

PLANNING & ZONING COMMISSION
September 20, 2012 Special 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 Paul Harrington

Commission Members Absent: Anthony Scarfo

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer) (arrived at 7:20 pm)

Also present were Steve Wawruck and Patrick McMahon.

I. Call to Order

Chairman Zimnoch called the special meeting to order at 7:06 pm.

II. Roll Call

Commission roll call was taken.

III. Workshop/Discussion with Commission and Staff

A. Liquor Regulations

Ms. Rodriguez started by saying that Mr. Juszczynski brought to her office some examples of liquor regulations from other towns. One of the big questions is whether or not to permit a tavern, which by state regulation, is without food, making it essentially a bar. She said that Middletown is an example of a vibrant community which does permit bars. Windsor Locks is not Middletown, but a tavern could add some vibrancy to the town. Ms. Rodriguez asked the commission for direction in deciding whether to permit taverns. Chairman Zimnoch asked if any towns prohibited taverns. Ms. Rodriguez replied that Simsbury chose to not list it as a permitted use. She said that they might not say that it's prohibited but they would not expressly permit it, and she doesn't believe there is any legal issue with that. Chairman Zimnoch commented that he came across something from South Kingston, Rhode Island which was interesting. This town allows a certain number of permits in a certain area for a particular use, and the basis for denial is that all the numbers are used up in that area. The number of these licenses is also tied to the number of residents. He remarked that this might be a way to contain but allow permits in a specific area. Ms. Rodriguez said she would look into that and share it with the Town Attorney and then draft a section on cafes. Mr. Gannuscio felt cafes might be a draw for Main Street, but then asked if we wanted Main Street back the way it was in the sixties. Mr. Harrington commented that allowing taverns or bars may create more of a late night atmosphere, with a younger crowd going out at 9:00 or 10:00 rather than at 5:00 or 6:00. Ms. Rodriguez said we may be getting some of that already with the café permits. Mr. Szepanski felt serving liquor without food could be a dangerous situation, and because of this, he felt requiring food to be available with a liquor permit might be easier to sell to people.

Mr. Gannuscio asked what type of permits the old Howard Johnson's had. Ms. Rodriguez replied that all of their old permits are liquor permits with entertainment or catering. Mr. Szepanski stated it would be nice to have a listing of all current open liquor licenses in Windsor Locks and those that might have been expired and grandfathered. Ms. Rodriguez said she spoke to Attorney Storms, who felt strongly that, given the troubles the town has had with limiting hours of operation for liquor service, when you have a use that's tied into liquor service it's very difficult to regulate part of the use and not all of it. He thought the way to handle that is either to not permit something in the zone if you're worried about its ultimate use or to have a town ordinance to limit the hours of operation. Mr. Szepanski commented that having Consumer Protection set the standards for hours of operation would be another alternative.

Ms. Rodriguez summarized: so the commission and the town would have to know that those are the hours that are set and allowed, and would have to plan accordingly for that possibility. Chairman Zimnoch stated that if we want something specific to our town, then we can adopt an ordinance to control it. In other words, if we don't want the bars to be open past midnight, then there has to be a town ordinance because we can't dictate the hours of operation. He then asked if the commission wanted to have any kind of distance limitations. Ms. Rodriguez responded that in past conversations the distance limitation had been left in place only for package stores. Chairman Zimnoch stated that it probably does not make sense to have a distance limitation for non-tavern uses like restaurants and cafes, especially considering the Route 75 corridor. Why would you want to limit them if they are legitimate restaurants? He felt the distance limitation probably just needs to be kept for those less desirable places. Ms. Rodriguez asked the commission if it would like her to go back to the Town Attorney and see what he would suggest for a revision to Mr. O'Leary's draft and see what he would recommend for an ordinance. Mr. Gannuscio stated that the commission cannot do this without the Town Attorney's active participation and that he needs to be present at the meetings when decisions are made.

Ms. Rodriguez asked if there was a common thought among commission members to not list taverns as a permitted use. Mr. Gannuscio felt this was a good idea. Ms. Rodriguez asked for further clarification from commission members. Chairman Zimnoch asked for opinions if taverns should be allowed. Mr. Szepanski stated that he did not feel taverns should be allowed, and that he liked the idea of having food with liquor. Chairman Zimnoch stated he would question anyone wanting to open up just a bar because he did not feel it would be a successful business practice. Mr. Szepanski agreed that any liquor establishment opening up without serving food might attract the wrong kind of clientele. Mr. Harrington felt having a bar might deter or limit other types of businesses from opening up near it. Mr. Juszczynski asked if the new Police Chief had an opinion about taverns. Ms. Rodriguez said she would take feedback from tonight's meeting and consult with Attorney Storms, and then take the draft and run it by the Police Chief.

