

PLANNING AND ZONING COMMISSION
October 10, 2017 Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Jim Szepanski, and Luis Valdez

Commission Members Absent: Vincent Zimnoch, Alexa Brengi, Cindy Cooper (Alternate),
and Kayleigh Royston (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner)

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:07 pm.

II. Roll Call

Commission roll call was taken.

Chairman Gannuscio noted that the site plan review for RISE Academy cannot take place this evening because the legal notice did not run in the newspaper within the statutorily prescribed time period and will have to be the subject of a special meeting at some point this month to allow time for the proper notices to run.

III. Approval of Minutes from the August 21, 2017 Special Meeting, September 11, 2017 Regular Meeting, and September 26, 2017 Special Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission postpones the approval of the minutes of the August 21, 2017, September 11, 2017, and September 26, 2017 meetings to the November 13, 2017 meeting.

IV. Public Hearings

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

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on September 27, 2017 and October 4, 2017.

Chairman Gannuscio explained that this evening, with three members, the commission has a quorum, but it would take a unanimous vote to approve the application and that it was up to the applicant if he wanted to proceed and take the risk of it not being a unanimous vote or he could wait until there is a fuller panel available in November. The applicant stated he wished to proceed.

A. Special Use Permit with Site Plan Review for 255 Main Street, Unit 7, for Kingdom Harvest Fellowship to Conduct Worship Services

Alain Fournier, pastor of Kingdom Harvest Fellowship, addressed the commission. He commented that it is their goal to conduct worship services, reach out to the community, be a positive influence, feed the hungry, and be a place where people can come to improve their lives. They will also minister to children and conduct a Bible Study service. They are a non-denominational church, Christian-based.

Mr. Fournier answered the questions of commission members. Chairman Gannuscio asked if the picture of the tables and chairs included in the application indicated that they were already operating at 255 Main Street without a special use permit. Mr. Fournier responded that no, they have been closed. Mr. Valdez asked if they would be re-opening the church. Mr. Fournier answered yes. He added that the church has been closed for about 3 months and that they are currently meeting in his home. The goal is to get it out of his house and into the community. Mr. Valdez asked what the state of the property is. Mr. Fournier responded that they have painted, the chairs are all set up, and they are ready to roll. Chairman Gannuscio asked, "In the context of this site, what do you see as potential for growth?" Mr. Fournier said the Fire Marshall told them they could probably seat up to 171 people, but right now their congregation is about 20 people. At this location they estimate it could grow to 100 or 120 tops. Mr. Valdez asked about the parking situation. Mr. Fournier stated there is ample parking. They would be meeting Sunday mornings and on Wednesday evenings. Chairman Gannuscio asked if it would be ample for 100 people along with all the other businesses in the plaza. Mr. Fournier responded yes. Mr. Szepanski commented that he couldn't see 171 people fitting into a space only 1,000 square feet. Mr. Fournier responded that 171 was the legal capacity but it is not their plan to get that high and if they ever got to that point they would have to move out of the space. Mr. Szepanski asked about his projection for growth for next year. Mr. Fournier said he would like to see that number at about 50 to 100. Mr. Szepanski asked if they would be there all at the same time. Mr. Fournier responded, "Not necessarily." They have a mid-week and a Sunday service. Mr. Valdez asked about the services and other activities. Mr. Fournier explained that there is a 10:30 Sunday service and on Wednesday a Bible Study at 7:00. He added that on a Saturday afternoon or Friday night once a month they would like to run some videos or movies for kids. Mr. Valdez asked where his congregates are from. Mr. Fournier replied that they come from Enfield, Windsor, and Windsor Locks. Mr. Szepanski asked if Ms. Rodriguez had a number of how many parking spots are in that particular lot. She passed out a list to commission members of the tenants and the number of parking spaces required for each tenant. Mr. Valdez pointed out that many of these businesses would be closed on Sunday mornings.

Chairman Gannuscio noted that one of the suggestions to the building owner was that he replace the curbs and asked the applicant if he had had any discussions with the owner about this. Mr. Fournier said he was not aware of that. Mr. Szepanski added

that in April or May a special use permit was granted for RISE Academy for this property with the condition that the owner restripe the parking lot, fix the potholes, and fix the curbs.

Jennifer Rodriguez, Town Planner, discussed her report dated October 5, 2017. She stated that WPCA has no issues with this site. No comments were received from the Fire Marshall or the Police Chief. Ms. Rodriguez read into the record an email from the Town Engineer dated October 10, 2017.

