

PLANNING AND ZONING COMMISSION
June 13, 2016 Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Alexa Brengi, and Jim Szepanski (arrived at 7:36 pm)

Commission Members Absent: Cindy Cooper (Alternate), and Kayleigh Royston (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 7:08 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the April 11, 2016 and May 9, 2016 Regular Meetings

Chairman Gannuscio stated that approval of minutes would be moved to the end of the meeting.

IV. Public Hearings

A. Special use permit and site plan review for proposed building at 4 Lawnacre Road

Chairman Gannuscio stated that the applicant has asked to have this postponed.

B. Special use permit and site plan review for sale and/or rental of used motor vehicles at 321 Ella Grasso Turnpike, 499 North Street, and 501 North Street

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on June 1, 2016 and June 8, 2016.

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

Attorney Joseph Flynn, representing the applicant, CARite of Connecticut, LLC; John Barberino, 6 West Street, the principal for the applicant; and Kevin Johnson, Consulting Engineer from Close, Jensen and Miller, addressed the commission. Attorney Flynn stated for the record that his client has entered into a written agreement with the current property owner, Hertz Corporation, to proceed before this commission. This site is three lots located on the southeasterly corner of North Street and Route 75 (Ella Grasso Turnpike), totaling about 12½ acres. The application is for a special use permit with a site plan review to develop these three lots for an internet-

based automotive sales use. Attorney Flynn pointed out two things for the record, because they're unique to this application: (1) a use variance was granted for these lots in 2001 and about a year later an actual site plan was approved for those same retail rental and sale automotive uses. Those approvals went with the land, so for use purposes, those continue to legally control. (2) Per Title 14 of the Connecticut General Statutes, the applicant was required to secure a location approval from the Zoning Board of Appeals which was obtained on June 6, 2016. They will submit revised plans tonight because the essence of this is the proposed use has been generally accepted legally as compatible but there are conditions and details about the site plan that have to be reviewed. Mr. Johnson has been able to incorporate the concerns raised by the Town Planner and Town Engineer into the plans and has shown them as revisions or as acceptable conditions for approval. Attorney Flynn stated, "I just wanted to make the distinction that we are basically here for the site plan review. Yes, we can talk about the use, but the board should take note that that use has already been deemed to be controlling due to the unique history of this site."

Mr. Johnson stated that the applicant is proposing three individual buildings, two for office use and one for services like detailing. Access to the site will be provided from North Street with a single driveway entrance. The front lot will be used for customer and employee parking as well as used car auto sales. The back portion of the lot will be strictly for storage of vehicles. The general public would not be allowed to go into the back. A privacy fence and semi-private fence with slats will be installed.

Mr. Johnson went on to discuss briefly the metal buildings; drainage patterns; sanitary, water, and electric systems; site lighting; erosion and sedimentation controls; and landscaping.

Mr. Johnson discussed Mr. Steele's report dated June 10, 2016. **Item #1:** A parking tabulation chart was added on sheet 4 of the new plans. Mr. Johnson pointed out that this use doesn't fall under any of the parking regulations--it's a unique use. He then explained how they came to this tabulation. **Item #2:** For now they will clear and seed the corner lot facing Ella Grasso Turnpike. They are not going to do the millings or car storage but are asking the commission to approve the use for future car storage on this lot. They are not encouraging the public to go to that rear storage lot. **Item #3:** The impervious area is tabulated on the plans. Lot 4 is for future use only and there is no grading or draining proposed on that. **Item #4:** They did not have an opportunity to talk to WPCA. If WPCA would like them to tie into this existing sewer line they would be happy to do that. This could be a condition of approval. **Item #5:** This future service building will not be used to change oil in vehicles or as a car wash. There will be no work done that would necessitate a grease oil separator or floor drains. **Item #6:** They are in the process of writing a maintenance narrative which will appear on the erosion and sedimentation control plan. They will be looking for a condition of approval for this item. **Item #7:** They did relocate the entrance gate which has been moved back about 80 feet. This is on sheets 4 and 5. **Item #8:** The operation is going to move from the north side to the south side.

CARite will maintain a presence in that existing building--their executive offices will be there. There will be no daily movement of vehicles between those two sites. **Item #9:** A clearing limit is depicted on the plans.

