

PLANNING & ZONING COMMISSION
September 8, 2014 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio Jim Szepanski, Alexa Brengi, Curtis Ruckey, and Mike Forschino (Alternate)

Commission Members Absent: none

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:03 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the July 31, 2014 and August 11, 2014 Special Meetings

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the July 31, 2014 minutes.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the August 11, 2014 minutes.

IV. Public Hearings

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

A. Public hearing on the modification to the previously approved General Plan of Development for M&L Development Corp., AIOZ Plan Lot 2, Old County Road, in order to change the use from Office to Assisted Living Community

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 27, 2014 and September 3, 2014.

Attorney Fahey addressed the commission. He introduced Mike McCarthy and Fred Mielke, prospective developers, and Kevin Johnson, an engineer from Close, Jensen, & Miller. Attorney Fahey stated that the property is on Old County Road and is in the AIOZ (Airport Interchange Overlay Zone), which was developed to capture the mixed use community off Route 20, the key road to the airport. At that time the original General Plan of Development (GPD) consisted of three components: (1) a residential multi-family housing component, which is a planned community of stand-alone, single-family homes (the Village at Old County); (2) Lot 2, a two-building commercial or office complex, and (3) two hotels with a restaurant. These were all

done in accordance with the AIOZ rules and regulations, which was a new section to the Zoning Regulations implemented to accommodate various mixed use forms of all the interchanges in Windsor Locks that service Bradley Airport. The zoning regulations in the AIOZ dictate that any application seeking to change an approved use in the master Plan of Development must come back to the zoning commission for a modification to approve the new use. They are here tonight to seek the modification of the Lot 2 permitted use from the two office buildings to a senior housing development. The senior housing development will consist of 36 independent living units, 54 assisted living units, and 20 memory care units. As discussed in the informal discussion with the commission on July 14, 2014, the consensus of commission members was that this is in fact a use that is permitted in the AIOZ. When the original proposal was approved, much of the “heavy lifting” was done such as a complete drainage plan for the site, the determination of any wetlands issues, ways to eliminate major curb cuts, and providing for adequate parking. It is easier to prepare the plan for the modification to the GPD because the major issues like traffic and drainage and parking for this proposal are much less impactful than the use that has already been permitted for the office buildings.

Attorney Fahey went on to discuss the amendment to the traffic study. The peak hour traffic is very minimal because of the nature of the use and the nature of the occupancy, and this proposed use will have much less impact on traffic. There is an existing certificate that was obtained from the Safe Traffic Commission (now called OSTA) as part of their approval for the original master POD, but they would still need to get administrative approval from OSTA because of the proximity to the highway. Attorney Fahey read for the record drainage comments prepared by Close, Jensen, & Miller.

Mr. Steele discussed his report dated 9/5/14.

Ms. Rodriguez discussed her report dated 9/8/14.

Attorney Fahey stated that the applicant has no problem with installing sidewalks and asked if this could be a condition of approval. They will be shown on the site plan. The location of the dumpsters and disposal of the trash was discussed. The sign for this facility will be maroon and externally lit by two spot lights, with gold leaf lettering, two columns, and a stone base. Attorney Fahey stated that they are confident there will be adequate water and sewage capacity but requests that this be a condition of approval since it may take some time to get the letters from WPCA and the water company. There is no impact on town services. A discussion took place regarding lighting. Once they have a site plan, they will submit for approval a photometrics on what they are proposing. A discussion took place regarding connecting sidewalks to the Waterworks Brook Park. A discussion took place regarding the buffering distance from the front. Parking was also discussed. Mr. Forschino expressed a concern about the noise for the residents when the trash is picked up. Mr. McCarthy said trash would be picked up twice a week around 1:00

pm. Mr. Ruckey expressed a concern about the impact on the residents when ambulances were called to the site. Mr. McCarthy and Mr. Mielke responded that at Armbrook, their facility in Westfield, emergency vehicles are not called very often, and when they do respond, they usually use just their lights, not sirens.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. There were none.

