

PLANNING AND ZONING COMMISSION
October 25, 2017 Special Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Jim Szepanski, Alexa Brengi, and Luis Valdez

Commission Members Absent: Cindy Cooper (Alternate), and Kayleigh Royston (Alternate)

Town Staff Present: Dana Steele (Town Engineer)

I. Call to Order

Chairman Gannuscio called the meeting to order at 7:06 pm.

II. Roll Call

Commission roll call was taken.

III. Public Hearings

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

A. Special use permit with site plan review for 2 Industrial Road, RISE Academy, Windsor Locks Public Schools

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 12, 2017 and October 19, 2017.

Chairman Gannuscio stated that he is going to be concentrating on the last page of Jennifer Rodriguez's report dated October 23, 2017 where it talks about the findings the commission has to make. He wants to hear part of the applicant's presentation dedicated to those three items: Section 1103A-4 a, b, and c.

Joshua Robinson, SPED Director; Susan Bell, Superintendent of Schools; and Les Koziara, Business Manager, addressed the commission. Mr. Robinson stated that they are looking to go into 2 Industrial Road. The building has been vacant for over two years. They have been looking around town and have not been able to find a space that would be good for this program. The RISE program is an 18 to 21 year old transition program. Currently they are looking to have 17 students in the program. The maximum size of the program will be capped at 25, and never greater than 30. They have four staff members who will be on the premises as well as the RISE staff consisting of two certified teachers and five job coaches. The only structural work that will be done will be to the interior, remodeling the kitchen and knocking a wall down. There will also be work done in the interior for a fire wall, to make sure that's in place and up to code. For the exterior, the owner will be replacing the roof. They will be looking for some signage to go up in front. An example of what this sign will look like was distributed to the commission. This will replace a small 5 x 6 sign that

is already located in the front. The parking lot currently has 27 spaces and they will be relining that. It is already handicapped accessible and they will be sure everything is ADA compliant. The landscaping will remain the same. Bus drop-offs will be twice a day at 7:15 and 2:15, and they will be mini-buses. There will be a turnaround spot that will be made available to them. There will be two vans that are parked on the premises. Inside there will be three classrooms, a laundry room, a common area/study room, a conference room, a kitchen, a lunchroom, a community room, five office spaces, and two handicapped accessible bathrooms. In total there is 4,960 square feet.

Commission members had several questions which Mr. Robinson answered. Two gutters will be replaced as well as the fascia board. The curbing in the back is not part of their area. The van will be parked in the front where there is a security camera and two lights. There will be four security cameras on the premises. Office staff will stay until about 3:00 and Mr. Robinson will stay until about 5:00. There may be an occasional special event with families but it won't be a regular occurrence.

Chairman Gannuscio asked Mr. Steele if there are street lights on Industrial Road. Mr. Steele was not sure. Mr. Robinson did not know either but pointed out that the parking area is lighted. On the side of the building there is a large light that lights up the whole side and there are two more large lights that light up the parking lot. The other businesses there also have lights. (Mr. Steele was able to use Google Street Maps to determine that there are two floodlights on poles across the street that point towards the site. They are Eversource lights.)

Dr. Bell clarified a previous statement that was made. There are actually three buses (vans) that will be dropping off and picking up: one from Windsor Locks and two from other towns.

Chairman Gannuscio asked about the frequent flooding. Mr. Robinson replied that many years ago there was a major flood because the culvert got backed up with sticks and twigs. The owner cleaned this out about five weeks ago, and it was discussed how once a year that will need to be cleaned out. Mr. Steele pointed out that in 2013 there was a flood, and they never determined exactly what the source of it was but the owner indicated that the water was bubbling up out of the catch basins. This site is a little lower than the road, so the water was flowing toward the site. He did at that time clean out the culvert, which was overgrown and probably restricting the flow. The thought was if it gets cleaned out that would make it better. Mr. Steele stated that to his knowledge there has not been another flooding since 2013, so this may have fixed the problem. The site has a history and because of its location is prone to flooding, so maintaining the ditch is important, and the property owner must stay on top of it. Mr. Steele asked the applicants if they have any contingency plans if the ditch does not get maintained. Dr. Bell replied their plan is always preventative maintenance. They will do what is within their power to do in concert with the property owner, but they will also do what they need to do should an event

overwhelm the property, and they will get what's necessary in there. Their plan is to keep watch of it and make sure it's cleaned out regularly in partnership with the owner. Chairman Gannuscio remarked that it sounds like this is not being ignored and steps are being taken to keep on top of it.

