chairman Gannuscio asked Mr. Pellegrini if he wanted to say anything. Mr. Pellegrini suggested that they meet with staff and go through the regulations and the process and chart a path forward. It sounds like they are pretty close to understanding what they need to do, but he does not think there is anything this commission can do for them right now. Chairman Gannuscio stated that now some questions have been answered and some more have been created, but town resources are available for them. Selectman Kervick added that if they sit down and chart a path forward as Mr. Pellegrini said, and they pursue that, he would be happy to join in and help figure it out so it works out for everyone. Mr. Stewart remarked, "And a major step is you haven't all sat here and said, 'There's no way you're putting anything on that piece of land,' so that's a step right there, that there's a route to go. By no means is that an approval, but that is by no means a 'Forget it.'" Mr. Steele said this is an industrial zoned property, so if they can provide the access to it and meet all the regulations, buffers, impervious coverage, and storm water management, it's viable. Mr. Kumpa commented that step one would just be for trailer storage. Mr. Steele added that the soils in this area are very sandy, so he suspects it would be conducive for storm water management.

VIII. New Business

C. Informal Discussions

ii. Mark Pellegrini, EIDC Topics and Spring Street Discussion

Mark Pellegrini, the Town's Economic Development Coordinator, addressed the commission. He stated that he has been working on an investigation of the Spring Street area and prepared a three-page report. Chairman Gannuscio pointed out that Ms. Rodriguez went through that report in detail in December and asked if he could summarize his findings. Mr. Pellegrini went on to say that they started looking at that business district on Spring Street because they were aware of an environmental grant from the State of Connecticut called Brownfields Area-wide Revitalization Planning Grant, which was intended to look at areas of environmental contamination and do a plan to re-position and turn over an area into something else and redevelop it. After looking at the grant requirements and taking a drive down Spring Street with Ms. Rodriguez, they weren't sure if this area lined up with what the state money was for. They decided before they put an application together they should try to figure out what's going on on Spring Street.

He spent some time interviewing some of the business people there, trying to get a feel for what was on the street, what was working and what was not, and what kind of business district it was. It is a Business 1 zoning district, but it plays more like a light industrial auto-oriented kind of district. The other general observation was that it's a little tired, the street could be a little cleaner, and some of the buildings could be spruced up a little. But there are not a lot of vacancies and there are successful businesses, a lot of them locally owned. It did not look like an economically distressed area. The folks he spoke with did not talk about any real environmental problems they were experiencing, but in fairness if they were trying to borrow money or sell the property, they might not have to deal with those problems. Some of the concerns they did have were the appearances of some of the buildings and some thought that a couple of the businesses on the street may be abusing their zoning approvals and could be more closely monitored or enforced. They felt their location was a good location with easy access from Route 75 which gives them access to the highway and airport and the businesses on Route 75 and residential neighborhoods. You have a mix of uses—service businesses, landscaping companies, sign companies, metal fabricators, building contractors, truck and auto body repair. The feel is more light industrial service businesses. People were satisfied with the status quo in terms of a business environment on a business street.

Mr. Pellegrini found out that there is a long gap in the public water line on Spring Street. If the businesses wanted to expand their operation they may not be able to do it; depending on the condition of their private wells, they may not have the source or the capacity. One recommendation was to talk to Connecticut Water

and ask them what the process would be, what it might cost, and what the different funding mechanisms are. One of the challenges is if people are already on private wells and you extend the water line, you can't make them connect to the new water line, so it's often hard to get connection revenue and water bill revenue.

Mr. Pellegrini continued: Ways to encourage people to improve their properties to add curb appeal could be landscaping or façade improvements or nicer signs and could be regulatory, design review, or providing some funds, or getting people to convince their neighbors to work together.

Most of the recommendations center on zoning. Mr. Pellegrini identified 28 or 29 uses that he thought were non-conforming and not allowed in the Business 1 zone, but after showing his draft to Ms. Rodriguez, she said that's not quite correct. Over the years a lot of the businesses that are there such as the building contractors and the landscaping services could be considered personal services which are permitted in the Business 1 zone. The uses that are definitely non-conforming are any of the auto repair uses, of which there are six or seven of those. Clearing up and thinking about this difference between a personal service and other kinds of services is one thing that can be looked at, and another is whether in a Business 1 zone that needs to be interpreted differently. In other words, if there are other Business 1 zones in Windsor Locks where you do not have this current mix or concentration of these light industrial type uses and business service uses, if the zoning were interpreted that way on Spring Street, then it should also be interpreted that way on Route 75. It's something for the commission to think about. You could look at clearing up and adding definitions to separate personal service from the other service, you could look at allowing some of these things in the Business 1 zone, and you could look at adopting a new zoning district that would allow the mix on Spring Street that's there. There are various approaches, but it seems to him it would be worth taking a look at that and seeing if that could be tightened up or cleaned up a little bit.

