

**PLANNING & ZONING COMMISSION**  
**June 11, 2012 Meeting Minutes**

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, Anthony Scarfo, Janet Ramsay (Alternate), and Peter Juszczynski (Alternate)

Commission Members Absent: None

Town Staff Present: Jennifer Rodriguez (Town Planning Coordinator and Assistant Zoning and Wetlands Officer), Dana Steele (Town Engineer), and Michael O’Leary (Town Planning Consultant)

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**I. Call to Order**

Chairman Zimnoch called the meeting to order at 7:02 pm.

**II. Roll Call**

Commission roll call was taken.

**III. Approval of Minutes from the May 14, 2012 Meeting**

An error was noted in the May 14, 2012 minutes on page 6, third paragraph from the bottom, third sentence: “Mr. O’Leary suggested that the Board of Selectmen adopt the Windsor Locks Main Street Study” should read “Mr. O’Leary suggested that the Planning & Zoning Commission adopt the Windsor Locks Main Street Study.”

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous) that the Planning & Zoning Commission approve the May 14, 2012 minutes, as amended.

**IV. Public Hearings**

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

**A. Public hearing on the site plan review and special use permit application of Brian Summers to operate valet parking on the property located at 185 Ella Grasso Turnpike.**

The Recording Secretary read the legal notice that was published in the Journal Inquirer on May 30, 2012 and June 7, 2012.

Brian Summers of Scenic Management/Days Inn located at 185 Ella Grasso Turnpike addressed the Commission. The Days Inn/Bradley International, aka Scenic Management, LLC, is requesting a special permit allowing Scenic Management to operate a valet parking company under the name Scenic Parking, LLC, in a portion of

their parking lot located at 185 Ella Grasso Turnpike in Windsor Locks. This action would allow them to generate additional taxable revenue while providing a valuable service to the Bradley International Airport customer. The Days Inn/Bradley International currently has 150 parking spots for the existing 100-room hotel. They would designate 50 parking spaces for valet parking. These spaces are in compliance with all current zoning requirements in regards to location, fencing, landscaping, drainage, surface material, etc. Currently, over 30% of their occupancy is comprised of airline crew rooms which do not require any parking. They feel the additional parking operation would benefit the town and the property through increased tax revenue and provide consumers with choices in the market. They have included drawings indicating the area of the existing parking lot they would utilize, pictures of the property for reference, and ownership notifications of the surrounding properties. Additional copies of the parking lot laying out the spots that they have marked were passed out to commission members.

Mr. O'Leary referred to his May 13, 2012 memorandum and summarized as follows: He has walked through the regulations so the commission is aware of the different sections of the regulations that apply to the application at hand. It's a site plan application but also a special permit application. The commission should be aware of what a special permit application is. It allows certain uses on certain properties where a property owner has to come in front of the commission with a public hearing. This is the opportunity for the commission on a site-by-site basis to determine whether or not the use as requested is appropriate for that particular site which is being presented at tonight's meeting. Section 415 of the regulations (the section on valet parking), the whole special permit section that's in the regulations, and the standards and the guidance in that part of the regulations all need to be utilized. Mr. O'Leary went on to say that special permits are uses that are not automatically allowed on all properties within that particular zoning district.

Mr. O'Leary pointed out several items that may be helpful to the commission. The plan that was submitted with the application indicated that the parking regulation for the hotel use was 126 spaces, but the plan showed there were 134 total parking spaces on the site. Also, the text that was submitted with the application said there were actually 150 spaces on the site, so there was a discrepancy between what was submitted with the application and what the request was.

Mr. O'Leary went on to explain that Section 415 of the regulations was put into the regulations several years ago and that valet parking was a use that was removed from the regulations at that time. All the valet parking lots then became non-conforming uses—uses that were allowed to continue legally but because they were non-conforming, they were not allowed to be changed or modified in any significant way. The purpose of that regulation was so that modifications could be made to valet parking lots that would improve the business district around the airport. Some areas of valet parking might be very appropriate to allow and some might be better used for other business uses, and the valet parking then would be pushed further to the back.

That was the planning discussion going on at the time, so the regulation was written to give the commission some guidance and flexibility. It's ultimately up to the commission to determine where those appropriate areas are, but the legislative intent of Subsection A of the regulations was to allow valet parking in non-frontage areas of certain business zoned lands which are less appropriate for other business uses. The idea of that language was to allow the commission to put valet parking in the very deep areas of the sites next to the airport.

A photo of the airport from Google Earth was passed around. Mr. O'Leary pointed out that in the upper left of the picture, on the west side of Ella Grasso Turnpike, were some very deep valet parking lots, which was the primary consideration when that regulation was written. Mr. O'Leary commented that the area of valet parking that's being proposed is right along the frontage of Old County Road, and the language *non-frontage* is a red flag and therefore something the commission needs to grapple with as to whether it's truly non-frontage or not. He believes that it's up to the commission to interpret the purpose and intent of Section 415 as to what areas of the site are going to be permitted. He stated that the discrepancy in the site plan was another area that needed to be corrected in terms of what is the correct number of parking spaces.

Mr. O'Leary noted that the other part of the regulation that jumped out at him was Subsection D, the section that talks about applying for a special permit and site plan in accordance with the requirements of Sections 1102 and 1103. Those are the general procedures and guidance and standards that apply to all special permits, regardless of what section of the regulations the special permit is listed in, so the commission needs to consider all of these factors when determining the appropriateness of special permits on individual lots. That section goes on to say that the plan required as per Section 1102 shall specifically identify the valet parking area, which it has done, but it goes on to say *separate and distinct from other permitted and accessory uses on the site*. Mr. O'Leary's opinion was that this plan is totally intermixed with the parking that is required for the hotel since they're sharing the same circulation pattern throughout the Old County Road part of the site. Mr. O'Leary stated that this was a relatively new section of the regulations and cautioned the commission to be careful when interpreting them, as future applicants will be referring to their actions. Mr. O'Leary commended the applicant for making an excellent presentation.

Mr. Summers followed up on Mr. O'Leary's concerns. He stated that the Days Inn went through the Sections of 415, and under Section 1A, they feel they meet the criteria of the above mentioned purpose. The Days Inn parking area that would be utilized for valet parking is approximately 325 feet from the frontage on Route 75 (calculations based upon the key of 1/16 inch equals one foot, which is provided on the bottom of the site plan), so they feel this particular parking would be set back 325 feet from Route 75. The Old County Road entrance, as pictured in the initial proposal, is screened off with landscaping and fenced off and gated and is not an

active entrance in and out of the building. The Days Inn would not be able to use the extra spaces for anything else. Those spaces are available based on the use of the hotel, and 30% of their occupancy is comprised of crew rooms which have no need for parking whatsoever. Valet parking would not increase dramatically the number of vehicles entering or exiting the hotel and therefore should not affect traffic safety. The exits and entrances to the building are clearly marked. Mr. Summers stated that if more screening or blocking from Old County Road was required the Days Inn would be happy to comply. Photos have been submitted with the site plan of what it looks like on Old County Road, and Mr. Summers felt the valet parking spots are set back from Route 75 and not on the frontage of Route 75.