Chairman Gannuscio asked Mr. Fournier if he would be able to contact the owner if the repair of the parking lot is made a condition of approval of this application. Mr. Fournier said he can certainly relay the message to the owner but he would hope that this would not stop them from being able to move on with this application.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Five people spoke in favor of this application: Wanda Weidl of Enfield; Maureen Good of Broad Brook; Sylvia Butchell of Windsor Locks; Patricia Abramowicz of 271 Rainbow Road, Windsor; and Catherine Lindberg of Windsor Locks. The floor was then opened up for comments in opposition. There were none.

Chairman Gannuscio asked the applicant if he wanted to say anything else before the hearing was closed. Mr. Fournier reiterated that they want to serve and improve the community. They will host meetings for AA and NA. There is a need for spirituality and hope and they want to provide this for people. They are choosing to minister in this town because they want to see great things for this town.

Mr. Szepanski commented that their message is loud and clear and that they are sincere in what their mission is. He went on to say that the commission is concerned that there could be health and safety issues for visitors to parking lots that are deteriorating. He mentioned that the commission has visited the landscaping issue before, and it was determined there is enough landscaping there, and if more were added, it would become a problem with snow removal. Mr. Szepanski stated that the number of seats concerns him. He said that it sounds like the applicant has a very ambitious agenda and is looking to do a lot of things which are going to be good for Windsor Locks, but as this grows, is the projection of 30 seats going to be adequate? He wonders if the commission should put a limit on that.

Chairman Gannuscio stated that one thing that concerns him about this current application is that there is no floor plan. The one sketch that is included with the application goes back to the RISE Academy and has no scale. The parking lot in its current state is dangerous. To be consistent with the previous application for this same space, part of the conditions prior to the certificate of occupancy were to repair the curbing, fix the potholes, and restripe the parking lot. Given the numbers that are being projected for next year, this work needs to be done. This is also a double

application: the use of the space and a review of the site itself, and parking does make a difference when you are looking at a site to determine whether it is safe and adequate. This is something that needs to be taken into consideration.

Mr. Valdez understands the mission they are seeking and he hopes that we can find a fair and equitable solution to make sure that this great benefit to the town can happen but at the same time make sure that the work is not impeded by unsafe conditions. Regarding the potential for capacity and when it fills up, he feels that maybe we should wait until that actually happens and then discuss that concern.

Chairman Gannuscio asked the applicant if he would like to add anything. Mr. Fournier said that the parking lot does need some work, but there are current businesses that are already in operation, and his business being there would not add to the problem. He added, "I think the question here is, whether or not we have the right to assemble as a church, a group, or a fellowship."

Mr. Valdez said he wants to make sure we don't stop a good thing. Mr. Szepanski stated that we need to be consistent. Mr. Valdez asked why this request was not made prior to this. Chairman Gannuscio replied that no one has ever come with such a change of use (from retail). Consistency and noting the intensification potentially of use of the whole site not just Unit 7 is important. Chairman Gannuscio asked if the owner of the plaza was present tonight. He was not. Mr. Szepanski suggested that the public hearing be continued so that the owner could attend the meeting. He said, "We don't want to stop a good thing, but we have legitimate concerns." Chairman Gannuscio remarked that it would be good to have the owner go on record to say he will make the repairs. Chairman Gannuscio stated there seems to be a consensus to not close the public hearing so this information can be taken to the plaza owner. He suggested continuing the public hearing to the November 13 meeting. Mr. Valdez suggested having a special meeting. Mr. Fournier said he would try to reach the landlord now. It was decided that a five-minute recess would be taken.

CHAIRMAN GANNUSCIO CALLED A FIVE-MINUTE BREAK AT 7:54 PM.

Mr. Fournier stated that he talked to the landlord and he was available at any time.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission continues the public hearing on the special use permit with site plan review for 255 Main Street, Unit 7, for Kingdom Harvest Fellowship to a special meeting on October 25, 2017 at 7:00 pm.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission reschedules a public hearing on the special use permit and site plan review for 2 Industrial Road, RISE Academy, Windsor Locks Public Schools, to a special meeting on October 25, 2017 at 7:00 pm.

B. Amendment to Section 408, Adaptive Reuse Regulation—Industrial

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on September 27, 2017 and October 4, 2017.

Chairman Gannuscio stated that the initial change to this regulation was proposed in 1990. The whole landscape has changed since then, and things are smaller in terms of operation. This is something that would offer up some alternatives to building owners throughout town and can only benefit the town going forward, and we want to make adaptive reuse more available to a wider range of potential applicants.