Chairman Gannuscio briefly discussed Jennifer Rodriguez's report dated October 23, 2017. The numbers that have been presented in terms of spaces and activity all seem to fall within what is allowable in terms of limits of the site.

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

Chairman Gannuscio noted that favorable comments have been received from the Fire Marshall, the Police Chief, and the WPCA/DPW.

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 with site plan review for 2 Industrial Road, RISE Academy, Windsor Locks Public Schools.

Chairman Gannuscio pointed out that the approval of the adaptive reuse zoning amendment was effective October 15, 2017, so this application now fits into the new criteria for adaptive reuse, and he does not see any issue there. The text was specifically rewritten to include secondary or higher educational facilities, and vocational and training facilities were added to the text of the amendment, so that makes this application within the new allowable criteria for this.

Regarding the special use permit, Chairman Gannuscio referred to the last page of Ms. Rodriguez's report, section 4 a, b, and c:

4. *The Commission shall make a finding that each of the following standards is met and where necessary, shall attach specific conditions to its approval of a special use permit, if in its opinion, such conditions are essential to making the finding:*

4a *The location and size of the use, the nature and intensity of the operations connected with it, the size of the lot in relation to it, the location of the lot with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.*

Chairman Gannuscio stated that this is something that doesn't overwhelm the size of the lot; it's a portion of buildings that are in existence on the lot. There are parking considerations that fit with what's needed for this application and operation. It's off of 75, and there is easy access to the building via Industrial Road, so there shouldn't be any concern with access to the site. It's not like

we have a downtown location with stores and shops, we have a long vacant building that's going to see some new life and restoration, so it's appropriate and in harmony with what is there.

4b The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

Chairman Gannuscio commented that the name of the street speaks for itself: Industrial Road. Unlike other items that have come through, there is landscaping on this site. The height of the structure is not overwhelming any other buildings in the area, so it would appear to be something that would not hinder or discourage the appropriate development and use of adjacent properties.

4c The parking and loading facilities are adequate and properly located for the proposed use and the entrance and exit driveways shall be laid out so as to achieve maximum safety. Recommendations of the Windsor Locks Police Commission shall be considered.

Chairman Gannuscio stated that we have the Police Chief's report saying he sees no safety issues. He asked Mr. Steele if he had anything that would conflict with this. Mr. Steele responded that he did not. He went on to say that an existing building is already there and has already been evaluated in terms of a lot of these criteria.

Mr. Zimnoch remarked that the building is big enough to house this operation, appears to have most of the things that are needed with very little retrofitting on the inside, and is a very good reuse of the building.

Chairman Gannuscio stated one concern that is not with the building or the site. "This will be the third location now where a special use permit has been granted for this. We've got two that are 'hanging out there' from previous locations, and it kind of hamstring us and is something that at some point in time may come back to haunt this commission—the fact that we've done this twice before, for St. Roberts Rectory and 255 Main Street. Even though there is a new use proposed for where it's been granted, this is something that doesn't just go away. These are uses that run with the land. My question is, 'If this special use permit is granted, is this location likely to be useable for the foreseeable future?'" Both Dr. Bell and Mr. Robinson replied, "Yes." Chairman Gannuscio advised that this is something that needs to be taken into account and reflected in the language that is used in a motion.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit for 2 Industrial Road for the RISE Academy, Windsor Locks Public Schools with the following limitation: this special use permit is granted solely for the use of the Windsor

Locks Public Schools/Board of Education for the RISE Academy or any successor that the Windsor Locks Public School system may have to the RISE Academy or any new entity should there be a name change to the RISE Academy, and will not be granted to any inter-local government agency or any state agency.

It was **MOVED** (Valdez) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the site plan for 2 Industrial Road for the RISE Academy, Windsor Locks Public Schools with the following conditions: the approval of the signage will be deferred to staff; the parking spaces on the site will be re-lined; and the building owner will continue to clean out the culvert on the site.

B. Special use permit with site plan review for 255 Main Street, Unit 7, for Kingdom Harvest Fellowship to conduct worship services

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 12, 2017 and October 19, 2017.

Chairman Gannuscio noted that Ms. Rodriguez's report dated October 5, 2017 is the same report that was discussed at the October 10, 2017 regular meeting, but the word "draft" is removed.

