

PLANNING & ZONING COMMISSION
April 8, 2013 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, Peter Juszczynski, and Alexa Brengi (Alternate)

Commission Members Absent: Anthony Scarfo, and Paul Harrington (Alternate)

Town Staff Present: Patrice Carson (Interim 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. Ms. Brengi was seated for Mr. Scarfo by Chairman Zimnoch.

Executive Session

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission enter into Executive Session with Patrice Carson (Interim Town Planner), Dana Steele (Town Engineer), and Scott Storms (Town Attorney), to speak to the Town Attorney regarding legal matters.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission come out of Executive Session and return to the regular meeting at 7:47 pm.

III. Approval of Minutes from the March 11, 2013 Regular Meeting and March 14, 2013 Special Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the March 11, 2013 minutes.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0, Zimnoch Abstaining) that the Planning & Zoning Commission approve the March 14, 2013 minutes.

IV. Public Hearings

A. Public hearing on the adoption of the Main Street Overlay Zone and Village Area regulations

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

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on March 27, 2013 and April 3, 2013.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of adopting the Main Street Overlay Zone and Village Area regulations.

The following people spoke in favor of these regulations: Mickey Danyluk, 18 Maple Avenue; Jason Smith, 55 Dove Court; Joe Calsetta, 121 Orchard Hill Drive; Barbara Tarbell, 438 Elm Street; and Kyle Bates, 25 Whiton Street.

Mr. Danyluk emphasized that we should rehab as many existing buildings as we can for new use rather than put up new commercial buildings so that we can keep the historic character of the town.

Mr. Calsetta stated he was not 100% sure if he was in favor of this regulation, but he was in favor of the town taking steps to improve our Main Street. He believes this is a work in progress and hopes the commission is open to that as we go forward. He asked why drive-through's were not allowed. A discussion took place regarding the reasoning behind this decision. A discussion also took place regarding the signage regulations, Walgreen's sign, and whether a symbol is classified as a sign.

At this time the floor was opened up for comments in opposition. There were no comments in opposition.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing.

Mr. Gannuscio stated that these regulations are the result of a lot of work (about 500 hours) from a lot of different people, specifically, Mike O'Leary, Jennifer Rodriguez, Dana Steele, and Chris Ferreira, and input from the public. He went on to say that this is a plan to try to resuscitate and give new birth to our Main Street which also takes into consideration some of the other side items such as the old train station, the new train station, the TOD study, sidewalks, traffic, and parking. It was also made a part of the town's POCD. We have followed the process and put considerable time into this. It's been studied and drafted and re-drafted, and at this point it is something he would vote in favor of. Chairman Zimnoch commented, "We incorporated all of the things we've learned from the TOD project that's been undertaken at the state level, and hopefully this will work very well with the relocation of the train station." There was some discussion regarding which version of the regulations is being adopted.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the regulations for the Windsor Locks Village Area as they are currently appearing on the Planning & Zoning portion of the town website showing the most recent revision date of November 12, 2012, as well as a map to appear in our regulations as Appendix B/Sketch 10, also revised appearing on the website as of today, April 8, 2013, with a corresponding date, as we've added today, of November 12, 2012.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission *amend* the previous motion made by adding "with an effective date of April 15, 2013."

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**

Mr. Steele stated they are still waiting for the deeds from the attorney. The Town Attorney has spoken with the developer's attorney, and he is hopeful there will be some movement in the next few weeks. Ms. Carson stated that there was an email with the promise of "by April 12." Chairman Zimnoch requested that this item be put on the agenda for next month.

ii. **Zoning regulations** (none)

iii. **Subdivision regulations** (none)

VIII. **New Business**

A. **Public Input** (none)

B. **Receive New Applications**

i. **Oak Ridge Drive subdivision modification**

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission amend agenda item VIII(B)(i), Oak Ridge Drive Subdivision Modification, to be on the agenda as a new application as well as a discussion item for consideration.

