

PLANNING & ZONING COMMISSION
April 14, 2014 Meeting Minutes

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

Commission Members Present: Alan Gannuscio, Jim Szepanski, and Curtis Ruckey (Alternate)

Commission Members Absent: Vincent Zimnoch, and Alexa Brengi

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

I. Call to Order

Vice Chairman Gannuscio called the meeting to order at 7:07 pm.

II. Roll Call

Commission roll call was taken. Mr. Ruckey was seated for Chairman Zimnoch. It was noted that the commission has a quorum but anything approved must be by a 3-0 vote.

III. Approval of Minutes from the March 10, 2014 Regular Meeting

Approval of the March 10, 2014 minutes was delayed to next month's meeting on May 12, 2014.

IV. Public Hearings

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

A. Three-lot subdivision on Center Street

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on April 2, 2014 and April 9, 2014.

Vice Chairman Gannuscio opened the public hearing for the three-lot subdivision on Center Street which is now being called D'Aleo Drive. He stated that the commission received a request from the applicant to continue this public hearing to the May 12, 2014 meeting because of some items that need to go before the Zoning Board of Appeals.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning & Zoning Commission continue the public hearing on the Center Street three-lot subdivision, which in more recent correspondence is being called D'Aleo Drive, to the May 12, 2014 meeting.

B. Public hearing on the amendment to zoning regulations and definitions, Section 409C, 4E, Standards for Multi-Family Use

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on April 2, 2014 and April 9, 2014.

Gary Merrigan and Darryl LeFebvre of M&L Development/Woodridge in Windsor Locks addressed the commission. Mr. Merrigan read into the record the proposed text amendment for Section 409C, 4E, Standards for Multi-Family Use. Ms. Rodriguez stated that she did work with the applicant on clarifying some of the definitions that are currently in the regulations. One of the recommendations for the definition of “attached dwelling” was a “dwelling having any portion of a wall in common with another dwelling,” as that seemed to make more sense than using the word “building.” Another recommended change for a “detached dwelling,” was to say a “dwelling having no portion of a wall in common with another dwelling.” Ms. Rodriguez commented that this is a good first step because it allows some flexibility without any negative impact; however, in some other regulations there are some definitions that are not so well-defined, and the commission definitely needs to take a look at the rest of the regulations.

Mr. Steele agreed that there are a number of terms that are not defined in the regulations and the next step should be to take a look at some of those and clean them up some more. He summarized: the applicant is trying to allow condo units with buildings up to four units to be 20 feet or further spaced with windows. Right now the regulations allow them to be that close if they don’t have windows, but if you put in a window then the distance goes up to 50 feet. In other words, those units that are 20 feet apart can have windows. What the text does is limit it to a certain size so when the building gets larger, to five units, this provision would not apply anymore. Mr. Steele stated that he does not have any objections to the wording, but he believes the regulation as a whole needs to be looked at further. He further stated that with this text amendment the specific objective of this application is accomplished.

Commission members had a few questions regarding how this amendment would benefit the town and the definition of a detached dwelling. Mr. Steele suggested that in the future, we should take the term “single family” out of “multi-family” and replace it with condominium or apartment, which have more to do with ownership than the architecture of the building. Multi-family has more than one dwelling on a single parcel. It has nothing to do with how many buildings and how it’s configured; rather, it’s how many dwellings per parcel.

At this time Vice Chairman Gannuscio opened up the public hearing for comments from the public in favor of this text amendment. There were none.

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

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning & Zoning Commission close the public hearing on the proposed changes to the commission's definitions regarding dwelling attached, dwelling detached, dwelling single-family, as well as the proposed change to the text of Section 409C.4.E.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning & Zoning Commission, effective April 30, 2014, (1) change the definition section to add the following new definitions: DWELLING ATTACHED, a dwelling having any portion of a wall in common with another dwelling; DWELLING DETACHED, a dwelling with open spaces on all sides; DWELLING SINGLE-FAMILY, a dwelling designed exclusively for and occupied exclusively by one family, and (2) adopt the amendment to Section 409C.4.E as published in the amendment text.