(7:36 pm: At this point Jim Szepanski arrived at the meeting.)

Item #10: Mr. Johnson pointed out that there are bright spots beneath the lights and there are intensities that do reach the low 20's, but as you approach North Street, the periphery, all around, those intensities drop down to a half-foot candle or basically nothing. Given the nature of this use in the industrial zone, and for security purposes, the applicant is looking for brighter lights. The brighter spots are in the center of the site and there is no light spillage off the property, and they are full cutoff lights. **Item #11:** The landscaping tabulation was added to sheet 4. **Item #12:** (A) That dimension was added to the plans. (B) Details were added to the plans. (C) No need for oil and water separator. (D) Trench detail was added. (E) Wheel stop detail was added. (F) The sign did not get added. **Item #13:** Lots 5A and 5B will be combined. **Item #14:** They have no problem submitting this.

Mr. Johnson discussed Ms. Rodriguez's report dated June 9, 2016. **Item #4:** The gate was relocated. **Item #5:** Attorney Flynn was concerned about the photos of the buildings being misleading and reiterated that the applicant is proposing a rectangular building made of metal with masonry just at the entrance and a parapet wall. Mr. Johnson said the intent is to start construction as soon as the appeal period is over, so they will be working diligently to repair the site. He pointed out that there may be a need to move vehicles out of this lot while the buildings are still under construction. **Item #6:** This lot will be cleared and seeded. They are asking the commission to approve future storage of vehicles on this front lot. **Item #7:** This has been discussed. **Item #8:** The applicant is proposing to come back with a separate sign package in the future which would be conforming in terms of square footage and height. **Item #9:** The plan is to clear and seed this existing site. They did a schematic landscape plan of what street trees would look like here. There is a lot of growth on these properties. Mr. Johnson said that there are perhaps some substantial trees that could be saved, but when you're mixing the existing and the proposed, Mr. Barberino felt it would be a cleaner look aesthetically and more uniform if that lot were to be cleared. **Item #10:** There are no sidewalks on North Street in this vicinity, so the applicant would be looking for a deferral of those sidewalks similar to what was approved for his existing operation in 2013 when the commission allowed a deferral and then posted a non-surety bond for those sidewalks to be constructed if and when adjacent walks were brought up in the vicinity of the site. **Item #11:** They've gone over this. **Items #12 and 13:** Comments were favorable. Attorney Flynn asked Ms. Rodriguez if she has received any comments from the WPCA/DPW. She replied she had not.

Jennifer Rodriguez, Town Planner, read an email from Fire Marshall Mike Sinsigalli which she read into the record. She then went on to discuss her report dated June 9, 2016. Ms. Rodriguez read for the record the email she received from the Police Chief

on June 9, 2016. She mentioned that Dan Malo, Wetlands Agent, received a letter dated May 18, 2016 from William Jackson, Registered Soil Scientist, of Jackson Environmental, LLC stating that there are no wetlands on the site.

Chairman Gannuscio was concerned about pedestrian traffic and whether there would be a safe place for pedestrians to stand without there being an official building that is open on the new site. Attorney Flynn replied that they are anticipating completing the lot first and may be using the lot to store cars before the buildings are completed, but he did not interpret that to mean they would be operating the proposed use. Once they are in operation, there would be no cars going back and forth.

Mr. Steele clarified that there would be a period of time before the buildings are built that lots 4, 5A, and 5B would be used for storage of automobiles without any building. Attorney Flynn replied that there MAY be. Mr. Barberino estimated that by September 30 everything should be done. Ms. Rodriguez said as long as it's clear that it's part of the approval, because car storage is not really a permitted use. It's helpful to her to have clarification on what is being approved and for how long.

There was a brief discussion with Mr. Steel, Mr. Johnson, Mr. Barberino, and Dave Lapeelis about the parapet and the roof pitch of the building.

Dana Steele, Town Engineer, discussed his report dated June 10, 2016. **Item #1:** This has been addressed by the revision submitted tonight. Mr. Steele questioned why there were six handicapped spaces. Mr. Johnson replied that is what Mr. Barberino wants. **Item #2:** This was for the commission's benefit. The regulations allow gravel parking spaces under certain conditions and the commission needs to make a determination that the gravel parking areas they are proposing here fall under those criteria which are seasonal use, low volume use, or overflow parking. The commission might determine that this is a low volume use which would allow for the gravel parking. If the public doesn't have access to it that also reduces the amount of trips and activities in the area which also helps to justify the determination of low volume.

