

PLANNING AND ZONING COMMISSION
September 14, 2015 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Alexa Brengi, Mike Forschino, and Cindy Cooper (Alternate)

Commission Members Absent: Jim Szepanski, and Pat Sayers (Alternate)

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:05 pm.

II. Roll Call

Commission roll call was taken. Chairman Zimnoch seated Cindy Cooper for Jim Szepanski.

III. Approval of Minutes from the June 8, 2015, July 13, 2015, and August 10, 2015 Regular Meetings

Chairman Zimnoch stated that approval of the June 8, 2015, July 13, 2015, and August 10, 2015 minutes will be postponed to the October 13, 2015 meeting.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) 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. Home occupation for tutor and piano lessons, 330 Green Manor Terrace

Debi Stevenson, 330 Green Manor Terrace, addressed the commission. The name of her business is tutorandpiano.com. She distributed material to commission members. She teaches private lessons and teaches any school subject, all grades, SAT/ACT, ESL, Japanese, songwriting, and piano, and has one student at a time in her home office. She has space for five cars. Her business is also an on-line business. She stated that parents usually drop off their children and do not stay. Ms. Rodriguez commented that the resident is looking for some direction. In the home occupation regulations, the commission has the opportunity to review a proposal for a home occupation, or if the use is simple, the commission has the opportunity to waive the site plan requirement and let staff review the proposal. She said she is comfortable with the use, as it is in a residential neighborhood, and she has no conflict with what the applicant has put forward. Commission members agreed that this is an appropriate home occupation.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission waives the site plan for a home occupation at 330 Green Manor Terrace and allows this application to be reviewed by staff.

IV. Public Hearings

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

A. Special use permit and site plan review for 9 Schoephoester Road for fuel station, mixed use building, and outdoor eating area

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on September 2, 2015 and September 9, 2015.

Attorney Thomas Fahey, 487 Spring Street; Paul Murdock, Vice President of Roncari Development Company; Ed Lally, Project Engineer; and Craig Chasse, Architect, addressed the commission. Mr. Murdock explained that the building they are looking to build will be a multi-use building with three businesses in one: an independent fuel service provider, a convenience store, and a fresh food restaurant with made-to-order food. There will be a special mobile app with a designated drive-thru lane. All of this will be housed in an old hangar style retro-type building.

Mr. Lally stated that they are here to present a site plan modification and special permit application for property at 9 Schoephoester Road. The public hearing sign was posted on the property on June 8, 2015, and the sign has been there continuously since that time. This property is in a B-1 zone and consists of four different parcels of land that are generally used as a single parcel. The total land area is 59¼ acres. The existing conditions are a large uninterrupted paved valet parking lot. There is a fence and landscaping along the northerly property line between Schoephoester Road and the site, and the big grassy area that exists between the site and the actual pavement of the road is property of the Connecticut Airport Authority (CAA), or the State of Connecticut. The actual frontage is on Route 75, and the two small strips are 69 feet and 51.2 feet. The property does not have conforming frontage, but it is non-conforming because it's a pre-existing lot prior to the regulations. The property currently has no storm water management plan whatsoever. There is not a single catch basin on the large paved area on the easterly portion of the property. The western portion of the property is the current valet facility and parking lot, and the eastern part is an overflow valet parking area. There will be a mixed use building with fresh food provisions and fuel, and the hours will be 24-7, 365. There will be a 60-seat restaurant, ice cream, bakery, and 12 fuel islands. None of it will be franchised; all of it will be Roncari controlled food and fuel. Access to the site will be from a relocated curb cut along the airport service road. There is one currently there that serves the property that is close to Schoephoester Road, and that will be relocated to the far southeasterly corner of the property to allow traffic flow on that access road to be uninterrupted. There will also be a new drive off Schoephoester

Road. Their traffic engineer, Scott Hesketh, has met with the state and the Office of Safety and Traffic Administration (OSTA). This plan has evolved to the point where it has no disturbance to the traffic flow, and the state is going to approve this administratively instead of as a major traffic generator.