Alain Fournier, the pastor of the Kingdom Harvest Fellowship, addressed the commission. He explained that Ms. Rodriguez sent an email to the landlord, Rick Sarandrea, a few days after the October 10, 2017 meeting, and he responded. Mr. Fournier said that Mr. Sarandrea agreed to the commission's terms with regard to the potholes. Mr. Szepanski pointed out that the October 10, 2017 meeting was continued because it was his understanding that the landlord was going to be present at tonight's meeting so he could address these issues and he could commit himself where Mr. Fournier could not. Mr. Fournier responded that that was correct, but Mr. Sarandrea had a family emergency and could not attend tonight. Mr. Szepanski asked Mr. Fournier if he is acting on Mr. Sarandrea's behalf. Mr. Fournier responded that he is acting per Mr. Sarandrea's email which Ms. Rodriguez forwarded to him. Chairman Gannuscio read into the record Mr. Sarandrea's email to Ms. Rodriguez dated October 18, 2017. He started to say that the commission has an acceptance to repair two small potholes in the front and one in the back.

Mr. Szepanski commented that he was disappointed that the owner couldn't be here but understands when a medical issue comes up that has to be a priority. He said he looked at Mr. Sarandrea's email again where he indicates there are three potholes—two in the front and one in the rear. He went to the site and took pictures of multiple potholes, many blight problems, open dumpsters, and deteriorating curbing. At one point a gentleman from the public spoke out loudly, interrupting Mr. Szepanski. Chairman Gannuscio warned the gentleman to be quiet but he continued to be speak. Chairman Gannuscio then stated he was cutting off all public comments because he had disturbed the orderly presentation of the meeting. He then read Section 7 of the

rules that were read for the conducting of this public hearing, which says, “The commission shall have the right to postpone the hearing in the event that the discussion becomes unruly and unmanageable.” He asked if they wanted their application discussed and voted on tonight or continued until December. Mr. Fournier responded that he would like it to be voted on tonight. Chairman Gannuscio responded that any continued discussion or outburst will not be taking place and will be limited to Mr. Fournier’s response to Mr. Szepanski’s concerns. He then asked Mr. Fournier if he was aware of this amount of surface disturbance that Mr. Szepanski has documented. Mr. Fournier responded, “Well, pictures don’t lie.” He went on to say that he agrees that we want safety to be at the forefront, but what he doesn’t understand is currently there is retail going on every day using the same parking lot and the same sidewalks, so why is this coming against them. If the other retail spaces are allowed to use the same parking lot, there would be the same safety hazards for those patrons as well as theirs.

Chairman Gannuscio asked Mr. Steele if he had a chance to examine the site. Mr. Steele replied that he had. He went on to say that the parking lot needs some maintenance, but the site is operating. It’s not ideal to have potholes for people to trip on, so it would be wise to have it maintained and the potholes filled in. But this use will not be using the entire parking lot; they’re using just a portion of it. He believes it’s reasonable to ask the property owner to do some maintenance when bringing in a new use, particularly if it’s a special permit use. It sounds like the owner is willing to do that, and Ms. Rodriguez suggested a condition prior to issuing a Certificate of Occupancy (CO) that these repairs be done. Mr. Steele suggested if the commission is comfortable with this condition that they have a discussion with the applicant. He repeated that this would mean they couldn’t get their CO until the work was done.

Chairman Gannuscio asked about the RISE Academy’s application for this site, since he was not present for that meeting. Mr. Zimnoch said these repairs were made a requirement for the RISE application also. He stated the problem with this site is that there is business going on as usual but the fact is the parking lot is in terrible shape. At what point is it going to get fixed? This is the only opportunity that we have and that every tenant has to see the parking lot repaired, because it’s not going to happen any other way. Mr. Szepanski pointed out that with winter coming, it’s going to get worse. Chairman Gannuscio stated that there is an even greater extent of potential risk with more people coming in than there would have been with the RISE Academy. Mr. Valdez commented that at the same time, we have made some progress. The property owner is willing to do some repairs. He doesn’t feel it would be fair to the applicants to have such a massive requirement of the property owner to fix it all at once. He urged a more reasonable middle ground where enough modifications or improvements are made so we can have this great church coming to town but at the same time have protections in place. He does not feel that demanding the property owner to fix everything is the right way to go. He would like to see more incremental improvements. Mr. Szepanski asked who is going to pick out which potholes to fill. Mr. Zimnoch said it’s a little more than just fixing potholes.

Mr. Steele remarked that repairing some of the potholes is not a permanent fix because you'll continue to have problems, but a minimum requirement could be to fix the potholes in the vicinity of this proposed use. Mr. Fournier pointed out that no congregants or members will be in the back parking lot.

