

PLANNING AND ZONING COMMISSION
July 8, 2019 Meeting Minutes

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

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

Commission Members Absent: Vincent Zimnoch, and Alexa Brengi

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

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:01 pm.

II. Roll Call

Commission roll call was taken. Chairman Gannuscio seated Doug Wilson for Alexa Brengi and Peggy Sayers for Vincent Zimnoch.

III. Approval of Minutes from the May 13, 2019 and June 10, 2019 Regular Meetings

It was **MOVED** (Szepanski) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the minutes of the May 13, 2019 regular meeting.

It was **MOVED** (Szepanski) and **SECONDED** (Sayers) and **PASSED** (Unanimous, 4-0; Cooper Abstaining) that the Planning and Zoning Commission approves the minutes of the June 10, 2019 regular meeting.

IV. Public Hearings

A. Amendment to Zoning Regulations for Multi-Family Special Development

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 June 27, 2019 and July 2, 2019.

Before the hearing began, Mr. Szepanski asked Chairman Gannuscio if this application for an amendment to the zoning regulations is site specific. The application does not indicate that it is, but he has a feeling that it is "site specific." Chairman Gannuscio responded that we should have the applicant answer that question.

Chris Smith, Land Use Attorney with Alter Pearson, LLC in Glastonbury, and representing the applicant, M&L Development Corporation, addressed the commission. He answered Mr. Szepanski's question by saying, "No, this is not site specific; it is anticipated that if this were to be approved that there very well could be an application under the text amendment. This is fairly common for someone who is going to be proposing a development that would require amendments to the zoning regulations to come in first with the text amendment as opposed to doing everything at the same time, so this is not site specific." Mr. Szepanski asked, "It's not earmarked for a particular site?" Attorney Smith replied, "Eventually the goal is to return with an application..." Mr. Szepanski interrupted to say that on March 11 the applicant made a presentation to the commission and showed sketches, so it is site specific. He said that if we continue on, the commission has to be very careful because we're looking at one particular site, so we might be doing a quasi-site plan review. If we agree to some of these things, the commission may be making some concessions. If this is not site specific, what other sites in town would this be applicable to that the commission should consider when making these text amendments. He would like to have this information before making any decision and wants to make sure the commission knows what they're looking at before any decisions are made. Attorney Smith replied that he has been doing this for 38 years and this is pretty typical that if someone is thinking of developing a particular site to come before the commission and say, "We'd like to do something with this property. We were thinking of doing this. If we do this, then certain text amendments may be required. What do you think of this, otherwise we won't bother coming in for a text amendment." That's how it's done. "It's very often a multiple step process, and we're here today with the first step with text amendments. It could apply to a particular property, my client's, and it could apply to other properties throughout the town." Attorney Smith added, "I would respectfully request the ability to at least present the application at this point in time." More discussion took place regarding this concern. Attorney Smith stated, "If we were to utilize these text amendments as part of a site specific proposal we would have to return to this commission with another application, and you would be able to question us at that point in time about any site specific impacts associated with that proposal." Mr. Szepanski asked Chairman Gannuscio if he was comfortable with this situation. He replied that he is, that it's not specifically a set of regulation changes proposed by this board--it's been brought by landowners in town. He added that during the course of different conversations, we've come to the realization that there probably is not a parcel in this town big enough for a full-blown subdivision with single family housing. A comprehensive memo has been written by our Town Planner, so let's start with the presentation and then we'll go from there.

Attorney Smith provided the commission with copies of the notice letters sent to Connecticut Water Company and the State Department of Public Health on May 14, pursuant to Section 8-3i of the Connecticut State Statutes. He introduced Gary, Daniel, and David Merrigan and Daryl LeFebvre of M&L Development. He went on to say that they are here today with an application seeking zone text amendments to the Multi-Family Special Development (MFSD) zone district. This involves

residential communities that are proposed within the MFSD zoning regulations. He will be referring to the cover letter of May 9 and text amendments. Specifically, the text amendments involve five different provisions and concepts: (1) an increase of density within the MFSD from five dwellings or 10 bedrooms per acre, whichever is less, to eight dwellings or 20 bedrooms per acre, whichever is less; (2) a decrease in the minimum front yard for communities proposed in the MFSD from 50 feet to 40 feet; (3) an increase in building coverage for communities within the MFSD from 20% to 30%; (4) the elimination of the requirement for a minimum of two canopy trees in the front yard of each dwelling within a multi-family community; and (5) an alternate “fee in lieu” provision to be added to the “Recreation Space and Open Space” Section of “Standards for Multi-Family Use” provisions.

The purpose of the aforementioned proposed text amendment is to provide greater diversity of housing options with a MFSD proposal by slightly increasing the density currently permitted in the MFSD. The proposed text amendments also provide for the slight reduction of the front yard setback and an increase in the building coverage provisions to promote more flexible site design on smaller properties located within the MFSD. Similarly, the proposed elimination of the requirement for a minimum of two canopy trees in the front yard of each dwelling in a multi-family development promotes greater flexibility to achieve more appropriate and aesthetically pleasing site design associated with multi-family communities. The final text amendment provides a “fee in lieu” alternative to the existing “Recreation Space and Open Space” provisions. The existing “Recreation Space and Open Space” provisions aren’t always meaningful or appropriate for a site design associated with a multi-family community on a smaller parcel. This “fee in lieu” provision is similar to that found in the Subdivision Regulations of the Town of Windsor Locks (see Section V, Subsection 5.8, entitled, “Open Space Fee In Lieu of Land” of the Subdivision Regulations).

Attorney Smith stated that these text amendments only apply to smaller parcels that will be eligible for an MFSD proposal. They are not talking about large developments. This is really designed for smaller parcels here in town, and there is not a lot of available developable land that is out there in Windsor Locks. As pointed out in the POCD, Section X, there is not a lot of diversity in housing in Windsor Locks, and there is a definite shortage of multi-family housing in this state.

Attorney Smith proceeded to discuss the five proposed text amendments. The **FIRST** proposed text amendment in Section 404 involves changing the density. Currently the cap on density for any residential community proposed under the MFSD regulations is five dwellings or 10 bedrooms per acre, whichever is less, so this proposed text amendment would slightly increase that to eight dwellings or 20 bedrooms per acre, whichever is less. The **SECOND** proposed text amendment is in Section 404 to change the front yard setback from 50 feet to 40 feet. This would apply to smaller type developments. The **THIRD** proposed text amendment is in Section 404 under “building coverage,” and the proposal is to change it from 20% to 30%. The **FOURTH** proposed text amendment, the deletion of the two canopy trees,

is in Section 409 under “landscaping and buffers.” Having two large canopy trees in the front of a small multi-family dwelling does not make sense when you’re trying to have a flexible site design on a smaller lot, so this deletion would provide that relief. The **FIFTH** proposed text amendment is in Section 409 under “Recreation Space and Open Space.” In your regulations you have a certain percentage of area in a multi-family residential community under 409-1 that has to be provided in a multi-family development regardless of size, and you also have a requirement for open space. This provision would allow for an exchange of payment in lieu of having to provide that required recreational space and open space area with a minimum of three acres. This would be a new subsection 3: *As an alternative to the requirements provided in Sections 409(1) and 409(1)(2) above, when a proposal involves a multi-family dwelling residential community, as provided by Section 404, that is proposed on property that: (a) has a minimum of three acres; and (b) is located within the MFSD zone districts; the applicant may provide a fee in lieu of these requirements. The fee in lieu shall constitute a fee equal to 10% of the market value of the subject property, not including the value of any buildings or structures to be removed. This fee shall be paid into a fund established for the preservation or acquisition of open space.* When you have a smaller development and a smaller lot for a multi-family residential community, it’s a good idea to cluster it to reduce the size of road width and impervious coverage, which would increase the ability to have more open space.

Attorney Smith went on to say that when a text amendment or zone change is proposed, the proposal must comply with and be consistent with the POCD and should not result in an adverse impact to the public health and safety. He respectfully submits that the commission already has in its zoning regulations provisions for the MFSD zone district and its application to provide for alternative housing options such as multi-family. The density increase they are talking about is not substantial, and they are not proposing any changes to the zone map, so he respectfully submits that this is consistent with the comprehensive plan. Again, there is nothing new or novel that is being proposed to the zoning regulations and zone map governing multi-family uses in town. The POCD makes it very clear that there are limited housing options in Windsor Locks. This would provide for additional incentives for a property owner to come in with a multi-family residential community proposal. These are proposed text amendments to your existing regulations; they are not outrageous requests, they are really tweeks or small modifications, and they do not result in an adverse impact to the public health and safety. In conclusion, he respectfully requests that the commission consider acting favorably on these text amendments.

Jennifer Rodriguez, Town Planner, discussed her report dated June 10, 2019. Comments from CRCOG to the Windsor Locks Planning and Zoning Commission dated June 13, 2019 were read into the record.

Mr. Szepanski asked, “Going from 5 units to 8 in a 3-acre plot, how many units would you end up with at the end?” Ms. Rodriguez replied, “If you have 8 units per acre and 3 acres, that would be 24.” Mr. Szepanski: “So you could end up with 24 units on a 3-acre plot. That would be the maximum density.” Ms. Rodriguez: “The

only other thing to think about was whether there was some sort of natural resources or steep slopes. The regulations require that these areas not be considered in the density calculations.” Mr. Szepanski commented that when the “fee in lieu of” was discussed, this was the first time he saw that the value of any building or structure to be removed would not be included in the market value of the property. He asked how the market value would be determined. Ms. Rodriguez replied that they had something privately submitted and also reviewed something from the Town Assessor. She added that it’s good to have clarifying language on whether that is included or not.

Dana Steele, Town Engineer, addressed the commission. He stated that typically he does not submit reports for text amendments, but Ms. Rodriguez was interested in his comments with regard to the suggested modifications to the amendment for low impact development (LID). He took a look at her report and then wrote an email dated July 8, 2019 to Ms. Rodriguez which he read into the record. Before he read the email, he pointed out that one thing that is helpful is to think about all the possible implications of a text amendment, in both conventional and non-conventional ways. His first two comments are related to a comment that Ms. Rodriguez made in her report regarding the change in the front yard setback. As he understood it, the reasoning for the reduction from 50 feet to 40 feet was that it would be consistent with other residential zones, specifically residential A and B zones. If you had units that are fronting on the existing road, to have them on a further setback than other houses on the road would create an inconsistency.

Mr. Steele then read his email. He noted that this regulation amendment would essentially give him the authority to determine whether or not the developers had designed their site in accordance with LID principles, and if not, he could recommend that they don’t qualify for the 30% coverage. With this amendment, if they came in with 20% coverage, they wouldn’t have to provide LID, even though that is something that is in the works, eventually heading towards all developments having these types of requirements.

Mr. Wilson asked Mr. Steele if his intent was that the 10% extra impervious coverage had to go through LID. He replied no, the way it’s worded is everything has to go through LID, but it wasn’t totally clear to him what the intention was. If your preference is to be more accommodating to develop it and limit it to the increase in the number of units, that would be another way to approach it. Going from 20% to 30% is a 50% increase in the amount of roof area, so that’s potentially a 50% increase in the number of units, but the density may say otherwise, because you’re going from 5 to 8, which is roughly a 50% increase as well. That would end up being 1/3 of the units that would have to be treated with LID design. This is at the commission’s discretion, which he feels is an acceptable modification if that is the commission’s preference. This would provide more flexibility for the developer.

CHAIRMAN GANNUSCIO CALLED A SHORT BREAK FROM 8:19 to 8:26.

Chairman Gannuscio asked Attorney Smith if he wanted to respond to Ms. Rodriguez's or Mr. Steele's comments.

Attorney Smith stated that they have no issues with Ms. Rodriguez's comments or the suggested changes. Specifically, the reference with the building coverage and the LID requirement, where there is a reference to "as determined by the Town Engineer," his suggestion would be **"as determined by the commission in consultation with (or per the recommendation of) the Town Engineer."** They have no objection to the suggested changes of Mr. Steele or to the suggested modification of Mr. Wilson. They have no objection to the language in Ms. Rodriguez's report about the tree canopy at the top of page three, but they would like to suggest a minor clarification: the phrase in the last part of the last sentence, "*and may include low-growing ornamental trees which do not exceed 30 feet at mature growth*" be added to the line above it (where the *** are) where the language says "problematic due to utilities or space, trees ***** may be located in close proximity to each building" "*trees such as low-growing or ornamental trees which do not exceed 30 feet at mature growth*" and continue with "may be located in close proximity to each building." **Clarified language: "In situations where planting large canopy trees are problematic due to utilities or space, trees such as low-growing or ornamental trees which do not exceed 30 feet at mature growth may be located in close proximity to each building."** They feel that the Town Planner's comments about not applying the Fee in Lieu to the Recreational Space makes sense. They have no objection to that regulation with the opportunity to add that alternative applied to a minimum of three acres not to exceed a maximum of five acres so that it would definitely be guaranteed to be a smaller lot. Attorney Smith concluded by saying that unless the site is already zoned MFSD, the property would have to be zoned for that, and if the commission does not feel a particular site is going to work, the commission can deny the zone change.

At this time Chairman Gannuscio 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. Laura Gagnon, 5 North Main Street, spoke in opposition to this application.

Mr. Szepanski expressed concern about putting 24 units on 3 acres. Density bothers him and not knowing what inventory is out there should the commission approve this. He would like to know what we're looking at. Chairman Gannuscio suggested having a rewrite what they decide point by point and then come back for a final vote at some point. Mr. Wilson would like to see an inventory when they come back of three to five acre parcels in the MFSD. Mr. Steele asked what the search criteria would be, since a zone change could be proposed for any parcel in town. Ms. Rodriguez said the best she could do would be to provide a vacant property list, and not just three to five acres since there are vacant properties with two or three side-by-side that could be merged. The list could be endless. Chairman Gannuscio suggested currently vacant properties with greater than 3 acres but less than 5 acres. Ms. Rodriguez replied that less than 5 would only be helpful in the decision making

on open space. MFSD could be applied to any parcel. Mr. Steele suggested limiting it to existing residential zoned properties. Mr. Wilson commented that the idea of the inventory is to know where we would be having an impact anywhere in town. Attorney Smith pointed out that when you're looking at the MFSD minimum requirements, one of them is 200 feet of frontage, which could narrow it down further.