There are a couple of large properties there, about 18 acres, that are undeveloped in the Spring Street area. There is a For Sale sign on one, but he was unable to reach the realtor, so he does not know what they might want to see there or what kind of inquiries they've received from types of businesses. Chairman Gannuscio commented that those are on the south side near Spring Park where topography is a problem.

Chairman Gannuscio said one approach might be some kind of a special zone that encompasses the uses that are there now, limiting it to Spring Street, and grandfathering what's there. Mr. Pellegrini responded that you could look at what's there and create a zoning district that says everything in this neighborhood would be permitted and legal, but then you would still have to look at your definitions and say in these other business zones, this is what this really means.

A. Public Input (none)

B. Receive New Applications

i. Master Plan of Development, 3 Ella Grasso Turnpike

Chairman Gannuscio stated that February 11 is the next scheduled meeting and asked Mr. Steele if he wanted more time to look at this application. He pointed out that Ms. Rodriguez would just be coming back the beginning of February and he would like to make sure Mr. Steele has the time to go into depth with this application. Mr. Steele replied that he is willing to try to fast track this to get it done quickly but he thinks there is wisdom in not rushing it. All members agreed that not rushing this would be wise and agreed to schedule the public hearing for the March meeting.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission accepts and schedules for a public hearing on March 11, 2019 the Master Plan of Development for 3 Ella Grasso Turnpike.

D. Action Items

i. 2019 CRCOG Regional Planning Commission Appointment

Chairman Gannuscio asked if anyone is willing to serve on the 2019 CRCOG Regional Planning Commission. Ms. Cooper and Ms. Sayers both expressed interest.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission appoints Cindy Cooper as the Regular member and Peggy Sayers as the Alternate to the 2019 CRCOG Regional Planning Commission.

OTHER

There was a discussion about the incomplete applications that have been submitted lately, including having the applicant send out letters to abutting neighbors, having mandatory pre-application meetings, and including a formal checklist or guidelines with all applications. Mr. Steele reminded the commission that legally they can't not receive an application because it's incomplete.

(VIII. New Business)

D. Action Items

ii. Election of Officers

Chairman Gannuscio seated Peggy Sayers to vote for all the officers.

It was **MOVED** (Szepanski) and **SECONDED** (Cooper) and **PASSED** (5-0, Gannuscio Abstaining) that the Planning and Zoning Commission nominates and elects Alan Gannuscio as Chairman of the Planning and Zoning Commission.

It was **MOVED** (Sayers) and **SECONDED** (Zimnoch) and **PASSED** (5-0, Gannuscio Abstaining) that the Planning and Zoning Commission closes nominations for Chairman of the Planning and Zoning Commission.

It was **MOVED** (Cooper) and **SECONDED** (Sayers) and **PASSED** (5-0, Zimnoch Abstaining) that the Planning and Zoning Commission nominates and elects Vincent Zimnoch as Vice Chairman of the Planning and Zoning Commission.

It was **MOVED** (Sayers) and **SECONDED** (Cooper) and **PASSED** (5-0, Zimnoch Abstaining) that the Planning and Zoning Commission closes nominations for Vice Chairman of the Planning and Zoning Commission.

It was **MOVED** (Cooper) and **SECONDED** (Sayers) and **PASSED** (5-0, Szepanski Abstaining) that the Planning and Zoning Commission nominates and elects Jim Szepanski as Secretary of the Planning and Zoning Commission.

It was **MOVED** (Sayers) and **SECONDED** (Cooper) and **PASSED** (5-0, Zimnoch Abstaining) that the Planning and Zoning Commission closes nominations for Secretary of the Planning and Zoning Commission.

IX. Communications and Bills

Budget: Chairman Gannuscio stated that the edict came down to keep the Planning and Zoning Commission budget to a zero percent increase. The Line Items are as follows: Recording Secretary's salary \$5,622; Legal \$15,000; Education/Training \$250; Planning Consultant (figure not given); Advertising \$3,000; Printing and Binding Regulations \$500; Print and Bind Plan of Development \$500; Office Supplies \$399; The budget meeting is on February 6, so Chairman Gannuscio will go forward with the above numbers.

OTHER

Chairman Gannuscio commented that Ms. Rodriguez had some items for discussion. George Wihby is interested in using the property at 523 Halfway House Road, which is the remediated property. He wants it for auto sales and storage for auction, similar to John Barberino. The issue is it's not approvable, but this can wait until March. Mr. Steele pointed out that Ms. Rodriguez has taken the position that they can have storage but not sales and asked if the commission agrees with this.

Chairman Gannuscio said that Bradley Apartments are converting basement storage to living spaces.

Mr. Steele said he has file plans for All Sports Village that need to be signed, but they sent them without listing the conditions of approval, which concerns him. Chairman Gannuscio said this is a legitimate concern and they need to revise the plan.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the January 14, 2019 meeting at 9:03 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*