Chairman Gannuscio stated that we are basically at the same point that we were with the RISE Academy, although a considerable amount of time was dedicated to the site plan portion of this application at the regular meeting in terms of the compatibility of this use with the surrounding area. There are no new structures that will make any imposition on the surrounding properties, and there is more than sufficient parking to accommodate this use. Chairman Gannuscio further stated, "I don't see any real red flags when it comes to the special use portion of this application. I see it as an attempt to do good for the community, and it's something that doesn't conflict with the POD that we have for this part of downtown, so I think that the special use portion of this was adequately covered in the first meeting of this month."

Turning back to the site plan portion of this application, Chairman Gannuscio asked Mr. Steele if he had a chance to look at the islands at the site. He replied that the curbing is more of an aesthetic issue than a snowplowing issue. It's easier to snowplow without the curbs, and snowplowing is one of the reasons they get damaged. The curbing provides some erosion protection, and if you don't have good vegetation it could wash off into the parking lot, but he didn't really observe that condition when he was out there. Curbing is more of an option and is not required by our regulations to have curbing in a parking lot. It's an aesthetic option to keep the landscaping contained and neater. Sometimes it provides a drainage component, but from his observations of the site, the curbs are not really providing a drainage function; they're just aesthetic. Chairman Gannuscio stated that one of Mr. Szepanski's pictures showed broken concrete curbing, but it was determined that it was not in front of Unit 7. He went on to say that the issue here is ownership responsibility versus tenant use. This is something that was brought to the attention of the owner of the site going back to May with the RISE Academy's application, and nothing has been done. With the relocation of the train station and increased use of this property, when it comes to the business and commercial uses, there is more incentive to do a more widespread repair than what we are talking about here, which is for a religious and philanthropic use. Mr. Zimnoch added that we have to approve use based on current and existing conditions, and we can't waive the safety of the people who are going to be using it in the near future. The owner has some responsibility here, and he has not been diligent in keeping up this parking lot. Mr. Valdez stated that once the train station comes we will have more leverage and can make incremental changes and improvements. Mr. Zimnoch replied that we cannot approve this use based on how this is going to be redesigned and fixed later. There have to be significant repairs made for this particular use.

Chairman Gannuscio noted that the Fire Marshall, the Police Chief, and WPCA had no issues with this application. He asked Mr. Fournier if he wanted to add anything. Mr. Fournier said he would repair all the potholes if he could. He added that they are between a rock and a hard place and feel like they are being used as pawns in this contest between the town and the landlord, being caught in the crossfire.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the special use permit for 255 Main Street, Unit 7, for Kingdom Harvest Fellowship.

Chairman Gannuscio reiterated: he doesn't see anything that conflicts with the area or the future plans for this area of town in terms of this use. We have an established building with no new changes in terms of structure planned, so this existing structure fits in with current and future plans for the use of the area. This is an existing site that goes back to 1987 with various commercial and business uses in the past that have shown adequate entry and exit. This is a permissible and allowable special use permit. There needs to be a limitation if a special use permit is granted here so that it's limited to this application as much as it can be.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves a special use permit solely for the use of Kingdom Harvest Fellowship, Inc. for 255 Main Street, Unit 7, or any future group or entity that would come about with a merge or renaming of Kingdom Harvest Fellowship.

Chairman Gannuscio referred to Ms. Rodriguez's report for a list of conditions for the site plan. One condition would be staff approval for any refacing of signs. Mr. Steele pointed out the last sentence under number 4, Parking, which says, "Your commission might consider a condition that broken curbing be replaced, parking lot restriped, and potholes fixed prior to issuance of Certificate of Occupancy." Chairman Gannuscio stated that we have Fire Marshall, Police, and WPCA approval. He then asked for a motion regarding the site plan application. Mr. Valdez asked for clarification of the conditions. Chairman Gannuscio responded, "I believe if we look at number 4, the last sentence, 'a condition that broken curbing be replaced and potholes fixed.' I don't think there is any mention of restriping in the agreement." Mr. Valdez commented that his concern is that statement seems to be a very broad statement, and it seems like this is for the entire parking lot. He would like to see it restricted to the immediate area where the church will be going into. Mr. Szepanski remarked, "It's a very slippery slope." Mr. Valdez said he wants to make sure we're not putting an undue burden on the applicants. Mr. Szepanski replied, "Do we necessarily have to give a site plan approval this evening? Maybe we should have another shot to have the owner come here and speak in front of the commission what his intent is. Let him come with a plan and convince us it's the right thing to do." Chairman Gannuscio: "The condition that a Certificate of Occupancy isn't granted until these parking lot repairs are made..." Mr. Szepanski: "100%? Who's going to decide? This commission should decide what he's going to do and whether we can

live with it.” Mr. Zimnoch: “We’d like to have a buy-in with the owner as to what exactly is going to be fixed. At this point, how are we going to determine what’s going to be fixed? Are we going to leave it up to Jen? I think we should have some kind of agreement.” Mr. Szepanski: “There is certainly a disconnect on what he was willing to do and what I pointed out. There’s maybe a happy medium. We need to know what that is.” Ms. Brengi: “Even just physically cleaning the parking lot would help so much. And it’s always looked like that for as long as I can remember.” Mr. Szepanski: “That particular facility is one of the anchors of the redevelopment of Main Street.”

