

PLANNING AND ZONING COMMISSION
December 10, 2018 Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Jim Szepanski, Alexa Brengi, Cindy Cooper, and Doug Wilson (Alternate)

Commission Members Absent: Peggy Sayers (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner)

I. Call to Order

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

II. Roll Call

Commission roll call was taken. Doug Wilson was introduced as a new Alternate member.

III. Approval of Minutes from the November 13, 2018 Regular Meeting and November 28, 2018 Special Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Brengi Abstaining) that the Planning and Zoning Commission approves the minutes of the November 13, 2018 regular meeting.

It was noted that Ms. Cooper left the November 28 special meeting early.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0; Brengi and Cooper Abstaining) that the Planning and Zoning Commission approves the minutes of the November 28, 2018 special meeting.

IV. Public Hearings

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

A. *Continued*: Special Use Permit with Site Plan Review and Liquor Permit for microbrewery in existing garage at 592 North Street (property owner Amber Guyette)

It was noted that a legal notice was published in the *Journal Inquirer* on November 28, 2018 stating that this particular hearing had been continued to December 10, 2018.

Chairman Gannuscio explained that the hearing on this application was continued in order to receive feedback from the Town Attorney about the situation that currently exists here. The property is in a business district but it is a non-conforming use which

is a residence in this particular zone. According to the Town Attorney there is no provision in this zone for mixing a residential and commercial use on the same site. You've got the house, as a residence, and the applicant is requesting using the garage for a commercial use. The opinion of the Town Attorney is that the only way at this point in time this could work at this location is if the use of the residence was abandoned as a residence.

The applicant, Brian Diggins, 592 North Street, asked what would be the difference between that being a multi-use like some of the other properties in town that are already being used for multi-use such as Waterside Village, 60 Main Street. Chairman Gannuscio explained that this is a special zone that allows for that, the Main Street Overlay Zone. Mr. Diggins asked if it would be possible to change the zoning at 592 North Street to match some of these other locations where it's already permitted. Chairman Gannuscio replied that that would require a zone change to the zoning map and would also result in "spot zoning," which is not a favored practice in the State of Connecticut and in most towns. There is nothing that prohibits brewing as a hobby; however, when it becomes an enterprise where you're looking at a more massive scale where you're selling what you're producing, it causes conflict with the zoning regulations. Mr. Diggins pointed out that Break Away Brewhouse, a brewery in Bolton, is operating out of a residential garage and their basement, and they were zoned as a home occupation. They are open to the public for sales and distribution, and they brew on premises. He asked if it would be possible to do this as a home occupation. Chairman Gannuscio responded that Windsor Locks regulations say that a home occupation must be carried out within the residence, not in any out buildings; it has to be within the home itself. Mr. Diggins pointed out that the garage is physically attached to the home and asked if this qualifies for that. Chairman Gannuscio said it's not something he can answer, although it's not really in the home proper. Mr. Szepanski commented that he spent some time looking at the regulations from about 15 different towns, and they're all different. Windsor Locks has to abide by their regulations. Chairman Gannuscio read the definition of "garage" that is in the regulations and stated that this situation does not work within the definition.

Ms. Rodriguez pointed out that if this is something that the applicant and the commission wanted to explore in the future, we do have mixed use regulations, but the mixes of uses that are allowed allow for a commercial building to have residential above, but not side by side, and not in a garage. Mixed use *is* permitted with residential above. It seems that the Town Attorney has reviewed the regulations and made his determination. Mr. Diggins asked if this were moved from the garage to the basement would this change the way it's viewed by the commission. Chairman Gannuscio responded that if he wanted to do this as a home occupation, there is that possibility, but the question arises that this application as it was advertised for this hearing did not state Home Occupation in the text of the ad. Mr. Zimnoch agreed that this is not being reviewed as a home occupation. Chairman Gannuscio suggested, "If you wanted to withdraw this current application and reapply specifically as a Home Occupation, that's a possibility." Mr. Diggins replied that he feels that would be his best option at this point. Chairman Gannuscio went on to read some language which

they relied upon when someone was looking to run a firearm business out of a house: “An incident of similar uses on other properties should be taken into account. The use should be more than unique or rare even though it was not necessarily found on the majority of similarly situated properties.” He told Mr. Diggins, “This might be something that you want to cite in support of if you do come back with an application requesting to do this as a home occupation.”