The access to the CAA property was granted to them in a letter dated July 9, 2015. A copy of this letter was submitted to the commission for its review and for the record. The traffic flow, parking, and lighting were briefly discussed. The parking requirement by the regulations is 43 spaces but they are proposing 64 spaces. The lighting is full cutoff mounted on 20 foot poles. Regulations are 14 foot poles, but ZBA granted a variance which allows a 30 foot high pole with no restriction as to full cutoff or shielded fixtures. They are using a 20 foot pole with full cutoff. They have more than six footcandles on the current photometric plan which does not have the final lighting from the canopy on it. They would like to ask the commission for a waiver of the six footcandle maximum to allow for something that staff decides is reasonable at the time they submit their final photometric plan. The plans have also been submitted to the FAA, and they found this is not a hazard to aviation.

Mr. Lally went on to discuss the sanitary sewer, a storm water absorption system, drainage, and grease traps. Changes to the sanitary system design were recently revised and submitted to the health district, so they do not have approval from the North Central Health District (NCHD) yet. However, NCHD and the State Department of Health were both on the site looking at the soils test and were very pleased with the proposal, so they anticipate approval. They would ask for the commission's approval subject to receiving the NCHD and State Department of Health approval of some method of sewage disposal prior to their asking for a building permit. They would also ask for the commission's approval for a condition that the final plans show the two 1,500 gallon grease traps as agreed to by the town's engineering staff.

Landscaping and the storm water management system were briefly discussed by Mr. Lally. They would ask the commission for a condition of approval that all signage under town jurisdiction be submitted to the staff for review and approval before it's installed. They have submitted plans to the Town Planner, Town Engineer, Town Clerk, Fire Marshal, Police Chief, Director of Public Works, NCHD, State Department of Health, Connecticut Water, Buckeye Fuel, FAA, CAA, OSTA, and DOT, and have received encouraging comments and/or approvals. They have no problems with any of the conditions of approval they were handed tonight.

Mr. Chasse stated that when developing this project, the basic concept was to come up with a look that was reminiscent of an airplane hangar from years past. They've created two full hangar doors with an illuminated sign. There will be a few antique gas pumps to draw people in. On the main floor of the building there will be a trolley car with built-in seats to give an old time feel.

Mr. Lally mentioned that within their site plan they have sidewalks for convenient pedestrian access from any part of the project. They have shown a future sidewalk running from this facility to the north out to a new sidewalk along the road. Right now that sidewalk goes nowhere and is called a Future Sidewalk, and they would accept as a condition of approval the requirement to submit a deferment agreement to the town staff prior to getting a building permit or CO which would require them to build that sidewalk within a year of any sidewalk being built on property to the east.

Dana Steele, Town Engineer, discussed his letter to the commission dated September 14, 2015 which summarized his comments regarding this application. He noted that the photometric plan submitted shows a maximum footcandle of 7.5 but that does not include the lights under the canopy which will likely be much brighter than that. There are no limits in the regulations as to how high the intensity can go unless the commission puts restrictions on it and limits it to a certain footcandle. Mr. Steele said he did some research and there are industry standards produced by an organization called Illumination Engineering Society of North America which provides some recommended standards for gas stations so staff can determine what is appropriate. He spoke to a lighting distributor who indicated that often for gas stations footcandle levels could be anywhere from 20 to 40 footcandles. He wants the commission to be aware of this. If the commission does not wish to see that type of intensity then it needs to give direction to staff as to what limit would be acceptable. Mr. Gannuscio suggested looking at Pride. Chairman Zimnoch thought they were in the 30 or 40 range. Mr. Steele stated that the applicant has received and reviewed the conditions of approval and has no issues with them.

Ms. Rodriguez discussed her report dated September 14, 2015 (original date of July 1, 2015).

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Frank D'Amato, Skyline Restaurant, is in favor of this application but advised the applicant to make sure the water pressure on the property is adequate. Wayne Russo, 407 Elmwood Drive, was concerned about the access on Route 75. Mr. Lally explained that there will be no access on Route 75. The floor was then opened up for comments in opposition. There were none.

Mr. Gannuscio confirmed with the applicant that the water supply would be from utility supplied water and not from wells. Attorney Fahey commented that the water pressure will be closely checked and monitored.

Ms. Rodriguez read for the record the seven proposed conditions of approval dated September 14, 2015.

Mr. Gannuscio suggested that staff quickly review the final values that were approved for lighting for Pride, which could offer a standard of comparison. Attorney Fahey stated, "Just so the record is clear, we are very comfortable with the staff review of the lighting standard."

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review for 9 Schoephoester Road for fuel station, mixed use building, and outdoor eating area.