Mr. Summers went on to state the following: under Section 415, number 2, the Days Inn has frontage on Route 75. The business is Business 1 zoned, and the entrances and exits are clearly marked on Route 75. The Days Inn is an existing building, and no changes are being made on that existing building. Committed to use would substantially underutilize the parcel's parking capacity, based on their occupancy and the type of business they are conducting. These additional spots are available, and they would like to use them as a form of revenue to sustain life at the property and support the hotel. He stated that he believes the Town of Windsor Locks would also benefit from the additional revenues.

Mr. Summers felt that providing additional valet parking options for travelers at the Days Inn would be compatible with the surrounding areas, as there are numerous other valet parking lots along Route 75. The valet parking area would be set back from Route 75 by approximately 325 feet, and they would not post any additional signage on Route 75. The Days Inn has an existing fence and trees along the back of the property on Old County Road where cars would be parked for valet parking. Mr. Summers believes the Days Inn meets the criteria required to allow valet parking on the premises. He remarked that the only site plan they had was an architectural drawing when the hotel was originally built, which does show a number of spots, and he realizes there have been some variances. However, they have counted and marked via Google maps the physical spots on the property, and they have 156 parking spaces, including handicapped spots. They would be happy to make adjustments to the landscaping and designated parking spaces if necessary.

Mr. Szepanski asked Mr. Summers if he had a projection of what the taxable revenue generated by this project would be and how it was calculated. Mr. Summers replied that they expected to generate upwards of \$4,000 in additional revenue per month in parking, and he felt this additional revenue would help the hotel "continue in their existence as a hotel." Mr. Szepanski commented that the additional revenue would not be generated or looked at until the Town of Windsor Locks did their reassessment in 2013, and explained that they would take the two previous years of revenue minus the operating expenses, and then they would capitalize it. Mr. Szepanski talked to the assessor, who wasn't sure whether that would give the town any additional revenue in the first two years or until the next re-evaluation, which is every 5 years.

Mr. Szepanski noted that if the next re-evaluation wasn't until 2013, then it would be 2012 or 2013 before the town got revenue figures, and those figures would get locked in until the next re-evaluation, so he was doubtful there would be any additional revenue for the Town of Windsor Locks.

Mr. Summers remarked that it was hard to predict the future based on that assessment, although that seemed to be the case, but he was hoping the valet parking would draw more guests into the area and more consumers into the market, which could only benefit the town and grow the environment. Mr. Szepanski asked if it would grow his lodging business. Mr. Summers responded it could possibly, but their goal was to continue sustaining life as an entity, and this was one way they could do that. Mr. Szepanski asked how the parking would be affected if more hotel rooms were rented. Mr. Summers reminded him that they are operating with 30% of their occupancy being airline crews who have contracted, guaranteed rooms, and that's where these additional spaces would come from.

Mr. Gannuscio voiced a concern about the technical aspect of not having an updated plot plan or site plan, and relying on a map that is dated April 2004, with conflict from the beginning as to the number of spaces, and with nothing that's on file with an as-built that could confirm that. It should not be up to the town engineer to sit there with a red pen and count parking spaces on a satellite photo.

Mr. O'Leary stated that he remembers when the site plan came in. One of the purposes of this plan was to actually maximize parking because the spaces were oversized at the time. The number that is shown on the plan actually came from re-striping many of the parking spaces that were 10 feet wide down to 9 feet wide, which is the regulation. He asked if there was ever an as-built done. Ms. Rodriguez stated she did not see one in the file. Mr. O'Leary commented that there are two issues here: if an as-built is something the commission wants then they should ask the applicant to provide one. The other issue at hand is the implementation of the valet parking section of the regulations.

Mr. Steele came up with 149 parking spaces, counting quickly on the map provided. Mr. Summers stated they have physically counted it a number of times, and that was why they went to Google Earth to take an overhead shot of the existing building. Mr. Gannuscio asked if Google Earth would be any different from a GIS. Ms. Rodriguez replied only unless there was striping done at a different time than when the photos were taken. Mr. Gannuscio asked if the other photos submitted were from the GIS. Mr. Summers answered that the photos submitted with the original application were from Google Earth as well.

Mr. Szepanski asked Mr. O'Leary how he would interpret the phrase, "all requirements in underlying zones shall prevail" in Section 415, paragraph E. Mr. O'Leary replied, "All the other regulations such as parking lot size, parking setbacks, buffer requirements, drainage, pavement quality and thickness."

Mr. Szepanski asked if it was all encompassing, and Mr. O'Leary said, "Yes, this doesn't stand alone, it includes everything else in the regulations in terms of lot coverage, drainage, setbacks, and number of spaces required." Mr. Szepanski asked if that would also include the number of parking spots required for the facility there. Mr. O'Leary replied yes, to which Mr. Szepanski asked, "So that hotel requires 126 parking spots, according to this?" Mr. O'Leary replied that was correct. Mr. Szepanski asked how the commission could deviate from that and take away from that 150/151 and therefore look at something less. Mr. O'Leary replied that he did not think you could because that is what is required, unless there was a different number of rooms which were changed. He remarked that if this is the latest plan that is available for the property, then there are 126 spaces required. "With 134 showing," Mr. Szepanski interrupted. Mr. O'Leary agreed with him, and commented that maybe they were striped a little differently. Mr. O'Leary said that would only be determined by an updated plan, but this was only one of two issues. Mr. Szepanski stated he would like to see an updated plan because the commission is looking at something that's out of sync.

Chairman Zimnoch stated that the bigger issue was the whole valet parking as it fits into this application and as it fits into the regulations, because no matter how many blue lines are on the plan, the fundamental requirements that are specified for valet parking as auxiliary use in the back of the building are not met. He felt the bigger issue here was allowing valet parking to be intermixed with this use. In his opinion, the commission would need a new regulation to allow valet parking to be intermixed with this use, and he doesn't see how it can be done with the existing regulation.

Mr. Summers asked if it would be acceptable if they drew up a new site plan that showed the existing lots of the existing site plan and hired a firm to actually draw that and if they altered their permit application to go down to 30 valet parking spots, which would cover what they are required to have as a hotel. Even though 30% of their revenue is from business that does not require parking, this would at least allow them to continue moving this process forward and coming to some sort of resolution. Chairman Zimnoch stated that just doing the simple math, if they wanted to have 30 spaces and 126 are required, they needed to come with 156 spaces. Mr. Summers replied that that was what they physically counted on the property on a few different occasions.