Mr. Zimnoch stated that in the past their home occupations really relied on some kind of a trade service rather than production, so he’s not sure this is actually aligned with their previous home occupations. Chairman Gannuscio responded, “Again, what we relied on was language that said: ‘The home occupation must be customarily incidental to the use of the premises as a dwelling. The activity at issue is usually carried out as a commercial venture separate and apart from the home of the proprietor.’” He said to Mr. Diggins, “You would need to show that this is a customary home occupation, so if you have other examples that you would want to bring to our attention, you can perhaps do that when you refile.” Mr. Szepanski asked the applicant if he owns the home. Mr. Diggins replied that his wife does. Mr. Szepanski then asked if you have to be the owner of the home to apply for a home occupation. Chairman Gannuscio replied that he did not know. Mr. Szepanski wondered if this would be a question for the Town Attorney.

Chairman Gannuscio asked Mr. Diggins if wanted to withdraw his application. Mr. Diggins replied that he wanted to withdraw this application and refile it as a home occupation. Chairman Gannuscio recommended that the fee be waived for any refile of an application. Mr. Szepanski confirmed it would be withdrawn without prejudice.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in support of this application. An unidentified man asked if it would be possible to subdivide the lot and sell the existing garage to an LLC of some type and split the difference from the house and the garage. Chairman Gannuscio replied that this is something he should ask of counsel rather than the board. Mr. Szepanski said this might be a non-conforming lot if you split it. Ms. Rodriguez replied she thinks the minimal lot size is 20,000 square feet. She added that they can talk about this in the office.

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

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission closes the public hearing for a special use permit with site plan review and liquor permit for microbrewery in existing garage at 592 North Street.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission allows the applicant to withdraw without prejudice this existing application for a special use permit with site plan review and liquor permit for microbrewery in existing garage at 592 North Street and that any replacement application be permitted without any of the required fees for that new application.

Chairman Gannuscio informed the applicant that the next meeting of the Planning and Zoning Commission is January 14, 2019. Mr. Diggins asked if there is a deadline to file to get on the agenda for that meeting. Ms. Rodriguez replied that because this is something that would require a legal notice, it would be received in January and then scheduled for a public hearing in February. She went on to say, "In terms of best practice, because the commission has closed the public hearing but you have not actually voted on the application, unless we get a withdrawal by getting something in writing from the applicant, then the commission would potentially have to make a vote to deny without prejudice [if we don't get the withdrawal], so it would make sense to have something in writing from him in the very near future." Mr. Diggins confirmed that they would not be able to get on the agenda for January. Ms. Rodriguez replied, "Not for a public hearing because of the legal notice." Mr. Diggins asked if they filed before the January meeting would they be able to get on the agenda for the February meeting. Ms. Rodriguez said yes, and she would need something in the next couple of days or so in writing regarding withdrawal of his application.

B. Subdivision Modification, release of right of way for future roadway for #18 and #13 Regina Drive (property owners Joseph Oliveira Jr. and Tarun Sharma)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2018 and December 6, 2018.

Chairman Gannuscio confirmed that this application was submitted by the town. He went on to say that Vice Chairman Zimnoch will run this portion of the meeting. Ms. Rodriguez gave some background on this application. The town was approached by the property owners who were affected by what was a 50-foot wide right of way that was required at the end of Regina Drive. This was required in the late 90's, possibly in 1998, as part of the subdivision. Because there was a cul-de-sac at the end of the roadway and there was a potential to extend that road of Regina Drive all the way through to Roberts Street, that possibility was to be left open as a requirement as part of that subdivision approval by this commission. That 50-foot right of way still exists and at this time the property on Roberts Street has now been subdivided and there are residential homes built on it. Ms. Rodriguez noted that while it's nice to have that option to be able to continue that road to plow and for emergency service and apparatus access, it's really no longer necessary because those properties on the opposite side are developed. The commission also requires for roads that are longer than 1,200 feet that that possibility remain, since it can be problematic to respond to properties that are on a cul-de-sac. However, this is just short of that—maybe 1,100

feet in length. She has received favorable comments from the Fire Department and the Police Department. The property owners who are affected at the end of the road did initially bring that request to the town and they've signed off on the application. She has as-builts from both of those properties.

