I. **Call to Order**

Vice Chairman Zimnoch called the meeting to order at 7:20 pm.

II. **Roll Call**

Commission roll call was taken. Vice Chairman Zimnoch seated Doug Wilson for Alan Gannuscio and Peggy Sayers for Alexa Brengi.

III. **Approval of Minutes from the October 15, 2019 Regular Meeting**

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission postpones the approval of the October 15, 2019 minutes to the commission’s next meeting on December 9, 2019.

IV. **Public Hearings**

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 31, 2019 and November 7, 2019.

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

A. **Special Use Permit and Site Plan Review for 6 Industrial Road (Property Owner, Kevin Armata)**

Kevin Armata, property owner, and Amanda Stenhouse addressed the commission. Mr. Armata stated they are creating a wellness center, a place for healing, with yoga; cryo, salt cave, and infrared therapies; massage; and sound healing. Ms. Stenhouse added that it will be geared more towards PTSD and anxiety for everyone, not just a certain group of people. Vice Chairman Zimnoch asked if they have specific clients. Mr. Armata replied it is set up as both classes and individual treatments. It is about 7,000 feet of office space that has never been able to be rented in the last five years. They have been using it to train the drug and bomb dogs the last five years. He said Amanda had the wellness idea years ago and wanted to expand, and he was able to clean up some office space. They hope to turn it into a world class Wellness facility. He pointed out that the timing for this is very ripe, as the national opiate and medication problem is becoming larger, and these are alternate therapies to drugs and
pain medication. Mr. Szepanski asked Ms. Stenhouse if this business is already existing and is she is moving it to another location or creating a new business. She replied that she has had a practice in Granby for 11 years, and she needs a bigger space for classes in yoga, meditation, and sound therapy. Right now she is in a space with about 1,000 feet with separate rooms. Her hours of operation are 8:00 am to 8:00 pm, seven days a week, based on appointment. Mr. Szepanski asked for more details on the salt cave. Mr. Armata replied that a salt cave is a room big enough for 8 to 10 people where you breathe salt air. It has a halogen generator which generates the salt air. He added that it is very good for respiratory issues and for skin care. Mr. Szepanski asked about their clientele. Ms. Stenhouse said there is a mix, with the majority being between ages 35 and 70, although the salt cave could potentially be a great place for kids.

Mr. Szepanski asked Mr. Armata to go through the floor plan. Mr. Armata went up to the commission members with the large map and explained where the equipment and office would be and other details. (This was inaudible due to the noise of the blower, not speaking into the microphones, and several people from the public talking at the same time.)

Mr. Wilson commented that it sounds like the use could expand on the second floor. 7,000 feet is what is shaded now, and the anticipated number of guests that relate to parking spaces is based on 7,000 feet, so how are they going to account for expanded use and expanded parking on-site. Mr. Armata replied that they are 58% of total site parking, so there is a lot of room for expansion. Mr. Wilson noted that if there is a change in use or change in tenant, then they would have to come back to the commission. Ms. Rodriguez explained: In order to have a Certificate of Occupancy (CO) for different space than is outlined on their permit, they would have to go back to the Building Office for another building permit. So if you use this floor plan when you go to the Building Official to get your CO to be able to open your business, once that floor area changes, you would have to go back to the Building Official, and then depending on what it is, potentially to the commission. Mr. Wilson: “The question is more about the parking, especially with the mixed use and the number of different tenants, and we’re not really seeing a whole floor plan of all the spaces and the combined effect on all the parking.” Mr. Szepanski: “He did provide something.” Mr. Wilson: “But are those specifically aligned with sections of the zoning regulations, or are they estimates of what possibly the uses would generate?” Mr. Armata: “At max, we would need 72 parking spaces, or 58% of…and that’s with the new tenant taking 45 of those spaces.” Mr. Wilson: “Even if the square footage expands beyond the 7,000 feet that you currently occupy?” Mr. Armata: “Yes. If we have 45 or 50 people in there at the same time we’d be happy as can be. With that said, we basically have an additional 50 parking spaces on the facility so we could double the people in there at any given time and have sufficient parking not to go onto the street.” Mr. Wilson: “Are there other vacant spaces in the building that could be filled?” Mr. Armata: “Upstairs is the last, and in most of those if you look at the individual offices, most of those will be one or two people at most.”
Mr. Wilson: “I am still hearing that with a change in occupancy, you should be coming back for a CO from the Building Official to allow Ms. Rodriguez an opportunity to reevaluate parking and then see if it’s still adequate on the site or if you need to do something different.”