Jennifer Rodriguez, Town Planner, discussed her report dated October 5, 2017. She added that this change makes sense, as some of our current industrial uses that we have in town can benefit from having these sorts of ancillary uses. Ms. Rodriguez discussed the changes to Regulation 408. Under Section A: Criteria, Section 1, *containing combined gross floor area in excess of 150,000 square feet* will be **removed**. Under Section B: Special Permit Uses, *Philanthropic and educational facilities* will be **replaced** with *Secondary or higher educational facilities, vocational and trade training facilities*. Commission members liked the changes and said they make sense. Ms. Rodriguez added that it was easy to pull the goals and objectives together for this because it is a widely talked about concern for a lot of her peers and is often a topic at training seminars and conferences. Chairman Gannuscio pointed out that on September 15, 2017 CRCOG stated in a letter to the Planning and Zoning Commission that it “has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. The proposed regulation is in keeping with the Land Use Policy to ‘Increase Sustainable Redevelopment and Infill Development Efforts’...”

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Douglas Glazier, 167 Taft Lane, spoke in favor of this application. He summarized what he thought the proposal is: there are certain industrial sites that are zoned industrial, and the amendment to section 408 would allow other types of activities or businesses that are not strictly industrial to occupy these areas that are vacant and are costly to the owners to be vacant. He thinks it is a great idea, provided the conditions are suitable and the activities are compatible with the surrounding area. Chairman Gannuscio remarked that this would all be part of the special permit process, all those considerations that Mr. Glazier mentioned. More importantly here, they will be removing the text that says buildings in excess of 150,000 square feet. They are looking at these industrial properties town wide. That’s the second focus of the amendment--the use and the size. Mr. Glazier agreed this is a very positive change.

The floor was then opened up for comments in opposition. There were none.

Mr. Szepanski stated he likes the amendment. Chairman Gannuscio commented that it is well written and is an amendment that fits the Plan of Development. Mr. Valdez agreed that this would give us some great opportunities.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission closes the public hearing on the Amendment to Section 408, Adaptive Reuse Regulation—Industrial.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission approves these changes as they have been presented this evening to Section 408 for Adaptive Reuse in Industrial 1, 2, and 3 Zones. The special use permit process attaches to these applications. This text amendment is effective upon the publication of the notice of the actions taken by the commission this evening.

V. **Reviews** (none)

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

VII. **Old Business**

A. Discussion with Commission and Staff

Ms. Rodriguez requested the addition of two items to the agenda. The first item is a certificate for the Montgomery Mill. In the past year or so Beacon Development has pointed out they're wanting municipalities to file not just the letter of approval for special use permit approval but an actual certificate that has a certain type of detail. Ms. Rodriguez, the Town Attorney, and Beacon's attorney have looked at some language that does not change the approval but comes up with a new certificate. She has this here for review and signature. It is just more specific about the conditions that were placed, and an actual certificate that lists the sections under which the approval was made. It also lists the dates of the reports that the fire department made their recommendation and the owners of property. This is actually a good model to use going forward.

The second item to be added is the request by the owner to release the bond for Daleo Drive. There is correspondence from the Director of Public Works and from Dana Steele, Town Engineer, recommending release.

Ms. Rodriguez also requested clarification on rear lots.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission adds Certificate for Special Use Permit Language for Montgomery Mill and Daleo Drive Bond Release to the agenda under Section VIII D, Action Items.

B. Action Items (none)

VIII. New Business

A. Public Input (none)

C. Informal Discussions

i. Temporary Health Structures—CT Legislature

Ms. Rodriguez stated she did not have a formal presentation for tonight but she will have a summary for the next meeting. She briefly explained what this is. If someone applied under this new legislation, the community would have to approve a structure for a relative or family member they're taking care of who wants to be able to live on the property in an accessory structure. Right now if someone applied for something like that and a second dwelling unit had all of the amenities that the main unit had, they would consider that a second dwelling and it may or may not be approved. With this legislation, if someone applies and they meet all of the criteria, the community has to allow that to be approved. The commission does not have the vehicle for doing that right now.

ii. FFL for Marketing Purposes

Steve McGough addressed the commission. He works for himself as a marketing consultant, and some of his clients are FFL dealers from around the country. He would like to apply for his Federal Firearms License (FFL). He does not plan to sell firearms. He needs his FFL to allow his clients to send him training and evaluation (T&E) guns to create marketing collateral such as photos and occasional videos. He checked with other marketing companies who do this type of thing and with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), who said they don't have a special FFL for marketing purposes, so you just have to get your regular FFL-01, which is your basic license. It involves people sending him firearms via USPS priority mail. He would be happy if he got one or two a month, but it may not even be that many. Right now he has about three or four clients in the industry out of about 30, so count-wise they're about 10% of his business.

