

PLANNING AND ZONING COMMISSION

August 8, 2016 Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Jim Szepanski, Luis Valdez, Cindy Cooper (Alternate), and Kayleigh Royston (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 7:05 pm.

II. Roll Call

Commission roll call was taken. Cindy Cooper was seated for Vincent Zimnoch, and Kayleigh Royston was seated for Alexa Brengi.

III. Approval of Minutes from the July 11, 2016 Regular Meeting and the July 25, 2016 Special Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Royston Abstaining) that the Planning and Zoning Commission approves the minutes of the July 11, 2016 meeting as published.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 3-0; Valdez and Royston Abstaining) that the Planning and Zoning Commission approves the minutes of the July 25, 2016 special meeting as published.

IV. Public Hearings

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

A. **Text amendment to zoning regulations: Chapter I, Definitions (add definition of Secured Parking Area); and Chapter VII, Section 705F.4.b.vi, Lighting Standards and Requirements (add “a taller light pole is...approved in industrial zones and in Secured Parking Areas located in the Business 1 zone)**

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on July 28, 2016 and August 3, 2016.

Richard Meehan, President of Meehan & Goodin in Manchester and representing LAZ Parking Company, addressed the commission. While seeking approval at a previous meeting to do some drainage work and install some lighting on the property, they ran into a situation where it became clear that the regulations for properties in

the B-1 zone were somewhat limited with regard to the perceived needs for lighting and security at these particular parking lots. At the suggestion of the Town Planner, they sought to do a zoning amendment. The first amendment is seeking to make a distinction between a parking lot that is outside a Walmart or similar business and a parking lot that is a parking lot for its own sake—a parking lot that sells only a limited amount of space for parking. They came up with a definition for a secured parking lot.

The second amendment is to Chapter VII, Section 705, F.4.b.ii that would add language to the Business-1 zones, allowing for flexibility for the commission to permit poles higher than 14 feet in Industrial zones, as it said in the regulations, and *in secured parking areas*. Based on the distinction for that particular use, they could then justify having taller lights so they could use cameras to monitor safety and security for their customers. In response to that, the Town Planner submitted their amendment to the Town Attorney who strongly suggested that they broaden the scope of what businesses in the B-1 zone would be allowed to have taller light bulbs only under certain circumstances. Rather than define the height of the pole by the use it would define the height of the pole by the circumstances surrounding that particular business in the B-1 zone, thereby broadening the ability of the other property owners in the B-1 zone to also qualify for the lighting but limiting it by this certain set of circumstances. They have no objections to the revised amendment provided by staff and are willing to work with staff and refine it if need be, but as of now this would satisfy their needs.

Chairman Gannuscio suggested that they discuss the definitions first. Ms. Rodriguez stated that this is an addition to the definitions that makes sense. Mr. Steele commented that the definition seems to be broad enough so it's not just limited to valet parking uses.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of adding this definition to the regulations. There were none. The floor was then opened up for comments in opposition. There were none.

Chairman Gannuscio explained that the second item, the changes to Chapter VII, Section 705 F.4.b of the regulations, was initially submitted by LAZ, and was then reworked by staff and the Town Attorney.

Mr. Meehan commented on the changes made by staff on the amendment. They have no issue with 6 foot-candles at ground level no matter how high the fixture would be. They have no objection to the 24 foot height for the fixture. They have no issue with the lighting not being within 50 feet of a residence, no issue with fixtures being fully shielded, and no objection to not creating glare onto adjacent properties. They have no opinion as to the number of spaces and why it would be limited to X number of spaces, but they are willing to work with staff to come up with a number that would make sense for all the businesses in the B-1 zone, not just the secured parking lots or valet lots. Mr. Meehan picked the number of 500 as a place to start a conversation.

Mr. Steele asked if they were sure their smallest lot had 500 spaces. Kevin Morrissey, Director of Maintenance for LAZ Parking, said he would get that number for the commission. Mr. Meehan asked why there is a limitation to the numbers. He assumed it was because the commission doesn't want to have it in every small parking lot. Ms. Rodriguez replied, "Yes, that's why a minimum number seemed to make sense." It was the recommendation of the town attorney they consider that as criteria for a special use permit so then it would be for larger lots with lighting justifying the need for a public safety situation.