Chairman Gannuscio asked what motion commission members would like to make regarding the site plan portion of this application. Mr. Zimnoch responded that we should hold off and have the owner come in. Mr. Szepanski suggested moving it to November 13. A woman sitting with the applicant said they have been trying to get in since July. Chairman Gannuscio said that he believes the commission is leaving too much open and too much unsettled and needs a face-to-face where something direct is put on the record by the property owner who can be held accountable for what is done and what is not done. He then asked for a motion. Mr. Szepanski replied, “We postpone the site plan approval until November 13 with the request that the owner of the property be present to address the issues.” The woman asked, “What if he won’t come?” Mr. Szepanski responded, “Then I guess this commission will make the determination on the 13th what we need to do. That’s all I can say. I can’t speculate.” Chairman Gannuscio said, “Jim has made a motion that this is tabled and will be taken up again November 13.”

It was **MOVED** (Szepanski) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission postpones the site plan approval for 255 Main Street, Unit 7, for Kingdom Harvest Fellowship until November 13, 2017.

The woman asked, “So what does that mean?” Chairman Gannuscio: “Your special use was granted. What we need to do now is work out the details on the site plan. Hopefully that takes place on November 13 and the owner engages in a discussion regarding that concern.” Mr. Steele: “Maybe he could do the work before the next meeting.” Mr. Zimnoch: “Unless he wants to make the repairs before the next meeting. That would be great.” Mr. Fournier: “And what are the repairs, just so we’re clear.” Ms. Brengi: “Cleaning up the curbs and filling the potholes.” Mr. Fournier: “What potholes? I want to be very specific because I have to talk to him, and obviously he’s not here, so I need to relay the message properly, so I need to know what exactly you folks are expecting.” Mr. Zimnoch: “He needs to provide a safe area of parking and access.” Mr. Fournier: “So how do we define that?” Ms. Brengi: “The back of the building is not an issue, but you know when you first drive in you have big holes right there, you have all the gravel loose right there, the big pieces of the curb are just sitting there...” Mr. Fournier: “If he shows due diligence, if he starts repairing before the next meeting, will that be taken into consideration?” Three commission members replied, “Absolutely.” Chairman Gannuscio: “Dana, would you be willing to be available to the owner to discuss some

of our concerns?” Mr. Steele: “If you give me some direction as to what you’re looking for, if you could formalize that.” Mr. Zimnoch asked how many spaces they’re talking about. Mr. Fournier said right now they’re talking about 20 people. They have legal capacity for up to 171, but realistically speaking, probably 80 to 90 people way in the future. Mr. Zimnoch pointed out that if this doesn’t get done now it won’t get done later, so somewhere around 80 parking spaces. Mr. Szepanski: “I think we need to go a little bit more. I think he needs to address the entire issue and step forward to say what he can do. Let him come to us and tell us what he’s going to do. We want the whole parking lot. Here’s the issue, what are you going to do about it? Come tell us what you’re going to do about it.” Woman: “Our issue is getting him here.” She also remarked that they just don’t understand how it’s okay to have businesses operating now. Mr. Zimnoch: “We can’t expand the use. That’s the problem. Those people are already there.” Woman: “So if we were going in as retail, that would be okay?” Mr. Zimnoch: “He’s expanding the use.” Woman: “I could go in there as a retail store and be able to conduct business.” Mr. Zimnoch: “Not as a new one, no.”

Mr. Fournier stated, “We will contact him and see what we can do. I don’t know what else to do, but I just feel like we’re being used as pawns. I’m sorry, but that’s just how we feel. It’s very disappointing and very disheartening.” Chairman Gannuscio: “In all reality, we’re giving you a 19-day head start. If we had not put this on the agenda for the special meeting this evening, this would all be left hanging out there until November 13, so there is a head start here to try to resolve this.” Mr. Fournier: “The application has been granted but we can’t occupy it, is that what you’re saying?” Chairman Gannuscio: “For the use, that’s been okayed.”

IV. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the October 25, 2017 special meeting at 8:35 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*