

PLANNING & ZONING COMMISSION
July 14, 2014 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Jim Szepanski, Alexa Brengi, and Curtis Ruckey

Commission Members Absent: Alan Gannuscio

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:00 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the May 12, 2014 and June 9, 2014 Regular Meetings, and the June 23, 2014 Special Meeting

Approval of minutes was postponed until Mr. Gannuscio could be present.

IV. Public Hearings

A. Public hearing on the special use permit for Windsor Locks Public Schools for a special education transition program at 52 South Elm Street for 18-21 year olds to learn life/home skills

B. Public hearing on the special use permit for a beer and wine liquor permit for the Windsor Locks Diner at 255 Main Street, Units 6-7

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on July 2, 2014 and July 7, 2014.

Chairman Zimnoch asked Mr. Szepanski to read the rules for conducting a public hearing. Mr. Szepanski pointed out to the commission that both properties had no placard announcing a public hearing, and he wondered if it was right to continue with the public hearing since the regulations state that this is required. He feels the commission is shortchanging the public by not enforcing that requirement for the placard.

Chairman Zimnoch asked Mr. Robinson to address the commission. Joshua Robinson, Director of Special Education for Windsor Locks Public Schools, apologized for not putting up the placard. He said he misread the date of the meeting.

The other applicant for the Windsor Locks Diner was not present to speak to the commission.

Commission members discussed what to do next. Mr. Szepanski asked Ms. Rodriguez if the commission could re-advertise the public hearing at the applicants' expense. She responded that she would talk to the Town Attorney regarding this. Mr. Robinson stated that school starts August 26 and the students need to use the building on that date. Commission members discussed holding a special meeting on July 31 in order to hold these two public hearings.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedule a special meeting on July 31, 2014 at 7:00 pm.

It was **MOVED** (Zimnoch) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedule a public hearing on the special use permit for Windsor Locks Public Schools for a special education transition program at 52 South Elm Street for 18-21 year olds to learn life/home skills for July 31, 2014.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission schedule a public hearing on the special use permit for a beer and wine liquor permit for the Windsor Locks Diner at 255 Main Street, Units 6-7 for July 31, 2014.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items**

A. **Three-lot subdivision on Center Street**

At Chairman Zimnoch's request, Mr. Steele described the four waivers that the applicant is requesting: (1) Sidewalk waiver, section 6.4; (2) road width, section 6.3 (requirement is 30-foot width, and applicant is requesting 26, but staff determined that that regulation was changed, so this waiver is no longer required); (3) lot depth, section 403; and (4) open space (they are requesting a fee in lieu of, and applicant agreed to the higher appraised amount of the assessor's office). Chairman Zimnoch noted that four waivers was reduced to three—sidewalk, lot depth, and fee in lieu of open space, which was \$3,271.33 per lot.

Chairman Zimnoch asked if any commission members had any problems with the fee in lieu of open space. They had no issues, and the applicant agreed to the fee mentioned.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission waive the fee in lieu of open space in the amount of \$3,271.33 per lot.

For the lot depth waiver, Mr. Steele stated that the required lot depth is 175 feet, and the proposed lot depth is 170 feet. A 17½ foot reduction is the maximum allowed, so the applicant is well within that amount. Commission members had no issues with this waiver.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission waive the lot depth requirement of 175 feet and allow the lot depth to be only 170 feet.

Chairman Zimnoch started to discuss the sidewalk waiver but was interrupted by Mr. Daleo. Chairman Zimnoch reminded him that the public hearing was closed and no further discussion was allowed by the public, but Mr. Daleo stated that at the last meeting, the sidewalk issue was never addressed until after the public hearing was closed, never giving him or abutting property owners a chance to speak. He said they were never given the opportunity to speak and were never asked if anyone objected or was for or against. Chairman Zimnoch stated that everyone was given an opportunity to speak in favor or in opposition. Mr. Szepanski pointed out that Mr. Daleo's print asked for four waivers, and he had the opportunity to enunciate why he wanted the waivers and never said anything about the sidewalks. Mr. Daleo responded that no one brought up that the sidewalk waiver was a problem and that was why they didn't address it. Mr. Szepanski commented that Mr. Daleo had the opportunity to speak to it, and he had an obligation as the applicant to say why he wanted a waiver and produce a rationale for it. Mr. Daleo asked why abutting property owners didn't have a chance to speak about this. Chairman Zimnoch explained that this waiver/issue is something that is required by regulation and is decided by the commission and is not debatable by the applicant or the public.

