

PLANNING AND ZONING COMMISSION
April 11, 2016 Meeting Minutes

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

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

Commission Members Absent: Mike Forschino, and Pat Sayers (Alternate)

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

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:03 pm. Chairman Gannuscio seated Cindy Cooper for Mike Forschino.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the January 11, 2016 and March 14, 2016 Regular Meetings and the March 30, 2016 Special Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the January 11, 2016 minutes.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission approves the March 14, 2016 minutes.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Zimnoch Abstaining) that the Planning and Zoning Commission approves the March 30, 2016 minutes.

IV. Public Hearings

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

The Recording Secretary confirmed that a notice was published in the *Journal Inquirer* stating that this public hearing was continued to April 11, 2016.

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

Chairman Gannuscio stated that he was not present at the March 14 meeting but he has read the minutes of the applicant's presentation. He pointed out that four commission members are present tonight who were also present at the March 14 meeting and he would vote only in the event of a tie vote.

Mr. Steele commented that he received a phone call from a surveyor who was looking to give a proposal to the applicant to provide the survey and engineering information which the commission requested, but he has not yet received any revised plans from the applicant. Ms. Rodriguez stated that if the applicant had asked for an extension they could grant one but there has been no formal request to do that. She added that the commission cannot vote on extending the public hearing without a formal request from the applicant. Chairman Gannuscio replied that there is considerable additional evidence that is needed on this application. Mr. Steele agreed that the commission does not have enough information to make a favorable ruling tonight.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review for 63 Elm Street.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission denies without prejudice the special use permit and site plan review for 63 Elm Street.

V. Reviews

A. **Site Plan Modification for Friendly's Ice Cream, 2 Corporate Drive, for drive-thru window**

Michael Petrin, Project Manager with VHB and representing Friendly's, addressed the commission. Last month they came before the commission seeking approval for the addition of a drive-thru window at Friendly's. The major comments that were raised at this last meeting were for some additional landscaping and an updated survey. They have done the updated survey, and the site plan and survey are now stamped. The landscaping plan was modified to show three additional dogwood trees along the frontage.

Ms. Rodriguez discussed her revised report dated April 8, 2016.

A discussion took place regarding the lighting. Jay Kahn, sales associate for The Sign Center, addressed the commission. He distributed handouts and explained that there is an awning going over the drive-up area. It is a shed awning and is a completely enclosed awning from the pitch and the sides. Inside of it is going an LED fixture that will contain all of the lights. It is completely enclosed so there is no light spillage. Mr. Steele asked about the awning over the menu board. David Panella, Senior Director of Design and Construction for Friendly's, explained that it's not really an awning but a rain canopy that goes over the speaker area and is slightly pitched to get water off it. The manufacturer of that canopy provided the LED fixture which is mounted to the underside of it and will have a full cutoff with a shield, so it's a direct 100% cutoff, with the light shining just above the car. Mr. Steele suggested that this be a condition of approval or a notation on the plan to that effect.

A brief discussion took place regarding the signs. There will be building mounted letter signs and a reface of a free standing sign. Chairman Gannuscio commented that he has no problem with the sign review being conducted by staff.

Chairman Gannuscio asked if there was any objection to deferring sidewalks to a later date. Mr. Zimnoch agreed that it makes sense because there are no sidewalks right now on either side. Chairman Gannuscio commented that hopefully the DOT will make note of the second death on Route 75 and sooner rather than later will go forward with a sidewalk plan.

It was **MOVED** (Zimnoch) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission approves the site plan modification for Friendly's Ice Cream, 2 Corporate Drive, for a drive-thru window with the following conditions: staff will review the signage; all the lighting will be full cutoff; and a sidewalk deferral plan will be signed in a form of agreement acceptable to the town attorney and filed on the land records prior to building permit.

VI. Action on Closed Public Hearing Items (none)

VII. Old Business

A. Discussion with Commission and Staff (none)

B. Action Items (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Site plan review and site plan modification, 229 Old County Road and 110 Old County Circle, for industrial building and trailer parking

Mr. Steele stated that both he and Ms. Rodriguez have met with the applicant's engineer and have given him a number of initial comments. The engineer is waiting for their formal reports before he makes any revisions to the plans.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedules the site plan review and site plan modification for 229 Old County Road and 110 Old County Circle for May 9, 2016.

ii. Site plan reviews for LAZ Parking, 18, 22, and 50 Ella Grasso Turnpike; 53 Ella Grasso Turnpike; and 110 Ella Grasso Turnpike for parking lot improvements

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedules the site plan reviews for LAZ Parking, 18, 22, and 50 Ella Grasso Turnpike; 53 Ella Grasso Turnpike; and 110 Ella Grasso Turnpike for May 9, 2016.