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**

Ms. Rodriguez stated that Attorney Storms spoke with the developer's attorney, and we should have the signed documents within a couple of weeks. Mr. Steele said they are hopeful this is a new development because Attorney Storms drafted a complaint to be filed in Superior Court claiming damages against the developer for their failure to follow through on this. He hasn't actually filed the complaint yet but they did give him a time frame of a few weeks.

ii. **Zoning regulations—*Form Based Code***

Ms. Rodriguez distributed to commission members copies of a portion of Fuss & O'Neill's Transit Oriented Development Study that was presented to the town last year. There was a section on a form district for the downtown area. This form based code was a major recommendation for the town and is one way to reach the goals for our downtown. Each color on the map represents a portion of Main Street, and for each section there is a code—a building form and an elevation. The process is: the applicant would look at these plans and accomplish a plan that met all of those codes for that area in which their property lies, and if that were compliant, then it would be signed off administratively by staff. This is a very streamlined way to process these applications. One of the possible next steps is to have a town that has gone through this process come talk to the commission about how they use it, where in town they use it, and the types of applications they've processed.

Vice Chairman Gannuscio suggested that this topic not be discussed at length tonight and to wait until the chairman and any potential new members are present. He suggested focusing more on this in June and asked that this item be carried over to next month's agenda. He also suggested to Ms. Rodriguez that she ask UConn or Conn College if they have students to help with the drafting of the Plan of Development or the Form Based Code.

iii. Subdivision regulations

Mr. Steele mentioned that there was a proposed text amendment for the Regina Drive project to reduce road width from 30 feet to 26 feet in certain situations. Michael O'Leary included as part of his reports some suggested wording for that, but he's not sure if it ever got approved. Vice Chairman Gannuscio said he was fairly sure that this did get approved. Ms. Rodriguez said she would look into it. Mr. Steele suggested also taking a look at subdivision regulations for sidewalks.

VIII. New Business

A. Public Input (none)

B. Receive New Applications (none)

C. Informal Discussions

i. Sidewalks and sidewalk deferrals in the zoning regulations

Mr. Steele addressed the commission. He said last month he was asked to make an attempt to propose a text amendment for sidewalks that would better define the criteria whereby sidewalks were deferred and when they were required so that the commission would be able to more thoughtfully define that rather than on each individual case be put on the spot to try to remember all the previous applications and precedents and why things were done a certain way. One of the questions that you have to answer in deciding how to draft a regulation on sidewalks is where you want sidewalks. The purpose of sidewalks is to allow pedestrians to get from Point A to Point B, so what are the Point B's that you want them to be able to get to. Oftentimes schools are listed as one of those criteria, so then the next question becomes how far is a reasonable distance to walk. Mr. Steele took a look at surrounding towns that have some specific regulations on sidewalks, and he found that a lot of towns do not have specific regulations. Towns have sidewalk specifications, but no criteria as to where you have to put them in.

Mr. Steele said he attended a seminar on walkable communities and asked the presenter what is a good width for sidewalks that promotes walkable communities. The answer was: a five foot minimum. A question for the commission is, are sidewalks the responsibility of the state or the town or can developers be required to put in sidewalks. The regulations say that you can require them, and you have required them, but we're trying to see what the best way is to define that to be consistent.

Vice Chairman Gannuscio asked about the distance from the street for sidewalks. Ms. Rodriguez said when you're talking about sidewalks, a lot of towns are not stopping at the property line, they are designing right from the middle of the road to the building, especially on a main street or on a street that has a lot of store front retail types of uses.

Mr. Steele discussed Suffield's and East Windsor's regulations regarding sidewalks. There was some discussion regarding the Fee-In-Lieu-Of alternative. Mr. Steele stated that there is a section in the general plan of development that talks about sidewalks, Section 5, which he includes in his proposed text amendment. He reviewed this with Ms. Rodriguez to be sure they were on the same page. There are some things in this text amendment that need to be given careful thought—whether the numbers (distances and thresholds) are the right numbers or whether it's the right approach at all. It is also important to identify when it is not fair to require sidewalks and you are asking for more than what is reasonable.