Mr. Szepanski reiterated that the commission was saying no to taverns, but cafes don't have to have food on the premises, just the availability of having it brought in, and so he asked if the commission would be inclined to allow a café without having food on site. Chairman Zimnoch asked, "Are we requiring that food be served?" Mr. Gannuscio read Statute 30-22a regarding café permits. Ms. Rodriguez said, "So someone can walk in and buy a drink and not buy food, but food has to be available." She read a newer version of 30-22a which included the new florist gift basket package store permit.

Ms. Rodriguez pointed out that she has seen a lot of planners and zoning staff changing their regulations to allow florists and gift shops to sell wine as part of their gift baskets, and also some towns are saying these gift shops would not need a full planning and zoning commission approval to add that use to an existing use. She asked the commission if it would like her to add language to allow florists and gift shops to sell wine in their gift baskets. A discussion took place. Ms. Rodriguez stated there were a number of towns going through this process and she would get some examples from these towns of the language for gift shops and come back to the commission with more details.

B. Main Street Overlay Zone Regulations and Map

Ms. Rodriguez stated that the Transit Oriented Development (TOD) Grant Steering Committee had its first meeting last night and it was well attended. The consultant wanted to get an idea of what the assets are in town, and what the biggest concerns and obstacles are. Traffic was a very big concern. Ms. Rodriguez said that she will get a summary to the commission after each of these meetings. The Main Street study was approved and incorporated into the Plan of Conservation and Development (POCD).

Ms. Rodriguez went over some of the things the Main Street study regulations as they stand now would encourage. After reviewing the regulation draft, she felt there were some items that were in the goals or objectives of the regulation but not fully addressed in the body of the text and some things that came up in her mind that the commission might want to consider.

Provisions for Bicycles

Ms. Rodriguez stated that one of the goals or objectives of the regulations was to encourage some kind of accommodations for bicyclists, and she did not see anything in the regulations with that particular language. She looked at the regulations for Windsor and Simsbury and noted that Windsor's language was not very specific, and Simsbury's was very detailed. She handed out to the commission proposed additional language/discussion items, which included a Section J6, Provisions for Bicycles, which she drafted. She felt this was a good start and asked for feedback from the commission. All members agreed it was good language and did not need to be in more detail.

Outdoor Café Seating

Ms. Rodriguez stated that some towns opt to delegate the approval of outdoor seating to staff and asked what level of review the commission would be comfortable with. The way it's proposed now in the draft is to have the special use permit go through the commission. Mr. Steele asked how staff would decide whether outdoor seating would have an impact on surrounding neighbors. Ms. Rodriguez responded that the Police Department would probably be used. Mr. Gannuscio asked if she had looked at South Windsor's regulations and mentioned Burton's Restaurant which has a nice outdoor seating area. She said she would call South Windsor and find out if their commission makes decisions about outdoor seating or if they delegate this to staff. Ms. Rodriguez read the examples of regulations that she had from Windsor and Greenwich. A discussion took place regarding existing versus new restaurants and whether a site plan review would be required for outdoor seating. The Town of Greenwich grants six-month temporary permits for outdoor dining. The commission liked this because it would be easier to police and control problems that might come up. Mr. Steele pointed out that temporary permits may discourage a restaurant from taking the risk of investing in outdoor seating if they knew it could be taken away the next year. Windsor's regulations state that seasonal outdoor eating areas are permitted as an accessory use to an approved restaurant with conditions and that no additional parking will be required. Outdoor eating areas may be approved by town staff. The consensus of the commission was that staff review and approval of outdoor seating could be allowed and the approval should be renewed every year.