Mr. Steele addressed the commission. He stated that back in 1992 this commission approved a subdivision off of South Center Street where there was an existing road known as Oak Ridge Drive. There was also an existing condominium development at the end of this road. More recently, the commission approved an application for condominiums at the bend in that road, and those condominiums are currently under construction. As part of the 1992 subdivision approval, this commission required some improvements to the road. These included widening the road to 30 feet, which meant ripping out the existing sidewalk that was there and installing a new sidewalk; installing a cul-de-sac at the bend in the road; and upgrading/replacing the lighting. At this point, the developer has since sold the property and moved on. There are several entities that have frontage on this roadway that was originally intended to become a town road who would like to see this happen. However, they do not want to widen the road to 30 feet, and there are some technical issues with extending the sidewalk down on the same side that the existing walk is. There are some topography issues, with some large trees that will be impacted. The staff has met with some of the property owners, and they would like to propose leaving the existing walk, putting in a crosswalk so pedestrians can cross the road, then constructing a new walk from that crosswalk down to South Center Street, which would tie in to the new sidewalks that the town has recently installed on South Center Street. This would provide connectivity for all those residences to the sidewalk system on South Center Street. Mr. Steele stated that this proposal makes sense from a planning standpoint and from a safety standpoint. Having a crosswalk in the middle of the road is a little unorthodox and a deviation from what the approved subdivision plan showed, but it's a way to work around the topographic constraints, and there would still be sidewalk connectivity. When this was approved in 1992, the regulations required a 30-foot width. Since that time, there's been a growing sentiment that more pavement is not always good, that having more pervious surface has its down sides, and if additional width is not needed it should not be put in. Basically, we have a road that's been in existence for quite some time, and there have been no problems or issues with the width of the road. Therefore, staff's opinion is that the 26-foot width is consistent with the current policy of the town, and they have no objection to the reduced width. The suggestion is that the commission modify its subdivision approval to allow for sidewalks to hop on to the other side of the road in order to provide the connectivity without creating construction issues and to allow the road to stay at the width that it is. Mr. Steele stated that staff is NOT recommending acceptance of this road at this point, as parts of the road are still in poor condition. He went on to say that the original plan showed five light poles, but he feels that three light poles conforming to the latest technologies and standards acceptable to CL&P would be more appropriate.

To summarize, staff is recommending that the commission approve a modification of this subdivision to reduce the number of light poles from five to three; to relocate the remaining portion of the sidewalk to the north side of the road, providing connectivity to the existing walks on South Center Street; and to reduce the road width from 30 feet to 26 feet.

A discussion took place about posting a bond. Mr. Steele stated that this road has been in existence for quite some time, and usually bonds for these kinds of things are intended to protect against quality of workmanship. The sewer and storm drainage have all been inspected, and everything is in good condition. The bones of this road are in good shape, it just needs a fresh coat on the top. Mr. Gannuscio was concerned about the sidewalks meeting ADA standards. Mr. Steele repeated that staff is not going to recommend acceptance of the road until they are satisfied that all the improvements meet those standards. He felt that the only purpose of a bond at this point would be if there was a defect in the sidewalk and it started to crack and the sidewalk panel needed to be replaced, then a bond could cover something like that. He said the commission could keep an option open for requesting a bond but he would not like to see a condition that would drive away the parties that have come to the table at this point. Ms. Brengi asked if the increased traffic at Ad's Pizza during football season would create any parking problems. Mr. Steele felt Ad's has adequate parking and there would be no on-street parking.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve a subdivision modification for Oak Ridge Drive to change the acceptable roadway width from the original 30 feet to 26 feet; to allow the sidewalk to cross to the north side of the street; and to change the lighting from the original five pole illumination to the new three pole illumination as approved by staff and acceptable to CL&P; and to allow staff discretion to require a bond if deemed necessary.

C. Informal Discussions

i. 25 Whiton Street, Internet/Home Based Fire Arms Retail Business

Kyle Bates, 25 Whiton Street, addressed the commission. A proposal was handed out to commission members. He would like to start a part-time home based business selling firearms via the internet. He would not be selling any ammunition or firearm parts, solely firearms. He hopes to supplement his income and eventually turn this into a full-time business. All transfers would have to be done to another licensed firearms dealer. There would be very little storage of firearms, limited to what he has posted on-line for sale, probably one or two firearms at most. He has a 400 pound fireproof safe which is bolted to the floor in his basement. He would not be doing any in person retail business except to friends and family. Chairman Zimnoch asked for clarification. Mr. Bates replied

that he would post the firearm for sale on existing websites, a person would purchase it from him, they would pay another dealer a small fee, and then he would ship the firearm to this dealer who would perform all background checks and fill out necessary forms in order to transfer the weapon finally to the customer.

Ms. Carson suggested that Mr. Bates submit a home business occupation application to the Planning Office so the commission can then receive it at their May meeting. There was no objection to waiving the site plan requirement.

D. Discussion and Vote

i. Discuss and vote on retaining funds and seeking outside legal counsel to provide advisement to Planning & Zoning Commission

Chairman Zimnoch commented on the moratorium on sexually oriented businesses. The commission needs to review its regulations and would like to seek outside counsel for advice on these changes. The Town Charter requires that the commission go before the Board of Finance and Board of Selectmen for financial approval to do this.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission seek funding and approval for outside counsel as it moves forward with its effort to regulate this commission's authority and jurisdiction regarding adult businesses and regulations.

IX. Communications and Bills (none)

Mr. Szepanski brought to the commission's attention that George Wihbey (477 Spring Street) still has vehicles parked at the Ella Grasso Turnpike/Halfway House Road site and has been doing body work on them.

Mr. Gannuscio felt it was important to put the following motion on record:

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission attempt to go to the Board of Finance to transfer additional funds to compensate Debbie Seymour, Recording Secretary, for the additional meetings of this commission.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission hold a special meeting for consideration of staff input and recommendations regarding the application of Pool Table Magic, 75 Ella Grasso Turnpike, on April 22, 2013 at 7:00 pm.

X. **Adjournment**

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the April 8, 2013 meeting at 9:14 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*