Mr. Gannuscio stated that this is something that makes sense for Schoephoester Road. It's something worth granting a special use permit for. It fits into the character of a transportation and transit oriented road, which is what Schoephoester Road is. He doesn't see any conflict or any potential public safety problems arising out of this. There's a signalized intersection for entry and exit which offers an advantage for something like this in this particular spot. Chairman Zimnoch agrees, and pointed out that the left hand turn out of this property will be signalized. He believes it is a good design.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit for 9 Schoephoester Road for fuel station, mixed use building, and outdoor eating area.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the site plan application for 9 Schoephoester Road subject to the seven conditions listed in the joint recommendations of the Town Engineer and Town Planner in a document dated September 14, 2015.

B. Zone change to the AIOZ designation for the Simon Outlet Project for the property located on Old County Road at Map 56, Block 127, Lot 1

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on September 2, 2015 and September 9, 2015.

Patrick O'Leary, Principal and Professional Engineer for Vanasse Hangen Brustlin (VHB), 100 Great Meadow Road, Wethersfield, Connecticut addressed the commission. He is here tonight on behalf of Simon Acquisition II; LLC for the proposed zone change for what they will refer to as the OJ Thrall Property, to be included within the Airport Interchange Overlay Zone (AIOZ). The property itself is mapped by Map 56, Block 127, Lot 1. He introduced Jessica Fields, Development Manager, Premium Outlets, 60 Columbia Road, Morristown, New Jersey; Joe Hammer, Day Pitney, LLP, and project attorney; and Danielle DaVita, Senior Vice President of Real Estate for Simon. Mr. O'Leary distributed to commission members proof of the signing that was placed and maintained throughout the course of a week for notification of this public hearing and handouts for the slide presentation. He also pointed out for the benefit of the audience four color graphics which were placed throughout the room and which match the graphics being used in the slide presentation. Mr. O'Leary stated that he will provide a brief overview of the site, an overview of the zone change, an overview of the central site plan and development plan for the property as well as some sample architectural elevations, traffic for the site, site summary feasibility, and then summarize the presentation.

Mr. O’Leary gave a site overview of the subject parcel, including the surrounding roadway network and abutters. The site itself under consideration this evening is approximately 76 acres, identified as Map 56/Block 127/Lot 1. Currently this site is zoned B-1, or Business. The use today is agricultural, and the only access to the site is a dirt drive servicing the tobacco fields. They are proposing to incorporate this into the Airport Interchange Overlay Zone. The uses within the Overlay Zone are the same as those in the Business B-1 zone—retail outlet centers, restaurants, hotels, and associated parking. Access to the site will be provided via a four-lane boulevard. Mr. O’Leary reiterated that they are here tonight solely to request that the commission incorporate this subject property into the Overlay Zone. Should they receive approval tonight, they will be back before this commission numerous times, the first of which will be for the General Plan of Development (GPD). There will be many opportunities for the public to comment specifically on the site plan as they move forward. Tonight it is solely a conceptual plan and layout, and they look forward to working with both the commission and the community in developing the master plan for this site. This project could be built under the B-1 zone but the Overlay Zone would provide a number of design flexibility options both for the community and the developer to enhance the overall design of the project. An example of some of this flexibility would be reducing some setbacks internally to the site in order to expand the setbacks along the residential properties and provide more buffers. This flexibility would also provide opportunities to incorporate a number of architectural elements into the site via landscape areas, seating areas, fountain areas, and sculptures, which would enhance the site aesthetically. This site is specifically designated in Section 416 of the zoning regulations for inclusion in the AIOZ. They anticipate that this design flexibility will allow for higher quality development. Incorporating this into the AIOZ would be consistent with the Plan of Conservation and Development of Windsor Locks.

Mr. O’Leary referred to the slide showing the subject property with a 500 foot radius map around it. The 500 foot radius touches on properties that were previously zoned AIOZ which are the properties along Old County Road. One property is currently under construction for an assisted living facility. Two properties to the south have previously had hotel site plan approval.

Ms. Fields addressed the commission. She pointed out that the hotels and restaurants noted in blue and purple on the Conceptual Master Site Plan map will be developed by others, but they are going to be included in the AIOZ. Ms. Fields went on to give a brief overview of Simon. They are an S&P 100 company and are the largest owner-operator and developer of real estate in the world. They have 85 premium outlet centers globally, with 73 in the US. Outlets differ from malls in that they are more of a destination shop. People will drive 45 or 60 minutes to spend the day and shop with them, and they provide a lot of amenities to help keep them there. It is a racetrack layout with all the stores inward facing. Customers will park on the outside and walk through one of the gallery entries. Amenities include a big center court area, a lot of green space, landscaped areas, child play area, fireplaces, fountains, and

wi-fi. In terms of architecture, they pull from the local area, so the center will be representative of the Windsor Locks/Hartford area with features that are colonial New England style.