Mr. Steele read the text amendment and stated that this would be a new section number 226 in the general requirements. Vice Chairman Gannuscio asked that this item be kept on the agenda for next month's meeting.

Ms. Rodriguez commented that it would be helpful for Section A-2 of Mr. Steele's proposal to get some examples of interior renovations. Mr. Steele said, for example, if you're putting in new flooring and it is going to cost \$20,000 and the new sidewalks would cost less than \$2,000, then you have to put in sidewalks. No one gets a building permit for a new floor, so other examples mentioned were a new heating system putting solar panels on the roof or cubicles being replaced by walls for offices. Ms. Rodriguez asked if any towns have done this, and Mr. Steele replied no. She asked for clarification about the sentence in Section B-3 in his proposal.

There was a brief discussion about the Fee-In-Lieu-Of. Mr. Steele suggested getting some feedback from other towns on deferrals versus Fee-In-Lieu-Of via the listserv. Mr. Steele mentioned again the need to modify the subdivision regulations regarding sidewalks.

ii. Traffic concerns at Dunkin Donuts, 596 Elm Street

Vice Chairman Gannuscio asked Ms. Rodriguez if the Police Chief had talked to her about the traffic concerns at Dunkin Donuts. She said they talked briefly but neither of them came up with any good solutions. Vice Chairman Gannuscio commented that maybe the alternative would be to prohibit drive-thru's in other areas of town. Mr. Szepanski commented that what the local police could do is tell the owners that when traffic backs up they have to hire a police officer to handle traffic.

IX. Communications and Bills

Vice Chairman Gannuscio stated that the Town Clerk notified the Selectman that Peter Juszczynski resigned from the Planning & Zoning Commission, and now it falls to the Board of Selectmen to fill this vacancy. Vice Chairman Gannuscio would like to thank Mr. Juszczynski for his time, service, and dedication.

Vice Chairman Gannuscio asked Ms. Rodriguez and Mr. Steele about two pieces of correspondence he received.

Vice Chairman Gannuscio mentioned that Ms. Rodriguez has arranged to have Mike Ziska, author and one of the "deans" of zoning and land use, come speak on Tuesday, May 6, 2014 at 6:30. Ms. Rodriguez will create a flyer to distribute. Vice Chairman Gannuscio said \$40 is left in the Education and Training Development Fund, and he would like to put this toward the fee of \$550.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning & Zoning Commission dedicate the \$40 that is left in its Educational Training and Professional Development account to go towards the \$550 presentation fee.

OTHER

Ms. Rodriguez informed the commission that the Chestnut Circle was proposed on Main Street at the bottom of Chestnut Street between Valero and the Countryside apartments. This grant for \$500,000 will be submitted to OPM in the morning, and it will be for the construction of a roundabout and a pedestrian plaza. This will be in addition to the \$200,000 Streetscape grant for sidewalks and lighting.

Ms. Rodriguez said she received a call from an appraisal professional who was concerned that the Waterworks Brook is not zoned for recreation, that it's zoned for residential, and he was wondering if the town was ready to move forward to change that, because that will make it a much smoother process in turning Waterworks Brook property over to the town completely, versus just having rights to it. Mr. Steele asked if a new zone would have to be created. She replied that it could possibly be just a text amendment in the Use Table. Mr. Steele agreed it would be much easier to just add a use to the Use Table. Ms. Rodriguez said she will bring some options to the table.

Ms. Rodriguez is anticipating receiving an application for 70 Ella Grasso Turnpike (the old KFC), and the applicants talked about a small restaurant, not a drive-thru, and maybe some office buildings.

Ms. Rodriguez said a very large company that manufactures glass would like to come in to 295 Ella Grasso Turnpike (Indoor Valet), and he has four or five tenant spaces that are already filled.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning & Zoning Commission adjourn the April 14, 2014 meeting at 9:21 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary