

PLANNING AND ZONING COMMISSION
July 9, 2018 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

Commission Members Absent: Kayleigh Royston (Alternate)

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

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:06 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the June 11, 2018 Regular Meeting

It was **MOVED** (Cooper) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Brengi Abstaining) that the Planning and Zoning Commission approves the minutes of the June 11, 2018 regular meeting as published.

IV. Public Hearings

A. Special Use Permit—Industrial 1 Zone—80 King Spring Road (Change of use from tobacco warehouse/storage to mineral blending/packaging/shipping)

Mr. Szepanski read the rules for conducting a public hearing. He confirmed that the sign for the public hearing was posted correctly.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on June 28, 2018 and July 5, 2018.

Jay and Amy Stolfi of 24 Cedar Spring Road, Burlington, CT, addressed the commission. They are the owners of Rose Mill Company, a successful small family owned business since 2001. They have been operating out of their current West Hartford facility since 2007. They are in the business of processing minerals and mineral based chemicals, which means they take naturally mined or naturally derived products such as borax--mostly salt-like products--and process them mechanically. There is no chemical creation. They take raw materials, granulars and powders, mix them and blend them, then ship them out to a number of different factories in the business. Commission members had some questions, which Mr. Stolfi answered. They process several million pounds of material annually. Mr. Stolfi commented that

it is a good sized operation and went on to describe the process. The raw material comes in by truck in large one ton bulk sacks or 50 pound bags and then the finished product goes out by truck. The process is a closed loop. There is no by product or accumulation of material or chemical reactions. It's similar to a commercial bakery. Mr. Stolfi noted that they have operated out of West Hartford without incident. Mr. Zimnoch asked how many trucks are used on a daily basis. Mr. Stolfi replied that there is no regular schedule. It could be zero on some days or 5 or 6 on some days, or 2 or 3 or 4 a day, and sometimes nothing comes the whole day. Right now there are about 10 employees at the West Hartford facility. They are moving because their facility is too small. Their present facility is 20,000 square feet, and the Windsor Locks facility is 50,000 square feet and has five loading docks. Mr. Szepanski asked if any dust is created and if the employees have to wear masks. Mr. Stolfi responded that the vast majority of the tonnage that is processed at Rose Mill is of reasonable low toxicity and is reasonably environmentally friendly products. There is a dust collector on site for the dust that is created. Everything is self-contained and kept within the building, so nothing is spit out into the air. The vast majority (99.9%) of all material that comes out goes back up, and 99.9% of that goes out as finished product.

Jennifer Rodriguez, Town Planner, read for the record the favorable email dated July 9, 2018 that she received from Mike Sinsigalli, Fire Marshall.

Mr. Stolfi concluded by stating that the building at 80 King Spring Road is an underutilized building and is empty ten months of the year. They will bring employment to the town and will be a good neighbor to the Town of Windsor Locks.

Ms. Rodriguez discussed her report dated July 6, 2018. She read into the record an email from the Police Chief dated July 5, 2018 which stated that he had no concerns. She also received comments from Gary Kuczarski from the WPCA regarding drains.

Mr. Stolfi commented that there are probably 20 additional spaces on the west side of the building in addition to the 13 that are already striped. They do not sell to the general public, so there is more than enough parking for the site. The building is a modern two-story office building, and the shop is separated into two wide open bays with a row of columns down the middle and 20-foot ceilings. They are not proposing any major structural changes. They will take the existing sign off the building and replace it with one that has their name on it. They will probably put up some modern LED lights and put lights by the flagpoles.

Dana Steele asked how many employees they have. Mr. Stolfi replied that there are 10 employees right now so the 13 parking spots is more than enough. Mr. Steele asked if the parking area for 20 cars on the west side is striped. Mr. Stolfi responded that it is paved but not striped, but the current owner has some cars parked there. Mr. Steele stated that usually if you're going to be adding parking or reconfiguring the parking, they would need a site plan to show that, but in this case since they don't need the parking there, he doesn't see a need for a site plan, and he would have no

problem with waiving the site plan. If they grew or expanded to the point where they needed to add more parking, he would advise that there be a condition that says they return with a site plan if they need to stripe that area so they can confirm that it meets the parking requirements. Mr. Steele added, "I suppose if it's already a parking area and it's not conforming to our standards, that that could be permitted to continue, but if it's not striped, I'm not sure that it should." He also advised checking with the fire department about fire lanes. Mr. Stolfi replied that he did speak with Mr. Sinsigalli about this briefly, and he did not have any problems with the cars being parked there. You can clearly get a fire truck in there on both sides of the building. Mr. Stolfi added that he had planned on striping those spaces. Mr. Szepanski asked if he was planning on sprucing up the site and pointed out that there is curbing missing and also a notation on the drawing that there are drains that are not working on the east side. He is concerned about erosion occurring. There is also a 3 or 5 foot dropoff to the left of the building in the parking lot that concerns him. Mr. Stolfi commented that it is a tapered, not straight drop. He went on to say that they do have funds for sprucing up, so at some point, over time, the curbing, the driveway, the lighting, the flagpole, the shrubs, and the lawn will all look better. Mr. Szepanski asked if there would be a requirement for an ADA parking spot. Mr. Steele replied that this is a building code issue for the building official to address. Ms. Rodriguez said it is possible, if the building official considers this to be a change in use, and the requirement is one ADA space for every 25.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Chris Kervick, 100 Paul Drive, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

Chairman Gannuscio summarized: he would defer the sidewalks in this area; the landscaping will be spruced up; the Police Chief, Fire Marshall, and WPCA have all commented; and the signage can be left for staff review in case there is a change. He asked Mr. Steele if he would need to see a photometric plan if there was a switchover to LEDs. Mr. Steele replied not if they are just replacing existing fixtures, although there is a requirement for full cutoff fixtures, so if the fixtures are not full cutoff, they should be replaced with new ones. If they are increasing the intensity or putting more of them in, a lighting plan would be needed. Chairman Gannuscio added that staff should be consulted before striping is done. Mr. Szepanski pointed out that the site plan is also going to be waived.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the application for a special use permit for 80 King Spring Road.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit application for 80 King Spring Road, Rose Mill Company, for the change of use to a mineral blending/packaging/shipping operation. Furthermore, any changes in terms of

parking, striping, additional spaces, lighting, or signage will be referred to staff for review; anything out of the ordinary will come back to the commission for approval; and the installation of sidewalks will be deferred with an agreement filed on the land records that is acceptable to the Town Attorney. There are no changes to parking and therefore no site plan has been submitted for review.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission moves item VIII B (i) to this point in the agenda.

(VIII. New Business)

B. Receive New Applications

i. Approval for General Plan of Development in AIOZ for Old County Road (Thrall property) and 327 South Center Street

Attorney Paul Smith, 27 South Main Street, representing the applicant, JABs Sports Management, LLC, addressed the commission. He commented that there was a press conference about this today. This is a large sports complex for sports teams from all over the country with basketball courts, athletic fields, a championship arena, dormitories for the kids, and retail and hotel use. It is designed to handle up to 5,000 kids and is a fully encased facility for kids actively participating in different kinds of sports. It will provide its own security and staffing. There is an opportunity for the town's high school and middle school sports teams to participate and use the fields and the facility without any cost to the town. There will be a public pedestrian and bike trail that may go over to Center Street, depending on what is worked out with the state. Right now they are working through access points with the State of Connecticut. The Route 20 exit headed west would in part be configured to allow vehicles to turn into the complex and recreate a five-way intersection to allow egress and ingress to the site and control of the Route 20 exits and entrances. It's under review by the DOT. They have got preliminary approval but can't get their final OSTA permit until the town reviews it and says that it works for the town. Under the AIOZ concept, it's a two-step process: the General Plan of Development which they are presenting now, and at some point down the road they will submit to the commission a final site plan review where they will get into the specifics of the architecture. The only area where they will have a residential impact is the area in the back where the condos are. They feel they can address that very effectively. It's going to be a state-of-the-art, modern facility. The engineers are working on the details to present to the commission at the next meeting.

Chairman Gannuscio asked about getting town approval and what that means. Attorney Smith replied that OSTA wants zoning approval from the town before they go through their full approval process. There are multiple steps they have to go through down the road—DEEP, town meeting, and Board of Selectmen issues to look at. This is not an easy intersection to fix, and the DOT gets very

concerned when you're talking about entrance and exit ramps to one of their limited access highways. It's a great site and use for the town, with low impact for the town and a major economic activity generator for the town. First Selectman Kervick commented that the two-step approach that the AIOZ requires is a good process and works well in this situation.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission holds a public hearing on August 13, 2018 on the potential approval of the General Plan of Development in the AIOZ for the Thrall property on Old County Road and 327 South Center Street for a proposed sports village.

C. Informal Discussions

i. 284 North Street (trucking company)

Attorney Cheryl Gabes Rice, from West Hartford, addressed the commission. She was retained by a gentleman who is a part owner in a company in Windsor Locks called Kenzta Trucking Company. Kenzta presently leases space at 310 North Street, and there are four trucking companies that operate out of that property. Her client is informally looking at the possibility of purchasing property that is two doors down from 310. Power Screen is there right now and has been there since 2002. Power Screen is a company in the business of selling, refurbishing, and repairing large screening equipment that is used in construction sites for the screening of gravel and large chunks of asphalt that goes through these large screening machines. Before her client proceeds further, he would like to inquire of the commission if the trucking company is something that would be permitted under the current zoning of the property. In 1997 that property underwent a zoning change from Industrial 3 to Residential B. Those three parcels that are there that are connected have all operated as industrial use properties. The question is whether moving Kenzta's trucking operation two doors down to 284 North Street to where Power Screen is now would be something that is permissible. Attorney Rice asked the commission to give them some direction as to whether or not it would authorize a special use for this, given that the potential use for the property is far less intense than what is there now. Out of the four trucking companies that operate at the 310 property, her client's business is the least intrusive. He operates with about 14 trucks, and his daily activity in and out of the facility is maybe four trucks a day.

Ms. Rodriguez added that on that part of North Street there is a huge mixture of types of uses, so there are a lot of residents complaining about the industrial uses. But the industrial use there is legally non-conforming, so it may continue. She thought it would be appropriate to have a discussion informally on whether this would be a similar or less intense industrial use. Chairman Gannuscio stated that he would like to see a special use application for this to give the neighbors a chance to weigh in. Mr. Szepanski asked if Power Screen is moving out of their

facility. Attorney Rice responded that they still have an operation there but have started to relocate some of their operations. The property is not on the market right now, and they are still considering their different options.

First Selectman Kervick explained that they have received numerous complaints in two areas: truck traffic in general on North Street (and other areas as well), and GPS, because GPS is redirecting trucks through residential areas. GPS is also directing trucks to C&S from Route 75 down North Street instead of to King Spring Road. There is on the table now before the Board of Selectmen, waiting for approval from the Town Attorney, a new ordinance prohibiting truck traffic on North Street between Main and Chapman Chase, on Smalley from Leslie Street to North, and on all of Leslie Street. Attorney Rice pointed out that her client directs his drivers to go to the right (onto North) to avoid the residential area. Most of the work her client does is sending out cabs to pick up trailers at different locations to deliver them, and then the cab comes back.

Ms. Rodriguez stated that if you look at uses that are similar that are permitted by either site plan or special use permit in those zones, your regulations are not going to give you direction for what process someone would take in a residential zone because it's not permitted and yet you have this nonconforming use that is legal, so it's difficult to give direction to the applicant on what the process would be, or whether or not it would be considered a similar or less intense industrial use.

A brief discussion followed regarding whether a special use permit would be appropriate for this site and if this would reduce the intensity. The consensus was that a special use permit and site plan application would be the way to go, with the site plan showing what trucks would be parked and where. Chairman Gannuscio added that Ms. Rodriguez's office has the necessary paperwork and proper signs.

iii. Route 20 Corridor Activity

First Selectman Kervick stated that a second project along the Route 20 corridor has popped up. No formal plan has been filed yet but it is likely that the developer will ask for assistance from the town. It's looking like the emergence of the TIF has continued to catch people's attention. The way our TIF policy works is it's initiated by the request of a developer. In this case it looks like two different developers will be requesting a formation of a TIF district in that area, so why not combine them into one and do them all at the same time. The TIF statute is so broad that it will give us the flexibility we need to negotiate with each of these developers. His proposal is to create a TIF district, a process that has to be approved by Planning and Zoning, Board of Selectmen, EIDC, and ultimately a Town Meeting. He will hopefully have information in advance for the draft of a TIF master plan to get this on the agenda for the next meeting. Chairman Gannuscio clarified that it is a recommendation from this commission to the Board of Selectmen. Mr. Kervick stated we have been awarded a grant from the

DOT to conduct a study along the Route 20 corridor. The proposal which Attorney Smith discussed includes the developer constructing the first one and a half miles of the pedestrian/bike trail bordering his property.

ii. 440 North Street (Attorney Smith—draft rear lot/subdivision proposal)

Attorney Paul Smith addressed the commission. He represents Wayne Quagliaroli, who owns 440 North Street, which is next to the C&S warehouse. This piece is basically 10 acres. The front is zoned Residential A, and the back is zoned Industrial 3. There is an existing house on the property that is occupied. Mr. Quagliaroli would like to fully develop this piece, and the question is how to do that under the regulations. The plan they came up with was two lots in the front, the existing residential lot, then this 6½ almost 7 acres in the back to be Industrial. Access point is basically a 60-foot wide driveway which would serve as an access point to this piece and as the access point to the rear residential. The best plan would be as a rear lot with a special use, showing the type of screening they would be using. There are some questions with the regulations, but he thinks he can make it rationally fit. Sections 1401 through 1403 refer to rear lots. Section 1403 E-3 can be interpreted two ways. If it is that each lot must have 40 feet, you're talking about a flag lot, not a rear lot. If you say that you can't have any more than two lots, and in those two lots there has to be 40 feet of access to the road, that makes more sense to him. It does not make sense to him to have an 80 foot access point with two driveways on it. This is what the vision is, and they are willing to listen to the commission. It seems to be the best solution for what's there. They would rezone to A all the way back to capture it as a residential rear.

Chairman Gannuscio asked if Attorney Smith is thinking there needs to be a clarification or a change to the existing text. Attorney Smith responded, "Well you guys interpret your text, so you tell me how you interpret it." He went on to say that maybe the solution is to try to tweak the regs. He understands that the commission would not want to end up with odd lots with crazy configurations. Mr. Szepanski clarified that the existing home becomes a rear lot because you're going to build two homes in the front. It's not a rear lot now, it's just a lot with a lot of depth to the frontage. Attorney Smith added, "The other thing is that that residence exists right now in an Industrial 3 zone." Mr. Steele asked if it's going to be a four-lot subdivision. Attorney Smith responded, "Yes, but there's no real road improvements. It requires subdivision, and it's a special use under the rear lot reg." Attorney Smith commented that they looked at a bunch of different alternatives—maybe it's a piece that would fit as multi-family because it's transitional between zones, but it really wouldn't work well. Attorney Smith said he will get some sets over to Ms. Rodriguez and get it onto the agenda for next month.

V. Reviews (none)

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)

D. Action Items (none)

IX. Communications and Bills

Chairman Gannuscio stated he has to go back to the Board of Finance for the money for Pool Table Magic because they couldn't give him the money in June due to the fact that they were in the middle of the fiscal year.

There was a brief discussion regarding shared driveways.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the July 9, 2018 meeting at 9:16 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*

(R.I.P. pesky fly!)