

PLANNING AND ZONING COMMISSION
September 21, 2016 Special Meeting Minutes

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

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

Commission Members Absent: Alexa Brengi

Town Staff Present: Dana Steele (Town Engineer)

I. Call to Order

Chairman Gannuscio called the special meeting to order at 6:05 pm.

II. Roll Call

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

III. Continuation of Public Hearing

A. Special use permit and site plan review for the historic rehabilitation and adaptive reuse at the Montgomery Mill properties at 25 Canal Bank Road to create residential units

Chairman Gannuscio commented that when the Planning and Zoning Commission adjourned its September 12, 2016 meeting, one of the things they were hoping to have resolved were the concerns of the fire department. He asked Dana Steele to discuss the meeting with the fire department. Mr. Steele said that he met with the developer, the fire chief, and the fire marshal and went through all of their concerns. A report dated September 20, 2016 was submitted to the Planning and Zoning Commission from Michael Sinsigalli, Fire Marshal, and Gary Ruggiero, Fire Chief. Mr. Steele read this into the record. Mr. Steele stated his conclusion is that they have reached a consensus of what needs to be done to make this site acceptable to address their concerns, and he has incorporated the four items in the fire department's report into a revised list of conditions that include all the items from his report as well as Ms. Rodriguez's report. He distributed this list of conditions to commission members.

Ms. Cooper asked what can be done to be sure that the traffic control signal always works, especially if there is a power failure. Mr. Steele replied that this site will have a generator, which is required. Mr. Valdez asked if the developers have a plan to educate new tenants about the fire evacuation plan. Mr. Steele replied that an emergency management plan was submitted by the developer which spells out how

they will orient new tenants to this plan. The implementation of this plan is, to a great extent, dependent on the persistence of the management to make sure that it is followed. The applicant has made an effort to demonstrate they are capable of doing this.

Chris Ferrero from Fuss & O'Neill, representing the applicant, Beacon Communities, commented that they had a very positive meeting with the fire department and they agree with all of staff's comments. They did their homework with town staff before they even made their submission, so what they're down to in terms of staff comments is really almost administrative at this point. Thacher Tiffany from Beacon Communities also noted that they have no problem with the conditions set forth by the fire marshal and fire chief.

At this time Chairman Gannuscio opened up the public hearing for comments from the public. William Rousseau, 407 Elmwood Drive, addressed the commission. He stated that he attended the Board of Selectmen's meeting last night and expressed concern about the chemical contamination that exists at the mill property. He examined the environmental report submitted to Fuss & O'Neill by Phoenix Laboratories. From his initial perusal of that it would appear to him that a full testing of the site was not conducted. The quality assurance of the evaluation was not signed off. Soil samples were taken late last year, and he has a concern for our emergency personnel and for possible future occupants of the building. He believes that all the contaminants over there are not something that you can just dig out of the ground. They're airborne contaminants that do represent a hazard if not properly cleaned up. He mentioned the Broad Brook Mill reclamation project that was shut down and asked for assurance that Windsor Locks would not suffer the same fate. Furthermore, Mr. Rousseau requested that no decision be made to further the progress on this project until we have a full and complete understanding of the contaminants around that property.

Mr. Ferrero responded to Mr. Rousseau's concerns. He explained that part of the many complexities of this project is that it is a brownfield. It is a contaminated site. They have been through three years of testing and the processes and phases. Phase 1 looks at previous land uses; Phase 2 is testing, digging, and analyzing; and in Phase 3 you understand what the contaminants are and know by law how you have to deal with them. All of that material has been submitted to DEEP as well as DECD because this project is enrolled in the Brownfields program at the state level. This project is and will continue to be scrutinized by the state's brightest hydrologists and engineers in terms of what's called a remedial action plan. A remedial action plan is the plan to contain or remove contaminants as part of a redevelopment process. The State of Connecticut DECD and DEEP would not be funding these kinds of remediations without a very good understanding and a clear indication that this is perfectly safe for the community. There are residential standards that every site has to comply with with respect to how you manage these soils on site. They're either removed or they're capped. If there are contaminants found, they have to be capped with a two-foot layer of clean material with pavement over the top of them. As you can see by the plan, the majority of the Montgomery Mill site is parking lot and

building. Mr. Ferrero stated, “Given the amount of study that has occurred so far, given the experts that have been doing that study, and given the fact that there are two state agencies that will be scrutinizing this as we move forward gives us a pretty good level of confidence that we won’t have an issue there.”

Mr. Rousseau added that he was concerned about the river and the amount of contaminants that may be in the sludge. Mr. Ferrero responded that it’s going to be a better situation environmentally than it is now. Right now contamination is sitting all over the surface of that site, and every time it rains that contamination is washing out into the river. They are capping the site with two feet of soil, so the contamination that is now leaching into the river won’t be anymore. Mr. Rousseau asked, “But when it rains isn’t there the possibility that residual chemicals can rise into the atmosphere?” Mr. Ferrero replied, “No, they’ll be capped with two feet of soil.” Mr. Rousseau: “You’re not going to cap the whole area, are you?” Mr. Ferrero: “Pretty much.” Mr. Rousseau: “Including the park?” Mr. Ferrero: “The park has already been designated as clean four or five years ago.” Mr. Rousseau: “My main concern is for our emergency personnel who may have to respond there and future residents. I want to make sure that all the testing is in conformance with the proper procedures. I will be in touch with the DEEP and asking for a copy of their report and will be following closely. Again, my concern is that when that project goes forward I want to make sure that it’s safe.” Mr. Ferrero: “That’s our goal, that’s our charge.” Mr. Zimnoch remarked that DEEP are the experts on this project and we will leave this with the experts.

At this time Chairman Gannuscio opened up the public hearing for comments in support of this application. There were none. The floor was then opened up for comments in opposition. There were none.

Mr. Rousseau asked if there are any plans for flood control. Chairman Gannuscio commented that there was an extensive presentation on this subject at the last meeting. Mr. Ferrero then briefly discussed the emergency action plan.

Chairman Gannuscio asked if Mr. Ferrero and Mr. Tiffany wanted to offer anything in terms of a summary. Mr. Ferrero responded by saying that they have worked very hard with town staff throughout this process, as evidenced by the relatively minor level of comments they are dealing with at this point. They are extremely excited about this project. This is a high profile project at a state level and this entire town should be proud of where it’s come over these years. “You have a group like Beacon, and there are not a lot of groups that would tackle something of the financial and physical complexity as this, and I have to give credit to Beacon—this is going to move forward and be a great thing for the town.”

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) 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 the historic rehabilitation and adaptive reuse at the Montgomery Mill properties at 25 Canal Bank Road to create residential units.

Chairman Gannuscio stated that the commission needs to make a few findings under the statutes when it comes to special use permits: that this is worthy of approval because it fits within the concepts of our plan of conservation and development; that it's within the conceived zoning uses of this property in this area and has a beneficial use to the town and its residents; and that it fits into the overall plans that are in existence for this area. He went on to add that they have done zone changes to make it possible for there to be residential uses here, and they've made it part of the downtown redevelopment and the overlay zones for downtown. This is a plan that has been well thought out, there is money there and commitment to do this, and it fits with what we're looking to do to jumpstart the growth of Main Street. The public safety people are on board with what's going on here, and we have a development entity that has experience in this. It does not offer any detrimental effect on this part of town or for the region. This is worthy of the granting of the special use permit so we can pursue the historic rehabilitation and adaptive reuse of this mill property and push Windsor Locks into a new era.

Mr. Valdez commented that he used to live in East Windsor and is happy to see that there is a solid plan for this site and that this side of the river will no longer be seen as the side with an eyesore. Mr. Zimnoch added that this building anchors Windsor Locks and the canal path, so not only are we going to get the best possible re-use of this building but we will also now have a beautiful entrance to the canal path, which is a tremendous amenity for the town. Mr. Szepanski stated he is impressed with this particular plan and the data that was presented, and he thanks Ms. Rodriguez, Mr. Steele, and the applicant for working together to make this happen. "Good job by everybody!" Ms. Cooper thinks it's great to have something to be excited about in downtown Windsor Locks again and she is looking forward to this going through and enlivening our whole downtown area. Ms. Royston was never in Connecticut when Montgomery Mill was anything but an eyesore, and she is really excited to see something come out of that building. The presentations they have put together have been well thought out and take into consideration the image that we want of Windsor Locks moving forward. It's a good point towards the future that we're looking for for our town.

There was some discussion regarding attaching conditions to the special use permit or to the site plan. Mr. Steele commented that a special permit has a little more flexibility to be able to impose any conditions that are not specifically called for in the regulations that really can't be applied to a site plan because it's a use allowed by right.

Mr. Zimnoch pointed out that the uplighting on the building should be discussed since the commission never gave the applicant any direction on that. There was some concern that it may be non-cutoff. Mr. Steele had told him that those kinds of lights are sort of wall-washing lights, and are given special consideration. Mr. Steele referred to Section 705.f.iv, Lighting Requirements, in the regulations. Mr. Zimnoch also believes Ms. Rodriguez told him that this type of lighting had been approved for the Holiday Inn.

Chairman Gannuscio started to go through the conditions of approval which would fit within a special use approval. Mr. Steele noted that a lot of these conditions are technical in nature and relate specifically to the site plan, but if the commission wanted to in this case, it could have just one motion to approve both since these go hand in hand and there is one set of conditions.

Mr. Steele stated that the Wetlands Commission raised a question about adding restrictive bollards at the north end of the building so traffic could not travel that way and so both sides could be protected. He believes it would look nicer without the restrictive bollards and that it is adequately protected, but it's a matter of preference if the commission thinks it's important to restrict vehicles. He does not want the commission to have the misconception that this was already addressed in these conditions. He stated he is comfortable with these conditions as they are listed.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit and site plan for the historic rehabilitation and adaptive reuse at the Montgomery Mill properties at 25 Canal Bank Road with town staff's conditions of approval one through 32 dated September 21, 2016 and marked Exhibit A, with the fire department's recommendations dated September 20, 2016 being incorporated into this document as items 29 through 32.

Chairman Gannuscio concluded, "Thank you for the effort that was put into this. I know it was a considerable amount of money and expense on the applicant's part, a considerable amount of time and extra work time put in by town staff and the efforts put into this by the first selectman to keep this on track and going forward. Thank you everyone for coming out for a second meeting on this. We now have hope in our plan and development going forward for when it comes to this specific site. It's no longer a pipe dream, it's something that's there and approved."

IV. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the September 21, 2016 special meeting at 6:43 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*