

PLANNING AND ZONING COMMISSION
December 11, 2017 Meeting Minutes

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

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

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

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

I. Call to Order

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

II. Roll Call

Commission roll call was taken. Chairman Gannuscio noted that Luis Valdez intends to resign. He then seated Cindy Cooper for Mr. Valdez in case Ms. Brengi arrives to the meeting.

III. Approval of Minutes from the October 10, 2017 and November 13, 2017 Regular Meetings

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 2-0; Zimnoch and Cooper Abstaining) that the Planning and Zoning Commission approves the minutes of the October 10, 2017 regular meeting as published.

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the minutes of the November 13, 2017 regular meeting as published.

IV. Public Hearings

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

A. Special use permit with site plan review for AdventurEscape at 1 Corporate Drive (property owner GPG Windsor LLC)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2017 and December 6, 2017.

Barry Rosenberg, the owner of AdventurEscape, addressed the commission. He confirmed that he did post two signs at the property for the public hearing. He stated that there will be no changes to the property. He described the proposed recreation based business. They do team building and special events and parties, with groups between four and 20 people at a given time. They come in and solve puzzles and clues to come to a conclusion for the game, which is centered around a common goal.

Chairman Gannuscio asked Mr. Rosenberg if he had had a chance to look at the Town Planner's report. He responded that he had glanced at it and believes it coincides with what he has presented. Five of 128 parking spaces should be sufficient for his business. Most of his uses will be nights and weekends when no one else is there. The sign will be facing Route 75. There is a place where a sign used to be, and that's where the new sign was placed.

Mr. Szepanski had some questions for the applicant. He asked for further explanation of what he is proposing to do. Mr. Rosenberg explained that escape rooms became popular in Japan about 15 years ago, and they made it over to the US about five years ago. There are now a couple dozen escape rooms in every major city at this point. They do a lot of team building for companies such as UTC looking to do something special at this time of year. You're in a group setting, no one is locked anywhere, and you're fully dressed the whole time. Your objective is to solve puzzles and find clues and follow the strings of the story to a conclusion. They have one puzzle where you find a treasure and another where you're solving a murder. You come through a few different rooms and you end up at a different door that you have to unlock and exit through, so you enter one way and exit a second way. Mr. Szepanski asked if there are any electronics involved. Mr. Rosenberg replied that there is one electronic lock that you can turn off by pulling on an object and the lock becomes disabled and the secret door pops open. They are by appointment, so they will be operating between 12 and 8, depending on when their appointments start, and up to 10:00 pm for special occasions or late groups. The group size is between four and 20. Mr. Szepanski asked how he gets just five parking spots for his business if there are four to 20 people. Mr. Rosenberg responded that typically people come together in groups--family groups and people coming from work. Mr. Szepanski asked about the other listed parking spaces. Mr. Rosenberg explained that he went around and asked the other businesses in the building how many parking spaces on average they were using. Mr. Szepanski stated that he sees from time to time a lot of automobiles like tow trucks, flatbeds with no plates, Brinks trucks, and school buses, and while he has never seen the lot overflowing, the number of listed parking spaces doesn't jive with what he sees when he drives by. Chairman Gannuscio asked about the anticipated number of staff. Mr. Rosenberg replied, "Maybe one part-time person, maybe two."

Chairman Gannuscio asked Ms. Rodriguez about sidewalks. She responded that we have a grant for sidewalks along Route 75 in that area and down Halfway House Road. Mr. Steele added that they are getting into the preliminary design of those sidewalks now and have discovered that the right of way for Halfway House Road is only 40 feet wide, and they are going to need easements from each of the property owners to be able to put sidewalks in. We won't need property owners to install sidewalks but we will need their cooperation with the property rights.

Chairman Gannuscio asked Ms. Rodriguez if there was anything she wanted to highlight from her report dated December 11, 2017. She stated that tonight they realized where the sign would be located, on the building facing Route 75, and the regulation requires only 25% of that wall be covered. She will have to take a look at

the actual amount of signs on that particular building wall. Mr. Rosenberg said he thought he listed the different square footages of the signs. Ms. Rodriguez replied that it doesn't indicate where exactly the signs are. Ms. Rodriguez commented that it does list that there are six different signs and asked if all six of those signs are on the Route 75 side of the building. Mr. Rosenberg responded that not all 6 signs are on the wall but he thinks the total square footage of those six including the one he is proposing would still be within the guidelines even if they were all on that one side. Ms. Rodriguez does agree with this and suggested that staff review of signage be a condition of approval.

Ms. Rodriguez pointed out that she noted in her report that there is sometimes storage of unregistered vehicles on the property, and despite working with the property owner over the years, this continually comes up, and it needs to be remedied.