Mr. Valdez asked how many poles they were installing. Mr. Meehan responded about 8 or 10 poles.

Mr. Meehan brought up another subject. He said the poles are on the site now and while they are applying for their special permit, they would like to put up 20-foot high poles and then mount the fixtures at 14 feet, and then when they apply for their special permit to raise them up they'll get rid of those fixtures and bring in another whole set of fixtures and move them up from 10 feet to 24 feet height. They were all set to do that but he advised them to ask permission first to put up a 20-foot height pole and mount the fixture at 14 feet. He pointed out that the regulations are written to say the fixtures have to be 14 feet, but the commission can approve a higher pole. They don't say a higher height of the fixture. They are asking informally that they be able to keep their fixtures at 14 feet.

Mr. Morrissey informed the commission that two LAZ lots have 1,000 spaces, and one lot has 1,800 spaces. There was a brief discussion about the size of other lots in town and the intensity and height of the lighting.

Ms. Rodriguez pointed out the section on the bottom of the second page that talked about lighting for gas stations. There was a brief discussion about this.

There was a discussion about the rationale for the 14-foot limitation and the disadvantages and advantages of using this height. Mr. Steele commented that a study was done of surrounding towns and what height restrictions they had and 14 seemed to be in that ballpark.

Mr. Valdez commented that their application said this flexibility for lighting was necessary for the safety of the public and asked if there is a crime problem and if they thought raising the lights would solve the problem. Mr. Morrissey replied that there is a certain amount of vandalism for the public and their employees, and by increasing the lighting in all the lots they will be able to put in more high resolution cameras which will defer the vandalism.

A discussion took place about the high poles along Route 75 and the possible need for a setback from the street. Mr. Steele said he was thinking we could have a 50 foot setback from residential, or a 50 foot setback from the street line. If you have a

parking area in front, you could have 14 foot poles. Maybe this is a way to protect your corridors. Mr. Meehan commented that a 50 foot limitation would not adversely affect the LAZ properties at all and they have no objection to this.

There was a lengthy discussion regarding the language of the amendment.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of these changes to the regulations. There were none. The floor was then opened up for comments in opposition. There were none.

Mr. Steele pointed out that the regulation says you can't have these higher poles within 50 feet of a residential use or residential zone, but what is the definition of a residential use? Would that include hotels or extended stay hotels? At what point does something become a residential use? Are there situations where there are hotels nearby and you want high poles next to a hotel? Is the wording clear enough?

AT THIS POINT CHAIRMAN GANNUSCIO CALLED A 15-MINUTE RECESS.

AT 8:22 PM THE MEETING RECONVENED.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the text amendments to Chapter I, Definitions, and Chapter VII, Section 705F.4.b.vi, Lighting Standards and Requirements.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the following addition to the Definitions section of Chapter I, effective 15 days from the date of publication of the Legal Notice: ***PARKING AREA, SECURED: Is a space for the parking of motor vehicles characterized by restricted and monitored public access, and in which no gasoline or motor vehicle accessories are sold.***

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the text amendments to Chapter VII, Section 705 F.4.b, Lighting Standards and Requirements, as follows and effective 15 days from the date of publication of the Legal Notice:

(Changes are in italics.)

Windsor Locks Zoning Regulations 705 F.4.b

- b. Lighting Standards and Requirements. The proposed lighting plan and the ongoing lighting shall comply with the following:

- i. Outdoor lights and illuminated signs shall be designed, located, installed, shielded and directed to prevent direct light at (and glare across) the abutting property lines and the public right-of way or street.
- ii. In order to provide adequate lighting for public safety, a minimum of one-half footcandles at ground level throughout the parking lot shall be provided in Business and Industrial Districts, and a minimum of 0.2 foot-candles in parking lots in Residential districts. In order to preserve energy and to avoid excessive distraction, six foot-candles at ground level shall not be exceeded except where through a Special Permit Application the Commission determines that:
 - the proposed light intensity is compatible with surrounding land uses and their existing lighting plans,
 - public safety or a unique use (e.g., gasoline filling station pump islands, ~~or car~~ motor vehicle dealerships, outdoor recreational facilities or secured parking areas, etc.) requires a higher intensity, and ~~where the Commission finds.~~
 - a maximum of 25 foot-candles at ground level is proposed.
- iii. The Commission shall review the required Lighting Plan and may modify the plan to avoid lighting hot spots or dark areas of the parking lot, or to achieve a uniformity ratio of lighting approximating 4:1.
- iv. Lighting from a parking lot area shall not direct light beyond the property limits greater than 0.5 foot-candles.
- v. Outdoor lighting shall be full cut-off type fixtures, defined as a luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the light fixture.
- vi. Outdoor lighting fixtures shall be limited to a maximum of 14 feet in height, unless in unique circumstances a taller light pole is otherwise approved in Industrial zones and in the Business 1 zone by the Commission through a Special Permit application to a maximum of 24 feet from fixture to ground surface when the Commission finds that:
 - The lighting supports and fixtures are not within 50 feet of the property line of a property that either contains a residential use or is within a residential district,
 - The higher pole height and fixture are not within the minimum front yard setback of the lot,
 - Fixtures will be fully shielded to prevent light trespass off of the property,
 - The lighting, height of pole and fixture and/or topography will not create objectionable glare onto adjacent properties containing residential uses or within a residential district,

- *The height provides public safety for lots used for motor vehicle dealerships, outdoor recreational facilities or secured parking areas with parking lots of 400 spaces or more or similar uses.*
- vii. Light standards within parking areas shall be located within curbed planted islands and recessed three feet from curbs to avoid potential contact by vehicles unless otherwise approved by the Commission in Industrial *and Business 1* Districts in locations not visible from the street right-of-way.
- viii. The use of utility poles located in rights of way to illuminate adjacent sites is prohibited.

B. Special use permit and site plan modification for improvements at Fed Ex fueling facility at 130 Old County Circle

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on July 29, 2016 and August 3, 2016.

Luke DiStefano of Bohler Engineering, Southborough, Massachusetts, addressed the commission. This application is for a replacement of the existing fueling operation at this location. They would like to take the diesel fueling for the tractor trailer trucks out of the building and move it outside adjacent to the two existing above ground diesel tanks that are already there. This would allow them to perform truck maintenance in the building where it should be done and fueling outside of the building. As part of the proposal they would like to construct a new canopy of 1,400 square feet and three islands that could fuel a maximum of two trucks at any one given time. They are also proposing a small kiosk for storing equipment and for an attendant. This shed would be located immediately adjacent to the above ground storage tanks. The only other modification that would be made are some minor grading modifications so they can feather back in the asphalt they will be taking up to put down concrete mats for the fueling area and then some minor modifications to utilities. Overall, it's a fairly minor project—a simple relocation of the fueling that's taking place inside the building and moving it outside. The two existing above ground tanks will remain unchanged. The fuel dispensing component will comply with all federal, state, and local regulations. They are asking for a special permit for lighting. What is proposed is in excess of what the regulations allow. It is eight canopy lights being proposed to put light in the fueling area. Because this site is so big you will see absolutely no impact to any of the surrounding properties.

Ms. Rodriguez asked if the lighting fixture could be flush and full cutoff. Mr. DiStefano replied, "Absolutely."

Mr. Szepanski had a few questions which Mr. DiStefano answered. The number of tractors fueled every day varies with the season and the demand. These are high speed diesel dispensers and typically smaller box trucks would not be fueling up there. Refueling hours will be 24 hours a day.

Mr. Steele commented that the lighting plan for this proposal has a maximum foot-candle of 55 which is currently permitted under the regulations, but it goes to show how these levels can vary greatly depending on the particular use and what is proposed. He and Ms. Rodriguez both felt this was a straightforward application because this is in an area where no one is going to see it and they are not changing any drainage. He does not have any objection to this proposal.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this special use permit. There were none. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Gannuscio) and **SECONDED** (Valdez) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan modification for improvements at the Fed Ex fueling facility at 130 Old County Circle.