Jennifer Rodriguez, Town Planner, discussed her report dated November 10, 2019. Regarding sidewalks: She commented that she looked into previous applications for this site, and she did not see a requirement for a deferral agreement for sidewalks. She did note that those were part of her report but not carried through in a condition, so she does not believe at this time that there is a deferral agreement requiring another sidewalk to go in at the commission’s request at a future date. The WPCA in a November 12, 2019 email indicated that there are no issues with the application. She looked into whether there continue to be any drainage issues at the site, and she would recommend that the commission have a conversation with the property owner to see if this is still an issue. She looked into the approvals for the RISE Academy and the reptile museum, and in both cases the condition that was carried over was that the property owner continue to clean out culverts as needed.

Mr. Wilson stated that there are no public sidewalks down Industrial Road, and all the usage would be just to get around the site and the parking area, so do we still need a deferral? He clarified that there was never a deferral before. Ms. Rodriguez said she did not see one. Mr. Szepanski agreed there was never one included in the RISE Academy approval. Mr. Wilson suggested conditioning this approval with a deferral attached to it. Mr. Szepanski asked if this would be for only 6 Industrial or would we include 2 Industrial, RISE Academy? Mr. Armata pointed out that there is a cul-de-sac turnaround for trucks at the end of the street, and he would not want anyone walking on a sidewalk with trucks coming down the road. Mr. Wilson: “The requirements of the zoning regulations would require sidewalks at some point with this building. What I’m saying is that we should add to this approval a deferral that goes with it so that you don’t have to build a sidewalk.” Ms. Rodriguez: “Your regulations do require them, wherever you have a parking lot, between the parking lot and the road is a sidewalk that’s required, so in these instances the way the commission has handled it is to take a deferral agreement so that in the future should there be a connecting sidewalk and the commission wanted to request it, they could do that.”

Vice Chairman Zimnoch asked if there is currently any landscaping on the site. Mr. Armata replied yes, and it is fairly decent. The overgrown bushes were taken out and replaced with planters with annuals and perennials. Vice Chairman Zimnoch asked if there were any water drainage issues. Mr. Armata responded that for the last couple of years in the spring he has been cleaning out the culvert between Industrial Road and King Spring Road as far as he can reach with an excavator. He explained that this culvert is to the northeast of his property, and is not actually on his property. They have not had a problem there in the last five to six years since they started cleaning it up. Mr. Szepanski added that in October 25, 2017 during the review for the RISE Academy, the Town Engineer, Mr. Steele, reported that to his knowledge,
there has not been another flooding there since 2013. This may have fixed the problem, but cleaning of that culvert needs to be done on a periodic basis. Mr. Armata reiterated that he is doing something that is not on his property—it’s on No Man’s Land—and he’ll continue to clean it out. He does not think it’s owned by anybody. There was a brief discussion about who owns this land. Mr. Wilson commented that he doesn’t feel this has any effect on his application. In other words, he owns property that may or may not have a flooding problem, which is not relevant to his rental space in the upper floor of his building. It’s his problem to solve. Mr. Armata stated that typically it has not been a problem. When this caveat was put into the special use for RISE Academy it was for his own retention pond on the back of the property. This is cleaned out every year. Mr. Szepanski pointed out that this can be made a requirement for approval since he is doing it for RISE.

At this time Vice Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Paul Hanson, North Granby, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

It was MOVED (Zimnoch) and SECONDED (Szepanski) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review for 6 Industrial Road.

Mr. Szepanski asked if commission members agreed that the criteria (the five bullets on page three and four of the Town Planner’s report) have been met for a special use permit application. All agreed that these appear to be met. Mr. Szepanski stated that in order to move forward with approval of a special use permit, the commission needs to answer some basic questions. He continued: “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:

(a) 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.” This is something that doesn’t overwhelm the size of the lot; it’s a portion of a building that is in existence; there are parking considerations that fit with what is needed for this application and operation; it’s off of Route 75 and there is easy access to the building via Industrial Road, so there shouldn’t be any concern with access to the site; we have a long-vacant building that is going to see some new light and restoration, so it’s appropriate and in harmony with what is there; and it is not an intense operation. (b) 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. There is landscaping on the 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. (c) 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. We have the Police Chief’s report saying he sees no safety issues; an existing building is already there and has already been evaluated in terms of these criteria; and adequate parking is available as demonstrated. Mr. Wilson added that the existing loading of the building is adequate for this use of the second floor.