The floor was then opened up for comments in opposition. Laurie Norris, 2 Merrigan Lane, addressed the commission. She expressed concerns about the four story building, traffic (Old County Road is a “race track”), the location of the dumpster, disposal of hazardous waste, and lighting. She asked how many employees this facility would have.

Attorney Fahey, Mr. Mielke, and Mr. McCarthy addressed her concerns. There will be 80 full and part-time employees who would not all be leaving at the same time. Visitors will be there primarily between 10:00 and 4:30, which will generate some traffic, but the memory care people are not driving, 99% of the assisted living people are not driving, and about 80% of the independents have cars, but don’t drive a lot. Mr. Mielke said they could try to move the dumpster. Removal of medical waste is mandated by the State of Connecticut. Mr. Mielke said they could put a screen on the light close to her house to shine only on the building and also use the smallest foot candle. They could also put in plantings that will absorb some of the noise and as they get bigger reduce some of the visibility. Mr. Mielke added that in the buffer area they would like to create a garden area and add a gazebo. Mrs. Norris asked what the timeframe is for this project. They hope to pull the building permit in December and start building in the spring, with a 14-month building period. Mr. McCarthy added that they become part of the neighborhood in a big way, adopting the schools and the fire department, and creating dementia awareness programs.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission close the public hearing on the modification to the previously approved General Plan of Development for M&L Development Corp., AIOZ Plan Lot 2, Old County Road, in order to change the use from Office to Assisted Living Community.

Mr. Gannuscio pointed out that the commission is commenting not on the site plan or the layout, but a change to the GPD. A lot of input has been allowed on this. They started out with a three-part plan that was approved 12 years ago, and then economic conditions brought this to a halt. During this time, the town/area demographics changed, so this proposal has far more benefit and makes far more sense now than what was proposed at that initial approval. It offers something that is not available in this community or any of the surrounding communities right now, and offers great benefit at very little cost. It is an updated plan that makes sense for 2014. Chairman Zimnoch agreed with Mr. Gannuscio. He feels this specific use has all the uses

imbedded in it that were originally anticipated for this particular area—it's a multi-family dwelling, it has a professional set of offices, the banquet has food preparation, and it's a mix of commercial and residential use. He sees this as a very good replacement for what was originally proposed.

A short discussion took place regarding what if any conditions should be included with the motion. Mr. Steele felt sidewalks should be included as a condition. Ms. Rodriguez stated that unlike some of the other technical components that the commission has seen in site plans, dumpsters and signs and some of the other things are actually called out specifically under the special use permit under the general plan of development concept.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the modification of the previously approved General Plan of Development for M&L Development Corp. in the Old County Road section of the Airport Interchange Overlay Zone, specifically for Lot 2 of the plan on Old County Road, allowing the use of Assisted Living Community in place of an office park or office development, and as part of the modification to the plan; that sidewalks be added even though they were not shown in the initial plan to be part of this modified plan along the Old County Road section of it; that consideration be given to moving the dumpster to an alternative location within the site; and that the placement of a free standing sign along Old County Road to mark the entrance of this portion of the development be included in this initial approval, as submitted as part of the record, a photo of a similar sign dated September 8, 2014.

B. Public hearing on the modification to the current special use permit approved for 448 Spring Street to allow limited repair on site per CGS 14-51 Definitions (4) Limited Repairer

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 27, 2014 and September 3, 2014.

Mike Zuraw of Affordable Autoworks, 448 Spring Street, addressed the commission. He stated he is looking to modify the special use permit that has already been approved to allow for him to receive a DMV limited repair license. In accordance with the commission's regulations, in a B-1 zone, minor servicing is allowed. Minor servicing, as defined by the State of Connecticut, is similar to their limited repair, which is the replacing of parts that are identified in safety inspections, etc. Part of their business now is fleet customers, and part of that work is a safety or state or federal inspection, which could potentially identify something that needs to be repaired or replaced. He has provided the commission with the definition as the state views it. He will be abiding by all the rules and regulations, and there will be no increase in vehicles or parking.