Mrs. King asked if she could speak, but Chairman Zimnoch said this is not a public hearing. Mr. Szepanski reiterated that the public had an opportunity to speak at the last meeting. Mrs. King pointed out that at the last meeting there were only three board members present and everything was cancelled. Mr. Szepanski said the commission cancelled the voting because at least four votes were needed to make the approval. Mr. Daleo stated that the other members that weren't at the last meeting did not have the opportunity to hear the discussion "hands on." He added that two of the people making the decisions tonight were not present at the last meeting to hear all the dialogue. Mr. Ruckey assured Mr. Daleo that he is familiar with the circumstances around this particular waiver and that he has looked at the regulations, and reviewed the prints and other information submitted. Mr. Daleo asked if it would be possible to put in plantings all around the street instead of putting in sidewalks all the way around. Chairman Zimnoch said this discussion had to end and that there is a mandate from the top in terms of putting in sidewalks, and that will be determined by commission members.

Mr. Szepanski said he prepared a white paper regarding sidewalks which he would like the secretary to enter into the minutes. The following is his rationale:

Rationale for sidewalks both sides of the Daleo Subdivision

Definitions:

Sidewalks - "usually a concrete path along the side of a street for people to walk on."

Road - "a long narrow stretch with a leveled or paved surface made for traveling of motor vehicles."

Subdivision Regulations Declaration of Policy:

"It is declared to be the policy of the Town of Windsor Locks' Planning and Zoning Commission to consider land subdivisions as a living part of the community, and a part of a plan for the aggregation of lots. In order that the land subdivisions may be made in the best interests of the town, and in accordance with this policy, and in order that adequate provisions may be made for the proper arrangement and development of streets, for open spaces, for recreation, light and air, for the avoidance of undue density of population, for access of fire apparatus to property, and for proper drainage and sewerage facilities, general health, welfare, safety, and well-being, the regulations are hereby adopted."

Subdivision Regulations paragraph 6.4 sidewalks:

"unless otherwise specifically approved by the Commission, concrete sidewalks shall be constructed on both sides of all streets in a new subdivision in accordance with the Town of Windsor Locks Standard Construction Details and Specifications."

Subdivision Regulations paragraph 3.6 Waivers:

Installations of Sidewalks: " Where the Commission finds that such facilities will serve no useful purpose."

Our Plan of Conservation and Development page V-7 states:

"Sidewalks should be considered an integral part of a town's circulation system as they provide the most basic circulation system for Town residents. There is an obligation on the part of the Town to provide a safe, convenient and useful sidewalk circulation system. Such a system can help reduce reliance on the automobile for short trips as well as providing a system for recreation walks and healthful exercise."

In harmony with the efforts underway for the revitalization of Main Street.

Encouragement of foot traffic.

Proximity to the Middle School. Safety for our children.

Connects to existing sidewalks on Center Street, borders Main Street Village Area which borders Main Street Overlay Zone.

Consistent with other subdivisions in the area: Veronica Way and Ridgewood Drive and also in other areas of our Town.

Deferral not an option as connecting sidewalks are in place.

Should 26 foot road be approved by the Commission, the narrower road speaks to the necessity of sidewalks both sides. SAFETY.

Town of Windsor Locks has an ordinance addressing time frame for clearing of snow from sidewalks after a winter storm. SAFETY.

Will enhance the appearance of the subdivision, provide for adequate safety for all, be compliant with our subdivision regulations and be a model for other subdivisions that may occur in the future.

We all know sidewalks cost money to install. However, nowhere in our regulations does it state that the Commission must/or should consider any financial impact to the developer regarding the requirements contained within our regulations.

During our public hearing on this application I do not recall hearing from the applicant or his representative(s), any rationale or reasoning as to why a waiver is being requested. Desire is not justification.

The commission has one chance to do it right - in my opinion sidewalks on both sides of the street are most appropriate for this proposed subdivision based upon the rationale contained within this white paper. ONE WOULD FIND IT VERY DIFFICULT TO FIND THAT SIDEWALKS WILL SERVE NO USEFUL PURPOSE. THIS IS THE ONLY REASON THE COMMISSION CAN GRANT A WAIVER.

JFS 7/13/2014

Mr. Ruckey stated that having the sidewalk on this particular street would be important. If there was just one house it could be considered a driveway and would not be called a street, and even though this subdivision would be among family members, properties do get transferred from one party to another. Our town is child friendly, and being within walking distance from the middle school, it would be very important to ensure that you have the safety of the children and pedestrians in mind. He stated he would push for sidewalks on one side of the street.