Item #3: With the applicant now stating that Lot 4 will be just cleared and no millings being put down, there is no issue now. Mr. Steele stated that the applicant made a comment that they want the commission to approve the use for that lot but not a site plan, and he is not sure if that is appropriate. He asked Ms. Rodriguez, "Should they be approving a use without a site plan? Wouldn't that be at the time of the site plan that you approve the use?" Attorney Flynn remarked, "The use has already been approved for a much more intense use than what we're proposing, which is nothing." Ms. Rodriguez replied that it makes sense that the property is classified under that use. Mr. Steele questioned, "If it's already approved, that's one thing. I don't understand why they would be approving it tonight. There's nothing proposed on the site. What would you be approving tonight?" Chairman Gannuscio said, "It's a variance that already runs with the property." Attorney Flynn added, "It runs with the property which is all three lots." Mr. Steele stated, "I don't think anybody is

disputing that, I'm just questioning why they are approving a use if it's already approved." Attorney Flynn clarified, "I didn't want you to think that we were going to be using it. It's for future use only." Mr. Steele stated that number three has been addressed.

Item #4: They are requesting a condition of approval that the final connection point for the sanitary sewer be subject to review by the WPCA, which is fine. **Item #5:** This should be a condition of approval: that the nature of this service building and the handling and disposal of any hazardous materials should be addressed in the Post Construction Maintenance Schedule on sheet 7. **Item #6:** This will be a condition of approval. **Item #7:** They have relocated the gate by 100 feet plus or minus, which is probably more than enough. He noted that the Fire Marshall did ask for a Knox box, which should be a condition of approval. ("A Knox box will be installed subject to the approval of the Fire Marshall.") **Item #8:** Mr. Steele misunderstood and thought both of the CARite properties were going to exist and there would be the potential for a lot of back and forth traffic across there, but the applicant is saying there will be very low volume there. His concerns are satisfied. **Item #9:** This has been addressed. **Item #10:** This is a decision for the commission. The regulations allow the commission by special permit to increase the height from 14 feet to 15 feet to increase the intensity from the 6 footcandles to the 23 footcandles. If the commission decides to incorporate that into this special permit approval, the commission can approve it as is or can ask the applicant to reduce the height and reduce the intensity. Mr. Steele added that the pole heights on the plan are still at 15 feet but the applicant is offering to reduce it to 14 feet if the commission would like that. **Item #11:** This was addressed in the revised plan. **Item #12:** They have partially addressed the details. A, E, and F are still needed. Mr. Steele would add another, G (millings detail), which is needed. The details should be revised subject to the Town Engineer's approval. **Item #13:** This can remain as a condition of approval. **Item #14:** This is a standard E&S bond condition. Mr. Steele would add another condition, **number 15:** A silt fence should be installed along the eastern boundary of Lot 4.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Paul Harrington, 10 Meg Way; Joe Calsetta, 121 Orchard Hill Road; Richard Rolston, 538 North Street; and Pat King, 461 North Street, all spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

CHAIRMAN GANNUSCIO CALLED A 10-MINUTE RECESS AT 8:23 PM.

Chairman Gannuscio asked if there would be fencing or new landscaping on the lot fronting Ella Grasso Turnpike. Mr. Johnson replied that the schematic shows plantings. Chairman Gannuscio commented, "So there is the intent, even though the use of that will be for some future plan, plantings at this point will be made as part of this review." Attorney Flynn responded, "The proposal is to do that, yes."

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review for sale and/or rental of used motor vehicles at 321 Ella Grasso Turnpike, 499 North Street, and 501 North Street.