Ms. Rodriguez went on to read Section 1103-A.4, the special use permit requirements and criteria when considering a special use permit. She stated that this is an existing site but this is a new use for the property.

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

Chairman Gannuscio asked if any comments had been received from the Fire Marshall or Police Chief. Ms. Rodriguez replied no comments had been received from Fire or Police or the WPCA, probably due to the nature of the use and the fact that the site isn't changing. The internal use would be regulated through building code at which time it would trigger a Fire Marshall walk-through or at least a look at the floor plan. Mr. Steele added that there are no site improvements proposed and no engineering designs for him to comment on.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review for AdventurEscape at 1 Corporate Drive.

Chairman Gannuscio stated that this is an existing building with a use that fits into the area and does not offer an overburdening of facilities or parking. There is plenty of access between Route 75 and the roads off of Halfway House Road, so there's good means in and out. Groups of four to 20 are not going to burden the road system in the area. This is something that is welcome to the area and fits within the multiple and varied uses of this building, and we are looking at a positive and different use for this area. Commission members agreed.

It was **MOVED** (Cooper) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the special use permit for AdventurEscape at 1 Corporate Drive.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the site plan for AdventurEscape at 1 Corporate Drive with the following condition: staff will review the figures regarding final percentages and signage on the Ella Grasso side of the building.

B. Special use permit with site plan review/amendment to liquor permit for Collins Package Store at 552 Halfway House Road (property owner Northern Nurseries)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2017 and December 6, 2017.

Attorney Paul Smith, representing Collins Package Store and its owner, Nick Patel, addressed the commission. The owner of the property is now Northern Nurseries who bought the property in July 2017. This property is located on Halfway House Road, the old Bromson Law Office building. It's an office building on one side with three retail spaces on the west side of the building. The three retail spaces are Collins Package store, a hairdressing salon, and Premium Cigar and Tobacco Smoke Shop. Northern Nurseries has now occupied the Bromson part. They are a national nursery firm and have locations throughout the country. They have cleaned up the property and have terminated the lease of the smoke shop because they didn't think it was a good fit or use. The hairdresser is going to occupy the space where the smoke shop was and the package store will expand where the hairdresser was, expanding another 1,000 square feet.

Attorney Smith distributed to the commission a photograph and an area map showing the location of the nearest package stores. Under the regulations, a package store can't be within 1,500 feet of another package store, but this is an existing store. The two nearest stores are further than 1,500 feet. Also included is a listing of all the package stores in Windsor Locks. There are only so many package stores allowed per town. As shown on the map, the two nearest package stores are on Elm Street (2,500 feet away) and Ella Grasso Turnpike (2,400 feet away). There are no schools or churches within 200 feet. This satisfies the criteria of the regulations, but this is an extension into existing space, so they are not adding on to the building or changing signage. They are just switching retail to retail. The real issue is can you allow the expansion as a special use because everything regarding liquor falls within a special use permit category, so what you look at under your regulations in Section 500 is, where does it fit with regard to location? Is it a non-conformance in some way? As you can see from the map, it is not. Attorney Smith pointed out that the biggest reason for the expansion is the increase of microbrewing beers that are offered and a greater need for space.

Attorney Smith summarized that the property owner wants to continue to have the package store as a tenant; Collins Package Store gets to expand at a reasonable cost since they're taking over existing space; and there are no changes to the exterior because they're exchanging retail for retail. The only functional reason to be here is because it's a liquor store and therefore you need to determine if it's within

compliance in terms of the specific regulation. There is no change in signage, and no proposed change in parking. There are people who have indicated they are pleased that the existing tenant is gone because it wasn't a good fit. It's beneficial all the way around and over time Northern Nurseries will be a good business client for the town to have.

Mr. Szepanski pointed out that the floor plan is not drawn to scale and wondered why. Attorney Smith responded that it is a hand sketch of what the store would look like with the space expanded out. His understanding is they're not going to make a lot of changes. Mr. Szepanski commented that Mr. Patel has two entrances which, as a previous store owner, he believes is a bad policy. Attorney Smith said he will certainly pass this along to him. Mr. Szepanski added that he believes the Liquor Commission will require the store plan to be drawn to scale.

Chairman Gannuscio stated that the site plan portion of this seems cut and dry: no real changes, and no signage. Mr. Szepanski added that the applicant did comply with the posting of the signs for the public hearing.