Chairman Zimnoch asked Ms. Brengi for her opinion. She said before she gives her opinion, she asked why sidewalks were not discussed more thoroughly at the last meeting. She remarked that usually the applicant has an architect or engineer who discusses things like that at length, but that does not appear to be the case based upon the minutes. Chairman Zimnoch said it was discussed. Ms. Brengi asked what the opinion was of Ms. Rodriguez and Mr. Steele. Chairman Zimnoch said Mr. Steele provided the commission with the information that allowed them to make a decision if sidewalks were feasible. Mr. Steele said he didn't object to the waiving of the sidewalks, but the question was the plan did not show sidewalks and was that something the commission could take action on. His feeling was that the commission could take action by making a condition that if the applicant had sidewalks on the plans then staff would review the plans. The entire right of way is graded, so whether the sidewalks are there or not, it's the same and really has no impact on the drainage. Chairman Zimnoch explained that that was the engineering portion--the sidewalks could go in and the subdivision still functions. He said the possibility of putting in sidewalks on one side was also discussed, but because the commission did not have four members, they did not proceed with the vote. Chairman Zimnoch stated his position--that he does not see how the commission could waive the sidewalk for this subdivision because they have not waived sidewalks for any other subdivision.

Mr. Steele stated the commission had several options with regard to sidewalks: (1) bring it all the way around the cul-de-sac, about 825 feet, and back out so it creates a loop, or (2) bring it three-quarters of the way around to encompass the frontages of all the new lots, which would create new sidewalks on one of the existing corner lots, or (3) put a sidewalk just on the opposite side, on the King side, and terminate it in a cul-de-sac, which would be the shortest distance, or (4) have no sidewalks. It's a planning question as far as what the commission's requirements are and what it is trying to accomplish with that requirement. Mr. Steele stated that his thoughts on the waiver are because there are only three houses, a waiver may be appropriate. Some of the other subdivisions that were mentioned are larger subdivisions. There is a provision in the regulations for waiving it so it implies that there is a scenario where it could be waived. Maybe the waiver is based on the number of lots or the zone. The regulations are not clear, but his point is there is a reason for allowing a waiver, and there are times when sidewalks could be waived partially or in full, so his thinking was that because of the limited number of lots, this might be, but this is a decision for the commission, and it's not an engineering question.

Mr. Szepanski stated the sidewalk waivers that were in the industrial zone were not subdivisions, and under 6.4, there is a specific requirement, and it only gives one reason to waive—it serves no useful purpose. Chairman Zimnoch pointed out that the commission has not waived sidewalks in any residential subdivision. Mr. Steele clarified that the regulations require sidewalks all the way around the street, so the commission is considering a waiver to reduce that, and if the commission doesn't approve that, it has to go in all the way around. If the commission feels that having it all the way around doesn't serve a useful purpose, that having less sidewalk is

sufficient, then the commission can waive part of it. Chairman Zimnoch said the Veronica Way subdivision, which has a shepherd's hook, is similar to this subdivision, and he believes this application has the same practicality as Veronica Way. He added that Veronica Way is a recent precedent, and it seems practical to do the same with the Daleo subdivision. Chairman Zimnoch and Mr. Ruckey would not be opposed to a waiver that would allow for a shepherd's hook sidewalk (with no sidewalks on the King property). Ms. Brengi stated that with a three-lot subdivision that's 100 feet wide, a sidewalk seems a little overkill, because no one from the school would be going down that road, and there are already sidewalks on both sides of the road for safety. It seems too much to have such a small space and try to put a sidewalk in there, and landscaping would be more appealing than a sidewalk that basically goes to nowhere, for three lots. Veronica Way is a big subdivision with more than three houses, so she can understand having sidewalks for that. Mr. Ruckey proposed a minimum of sidewalk on the one stretch entering into the cul-de-sac, instead of the shepherd's hook or all the way around. Chairman Zimnoch stated if the commission does not come to a consensus on the waiver, then the waiver is not granted, and sidewalks will have to go in all the way around. Mr. Szepanski said he put a lot of thought into his rationale, and he would rather err on the safety side and have sidewalks in place on both sides all the way around that do serve a purpose, and he feels the commission should abide by the regulations.

