

PLANNING AND ZONING COMMISSION
March 14, 2016 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Jim Szepanski, Alexa Brengi, Mike Forschino, and Cindy Cooper (Alternate)

Commission Members Absent: Alan Gannuscio, and Pat Sayers (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer)

I. Call to Order

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

II. Roll Call

Commission roll call was taken. Vice Chairman Zimnoch seated Cindy Cooper for Chairman Gannuscio.

III. Approval of Minutes from the January 11, 2016 Regular Meeting

Chairman Zimnoch stated that approval of the January 11, 2016 minutes will be postponed to the next meeting.

IV. Public Hearings

Mr. Szepanski read the rules for conducting a public hearing.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on January 27, 2016 and February 3, 2016, and again on February 12, 2016.

A. Special use permit and site plan review for 63 Elm Street to convert single family dwelling to two-family dwelling

The applicant, Phillip Savino, and the contractor, Bruce Phillips, addressed the commission. Mr. Savino stated that under Sections 407 and 419 he is looking to convert from a single family to a two-family dwelling. The house was in a state of disrepair and when his renter moved out, he decided to take the opportunity to do some renovations. The value of the house had decreased, so he consulted with his contractor and decided to change it to a two-family to recoup some of his losses. The only changes would be interior, with two doors being put in. No building structure additions will be made to the house. There will be some driveway improvements, with the driveway being extended further back to accommodate the necessary parking.

Vice Chairman Zimnoch asked how the house would be split. Mr. Savino responded that the first floor would contain a small efficiency apartment, and a second apartment would have rooms both upstairs and downstairs.

Mr. Steele stated he did not prepare a report for this application, but he looked at the conceptual plan, and the parking concept does seem to work. The applicant is requesting a waiver of the site plan requirements, which will need to be discussed by the commission, but Mr. Steele feels it would be helpful to have a plot plan to see what (drainage) impacts this new driveway will have on the abutting property below as well as to confirm that the dimensions shown on this schematic are correct and will in fact meet those setback requirements. Mr. Steele added that the driveway is already paved and the applicant is just extending it.

Ms. Rodriguez discussed her report dated March 14, 2016. She pointed out that Section 407, Adaptive Reuse, does permit multi-family dwellings by special use permit after a public hearing. The property is located in the underlying zone which is the Residential A Zone, and multi-family homes are permitted under Section 402, which refers back to Section 407, Adaptive Reuse. The property also lies in the Main Street Village Area (Section 419). In that regulation for these properties that are in the Village Area, the driveway can be five feet from the property line. Section 407 will direct you to the Chapter 7 regulations on parking which require two spaces per dwelling unit *and* a 10 foot space between the driveways and the property line. In terms of parking under the Village Area regulation, it requires one per unit.

Mr. Steele commented that when the applicant came in and talked with him, he was looking at that, but what he didn't look at was that Section 419 was dealing specifically with mixed use type of conversions as opposed to just residential conversions. His thinking, then, was that with a residential use being less intense, why would a greater driveway setback be required for a less intense use than for a more intense use. If it's allowed for mixed use, then certainly the five foot would be okay for residential. Ms. Rodriguez stated that she agreed with that and it is worth discussing, but the commission would need to make that interpretation.

Ms. Rodriguez noted that she did receive favorable comments from both the Fire Marshall and the Police Chief.

Mr. Steele added that with regard to setback, Section 419 talks about a five foot minimum, but the commission can require more than five feet if the commission feels a particular use requires more. The way the regulations are worded, there is some discretion on that. With regard to the DPW comments, they are not proposing any modifications to the driveway, so he doesn't feel this would require any DOT permit. Also, Mr. Steele does not feel that WPCA is implying that the applicant needs a new sewer lateral; it's just that now they will be billed based on two users rather than one.