Chairman Gannuscio started going through item by item and asked commission members for their comments in order to get a consensus for a re-write. DENSITY: Change Section 404 to allow 8 dwellings or 20 bedrooms per acre. Mr. Szepanski does not like the idea that you could end up with 24 units on three acres. Ms. Sayers is comfortable with this density. Mr. Wilson personally would not like to live in one of these developments, but he feels eight units per acre is not unusual for what has already been developed and is reasonable for the land area that is being used. He does not feel that 8 and 20 is unacceptable. He recognizes that a developer also has to meet other requirements of land area frontage and side yards and everything else that goes with it. In the end, if you get a developer that has 8 units per acre and he meets those other requirements, we will probably be very happy. Ms. Sayers commented that most of the open space in town belongs to the town, and that will not change. Chairman Gannuscio asked commission members for their opinions. Ms. Sayers, Ms. Cooper, Mr. Wilson, and Chairman Gannuscio are ok with 8 units or 20 bedrooms per acre. Mr. Szepanski has concerns with the density, but a site plan could show the commission that 24 or 20 doesn't work, and they would have that option of not approving the special use.

FRONT YARD REDUCTION TO 40 FEET: Chairman Gannuscio, Ms. Cooper, Mr. Szepanski are all okay with this. Mr. Wilson would like to offer an alternative: to match the maximum of the adjacent parcel setback. If you have a row of houses and they're all 50 feet back and all on the front yard line, and you have 200 or 400 feet of MF that jumps in the middle of that, and it goes out to 40 feet, that's problematic. He feels you should be holding that line coming from your adjacent parcel on either side of you. Mr. Szepanski commented that the consistency would be nice. Ms. Sayer pointed out that throughout the town we have mixed frontage and major variation and it's not problematic. Chairman Gannuscio summarized that the majority of commission members were okay with the 40 foot frontage.

BUILDING COVERAGE: Chairman Gannuscio commented that he liked the staff proposal, leaving it at 20% but giving it the 30% option, and with the LID language. Mr. Steele asked him if he wanted to change the language from "to the satisfaction of the Town Engineer" to "to the satisfaction of the commission in consultation with the Town Engineer." All were in agreement with this change. Mr. Steele asked if the LID would be for the entire site or for one-third of the site. Chairman Gannuscio responded, "I would say, implement the Low Impact Development on the percentage between the 20 to the 30, so for the third." Mr. Steele said that it gets complicated how to word it. He suggested in the first sentence: "30% lot coverage is allowed for developments utilizing Low Impact Development techniques for at least 33% of the

development” (or “one-third” if you prefer fractions over percentages). Chairman Gannuscio said he likes percentages over fractions. Ms. Cooper asked if they should consider it for the whole thing, since that is what they are hoping to get to eventually. Mr. Steele stated that they haven’t discussed this yet with the commission, but one of the options on the table is to make it an incentive program where if you implement LID then you get incentives, which would be consistent with what they’re doing here. Encouraging developers to utilize this (for protection of natural resources, you give them something in return) would provide more opportunities for development. Chairman Gannuscio summarized: 20% or 30% with the LID practices. All commission members were in agreement.

Mr. Steele mentioned Mr. Wilson’s concern about the additional cost to the developer when these things are imposed, but if you read through the DEEP’s literature on this, they will tell you that LID actually saves the developer money because you don’t have to put in catch basins and curbs, so you’re actually reducing your infrastructure costs. Mr. Steele continued to say that’s fine if the development is only required to provide treatment of water, but if you also have to provide storm water detention then you end up having to put in a detention basin anyway. Because all of these LID techniques are not designed to handle the 150 year storm or 100 year storm, what happens is they get inundated, overflow, and then you have an increase. So we would not approve a project that had LID but didn’t have detention unless they could demonstrate that they didn’t need detention. There are some cases where that could benefit, but many times you end up having to do both, so it’s not actually a savings; it is actually oftentimes an additional cost, but there is still the potential with those methodologies to have some savings.

PLANTINGS: Chairman Gannuscio stated that Ms. Rodriguez’s language is excellent here and mentioned the difficulties with the Chapman Chase landscape design. Mr. Wilson stated he does not like the idea that they will all be lower than 30 feet and flowering (ornamental). If you’re pulling a mature canopy out of three, four, or five acres and putting in as many bedrooms as we’re talking about, you’re probably going to decimate the entire acres you’re using and clear it all so that any mature tree that is in there now will be gone. They’re probably eastern forest, high canopy trees, and to only put back ornamental and flowering trees doesn’t seem right to him. He would want some percentage to be canopy trees still, somewhere on the site. Ms. Rodriguez pointed out that there are buffering and landscape requirements that are separate and this is just one line in the landscaping requirement regarding front yard trees. In Section F in 409, F.1 and F.2, the commission has a regulation to potentially waive something, which is problematic, so this whole section needs to be re-visited and soon but needs to be separate from this application because of the public notice. There are a lot of issues with this section to begin with. Her suggestion for language was based on the request for a change of F.4 which was just this one line: “At least two canopy trees shall be planted or preserved within the front yards of each dwelling unit.” The rest the commission should go through because it offers waivers, and it refers to multiple different sections in different parts of the regulations that she doesn’t necessarily think should apply. Those three are not

addressed in this application, but number four is. Ms. Rodriguez asked for clarification from the applicant on the suggested re-wording of this section, which Attorney Smith provided. Attorney Smith pointed out under landscaping and buffer requirements under Section 409, subsection F, the first line does make reference to 417.E.4 that calls out two canopy trees again, so maybe at the beginning of that have “except as otherwise printed in this section,” as an intro to clarify the context of this text amendment. It references 417, and if you go to 417, it says that at least two canopy trees shall be planted, so this will say, “except as provided in this section,” what we’re amending, 409.F.; you still have to comply with all the other landscaping provisions in that 417, which is what’s being talked about, carving out this one exception—everything else has to be complied with.

RECREATION AND OPEN SPACE: Chairman Gannuscio commented that the staff’s proposed language works for him. All commission members agreed. Attorney Smith had no objections to this.

Chairman Gannuscio stated that he would like to keep the public hearing open and asked the applicant if there were any items he wanted to address before continuing the hearing. Attorney Smith thanked him for the comprehensive review and stated he has no further comments at this point. Mr. Steele said he and Ms. Rodriguez will take a look at the final draft. He suggested that the commission at some point takes a more comprehensive look at the regulations, as sometimes making changes creates inconsistencies with other parts of the regulations.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission continues the public hearing on the amendment to zoning regulations for Multi-Family Special Development to the August 12, 2019 meeting.

V. **Reviews** (none)

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

VII. **Old Business**

A. **Discussion with Commission and Staff**

i. **Zone Change Regulations to Section 1105.2**

Ms. Rodriguez stated this regulation 1105A is for the requirement for an A-2 survey for the zone map and explained that she went on a Planners’ list serve, and the variety of responses she received was very big. Some said yes, we require that, a few others said why would you put that burden on the developer, and some others were in between. Mr. Steele read number two of the regulation: *A proposed amendment to the Zoning Map shall include a legal description of the area proposed to be changed.* He went on to explain that it’s a problem if you

don't require an A2 survey when you do a zone change because the zone may no longer be following property boundaries. This is not a great planning practice and it presents potential problems when you don't require an A2 survey. The reason not to require it is that it's a cost to the developer. The way the regulation is written now it says you have to provide a legal description. If you wanted to be more friendly to encourage development, you could require a legal description with bearings and distances, which would allow them if there was an existing map or deed on file that had a dimensionally specific description, that could be provided in lieu of. At least it could be created from those whether it matches the current property lines or not, and at least you have a well-defined boundary that you're changing the zone for with dimensions.

Chairman Gannuscio asked if it comes in as an A2 does it make it easier later on when it's ready for GIS. Ms. Rodriguez responded that it may not be easier, but it's more accurate. That's why we have a disclaimer on our GIS mapping because it's based on what's filed, so if what's filed is a survey, then that's more accurate than if what's filed is a map based on minimal research. If that gets filed in the Clerk's office as a zone change, we send it off to the GIS folks, and then they create a picture of what that looks like, and it may not be entirely accurate. Mr. Wilson stated that one of the first things he asked when he joined the commission was, "Where is the official zoning map?" An official zoning map with usually a large scale detail with the entire town showing what the zones are, and usually with disclaimers either in regulation or on the map that says if it appears to follow the property line, it's following the property line, if it appears to be off the center line of the road, it's off the center line of the road by whatever distance is noted on the map. That's the official zoning map that people are trying to change. We don't seem to have an official map. We have the GIS which has disclaimers saying it's not the official map, so where is the official map? Ms. Rodriguez replied that they have a black and white that was hand drawn years ago. Mr. Steele added that it's hand drawn on a mylar, and they used to update it, but when they switched over to GIS, they stopped updating it. They started updating the GIS instead. The GIS can become the official map, but he doesn't know whether it needs some sort of legal action to make it official. Mr. Wilson asked, "If that has become the official map, why can't someone go to the GIS, print out a section of it, take their crayon and mark around it, this is the area they want to change the zone to." Mr. Steele: How do they know where to draw that line? Can they draw it wherever they want? Mr. Wilson: It shows the parcels. Mr. Steele: What if they don't own the parcel? Mr. Wilson: They have to do a zone change on what they own. Mr. Steele: What if the area drawn is not what they own? Mr. Wilson: Then you have to go to the other owners in that zone, in that area, and you have to get their approval to make that application. Mr. Steele: But you wouldn't know that without an A2 survey is my point. Mr. Wilson: You could know it from town land records. Mr. Steele: You could, that's why I was saying, as an alternative, if you had a legal description like from a deed. A deed shows who owns it, at least at the time the deed was filed. There could be another deed on file that shows it was split in half or 100 feet was sold off to the neighbor.