Chairman Zimnoch asked about the clock. Ms. Rodriguez stated the commission has 65 days from the close of the hearing to make a decision. She pointed out that in the section on waivers it says, "If the particular requirements of the subdivision regulation would not benefit the public then such requirement may be modified or waived by the commission provided that no waiver shall be granted that would have a significant adverse effect on an adjacent property or on the public health and safety." She said she brought that up so the commission would know there is the opportunity to modify what was proposed. Mr. Steele added, "So it's not all or nothing." He went on to explain that a three-quarter vote is needed, so if there were five members, four votes would be needed, but tonight since there are only four members, four votes would be needed to approve. Mr. Ruckey said, "So if we make the motion today and it does not pass, it stands." Mr. Steele responded, "Then you would have to approve the subdivision with a condition that sidewalks be added to the plans." Mr. Ruckey asked, "If we do not make a motion today and we set it aside until we have a full commission, is that an option, with the timeframe?" Ms. Rodriguez responded that this would have to be put on the agenda for the July 31 meeting. Chairman Zimnoch agreed that the commission should think about this more.

It was **MOVED** (Ruckey) and **SECONDED** (Brengi) and **PASSED** (3-1; *In Favor*: Zimnoch, Brengi, Ruckey; *Opposed*: Szepanski) that the Planning and Zoning Commission set aside the waiver for Daleo Drive for the sidewalks until the July 31, 2014 special meeting.

Chairman Zimnoch added for the public's benefit that the commission is required per its regulations to post public hearings in the newspaper.

VII. Old Business

A. Discussion with Commission and Staff regarding:

i. T&M and North Group, LLC request for acceptance of roads

Mr. Steele stated that the deeds are all in place, but there is an outstanding item with regard to a sinkhole at the intersection of Kate Way and Szepanski Drive. The developer was informed about it and contacted their contractor, who has indicated they will address this as soon as possible. Staff would like to see this issue addressed first, and as soon as Mr. Steele gets confirmation that the sinkhole has been adequately repaired, then he can issue a recommendation for acceptance.

ii. Zoning regulations

a. Form Based Code

Ms. Rodriguez said she did not prepare anything for tonight's meeting on this subject, given the large number of items on the agenda.

b. Sidewalks

Mr. Steele stated he brought up in a previous discussion whether the commission wanted to put something into the subdivision regulations that spelled out more clearly under what scenarios sidewalks would be required—on one side of the street or on both sides of the street, but he did not get a lot of feedback from the commission on that. Chairman Zimnoch commented that he has been on this commission for a long time, and the present regulation dates back many years, and if there was no sidewalk adjacent to where a building or development was going in, then sidewalks were not put in. Sidewalks were being waived on a regular basis, and consequently the town had very few sidewalks. Then a mandate came from CRCOG to put in sidewalks, so then sidewalks were no longer being waived. As far as he can recall, in the last 5 to 7 years, sidewalks have not been waived in a residential zone. Mr. Steele pointed out that Enfield's subdivision regulations state: a cul-de-sac with 10 or fewer lots, no sidewalks are required; more than 10 lots, a loop street, or cul-de-sac, sidewalks are required on one side; and a thru-street, sidewalks are required on both sides, so it takes the guesswork out of it. He said that maybe this criteria doesn't work for this commission's goals and objectives, but if it were less subjective, it might make the commission's job easier. It's difficult on the spot to make these decisions, so a more comprehensive plan that you could apply consistently might be something to consider.

iii. Subdivision regulations

Ms. Rodriguez said she provided everyone with a copy of a new printing of the subdivision regulations. The discussion of a previous application for a subdivision prompted staff to look at different sections they thought had been approved in the past but were not included in the most recent printing. On page three, Legislative History, she added amendments from 1998 through present. Nothing has changed, it was just a few regulations that were amended and the approval, the actual text, was not filed in the clerk's office and was not entered into this printing. This will be put up on the website within a week or so.

iv. Filing procedures for applications to P&ZC

Ms. Rodriguez stated that there was some confusion with a recent application regarding its date of receipt, so she talked to the Town Attorney and looked at the state statutes, which allow for certain processes for when your applications are submitted. What this commission has been doing for a number of years is having the applicant give those submittals directly to commission members, which opens things up to a little bit of bias and some conversation ahead of time, and it was causing some confusion on the dates and the timing. It was recommended by Mike Sisko and the Town Attorney to have the process changed so the applicant submits bulk copies of their submittal to staff, which would be considered submitting the application, and then the application would be received legally at the date of the next regularly scheduled meeting of the commission. So whether the commission actually says it for the record or not, or they cancel the meeting because of weather, by statute that application is received by date, and not by action of the committee. This seemed like a cleaner process, so she sent out a potential amendment. The commission can discuss this now or later.