At this time Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Gary Merrigan, 560 Halfway House Road, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

Chairman Gannuscio asked Ms. Rodriguez if there were comments from the Fire Marshall or the Police Chief. She replied no. Chairman Gannuscio asked Mr. Steele if he had any comments. Mr. Steele responded that the site is one giant open curb cut right now. He asked if the site is striped. Attorney Smith replied that he thinks it was at one time but doesn't think it is now. Mr. Steele does not see the need to do anything now since they're not changing anything, but for the future it might be better if there were more defined access points for the site. They are looking at adding sidewalks in this area, although right now if they take the site the way it is they probably wouldn't put sidewalks in because it's already paved, walkable, and handicapped accessible for pedestrians. They would probably stop the walks on either end of the big open area. If it ever is re-done, then maybe walks would have to be extended in and then it would be up to the property owner to do that. Since we are going to be coming in there to put in sidewalks we could incorporate something if they wanted to make some changes. Attorney Smith commented that he was sure the owner would work cooperatively with the town.

Chairman Gannuscio pointed out that Ms. Rodriguez's report dated December 11, 2017 shows that nothing is changing and the land use is there and is permitted.

Mr. Steele asked Attorney Smith if the owner plans to put in striping. He replied that he hasn't asked the owner. Mr. Merrigan said his understanding was that the weather got away from them and that it's scheduled to be striped. Ms. Rodriguez asked if that particular unit was putting in any new signs. Attorney Smith responded that there are no plans for new signage but if there were they would come back to her.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission closes the public hearing on the special use permit and site plan review/amendment to liquor permit for Collins Package Store at 552 Halfway House Road.

Chairman Gannuscio stated that this special use is just an expansion of what is already there. It appears to be a part of an overall plan to improve the site and the facility. As an existing use it has coexisted quite well in the area it's located. Parking is set up so it meets the purpose of a quick stop and go. It has the promise of further enhancements to the look of the building. As an existing use it has fit within the character of the neighborhood and he sees no issue with it.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the special use permit to expand the liquor use for Collins Package Store at 552 Halfway House Road.

Chairman Gannuscio stated that there are no real changes to the site and the signage does not require any kind of review. He asked Mr. Steele if it was too late to do the striping this season. He responded yes. Chairman Gannuscio asked Mr. Steele if he wanted Northern Nurseries to present a striping plan to him. Mr. Steele commented that we don't have a site plan or documentation of what it looked like before so he's not sure what criteria they would use to say yes or no. However, he would be happy to look at it beforehand to see how they're going to lay it out and to see if there are any major problems. Attorney Smith said he would convey the message to the property owner. Mr. Zimnoch noted that this might be a good opportunity for them to find out what's going on with the sidewalk. Mr. Steele added that they can have a conversation about that and if there are opportunities to do improvements see if they're interested in doing that since it will be on their dime (the property owner's) if they wait until later on.

It was **MOVED** (Zimnoch) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission approves the site plan for Collins Package Store at 552 Halfway House Road.

C. Special use permit for Hillery Hot Rods, LLC at 465 Spring Street, Unit F (property owner Julie Sales)

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 29, 2017 and December 6, 2017.

Mr. Szepanski asked the applicant if the required signage for a public hearing had been posted. Mr. Hillery replied that it had not. There was some confusion on the applicant's part regarding this. Attorney Carl Landolina stated that with the applicant failing to do this, the commission has no jurisdiction to open this public hearing, and the public hearing will have to be continued. He asked if the commission is within 65 days of receipt of the application. Mr. Szepanski stated that the application was

accepted at the last meeting on November 13. Ms. Rodriguez added that it was also accepted without knowing what the venue was for reviewing this because it wasn't a permitted use and she was not sure what fee to tell the applicant to apply to this because there was no clear way to permit what he proposed. If you read the minutes, there was a discussion on how to proceed, what the correct way was to move forward with this, and what to consider for the fee. These things were not figured out and there was some direction to her to see if our Town Attorney could weigh in on whether it was a permitted use or not. It doesn't seem the decision has been made yet for her to give the applicant any guidance on how to proceed. Mr. Szepanski pointed out that at the last meeting, since the type of request on the application wasn't checked off, Ms. Rodriguez asked the applicant if he would like her to check Special Use Permit, with his permission. The applicant replied yes. Chairman Gannuscio stated that we are still within the 65 days if the public hearing is held on January 8, 2018, the next meeting of the commission. Attorney Landolina said we would have to republish the notice. He then asked if the fee had been collected yet. Ms. Rodriguez responded that it had not been collected.