Mr. Wilson: So our official zoning map, which is the GIS map, is not necessarily based on correct property lines of all the recorded changes, so where is our official zoning map, because that's not it. It has to be something else. We have to have a hard copy that we're using to define where the zones are. Mr. Steele: Well the Assessor's map is not necessarily up to date. Mr. Wilson: Are we trying to prohibit people from making changes and make it harder so there's more cost involved, or are we trying to make it easier to make zone changes? What's the incentive....Chairman Gannuscio: I think we're trying to make it easier for review when there is some kind of application. Mr. Wilson: So why aren't we just using what we originally talked about, the official GIS mapping? And whatever changes there are get sketched onto that. If somebody cannot show that they own the third parcel of land but maybe they have an option on it, then they have to go to that owner and get an owner signoff saying 'I approve of this application for my parcel.' And you look at the town land records and you click onto the GIS and see the parcels. So would that be easier for somebody to accomplish than legal descriptions? Ms. Rodriguez: We're definitely taking their word for it. Mr. Wilson: You're taxed on the basis of what's in the Assessor's data base. Ms. Rodriguez: Best available data. Mr. Wilson: Which I know is not 100%, but you have to do the best you can, and if you put too much on these people....you're telling me that I have to have legal description so I have to get an A2 survey for the eight parcels I want to put together to make the zone change? Mr. Steele: Well it's already required in the regulation. Mr. Wilson: Where? Mr. Steele: 1105A.2 says, 'A proposed amendment to the zoning map shall include a legal description.' Mr. Wilson: Are we talking about removing that requirement or making it more intense? Sounds like you're trying to make it more intense. Mr. Steele: Right. That's what I'm suggesting. Mr. Wilson: More dissuasive to development. Mr. Steele: Well, if that's your conclusion you don't have to make the change. That's why we're here having the discussion. Chairman Gannuscio: But then again, the technology to do that....it seems to me easier to do that then it was 25 years ago for the A2. Mr. Steele: Now you can go online to the GIS and print out a map showing the parcel that you want to have changed, and that's our official map, and if it's not correct or up-to-date, then we're changing the zone of something that is different than what the actual property lines are. I think the Assessor does update those records, it's just not necessarily totally up-to-date. Ms. Rodriguez: Now we're catching up, there were a lot of changes that we knew had to be made, and we did make them, but we're still finding changes. We've probably sent over 200 changes in the past couple of years, and they were not new or recent, but at least all of the new stuff over the last couple of years has been changed.

Chairman Gannuscio asked Mr. Steele if he wanted to draft what he would prefer to have as the language for 1105A.2? Mr. Steele replied that he sent something to Ms. Rodriguez with a couple of options. He asked if the commission wants to require more of the applicant, less of the applicant, or keep it the same. Ms. Sayers asked if it's problematic what we currently have. Mr. Steele replied that it can be, that it depends on application to application how accurate the

mapping is that's being used for a map amendment. We have no way of requiring anything other than what the regulation says, which is a legal description, which is pretty vague. What property are you changing—based on an address, based on an assessor's map number? He added that they are looking for feedback from the commission about requiring a full A2 survey. Is there interest in providing more than what we have or to stick with what we already have. Chairman Gannuscio stated that he has no objection to requiring an A2. That's always been the standard. Mr. Steele pointed out that not all towns require it, but some towns do, so it varies. Ms. Sayers asked if that is an expensive process. Mr. Steele replied yes, it could be thousands of dollars. Mr. Wilson added that it's not inexpensive at all because you're not just surveying your one parcel. You have to go and research the deed of every single parcel that touches you. It can run you \$5,000 to do your house lot. Ms. Rodriguez commented that if you have a property owner who owns a commercial property or a larger property, and you have a developer who is interested, the developer doesn't want to buy the property from the property owner, they just want to know whether they can get the zone change first before they start investing. Mr. Wilson stated that it's 100% a deterrent. If other towns aren't doing it, which they're not, we shouldn't have it. You drop the word "legal" out of "description," and just say, the description of the area's proposed change could be a list of assessor maps, lot numbers, addresses, and then we can reconcile that later and determine if we really agree with what they're describing and if we believe that those are actually correct parcels. Mr. Steele noted that you have to draw the map at a scale of one inch equals 100 feet (which you can get from the GIS), and show the properties within 500 feet of the proposed change, which you can get from the GIS. Then what they require is the map to be filed as a mylar on the land record (once it's approved). This is what has been our practice. What we allow right now is a Class D survey. It can have a stamp on it, but if you ask a surveyor, Class D is meaningless—there's no liability for it. It could be completely wrong, and there's really no responsibility on the surveyor's part for its accuracy. You're filing that on the land records, and that becomes official, and that needs to be taken and implemented into the official map which is what our GIS consultant would do.