Chairman Zimnoch said this sounds like a great approach which streamlines the whole procedure, but he would like to have Mr. Gannuscio present when discussing this. Ms. Rodriguez pointed out that in section 1102, toward the end, there is a requirement for completion of work, so when someone does their site work, staff are requiring an as-built to review prior to giving a certificate of occupancy. Currently, that as-built requirement is in Chapter 7 in the parking regulations, and it's appropriate there, but it's also appropriate in this section.

v. Determination of approval process for UTC/Hamilton Sundstrand's parking lot revision and expansion

Kristen Solloway, Project Manager with Fuss & O'Neill, here on behalf of UTAS (United Technologies Aerospace), addressed the commission. About a year ago, Fuss & O'Neill prepared a safety improvement study for UTAS. The first phase to upgrade the blue, orange, yellow, and part of the green parking lots was done and approved administratively last year. This year they are looking to improve the green and purple parking lots as part of this year's maintenance. Part of it is

revising some of the access points, consolidating driveways, putting in islands along each parking aisle, and delineating the lanes better. Every other island will be raised to allow for snow removal. There will be an expansion in the green area to the west, and they will be revising all the handicapped spaces, putting in new handicapped ramps in order to bring them up to current codes. They would like to start this work in August and are seeking to see if this could be reviewed administratively.

Chairman Zimnoch asked if they would be changing the number of spaces. Ms. Solloway responded that it would be a net gain, based on changes to the layout themselves and adding some handicapped spaces. They did have lighting improvements last time and will be using the exact same ones to standardize as much as they can. Mr. Steele summarized briefly: the north side improvements were approved administratively last year. They took existing parking lots and reconfigured them. They are working on the eastern side now, and staff can certainly review it, but they wanted to see if the commission would be comfortable with this. The only thing that is different this time is they are expanding a little bit within that interior area so there is some area that wasn't parking before. There are probably two technical questions staff will have to review when looking at this, and one is in regard to lighting—pole heights, and so forth. They are 35 feet maximum, which exceeds the requirement and would require a special permit process, but these are existing, and they are maintaining the same height. This is a campus type of environment, set back and separated from the rest of the town, but staff wanted to see if the commission was comfortable with administrative approval because it's a little bit more than the last time. The second issue is with interior landscaping not meeting regulation requirements. Ms. Solloway commented that overall there's a 15% landscaping requirement, and overall for the site they exceed that, so just for the improvement, they will not be. Mr. Steele responded that the area where these improvements are going on there are not a lot of islands now, so the thought process is they are making it better but not fully complying. He asked the commission for direction regarding maintaining pole heights and if an improvement in interior landscaping is adequate. Mr. Steele added that it is an increase in impervious coverage, so they are providing a detention basin which he will review.

Commission members felt comfortable with staff handling this application administratively.

VIII. New Business

A. Public Input (none)

B. Receive New Applications (none)

C. Informal Discussions

i. Amending zoning to allow for hens

Robin Veit of 120 Bel-Aire Circle addressed the commission. She said she has organized a group of Windsor Locks residents who are interested in amending the zoning laws to allow for small flocks of hens in a back yard for non-commercial use and which could be kept as pets. They have created a petition and acquired 157 names of residents who are in support of this. They would like to ask the commission to create these new regulations, but if the commission is not interested in doing that, this new committee could suggest the regulations and submit them for the commission's approval. Mr. Ruckey asked what the current regulations are regarding chickens. Ms. Veit responded that current regulation is you have to have 100 feet in all directions. Chairman Zimnoch commented that this regulation was put into place many years ago, and typically when you go to change something, there has to be a reason for it, something has to change along the way, so what has changed? Ms. Veit replied that the change is that nationally, as a trend, people are becoming very interested in having hens in the back yard again, to go back to their roots, and to know where their food is coming from. Farmers markets have become more prevalent. Towns and cities all across our state have amended their laws because people are interested.

Doug Hamilton spoke about what has changed in recent years. Under the current guidelines that the commission has for chickens, it falls into the category of whether you can have hens and roosters. This group is trying to differentiate those two separately. Secondly, when that regulation was written, there was a lot of farmland, and most farmers had chickens and also had large parcels of property. Today, the majority of homes in Windsor Locks would never meet the requirements of the existing ordinances based upon width and depth of property lines. That's what they're attempting to address. So what has changed? We're not a farm property any longer. Probably 75% or 85% of the property in Windsor Locks does not have sufficient footage to meet the requirements as they exist today, so they're attempting to address those requirements. They are also attempting to bring forward the opportunity for the commission to review it to limit the number of hens or reduce the square footage.