Chairman Zimnoch asked what type of typical repairs he would be making. Mr. Zuraw responded that brakes and struts would be examples. When a vehicle is brought in, it's given a full 12-point safety inspection, and he would like to be able to perform the minor servicing indicated in this inspection. There is no overhauling, dismembering, or dismantling, adjusting, or disassembling. It is very well spelled out in the statute exactly what limited repair entails.

A brief discussion took place regarding the potential for employing a second person and the disposal of heavy scrap metals.

Chairman Zimnoch asked Ms. Rodriguez if all the required improvements have been made. She responded that they have. She also pointed out that her office has not received any complaints. She did caution the applicant that there should be no parking of vehicles on the grass. Mr. Szepanski asked about lifts in the building and if any work had been done in the building since the December approval. Mr. Zuraw responded that there are currently no lifts in the building but he plans to install one, and no work has been done since December. Mr. Szepanski asked if fleet vehicles would be the primary focus or the only focus. Mr. Zuraw said it will be the primary focus but he would not turn down any walk-ins, and he would not be marketing to the residential mass community.

Mr. Ruckey commented that he is concerned that this site is very limited in what it can accomplish and what it can be used for in terms of any kind of heavy maintenance, and he asked the applicant, "What can you do to assure us that this is really only what you're going to do?" Mr. Zuraw responded, "As defined in your zoning, minor servicing is the only thing allowed in there. What minor servicing is comparable to with the DMV is limited repair. The only other option is a full repair license, and repair is not mentioned in your zoning regulations at all, so you have a clear cut way to turn me down. If you need me to make any sort of written agreement, this is as far as I need to go. And as you've said, I was pressured into this. It's not a bad thing for my business. It definitely wasn't my intention. I did not come out here to give you one story and then change it all up down the road. I feel this is a necessity. I've lost a huge client because of this... This is a necessity for my business to continue uninterrupted, and I don't have any plans to go any further because it's not allowed by your zoning laws."

Ms. Rodriguez added that Section 402 is what the applicant is referring to. She distributed a copy of the July 14 meeting minutes, and said that at that time there was a very detailed discussion about the differences and types of repair, and the statutes spell out what minor servicing is, which doesn't require a license, limited repair, which requires a license, and then major repair. At that meeting the commission did have that discussion. The commission also talked about Section 402--in the industrial zone is where that major type of repair is, so should the applicant decide that that is something he wanted to do, he would have to find a location that's in a different zone.

Mr. Steele discussed his report dated 9/8/14. He said with regard to the A-2 survey, it's a little different from what was submitted last time with regard to parking. There are fewer parking spaces shown. The plan includes a floor plan of the garage area and a perimeter around the parking spaces that are included, but it goes a little too far and takes more spaces than what was on the previous plan. A simple fix would be to move the delineation line to not include the first three spaces from Spring Street, and according to the parking calculation from before, everything works. Mr. Steele wanted the commission to be aware that there is a discrepancy between the survey and the originally approved schematic that was submitted. Mr. Steele asked the applicant where the designated area for scrap storage would be. Mr. Zuraw responded that it would be a Walmart tote or recycling bin that would be inside the building. Mr. Steele pointed out that the limited repairer's license requires him to have adequate space for office and storage of parts and accessories and questioned the very small space designated on the floor plan. Mr. Zuraw responded that the DMV only requires a desk and a corkboard. Mr. Steele asked if he was sharing the dumpster and if it had been moved yet. Mr. Zuraw said he is not sharing the dumpster. All of his trash will be stored inside and then will be taken off-site. Mr. Szepanski asked if the dumpster should still be moved because it's unsightly. Mr. Steele replied that if he is not using it, it's not really part of this application. He asked if it was a blight issue.