Commission members had questions for Mr. McGough, which he answered. Who are your clients? Mostly smaller companies like Grayguns and Operation Specific Training, and not necessarily handguns, but also the parts that go into the handguns and also holsters. Are the guns that you receive functional? Yes. Would you be operating or shooting the guns? Yes, at the range occasionally, for videos. If you were to get approval and you had an FFL, even though you're telling us you have no intent to sell guns, once you got that type 1 FFL, you could change your mind tomorrow and sell guns. Mr. McGough replied that he had no intention to do that, and if the AFL had a different application and a media-only license, he would apply for it. Chairman Gannuscio commented that the purpose of any hearing they would have would be to have that stated on the record.

Mr. Szepanski asked if anything that we stipulate as a commission could be legal and binding? Chairman Gannuscio said he is not looking at it in terms of imposing conditions, rather as someone stating on the record, "I will not do this," as part of the approval process. Ms. Rodriguez pointed out that, as Mr. Szepanski wondered, is this enforceable? She added, "At this point, he and I both need direction on what process you think is necessary, because typically a home occupation would come to you for approval with a public hearing. We can spend some time understanding and figuring out whether that can be conditioned and it's enforceable."

Chairman Gannuscio asked Mr. McGough if he needs some kind of action from this commission first before he can go for his FFL? Mr. McGough replied that no, ATF doesn't care. Getting his FFL from the ATF isn't going to be an issue, but the ATF has him notify the police of chief in town, which kicks off the Planning and Zoning Commission. Chairman Gannuscio stated the only reason they would hold a public hearing was because there would be a notice out there to neighbors to let them know. A sign would be necessary for a public hearing. Mr. McGough said his neighbors wouldn't have an issue with it, but doing all kinds of notifications puts him in a precarious spot security-wise, as it puts a target on your house. Chairman Gannuscio summarized, "We have this representation which I have no reason to doubt, that there won't be sales and that it's done solely for this marketing purpose, but there currently doesn't exist a vehicle to do it with this limitation." Mr. Szepanski added that we need to be careful that having this license wouldn't turn into something else that we didn't envision, even though he believes Mr. McGough 100%. Mr. Szepanski wondered if this was something the Town Attorney should take a look at. Chairman Gannuscio mentioned that our Town Attorney works in multiple other towns and asked the applicant, "Are you aware of anyone else in the area or in the State of CT doing what you're doing?" Mr. McGough replied that he knows there are a significant number of FFLs in the state who do not sell guns. For example, manufacturers who make parts for guns have their FFLs but do not sell guns. He knows of FFLs in Windsor who are out of their home who do sell guns, although it's not their main business.

Chairman Gannuscio stated that this is still a home occupation and a public hearing is still required. Ms. Rodriguez then read the definition of a home occupation. She repeated the last part of the definition, Section E, which is what the commission is determining tonight: *The Commission may, in its discretion, waive the requirement for a site plan or it may require a public hearing as a special use if it is determined that a proposed use might have an effect on abutters.* Mr. McGough asked what effect it would have on abutters. Chairman Gannuscio replied, "As you're currently operating, just as a photography web-based company, in my mind, that's zero effect on abutters." Mr. Szepanski added, "When you introduce the firearms, you go a step further." A discussion followed regarding whether this would affect abutters and if a public hearing is necessary. Mr. Szepanski felt a public hearing was 100% necessary. Mr. Valdez

disagreed. He said, “This is not even the main portion of his business—maybe one or two a month, and...no one else besides him, who is a trained professional, will be even touching the guns. I think it’s more in line with just an average person owning a gun as opposed to a gun store or a gun vendor.” Ms. Rodriguez commented that that would mean if he changed his mind she would not be able to say you were granted something different because in that instance he would potentially be granted the license to do everything that you can do under the license, and she’s not sure she would be able to enforce it. But this can be hashed out through an application; she just needs to give him some direction in terms of how to apply. Mr. McGough replied that if it involved an application with a sign in his front yard, his security plan does not allow for that, and it just puts him too much at risk.