Chairman Gannuscio stated that this use or something similar to this use was previously approved with the application brought by the Hertz Corporation, so this is following along the path that was approved a number of years ago as a framework for what's proposed this evening.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the special use permit and site plan for sale and/or rental of used motor vehicles at 321 Ella Grasso Turnpike, 499 North Street, and 501 North Street with the following conditions. (1) The final connection point for the sanitary sewer shall be subject to approval by the WPCA. (2) The nature of the service building will be permitted and allowed and the handling and disposal of any hazardous materials shall be addressed in the Post Construction Maintenance Schedule on sheet 7. (3) The Post Construction Maintenance Schedule shall provide procedures for repairing clogged infiltration basins should that happen. (4) A Knox box acceptable to the Fire Marshall shall be installed at the gate on North Street. (5) Fourteen-foot poles and the photometrics as presented as part of the revised plans shall be acceptable given the use here in terms of security and illumination of the lot. (6) The details for sidewalks, wheelstops, handicapped signs for parking, and the detailing of milling shall be subject to the Town Engineer's approval. (7) Lots 5A and 5B shall be merged by deed or certificate on the land records prior to issuance of a building permit. (8) An Erosion & Sedimentation Bond as recommended in item 14 of the Town Engineer's letter dated June 10, 2016 shall be provided. (9) Silt fencing shall be installed along the east side of Lot 4. (10) The approval of signs shall be a separate application which will be deferred to staff for review and approval. (11) The installation of sidewalks on the exterior of the properties shall be deferred with an agreement filed on the land records that is acceptable to the Town Attorney. (12) The storage of cars shall be allowed on the lot prior to completion of the service buildings, with an intended completion date of October 1, 2016 for the buildings.

V. Reviews

A. **Erosion & Sediment Control Plan for former Wood Power Group environmental cleanup at 523 Halfway House Road**

Kevin Vandermeer of Fuss & O'Neill addressed the commission. They are going to be overseeing the remediation of PCBs and metals at the Halfway House Road site. PCBs were released to the exterior of the building by a former tenant and also to the concrete floor inside the building, so they will be removing this concrete floor. They will also be removing soil from the exterior parking lot and from beneath the new building that was added by Turbine Engine Services. They will be cleaning out the

PCBs in the drainage swale that is located to the east of the facility and a wetland area at the end of the drainage swale. Kelchner Energy Services will be conducting the actual soil remediation and have provided the erosion and sedimentation control plan.

Mr. Vandermeer addressed Mr. Steele's concerns listed in a letter dated June 10, 2016. He stated that Kelchner is fine with Mr. Steele's first recommendation to install sediment barriers such as staked silt socks or hay bales along the perimeter of the work area. Regarding item two in Mr. Steele's letter, they will save as many trees as possible and whatever they cannot preserve, they will put in plantings. Kelchner is working on a plan now to outline that. They are also working on obtaining the Erosion Control Bond.

Chairman Gannuscio asked if they have been in contact with the homeowners to let them know what's going on. Mr. Vandermeer replied that there was an ad published in the local paper and notices were sent to all of the abutting property owners.

Ms. Rodriguez discussed her report dated June 13, 2016.

Mr. Steele discussed his letter to the commission dated June 10, 2016. He stated that it does show some contamination right up to the property line and asked Mr. Vandermeer if he was confident that the contamination has not gone over the property line. Mr. Vandermeer replied they don't believe it has and explained how they believe it got there. Mr. Steele commented that he is concerned they are removing vegetation within a buffer area and the residences won't have their buffer anymore and asked if they could think about saving some trees and how they can maintain an adequate buffer screen.

Chairman Gannuscio asked staff if they were comfortable reviewing the replacement and restoration of the buffer. Ms. Rodriguez asked for direction if the commission was looking for something dense right away such as a fence or arborvitae along the property line. Chairman Gannuscio replied that the residential predated the industrial use here and at the very least the residents are owed a solid screen. Mr. Zimnoch also felt that something that would provide a block for the residents (like arborvitae) should be provided here. Mr. Szepanski asked if they could use a combination of vinyl fencing and plantings in between. It was noted that there is a six or eight foot chain link fence that comes close to the residential properties, and the location of the fence on the map is inaccurate. Mr. Steele said they would take photos of what it looks like now. Mr. Steele suggested putting privacy slats on the chain link fence. Mr. Zimnoch asked how big an area along the fence will have to be cleared. Mr. Steele and Mr. Vandermeer replied, "About 100 feet." Chairman Gannuscio stated that this is something he would like to see staff review. Mr. Steele asked if the applicant is agreeable to providing additional evergreens and deciduous trees and working with staff on replacing any gaps that were created. Mr. Vandermeer replied affirmatively.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the Erosion & Sediment Control Plan for former Wood Power Group environmental cleanup at 523 Halfway House Road with conditions one and three listed in the Town Engineer's letter dated June 10, 2016 and an additional third condition that replacement of any of the screening lost as part of this project shall be subject to staff review and approval, coming back to this commission should there be any disagreements or problems.