Chairman Zimnoch then stated that the regulation requires that those spaces be set back and not intermixed with the hotel use, which is the other hurdle to overcome to fit under this regulation. Mr. Summers asked if 325 feet was not set back far enough. Chairman Zimnoch checked the regulation and replied that the regulation required them to be set back 200 feet. Mr. Summers stated they are set back 325 feet from Route 75 and pointed out that there are valet parking companies currently in business that are set back less than 325 feet from Route 75. Mr. Gannuscio stated that they were established long before this regulation was written. He went on to ask Mr. Steele what he would like to see if a new plan were to be submitted. Mr. Steele

stated it isn't a matter of what he would want to see, but rather the issue is it's not clear how many parking spaces there are and whether or not they conform to the dimensional requirements. Did they restripe it, make the spaces narrower, so they could show 150 or 156, or did they meet the dimensional requirements? To verify that, you would need an as-built survey prepared by a licensed land surveyor, an A2 accuracy proven location survey. Mr. Gannuscio asked if there was one of those in the files. Ms. Rodriguez replied she did not see one in the files. Mr. Steele said the problem with an aerial photo was you can try to count the number of spaces but you don't know if they are the proper size. A survey would allow you to verify that, and if that's the issue, then the commission should ask the applicant to provide the survey. Mr. Gannuscio said that was a key issue, since they don't know what they're looking at. Mr. O'Leary commented that if this is the stumbling block, then he would suggest continuing the hearing and asking the applicant to provide a different site plan. He does not feel it needs topo or drainage. Mr. Steele agreed, unless they didn't have the proper dimensional requirements and the commission wanted all the spaces to conform to the dimensional requirements, which would open up the door to some other issues to be looked at. However, his understanding was that the intent was to take the existing number of parking spaces and designate some of them for valet, which is pretty straightforward.

Mr. Gannuscio commented that if a new survey was done, the commission would know exactly what would be reserved for valet and what would be used for the hotel, and then if there was ever a need or a dispute about that the commission would have something in black and white to go by. Mr. Steele thought what they've provided for count and location is sufficient, but he said he cannot verify dimensions with what the applicant has submitted.

Chairman Zimnoch asked if a separate buffer separating that area for this parking would be needed. Mr. O'Leary replied that in Subsection F3, the regulations say that the commission can require a buffer, and it's very specific what the buffer should include. The dilemma for Mr. O'Leary is that part of the regulation talks about identifying valet parking areas separate and distinct from other permitted and accessory uses on the site. Accessory uses are parking spots for the parking area for the principal use of the building. In Mr. O'Leary's opinion, that means a separate parking area somewhere on the site, to the back, to the rear, and to the side, away from where the frontage is. He doesn't believe a site plan cures all the issues that he has brought up, but rather it's what the commission thinks that regulation is intended to allow or not allow. If the commission still needs additional information, then Mr. O'Leary believes the hearing should be continued and the applicant should provide a new map to the commission showing the buffer as distinctly as possible.

Chairman Zimnoch summarized that in order to proceed, an as-built site plan that shows the location and number of parking spaces needs to be submitted. Mr. Steele suggested that a land surveyor do a field survey (an as-built to the existing site conditions). The as-built should capture the existing landscaping along the frontage

of Old County Road to determine if it's adequate. Mr. Steele also suggested that photos be taken of the landscaping to determine how the screening is. Mr. Summers said in the original application they did provide photos from Old County Road looking into the parking area, and from the parking area looking out to Old County Road. However, he will ask the surveyor to capture on the as-built as much landscaping as possible, and he will take additional photos from the Old County Road side looking in to the back. Mr. Gannuscio asked if any lighting would be changed where the cars would be valet parked. Mr. Summers replied there was no need to change the lighting because it is a well-lit parking lot. It is covered and fenced from Old County Road and you cannot see into the parking lot from Old County Road. Chairman Zimnoch asked how people would be transported to the airport. Mr. Summers replied that they currently have a shuttle van that shuttles guests to the airport, but there would be no additional traffic. Mr. Szepanski commented that they would have more volume and therefore more buses going back and forth to the airport. Mr. Summers said they would hopefully have more cars parked in their lot, but felt 50 long term parking spots would not be enough volume to alter anything going in and out of the building.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in support of this application.

Mark Brengi of 32 South Center Street spoke in favor of this application, saying it was a creative idea to keep their business moving forward, and it would add to the hotel business. He felt it would benefit Windsor Locks by more people using this hotel.

There were no additional comments in support. At this time the floor was opened up to comments in opposition. Mr. Gannuscio noted that the Commission had received from Smith & Bishop on behalf of Roncari Development a letter dated June 11, 2012, which stated their position in opposition to this application. Chairman Zimnoch then read this letter aloud.

Mr. Summers requested and was granted a chance to respond. In the letter of opposition, they described the property as a motel, insinuating that the motel, as described, by definition, is a roadside hotel designed primarily for motorists typically having rooms arranged in low blocks of parking directly outside. Mr. Summers clarified that they are not a motel and have never been a motel. They are a hotel, as a hotel is designed to have a mix of drive-up traffic and non-drive-up traffic that will not use parking. A motel is designed specifically for motorists and drive-up traffic. Mr. Summers said, "That's not who we are and that's how we are being described in the opposition letter. I am opposed to being described as a motel, which insinuates it is geared towards drive-up motorists, and that is in fact a falsehood." He told the commission that he would be happy to provide them with a new site plan for the building, a new site plan of the layout, and new pictures of the buffer zones.

It was **MOVED** (Gannuscio) and **SECONDED** (Ramsay) and **PASSED** (Unanimous) that the Planning & Zoning Commission continue the public hearing on the application of Brian Summers to operate valet parking on the property located at 185 Ella Grasso Turnpike to the July 9, 2012 meeting.

**B. Public hearing on the site plan modification and special use permit application of Alexa Brengi for the property located at 592 Elm Street.**

The Recording Secretary read the legal notice that was published in the Journal Inquirer on May 31, 2012 and June 7, 2012.

Alexa Brengi and Mark Brengi of 32 South Center Street came forward to speak about their application. Their plan is to open a dog day care center. They applied for an outdoor use permit and then the state told them they needed to be licensed as a commercial boarding facility, which requires them to have an outdoor facility. They clarified the state requirement—the state does not have regulations for daycare so they put it under commercial kennel, and the commercial kennel regulations state you have to have a certain amount of space outside. They have started clearing the property, hauling away the debris from the hotel, and have talked with their neighbor to the east of them about the type of fencing they will use. The fence will be a 6-foot white vinyl fence buffered by arborvitaes down her property inside the fence plus a little further. She was acceptable to that and signed a letter saying as long as they do everything they say they will do she will not contest the application. They also talked to the owner of Dunkin Donuts. The fence will help with the noise of the speaker at Dunkin Donuts. They will leave some of the trees for shade. They've cleaned up the outside of the building and put some signs in and some landscaping. They are now asking for permission for the outside use and the fence. They will put a door in the back of the building into the outside back area so the dogs are always under control. They will go from the building out to the fenced area and come right back through. In the winter they will keep the area clear so the dogs can still go outside. The state has been very positive with their comments.