It was **MOVED** (Szepanski) and **SECONDED** (Valdez) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit and site plan modification for Federal Express located at 130 Old County Circle as presented in their application dated July 8, 2016 regarding relocation of their fueling facility from inside to outside with conditions as outlined in the Town Engineer's memo dated August 8, 2016, items one and two.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that Item VIII.C.i. be moved to this point in the agenda.

(VIII. New Business)

C. Informal Discussions

i. Brewery

Kenny Savin addressed the commission. He stated that his wife Robin owns a building at 4 National Drive, and they have a potential tenant for that space who is considering opening a brewery. He mentioned the town ordinance that says if a bar or café is serving alcohol you have to serve hot food. The state has come out with some new regulations (Public Act 12-17, Substitute House Bill No. 5021, effective July 1, 2012) as to the definition of a brewery with a tasting room. In many towns now they have foregone that hot food mandate, so you have a brew pub where you can actually manufacture beer, and you have a tasting facility where you sell growlers, and the patrons leave the premises with a growler. His tenant, James, sent a letter of what he's proposing for his business venture. He would like to ask the commission if there is a way he can move around the hot meal being served.

Mr. Valdez commented that several towns around Windsor Locks have breweries and this is something this town should consider. Mr. Savin pointed out that Subway and Papa Gino's are right next door to 4 National Drive. The exact specifications will be forthcoming, but the space would be where Absolut Auto used to be and is about 2,200 square feet. The very rough plan shows 57 seats. His hours would be from 4 to 8 pm, three or four days a week. Mr. Valdez asked when he hoped to open. Mr. Savin replied that it would probably be at least six months.

Chairman Gannuscio asked Ms. Rodriguez what kind of changes would need to be done to allow this type of business. She said a few years ago the commission changed the regulations to reduce or in some cases eliminate that 2,500 foot distance between liquor licenses. The hope was to add some vibrancy to town and to avoid having to deny applications for restaurants because a lot of restaurants serve liquor as well. The thought at the time was to not permit a bar or café without the food but rather promote liquor applications as they are associated with a restaurant. Currently the regulations permit restaurant permits and they refer to the state statutes and the requirements for a restaurant which is hot meals to be served and a full hot menu. The state statute Mr. Savin is referring to is a separate state license, but she can look at the possibility of a regulation if the commission directs her to do that which would permit a brewery license but not necessarily open the town up for approving a bar or café permit. Ms. Rodriguez commented that one way to look at this is, how is it different from a bar, or is it. You can see from the document that was submitted that there is a difference. If this is something the commission would like to see in this specific instance as a brewery and not opening up to necessarily a bar or café permit, she would be happy to look at what regulations other towns have. Chairman Gannuscio commented that if they have a new regulation limited to just this type of business, that helps to keep things under wraps, and there are enough resources between what other towns have done in the last six months to a year that this should be an easy regulation to come up with. Chairman Gannuscio asked if Mr. Savin would like to work with Ms. Rodriguez on a text amendment to this. He replied that he would.

(VIII. New Business)

B. Receive New Applications

i. Special use permit with site plan review for the historic rehabilitation and adaptive reuse of the Montgomery Mill properties at 25 Canal Bank Road

Chairman Gannuscio asked Ms. Rodriguez and Mr. Steele if they are comfortable with the time frame of having a hearing on September 12. They both replied that they are comfortable, and they will have a meeting with the applicant to get things worked out before the September 12 meeting.

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 the historic rehabilitation and adaptive reuse of the Montgomery Mill properties at 25 Canal Bank Road for the September 12, 2016 meeting.

V. **Reviews** (none)

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

VII. **Old Business**

A. **Discussion with Commission and Staff**

Mr. Steele stated that he received the as-built on Daleo Drive for road acceptance. The staff has gone over it, been out to the site, and put together a punch list of items that need to be addressed. They haven't gotten a response yet and are still waiting to confirm that everything is done. He is not ready yet to give his recommendation for acceptance, but perhaps at the next meeting.

B. **Action Items** (none)

VIII. **New Business**

A. **Public Input** (none)

D. **Action Items** (none)

IX. **Communications and Bills** (none)

X. **Adjournment**

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the August 8, 2016 meeting at 9:15 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*