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. Text amendment to zoning regulations: Chapter I, Definitions; and Chapter VII, Section 705F.4.b.vi, Lighting Standards and Requirements

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules a public hearing for August 8, 2016 for a text amendment to zoning regulations: Chapter I, Definitions; and Chapter VII, Section 705F.4.b.vi, Lighting Standards and Requirements.

C. Informal Discussions

i. POCD amendment to the 2007 small section on agriculture

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules a public hearing for September 12, 2016 for the amendment of the existing 2007 Plan of Development to come up with additional items regarding agriculture and agricultural uses, a summary, goal, and objective for the community.

ii. RISE Program

Attorney Paula N. Anthony from Berchem, Moses, and Devlin; Dr. Susan Bell, Superintendent of Windsor Locks Public Schools; and Reverend Robert O'Grady of St. Roberts and St. Mary's Church addressed the commission. Dr. Bell stated

that they were asked to come to a meeting but had no information as to why, so she brought people to this meeting to discuss what happened at the last meeting and her concerns over the fact that they were asked to make a modification. She is concerned about the reasons for that modification because it wasn't made clear to her based on the provisions in the approval what had been violated.

Attorney Anthony stated it was not clear why the issue was back on the agenda for an informal discussion as it had already been discussed back in April. She asked that the commission fill them in on what the expectation is and what the nature of this informal discussion is. Chairman Gannuscio replied that one of the open items was the floor plan or spacing in the rectory—some capacity questions. Attorney Anthony stated that based on her review of the record, it appears that the concern had to do with an increase of students. She said it seems the additional students is negligible at this point. Currently there are a total of 7 students who participate in the program, 5 of whom are daily students, and 2 of whom are just there for transportation purposes. The anticipated increase for the next school year will be from the current number of 5 daily students to 7 daily students and an increase of 2 who are there for transport purposes to 4, so the increase they are talking about is from 7 students to 11 students. It is her understanding that the commission's concern was that this was an intensification of the use, and it seems to her a rather minor increase in the number of individuals and an even more negligible impact on the use as a whole. In the approval there is no restriction on the number of students. She said, "There was some discussion regarding it, but it seems like we are missing the big picture, given the significant cost savings of having this program." The impact on traffic or parking is inconsequential. There will be fewer vehicles because instead of the two vans that are currently there they would go to one mini-bus. Attorney Anthony stated, "I'm not quite sure why a modification is necessary based on the superintendent's information that she's provided. The additional information that the commission was looking for seems to be way over and above what we're talking about based on an increase from 7 to 11 students, 4 of whom are only there for transportation purposes and that's because state statute requires that they receive that busing, and so they have to be part of that program but are not present on the site during the day, so you're really talking about an increase from 5 students to 7 students."

Father O'Grady spoke about how great an asset this program is to the community. He said the purpose of his church is to do something charitable and educational and the parish is delighted to use their facility for those purposes.

Attorney Anthony asked the commission, "What exactly is the superintendent being asked to modify? Asking the school board to put together a whole new application with floor plans and lighting and security just seems a little overblown." Chairman Gannuscio replied that he does not recall there being a request for a whole new application with floor plans and everything else, just that it would be reviewed by staff. He pointed out that now there will be another bus. Attorney Anthony said they have gone from one vehicle to 2, just a mini-bus.

Dr. Bell stated they still have the transport vehicles for during the day, and that is parked there now and goes back and forth to different sites now. They are purchasing another van to accommodate the needs of those students going to different placements. There is still only one bus that comes in and out each day to bring the students to their program and then bring them home. Chairman Gannuscio asked, "We're talking about a minimal increase of students for the upcoming school year, but what's to say there's not going to be a substantial increase as we go forth? That was one of the reasons to look towards the capacity of what this building is." Attorney Anthony responded, "Then I think that this is a premature inquiry. We're talking about a negligible increase for next year and I think anything beyond that is speculative at this point. The superintendent does not know what the enrollment requirements are going to be....Although the superintendent talked about an estimate for future years she also talked about looking for an alternative site for those future years, so since what we're talking about for the following school year is negligible, then any requirement that they seek a modification at this point is premature."