Mr. Ruckey expressed a concern that if the commission opens it up to a certain number and that individual meets the requirement, the hens would not be pets and would be used for other purposes. Chairman Zimnoch commented that the reason the 100-foot setback was put in place is because of what chickens are—because of the biological nature, and to isolate the smell and whatever bacteria they may have. Ms. Veit responded that there is a poultry expert at UConn who could answer any questions or address any concerns commission members have. Chairman Zimnoch asked what they are proposing in place of the 100-foot setback. Ms. Veit pointed out that the average property size in town is one-third

of an acre, and they have a large group of people who are interested in having hens, and other towns have amended their zoning regulations because people have an interest in having hens. Chairman Zimnoch noted that they would need to get signatures of the people surrounding the people who want hens. Ms. Veit said they already have signatures of the surrounding neighbors. Mr. Ruckey commented that he would like to get better educated about this subject, specifically, information about the raising of the chicken, what it takes, what is the appropriate spatial constraints for a chicken, how much waste comes from a chicken, and how often will there be a mandate for ensuring the cleanliness of the area. Ms. Veit attempted to answer some of Mr. Ruckey's questions. She also suggested a yearly license similar to a dog license. Mr. Steele commented, "Your Residence B is 15,000 square feet with a 100-foot frontage, you're probably looking at a 25-foot setback to have enough room on a lot that size, so in the center of the lot a 25-foot setback would probably be doable. It would give you 50 feet in the center of the lot for that activity, 25 feet each side. Twenty-five and 25 is 50, and then that leaves you with 50 feet. Ms. Rodriguez said it almost makes more sense to look at what the requirement is from the distance of the run and house than it is to base it on the minimum dimensions, because most of the lots that are existing are already smaller.

Chairman Zimnoch said before the commission decides on something other than a 100-foot frontage, the decision has to be based on something more concrete than feelings, and a public hearing would have to be held so everyone can express their opinions. Mr. Hamilton commented, "I think what is potentially being asked of you is not your opinions, but to go back and review your current ordinances to see what flexibility may be in there that would allow people within the community to have chickens." Gary Merrigan pointed out, "If you read many of the deeds in the subdivisions that were built in the 1950's and 1960's in Windsor Locks, they prohibit chickens in the deeds of the subdivision for the people who bought the houses. When they accepted the deed, there is a provision for no chickens, so there is a reason we don't have chickens in subdivisions."

Chairman Zimnoch said the commission will review this, and Ms. Rodriguez will look into what other towns have done. Mr. Szepanski asked if the gentleman at UConn has some type of publication and if he could visit the commission and educate them. Ms. Veit said she will find out. The petition was submitted and entered into the record.

ii. M&L Development's AIOZ assisted living proposal, Old County Road

Attorney Tom Fahey, and Fred Mielke and Bob Kelly from Optimus Senior Living, LLC, addressed the commission. Attorney Fahey stated that The Village at Old County Road, which is in the AIOZ (Airport Interchange Overlay Zone), was previously approved as well as two hotels, one with a restaurant, on the third and fourth lots closest to the intersection of Route 20 and Old County Road. Lot 2, in between the hotel parcel and the residential parcel, was approved in the

General Plan of Development as two office buildings with 30,000 square feet. M&L Development is entering into a contract, contingent on approval, with the Optimus Group for an assisted living community of up to 117 units. This is a community that has a continuum of services ranging from independent living, assisted living, and a memory care. Mr. Mielke has been involved for a number of years in this industry. A project most similar to the one proposed tonight is a project called Armbrook, located at 551 North Road in Westfield, Massachusetts. Attorney Fahey encouraged the commission to google this project. Section 416.C of the regulations, under Permitted Uses, talks about the mixing of uses and lists a series of uses that are specifically permitted, but it also recognizes that you can't anticipate every single possible use for this property. Under section (i) of that subsection C, it says any other use, building, or service, as determined by the commission to be similar to the uses permitted above, and the uses permitted above include multi-family dwellings, motels and hotels, banquets and catering facilities, conference centers, and accessory uses customarily incidental to the listed uses. The reason they are here tonight, and what they are looking for, is an amendment to the approved General Plan of Development for this specific site. If the commission agrees with them that this is permitted under this section, they will proceed with a formal application to get an amended special permit and come back with all the requirements that are set forth in this regulation for the public hearing.

Mr. Mielke then talked about his background and why they chose Windsor Locks. He displayed for the commission a rendering of the Westfield building, which is pretty much what they would be using for this project. The interior breakdown is the one used for the Buzzards Bay site to give the commission an idea of the different components of the building. The emphasis is very strong on trying to maintain a residential feel throughout the building. The commission is welcome to come up and tour the Westfield facility. The proposed site will have 80 to 100 full and part time jobs. The piece of property is the same size that Buzzards Bay is, and they know the property will work.