Mr. O'Leary talked a little more about the conceptual site plan, which shows yellow and orange buildings. It is a two-phased project. The first phase will be the orange colored buildings which would be proposed, followed by the second phase (yellow colored buildings) at some later date in the future. The area as you first enter into the site will be developed by others. Along Old County Road, there are currently two approved hotels on those two parcels of land where the blue buildings are. Simon is working with a developer but details still need to be worked out. Any development there will be part of the GPD that they will be presenting in the next few months. There may be minor changes where the blue and purple buildings are, but it will ultimately be part of the GPD application for the Simon property as well as a revised GPD application for the two lots that have already been incorporated into the GPD.

Mr. O'Leary discussed the traffic for this area. This site is well suited from a traffic standpoint for this use. There is immediate access off of Route 20 onto Old County Road. There will be a traffic signal controlling access to and in and out of the site. They will be required to provide additional traffic mitigation at the interchange of Route 20 and Old County Road. They will provide wayfinding signs to direct people down 75 to Route 20 to minimize the impact of traffic on Old County Road. They will have to provide a traffic study and application to the Office of Safety and Traffic Administration (OSTA). This process will not begin until after approval of the GPD.

Mr. O'Leary stated that this site is very suitable for the proposed development. There are a number of interesting components to this site. Because of its nature, proximity to the park, and the size of the site, it's going to allow them to incorporate a number of low impact development design principles from a storm water management perspective; specifically, with respect to recharging storm water into the ground water and improving water quality as they recharge that. The site is not within any floodplain, and there are no impacts to floodplains associated with development of the site. There is a very small wetland in the northeast corner of the site. They are not going to disturb that wetland. They are going to stay at least 100 feet outside of the regulated area itself. It is their intent to do what they can to try to enhance that wetland. The edge along the land now owned by the town has a number of wetlands, but they are significantly off site and will not be regulated as part of the site development here. There are areas identified where they would like to make improvements with respect to slope stability and erosion. They would like to be part of helping to sustain the beautiful park that is back there and improve water quality as it moves into the park. The soil is classified as Windsor loamy sand which has a very high permeability rate and is well suited for recharging groundwater. Preliminary coordination with the utility companies indicates that there are sufficient utilities and capacities available to service the site. With regard to the preliminary traffic investigation, there is more than sufficient room with respect to rights of way to accommodate and mitigate traffic with respect to the geometric configurations as well as minimizing any impact to the community.

Mr. O'Leary summarized that they believe there are no traffic hazards that will be created by incorporating this property into the AIOZ. Changing this and incorporating it into the AIOZ will make this a project that is more appropriate with the gateway to the community and will allow this commission the discretion to help make this project fit into Windsor Locks and be a statement as they enter into the community. They do not believe property values will be impacted. In fact, they will be preserved, if not improved with development of this project. This project will generate 800 jobs, not including construction jobs. The development of the project will not adversely impact any existing uses, and they believe it will be a complement to the existing uses with respect to downtown and other commercial areas in the immediate vicinity. This will attract people to the community here, be it tourists, other retailers, or artisans who want to be around an area that is a destination location and bringing people in from surrounding communities. From a traffic perspective, they are not bringing these people into the residential areas, but into the periphery of the town, and trying to leave the residences at peace. They believe the welfare of the community will be well served by this zone change and particularly from an economic standpoint--not only tax generation but job creation--and they do not believe this project will have any adverse impacts on the existing municipal utility systems or storm drains. In fact, it is their contention that they will improve water quality coming off the site and hopefully will be able to provide improvements with the storm drainage overall. Mr. O'Leary stated that he believes they have satisfied all of the requirements associated with incorporating this property into the AIOZ, and the submission provided on behalf of Simon Acquisitions II, LLC fully satisfies all the requirements of Section 416 of the Zoning Regulations to allow this site to be incorporated into the AIOZ.

Chairman Zimnoch asked for questions from commission members. Mr. Forschino stated he felt this project was a great idea but was still concerned about the traffic and resulting pollution. Mr. Gannuscio reiterated that what the commission is considering tonight is just a zone change application, with more to come as part of this process. Chairman Zimnoch noted that technically this is not even a zone change. The zone remains the same but with an overlay that allows flexibility not only to the developer but to the commission to allow a better project to be implemented.

Ms. Rodriguez discussed her report dated August 26, 2015. Favorable comments have been received from CRCOG.

Mr. Steele commented that he did not prepare a report for this because there are no site improvements proposed at this time. He does believe that the AIOZ makes sense for this property considering its shape, limited access, and large size, and providing more flexibility to the property seems appropriate.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Frank D'Amato, Skyline Restaurant, spoke in favor of this application. The floor was then opened up for comments in opposition.

Dan Vespers, Glendale Circle, and John Sivonis, Harvest Lane, spoke in opposition to this application. Their concerns had to do with congestion, high volume of traffic, and speed.

Mr. O’Leary responded to the comments in opposition. He stated that it is not their intent to congest Old County Road. One of the benefits that may result from this project is a traffic signal on Old County Road in the proximity of the outlet entrance which may help with some level of speed control on Old County Road. Traffic lights do provide a level of speed control. This developer holds a very high standard and would not promote that type of congestion on the community, so all the traffic design they will be providing for the project will provide very good levels of service of accessibility. They will work with the CAA and DOT to try to develop wayfinding programs to ensure they minimize any impacts on Old County Road.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the zone change to the AIOZ designation for the Simon Outlet Project for the property located on Old County Road at Map 56, Block 127, Lot 1.

Mr. Gannuscio briefly discussed the history of the AIOZ. It was first approved in 2002 and added to the regulations to help make a flexible and sensible use of land in very specific portions of the town. It was a proposal by local individuals and has served well in the first several uses of this designation—the first being the Village on Old County Road where they are now going forward with the assisted living project. Since 2002 the 10 or 15 generations of Thralls who have owned this land have held fast to the thought that they didn’t want to have that land for anything other than the growing of tobacco. But now something has struck a chord with this family who has held this land for all these generations, so this is something that is of benefit to the town to allow something other than dust storms and tobacco on this land. The intent of Section 416 is to provide flexible development opportunities in response to market trends. We have the opportunity for this to happen right off Route 20 in an area that could potentially offer hotels and restaurants specific to this. The idea is to make Route 20 a transportation corridor and a destination corridor, and this could add to that overall plan. It’s an opportunity that has just recently surfaced and is up to this point, since the 2002 inception of the AIOZ, a unique plan that has not presented itself in the past. This is Windsor Locks’ opportunity through this flexible development zone to grab hold of this and move forward. Chairman Zimnoch added that this property is on record as being originally considered for AIOZ and is also in the Plan of Conservation and Development (POCD) that this property should be pursued in that zone. He believes this application is a good step forward. Ms. Cooper agreed that this is a win and that there is no down side to just changing the designation of this area.

It was **MOVED** (Zimnoch) and **SECONDED** (Forschino) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the change of the zone for this particular location on Old County Road at Map 56, Block 127, Lot 1, otherwise known as the Thrall Property, to the AIOZ designation.

CHAIRMAN ZIMNOCH CALLED A SHORT BREAK FROM 9:05 TO 9:20.

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)

B. **Receive New Applications**

i. **Site plan review for new parking lot adjacent to 12/14 Northgate Drive**

It was **MOVED** (Zimnoch) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedules the site plan review for a new parking lot adjacent to 12/14 Northgate Drive for October 13, 2015.

C. **Informal Discussions**

ii. **IHZ/Housing Study regarding draft regulations**

Ms. Rodriguez noted that Milone and MacBroom visited the commission last month and asked if commission members felt their draft set of regulations was sufficient for moving forward for public comment. Mr. Gannuscio said he felt it was a pretty comprehensive model of actual regulations. Ms. Rodriguez indicated that as a follow up, one of the things Milone and MacBroom wanted was guidance on what their final deliverable to the town should be. The initial public hearing wasn't very well attended, so they felt a survey would get some good feedback. Mr. Gannuscio and Ms. Rodriguez agreed a survey would work better. Chairman Zimnoch asked how they would conduct the survey. Ms. Rodriguez did not know but commented that they would work with her and the rest of the housing team. She said she would fill the commission in on their methodology and progress.

D. **Action Items** (none)

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

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Brengi) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the September 14, 2015 meeting at 9:28 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*