C. Informal Discussions

i. Stonebrook Assisted Living (revised driveway and utility structure)

Kevin Johnson from Close, Jensen, & Miller, and Fred Milke, representing Stonebrook Assisted Living, addressed the commission. Mr. Johnson explained that the site plan approval for this project was obtained in late 2014. There are two items that have come up since then where they are seeking site plan modification. One has to do with a fire protection tank and pump house and the second is the driveway.

Mr. Johnson stated that based on flow tests and pressure tests, it was determined that a 15,000 gallon fire protection tank would be required to service this facility, and that required an accompanying pump house. The pump is 10 feet in diameter and 27 feet long, so based on the size of the pump house, the only available place to locate it is on the north side of the drive within the landscaped buffer area. A plan was submitted to staff late last week that showed the pump house encroaching into the side yard setback by 2 feet, but that's not going to be the case. They are going to set the pump house 4 feet off the curb instead of 6 feet so that will pull it out of the side yard setback. They added on the back side of the pump house a double row of staggered 23 arborvitae to provide screening for the neighbors. It is located opposite a driveway turnaround; they tried not to locate it adjacent to a resident, as they are trying to be sensitive to the neighbors.

The second item has to do with the site driveway. The original site drive had an ingress lane and two egress lanes and straddled the southerly property line. The site access to Stonebrook Village would have been provided from this shared drive. This divided boulevard road, proposed by Simon Development, would have serviced all three parcels. Stonebrook Village is slated to be open later this year and will be the first of any of these parcels to be online, so they are asking to shift the drive and build a 24 foot wide ingress and egress drive on their frontage alone until everything else flushes out. Once it is decided where that boulevard will be, Stonebrook's access will be from this boulevard road and then Stonebrook's temporary drive will be removed.

Mr. Steele commented that his main concern is that there was a General Plan of Development (GPD) that was approved for a shared driveway, and now they are proposing to relocate that temporarily, so he would like to be sure that whenever the other lots are developed there are agreements and rights to remove this driveway and put the final one where it needs to be. It makes sense now with only one use using it not to have it going on to the next lot unnecessarily, so it seems like a sensible temporary solution.

Mr. Milke stated that Simon Group did not want Stonebrook in a situation of having to share a drive that was under construction, so they proposed that Stonebrook have a temporary drive so they would not be in the way while the Simon road was under construction. Mr. Milke said that the attorney for Stonebrook will put together some language that once the boulevard road is developed, they would go back to a shared drive concept.

Mr. Steele noted that the applicant is asking for staff to review and approve these changes. If Mr. Johnson will prepare a finished grading plan of the driveway, he will review it and make sure the grading and the drainage all work. This is a minor shifting of the driveway and Mr. Steele does not see any issues with it at a conceptual level. He will review the construction drawings before the driveway gets built. Chairman Gannuscio asked commission members if they were comfortable with Mr. Steele reviewing the driveway portion. They responded affirmatively. Chairman Gannuscio asked Ms. Rodriguez if she was comfortable reviewing the re-landscaping and fire tank. She responded yes.

Ms. Rodriguez read through Section 416 regarding changes to the GPD and asked for the commission to provide their thoughts on how to proceed. Mr. Steele said it comes down to whether or not the commission considers this change to be generally consistent with the intent of the GPD, which calls for a 35-foot landscape buffer in this area. Chairman Gannuscio responded that it's not like there's a parking lot being added to this buffer—it's something that's needed as a matter of public safety. Mr. Steele added that one factor to consider is noise. Mr. Milke went on to discuss the diesel pump in more detail. He stated that the fire marshall considered the municipal power not reliable and wanted them to do diesel instead. The fire marshall reviewed the plan and this is the system he is comfortable with. Mr. Milke stated that they tried to place the pump house where it would have the least impact.

There was more discussion about the pump house size and the diesel pump.

Ms. Rodriguez added that in a message from the Fire Marshall dated April 11, 2016, he stated that he has no problem with the proposed changes.