Chairman Zimnoch said he does not see why this would not fit into the AIOZ. It has all the elements of what the commission envisioned. Mr. Mielke commented that this is becoming a great alternative to the nursing home cost. Mr. Ruckey asked why this lot, why not something up on Route 75. Mr. Mielke responded that they are looking to draw from Somers, Ellington, and Enfield, and they feel this area works very well. They also like the visibility from Route 20. Attorney Fahey added that this is already an approved site in the AIOZ, which is very appealing, and assuming that there's an agreement that this is permitted in this zone, from start to finish the approval process is going to be a lot quicker than if you took another site. There is no other site on 75 that would fit this. Mr. Steele explained to Mr. Ruckey that the AIOZ is just an area close to the airport connector, not the airport itself. Attorney Fahey pointed out that the parking that is already permitted there is much more than they need, and their plan allows for a lot of visitor parking. Mr. Mielke said they will have fewer cars than they would

have had with an office building. Mr. Ruckey was concerned that this five-story building and a hotel were going to be stuffed into this wooded area and this would be going from residential single story homes to a four-story building. Mr. Steele explained that one of the thought processes was it was a mixed use of four lots, and the lots to the left, lot 1, would be multi-family, and it would be a progression getting more and more intense, so you're transitioning from single family to multi-family, and then the next lot was an office building, and the last one was hotel/restaurant. So now instead of the middle one, what they're asking is, how do you feel about assisted living instead of an office building. The first glitch was in the wording—medical wasn't listed as a use, but residential is listed, hotel is listed, so maybe you can see this as sort of in between hotels and multi-family, so you can conclude that it's similar or you can conclude that it should be listed specifically and you could consider a text amendment.

Attorney Fahey asked, "So basically, in summary, I think the consensus is that we can proceed with a formal application for an amendment to the general plan of development?" Chairman Zimnoch asked commission members if they feel that this fits within the allowed uses in that zone. All agreed. Attorney Fahey stated the next time they come before the commission they will have a full presentation with all the things that are required to get an amendment to the special plan of development. In other words, they need an amended special permit. Mr. Steele explained that they are not asking the commission to approve an amendment to the general plan tonight. The issue is just about use, whether this is a permitted use. The height of the building, the configuration, buffers, landscaping, all of these will be addressed during the general plan of development, which requires a public hearing. So in a sense, you can say this use fits in the AIOZ, but it may not fit on this site. Before they go any further they want to make sure it fits in the AIOZ. Mr. Merrigan added that he has family members that live directly abutting this in the village, and he asked them what they would rather have there, an office building that could run 24-7, or an assisted living facility where people sleep when you sleep. They were absolutely in favor of the assisted living facility, because it is a similar residential like use. He said that there was a lot of thought that went into this project.

Attorney Fahey asked if they could get a public hearing scheduled for the September meeting. He said if they could get on the agenda for July 31 to be received then a public hearing could be scheduled for September. He said by the third week in August they could have the traffic analysis done.

It was **MOVED** (Zimnoch) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission receive the application and schedule a public hearing for the Old County Road Assisted Living Development at Lot 2 on July 31, 2014.

IX. Communications and Bills

A. 448 Spring Street, Minor vs. Major Repair

Michael Zuraw, Affordable Autoworks, addressed the commission. He said the bottom line is that the commission is allowing minor servicing in the B-1 zone, and it comes down to a debate of what that entails. The State of Connecticut did not give him additional details, but he talked to some industry experts. In the owner's manual of your vehicle, you have minor service versus your major service. Your major service repair is much more in depth, and your minor service is routine, preventative, for the safety of your vehicle. He did what he could to find these definitions. He found some with the major automotive manufacturers, and he found some from the City of Cincinnati, which defined what they consider minor servicing. Both of those examples are what he is trying to do. Mr. Zuraw explained again why he is looking for a repair license. DMV will not investigate false complaints if he has this license, and it would add a small additional level to the service he is already offering so during the inspections if he discovers something, then he could repair that.

Ms. Rodriguez said she felt a discussion needed to happen about whether this new license is going to cause Mr. Zuraw, as an applicant, to be able to do new things that were not part of his previous approval with this commission. Mr. Zuraw pointed out that he was approved for minor servicing, but what is the definition of minor servicing. Mr. Szepanski said DMV must make a distinction between these categories, and asked, "What is the wording from the DMV?" Mr. Zuraw replied that he was unable to find any distinction. They offer two licenses—a general and a repair license, and the only difference is one has more than one vehicle and the other has one vehicle. Mr. Szepanski said, "So the DMV does not have a scope change on those two other than the amount of vehicles you can fit into your service area?" Mr. Zuraw responded that the State of Connecticut does not. Mr. Szepanski asked if Mr. Zuraw asking the DMV for a license is a special use permit and if it needs the commission's approval.

Ms. Rodriguez pointed out the difficulty she had was even though he is obtaining the license, he is not going to be doing anything more than what he already has approval for. Mr. Szepanski commented that under this new license he would be able to do more work like fixing a broken stud or putting a new power steering pump on, so this license will afford him the opportunity to do more than what he's been doing. Chairman Zimnoch remarked that it seems like there's a discrepancy between the categories because what our regulation and what our approval allowed him to do was "minor servicing." Mr. Steele asked, "At what point is the work no longer minor?" There was a discussion about the Connecticut General Statutes definitions of "Repairer" and "Limited Repairer." Mr. Zuraw stated he is looking to do the type of work listed under section (4) Limited Repairer. Mr. Steele said that there are two questions: is it even permitted in the zone, and if it is permitted, then what's the approval process for it? Do these things constitute minor servicing, or are they more major? Ms. Rodriguez said the DMV will allow staff to submit a letter based on the

ZBA approval that limits what he's allowed to do, so yes, he has that license but he's limited to the following activities. Mr. Zuraw said he would like to add a little bit more service to his fleet customers, but it's in and out, with minimal time, and he feels it qualifies as minor service because it's routine, preventative, replacement, and for the safety of the vehicle. Mr. Steele said an example of major repair would be overhauling, adjusting, assembling, disassembling of any motor vehicle, which would be Industrial Zone only. The question is what about exhaust systems and brakes, which is a gray area, and Mr. Zuraw is making the argument that it should be allowed in the B-1 zone because it's still minor servicing. Mr. Ruckey asked if the commission approves this, does this set a precedence for this property. Mr. Steele responded that it's approved right now for oil changes, so this would be a modification to a condition of a special permit which would require another public hearing. Ms. Rodriguez pointed out that before Mr. Zuraw applies for this she would need the commission to say that this is considered minor. Mr. Steele added, if it's not minor, then it's not even allowed and so there's no point in having an application for a special permit. There are uses in that zone that are doing these things, but they're grandfathered in. They may or may not be permitted in that B-1 zone, but that's the question, where do you draw the line. Chairman Zimnoch reiterated that replacement of standard components would fit the criteria of minor repair.

Mr. Steele pointed out that the commission has to give Mr. Zuraw direction as to what type of application he needs to apply for, but it sounds like he can apply for a special permit to modify his conditions, which would be a public hearing process as a modification of conditions of a special permit. Mr. Zuraw asked, "Even though the minor servicing falls under what I was approved for, this is maybe going a step beyond that, is that what you're saying?" Ms. Rodriguez replied that the items that are listed under "Limited Repairer" were not part of the original approval. Mr. Steele said the special permit process means it's permitted as minor servicing in Business 1, but it still has to meet the special permit criteria. It's not necessarily appropriate for this site, that's part of the special permit process, you're not making a determination that it's acceptable, you're just saying this fits that use of minor servicing. It's not going to be denied on that technicality, it would stand or fall based on the special permit criteria. Is it appropriate for this site, is a different question than is it allowed in the zone. Chairman Zimnoch said that based on what was just discussed, it looks like what Mr. Zuraw is proposing to do would require a special use permit. Mr. Zuraw asked if this could be scheduled for the special meeting on July 31. Mr. Szepanski suggested that he present his application to be received on July 31. Mr. Steele clarified that it would be an application for modification to conditions of a special permit.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission add to the agenda receipt of application and schedule a public hearing for 448 Spring Street, Affordable Autoworks, on July 31, 2014.

OTHER

Mr. Szepanski asked, “When a commission member misses a meeting, how does that member get up to speed to come to the next meeting and vote?” Ms. Brengi responded, “From the audio and the minutes.” Ms. Rodriguez said she forwarded the audio of the last meeting to both Ms. Brengi and Mr. Ruckey. Mr. Szepanski said he would like to have his rationale included in the minutes so Mr. Gannuscio can read it. Ms. Brengi said she would also give him a copy when she sees him.

X. Adjournment

It was **MOVED** (Szepanski) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourn the July 14, 2014 meeting at 10:22 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*