Ms. Rodriguez read into the record comments that she received from the Fire Marshall dated September 9, 2018, from the Police Department dated September 19, 2018, from the WPCA dated December 7, 2018, and from the Town Engineer dated December 10, 2018.

Vice Chairman Zimnoch commented that apparently there are no utilities, this serves no purpose, and it's been that way for 20 years or so. Ms. Rodriguez added that in the last handful of years there have been a couple of single family homes that have been developed on Roberts Street, so to extend that road it would currently go through two properties, and the creation of a road would likely create non-conformities on the properties on Roberts Street.

At this time Vice Chairman Zimnoch opened up the public hearing for comments from the public in support of this application. Joe Oliveira, 18 Regina Drive, spoke in favor of this application. He thanked the commission for having this hearing. He feels there is no reason to have future road extension there. Gary Merrigan, 560 Halfway House Road, commented that there is no need to keep the right of way. Michael Perry, 16 Regina Drive, supports this application. Tarun Sharma, 13 Regina Drive, would like to see it remain a cul-de-sac with no right of way. Ted Farver, 11 Regina Drive, is in favor of this application. Jeff Ives, 6 Regina Drive, sees no reason to have a cut-through to Roberts Street.

The floor was then opened up for comments in opposition. Dennis Gragnolati, 25 Roberts Street, is opposed to this application. He said it's been stated tonight that where the road goes in and where the right of way is that the lots are developed on the other side of it. They are not. Lots 3 and 4, 16 and 20 Roberts Street, are undeveloped. Just to the west of it there is a house that's been put in there. He is against changing this. He owns property at the end of it on Roberts Street and would like to see it left like that.

Mr. Szepanski asked, "If we left it the way it is, what purpose does it serve?" Ms. Rodriguez responded, "It serves the purpose of extending a roadway straight through to Roberts Street, so it preserves the right to do that, to the town's benefit if the town wanted to extend a roadway through. It's a legal tool to be able to extend the roadway." Mr. Szepanski asked, "Would it be possible to extend a roadway there or has the land behind it been subdivided into the lots already drawn up?" Ms. Rodriguez replied, "The land has been subdivided." Mr. Oliveira provided a map to show this. Ms. Rodriguez pointed out that the roadway would go through Lot 16 that's been approved for a single family lot. Mr. Oliveira commented that Planning and Zoning has already approved 4 lots on Roberts Street. Vice Chairman Zimnoch remarked that there is no right of way on Roberts Street, so it would have to be

created by eminent domain and so this is a right of way to nowhere. Mr. Szepanski said it makes no sense to destroy a lot that is almost $\frac{3}{4}$ of an acre. Vice Chairman Zimnoch added, "And there is no right of way, so it would have to be created." Mr. Oliveira pointed out that in his deed it says "future road extension." It does not say "right of way."

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission closes the public hearing for a subdivision modification, release of right of way for future roadway for #18 and #13 Regina Drive.

Vice Chairman Zimnoch stated that it appears this is a right of way to nowhere. Even if the town wanted to utilize it they would have to create an extension of that right of way over an existing building lot. If it hasn't happened in 20 years, he doesn't see it happening. Mr. Szepanski asked if the commission is going to make a motion to move this to the selectmen's office, because the application is from the town. Chairman Gannuscio suggested first modifying (or not modifying) the site plan and then based on that vote making a recommendation to the Board of Selectmen.

It was **MOVED** (Szepanski) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission modifies the subdivision and releases the right of way for the future road that was designated for 18 and 13 Regina Drive and moves this forward to the Board of Selectmen for final approval.

C. Special Use Permit with Site Plan Review for small engine repair (lawn mowers, snow blowers) at 1 Concorde Way (property owner Gary Christensen)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2018 and December 6, 2018.

Gary Christensen, 1 Concorde Way, addressed the commission. He is the owner of Colonial Printers and has a large area in his building that he doesn't use due to the decline in his printing business. He is looking to supplement his income by doing small engine repairs at this address.

