

PLANNING AND ZONING COMMISSION
July 10, 2017 Meeting Minutes

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

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

Commission Members Absent: Alexa Brengi, and Kayleigh Royston (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner)

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:02 pm.

II. Roll Call

Commission roll call was taken. Chairman Gannuscio seated Cindy Cooper for Alexa Brengi.

III. Approval of Minutes from the June 12, 2017 Regular Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the minutes of the June 12, 2017 regular meeting as published.

IV. Public Hearings

A. Zone Change request from B-1 to MFSD, 177 Old County Road

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 29, 2017 and July 6, 2017.

Ed Lally, P.E., 111 Prospect Hill Road, Windsor, addressed the commission. He is representing F&L Construction Limited, who owns property at 177 Old County Road. This zone change application is to change a portion of their property being the most westerly 3.542 acres from the Business-1 zone to Multi-Family Special Development (MFSD). This property was all zoned MFSD at one point in time. The red shaded area on the displayed map was then changed to Business-1. After a few years that application was brought before this commission to change this red area which was then B-1 to MFSD. That application was turned down in part because the state was proposing a north/south roadway to serve the properties along Ella Grasso Turnpike to lessen the traffic on Route 75, provide additional means of access and a means of commercial deliveries to those businesses, and to encourage an upscale from the mix which is Business and a lot of parking lots to more of a commercial business with services to serve the airport. It's been about 10 years since that application was

denied, in part because no one knew where that road was going to go. During that time neither the state nor the town has pursued the acquisition of any pieces of property nor done any design studies beyond the concept of it would be a good idea to have a road in this location. During that time his client has continued to own the land and couldn't develop that portion of the land. An analysis of the topography shows that that property slopes from the west pretty steeply down to the east and is not of appropriate grade and elevation for business use. However, by spacing houses out, you could put individual houses on that piece of property with an appropriately designed road.

On May 5, 2017 Mr. Lally submitted a letter to the commission and would like this to be noted into the record. The location of that road has not been determined by the town or the state and no real study has been done, but he has taken a look at the topography and adjacent property, and in the letter he states that if you put a road along the rear of the properties that front on Route 75, that new road would provide direct access to those properties. Mr. Lally went on to explain why this would be the best location for the road, given the existing topography. The best location for that road, in his opinion, would be on the west edge of their property or immediately adjacent to the east edge of the properties on Route 75. They are not asking for a zone change for that piece of property. They would like their zone change to go up to within 60 feet of the property line, and they will deed for one dollar, or whatever is appropriate, that 60 foot strip to the town, or they would give the town the option to purchase that piece of property at some future time for one dollar. Their desire is to look at the area, determine where the best location of that road is, and then give the town the easement, so when that road happens in the future that easement would be there and any development they would do would not encumber the town or state from moving forward.

In addition, they are willing to offer a 20 foot strip for grading and construction purposes so the road can be built to fit the land. They are also offering a 50 foot vegetative buffer adjacent to the 60 foot right of way to ensure a screening buffer between a road that may happen and the residents. The new road would lessen traffic on Ella Grasso, provide a second means of access, and under this proposal would be on the easiest topography on which to construct a road, and they would give the town the easement across their property. They went to the Economic Development Commission, and the members thought that this plan made sense, it allowed reasonable use of the property, it protected public interest going forward, and it saved the town money in the short haul because it would be a private road which the town would not have to repair or plow. They also felt it would be appropriate because it allowed reasonable use of the property consistent with the property to the south.

Mr. Lally went on to say that the Plan of Conservation and Development (POCD) report also states that the POCD recommends that all industrial land north of the Fox Hollow area be approved for development consistent with the Fox Hollow and other MFSD. In summary, this plan makes sense from the perspective of the development that has occurred in the neighborhood, the development and the future roads that may

occur in the neighborhood, it protects the town financially, and it protects the future residents in the area from negative impacts of any road that may go in. They are well aware of the MFSD regulations. At one point in time an MFSD development was approved for a portion of this property, which has expired, but they will be coming back with a new plan.

Mr. Zimnoch asked Mr. Lally to talk more about the topography and the road.

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. Robert Kluff, President and Treasurer of the Fox Hollow Association, 65 Fox Hollow Drive, had some questions for Mr. Lally. It was noted that there is a serious erosion problem at Fox Hollow.

Ms. Rodriguez pointed out that this public hearing is for a zone change. This zone change isn't going to newly allow development, it would just allow some residential homes versus a commercial building. If this commission approves the zone change tonight, then the applicant would then come back with the engineering details, with distances to wetlands, with a specific planting plan, and with proper legal tools to further explain a right of way. There is no design for a road. There was a concept plan done about 10 years ago where the State DOT and the Capitol Region Council of Governments (CRCOG) looked at transportation problems on Ella Grasso Turnpike. One of the suggestions was to consider in the future an access road that works that picks up behind 3 Ella Grasso and heads north to Logan Drive behind Ruby Tuesdays. There has not been any funded engineer plan for Route 75. Any erosion issues would be addressed at a future meeting for a site plan application review.

Mr. Lally spoke briefly about erosion, runoff, drainage, and storm water management. He reiterated that this zone change request is not to approve any construction whatsoever. All it says is, instead of applying for business and possibly getting approved, you can apply for residential and possibly get it approved.

Tom McGrory, Unit 63 of Fox Hollow Drive, had questions for Mr. Lally.