Mr. Steele stated that it sounds like we should table this issue and give it some more thought. It doesn't sound like there is any real consensus yet on what to do. Ms. Sayers asked Chairman Gannuscio if he would be comfortable with Mr. Wilson's suggestion. He replied that he is from the Ralph Leiper school, which always looked for an A2. He added, if you're a developer, you're going to pass the expense on. Mr. Steele said in the big scheme of things, it's not a huge cost. It's a cost you're going to have to bear anyway for most applications, but maybe not for a residential lot. Mr. Wilson commented that you are eventually going to have a surveyor on board for a commercial development and eventually you're going to have to do it. Mr. Steele gave an example of the Sports Complex application. They had an engineer involved, so they had to have a pretty good idea of where the property line was. They didn't provide an A2 survey, so we have a mylar, a map that's filed, but it's not an A2, so when it comes time for

development, if there's a discrepancy, a decision has to be made how you account for that discrepancy--perhaps some wording in the map that may say "if it looks like it follows the property line, then it does follow the property line." Some kind of provisions like that could be a substitute for having a good legal description. Chairman Gannuscio concluded, "Let's table this."

* **Windsor Locks Commons RFQ**

Ms. Rodriguez stated that she has one copy of the RFQ for the Windsor Locks Commons property that she can pass around. She noted that it's hard when you want the commission to be involved knowing that eventually the commission will get this application for review, but this is an informal discussion, and she feels it's important that the commission looks at this because we're having this density discussion downtown. You are getting a very conceptual idea from a developer who is very serious about investing, so it would be good to know what generally they found could happen here. Mr. Wilson would like to receive the RFQ electronically if possible. Chairman Gannuscio asked about the gentleman who came in two meetings ago to talk with them about this project. Ms. Rodriguez replied that initially he responded verbally and with an email but never sent the response/packet. They typically do commercial stuff, and they wanted to get into transit-oriented development and residential, but it would have been their team's first project.

ii. **Density in Main Street Overlay Zone**

Ms. Rodriguez stated that she had promised she would get some density numbers for this meeting for the downtown area. She looked at the map and pulled a few properties that we're all aware of: 11 Grove Street, 22 units/acre; Montgomery Mill, 41.6 units/acre; 21 Spring Street, 53 units/acre; 50 Chestnut Street, 16 units/acre; and 266 Main Street, 13 units/acre (this has 75 units and the property runs deep, and that's the gross acreage, not a net, because there's a brook in the back).

She will go through the narrative. The first floor has to be commercial, and properties fronting on Main Street can be up to five stories. This developer is proposing two phases: the first building four stories, the second building four or five stories. There's about three acres there, and the first phase is between 50 and 70 apartments, and the second phase is between 80 and 100, so the total could be 170. Our MSOZ hints at a Form Based Code. We didn't completely go there, we left a lot of text and verbiage and explanatory kinds of language. Form Based Code looks at how the structure fits on the property, and does it develop the character that you're looking for architecturally and visually. Then basically if you meet A through Z, it gets approved. Our regulations still ask for more detail than that, and one of the things we're looking for is the density, the number per acre. Something to think about is you permit between two and five, and there are still coverage and other site design requirements, so all of those things are going

to regulate the number of units. One option is to take the density number out altogether and let those site design standards control that; another is to increase it and then we need to have that conversation about what that number is. Adaptive reuse regulations have “density as determined appropriate by the commission,” or something like that. But the reason the community has been more flexible with that regulation is that it incentivizes something like the Montgomery Mill or an underutilized building. Ms. Sayers commented that with 170 units, there’s no guarantee that each unit won’t have at least one car per unit, which will be problematic unless there is a parking garage. Ms. Rodriguez responded that a parking garage was one qualifying factor between this developer and the other. Both seemed willing to do some sort of shared parking or parking garage. This will all have to be flushed out. This is an interesting reality for Windsor Locks. Some things are set in motion, but not everything is, and you don’t have a community right now that typically walks. Phasing and flexibility have to factor in. Chairman Gannuscio pointed out that our regulation already says what the density is. Let’s not change it, let them come forward as part of this whole process with what density they’re looking for. I would set 35 as an outside limit. Mr. Wilson said he agrees with Ms. Sayers—it’s one thing to meet a certain density, it’s another to get the vehicles there with that. They take up a lot of space. Mr. Steele pointed out that much of this is self-regulating. The developer is not going to build something that he doesn’t have enough spaces for. No one will want to move there. Ms. Sayers added that for her it’s not so much the density, it’s if you can accommodate the cars. Ms. Rodriguez concluded by saying that this is a good conversation to keep going so that when a developer comes for an application you’ve had a chance to think about it.