A discussion took place regarding the number of spaces being allowed for parking. The efficiency apartment would most likely take up one space, but as Vice Chairman Zimnoch pointed out, the applicant has to plan for the worst case scenario. Mr. Phillips responded that the size of the deck could be cut back if need be. Mr. Steele pointed out that there is also a slope in the back, which limits how far back the driveway can be. Mr. Steele suggested hiring a surveyor to do a survey and an engineer to design the layout of the parking. Mr. Steele stated that the applicant is asking for a waiver of the site plan requirement, but he is now questioning if it would be wise to waive it because of the parking situation.

Vice Chairman Zimnoch said he doesn't feel this is a Village Overlay type of scenario and would like it worked out to get the maximum amount of setback—hopefully eight to ten feet. Mr. Steele suggested double stacking the cars to get four spots, although that may present a problem with having to shuffle cars. He said that maybe there is a willingness on the commission's part to accommodate this plan in order to achieve a fourth space. Mr. Savino responded that he could also make a stipulation agreement with his tenants about where to park. Mr. Phillips agreed to talk to an engineer and ask for as close to ten feet as possible on the plan.

Mr. Szepanski asked if ten feet is not workable, does the commission have the authority to cut that back to nine, eight, or seven, or does it have to go the ZBA. Vice Chairman Zimnoch responded that this commission does have the authority and the flexibility because of Section 419.

Vice Chairman Zimnoch asked for more specifics regarding the landscaping. Mr. Steele suggested that they fill in the gaps with more details when they get their survey done.

At this time Vice Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. There were none. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Szepanski) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission continues the public hearing on the special use permit and site plan review for 63 Elm Street to convert single family dwelling to two-family dwelling to April 11, 2016.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

It was **MOVED** (Szepanski) and **SECONDED** (Forschino) and **PASSED** (Unanimous, 5-0) that Item VIII.B.i. be moved to this point in the agenda.

(VIII. New Business)

B. Receive New Applications

i. Site Plan Modification for Friendly's Ice Cream, 2 Corporate Drive

Michael Petrin, Project Manager with VHB, and David Panella, Senior Director of Design and Construction for Friendly's, addressed the commission. They are here seeking approval for a site plan modification for the addition of a drive-thru at Friendly's. Mr. Petrin discussed existing conditions and gave some background as to what is happening. They will be removing pavement on the east side of the property and installing a new drive aisle on the north side of the property. The island being created on the east side will house a clearance bar at the beginning of the drive-thru that would have a mini-board and a speaker. There would be a new seven to ten foot addition to the building for the new drive-thru window. The window and speaker will have small vinyl canopies over them. The project will result in a reduction in impervious surfaces and as part of the project they have proposed a couple of silt sacks and some catch basins to control any sedimentation.

Mr. Forschino asked about the wait time and the queuing. Mr. Panella responded that they are not planning on having any waiting vehicles. They have modified their menu for the drive-thru and will have only products they can produce and put out the window in four minutes or less. This is an achievable goal. They are doing it now at their Westfield restaurant (drive-thru) and at a kiosk in Logan Airport (limited menu with four minutes or less). Their drive-thru currently is experiencing about 10 cars an hour, or one car every 6 minutes, so stacking is not a big issue. A copy of their limited menu was shared with commission members. Vice Chairman Zimnoch was concerned about the queuing of the cars. Mr. Petrin responded that six or maybe seven total would be able to queue up.

Mr. Szepanski asked about the demographics of their customers. He also mentioned the danger for children of the cars coming out of the drive-thru and crossing through the parking lot. Ms. Cooper asked why they want to put in a drive-thru. Mr. Panella replied that it gives their customers the ability to get the same high quality food they can get inside but quicker. He added that they are in the process of adding 16 other locations with possibly 25 getting done this year. Future locations include Chicopee, Greenfield, the Boston area, New York, and New Hampshire.

Mr. Panella stated that they have 10 customers maximum per hour through the drive-thru during peak time. They track all of their customers through an HME car detector which matches pretty well with the ITE manual. He stated that from the time the order is completed it takes four minutes to prepare the food and get it out to the customer. Mr. Forschino asked how it was possible to cook a hamburger in such a short period of time. Mr. Panella explained that they are upgrading all of the kitchen equipment to produce the food faster but with the same quality as before. The flow of the kitchen is being changed also. The new equipment is not just for the drive-thru but supports the dining room also, so your experience on the inside will be faster, too.