Mr. Gannuscio pointed out that the application he is looking at is not signed by the property owner and asked if Ms. Rodriguez had a copy signed by Mr. Rothenberg. She replied that she does not have a signed copy of the application but does have an email from him that was submitted.

Ms. Rodriguez commented on the dumpster issue. She said if the garbage is overflowing, then it would be blight, but the location of the dumpster itself wouldn't be. If that is something the commission would like to address, then she would like them to make that clear to her so then she will know whether it is a zoning issue or a blight issue. Chairman Zimnoch repeated, "If the dumpster is overflowing, then it's considered blight." She asked if that's what he has observed. Mr. Szepanski said he has seen it overflowing, but he also believes all dumpsters should be tucked behind the building.

Ms. Rodriguez then discussed her report dated 9/8/14.

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

There was a brief discussion about the email received from the property owner and the lack of signature on the application. Ms. Rodriguez said the commission can ask for something from Mr. Rothenberg's office and make this part of the motion if approved. Mr. Ruckey asked Mr. Steele about requirements for handicapped parking

spaces. He replied that one handicapped space is required for every 25 spaces, but the one designated spot at this site does not meet the required dimensions. The change to move this to the front of the building was part of a previous condition and so does not need to be part of this one.

Mr. Szepanski asked if this application gets approved and there is no signature, could someone appeal this down the road? Ms. Rodriguez replied that she does not know of any specific cases on the signature versus an email. Chairman Zimnoch asked Mr. Gannuscio what his legal opinion was. He replied that the regulations do not specify one way or another what is acceptable.

It was **MOVED** (Gannuscio) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission close the public hearing on the modification to the current special use permit approved for 448 Spring Street to allow limited repair on site per CGS 14-51 Definitions (4) Limited Repairer.

Mr. Gannuscio expressed his thoughts on this application. He stated, "It's our third go-around. The first time we denied it, and if you think back to that first meeting, it was raised that there were things being done at a previous location in Enfield that weren't quite right within the regulations and statutes, and it was a 3 to 2 denial of a special use permit at that point in time. It came back for reconsideration, and it went 2 to 3, I think, with a change in makeup of the board. We're here, supposedly, because things were being done that we were told weren't going to be done within the scope of the special permit that we granted. Now we're here, I don't know if it was because someone quote/unquote, 'got caught,' or whatever, but we shouldn't be changing this because something may or may not be being done on the site that's not within the scope of what currently exists as a special use permit, period." Chairman Zimnoch said he is maybe a little surprised by the fact that there aren't many complaints, and Ms. Rodriguez has not received any complaints regarding this. Mr. Gannuscio commented, "The question is whether the complaints are directed to DMV." Chairman Zimnoch replied, "I guess we'll find out when Ms. Rodriguez goes through the approval process with DMV." Ms. Rodriguez stated that DMV requires local approval first. Mr. Ruckey remarked that there were complaints, but the DMV had come out to take a look, and there was no evidence. Mr. Gannuscio replied, "While they were there." Mr. Ruckey pointed out that if DMV had shown up several times unannounced, you would think they would have caught something of that happening. He added, "I don't have any evidence, and DMV has not said this happened, but I am keenly aware that it could have." Chairman Zimnoch said, "We just have to go by our record, because..." Mr. Ruckey noted, "...which is that DMV didn't see anything, so we're not here to prosecute." Mr. Gannuscio pointed out, "But there's also the comment that this application came forward because of complaints by other competitors." Mr. Ruckey commented, "But the applicant also stated that he lost significant business because of not being able to do certain things, so he wanted to move forward to get the license so he could keep the clientele that he has, with the understanding that, based on what's in here for limited repairs, what he intends on doing. If he intends on doing other things, he can't stay at this site, he has

to go to another site and it has to be an industrial site.” Mr. Gannuscio stated, “Of course there will probably have to be a complaint saying there’s something being done.” Mr. Ruckey replied, “But at that point there’s a basis to move forward with other actions.”