B. Action Items (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Special Use Permit/Site Plan Review for 8 North Main Street

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedules a public hearing for a special use permit and site plan review for 8 North Main Street for August 12, 2019.

C. Informal Discussions

i. Bradley Court Zoning Question

Chairman Gannuscio asked if the Building Official or the Fire Marshall looked to see if they have people living in the cellar yet. Ms. Rodriguez replied that Mr. Doody is on vacation but he and the Fire Marshall have been talking to the architects. The original response to them was, “No, you can’t increase your density.” This is not whether they can have units in the basement but whether they can have living space in the basement. Ms. Rodriguez noted that it doesn’t say just “sleeping quarters,” it says “as living or sleeping quarters,” so to her it seems like it can’t be finished space. Mr. Wilson added that the building code says for a bedroom you need six square feet of window, you need steps out to the window, and then from the well out to the surface as well. To have a bedroom it has to have its own closet as well. If you don’t put a closet in it, it’s not a bedroom.

ii. Spare Time Site Lighting Plan

Ms. Rodriguez said they want to add more light fixtures. They are not exceeding the max. They are still getting higher than half a foot candle at the property line. Mr. Steele explained that part of the problem is that they’ve already paved right to the property line, so if you’re going to put the pole right on the property line, it’s almost impossible to limit it there. You need some setback, but you can move it to the center, and there are ways to do it. Mr. Steele asked why you would want to limit foot candles at the property line. It can still be full cutoff. Why stop it at the property line? Don’t you want it lit up there? If it was next to residential, he could see why you would want it limited. He stated he and Ms. Rodriguez were wondering if the commission wants them to make them move the lights to conform to the half foot candle, or is there a way to interpret the regulation that doesn’t apply in this case. This is 705F.4.B (iv), on page 85, and it says “lighting from a parking lot area shall not direct light beyond the property limits greater than a half foot candles.” Mr. Steele commented that it seems pretty clear cut, but wondered if the thinking was when it was abutting residential, or the glare on the road. Practically it seems there should be a way to let them do this, but the regulations don’t seem to give us that option. Chairman Gannuscio said that the commission is not going to do a regulation change for them. He asked if they can retrofit their lights. Ms. Rodriguez did tell them to go talk to their lighting person to fix it, but then they came with this. Mr. Steele said, “I don’t know if we have the flexibility to be able to go back if you told us that you interpreted it to mean that it was only residential properties that were intended and it’s just not really worded correctly. We could probably move forward with that.” Chairman Gannuscio’s response sounded like, “Okay, all right, so there’s...” Mr. Steele: If you feel like now the regulation would need to be amended... Chairman Gannuscio: What’s behind the bowling alley? The parking is all on the Route 75 side? There’s nothing on the Old County side, where you do have houses there?

Mr. Wilson: No, there's the rental car place behind there. Ms. Rodriguez: I asked if they could do more building mounted lights so it could get in that direction. Mr. Steele: The building lights won't reach that area, that's the problem. Ms. Rodriguez: There are a few pole mounted lights that existed but they want to put in at least four more. Because they are towards the center of the property they just don't light up the edges, and people are complaining that it's dark and feels dangerous. Mr. Steele: I don't like to stand in people's way when it seems like a good thing, but we don't have the authority to... Mr. Wilson: The other thing you can do is put more lower fixtures around the perimeter. Ms. Rodriguez: I did mention that, too. Mr. Wilson: But nobody wants to put more because each one is another base to buy, and it's more expensive. What they're really trying to do is take the center core that is lit and just catch the edges, but they've paved themselves right up to the edge, farther than they should have, so now we're stuck with a non-conforming issue that they have already, and they don't want the expense of doing it the right way which is putting in eight foot fixtures all the way along at every five parking spaces and just throwing light at those cars around the perimeter where they're trying to get it. But they want to do it with a 15 or 20 foot fixture because then they can only have four. And can't we just violate this rule over here so that we can do what we want to do? Be creative. They're a commercial enterprise and they.....profit.They would not be putting parking that close to the edge so then they could put the lights where they needed to be and they would have more islands breaking things up and they could light it better. Why didn't they put a new parking plan together when they put their nice new building together? They decided that they didn't want to put the money into the parking but now they have an issue and they want us to solve it by breaking the regulation.

D. Action Items (none)

IX. Communications and Bills

Ms. Rodriguez said she has some zoning referrals from the Town of Enfield from CRCOG. Usually you get these in a log online but because they were an abutting property they sent us the referral.

X. Adjournment

It was **MOVED** (Szepanski) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the July 8, 2019 meeting at 10:31 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*