Mr. Steele discussed his report dated March 14, 2016.

Ms. Rodriguez discussed her report dated March 11, 2016. She noted that comments have been received from the Police Chief, who had no issues.

Mr. Panella commented that they will put together a separate sign application. Mr. Petrin stated that a landscape architect has been hired. He will leave a copy of the landscaping plan with Ms. Rodriguez. A discussion took place regarding the proposed landscaping. The light under the canopy was discussed briefly. Mr. Steele was concerned that it was not full cutoff since the canopy was tilted up and suggested putting a shield on either side.

Sidewalks were discussed. Vice Chairman Zimnoch explained that when there are no sidewalks on adjacent properties, the commission has been requiring an agreement to install sidewalks within a certain timeframe. Mr. Petrin asked if state approval will be needed to install the sidewalk, since Route 75 is a state road. Mr. Steele affirmed that an encroachment permit would be required. Mr. Petrin asked about the deferral. Mr. Steele responded that if it's agreed upon to be deferred, then it would not be constructed now; it would be constructed at a future date at which time your neighbor puts a sidewalk in. It's a legal agreement that goes onto the land records. Vice Chairman Zimnoch commented that the commission only required installation of sidewalks when there was a sidewalk to connect to.

A brief discussion took place regarding whether the proposed drive-thru lane constitutes an increase in non-conformity since the drive-thru is 7.3 feet from the property line, which is less than the required ten-foot setback. Mr. Petrin commented that currently the setback to the existing pavement is zero, so they would not be making it any more non-conforming that it is today. Mr. Steele responded, "The question is whether you are increasing a non-conformity by paving an area that is currently grass within ten feet of the property line." Vice Chairman Zimnoch stated that in his opinion having pavement right up to the property line is a bigger non-conformity than anything else, and removing it from the property line is reducing a bigger non-conformity, so he is okay with this. Mr. Szepanski and other commission members agreed.

Mr. Szepanski mentioned that there are some dumpsters that are not shielded with a gate and asked about the brick structure. Mr. Panella agreed that the two dumpsters need to be put inside a proper enclosure and confirmed that the dumpster location is not moving. The brick structure next to the dumpsters is a yard shed that contains lawn maintenance equipment. Mr. Szepanski suggested adding some shade landscape trees in the front of the property facing Ella Grasso Turnpike to improve the site. Vice Chairman Zimnoch agreed that would be an improvement.

It was **MOVED** (Szepanski) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission continues the site plan modification review for Friendly's Ice Cream, 2 Corporate Drive, to April 11, 2016.

VII. Old Business

A. Discussion with Commission and Staff

i. Potential Ordinance on Fire Marshall Collecting Fees

Ms. Rodriguez distributed to commission members a potential Ordinance Implementing Fees for Fire Marshall Plans Review. She said the First Selectmen and the Board of Selectmen would like to get the commission's opinion on how this added fee will impact developers and applicants. What was recommended was a percent of project. Some of her comments were, "How are the fees collected and who collects them?" She added that figuring out percentages can be cumbersome. Mr. Szepanski asked what other towns do. Ms. Rodriguez replied that they're all in the same boat as this is fairly new legislation. This was mandated but there was no legislation that enabled them to collect the fees. Mr. Steele commented that the State of Connecticut recognizes that this is an unfunded mandate. Ms. Rodriguez added that the funds collected would go back to the General Fund, not the Fire Marshall.

A lengthy discussion took place. The following are some of the comments that were made: (1) An incremental increase would be more favorable. (2) This is too much too soon. (3) There should be a phase-in period starting at a lower percentage so developers get used to this. (4) These fees are crazy. Flat fees are a little easier to absorb than percentages. Brackets would make more sense. (5) These fees shouldn't be fees that discourage. (6) Problem going from 0 to 270%. We will be shooting ourselves in the foot. By increasing the fees you are potentially discouraging development. (7) We need to see what other towns are doing. Ms. Rodriguez summarized: The fees are high and there should be a softer phase-in.

ii. Update on Simon Group Development

Vice Chairman Zimnoch asked if there has been any word from Simon Group. Ms. Rodriguez responded that a few weeks ago they said they were still very much interested in working with the town but they are not getting the quickest response they thought they would from tenants. This is a regional thing, not specific to this town, but having to do with people's spending habits over the holiday season.