Chairman Gannuscio asked the applicant, “If the commission okays this as a home occupation, do you need the FFL?” Mr. McGough replied that he wants to go the FFL route because it saves him a lot of money. If a public hearing is necessary, he has security concerns. Chairman Gannuscio stated that he doesn’t know which way to go. The applicant’s character and honesty are not in question for him, and in the presentation tonight there has been no attempt to dodge any questions. He asked Ms. Rodriguez if she thought this was something she should talk to the Town Attorney about, given his statewide experience. She responded, “If you don’t have consensus or a good idea about what the process is, then yes, definitely, or what the process should be, given that this is something that is specifically listed as a home occupation. The second piece of this is, does it run with the land as most special permits do?” Chairman Gannuscio asked the applicant if he would be able to come back on November 13. Mr. McGough replied that he could. Chairman Gannuscio added that in the next month they will try to get guidance and get educated on this and this will be put back on the agenda as it appeared this evening.

D. Action Items

Someone from the Board of Education asked about the certificate of special use permit that was mentioned earlier in the meeting and if this would apply to the Board of Education’s application. Ms. Rodriguez replied that it’s really the format of the piece of paper that’s filed in the Clerk’s office and the details that will be on that.

i. Certificate for Special Use Permit Language for Montgomery Mill

Ms. Rodriguez read for the record how the attorneys (from Beacon and the Town of Windsor Locks) thought this should read. The letter to the applicant about their approval is very much the same but added in the subject line are the sections that are referenced: *Per Section 402, Permitted Uses, and Section 407, Adaptive Reuse Regulations.* Also added is: *Please file the enclosed original special use certificate with the Town Clerk per Connecticut General Statute Section 8-3d. There is a fee associated with filing your special use certificate with the Town*

Clerk whom you may contact at (lists the number). If you have any questions concerning the filing procedure please do not hesitate to call the Building and Land Use Department at (860) 627-1447. This is the recommended format of the approval letter to be used in the future. The certificate has at the top: Windsor Locks Planning and Zoning Commission, Special Use Permit Certificate. I, Alan Gannuscio, Chairperson of the Town of Windsor Locks Planning and Zoning Commission, hereby certify that on September 21, 2016 the Planning and Zoning Commission voted to approve the special use permit and site plan for the historic rehabilitation and adaptive reuse per Section 402, Permitted Uses, and per Section 407, Adaptive Reuse Regulations 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. The owners of record of the subject property listed on the application are Nisha K. Sachdev and the Windsor Locks Canal Corporation. Dated at Windsor Locks, CT this 10th day of October, 2017, with your signature line.

Chairman Gannuscio confirmed that the conditions would be attached to the certificate as well as to the letter. Ms. Rodriguez commented that they have been requiring on the first sheet that's filed in the land records the approval letter with the conditions but now they're saying that a separate certification form should be attached. It's almost identical information. Chairman Gannuscio stated that he has no issue with the language format or with signing it.

ii. Daleo Drive Bond Release

Chairman Gannuscio confirmed this was for acceptance as a town road. Ms. Rodriguez said that the Public Works Director has gone out to the site, and in an email dated October 10, 2017, Dana Steele stated that he had visited the site, observed the road condition, found no issues, and recommended release of the maintenance bond. Chairman Gannuscio pointed out that the last time he walked by there one of the iron cups that covers the utilities in the street was missing at the Center Street edge. Ms. Rodriguez will make a note to follow up on that.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission releases the remaining maintenance bond held for improvements for Daleo Drive.

Ms. Rodriguez noted that a letter has to go to the Board of Selectman and this recommendation from the commission also goes to them. This has been accepted as a town road.

OTHER

Ms. Rodriguez stated she brought with her the regulations on rear lots. She read Section 1403-D, Section D-6, regarding eliminating unnecessary curb cuts and encouraging shared driveways, but Section F encourages a shared driveway but still requires frontage for each of the rear lots. A brief discussion followed. Chairman Gannuscio suggested she pull the file for Jeff Staves on North Street across from Chapman Chase for reference.

(VIII. New Business)

B. Receive New Applications

i. Special Use Permit with Site Plan Review for 1 Corporate Drive for AdventurEscape

Ms. Rodriguez explained that she noticed a sign up on Route 75 for an escape room or Adventure Scape, and she received a call from Glastonbury asking about this company who was also applying in Glastonbury. She contacted the owner, who called her back. It is located at 1 Corporate Drive, and they have applied under Amusement Enterprises and have paid the fee. They wanted to know if the site plan requirement could be waived because it was an existing property. She told them they could ask, that there probably would not be a requirement to do a new engineering plan, but the commission would still look at things like parking calculations, interior layout, and available parking for the mix of uses.

(D. Action Items)

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission adds Election of Officers to the agenda for the November 13, 2017 meeting.

IX. Communications and Bills (none)

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Valdez) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission adjourns the October 10, 2017 meeting at 9:36 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*