

**PLANNING AND ZONING COMMISSION**  
**October 9, 2018 Meeting Minutes**

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

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Jim Szepanski, and Cindy Cooper

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

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

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**I. Call to Order**

Chairman Gannuscio called the meeting to order at 7:10 pm.

**II. Roll Call**

Commission roll call was taken. Chairman Gannuscio noted that the commission does not have a full panel tonight but there is a quorum.

**III. Approval of Minutes from the September 10, 2018 Regular Meeting**

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the minutes of the September 10, 2018 regular meeting as published.

**IV. Public Hearings (continued)**

**A. General Plan of Development in the AIOZ for the Thrall property on Old County Road for a proposed sports village (property owner OJ Thrall, Inc./Joseph B. Thrall II)**

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

Chairman Gannuscio stated that two legal notices were published in the *Journal Inquirer* regarding this public hearing. He noted that this public hearing was continued to this evening, and that the hearing was not closed, so there will be additional opportunity for comments for and against this application for the General Plan of Development, which is just a preliminary step in the process of presenting this application. There have been changes to the plan since the last meeting of September 10.

Attorney Paul Smith, 27 South Main Street, representing the applicant, JABs Sports Management, LLC, addressed the commission. He introduced Michelle Carlson and John Mancini, both of BL Companies, who are engineers and architects on the project. Attorney Smith stated that there have been several changes to the plan, and he went on to highlight these changes. The championship field and the stadium have been relocated as far west to the front of the project as practical (to Old County

Road). One of the hotel buildings was removed, and the gymnasium has been shifted down to create a barrier with the dormitories. The eight turf fields have been jiggled a little bit so it's now a four and four configuration. The number of seats in the stadium has also been reduced by 1,000. They have reviewed all the comments from the staff and the public and think they can reasonably address these.

John Mancini, Senior Principal with BL Companies, 355 Research Parkway, Meriden, addressed the commission. Moving the gymnasium and stadium allows them to frame the area of the sports complex and will give the project a more prominent arrival point. They have addressed comments from the Fire Marshal regarding complete circulation and have received an email from him saying he is satisfied with their changes. To clarify the lighting, the eight soccer fields will not be over 50 footcandles, and the championship field will not be over 80 footcandles. They will be full cutoff fixtures. With the type of lights, the lower footcandles, the position of the fields, and the framing of the fields with these buildings, there is no way there can be any spillage of lighting. There is conditional approval that says they would have no higher than four-foot landscape lighting along their service drive/fire access lane as well as building mounted lighting around eight feet high. They have proposed supplemental landscaping at the lower levels to strengthen the buffer. There was some question about whether they were providing enough information on what they were doing for the sports fields regarding drainage, so they added more information on the plan. Some of the questions from the public and/or staff made them go back and fill in the blanks on some of this information. One of the comments was concern that the media used on the turf fields may be leaving the site somehow through drainage. They now have details on the new plan. All of these turf fields will be lined with a curb around the edge which rises above the playing surface, and in that curb will also be the chain link fence that cordons off all these fields. The water will infiltrate down into these flat drains and then will be conveyed to the side, so there's no opportunity for any runoff. In order to move the championship field and still meet adequate parking and get it all to fit, they removed the two tennis courts. The developer has been working with town officials in discussing how these amenities could be done elsewhere (such as improvements at the high school).

To summarize, Mr. Mancini feels that most of the lighting and noise concerns have been addressed with the physical change of the layout, the additional landscape buffer, the change in the lighting footcandles, and the relocation of the championship field. In addition, they will not be having concerts here, the windows in the dormitories will not be opening, and there will be no play by play announcements on the PA system. The only time there will be any announcing will be at the championship game where the starting lineup may be announced.

Mr. Mancini went on to say that they are requesting that the percentage of impervious coverage calculation for the interior landscaping decrease from the required 15% to 10%. He noted that most towns ask for 10, and given their situation, they need that flexibility. The overall impervious number allowed for the site is 66%, but they are in the 54% range for that, so they are giving back the extra impervious on their site.

They do need a substantial number of parking spaces, and reducing the number of seats in the championship seating area by 1,000 has allowed them to synch up better with the parking calculation.

Attorney Smith added that they have been working with town staff regarding utility issues such as water and sewer. There are some preliminary conditions of approval they have gotten in their reviewing, and they think they can meet these conditions. They basically apply to WPCA and how that is to be dealt with. There is some indication for a need to study carriage capacity; in other words, because this will generate a lot of sewage, how this is going to get to the plant, and what improvements have to be made. There are a couple of alternative statements that have been made in terms of conditions of approval that can be discussed later. With regard to the uses, they have looked at all the uses and tables, and they feel everything fits into either B-1 or AIOZ or is so close as to be indistinguishable from a permitted use. Hotels are allowed, and dormitories are not specified, but a dormitory is a type of hotel. Outdoor recreation is allowed in a B-1 zone, but indoor recreation is not specifically permitted. Indoor recreation seems to be much more benign—it's contained within a building and there is virtually no noise issue. Attorney Smith feels that the uses they've proposed fit rationally within the Business-1 zone or the AIOZ.

Attorney Smith discussed the benefits to the town that come from the facility. The property is currently used agriculturally and generates about \$2,500 a year in taxes. Based on their estimate, this project will generate up to \$2.5 million a year in tax revenues. The developer is offering to rebuild the current tennis courts at the high school and adding an additional court. They are looking to replace the existing track at the high school. High school and middle school students will be able to play their competitive games on the facility's fields at no cost to the school or town. They will provide their own security at the facility. There will be a medical facility on the site. They do not believe the site will impact the town's services, except for the sewer facilities, which they will pay for. The jobs that this will create and the subsequent economic boost will be extremely positive for the town. Honda has been receptive to the concept and did not indicate any concerns to the developer. It's in a good location, on the outskirts of town and close to the highway, with no significant traffic issues. They see this project as having many positive benefits to the town.

Jim Szepanski had some questions. He asked how the athletes will stay entertained and out of trouble at the facility, especially since the bowling alley was removed. Attorney Smith replied that when the kids arrive it is a very intense and challenging three to four day regimen, with the athletes playing multiple games almost every day. It's either multiple tournaments or camps every day. Some of these amenities weren't so much for the athletes that are on-site, but more for family members. They feel it's a positive for the businesses on Route 75 such as the remodeled bowling alley, hotels, and restaurants. Mr. Szepanski asked if any of these athletes would be walking off site with their parents. He is concerned about the lack of sidewalks. Attorney Smith replied that there would be a shuttle van and there would be no walking. Mr. Mancini added that they would be providing shuttle service to the Hall of Fame in Springfield

and other places including restaurants and the bowling alley. He commented that when you're playing at this level, you do get very tired, but the retail entertainment zone will have components that will keep the siblings of players occupied. Mr. Szepanski asked about snow removal and if there was enough room to move the snow around. Mr. Mancini replied there is. He said that in the winter time they do plan on keeping the outside turf fields clear so they can have outdoor activities. Mr. Szepanski asked what the turf fields are made of, if there would be any soil contamination when it rains, how the turf will be maintained and cleaned, and if weeds grow in the turf. Mr. Mancini responded to his questions. The turf is a synthetic material, a polymer plastic. The base is crushed stone, and then the fabric goes down, and then the element that is brushed into the fields is a variety of materials. The crushed rubber tires is just one of the materials. They don't always use that. Sometimes it's sand. They plan on using crumb rubber. Any runoff will run into the soil but the material or medium that they use in the turf is caught in the turf. Mr. Mancini confirmed that the black crumb rubber as it ages will not get into the soil to contaminate it. There will be hose bibs along the way so that hoses can be attached and cleansing can be done in the field. He has never seen weeds growing in the turf.

Dana Steele, Town Engineer, discussed his report to the commission dated October 9, 2018, revised from October 5, 2018. He consolidated all the conditions into one document and will address these conditions after his report. Mr. Steele clarified that they are planning to construct all 2,000 spaces in the beginning phase of the project, so they will have all the spaces from the start to accommodate the uses. This way, there is room as they go forward to see how this is working and whether or not some of those retail areas need to be converted to additional parking. Mr. Steele feels this is a good approach that provides some flexibility as this comes to be implemented. Mr. Steele noted that the Water Pollution Control Authority (WPCA) is concerned that this project is going to adversely impact the existing sewer system, that it does not have enough capacity for this development, so they want a study to be done, paid for by the applicant, which will cost almost \$40,000. Potential upgrades to the treatment facility that may need to be done could cost in the millions of dollars, and they want to be sure everyone understands this. Mr. Steele has spoken with the applicant, and he believes they do understand this. Chairman Gannuscio commented that Old County Road has historically been a sore spot with regard to sewer backups and problems in residents' cellars. Mr. Steele replied that the WPCA will be looking at this in a study, and if these improvements go forward, this could be a benefit.

Jennifer Rodriguez, Town Planner, discussed her revised report dated October 7, 2018 (originally dated September 7, 2018). Ms. Rodriguez explained the process and timing of these types of applications. According to Section 8-7d of the Connecticut General Statutes, the commission has 35 days to close a public hearing. We are presently at 29 or 30 days. The statutes also allow for a 65-day extension. After a public hearing closes and deliberation occurs, the actual decision of the commission doesn't need to happen for another 65 days. She is not suggesting that the commission should or should not make that decision right away; she just wanted to let the commission know this is available by state statute.

Under comment 6, Proposed Uses, Ms. Rodriguez pointed out the two uses that are not listed in the underlying Business district, Indoor Recreation and Athlete Dormitories. There are similarities between some of the permitted uses and these two uses that are listed as not being permitted under Business 1. You do have the regulation that allows that “Any other use, building, or service as determined by the Commission to be similar to the uses permitted above.” Those can be discussed at this meeting and determined to be similar enough that they would be permitted. Ms. Rodriguez stated, “I recommend, to be clear and to be sure that this application is complying with that section, that you talk about those two things in your deliberation and that you put on the record that discussion and that determination for those two things.”

Fire Marshall comments were submitted to Ms. Rodriguez on October 9, 2018 and were read into the record. Regarding WPCA/Department of Public Works (DPW) comments, Ms. Rodriguez is in agreement with what Mr. Steele stated earlier, and she does have those conditions listed for the commission, both language that was recommended by the Town Attorney and also language that was recommended by the WPCA. Ms. Rodriguez read for the record some correspondence sent by the applicant answering some of the questions resulting from last week’s meeting. This was an email sent on October 5, 2018 from Michelle Carlson from BL Companies to Mr. Steele and Ms. Rodriguez.

*Chairman Gannuscio called a ten-minute break at 8:30 pm so members of the public could take a look at the drawings and the plans. The meeting was called back to order at 8:40 pm.*

Michelle Carlson, Licensed Professional Engineer from BL Companies, addressed the commission. Ms. Carlson stated that once they get through this process they have to sit down with the WPCA and the town’s consultant and agree upon the sanitary sewer flows. This is going to be the basis first before they can even go forward and evaluate anything else. Right now, in their professional opinion, they have a very conservative sanitary sewer estimate because they are looking at everything individually. The kids that are going to be in the café are also in the dorms and won’t be using the facilities twice as much and then they will be going over to the athletic field or to the basketball court, which is also being counted separately. Nothing has been taken into account yet that there’s going to be one person visiting three different places on the same day. Instead, these calculations are such that it’s all calculated individually. It’s a higher volume in their opinion, and they have to reconcile the flow first and agree on a flow. Then they can look at what upgrades might be necessary and how they’re going to get it where it needs to go. These are the things they have to look at and evaluate once they get to the next step. They know that when they get through this process they have to be engaged with the WPCA, their consultant, and town staff to get to the next phase, so they don’t think they can put a price tag or an escrow on what that’s going to cost. They know this has to be done, and they’re all going to work together with the WPCA to make that happen. The first phase is to agree upon what flows they’re actually dealing with, and then they can evaluate from that point on.

Ms. Carlson went on to explain in greater detail how the turf fields are cleaned and maintained. She has seen on other fields rakes being pulled behind a four-wheeler to rake up or vacuum up the material. A magnet can also be drawn across the turf to pick up any pieces. To disinfect the turf, if there's an incident on the field, they spot clean it immediately. Otherwise, once you maintain it, you clean it, rake it, fluff it up, then apply a disinfectant.

Chairman Gannuscio asked First Selectman Chris Kervick if there was a WPCA meeting tonight. He replied there was and he would like to report to the commission on behalf of the WPCA. As President of the WPCA, Selectman Kervick stated that this issue was discussed. The WPCA is comfortable with moving forward tonight with the GPD approval with a condition as to sewer capacity as was discussed by the Town Engineer. The WPCA passed a resolution that they would prefer the language of the condition as recommended by WPCA as contained in a letter to Mr. Steele today. There was an alternative that was suggested by Town Counsel. WPCA's preference is that the WPCA's language be used, but it's up to the discretion of the commission.

Chairman Gannuscio stated that he received a letter from Jason Cutler, President of the Windsor Locks Soccer Club, urging the commission to approve the GPD. He read the letter into the record.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in support of this GPD application.

Chris Kervick, First Selectman of Windsor Locks, spoke in favor of this application. He would like to see this General Plan of Development be approved tonight with conditions suggested by staff. This is a very early step in what will be a long process. There will still be plenty of opportunities for public input, comment, and opportunities to change the plan until we get it to the point where it's acceptable to the town of Windsor Locks. The process is working very well to date, as the developer has shown a willingness to change his plans as necessary to incorporate the comments not only from the commission but also from our staff and most importantly from the public. There are two further opportunities which will give the commission the opportunity to address all the issues in much more detail than they're being presented now, so we don't lose anything by moving the process forward by getting past the General Plan. Then there's the second aspect—the whole financial plan for this project still needs to be discussed, the details of which the town is still not fully aware. This all needs to be presented and sorted out, and there will be opportunities for public input. Selectman Kervick would like to thank our staff. The number of hours they have put in on this project alone is huge. He would also like to thank the developer and his staff for the work they've put in and the flexibility they've shown, and the commission for its patience in hearing this out.

The floor was then opened up for comments in opposition. The following people spoke in opposition to this application.

Carl Schiessl, 93 Raymond Road. Mr. Schiessl stated that at the last meeting the Town Engineer said this is an opportunity to set the standard for quality and set the framework for further review. Mr. Schiessl said, “While we will have the opportunity for further input as a public, it’s important to get off on the right foot.” He is here today to speak on behalf of those citizens who worked so hard preserving the Waterworks Brook property. Rules and regulations and standards are one thing, but this project is unique in several ways, and the most unique way it is special is that it borders the town’s premier natural resource, the Waterworks Brook property. The last time we had this hearing, before these changes and the plan were made, he highlighted four areas of concern that needed to be focused on to preserve the Waterworks Brook property. **LIGHTING:** Tonight we heard based on these changes that there would be no spillage of lighting. Mr. Schiessl recommends that all of you take a walk on Pershing Road or Green Manor Terrace from Southwest Park when the lights are on and make a decision for yourself about how lights spill, no matter how they’re constructed. **RUNOFF:** According to the BL Companies representative, there is no ability for runoff to occur from the fields, but what about places other than athletic fields? There will be tons of surface parking here, buildings, entertainment, retail, and movie theaters, and there will be runoff from that. There’s a lot more to this project than athletic fields. **ENVIRONMENTAL IMPACT:** The comment was all turf fields are lined with a curb around the edge. The turf is loose. Athletes take it off the field, they shake it out of their hair, their shirts, their shorts, their socks, they empty their shoes, and they do it in the parking lot. Runoff of that rubber into the Waterworks property is a very real possibility. **NOISE:** They are persisting in their position that buildings and landscaping will be a noise buffer, but we learned tonight that there may be outdoor activities in the winter months, so maybe the landscaping won’t be so effective a noise barrier. Mr. Schiessl would like to renew his request as a condition of going forward that the commission ask the developer to pay for independent studies and appraisals of these four issues so that we will be sure this project doesn’t ruin the Waterworks Brook property. Regarding the issue of **economics**—you’ve got a championship field and eight soccer fields. The town should demand lists of potential events for these facilities, particularly the indoor arena and championship field. The developer should be able to produce a calendar of prospective events for soccer, lacrosse, volleyball, and basketball. Does the developer have hard or even tentative commitments from AAU tournaments or other organizers? Who is going to use the championship field? 5,500 seats. Mr. Schiessl has never seen more than basically the families of the players at these events. If you’re a team in one of these tournaments, when you lose, you leave. You don’t stick around for the championship. And the economics of this—we heard about how this project is phased. Phase 1 is going to be the fields and stuff. Phase 2 is going to be the economic drivers, the entertainment retail, the hotel, the things that are going to generate tax revenue. One thing about phasing is that phasing doesn’t always work out. For example, the boat building in Hartford was originally proposed as two boat buildings—two towers, and they only built one. More often than not, when a project is phased, it impacts the economics of the project. The town engineer mentioned that phasing is a good thing because it creates flexibility for more parking, but if you lose the economic driver, you’re going to end up with empty parking lots

and no tax revenue. We heard tonight about incentives, and for the first time in this arena we heard a discussion about how the town needs new tennis courts and a new track. Mr. Schiessl is worried that as the town works through the economics of this deal with the developer there's going to be a lot of giving and taking, and he doesn't want us as citizens to be in a situation where essentially we're giving a developer a tax break, meaning he pays less in taxes, and in response for that he gives us a new tennis court or a new track. That's a sucker's deal where basically he's using our money and giving us a gift and saying thank you. That's not how this project should work. Mr. Schiessl has read it in the press—people say that if we don't do this project something worse will come along. Mr. Schiessl stated, "I promise you, local officials, if this project does not go forward and something worse comes along, we'll be back to fight that as well. So please, I hope you'll take into consideration the request that you hire an independent expert to evaluate the four potential impacts on the Waterworks property, because as I said last time, if you get it wrong, you ruin that property forever."

Gary Merrigan, 560 Halfway House Road. He's not against Thrall developing this property whatsoever. They've been a good neighbor of Windsor Locks. When Simon Group was here the room was empty. There was no opposition to that, so he doesn't think that's the problem here. Mr. Merrigan is looking for two points of clarification. He would like the sanitary sewer explained to him as a developer. He has hundreds of acres off of North Street, and one of the parcels just sold. If they come in for a development, and this comes in for the allocation for the sewer, what does he tell them? How does that work? If our plant can't handle this, do the improvements have to be made solely for this and keep our allocation which is there now for development open? How does the WPCA look at that? It's clear that the AIOZ cannot burden the sanitary, the water, the utilities. He's been involved in this in other towns where someone comes in for the allotment, they get it, the project doesn't get built, and then nothing else can move forward until that's resolved. He doesn't want to be short sighted and not explore that. He would like that explained to him as a resident and as a developer. Secondly, you start with a 70 plus acre site. We're short on a buffer. A buffer is a buffer. He built the Woodridge development. Now we're putting a roadway through the buffer. We're putting a patio next to the buffer. Now we're short on impervious landscape islands. How do you end up short on a 74 acre site when you have an open palette?

Kitty Montemerlo, Woodridge Drive. This is practically in her back yard. That property was built so they could look at the woods and the reserve land around them and now they're going to be looking at dormitories with patios and lighting and noise. Is this an open roadway that anyone can drive on? Where are the deliveries made for the dorms and hotels? You took away the tennis court and they proposed to fix up the ones at the high school. Does this mean there will be no tennis activities at the sports complex, and if you're using the high school courts, how will you get the kids there? Will you be having tournaments at the high school for tennis?

Chairman Gannuscio stated that this is a little unusual, but a suggestion was made that the conditions of approval be discussed and reviewed now before closing the public hearing so the public has a chance to hear what these details are and to comment on them. Attorney Smith asked if they could first respond to some of the comments brought up by the public.

Mr. Mancini addressed remarks from the public. **RUNOFF/ENVIRONMENTAL IMPACT:** He stated that what he described before was the runoff from the actual turf fields, and they didn't have all the details last time. As Mr. Steele has outlined in his condition, the parking lots and all other impervious surfaces will meet Best Management Practices. They will be making sure that all runoff from the site is meeting water quality standards as well as meeting all the peak storm runoff volume requirements; the 10 year storm, 25, 100 and 150, and they will be accomplishing all that with underground retention and storage and infiltration. **LIGHTING:** They have provided a full lighting plan for all the fields which shows full cutoff fixtures. All the parking lots will have full cutoff fixtures. The newer facilities that have the proper full cutoff lighting—that spillage does not go over. It's designed to shine down on the field. But during the next step they will have a site photometric plan of not just the field lighting but also the parking lot lighting, and they will show on that plan how there won't be any spillage over the property line. **NOISE:** He doesn't believe noise will be a problem with the configuration they have with the way the buildings are framing and wrapping the fields. The windows will be closed on the buildings and there will be no play by play announcements. There is ambient noise from the airport and of airplanes taking off and landing, and from the highway itself. He's not sure how their passive and active recreation is going to affect the Waterworks property, but if at some point there is still a need to commission a noise study, that can be considered at that point. But they just don't see how there would even be a need to do that at this point. **BUFFER:** They are not short on the buffer behind the dorms. There is a 65 foot building setback and there is a 25 foot parking setback. They don't violate either of those setbacks, but inside that area, because they've had to add the fire lane, they are crossing through a very small tip with the fire lane. In that area, if they need to supplement with a fence, the area they're talking about is not even up against the multi-family and residential zones. It's actually up against the DOT and a landlocked parcel of land. The other 1,000 feet, there is no issue. **TENNIS:** The tennis was never a feature of their facility complex. It was an amenity that was being offered to townspeople. They are still extending that offer but putting it in a different place where the public is already using it. Their participants will not be having tennis tournaments on town property as one of their core sports at this facility.

Ms. Carlson discussed the sewer issue. **SEWER:** The intent of the applicant in this project is not to take away any other sewer allocations. That's part of what they're going to work on in the next phase with the WPCA. They are not here to strip any allocations that have already been set for somebody else, so that will be taken into account in the next phase of the detailed study.

Attorney Smith commented that Mr. Mancini has indicated that if the commission thinks independent studies are necessary at some point going forward for the Waterworks property, that's fine. Attorney Smith hasn't seen anything in terms of the drainage discussion between engineers that they will be impacting the Waterworks property at all. He noted that it's not a passive piece now, it's an agricultural piece. He knows Mr. Thrall does Best Practices, but at the same time fertilizer and other chemicals are used, which is just part of that process. So it's not benign now, and they may make it where it's actually more benign. Ms. Carlson added that they are not adversely impacting the Waterworks property—they are not doing any work on that property. All the work is on the 70 acre Thrall parcel, most of which is being used for agriculture right now. The storm water management will be designed in accordance with the regulations. They will do everything they are supposed to do in the detail design plans and will work with town staff. Mr. Mancini pointed out that in terms of runoff, a third party will be reviewing it—Mr. Steele, who is an extension of the town, a consultant, and he understands how this all goes together.

Mr. Steele remarked that there was a question about the sewer and the capacity and development in the rest of the town. This is a legitimate concern but he doesn't think this is something this commission can make a determination on. The WPCA needs to make that determination, so the commission either requires that determination before this GPD is approved, or a condition is applied before they get to the next step, which is what they have offered as a solution. So if this GPD is approved, the WPCA has to evaluate and decide how much of their capacity they want to allocate to this development, and that's a complex policy and decision, but it's not something this commission makes a determination on. You just want a representative from the WPCA saying they're good with this. Beyond that, you can't expect a lot more detail. He fully expects WPCA to address this and to make sure that not only can this development happen whatever improvements are required, but also that the rest of the town is not harmed by not having any capacity left for other projects.

Mr. Zimnoch asked Mr. Steele about the particles taking particles off the field into the parking lots and where the particles would go. He responded that all the parking lots are draining to the south and the east toward the DOT detention basin. This is where most of the storm water from this site goes now. Only about 25% of the site drains to Waterworks Brook, and all of that water is proposed to be captured and treated before it's discharged. Whatever is shaken off in the parking lots will not go to Waterworks Brook. There will be storm drains, catch basins, sumps, and separators along the way to catch those things if they do get into the drainage system before they get into the receiving waters downstream. These things require maintenance so this will also be as part of their requirement, that there will be a maintenance plan. With projects of this size, DEEP gets involved in permitting for storm water, so they will have a review of it as well to make sure there's a robust enough maintenance plan and that the treatment systems being proposed are adequate to capture these things. From a planning standpoint, there are mechanisms in place to provide protection for those

things. For the most part, only a small portion of this site drains to Waterworks Brook directly. Everyone who has a part in this lengthy review process will make sure that Best Management Practices (BMPs) are implemented.

Chairman Gannuscio noted that staff has worked very long hours and come up with a set of suggested conditions should this preliminary plan be approved. Ms. Rodriguez commented that she would like to say a few things first regarding public comments. After that she would be happy to go over the conditions, and after this discussion she would like to have a short break so she and Mr. Steele can talk about some of the concerns that have come up to be sure they can make a thorough and purposeful response to some of the things that were brought up.

Mr. Steele pointed out that there was a question about the emergency access and deliveries going around the back of the building that was not answered yet. Mr. Mancini responded that the service drives and fire access that they're showing on the plan are not open to the public. There may be on site service vehicles that will be making service deliveries along those drives, but not for the public.

Ms. Rodriguez read from her report, sections 20 (Inland Wetland and Watercourses Commission) and 22 (DEEP). Two things are going to occur: the wetlands soils impact and the watercourse impact will both be reviewed during the wetland application. The natural diversity data base—there are pockets that are nearby. The blip they put on the screen is very wide so people aren't going in there trying to find things, so it's difficult to know exactly where, but a sweep of that particular kind of species would occur and impacts of the proposed development on that type of species would also occur, so this application would need to comply with what the DEEP requires both for those species and for storm water impacts. Mr. Steele clarified that the evaluation of impact to endangered species is addressed through the DEEP storm water permitting process.

Ms. Rodriguez moved on to read into the record the 13 "Combined Staff Suggested Conditions of Approval for JABs All Sports Village" dated October 9, 2018. These conditions are combined to consider both her and Mr. Steele's recommendations.

Chairman Gannuscio asked Ms. Rodriguez what she thought would be a reasonable height and square footage of the sign on Old County Road. She replied that currently the regulations require signs to have a maximum of 32 square feet. It makes sense to recognize that this is a large project, but that's also an area where you have more of the day to day traffic passing by. Chairman Gannuscio asked about Route 20. She replied that on Route 20 it makes more sense to have a larger sign because 32 square feet is not a large sign for something that you're looking to have visibility for such a large amount of people who are traveling to the site and moving fast. That's part of the flexibility of being in this zone. It's just a matter of the sign size that's appropriate on Old County Road versus Route 20 and you may want to make sure that you specify that so it's enforceable when it comes to site plan approval.

Chairman Gannuscio stated that staff has reviewed a fairly extensive set of proposed conditions. He asked if anyone has any questions or objections, pro or con, to these conditions that were just discussed.

Jason Cutler, 16 Ridgefield Drive, commented. He said he recently played on a turf soccer field and he did not have any turf in his hair or clothes. He feels the turf is designed to stay on the field. Regarding Mr. Schiessl's comment about the light spillage onto Pershing Road from Veterans Park, Mr. Cutler said he believes the lights at Southwest Park were put in in 2000, and it is now 2018. We're talking about completely different lights, and he feels this was an exaggeration of Mr. Schiessl's. Mr. Cutler is in favor of this application.

Chairman Gannuscio asked if anyone had any concerns or questions about any conditions should there be an approval.

Gary Merrigan stated he still doesn't have the answer on the sewer. He recognizes Ms. Carlson's rebuttal that they are not taking away an allotment from somebody, but we're not supposed to drain our utilities. This is a massive user of WPCA facilities. Once that takes part of the lockout, where does that leave us as a town for what's left to develop as industrial property. He wants to be assured that if this project gets approved it doesn't take a massive amount of what's left and leave us short for other industrial developments, good tax paying developments. We don't know what the usage is here, but it's a big user. That's his only concern. He wants to be assured we're not taking away what's left.

Chairman Gannuscio asked again if anyone had any concerns or questions about any conditions.

*Chairman Gannuscio called a short break at 9:39 pm. The meeting was called back to order at 9:49 pm.*

Attorney Smith had additional comments about the suggested conditions and the comments from the public. In discussing signs with the applicant, he said perhaps what works better on Old County Road is a monument sign. They are still going to have the archway with a sign also. They would hope to preserve the sign they've proposed along Route 20. They will give the commission a design. With regard to the sewer, he believes the concept is they have to design it so they're not negatively impacting the WPCA system and it's not so much about taking away. There are allocations to all different areas of town and they change as things go, but the issue is they're not going to give us their 100% capacity. The idea is how we can get our capacity and preserve growth capacity. It's about satisfying your capacity but still giving them enough reserve capacity that they're comfortable that they haven't infringed on future development.

Chairman Gannuscio commented that he would like to avoid any kind of distraction of a blinking light on a sign on Old County Road. Attorney Smith stated that the commission is going to approve conceptually some heights of signs, but everything else is going to be subject to a site plan review. He doesn't believe the intent is to do any digital signs. Attorney Smith also wanted to point out that the economic generator here is not the retail. The generator is the first phase, which is the dormitories, the fields, and the basketball arena. Retail won't come without that. They are building the heart of this, which is the athletic facility for young people. The summer months are peak activity, and it tends to be less so in other parts of the year where you concentrate on some sort of Friday, Saturday, or Sunday activity. Those 16 weeks from May through September is where you concentrate your effort of filling it up to capacity. It's not modeled to run year round.

Chairman Gannuscio asked Attorney Smith if they are willing to go with the four commissioners who are here this evening. Attorney Smith replied that they are.

Changes to the proposed conditions were discussed by Ms. Rodriguez. Under the third suggested condition related to Use, Section B, hours of operation, it originally said, "Outdoor activities shall be limited to 7:00 am to 12:00 midnight." They thought it would be good to specify that ***"Loudspeakers will not announce play by play game details but loudspeakers would be restricted to game announcements and event announcements."*** A possible modification to the following sentence "The cafeteria/convention center patio shall not include music or other amplified sound and shall be limited to the hours of 7:00 am to 10:00 pm" could be changed to ***"Outdoor patio activities and deliveries shall be limited to the hours of 7:00 am to 10:00 pm."*** Ms. Rodriguez commented that the commission could discuss another hour besides 10:00 pm. Mr. Steele stated that there is no lighting back there so to go past dusk is probably not realistic anyway, but if the commission is comfortable with 10:00 pm... the purpose of that is to restrict any formal event or activity use of that patio. Chairman Gannuscio suggested for the first sentence instead of "outdoor activities...to 12:00 midnight" adding ***"outdoor athletic activities."*** Attorney Smith said they are fine with any of this language.

Under section 10, Sign Condition, one potential modification could be instead of just restricting the maximum size of the sign at Old County Road, you could specify ***"monument sign with no LED internally lit reader board."*** Mr. Zimnoch asked about the size. Ms. Rodriguez responded that she didn't make a recommendation because she didn't know if the commission wanted to have a conversation first. Mr. Mancini commented that one of the issues for them is they only have a 200 foot frontage, and the intersection is there as well, so having a little bit more flexibility than the 32 to 50 is what they were trying to get, but it doesn't have to be a pylon. It was agreed that for the Old County Road sign the maximum size of 50 square feet and maximum height of \_\_\_\_\_ feet would be good. The language should say ***"the signs"*** at Route 20. For the two signs on Route 20 the maximum size of 30 square feet and maximum height of 100 feet is good. Mr. Szepanski asked if one sign would

be heading east and the other heading west. Mr. Mancini stated that one sign would be geared more toward the athletic facility and one for the commercial retail/entertainment zone.

Under section 7, Landscape Condition, Chairman Gannuscio suggested **10.4%** for the minimum percentage of interior landscape islands in the parking lots.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission closes the public hearing on the General Plan of Development in the AIOZ for the Thrall property on Old County Road for a proposed sports village.

Chairman Gannuscio summarized: This is a plan and an opportunity for some economic development in this specific parcel. This makes more sense than some of the other ideas that have been suggested in the past. Between the staff and the applicant, a lot of work has been put in to try to minimize impacts environmentally and utility wise. This has not been a drop and run with this application. A lot of time and effort on both parts have been made. Members of the public have spoken out with their thoughts and opinions. We appreciate the feeling behind some of the comments and the fact that people thought enough of this and its impacts to come out and speak. This didn't get off to the best start when this meeting was hijacked the first evening when there was a withdrawn application, but the content and comment have been cleaned up since then, and he appreciates everyone's effort here. As to the application itself, again, this is only for the preliminary general plan of development. Chairman Gannuscio asked, "Is there a motion to be made here this evening?"

It was **MOVED** (Szepanski) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the General Plan of Development in the AIOZ for the Thrall property on Old County Road for a proposed sports village (property owner OJ Thrall, Inc./Joseph B. Thrall II) with conditions as outlined in the October 9, 2018 Planning and Zoning recommended approval as verbally amended as Jennifer Rodriguez outlined.

**AMENDED MOTION** to include the Water Pollution Control Authority's recommended language under section 8, Suggested Water Pollution Control Facility Condition.

Chairman Gannuscio asked to move Section VIII.C.i, New Business, Informal Discussions, Regina Drive Subdivision Modification to this point in the agenda.

**(VIII. New Business)**

**C. Informal Discussions**

i. Regina Drive Subdivision Modification

Joseph Olivera, Jr. addressed the commission. Chris Kervick is looking to modify the plan because right now there is a future road extension on the deed which they're looking to get rid of. The land that could be accessed is now turned into lots on Roberts Street, so they now have access from Roberts Street for those lots and there's no need to have a future road extension through Regina Drive. Chairman Gannuscio clarified that this was part of the Regina subdivision, and not the Gragnolati subdivision. Mr. Olivera confirmed that. He said there is nothing on the Gragnolati subdivision as far as having access through to Regina Drive. It was Regina Drive strictly for the future road extension, as it was worded, to St. Roberts property. Once they got that approved for lots there is no need to have a future road extension or access. Chairman Gannuscio said he is going to stay out of the discussion because if there were ever a formal application his brother would probably be listed as an abutter. Mr. Steele asked if the property owners have any proposed use for that land. Mr. Olivera and his neighbor across the street pay taxes on the land and they maintain the land. There's a fence down the middle and where their lots meet there is a 25 foot future road extension on each side which puts a 50-foot roadway through there. They would just like to have the rights extinguished. Mr. Kervick said it has to come through this commission first and then go back to the Selectmen. Mr. Steele commented that it's a modification to a subdivision, and he wondered if it even needs an application. Chairman Gannuscio said he would prefer to have this on record. Mr. Steele explained that there would be a vote of action by this commission and then there would be another vote of action by the Board of Selectman and then a town meeting to actually release the property. He believes this would be the process. Or you could require an application and someone would have to fill it out, and you could waive the fee. Ms. Rodriguez said she thought the commission would still want the owners' signatures or something in writing. She asked Mr. Olivera if both he and his neighbor (Mr. Sharmer) would be willing to sign off on this as owners. Chairman Gannuscio said he would recommend that any application fees be waived on this. Mr. Olivera said he believes Mr. Kervick was going to act as the town as putting this forward. Ms. Rodriguez suggested having them both sign the actual form once she fills it out. Mr. Zimnoch clarified that the town will file the actual application after getting signatures from them. It was decided that the commission will put this down for receipt in November and then schedule a public hearing in December and then it goes off to the Board of Selectman and a town meeting. Mr. Steele asked, "So when you get this application and you approve it, how do they finally execute it? Don't they need a revised subdivision map to be filed on the land records to show that there's no longer...there has to be some way of filing on the land record some documentation that this no longer exists." Ms. Rodriguez: "Release of the asset from the town?" Chairman Gannuscio: "Maybe the section of the minutes showing the removal of that?" Ms. Rodriguez: "There's probably a legal tool that Carl would...conveyance of an asset it would be a release back to the property owner." Mr. Steele: "Maybe that's sufficient. Maybe you don't

need a map, because to get a map you'd have to hire a surveyor to produce that map." Mr. Szepanski: "Basically a transfer of ownership." Mr. Olivera: "Basically we're just looking to extinguish this 50 foot future road extension. That's the way it's written on the deed. On the deed it says 'possible future road extension,' and it shows 25 feet on my side and 25 feet on Mr. Sharmer's side."

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission waives all fees associated with the revision to the Regina Drive subdivision.

Mr. Olivera asked if he should come back on November 13. Chairman Gannuscio said he did not have to, that he could submit the application to Ms. Rodriguez and then the commission would put it on the agenda in November to be accepted for the public hearing on December 10. Mr. Olivera asked if there would be two public meetings. Mr. Steele responded that the Selectmen's meeting is not a public meeting, but the town meeting is a public meeting.

V. **Reviews** (none)

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

VII. **Old Business**

A. **Discussion with Commission and Staff**

i. Schedule POD Workshop

The Plan of Development workshop was scheduled for *Thursday, November 8, 2018 at 6:00 pm.*

B. **Action Items**

ii. Acceptance of Choice Road

During the recess the following motion was made informally.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission recommends to the Board of Selectmen that the final completed portion of Choice Road be accepted as a town road.

Ms. Rodriguez asked Mr. Steele if he has concerns. He replied that he does. He said usually the commission waits for a letter of recommendation from him. He tried to prepare this letter for tonight but he ran out of time. There are some outstanding questions that the Public Works director has about it, and Mr. Steele is trying to figure out how best to word that as conditions as a few items that the

Public Works director would like to see addressed. Mr. Steele commented that the commission has already approved this a certain way, and they can't at this point do something different than what the commission has approved. Chairman Gannuscio responded that his concerns could be raised to the Board of Selectmen. Mr. Steele agreed. He said that usually there's a bond but in this case there isn't because it's a road that dead ends with no turnaround, and all they're doing is extending it another 50 feet so they can get a driveway into their site. But now there's interaction with the railroad tracks that are there, there are questions about snowplowing and where the snow's going to go now, and how trucks are going to turn around. By extending it that extra 80 feet right of way across the railroad tracks, if Ahlstrom ever wanted to put a driveway through, they could gain access to that land, so it seemed like a good planning approach at the time. At this point Mr. Steele is not sure if they can go back and modify something the commission has already approved and ask for more. He wanted to be respectful of the questions and comments that have been raised by Public Works and figure out how to best incorporate those as maybe some of them as conditions. He just hasn't had a chance to write that up yet. He noted that Ms. Rodriguez said at this point they want to get this road acceptance done and the main thing is they wanted a CO and as long as they have a letter from him she is comfortable granting the CO. He does not think it will be a hardship on the applicant if they have to wait another month for the commission to take action, so he would suggest that the commission continues this over to the next meeting. Ms. Rodriguez commented that the commission already voted to forward it. Mr. Steele said he can work it out with the First Selectman. Mr. Szepanski asked Chairman Gannuscio how he should put this in the agenda that goes to the Board of Selectmen. Chairman Gannuscio replied, "recommends to the Board of Selectmen the acceptance of the extension."

i. Clarification of Approval, 465 Spring Street

Ms. Rodriguez explained that back in January the commission approved 465 Spring Street, Unit F, for "personal service categorization limited to a particular unit on the site as a builder/restorer of classic antique or specialty vehicles," and then the rest of that sentence said "not to be a general repair situation outside of this builder/restorer categorization." She thinks the intention there was to demonstrate that this was different than a usual general repair facility that took any vehicle from the public. It was more on an arrangement basis with certain people, a limited number of vehicles, and a certain type of vehicle. But using that phrase "not to be a general repairer" meant that the DMV would not give him his license even though he had local approval. In order to allow him to move forward and now apply for a different unit, the DMV has said you still have to change this issue, we're not going to give you a license for this unit or another unit unless that approval language changes. The new unit has to be a separate application. He has applied for that. The commission can schedule a date for that review but in the meantime we should at least have a discussion about the language. Chairman Gannuscio responded that he would not make a single change to the language of

that approval because we will wind up with two approvals there. At least now let the next person who wants to rent that unit come to us and seek the change. If he wants a special use for another unit in the building, that's fine, but the whole idea was to limit this and not to have 50 of these out there. Mr. Szepanski said, "So non action on this would nullify our approval of that so someone else could go into that bay that he's in now, is that what you're saying?" Chairman Gannuscio: "Right." Ms. Rodriguez: "Just so I can communicate with the applicant, are you opposed to changing that language for a new application?" Chairman Gannuscio: "For a new application, no, but for the existing approval, no change." Ms. Rodriguez: "In addition to that, I've asked the owner of the property to try to explain to her that if this isn't modified or if the commission is concerned about the two units having approval, you should consider putting in writing that you're abandoning the use for that unit, and she has done that." She submitted something tonight saying that. Chairman Gannuscio: "I don't know how binding it is because it runs with the land." Ms. Rodriguez: "It's a non-conforming use, so I think she can abandon it. I just don't know if this is the proper legal tool." Chairman Gannuscio: "Let's refer this to Carl because he's familiar with this whole thing from the initial application so that he or the next Town Attorney isn't left trying to clean this up. Let's have Carl say exactly what he wants in his language. Does everyone agree with that?" All agreed. Mr. Zimnoch: "Yes, because if this is not sufficient, then she has to provide whatever is sufficient to abandon any use." Mr. Szepanski: "Would that open the door for us to go to other places that we issued special use permits like at the carwash where they have a liquor permit and ask them to abandon their permit? Maybe this is an avenue to get that abandoned so we can start fresh. Maybe this is a good thing to ask Carl."

## **VIII. New Business**

### **A. Public Input (none)**

### **B. Receive New Applications**

- i. Special Use Permit for Classic Car Restoration and General Repairer License, 465 Spring Street

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules a public hearing for a Special Use Permit for Classic Car Restoration and General Repairer License at 465 Spring Street on November 13, 2018.

- ii. Special Use Permit with Site Plan Review and Liquor Permit for Microbrewery in existing garage at 592 North Street

Chairman Gannuscio commented that he has an issue with running a brewery out of your garage. Where is a brewery in the permitted uses? Ms. Rodriguez said it's in an industrial zone, but it's in a house.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules a public hearing for a Special Use Permit with Site Plan Review and Liquor Permit for Microbrewery in existing garage at 592 North Street on November 13, 2018.

- iii. Special Use Permit with Site Plan Review and Liquor Permit for Brew Pub, 18 Main Street

Chairman Gannuscio asked where 18 Main Street was. Ms. Rodriguez replied that it's in Dexter Plaza, the unit next to Moon Star.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedules a public hearing for a Special Use Permit with Site Plan Review and Liquor Permit for Brew Pub at 18 Main Street on November 13, 2018.

**D. Action Items** (none)

**IX. Communications and Bills**

Chairman Gannuscio said whoever is going to the Land Use Academy in Haddam should submit whatever they paid for the fee and he will see if he can get reimbursement out of the professional development account.

**X. Adjournment**

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourns the October 9, 2018 meeting at 10:48 pm.

*Respectfully submitted,*

*Debbie Seymour  
Recording Secretary*