It was MOVED (Szepanski) and SECONDED (Cooper) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit for 6 Industrial Road for the Anew Wellness Center with the following conditions: signage shall be deferred to staff; the building owner shall continue to clean out the retention pond on the site; a sidewalk deferral agreement shall be filed in a form acceptable to the Town Attorney prior to certificate of occupancy; should floor space no longer be adequate the applicant shall come back to the zoning officer for review.

It was MOVED (Szepanski) and SECONDED (Cooper) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission approves the site plan for 6 Industrial Road for the Anew Wellness Center.

V. Reviews (none)

VI. Action on Closed Public Hearing Items (none)

VII. Old Business

A. Discussion with Commission and Staff

i. MFSD Amendment to Zoning Regulations

Ms. Rodriguez stated that this item was carried over from the September meeting where changes were discussed. She has not heard after a few months that there was any language the commission was not in support of. The next step is to schedule a public hearing as the commission sees fit. She would be glad to provide anything else the commission is looking for or schedule another discussion. At this point the last draft was dated September 9, 2019. Mr. Wilson asked Vice Chairman Zimnoch if Chairman Gannucio indicated anything about scheduling a public hearing for this. He replied, “No, he has not mentioned anything about that. At this point I think we can just hold off and then next month he can decide what he wants to do. I have not heard anything from him regarding that so I’m not sure if he’s all set. I think we are all, but why don’t we just leave that for next month’s meeting.”

B. Action Items (none)
VIII.  New Business

A.  Public Input (none)

B.  Receive New Applications

i.  Special Use Permit with Site Plan Review for 177 Old County Road for Condos in the MFSD (property owner F&L Construction Limited)

Ms. Rodriguez explained that this application is for a special use permit and site plan review. From what she understands this is single family homes but they are on one common lot so they are to be considered multi-family, and because of the special use permit it automatically requires a public hearing.

It was MOVED (Zimnoch) and SECONDED (Cooper) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission schedules a public hearing for December 9, 2019 for a special use permit and site plan review for 177 Old County Road for condos in the MFSD (property owner F&L Construction Limited).

ii.  Special Use Permit with Site Plan Review and Site Plan Modification for 60 Main Street, Unit 70 for bakery café restaurant (property owner RAWB, LLC)

Mr. Wilson asked what the rationale was for this being a special use permit. Ms. Rodriguez responded that it’s in the permitted use table so it probably has to do with the ability to be able to scrutinize locations in the MSOZ. It’s per Section 402.

It was MOVED (Zimnoch) and SECONDED (Szepanski) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission schedules a public hearing for December 9, 2019 for a special use permit with site plan review and site plan modification for 60 Main Street, Unit 70 for a bakery café restaurant (property owner RAWB, LLC).

C.  Informal Discussions

i.  381 South Center Street (Carports)

Todd Clark and Paul Hanson, prospective buyer of this property and part owner of a company that sells metal buildings, addressed the commission. They would like to construct three model buildings (carport, garage, and shed) at the site. Ms. Rodriguez wrote back to them and stated that they don’t have a principal building, so they would like to clarify that the commission agrees with her assessment. They do not plan to have anyone stationed there (there are no facilities); it is strictly for advertisement for the particular buildings that they sell. They are hoping to clarify if this is an appropriate use or not. Mr. Hanson added
that in today’s world everything has a digital platform. They’re going to combine a digital platform with a place where you can actually come see the size, shape, quality, and color of the item you want to buy—in this case, a carport, garage, or shed, and then place an order with them digitally. This is an ideal location, right off the highway.