Chairman Gannuscio asked about the handout with projected enrollment information that was passed out at the April meeting showing the projected 2016/17 student enrollment for the Rise Program to be 11 to 13 students. Dr. Bell pointed out that a lot of the IEPs (Individualized Education Plans) had not taken place at that time. Now that the IEP meetings have taken place, they have 11 students who will be using the program.

Attorney Anthony stated that the superintendent has concerns about the manner in which this was brought back to the commission's attention not because there were complaints in the neighborhood but because one of the commission's members lives across the street from the rectory. The question is raised with respect to personal interests being at play here. Attorney Anthony listened to the audio recording of the April meeting, and there are some comments to that affect. She suggested that perhaps it would be appropriate for the commission member to recuse himself. Chairman Gannuscio stated that this is an informal discussion with no vote and no testimony. Mr. Szepanski responded and a lengthy discussion took place regarding his concerns.

Dr. Bell commented that it was difficult to come to the last meeting in good faith to have a conversation about the program and to hear the words "violation" and "enforcement." They don't feel they have done anything to purposely violate the conditions. Chairman Gannuscio responded, "The church isn't there by virtue of special use permit, and neither is the high school. This use is here by virtue of a special use permit, and we saw numbers that indicated a potential intensification of a use that maybe took it beyond any kind of reasonable use relating back to what was initially approved. That's the context of this." Attorney Anthony said, "Now we've provided you with additional information based on more concrete numbers, and we're basically talking about an increase from 7 to 11 and from 5 to 7 for next year. If that increases beyond that, it can be addressed at that time."

Why should the Board be required to file a modification now when it doesn't know anything concrete beyond next year? Next year does not pose a significant increase or impact at all. If and when we get to that point where we need to come back for modification then that would be entirely appropriate. The superintendent indicated she's not looking to go beyond these numbers because they're looking for alternative sites if that's the case. But we're not there yet." Chairman Gannuscio replied, "Do you dispute that this board is within its rights and its duties to ask potentially for a modification, given the numbers that could be presented down the line with a special use permit that's conditioned on reasonable use of this site?" Attorney Anthony: "I think that your approval makes clear that the commission has the discretion under certain circumstances to request or require that a modification be filed. I don't think those conditions exist at this time based on the numbers that the superintendent has provided." Chairman Gannuscio: "'At this time.' Two months ago we didn't know what the concrete numbers were going to be." Attorney Anthony: "We are here now with concrete numbers and it's the Board's position that a modification at this point is premature and not appropriate. If that changes in the future the commission is certainly within its discretion to make further inquiry, but based on the numbers that have been provided, based on the more concrete information that the superintendent has regarding what's going to be needed for next year, I think that requesting a modification at this point and have the Board expend resources with respect to that is not appropriate and premature." Chairman Gannuscio: "You were hired by the Board of Education? And resources were not expended for you to be here this evening?"

Dr. Bell explained that with a program for 11 students waiting in the wings she can't go on faith that this will hopefully all blow over. She is legally responsible to provide these 18 to 21 year olds with an appropriate education and can't wait for the zoning commission to tell her at the last minute that she can't operate this program. She would have liked to have had some indication of what she needed to have happen. She felt at the April meeting the conversation was directed by one person who was taking it down a road that was not accurate or appropriate. She reiterated that she has a legal obligation to provide her students with an education. Chairman Gannuscio replied that this board also has legal obligations set out in the statutes. They have staff whom are shared, they have a commission member who is conscientious enough to look around and make observations, and he feels that is to be commended.

Attorney Anthony reiterated their position that based on the concrete numbers that the superintendent has provided for next year's enrollment, seeking modification at this point is premature and not required. The Board is looking for some definitive direction from the commission with respect to that so the Board can plan appropriately as to what it needs to do.