Mr. O'Leary said the major question he had was addressed in the presentation. The commission's regulations require a buffer between a commercial use and a residential use, even if the residential use is in a business zone, which is the case here (part of the outside area is right against the residential common property line). Ms. Brengi noted that dogs can't get to that part because the air conditioning and heating units are there. A discussion was held about where on the drawing the outdoor area would be. Several questions were asked about their facility. The estimated number of dogs in day care would be about 50 or 60, but they anticipate keeping the number of dogs boarded overnight on the low side because this service will be offered to pre-existing customers or referred customers only. They are open for grooming now but not yet for boarding. The dogs will have play time for two hours. After their play time they will go back into their crates and other dogs who have been resting will be brought out. Older dogs will not be mixed with younger dogs. The dogs get naps and snack

time. They go in and out separately, led by an attendant. There will be one employee for every 15 dogs. It's hard to say how many dogs would be outside at one time because the big and small dogs would be kept separate.

Mr. Scarfo expressed great concern about the possible incessant barking and the legal ramifications of that. He has been approached informally by some neighbors who are not thrilled with this plan. He feels there could be legal ramifications for the town if businesses in the area sued for loss of business due to incessant barking. The town has to protect itself. He also felt this would be a public safety concern with these animals outside, and the commission has a duty to protect the public. It doesn't seem like the proper location for this. He likes the grooming aspect but not the idea that the animals outside would be barking all day long. Ms. Brengi commented that's not how it works, that when the dogs see someone new they bark a little bit but then they calm down, and what's nice with the privacy fencing is the only person they do see is their attendant. They reiterated that it will not be a morning, noon, and night situation, and the dogs would not be out after certain hours. Also, they would not be out all day; they are rotated. If a dog is an incessant barker, then they would play primarily in the indoor area. Ms. Brengi stated they would know if a dog is barking constantly, and they would take care of it. Mr. Scarfo replied that as a zoning commission, we have a duty to protect the public, and he was looking at it from a legal perspective.

Mr. Gannuscio stated that there is correspondence from the applicant saying they approached and accommodated the abutting neighbor. Chairman Zimnoch read the letter from Cynthia M. Fisher Pesci dated May 9, 2012 which stated she had no reason to contest this permit. At this point Chairman Zimnoch asked for comments in favor of this application. David Allen of 25 George Road commented that he is in favor of this application. He has talked to many dog owners in town and they cannot wait for it. Chairman Zimnoch asked for comments in opposition for this application. There were none.

Chairman Zimnoch asked Mr. O'Leary for his opinion about this plan. Mr. O'Leary felt that if the commission voted to approve this plan, there should be a condition that the commission would receive an updated plan clarifying the outdoor area as described at the hearing and then what the exact buffering is. Chairman Zimnoch asked Ms. Rodriguez for her opinion. She replied the regulations state a 25-foot buffer is required so she would like it to be clear what the buffer should contain if the action is to approve. Chairman Zimnoch asked if she would like to see a better drawing of this. She replied she was comfortable with a drawing being submitted afterwards if it's clear what the width of the buffer is and what it contains.

Mr. Scarfo asked if there were specifics on the number of pets that were going to be kept outside and the hours of operation. Mr. Brengi said they close at 7:00 pm, but most dogs would probably be picked up around 5:00 or 6:00. Mr. Scarfo asked what time the dogs would be brought out. Mr. Brengi replied that they open at 7:00 am.

Mr. Scarfo asked if the state required a certain amount of time they had to be out. Ms. Brengi replied no, the state said if your dog is kenneled for eight hours the dog has to have a certain amount of outdoor time and fresh air available to them. She reiterated they would not be out all day, and they would be rotated in and out. Mr. Scarfo asked how many dogs would be brought out at a time. Ms. Brengi responded 10 to 15. Mr. Szepanski asked what the ground cover would be in the fenced exercise area and if there was any requirement for shade. Mr. Brengi said pea stone would be the ground cover, and there is no state requirement for shade, but there are four trees in the area, and an awning would possibly be installed at a later date.

Mr. Gannuscio asked Mr. O'Leary about this plan which is dated 1983. Mr. Gannuscio said at the time it conformed to the regulations for buffering requirements but sometime between 1995 and now, they increased it to 25 feet. Mr. Gannuscio remarked that this is a pre-existing site that has been approved, so at this point there is no real modification to this. He wondered if the commission needs to require any kind of change in the buffering beyond what's in existence. Mr. O'Leary agreed that the building is there, and if it doesn't meet the buffer requirement, which he doesn't think it does, that's a pre-existing non-conforming situation. However, to the rear of the building is where they're looking to modify, with the pea stone and fence, to make that the exercise area. He believes that in that back area the fence should be backed off to meet the buffer requirement, and that's left as a space to the neighbor. He said, "the bottom line is, anything new should meet today's regulations. Things that are existing are as they are." Chairman Zimnoch asked and Mr. O'Leary confirmed that the dog run in the back has to be set back 25 feet from the residential property. Ms. Rodriguez clarified for the applicants the 25-foot requirement. Chairman Zimnoch asked if there was enough room for the dog run with the 25 foot buffer, and Mr. Brengi said yes.

A discussion took place regarding the location of the dumpster.

Mr. O'Leary stated the real question is, does the commission want a plan prior to the closing of the hearing that shows all these conditions on it and then the commission can vote on that plan, or is the commission comfortable with an action that conditions such a plan? Chairman Zimnoch remarked that Ms. Rodriguez said she would be comfortable with reviewing the plan. Mr. Scarfo stated that he wasn't comfortable. Both Mr. Scarfo and Ms. Ramsay are concerned about being consistent with previous applications and would like to have something on file. Mr. Szepanski stated the concept is here but it's not complete, and he would like to see where the dumpster is, what type of screening will be there, and what the buffer will be. Mr. Gannuscio stated he would be comfortable voting on this with the condition of a revised set of plans being filed showing the final location and lotations of dumpsters and screening. He believes this is a different situation from what they had with someone seeking a special use permit for valet parking, which is under a whole different set of regulations as opposed to someone coming in with something he views as a permitted

use in a business zone. Chairman Zimnoch remarked it appeared that there was a majority for getting a plan on board. He is still on the fence, but if Ms. Rodriguez is comfortable with working from the current plan, then he would be comfortable with that. Mr. Steele asked for clarification if the commission is looking for a cleaned up plan showing dumpster and screening, or an updated survey. Chairman Zimnoch would like to see where this fencing will be and where the buffer actually will be. Mr. Steele said the commission should make sure they get a cleaned up plan.