Jennifer Rodriguez, Town Planner, discussed her report dated December 10, 2018. She received favorable comments from the Fire Marshall and the Police Chief. She also received a comment from the WPCA asking if there are any floor drains being proposed in the work area. Mr. Christensen replied that there are no floor drains in the building except where the furnace is, which is not in this area. Ms. Rodriguez said she would pass this along to Gary Kuczarski at the WPCA. The Town Engineer had no comments.

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

Chairman Gannuscio confirmed that the sign for the public hearing had been posted. Mr. Szepanski had some questions for the applicant. He asked about the noise and what would be done to suppress the noise. Mr. Christensen replied that the noise would be nothing more than to make sure the machines are running once he makes the repair. He said this is not going to be a large business and his hours would be from 8 to 5. Mr. Szepanski asked if he was going to pick up and deliver equipment. Mr. Christensen said probably not because he is self-employed in the printing business and it's difficult for him to get out and pick up and deliver. It will be more like if someone has something for him to repair they will drop it off to him and come back to get it when it's done. Mr. Szepanski asked if he has a sketch of what this work area is going to look like. Mr. Christensen replied that it will probably be nothing more than a counter space or a small area in the corner. He will not store many items at a time. Mr. Szepanski: If you were to estimate the square feet you'll allocate to this space, what would it be? Mr. Christensen: If I had to guess, maybe 20 x 20, right by the back door. Mr. Szepanski: Are you going to be selling any new equipment? Mr. Christensen: Not at this point. I'm just looking to do repair work. Mr. Szepanski: How do you intend to store flammable liquids and rags and things of that nature and how do you heat your building? Mr. Christensen: The building is heated with gas. I have a small plastic shed outside where I keep my personal gas and snow blower and lawnmower. Everything that's flammable is stored in there.

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 small engine repair at 1 Concorde Way.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit with site plan review for small engine repair at 1 Concorde Way with the condition that any signage changes that come forward as part of this use be referred to our staff and anything regarding oil and water/silt separators be referred to our staff and the Water Pollution Control Authority.

D. Special Use Permit with Site Plan Review for place of worship and religious classes at 332 Elm Street (property owner Riverside Building Association Inc.)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2018 and December 6, 2018.

Attorney Joseph Flynn stated he is here tonight representing Riverside Building Association, Inc., the current property owner of 332 Elm Street and Connecticut corporate affiliate of the Knights of Columbus organization. He is also here to assist Nageeb Saleh, the applicant who has standing by virtue of a purchase and sale contract that the Islamic Center Corporation entered into with them for the purchase and sale of this property. Their proposed use required a special use permit application which Mr. Saleh submitted. Attorney Flynn is prepared to make a brief presentation to the commission but would prefer to have Ms. Rodriguez's report be made into the record first.

Ms. Rodriguez discussed her report dated December 4, 2018. Comments from the Fire Marshall dated December 10, 2018 were read into the record. Comments from WPCA dated December 7, 2018 were also read into the record. Should the commission move to make an approval a condition should be added to include referral to the WPCA for any needed requirements. Comments from the Police Chief were read into the record. Ms. Rodriguez distributed to commission members pictures of types of signs.

Attorney Flynn addressed the commission. The applicant intends the use to be a place of worship. Mr. Saleh's letter dated November 8, 2018 is a summary of his proposed use. There is no intention to rent it out as there has been historically with that location. The peak period would be Fridays around midday. Mr. Saleh explained that Friday midday there would be about 200 people and for Friday night prayers there would be 30 or 40 people. The midday prayer period is for a half-hour to one hour and at night about two hours. Attorney Flynn stated that the applicant intends to make some improvements, particularly fencing, and there is no intention to expand on the parking area.

Chairman Gannuscio asked if this is a Connecticut General Statutes Section Chapter 598 registered non-profit. Attorney Flynn replied yes. Chairman Gannuscio asked for a description of the capacity of the downstairs and upstairs since the Fire Marshall was looking for this as well. Ms. Rodriguez commented that the Fire Marshall seemed to be okay with this. Since the use wasn't changing he didn't seem to require anything new. Attorney Flynn stated that the Fire Marshall's report did mention something about the kitchen, but their proposed use would not be for a food preparation, but for a location in which they would eat whatever food may be brought during the Friday night community hour. Mr. Saleh added that the eating would probably be done downstairs and the kitchens would not be used for cooking start to finish; if anything, just for heating purposes or refrigeration cooling purposes. He spoke to the secretary at WPCA today and explained the same thing to her about the kitchen.

Attorney Flynn stated that this is a special use permit and the commission has to make findings based on the standard considerations. He believes the proposed use is consistent with the Plan of Development because it's consistent with the historical use of that property and in his opinion is a much less intense use than what has been the historical use at the K of C. The parking is adequate and the access to and from is adequate for their flow. In terms of relevant zoning matters, there is no adverse impact to the surrounding area; there would be no difference and there would be a less intense use, and he believes they meet the standards for a special use permit.

Chairman Gannuscio asked the applicant if he is purchasing the property and if he has a Purchase Agreement. Mr. Saleh responded yes. Chairman Gannuscio pointed out that this means the current liquor permit goes away with this change of ownership. Mr. Szepanski confirmed that the liquor commission requires them to turn in their liquor license. Attorney Flynn explained that there is no smoking or alcohol with this particular group's use.

Mr. Szepanski commented that he feels somewhat sorry for the residential properties on the entrance when there are events there. There is a lot of traffic. He said the applicant had mentioned putting up some fencing and asked Mr. Saleh if it was his intent to help those property owners with putting up fencing there to cut down on noise or the sight of vehicles coming and going. Mr. Saleh responded that they were not intending on putting fencing in that area. They were planning on putting fencing on the two stretches going down on either side of the property and in the back (north area). On the west side there is a property there with some evergreen trees and they could continue those evergreen trees to keep some consistency. Mr. Szepanski pointed out that the present sign might have a line of sight problem because when he visited the site his vehicle had to get out past the end of the driveway, so he would like to see a smaller sign lower to the ground. He would like to see just one sign because right now there are a lot of signs in that area. Attorney Flynn thinks the proposed sign in the application is for approximately three and a half feet from the ground. Mr. Szepanski said the current sign on the post is probably seven feet tall. Attorney Flynn said the applicant is proposing about a three and a half foot stone base. Ms. Rodriguez stated that the existing sign seems to be about seven feet from the property line and asked the commission if they would like that sign set back ten feet as required. She has not marked that off and driven by to make sure you can actually see the sign once it's ten feet back. Mr. Szepanski replied that he would look to her judgement. Attorney Flynn commented that the sign will be a different height and they will defer to what the Building Office wants to do with location and what the town/police chief feels is safe. Ms. Rodriguez asked the commission, "If you could just make that part of the motion that there's a condition and then just specify after your deliberation, if there's a specific...if you want it to be ten feet as required or per staff review, obviously to be the same or no closer than the existing site." She said she would be glad to go out there and have the Police Chief take a look also. Ms. Cooper felt this kind of sign ten feet back would be visible.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in support of this application. Eunice Becker from Windsor said he supports this application. He is a congregant of the Islamic Center in Windsor Locks. He believes this will be a good social space for them. The sign should be visible. They will be good neighbors. Mahmood Mohammed from Windsor spoke in favor of this application. All types of people attend the Islamic Center—people from Windsor Locks, Enfield, and Windsor, engineers, PhD's, business owners, gas station owners, and taxi drivers—a combination of different people. It's good to see kids getting together and having a good social gathering. He's been coming here for four or five years and he has met wonderful people. They will be excellent neighbors. Abdul Shalom from Windsor Locks spoke in favor of this application. He has children that he brings to prayers every Friday night who meet other kids. It is helpful for him to socialize with other friends every week. Joe Oliveira, 18 Regina Drive, spoke in favor of this application. He said he has worked a couple of events on National Drive at the Islamic Center and they have always been hospitable and good neighbors. He commented that many people ask him when he's working in town where the Knights of Columbus is, and people drive right by, so the current sign that is there now is not

being seen by people. He also commented that it's going from being Catholic to Muslim now, and he doesn't see what difference it makes what religion is there. He mentioned that on Friday nights if cars were to park on the entrance that might be a problem with people gaining access in and out. Mr. Szepanski said he thinks there are fire lane markings on the left and right. Heshem Edid, 7 Harrison Street, supports this application as it is good for his community to have the kids get together.

The floor was then opened up for comments in opposition. James Leddy, 342 Elm Street, spoke in opposition to this application. He doesn't think this area is right for a church. It's a residential neighborhood.

Attorney Flynn pointed out that Section 402 in the regulations says religious uses is a permitted use.

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 place of worship and religious classes at 332 Elm Street.

Chairman Gannuscio stated that this application with a special use permit is a continuation of a non-profit/religious use which is currently in existence. It changes the nature of it to a more religious use than what it currently is, and he believes it is not something that would offer any sort of detriment to the neighborhood or the abutters. It's a chance for some new life for this building and this site. It is a permitted use for this particular site and it falls within the criteria. Mr. Szepanski agrees. Mr. Zimnoch added that it seems to be a less intensive use and it will serve a new community in Windsor Locks. He feels it will be a good fit.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the special use permit for a place of worship and weekly religious classes and gatherings and similar uses at 332 Elm Street with any additional landscaping as determined by staff.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the modifications to the site plan for 332 Elm Street with the following conditions: (1) any changes to signage will be referred to staff, including a potential review by the Police Chief to be sure there are no problems; (2) any sidewalks on the street side of this site will be deferred until such time as there is any move to add sidewalks to this side of Elm Street, noting that there are sidewalks on the opposite side of Elm Street; and (3) should they go beyond heating and cooling food preparation, they will check with the Water Pollution Control Authority regarding the needed requirements.

Chairman Gannuscio called a short break at 8:45 pm. The meeting was called back to order at 8:54 pm.

V. **Reviews** (none)

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

VII. **Old Business**

B. **Action Items** (none)

VIII. **New Business**

A. **Public Input** (none)

B. **Receive New Applications** (none)

C. **Informal Discussions**

i. **Use Language (commercial sale of construction equipment)**

Ms. Rodriguez explained that Eunice Becker is here for an informal discussion. There is a vacant property on the corner of Elm and Old County that used to be Dollar Rental. It is in a Business zone, and there is some Residential nearby, so it's on the border of a couple of uses. He was asking about the sale of larger construction equipment. Her first thought was that this is a little more industrial, but it is sale of a product, and the regulations have a use that's not expressly permitted; it's really a determination for the commission. Paganelli Construction and Sam Sales both have a similar sale and auction, but they're in an Industrial zone.

Chairman Gannuscio commented that he would have a hard time seeing this as a permitted use for this particular site because Sales and Paganelli are in Industrial, and Sales does it four times a year. Paganelli wanted the permit so he could sell equipment that he no longer needed. The prior use of this property was a vegetable garden that evolved into valet parking and rent-a-car use, Commercial. Ms. Rodriguez stated it is a Business-1. Nothing very similar is listed.

Mr. Becker stated that he has not purchased the property yet; it just came up as an opportunity for him. The location made sense for him. They are not an auction company like Sam Sales and they are not a construction company like Paganelli. They do retail heavy equipment. Currently they are a broker and when they sell they have a site in Suffield which is Industrial zoned, where they store some of the equipment. He's not adamant that he has to have this spot, but the idea for this market that we're in, it wouldn't be larger mining size equipment or even larger heavy road construction equipment, it would be mid-size to smaller size that would serve a market within a 50-mile radius of where we sit. He doesn't see this as being something with high traffic. He did see a similar use adjacent to this

property. There was some construction type equipment to the west of the site and there's a fence that is shared with a paving company, with some bucket trucks lined up and things that would be used in the construction business. But it's more of a retail space/business, not wholesale.

Chairman Gannuscio stated that the policy for years and years was to discourage any kind of truck traffic at that end of Old County Road, or thru truck traffic. He pointed out again the two sites where auction or retail are, both are located in Industrial zones. Mr. Zimnoch commented that the Industrial zone is more fitting for this heavy equipment. Mr. Wilson asked if Mr. Becker was looking for street visibility. Mr. Becker explained that he wasn't searching for this particular piece, so when it came to his attention he wanted to try to get the feel for what the town thinks about it. Because of the location he would gear it more towards the smaller equipment. Chairman Gannuscio said the bank that has the bucket trucks used to be Cola but is now a utility company, so this is a new use with these utility trucks. They are parked there for a specific use of the person occupying the building.

Ms. Rodriguez added that the rear portion of that site which is on Elm Street was cleared but was not supposed to be cleared, and they did go to the Zoning Board of Appeals to see if they could reduce the required impervious coverage in order to be able to pave all of the lot. That was not approved, so the portion in the back where there's vegetation, albeit minimal, is actually supposed to still grow through. It was wooded and it's meant to grow back in and also act as a buffer to the residential condos. Mr. Becker said that makes sense. Chairman Gannuscio stated that those are their thoughts until there's an application. Mr. Becker said he's just trying to get a feel whether it's worth pursuing and negotiating for.

(VII. Old Business)

A. Discussion with Commission and Staff

i. Spring Street Uses Inventory

Ms. Rodriguez explained that the thinking over the last several years was the regulations don't encourage in any way auto repair uses or even some light industrial uses, and yet there are these legally non-conforming uses that will not go away as long as businesses are successful, and if property owners want to use them that way, they can continue to do so. They have also gotten a couple of applications that have come through that are a little auto related or literally requiring a DMV license that seemed to be acceptable and were approved. So there was this thought that maybe we should look at the zoning and do an inventory of uses and talk to the property owners. There are a couple of property owners who have come to her over the years who have wanted to expand but if the regulations don't approve that use then they also don't approve the expansion

or intensification of that use. There's this sentiment that maybe everyone's okay with these sorts of uses on Spring Street and some of the uses seem to depend on each other and benefit each other and just be different enough that some of the companies instead of just competing can actually benefit one another.

Mark Pellegrini is our Economic Development Consultant. He went out and talked to property owners, developed this inventory report (which was emailed to the commission), and came back to her with his findings which were that people are just happy the way they are; we don't have a lot of property owners that are saying they wished they could flip this and do something new with it. The best she can do at this time is to provide the commission with the findings which were just as she stated. To start the conversation: do you think Spring Street, once you get past the residential neighborhoods, could be a zone that permits auto and some of the light industrial uses that have been approved over the years, OR do you truly want to keep it as Business-1 which really tends to be your more commercial, foot traffic, retail, boutique kinds of uses. Is it changing the use table and defining that line, or is it a new zone altogether? She thinks it makes sense just because of the smattering of uses and applications that have been coming forward to figure that out. The commission can give her direction on "not right now," or "I'd like you to look into what a new zone could look like," or she can survey other communities, or she can dig the heels in if the community sentiment is that we'd like this to be a community strip.

Ms. Rodriguez went on to briefly discuss the "Spring Street Business District Reconnaissance" developed by Mark Pellegrini. She wanted to know so she could pass this along to Mark and the EIDC, (1) Are they going in the right direction with this, (2) Is this information helpful, (3) What do you think is a good next step, and (4) What do we do with this information. (Answers were inaudible because the blower was running.) Chairman Gannuscio commented that this was a lot of work to put together. Ms. Rodriguez asked if it would be a good idea to have a joint meeting with the PZC and EIDC. Chairman Gannuscio replied yes.

D. Action Items

i. 2019 Meeting Dates

Chairman Gannuscio pointed out that he has already posted in the Town Clerk's office the 2019 meeting dates to meet the December 1 deadline.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approves the 2019 Meeting Dates as listed for the Planning and Zoning Commission.

ii. Election of Officers

It was decided to postpone the Election of Officers to January 2019.

IX. Communications and Bills (none)

OTHER

Ms. Rodriguez asked commission members if they wanted to invite the EIDC to the January meeting. It was agreed that this would be good.

Mr. Szepanski said that Popeye's still has pennants up and asked Ms. Rodriguez if she would speak to them. She agreed to do that.

Chairman Gannuscio stated that Doug Wilson is a new Alternate and Peggy Sayers is a second Alternate.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourns the December 10, 2018 meeting at 9:31 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*