Mr. Zimnoch commented that the handout from April's meeting raised a red flag that the numbers were going way up beyond what was originally approved, but based on the numbers presented tonight, he did not see that as a usage that was going beyond what was originally approved. If the numbers increase next year they will have to come back next year and explain that. He added, "We can't look at this document and start asking for documentation and modification based on the numbers five years from now. I don't see this as a problem going from 7 to 11." Mr. Szepanski commented that in August 2014 they made a motion and set up the conditions. He added, "If we feel the new numbers meet this, then....continue." The conditions did not contain a number but they do allude to the nature and intensity of the operation and somewhere along the line it talks about 6 students. Mr. Zimnoch said just to look at the number of students is not significant—you have to look at the overall impact on the neighborhood.

Ms. Brengi added that she thinks this is a fantastic program and that two mini-vans will have no impact on traffic. She feels that if Mr. Szepanski is going to continue to personally put an opinion in then he should be sitting on the table side and not the board side. She would like to see a better line of communication among everyone. Mr. Zimnoch sees this is as a vital social program and as an adaptive use of a structure. Ms. Brengi pointed out that if the numbers jump to a certain point they won't be able to do it where they're doing it.

Chairman Gannuscio said, "Let's go back to the original application signed by Wayne Sweeney, June 2014. We're talking about projections for the 2014/15 school year program slated to have up to 6 students. 'Up to 6' is a lot different than 'up to 9' or 'up to 11'. This is a fluid situation." Attorney Anthony: "Up to 6 or up to 7—it's a negligible difference. If it gets to a point where the numbers start increasing exponentially, this space isn't going to be appropriate, and the superintendent has already indicated that she is seeking alternative space based on projections, but we're not there yet. While the application that was the projection at the time of the application, the approval doesn't specify a maximum, and number 6 was talked about in terms of parking and loading requirements. We're not increasing that at all. There's going to be zero impact with respect to those issues." Chairman Gannuscio: "Well, the minutes of this evening's meeting will reflect that there will be a zero impact as a result of what's going to transpire in the upcoming school year then." Attorney Anthony: "I'm not an engineer. There will be a negligible impact."

Pat King, 461 North Street, asked to speak on behalf of the Board of Education. She commented that this program has really benefitted the students who have had to travel to New Haven. They were spending over \$100,000 for every student that left and went to another area. Now these students are in town. This program is benefitting the town financially and has given these students an opportunity to earn a living.

Attorney Anthony: "I just want to make sure I'm clear that I'm understanding that as a result of this informal discussion that a modification is not going to be required at this time." Chairman Gannuscio: "Based on the numbers put forward this evening, no."

iii. Recording studio as a use at 73 Old County Road

Ms. Rodriguez stated that she had an informal inquiry to her office for a recording studio at 73 Old County Road, and this is not a use that is on the permitted use table, so she did not have an answer for this person. She reminded the commission that this is a commercial property. Chairman Gannuscio commented that if this applicant wants to move forward he should provide some kind of amendment to the use table to include this.

D. Action Items

i. Tax Increment Financing (TIF) District advisory

Ms. Rodriguez stated that she is looking for an advisory from the commission on whether it would recommend to the Board of Selectmen that this program be implemented. There was a brief discussion among commission members regarding this program.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission recommends that the necessary steps be taken to adopt and participate in this TIF program.

IX. Communications and Bills

Chairman Gannuscio stated that he has a bill from Mike O'Leary in the amount of \$3,000 for the account that has been funded for the last two years for professional consulting services for the Plan of Conservation and Development. He asked the commission to approve this bill. Much of this work is related to the POCD meeting which will be held later this month. Ms. Rodriguez briefly discussed the work that she and Mr. O'Leary have been working on relating to the POCD.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the bill for consulting services for Mike O'Leary in the amount of \$3,000.

Chairman Gannuscio mentioned one more invoice for 25 copies of the zoning regulations, spiral bound, for \$365.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the invoice from Copy Shop for additional copies of the zoning regulations in the amount of \$365.

III. Approval of Minutes from the April 11, 2016 and May 9, 2016 Regular Meetings

Mr. Steele pointed out that on page four of the April 11, 2016 minutes, under Stonebrook Assisted Living, in the second paragraph, the second sentence begins, “The pump is ten feet in diameter.” This should be, “The *tank* is ten feet in diameter.”

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the minutes of the April 11, 2016 *as corrected*.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission moves the approval of the May 9, 2016 minutes to the next meeting of July 11, 2016.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourns the June 13, 2016 meeting at 10:09 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*