Mr. O'Leary summarized that the plan has to come in revised and be acceptable to staff and show all the above-mentioned items. Ms. Brengi offered to have a more clearly marked plan drawn up and dropped off to commission members and staff.

Some discussion took place regarding closing the public hearing. Mr. Scarfo asked if the commission closed tonight, could the commission set some conditions such as hours of operation at the next meeting. Chairman Zimnoch replied yes.

It was **MOVED** (Gannuscio) and **SECONDED** (Ramsay) and **PASSED** (Unanimous) that the Planning & Zoning Commission close the public hearing on the site plan modification and special use permit application of Alexa Brengi for the property located at 592 Elm Street.

Discussion took place about voting this evening and putting the conditions on the approval to make sure all the required buffers and items identified by the commission are complied with. It was also discussed whether the commission wants a revised plan to be sent to all commission members or just staff with a notation on the plan of what is to be changed. An informal poll was taken. All members but Mr. Scarfo were okay with just staff receiving the revised plan.

More discussion took place regarding what conditions to include on the approval.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (4 to 1/Scarfo opposed) that the Planning & Zoning Commission approve the site plan modification and special use permit application of Alexa Brengi for the property located at 592 Elm Street with the condition that a revised drawing be created showing the following: the height, location, and description of the fencing; the location of the dog run; the location and description of the landscaping that would be used as buffering on all property lines; the location of the dumpster; and a description of the screening around the dumpster, and the condition that the dogs are allowed outside in the dog run only between 10:00 am and 5:00 pm.

Chairman Zimnoch stated that two letters had come in regarding this application. Scott Lappen, Director of Public Works, indicated that WPCA approval was needed, and Gary Kuczarski, Superintendent of WPCF, indicated that hair traps were required for dog washing areas and drains.

V. **Reviews**

A. **Continued review of the site plan modification application of Joseph T. Colla and Colla Construction Company, LLC for the property located at 14 Old County Road.**

The applicant, Joseph T. Colla, was not present at the meeting. The date of his application was April 5, 2012, which is 63 days, as of the date of this meeting, June 11, 2012. The committee has not received any notice of continuance from the applicant.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous) that the Planning & Zoning Commission deny this application without prejudice, to be renewed at a future date, and that the Planning & Zoning Commission waive any application fee on behalf of the applicant.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous) that the Planning & Zoning Commission move Item VIII (B)i, site plan review application of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike, to be discussed as the next item.

VIII. **New Business**

B. **Receive New Applications**

i. **Site plan review application of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike.**

Ms. Athene Zaleski, Director of Facilities Permitting for Pride Convenience, Inc. located at 246 Cottage Street in Springfield, Massachusetts (personal residence of 10 Green Willow Drive in Longmeadow, Massachusetts), addressed the commission. She stated she would like to discuss a site plan review application for the Pride facility located at 77 Ella Grasso Turnpike in Windsor Locks, Connecticut. The purpose of the site plan review is to enhance the existing site and to conform with environmental regulations for underground storage facilities (tanks) to increase the capacity to address the need of the community and to improve the traffic flow on Ella Grasso Turnpike to eliminate hopefully with their site plan review any backup for traffic on that busy highway. Previously, under separate cover, the commission was given an existing and a proposed site plan as well as a proposed lighting or elimination plan for this site. Upon further discussion in-house, Pride Convenience, Inc. has revised their site plan, and commission members have stamped copies, as prepared by engineer William R. Palmberg & Son, land surveyors of Enfield, Connecticut. The commission also has a sign plan with proposed elevations which was determined as Pride was completing the updated site plan. Ms. Zaleski noted that with the landscaping

they found it was appropriate to make modifications to their existing signs. An aerial view and a Windsor Locks Assessors GIS Abutters List have also been provided to commission members. The aerial view is off of Google and is almost to scale of a 300 foot radius. A landscape plan and a separate schedule have been provided. A landscape schedule also appears on the plan itself and also a separate schedule. And lastly a Digital Data Submission on CD ROM has been provided to Ms. Rodriguez at her request in compliance with the regulations for submittal.

Chairman Zimnoch asked Mr. Steele if he had everything that was needed. Mr. Steele replied that they had a site plan, elevation plans, photometric plans, and an area map showing the surrounding area. He said they are not proposing a lot of site changes other than the canopies being moved around, so there are some layout issues that need to be looked at. They are putting a sidewalk in front, and it looks like they are proposing to eliminate some pavement in front and put in some additional landscaping. Ms. Zaleski confirmed that. She commented that the catalyst behind this was to improve this site for community enhancement as well as for business purposes and to also eliminate potential backup that occurs now during business hours. She stated that with the expanded canopies and the added diesel, separating that from the main pump areas, will again facilitate traffic on that busy highway, with expanded landscaping and site enhancement. Because the business is almost at its capacity currently, they would like to remove the existing tanks, expand those tanks from an 8,000 to 10,000 gallon capacity, and add the diesel and the DEF (diesel exhaust fuel). Based on an EPA regulation, starting with 2010 all heavy diesel trucks now need to put that DEF fluid into their fuel tanks so it removes all the noxious emissions from it. Ms. Zaleski commented that in installations in the past the fire departments in other municipalities have given their blessing for that particular capability on site.

Mr. Gannuscio asked Mr. O'Leary if there was any requirement to have a public hearing for this or if just the site plan application was good enough. Mr. O'Leary replied that this was just a modification to the site plan, that it's not a change.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous) that the Planning & Zoning Commission schedule a site plan review application for Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike for the July 9, 2012 meeting.

Mr. Szepanski complimented Ms. Zaleski on a very nice package. Ms. Zaleski thanked the commission and conveyed Mr. Bolder's regrets that he couldn't be at tonight's meeting due to prior commitments, but stated he will be present at the July 9 meeting.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous) that the Planning & Zoning Commission move Item VIII (A), Public Input, to be discussed as the next item.

Chairman Zimnoch opened up the floor for public input. There was no public input.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous) that the Planning & Zoning Commission move Item VIII (C), informal discussion, to be discussed as the next item.

Chairman Zimnoch noted that two informal discussions had been added to the agenda since it was posted. One of them was for the North Main Street Triangle, formerly Chuck's Auto.