Chairman Zimnoch asked Ms. Brengi for comments. She commented, “I think he did his last one with the intention of doing what he applied for and realized that he was selling himself short and clients are going to be going somewhere else if he’s not going to be able to fulfill minor things. If he only has one lift, even if he wants to do a full rebuild, that’s going to take up his whole garage for an extended amount of time, and that doesn’t make sense, even if he wanted to hide it and do it. I think he is just trying to be able to take care of his clients more completely. Owning a small business, I see that.”

Chairman Zimnoch asked Mr. Szepanski for comments. Mr. Szepanski said, “I voted against it last time. I have some problems with the building because the building is an accessory building. It was never intended to be a place of business, it was supposed to be a storage place. The gentleman wanted approval to store his mobile fleet truck in there and parts and go off-site, and I could see that working because it’s more of a storage garage. But to go into this, we’re going one step further, and I’m wondering whether we set any precedence down the road for these little buildings that are tucked here and there in Windsor Locks. Are they going to come back and ask for the same thing? That whole thing bothers me. It’s not conducive to this type of business. It’s a garage, a building for storage.” Mr. Ruckey commented, “It is a commercial property, it is a large garage in terms of garages and has enough room for storage, so it’s self-contained, and they’re not storing the waste outside...so I looked at it as a place of business, and as long as the owner and tenants were in agreement that they could tolerate a mechanic in the backyard making noise...Provided it was self-contained, I could see it as being an acceptable use of the building, in my own mind.” Mr. Szepanski pointed out that the building is only 900 square feet, and you could only get two vehicles in there. Ms. Brengi remarked that this is not like a Meineke type of situation where you have a ton of cars in and out. Mr. Ruckey said that it’s a special use permit, with two bays. Chairman Zimnoch agreed that it’s self-limiting. He added that Ms. Rodriguez has not received any complaints, and that’s the record, we don’t have any competitors here today, which was the only opposition in the past, and there has not been any negative feedback from the tenants. Chairman Zimnoch believes that is a good indicator that this business seems to work for the applicant and for the people surrounding him, and that the applicant knows he can’t do anything more than this in this particular location.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **DENIED** (2-3; *In Favor*: Gannuscio, Szepanski; *Opposed*: Zimnoch, Brengi, Ruckey) that the Planning and Zoning Commission *deny* the modification to the current special use permit approved for 448 Spring Street to allow limited repair on site per CGS 14-51 Definitions (4) Limited Repairer.

Mr. Ruckey said, "I hear it denied but I don't hear any justification as to why you're denying it." Mr. Gannuscio replied, "You don't have to." Mr. Ruckey then voted on the motion. Mr. Gannuscio said, "Let's hear the justifications in the motion then to approve."

It was **MOVED** (Zimnoch) and **SECONDED** (Brenge) and **APPROVED** (3-2; *In Favor*: Zimnoch, Brenge, Ruckey; *Opposed*: Gannuscio, Szepanski) that the Planning and Zoning Commission *approve* the modification to the current special use permit approved for 448 Spring Street to allow limited repair on site per CGS 14-51 Definitions (4) Limited Repairer with conditions one and two listed on page two in the Town Engineer's report dated 9/8/14. This is a natural increase in the applicant's business; it's an activity that is currently performed already in that general neighborhood and won't detract from the operation of the existing businesses in the area; the commission hasn't had any opposition; and this fits within its current use.

C. Public hearing on an amendment to Section 608, Signs in Business and Industrial Districts, to add a reference to the MSOZ sign regulations

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 27, 2014 and September 3, 2014.

Ms. Rodriguez explained that in Section 608 the sign regulations for the various zones are spelled out and there is no reference to the newer section on the Main Street Overlay Zone, which is Section 418, so what she is proposing is simply a note to refer to that section for sign regulations on the Main Street Overlay Zone. It's a simple change to make it clearer for applicants.

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

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission close the public hearing on the amendment to Section 608, Signs in Business and Industrial Districts, to add a reference to the MSOZ sign regulations.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the amendment to Section 608, Signs in Business and Industrial Districts, to add a reference to the MSOZ sign regulations.

CHAIRMAN ZIMNOCH CALLED A FIVE MINUTE BREAK AT 9:45 PM.

V. **Reviews** (none)

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

VII. Old Business

A. Discussion with Commission and Staff regarding:

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

For the record, the roads have been accepted.

ii. Zoning regulations/Keeping of hens

Ms. Rodriguez was not able to get to this item as she was busy preparing for a deposition.

iii. Subdivision regulations (none)

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Requested staff approval for storage building, 77 Ella Grasso Turnpike (Pride)

Bob Oliver, Vice President of Administration for Pride Stores in Springfield, addressed the commission. They are asking for administrative approval that would allow them to construct a shed in the rear of the existing building at 77 Ella Grasso Turnpike that will allow for additional cold storage space and some dry storage space. There is an existing concrete pad which has air conditioning condensers and units on it. They're looking to increase the size of that concrete pad that would allow them some storage facility and allow them to raise the air conditioning units up onto the roof. This will increase the impervious square footage, but in return they are looking to add some more square footage along the north border of the property that will actually net out to be an additional 21 square feet of permeable area for the property, so it would be a net gain of 21 feet of green space. Mr. Oliver commented that some pavement would be removed along the north side. Mr. Steele stated that this is pretty straightforward and he has no concerns. Mr. Oliver said the shed would be behind the building and have siding that matches the rest of the building, and the a/c units would be on the roof, lessening the noise. Commission members were comfortable delegating this to staff.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission delegate to staff for consideration and possible approval changes to the storage building at the Pride facility located at 77 Ella Grasso Turnpike, per Improvement Location Plan dated 8/8/14.

C. Informal Discussions

i. Representative to be on IHZ study team

Ms. Rodriguez addressed the commission. She stated that the town has been granted \$20,000 to study the housing that is in Windsor Locks. This information would be used to determine whether or not we need more affordable housing, workforce housing, or any particular type of housing. The Incentive Housing Zone is permitted by statute for towns to first do preliminary planning on and then potentially propose a separate set of regulations for. The statutes provide for a town to have certain areas in their town that can be designated as incentive housing zones. In those zones a developer can propose housing that 20% of would be deed restricted for affordable housing--not low income, but workforce. The consultant would be working on a recommendation for how much workforce housing we have in the town, if it would make financial economic benefit to have any more, and if this would be an incentive for developers to then be able to do more market rehousing. From now until probably February, the firm is going to be looking at all of this information. We have a team of staff, and given that this is going to potentially come up with regulations or design standards that come before the commission for consideration, it would be good to have someone from the commission to be a part of this team to give input. They will meet three or four more times between now and February. Ms. Rodriguez commented that this is something the town is studying which could be beneficial but may also be met with some opposition, so it would be good to get all those questions flushed out. Mr. Ruckey, Mr. Forschino, and Ms. Brengi expressed some interest.

ii. Home occupation, 330 North Street

Ms. Rodriguez said the woman who lives at 330 North Street has left the meeting. She lives across from North Street School and refinishes furniture, then sells it by word of mouth and social media. What came to her attention through complaints are the barn sales. The woman opens it up to the public every now and then. It's not a tag sale, it's a step beyond that to a home occupation. Ms. Rodriguez is looking for some direction from the commission. The regulations for home occupation are outdated. Mr. Szepanski suggested looking at the definitions on page three. A discussion took place regarding whether a public hearing should be held. Mr. Gannuscio said there should be a site plan review and a public hearing so it is all put on the record. It was decided that this discussion should be continued to next month's meeting.

It was **MOVED** (Ruckey) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission carry this item to next month's meeting.

iii. Distribution of materials/Section 1102 required information

Ms. Rodriguez stated that right now Section 1102 requires that the applicant send out all of the materials to commission members personally, which sometimes means dropping off in person. This invites problems, confusion, and potential conversations between the applicant and commission members. Most towns do not do it this way—their Planning Office distributes all materials. Mr. Gannuscio pointed out that this new way would mean additional cost to the Planning Office. Chairman Zimnoch suggested increasing the fee for the applicant. He also commented that this new procedure would standardize the whole process and ensure that commission members have complete applications. Mr. Gannuscio said this would be good because it brings us in line with what other towns are doing. Ms. Rodriguez asked if anyone was opposed to this process. No one was opposed. Mr. Gannuscio suggested putting this on the agenda for next month (acceptance of the change in procedure), and then schedule a public hearing for November.

Ms. Rodriguez pointed out that the as-built requirement at this point is in the site design and parking regulations, not in Section 1102. Mr. Steele added, “So if you have a site plan with no parking, you could construe it to mean that you don’t need an as-built.” Ms. Rodriguez said that a lot of people go to that section to look at what they need to complete the project. Mr. Steele pointed out that Section 1201, the fee schedule, would also need to be revised. Ms. Rodriguez said she will look at the whole section. This will be added to next month’s agenda.

iv. Amendment to Section 218, Unregistered Vehicles

Ms. Rodriguez stated right now the blight ordinance does not permit unregistered vehicles, and the zoning regulation allows for one, so that’s a conflict that should be cleaned up. There was some discussion on whether to schedule a public hearing.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedule a public hearing on a text amendment to Section 218 of our regulations regarding unregistered vehicles for October 14, 2014.

D. Acceptance of Town Road—Frances Lane

Mr. Steele stated that he and Scott Lappen had gone out some time ago to look at Frances Lane and determined it was ready for acceptance, but the holdup was that the deeds were never submitted. No one could actually produce the paperwork to make it happen. That has now been accomplished. Mr. Steele said there are no problems with the retention basin other than some trees growing in it. They are plowing the road. The street lights were a problem because the town was not paying the bill for

the street lights, and the developer had stopped paying the bill, so the electric company was going to shut off the lights, but they finally got the developer moving to get something done. Mr. Gannuscio asked Mr. Steele if he was satisfied with the condition of the top coat and the sidewalks. He responded he is not aware of any problems with the road. Ms. Rodriguez said she received an email from the Town Attorney.

It was **MOVED** (Gannuscio) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission recommend to the Board of Selectmen that Frances Lane be accepted as a town road.

IX. Amendment to Previous Motion Made July 14, 2014 for Daleo Subdivision (Open Space)

A discussion took place about the need to make a clarification to the minutes from the July 14, 2014 meeting. The commission clarified that they waived the open space, taking a fee in lieu of open space, in its place, for the amount of \$3,271.33 per lot.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission clarify the July 14, 2014 meeting minutes.

X. Communications and Bills (none)

OTHER

Mr. Gannuscio pointed out that there is no anti-traction pad at the Daleo subdivision as of the beginning of this evening's meeting. There has been dirt in the road three different times, and it has rained just hard enough to wash what's been carried out at Center Street and Church Street at least twice. There have been enough admonitions and suggestions made to the developer that he do this, and he wondered if a Cease and Desist order should be issued. Mr. Steele pointed out that this is covered under the E&S bond, so if the developer is not responding to something getting done, we can ask the Public Works department to hire someone or do it themselves and then take the money. Then you tell the developer they have to replace the money that's been taken out, and if they don't replace the money, then you can issue the Cease and Desist because they don't have a sufficient E&S bond.

XI. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourn the September 8, 2014 meeting at 10:50 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*