Commission members had questions. These are all metal buildings. There is a factory in Newington where the buildings are made. There will be three buildings on the property. Mr. Szepanski asked if the area would be fenced in to prevent vandalism. Response was inaudible. Mr. Szepanski asked if the area is going to be blacktop or stone. Response was inaudible. Vice Chairman Zimnoch asked what else is on the lot. There is no principal building, just accessory buildings, and a shed cannot count as a principal building. His legal analysis is that you can’t have accessory buildings with no principal building. Ms. Rodriguez stated that one way to look at it is, what are your permitted uses in that zone? What’s the use that’s being proposed? Mr. Wilson commented that it’s advertising sales. Ms. Rodriguez: What is the use, and is it a permitted use the way it is now? There is no office, there is no principal building for these to be accessory to, and off-site signs are not permitted. She had a hard time understanding if this is a sign or if it’s just an advertisement. Mr. Wilson said it’s almost like a billboard sign. People can come to them and take information off of them so they can contact you for sales. Mr. Hanson replied that they are not coming here because they saw it from the highway. It’s a hard site to see from the highway. The only thing that would draw people there would be the digital platform, the fact that they’re in the market for a carport, they found them on the web, they think they want the Connecticut product, and they want to see what they would be getting. Mr. Wilson said it’s a unique proposal in its presentation. The zoning regulations clearly are not anticipating an unoccupied, no-staff sort of establishment that has the product with free access to it 24/7. These are samples that you’re going to put a label on; it’s an advertising, it’s signage, but they come in the form of buildings. It doesn’t seem inappropriate, but it’s just how do you quantify how you get through the zoning process with it. Because you’re 24/7 and it’s not gated and you don’t have restricted access, you would probably need some lighting there.

Ms. Sayers asked if anyone else has something that addresses this. Ms. Rodriguez responded that the regulations do say that accessory structures are permitted. There’s a separate accessory structure section, but those are accessory to a main use, and when you look at all the permitted uses, there are things like dwellings, offices, retail stores, and when you get into storage of items, that’s industrial. This is closer to storage of some sort of material or a sign. Mr. Wilson: “It’s retail, retail samples.” Ms. Rodriguez: “But you can’t go there and purchase an item. From my interpretation of the regulations when you look through the list of permitted uses, this is not listed as a permanent use.” Mr. Wilson: “Well that would be an approach, then, to create an e-commerce category in the table.” Ms. Rodriguez: “And then decide which zone it would be most appropriate in.” Mr. Wilson: “Yes. And whether it would need a special use permit or not, and
add it to the process. Then you would just have to make sure that when you follow it through from there you end up in a place where you can do a zoning table that you can be in compliance with, anticipating that maybe other people will do something similar.” Mr. Szepanski asked if the factory in Newington has samples of the building. Mr. Hanson replied that it does not because there is no place to put them. Mr. Wilson stated that he still thinks the way to go about getting a use like that approved is to add it into the book. Ms. Rodriguez added that if there’s a consensus of commission members that they would like her to explore a regulation change, she can look into some possible language, or the commission can give direction to the applicant to propose his language and apply for a text amendment. These are the two ways that this can go. Vice Chairman Zimnoch commented: “Right now, based on our reading of the regulation, this doesn’t fit, so if you wanted to proceed, you would have to come to the commission not requesting this, but you would have to request that we change our regulation to allow this. That would be the first step. I don’t know if that would go any further than this, but that would be the next step, because right now our regulations do not allow this, what you are proposing. So that is our direction to you and you can choose what you want to do at this point.” Mr. Wilson added: “I think that you guys could probably drive the process, but I think you should involve Jen as you come to conclusions about what you think you might have. Rather than put all the burden on Jen, you guys craft something but then run it by her.”

D. Action Items

i. 2020 Meeting Dates

Mr. Szepanski commented that the dates all look good. (Ms. Cooper said we’re meeting on her birthday for the March meeting, and someone needs to bake a yummy cake for her.)

It was MOVED (Wilson) and SECONDED (Cooper) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission approves the 2020 dates for the Planning and Zoning Commission’s meetings.

ii. Election of Officers

Mr. Szepanski pointed out that we were given direction by the Town Clerk that Election of Officers should be right after Roll Call on the agenda because the new chairman who gets elected should be running the meeting.

It was MOVED (Zimnoch) and SECONDED (Wilson) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission postpones Election of Officers to the next meeting on December 9, 2019.
IX. **Communications and Bills** (none)

X. **Adjournment**

It was MOVED (Zimnoch) and SECONDED (Szepanski) and PASSED (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the November 12, 2019 meeting at 8:55 pm.

*Respectfully submitted,*

*Debbie Seymour*
*Recording Secretary*