Attorney Thomas Fahey addressed the commission and introduced John Barberino. Attorney Fahey stated that Mr. Barberino recently became aware that the triangle property on North Main Street (formerly Park Chevrolet, Midtown Garage, and Chuck's Auto) had been on the blighted target list for some time. Mr. Barberino would like the opportunity to get this property taken off the blight list and cleaned up in three to six months. Mr. Barberino has already been approved for a used car license on King Spring Road and would like to use the triangle property for completely reconditioned used cars. Attorney Fahey stated that research shows that in the past this property had been used for a car dealership, and Midtown Garage and Chuck's Auto had used car dealer licenses. In Section 804 of the regulations it states: "no non-conforming use which has been abandoned shall be thereafter resumed. A non-conforming use shall be considered abandoned when there is an actual cessation of such use coupled with the intent not to put the premises again to the same use. Where there is a non-use of a non-conforming use for a period of six months, the use shall be deemed abandoned unless there be proof offered of intent not to abandon such non-conforming use." The intention must be the intention of the property owner, not of the tenant. Attorney Fahey states that there have been consistent efforts to lease the property but most have walked away from fear of environmental issues and concerns, especially since the property has been used in the past for automotive use.

Mr. Barberino has the experience and is willing to deal with any environmental issues. In order to deal with any environmental problems, he needs to know that there will be no issues with respect to his use of the property. Attorney Fahey feels that the property owners never intended to abandon that use. Regina Graziano, the property owner, was present at the meeting and confirmed that. They are here because the motor vehicle application for the used car sales license that Mr. Barberino needs has a check off blank that says if in fact there has been a previous use for the same thing (used car license) on the premises that hasn't been abandoned, then the application can be checked off, there's no need for a public hearing, and all they have to do is come back with a new site plan.

Mr. Barberino would like to demolish the dilapidated house on the property and the building behind this house, and turn this area into a green space. Mr. Barberino showed the commission a colored drawing of how the area might look. He stated

how much he likes Windsor Locks and promised that the building would look magnificent with patina and blue glass. He commented that it would not be a single purpose car dealership, that in the future the building could be turned into commercial, medical, or office space. Attorney Fahey mentioned that Mr. Barberino was almost committed to a property in East Granby but because of the good experience he has had in Windsor Locks, he decided to try to get this property fixed up. Attorney Fahey stated that they would like to get the motor vehicle application signed by the appropriate official so that Mr. Barberino can move forward with any environmental issues. Attorney Fahey reiterated that the property owner has owned this property for many years, and he is certain that there is no letter saying they've abandoned use.

Mr. Steele asked Attorney Fahey if he was saying that the car dealership use is not permitted in the existing zone because it's in an existing non-conforming zone. Ms. Rodriguez said it was zoned for both business and residential. Mr. Steele asked Attorney Fahey if he was suggesting it could be a site plan approval and not a special use permit. He responded they only cared if once the commission recognized there had been a pre-existing use for a new or used car facility, then it could be signed off on.

Chairman Zimnoch asked Attorney Fahey if this all hinged on whether it is a non-abandoned use. Attorney Fahey stated he was certain that it is and that there's been no attempt to abandon. Mr. Gannuscio said this was how he was looking at it also, as a non-abandonment. If in time it has not actually been used as a dealership with automobile sales, then it's at least been marketed when the building's not been used with the idea to continue that. Thinking of that site, Mr. Gannuscio does not see how over time you could push it as any other. Attorney Fahey agreed and said that he has talked with people who were interested in buying it but they walked away because the environmental testing that needs to be done is quite expensive and is an involved process that could require several steps and monitoring. Mr. Gannuscio asked Ms. Rodriguez what would be available for environmental funds in the region. She replied she was told it will be a couple of weeks before anyone really knows what's going to be available for funds in the region.

Mr. Gannuscio asked Attorney Fahey if he was looking for a consensus of the committee that they see this as a non-abandonment. Attorney Fahey asked Ms. Rodriguez what she needed to feel comfortable signing the form. She replied that she needs to see the form because it's been common to go to the Zoning Board of Appeals for those. Attorney Fahey replied not when you've had an established use, because of the fact that it has had a license for a used car dealership and therefore it has not been abandoned. Attorney Fahey will get a copy of the application to Ms. Rodriguez tomorrow.

Chairman Zimnoch asked Mr. O'Leary's opinion on this matter. Mr. O'Leary said that he agreed with Attorney Fahey's description of abandonment. The next step is to come back to the commission with a site plan so those issues of access, storage, and landscaping could be discussed.

The second informal discussion added to the agenda was for Pool Magic.

Attorney Fahey introduced Mark Calungi, the owner of Pool Magic on Ella Grasso Turnpike. Mr. Calungi would like to reduce the number of pool tables from 13 to 9 to add some more area for food service to increase his revenue and pay his bills. The question is how to get this done. Section 503 says, "the foregoing distance limitation (which is the 1,500 feet)... may be **decreased** by the commission in the case of a permitted hotel, amusement enterprise, motel, or restaurant where alcohol beverages are sold for consumption on the premises under the following permits...: hotel permit, restaurant permit, or café permit, if it is operated in association with, and as an accessory use to, an amusement enterprise provided that...after a public hearing..." the commission finds... (and then the usual language regarding health, safety, and welfare). Attorney Fahey stated that Mr. Calungi has a café permit and wants to have a restaurant permit so he can increase the food offerings. The restaurant permit can still be accessory because he would still run a food table management, so Attorney Fahey feels what is needed is either a clarification or a text amendment to make that happen.

Attorney Fahey stated that Mr. Calungi has a kitchen on site. Mr. Steele asked if he was changing the floor plan, and Attorney Fahey replied there would be fewer pool tables and more tables and booths. Mr. Steele asked if this change would affect his parking requirements since they are based on the number of seats. Mr. Calungi stated they have ample parking and would meet the parking space requirements. He went on to state that he needs to know from the commission how to change the present approval that he has of an amusement enterprise with accessory use café permit with liquor to a restaurant use with the pool tables as an accessory with liquor. Mr. Steele asked if he was going to change the name of his establishment. He said he would like to add the word "restaurant" and that he has a sign permit that was approved. Mr. O'Leary asked if the café service provides full service, and Mr. Calungi responded affirmatively.