Mr. Lally summarized that the topography, the best location of the future road that would parallel Ella Grasso Turnpike, the zone of the adjacent properties, all lead to the best use of this property being residential use, consistent with the adjacent residential use. MFSD seems to make sense because the front of the property is already zoned that, and the property would develop under one zone. The POCD suggests that the commission consider down zoning, which would be some sort of residential, and MFSD makes sense.

Chairman Gannuscio commented that the current POCD which is in effect was written in 2007, and they are required to revise it every 10 years. They are at a point now where they are ready to go to a public hearing with the revised 2017 edition. He said that from what he can remember, there was no part of the 2017 revision that dealt

with any kind of changes or revisions to what 2007 said about this area in terms of considering a rezoning. Ms. Rodriguez responded that the only new information that would be included is that the DOT is considering new types of traffic mitigation and that the access road be considered either for auto or potentially as a multi-use path, so that would be something more recreational. Chairman Gannuscio asked, "And not as a commercial vehicle rear entranceway type thing?" Ms. Rodriguez responded, "It would just open up the possibility of one or the other, and if it was found to not be a good host for automobile traffic, then it would consider an alternative path to get people on bike and on foot or other means of travel to get from any new development south of Ramada, should that be redeveloped, north to Loten Drive. It would be a good access road or potentially something more recreational, as you have all those natural resources there." Mr. Lally commented, "In response to that, we would modify our proposal...to deed you 60 feet for any legitimate town purpose, and then you could use it for anything from open space to a footpath to a highway."

Jennifer Rodriguez, Town Planner, discussed her report dated July 10, 2017.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the zone change request from B-1 to MFSD at 177 Old County Road.

Chairman Gannuscio asked commission members for their thoughts. Members expressed sympathy for the Fox Hollow residents regarding their erosion problems, but were willing to move forward with the zone change. Chairman Gannuscio offered some final observations: "We've got two land ownership interests here: Fox Hollow and this proposed zone change to this piece of property, and they don't necessarily have to be competing or in opposition to each other. Over the years different changes have been made to this entire parcel. This is best summed up by the opinion of the EIDC report which suggests that at this point in time there is no pressing development planned in terms of Business-1 for this parcel and perhaps its best use moving forward would be part of an MFSD concept...I don't see any way that the state develops this, and I don't see any private interest big enough to come along and put a road back there, so let's just move towards what our POCD suggested in 2007 in terms of considering zone changes to these parcels along that strip. Let's move forward with the zone change so that the next step comes along in terms of a subdivision application site plan review where we'll have our Town Engineer as an active participant. This would be another public hearing, a lengthy approval process with a lot of different town and state agencies involved."

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the zone change of the parcel to the rear of 177 Old County Road, exclusive of the 60 foot strip, to rezone this parcel from Business-1 to MFSD.

V. **Reviews** (none)

VI. Action on Closed Public Hearing Items (none)

VII. Old Business

A. Discussion with Commission and Staff

i. Expanding the new Blight/Nuisance Ordinance to include Noise Ordinance (pursuant to Section 7-148 and 22a-73 of the C.G.S.)

Mr. Zimnoch distributed material on noise ordinances. He explained that he talked with Selectman Kervick about including the noise ordinance as part of the nuisance chapter which has blight in it. He commented that if a neighbor in town is playing loud music and you call the police about it, the police can only ask them to turn down the music. They cannot enforce it. Mr. Zimnoch went on to say that CGS 7-148 delegates to towns to “provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health” while “prevent[ing] disturbing noises.” Based on a 2014 report, 75 Connecticut municipalities have noise ordinances. He looked at the noise ordinances of six towns online. All of these limit allowed noise levels that can be reduced to a single table, which he shared with the commission. All of them except South Windsor place enforcement with their police departments. The town is only allowed to control stationary noise with an ordinance. Mr. Zimnoch concluded, “Ultimately, if we agree that the town should have a noise ordinance for the benefit of the town and its residents, we should send up a resolution to the Board of Selectmen.”

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission recommends to the Board of Selectmen, as part of its review of the current blight ordinance, that noise pollution/emissions be regulated in the nuisance section of this ordinance.

B. Action Items (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications (none)

C. Informal Discussions

- * Mr. Szepanski commented that Airfield Aleworks backed out of their plans to open a brewery at 4-C National Drive, and he wondered if there is a liquor license approved for that address. There was a brief discussion regarding this question.

Ms. Rodriguez replied that if someone else comes in and wants to do a brewery, the use is approved. The permittee would have to go back to the state to get the permit, but the use is approved regardless of who the tenant is. The use attaches to that space.

- * Chairman Gannuscio asked Ms. Rodriguez about the trash being left by the donation boxes on Main Street by the curve before The Commons. She replied that the red car is now gone. The owner calls regularly to have the boxes emptied but the trash keeps coming back. Regulating this dumping is difficult. Several options have been discussed with the First Selectman.
- * Mr. Szepanski pointed out that there is a dead tree on an empty lot on the corner of Rachel Road and South Elm Street that is hanging over the sidewalk. He feels this is a safety hazard. There was some discussion about the tree warden sending a letter to the homeowner. Ms. Rodriguez said this is not a tree warden issue, but she suggested that the First Selectman ask the tree warden to send a courtesy letter.

D. Action Items (none)

IX. Communications and Bills

Ms. Rodriguez asked if Chairman Gannuscio could keep an eye out in the piles of mail for a reimbursement check for her that has been “lost.”

OTHER

There was some discussion about what is on the agenda for the August meeting, and a decision was made to cancel next month’s meeting. The next meeting will be on September 11, 2017.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission cancels the August 14, 2017 meeting of the Planning and Zoning Commission.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the July 10, 2017 meeting at 8:56 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*