A lengthy discussion took place regarding the various options for the location of the pump house and the pros and cons of these locations. Chairman Gannuscio commented that this is something the applicant is doing to accommodate the fire

marshall, so the commission should do what it can to accommodate the proposed location. Mr. Steele pointed out that the question they needed clarification on was whether or not putting this structure in was violating the purpose of the buffer. Chairman Gannuscio replied that the argument could be made that having this kind of system is as much for protecting the adjoining property as it is this property. He added that he does not see this as violating the buffer, and given the state of where this project is at right now, it is reasonable. This is also something that is being done at the request of the fire marshal and is for the safety of the building and its residents.

Mr. Steele asked the commission members which location they liked better. Mr. Milke suggested that staff look at this on-site. Mr. Steele asked if the commission is comfortable with staff making the final determination of the location of the pump house. It was agreed that this was fine. Chairman Gannuscio summarized that the consensus was this does not violate the original plan, it's not a real intrusion into the buffer in terms of robbing the purpose of the buffer, and staff will take a second look at the garage site versus the proposed site to see if it is potentially better.

ii. Tax Increment Financing

Ms. Rodriguez stated that the draft is not complete, but she will make sure everyone gets a copy to review well in advance of the May meeting.

iii. WLPS Rise Program

Dr. Suzie Bell, Superintendent of Schools, addressed the commission. She is here to talk about a very minor change in the Rise Program. She explained that the Rise Transition Academy is a program located at the St. Robert's Rectory for 18 to 21 year old students who have special needs and who need further support developing their life skills. They anticipated in previous years that they would have up to 10 students in the program. This year they are graduating eight additional students who will be attending the Rise Program. With every student who attends the Rise Academy it factors into a significant savings for the town by not outplacing those students into programs in West Hartford or New Haven. Dr. Bell distributed a handout with projected enrollment information and information about a typical day at Rise. Student enrollment for 2014/15 was 3; for this year it was 7; for 2016/17 it will be 11 to 13; for 2017/18 13 to 16 students; and for 2018/19 it is projected to be 16 to 18. Dr. Bell stated that they will be looking for some alternate sites next year to host the program, not necessarily giving up the program, but to work with some other towns like Suffield or East Granby on a cooperative program, and finding another site where they could collaborate with these two towns. This additional site would assure that they would never exceed the number of students anticipated next year, which is 11 to 13 students.

All students come on a bus in the morning to the site, and from there they leave on their bus to their work sites or recreational sites fairly quickly after they arrive in the morning. Very few students remain at St. Robert's for the entire day, although there are a couple of students who do. They are not looking at a huge increase. They were anticipating doubling what they have but they're not quite there because they have some students moving on.

Mr. Szepanski had several questions for Dr. Bell regarding the funding of the program, the amount of rent paid to St. Robert's, similar programs in other towns, the per pupil expenditure amount, and the vans delivering the students. He also asked why this program couldn't be run at the high school or middle school. Dr. Bell explained that state statute prohibits an 18 to 21 year old program from being on the same grounds as the public school for pre-K through grade 12 students. Mr. Szepanski asked about the private vans that are there. Dr. Bell stated that they contract with both Smith Bus and Haven Transportation. Mr. Szepanski asked about the school year and classes during the summer. Dr. Bell explained that all of the students typically require an extended school year, which is something they are obligated by state and federal law to provide to students with individualized education plans (IEP's) that deem that they need additional time.

Mr. Szepanski pointed out that when the commission approved this program a year or two ago it was approved as long as the nature and intensity of the operation didn't change. He feels that this operation is changing, doubling in size or more. Chairman Gannuscio asked about the conditions in the original special use permit and said he is concerned about exceeding the scope of the special use permit that was granted. Dr. Bell reiterated that they are looking for alternate spaces to split up the group for 2017/18 and 2018/19. At this point Ms. Rodriguez left the meeting to get the file in her office that contains the actual conditions of the approval. Mr. Szepanski stated that for the record he agrees the program has merits but he is worried about increased traffic and the increased number of students. Mr. Zimnoch asked Ms. Rodriguez if her office had received any complaints regarding the activities at the Rise Academy. She replied that she had not received any complaints. He added that the concern is this was a great starting place for this program but it's starting to outgrow its location. It's a rectory and really hasn't been designed for that. Chairman Gannuscio stated that it looks like the original approval does not specify the number of students. Mr. Szepanski replied that it doesn't, but if you listen to the tape, the number was enunciated at the meeting. He added that we can still certainly say that the nature and intensity of the operation has changed. Chairman Gannuscio commented that the four to six student increase for next year poses a significant increase in the use beyond what was initially proposed. When there is a more concrete set of numbers available for 2016/17, then there will need to be a discussion as to whether changes or modifications need to be made to the original special use permit. Dr. Bell asked if this had to wait until the summer. Chairman Gannuscio replied that if they can come up with anticipated numbers, they can come back

with a modification to the initial special use permit. Mr. Steele asked what information was originally submitted with the application. Mr. Zimnoch replied that he thinks there was just a simple floor plan. There was a brief discussion about a new floor plan that should depict the ability to accommodate 13 students.

Ms. Rodriguez suggested that the commission provide more details as to what they are looking for—what is it that is calling it more intense that is enforceable based on this approval. What should we ask for as part of this application? Some suggestions were: Is it one van parked there all day or is it two vans? Anticipated number of students enrolled in the academy. The number of entrances and exits from the property. The number of buses coming in carrying students. The number of staff. Traffic count (how many trips per day). Identify on the plan the location of any vehicles being stored there. Any lighting and security for the vehicles being parked there. The hours of operation in the timeframe of the school year should be part of the presentation also.

iv. Plan of Conservation and Development

Chairman Gannuscio asked Ms. Rodriguez if she wants to schedule another workshop date. She replied that the next one should be the kickoff so they need to check dates with Mike O’Leary. She was able to schedule a workshop on May 24, 2016 at 7:00 pm. The Conservation Commission was willing to host this one. The Wetlands Commission will be encouraged to attend also because the topic that night will be Natural Resources in a Community. There was another workshop scheduled in June to talk about Lifespan Planning and Demographics. The Commission on Aging has a good program on Lifespan, so she is trying to pair that commission and their Lifespan Planning program with this workshop. The Senior Center has offered to host this June workshop. She will send the date to commission members.

D. Action Items (none)

IX. Communications and Bills

Chairman Gannuscio said that last week he sent a bill to be paid for the municipal zone thing that they pay their dues for every year, so their membership will be continued. He mentioned that Ms. Rodriguez emailed him that she needed additional sets of regulations to be printed. She said she would like to do 25 sets. Ms. Rodriguez asked about whether the supply budget or printing budget could fund some durable outdoor signs, something that could be displayed outdoors or in the storefronts if there was an event. Chairman Gannuscio suggested that she talk to Yankee Signs to see if they could give her some prices. He said this may require a visit to the Board of Finance.

Chairman Gannuscio asked Mr. Steele and Ms. Rodriguez if plans and presentations coming in are more complete. They replied that the last few have been pretty thorough.

Chairman Gannuscio addressed a gentleman in the audience and asked if he had public input. He identified himself as the Director of Maintenance for LAZ who is overseeing the project by the airport. He said he was a little confused because he made large efforts to make sure that staff had everything that was needed so they could be part of this meeting tonight so they could move ahead since they have to have their work done by August. He is disappointed that tonight was just for them to get on the agenda for next month. That wasn't what his understanding of it was. Chairman Gannuscio stated that a two-week turnaround time is a little short for the amount of review that needs to be done. The Director of Maintenance replied that they certainly could have given the commission a month in order to turn this around faster. He didn't understand that they were pushing the clock just so the commission would have another month to look at it. Mr. Szepanski pointed out that the application was submitted on March 22. Chairman Gannuscio said it is listed on the agenda to "receive," and this is multiple site plan reviews. Ms. Rodriguez stated that when the applicant brought the application to the office, the regulations do say that if it is submitted two weeks prior to the next meeting it **MAY** be reviewed, and that is what she communicated to him. Mr. Steele added that he still has some questions for the engineer. Ms. Rodriguez reiterated that she tried to communicate that this was something that **MAY** happen, and there was on the agenda a public hearing and a review that carried over from last month's meeting. Mr. Steele said he would try to get the comments out quickly so the applicant has a chance to react to it and maybe submit a revised plan if that's appropriate so they can show up at the May meeting with everything ironed out.

Mr. Szepanski added that he knows what would make Windsor Locks a "destination location." A carousel!! And duck boats.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Brenge) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the April 11, 2016 meeting at 8:55 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*