Mr. Gannuscio stated that since this is an already existing permit all they need to change is the type. The 1,500 feet has already been waived once, so in his opinion it's not a factor again. Mr. O'Leary believes it's just a modified site plan, just basically a floor plan change, and that doesn't really require a hearing. Attorney Fahey admitted a restaurant license would cost more to get, but it would add more value to the property and would have more appeal to the public. Chairman Zimnoch stated a site plan modification is needed to deal with the floor plan changes, but asked if the commission needs to get involved if the liquor permit has already been approved, although it's a café and now it'll be changed to a restaurant. Mr. O'Leary

stated he believed it was still just a modification to the site plan, the floor plan, and it was just a minor change of changing the percentage use of restaurant versus recreational. If it was a bar or something else being introduced it might be a little more significant, but it isn't. Those are the uses that are permitted to being the primary use—either food or recreational, although alcohol can't be the primary, so it's just the modification to the floor plan. He believes it still meets the parking requirements, still meets the intent of this, and a modified site plan would do it. Chairman Zimnoch added that there's no need to worry about the change in the liquor permit if the applicant applies for one, because it's already there and there is no need to go through a public hearing. Mr. Steele agreed that Mr. Calungi will need a modified floor plan and should take the old site plan and do a parking calculation to show he meets that requirement. Mr. Steele asked about the change on the sign, adding the word "restaurant." Ms. Rodriguez stated the sign permit was approved a long time ago but thought the sign was never put up. Mr. Calungi said there was a sign there originally but a request was made to take it down because it was old and dilapidated. It was agreed that the size and location of the sign should be noted on the site plan and that Mr. Calungi needs to come back to the next meeting with a modified site plan for the commission's review.

**C. Informal discussion regarding the T&M and North Group, LLC request for acceptance of roads.**

Mr. Steele stated that he received the as-built from T&M, and there are just a few minor items to fix. Section 12.5 of the subdivision regulations talks about when an applicant requests a bond release they shall at the same time request acceptance of the road. T&M would like to get their bond released, so along with the as-built they are supposed to submit deeds to the streets, easements, and open space. They have submitted a topographic survey of the open space which Mr. Steele requested to show that it's graded properly. Mr. Steele said everything looks good as far as the road construction is concerned. There is a parking lot in there now, so there is the capability of having places for people to park if need be. They need to submit deeds and easements and a maintenance bond so it can be formerly accepted. The maintenance bond for Windsor Locks Farms is \$218,100. The maintenance bond for North Wind Estates is \$201,480, so it's over \$400,000 for a two-year maintenance bond per regulations. They need to submit 5 signed and sealed sets of paper copies, a mylar copy, and an electronic version so the GIS system can be updated with the information.

Mr. Steele put together a recommendation regarding the acceptance of the roads and suggested some conditions. He indicated to the commission that the required improvements are in substantial compliance with the final plan of subdivision as approved. When the commission makes a motion to accept the road and release the bonds, he requested that it be with the three conditions outlined in his June 11, 2012 memo. The first condition concerns a few housekeeping items dealing with the as-built; the second condition is in accordance with Section 12.5 of the regulations and

requires that the deeds and maintenance bonds be submitted; and the third condition requires that the actual plans and electronic version be submitted in sufficient quantities.

There was a short discussion regarding what action the commission should take. Chairman Zimnoch and Mr. Gannuscio stated that they are reluctant to hand off this request to the Board of Selectmen until the conditions have been met. Mr. Gannuscio stated that his preference was to continue this as an agenda item, given how long it's taken to get to this point. Chairman Zimnoch asked how much their current bond is. Mr. Steele responded that the full bond amount is 10%, \$4 million is the full bond amount, and they've reduced it down to one third of that, which is \$1.3 million. The town is currently holding a bond of approximately \$1.3 million, down to \$400,000. Chairman Zimnoch stated that should be a good incentive for them to complete the work. Mr. Steele commented that it's nice to have a complete and accurate record showing that improvements have been built since this will be a permanent record for this system of roads for the next 50 years.

Chairman Zimnoch addressed the recording secretary and noted this item would be continued on the agenda for the next meeting.

## **VII. Old Business**

### **A. Discussion with commission and staff regarding: zoning regulations, subdivision regulations, Main Street zoning, and Alcoholic Beverage regulations.**

Mr. O'Leary passed out to the commission copies of the same version of the Main Street draft regulations that he emailed to everyone a few days ago as well as two maps (one in color and one in black and white). At the last meeting there was discussion about getting these up on a website for some public exposure and to get some comment. He thought a cover sheet was important, so he wrote a one-page introductory summary which highlights in bullet points what some of the main features are of the draft regulations. Included is a new Section 418 (the overlay district), and a new Section 419 (the Village area) allowing conversion of existing buildings and new infill development, and the necessary revisions to Sections 402 and 403 to close the loop.

Mr. O'Leary explained the process of coming up with a final draft. He met with Mr. Steele and scribbled out on a map the final boundaries of the overlay zone and the village area. Mr. Steele created a clean new map for the commission. A few adjustments were made of what made sense regarding boundary areas. On the color version of the map the red crossed hatch is the overlay zone which is basically Main Street, including the site of Chuck's Auto. In the blue hatched area is the area referred to as Section 419, a permissive zone where a property owner might want to convert one of those buildings to something that's a combination of a residential unit and a professional office space, or they can convert the whole thing to a professional

office space. This zone is shown going north up Suffield Street, south on South Main Street from the overlay district, and then westerly along some of the side streets like Elm, Church, and Spring. He said they looked at a very rough map that he had done, and the commission's preference at the last meeting was to make it more inclusive to give someone the opportunity to come in with an application. It's a special permit, something to be looked at on a case by case basis, and the commission can always say no.

With that guidance from the last meeting, Mr. O'Leary and Mr. Steele tried to come up with that boundary, and Mr. O'Leary thinks it makes a lot of sense. The regulation makes reference to the Windsor Locks zoning map and the appendix, and now there is a number that can be referenced: Appendix B, Sketch 10 of the regulations. The regulation and the map tie it all together. The commission has the regulations and maps in PDF format, hard copies, and Word format. It was discussed at the last meeting that after the regulations were finalized they would go up on a website or websites for some time period to get some feedback, and copies would be made available in Town Hall. Mr. O'Leary said he emailed Patrick McMahon to ask if he would put these up on his Main Street website, but he has not heard from him. Mr. O'Leary believes that the commission now has a final draft at this point. Mr. Steele commented that he did the map in color because he thought it looked better and was easier to read, and he suggested that the commission print it in color also.

Chairman Zimnoch stated the commission needs to find a forum to advertise it. He thought the Town website would be an excellent place. Mr. Steele will email this document and a color map in PDF format to the commission and staff members. Ms. Rodriguez said she would get this up on the town website.

Ms. Rodriguez stated that on the west side, on Elm Street, where Alstrom is (the large building on the south side of the main street zone) and across the street from Walgreens, part of that property was sold off as a residential property, so those lot lines are incorrect along the frontage.