B. Action Items (none)

VIII. New Business

A. Public Input (none)

Mr. Forschino read a letter to the commission which he will forward to Chairman Gannuscio stating that he is resigning from the Planning and Zoning Commission. Vice Chairman Zimnoch thanked Mr. Forschino for his service. Ms. Rodriguez reminded Mr. Forschino that a letter needs to be sent to Bill Hamel, the Town Clerk, to make it official.

C. Informal Discussions

i. Tax Increment Financing

Ms. Rodriguez was hoping to hand out something tonight and that Patrick McMahon would have a draft for her, but it was not completed yet. Now municipalities can develop this program where you're leveraging the value of a project. It's something that this commission has a part in. The community comes together and tries to figure out where this district can land and how a developer/applicant could be incentivized and how the funds can have a nexus between a project and a nearby adjacent property. There could be an actual agreement that shows that the funds would go toward a specific project. The PZC's role is to give an advisory opinion sometime in the next month to the Board of Selectmen before it can go any farther. She reiterated that this is a district. It is a financial tool. Once developed, a property would be assessed at a certain number. It's not now, but the developer starts to pay those taxes on the assessed value, and a portion goes back to the developer over time and a portion goes specifically towards what the town put on their wish list.

ii. First Impressions Program

Ms. Rodriguez explained that the towns of Portland and Windsor Locks are going to do something called First Impressions Program. A group of 6 to 10 people form a team, then meet to talk about what they're interested in in terms of boosting economic development in their town. There's a short training meeting on April 11 from 5:00 to 7:00 pm. Ms. Rodriguez is looking for a volunteer from

the PZC who would join her. They would drive through the other town to get a first impression, and within the same week the other town's group would drive through our town and make observations: what do you see that town celebrating about itself, what do you not. The hope is to spur a conversation. The commitment is the two-hour training on April 11, the visit to the other town, and a meet-back afterwards to go over questions and to do some brainstorming on the results. Ms. Cooper would like to volunteer. If anyone can think of someone who would have a unique perspective (residents, business owners, different age groups) who might be interested, please let Ms. Rodriguez know.

iii. Kennels in Windsor Locks

Ms. Rodriguez does not have an update regarding kennels but does have the average number of dogs per household being one to two. Ms. Brengi volunteered to put together information about kennels, businesses, breeding, and business zoning. Ms. Rodriguez said that because the town references kennels as a prohibited activity in residential zones and they have to default to the state's definition, a gathering of those definitions and some language that towns use would be helpful.

iv. Plan of Conservation and Development

A date for a workshop was set for *Wednesday, March 30, 2016 at 6:30 pm* to review the 23 item checklist (goals or objectives that have been met since the 2007 plan was put into place).

D. Action Items (none)

IX. Communications and Bills (none)

Mr. Szepanski informed the commission that the Board of Education is looking to expand their student enrollment at the Horizon Academy, and he feels this is something they should come back to the commission for. There are private transportation companies bringing students there, the bus is parked at St. Roberts, and they are running summer sessions. Ms. Rodriguez said she has already spoken to the superintendent about this.

Mr. Szepanski mentioned that he has been reading about the Main Street group's work and asked Ms. Rodriguez if any consideration had been given for a public wi-fi and charging stations for the automobiles that have batteries. She replied that it had been talked about but hasn't been explored yet. There is a program that was mentioned in the Main Street Study for getting wi-fi hookups in downtown areas and municipal buildings.

Ms. Rodriguez stated that she will be meeting with the Town Attorney to review eight things that are going on in town and she will have updates for the commission at the next meeting.

X. **Adjournment**

It was **MOVED** (Zimnoch) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the March 14, 2016 meeting at 9:57 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*