A discussion followed regarding whether the use is permitted in this zone. Attorney Landolina said this is not really his call. It's up to the commission. It requires a Dealers and Repairers License from DMV, so you could find that it's an automotive use. The primary use of the business is to repair and refurbish automobiles, so on the face of it, it would appear that it's not permitted. There might be something else in the regulations under which this can fall. Under Section 402 it says that you can consider a use that is not listed if you can find something that it's similar to, but you can't just arbitrarily increase the permitted uses of the zone. Attorney Landolina stated, "So the question is what use on that list of permitted uses is this use similar to. I don't know if the applicant wants to look through the list then when he comes back on January 8 to make a pitch as to why this is similar to another use. That would be entirely up to you. You get to determine what the regulations mean in this context. Your interpretation has to be reasonable, so you can't say even though he needs a Repairers and Dealers license to operate that doesn't mean he's the same as Standard Auto Body or Scata's or Phil's Auto. The nature of his business might be so specific and somewhat different than those operations that it might fit in this box. What use that's listed as a permitted use in the B zone would this use be similar to."

Attorney Landolina went on to say that he and Ms. Rodriguez looked at the list and there were two that seemed kind of a stretch, but that's the commission's call. Mr. Hillary commented that he called the state and told them what he does but everything with them falls under General Repair. Attorney Landolina reiterated that it's going to be incumbent upon the applicant to convince the commission that the nature of his business is not like those other guys, because if he's like those other guys he doesn't belong in the zone because it's not permitted. It's going to be his job to convince you that he's more like the use that is permitted in the zone. Chairman Gannuscio pointed out that the other factor is that once it's approved the permit runs with the land. Attorney Landolina commented that the applicant bears the burden of establishing to the commission that even though repair garages are not allowed in the

business zone, that he's not that, he's something else, and he's going to stay something else. Attorney Landolina pointed out that the table of permitted uses can be found in Section 402 of the regulations, which can be found online.

Mr. Hillery asked about the signs. It was explained that the signs can be found in the Building Office. Ms. Rodriguez advised Mr. Hillery to read the application form that he filled out line by line for all the things that are required of him. She asked if this is still the idea that this is a special use permit with a site plan review. Attorney Landolina answered, "I think this is going to have to be because if they were to prove it they would have to put a number of conditions on that to me would attach to the special permit, not to the site plan. I think that's the only safe way of doing it." Ms. Rodriguez clarified, "And so those are the fees that are applying: special use permit, site plan review, and DEEP fee." Mr. Szepanski added, "\$250, \$230, and \$60." Mr. Zimnoch commented that they have kicked this around and always came back to the fact that it requires the DMV license, so it's restoration of a car. Mr. Szepanski came up with a description of what he's doing: "automotive mechanical restoration repair, including modification of miscellaneous vehicles," but he has to tell us that. Chairman Gannuscio added, "And quantify that." Attorney Landolina summarized what the applicant needs to do and say: "This is the use that I'm similar to. He has to point that out to you. He can't make you guess...that's not your job. (To the applicant) Look at the table. Come up with something. Be creative. You have to convince them." Mr. Steele added that the signs need to be up just after Christmas. Chairman Gannuscio stated that the legal notice would have to be republished in the newspaper.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission reschedules a public hearing for a special use permit and site plan review for 465 Spring Street, Unit F, for the business known as Hillery Hot Rods, LLC on January 8, 2018.

- V. **Reviews** (none)
- VI. **Action on Closed Public Hearing Items** (none)
- VII. **Old Business**
 - A. **Discussion with Commission and Staff** (none)
 - B. **Action Items** (none)
- VIII. **New Business**
 - A. **Public Input** (none)
 - B. **Receive New Applications** (none)

C. Informal Discussions

i. Temporary Health Structures—CT Legislature

Chairman Gannuscio asked Attorney Landolina if he had heard anything about this from last week's Board of Selectmen's meeting. They want the commission to hold the hearing in January to opt out. He asked Ms. Rodriguez if First Selectman Kervick had talked to her but she said he has been out sick. Attorney Landolina said he would work with Ms. Rodriguez on the wording of the notice. Chairman Gannuscio said the Selectmen want the commission to gather information on the public's response. Ms. Rodriguez asked what kind of presentation it should be. Attorney Landolina felt it should come from one of the members of the Board of Selectmen. Chairman Gannuscio commented that CONA would probably want to weigh in on this.

ii. FFL for Marketing Purposes

Chairman Gannuscio asked Ms. Rodriguez if she has heard anything more from the gentleman regarding the FFL for marketing purposes. She said she has not.

* Rolocut Building

Mr. Szepanski expressed concern about the big drop off of 10 or 12 feet behind the Rolocut building. There is no guard rail or anything to prevent vehicles from going into the brink. Mr. Steele said he thinks there was supposed to be a wall extended from the curb. Mr. Szepanski feels this should be looked at, as it is a safety issue.

D. Action Items

i. Election of Officers

Chairman Gannuscio stated he would like to postpone Election of Officers to January.

IX. Communications and Bills (none)

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourns the December 11, 2017 meeting at 8:34 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*