Mr. Szepanski asked how many pieces of property were affected by this overlay in the village area. Chairman Zimnoch thought about 50 in the main village. Mr. Szepanski suggested sending a copy of the regulations to all the property owners to try to get them to buy into this and to get their reaction. Mr. O'Leary remarked that the zoning regulations are hard to understand. Mr. O'Leary had hoped that the Economic and Industrial Development Commission (EIDC) would help spread the word, and hold some workshops and public informational meetings. Chairman Zimnoch thought that idea made more sense. Mr. Gannuscio felt there had to be some sort of public session or joint meeting with the selectmen, EIDC, and three boards to try to publicize it. Other suggestions of places to advertise this were the public library, the town hall foyer, town clerk's office, tax office, Patch.com, and the Reminder. Mr. O'Leary asked if a poster size sheet could be set up in the lobby with

information on it such as map, bullet points, where copies would be available, and website. Most agreed that at some point an informational workshop sponsored by both the EIDC and Planning & Zoning Commission would be beneficial.

Chairman Zimnoch discussed proposed amendments to the conservation and development plan. Mr. O'Leary had offered to draft the modifications to the plan of development because he felt that was the first regulatory step that should be taken, but the more he looked at the section of the plan of conservation and development, he felt you couldn't just pop in a new objective or a new goal because in the text it says that the town ought to do a master plan of Main Street. He explained that's why there are two different sections of the text in the document within the economic development section of the plan--there's the business section and there's Main Street that references a plan that has now been done. When you look at the objectives, there were two specific objectives that talked about doing a Main Street plan and doing a possible village district or overlay zone, so he modified those to have some specific language referencing this particular study. One study is more comprehensive in nature, and the town should use this study as a comprehensive guide to do a number of activities in the downtown area. The second one this commission supports, and the commission should utilize the land use and zoning recommendations in the Main Street study to adopt an overlay zone in the Main Street area and a village area to allow two versions. Mr. O'Leary admitted it was a little bit more detailed than he thought it would be, with two sections of text being amended, and two objectives to bring that section of the plan up to date.

Mr. Gannuscio asked Mr. O'Leary if CROG needed 65 days. Mr. O'Leary said he knows the Board of Selectmen needs 65 days, and he thinks CROG is probably the same. It's no more than 65 days. He said he would get a bullet point list of the steps to Mr. Gannuscio. It's right in the statute, section 23, as to what the procedure is, and it has to be posted on the town website.

Mr. Gannuscio asked if he made a motion now that the commission conduct a public hearing on this in September, would that give the commission 65 days' worth of time. Mr. O'Leary said that notice would probably have to go out to whoever needs 65 days, at least the Board of Selectmen, before the July meeting. He suggested that a motion be made tonight to start the notification process, as required by statute. Mr. Gannuscio said they knew this was an important step. Mr. O'Leary agreed it takes a very long time, but while the commission is doing all that and getting the plan updated, it can do some of the public outreach. He said he will provide the commission with the bullet points.

It was **MOVED** (Gannuscio) and **SECONDED** (Ramsay) and **PASSED** (Unanimous) that the Planning & Zoning Commission hold a public hearing at the September meeting regarding revisions to the plan of conservation and development to incorporate changes in the plan for Main Street redevelopment and upgrade.

Mr. Gannuscio confirmed with Mr. O'Leary that the Board of Selectmen would have to have this plan 65 days before the public hearing in September, within the next week or so. Mr. O'Leary said he would get the information to the Board of Selectmen and offered to do a draft cover memo. Ms. Rodriguez offered to send it to CROG via certified mail.

At this point in the meeting, Mr. Gannuscio stated that this would be the last meeting the commission would have with Mr. O'Leary. Mr. Gannuscio pointed out that he was Chairman of the Planning & Zoning Commission for 10+ years and for that entire time benefitted from having Mr. O'Leary's service and expertise. The guidance Mr. O'Leary provided has included multiple changes to the regulations, and one full-blown re-do of the plan of development in 2007. As past chairman he owes Mr. O'Leary a big debt of gratitude for the service he has given to the commission, and he would like to say thank you for himself and for former committee members. Mr. O'Leary thanked Mr. Gannuscio and said he has enjoyed his time and to carry on with the work that has been started.

#### **IX. Communications and Bills**

Chairman Zimnoch presented Mr. O'Leary's retainer for the month of May and June 2012 for the amount of \$3,333, which was approved by the commission.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous) that the Planning & Zoning Commission approve the bill.

Chairman Zimnoch presented Diane Ferrari's letter of resignation dated May 17, 2012 and read it to the commission. Mr. Gannuscio then introduced and welcomed Debbie Seymour as the new recording secretary for the Planning & Zoning Commission.

Chairman Zimnoch told the commission that some communications had been received from Margarita's, Ms. Rodriguez, and Scott Storms, the Town Attorney. The commission has been requested and advised to remove the time restriction on the sale of alcohol in the approval for Margarita's because it is not within the commission's jurisdiction to do that. Mr. Gannuscio clarified that it would be a change to the special permit/liquor permit for Margarita's on Loten Drive, and the commission was being asked to revise that approval by removing the time restriction. He felt that was something that should appear on an agenda and should not be done as a discussion item. Chairman Zimnoch said that was the recommendation of the Town Attorney.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous) that the Planning & Zoning Commission schedule a discussion at the July 9, 2012 meeting regarding amending conditions on the approval of the special use permit of Margarita's regarding a liquor permit for the property located at 4 Loten Drive at the request of Jin Hospitality.

Mr. O’Leary asked if the party had submitted anything in writing to the commission, and Ms. Rodriguez stated she did receive a letter.

Ms. Rodriguez stated she also received correspondence from Neil Court who was the applicant for Mike’s Blue Collar Bar asking for a letter from her stating that he had acted within all town regulation requirements, and she told him she did not think that was appropriate.

Ms. Rodriguez said the only other business she discussed with Attorney Storms was that Mohammad Hussein came in for an extension of permit with Attorney Kervick and went to the Zoning Board of Appeals to request a variance for some improvements that were done that encroached into the buffer requirement to the parking and some other things that were denied. It had been recommended to them that they come to the Planning & Zoning Commission for an extension of their permit, and this is the second meeting since that happened that he has not appeared, so she will be sending an order because the improvements are in violation of the approval. Mr. Steele asked if it was resolved about the parking on that site; specifically, was there a variance down to 12 spaces versus 11? Mr. Szepanski stated that he had asked the Zoning Board of Appeals for 11 spaces. Mr. Steele asked if they had approved it. Mr. Szepanski replied no, they denied him by silence. They didn’t make a motion. Mr. Steele asked if he is approved for 12 or 11. Mr. Szepanski replied that he is approved for 12, that he went from 20 to 12. Mr. Steele commented that he thinks his site plan approval is for 11. The plan he has now is for 11. Ms. Rodriguez asked if that meant his approval from 2000 was incorrect. Mr. Steele replied, “I guess, if the intent of the approval was that you need a variance to go from a certain number of spaces down to 12 and he only has 11.”

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous) that the Planning & Zoning Commission adjourn the June 11, 2012 meeting at 10:55 pm.

Respectfully submitted,

Debbie Seymour  
Recording Secretary