Shared Parking

Ms. Rodriguez stated there is language in the regulations for reducing parking but not shared parking, and the town may have a situation where shared parking might be necessary for some of the lots which will not have enough required parking. She then read some general language that she drafted for shared parking and said this language was similar to Enfield's regulations. She went on to say that Mr. Steele shared with her examples from Bloomfield which provided three possible solutions that could apply in all zones. Mr. Steele said he and Ms. Rodriguez discussed how they could provide flexibility without creating a situation where the town would have a problem with not enough parking. Mr. Steele said the Bloomfield regulation identifies three possible ways to have relief from parking requirements. There's a temporary reduction where an applicant would provide data to show that he did not need as many spaces as the regulations say he does, but would show provisions on the site plan to put all of the parking in. This is basically what Section 705F9 in the regulations states that is allowed in all zones. An applicant can request up to half of their parking be deferred, but they provide the full design for it, and then build only half of it to save on construction costs. However, if things end up working out differently than their business plan predicted, then they would be required by some agreement to do the rest of the parking within six months of notification by the commission. This is already in the town's regulations as one way of relief. Mr. Steele's opinion is that you should not build more parking than you need because

it results in more runoff, has more environmental impact, is not as attractive as green space, and costs more money. He stated that the problem with shared parking is that you need cooperating property owners, which is often difficult to accomplish. Providing shared parking is a good thing and could be appropriate in any zone. Shared parking would encourage development in the downtown area. Some type of special reduction for parking makes sense since there would be more foot traffic in the downtown area and therefore not as much parking would be needed. The Bloomfield regulation puts a number, 25%, by special permit. The commission could permanently reduce for any zone or limit it just to the downtown zone. Under a special permit process the commission would have the ability to deny anything that doesn't meet the criteria. Mr. Steele summarized that the town of Bloomfield has the temporary reduction, the permanent reduction, and the shared use. He believes it makes sense to have the parking regulations provide some of that flexibility, and also to have a 25% reduction in parking requirements in the Main Street zone to account for the foot traffic. He also suggested discussing at some point having a parking garage or regional area where people could park and then walk to the other activities.

Ms. Rodriguez reminded the commission of the types of things that are already in the proposed draft regulations for Main Street. For establishments of less than 500 square feet the commission may reduce or eliminate required parking. There is the section "in lieu of providing the parking specified" the commission may permit a fee in lieu of parking. This is a one-time fee per parking space, and if the commission allows them to eliminate one required space, it would be \$2,000 per space. She went on to say that the statute requires when you have a "Fee in Lieu of Parking" it can only be used for municipal parking. Ms. Rodriguez then asked if commission members had any comments about including any other language. Mr. Steele suggested looking at Section 705 and doing something like what Bloomfield did with the three options and maybe a fourth option for the Main Street zone that allows for a larger percent reduction. Or the true reduction could be used. He said shared parking makes sense, although the risk with shared parking is it may work for the two uses that are there now but in a year from now if the property sells or changes, then you have a different use and now it's not as compatible.

Mr. Gannuscio asked Mr. Steele if he was thinking of expanding the shared parking or reduction beyond Main Street. Mr. Steele stated that his initial point was if the commission puts something into the MSOZ, it has to think about how it conflicts with regulations that are already in place. Section 705F9 allows for the temporary reduction and deferral of up to 50% of parking on the site, so you can have that still in place for all zones and then for the MSOZ allow reduced parking by up to 25% by special permit. Mr. Gannuscio stated he would like to write it in to have that flexibility in the MSOZ and leave the other regulations alone. Mr. Steele clarified that the "Fee in Lieu of" is only in the MSOZ and that he was talking about the option of permanently reducing the required number of spaces based on the site not needing that many. He believes the shared parking concept could be part of Section 705 and could be kept out of the MSOZ, or if the commission wanted to limit it to just MSOZ it could. In practice the commission has already been doing that, particularly with

existing plazas. Mr. Gannuscio commented that because the commission wants to allow the flexibility in this particular zone, let's write it only in the MSOZ rather than re-doing things town-wide. Mr. Steele remarked that if you have a "Fee in Lieu of" option, then providing a reduction requirement also is probably counterproductive. Mr. Steele summarized: the commission would like to add the shared parking provision, and leave the "Fee in Lieu of" in the regulation.

Miscellaneous

Ms. Rodriguez stated that there were a few things that were not in Section 402 that should be. The language for hotels or motels facing Main Street permitting an entranceway to upper floor hotel units needs to be put on the permitted use table. She noted that some towns actually list bus or passenger terminal or multi-moto facility or rail station on their permitted use table, and that language should be included in our permitted use table as well. The liquor associated uses which have already been discussed tonight should also be in the permitted use table.

Outdoor Storage

Ms. Rodriguez said that her office receives numerous calls from businesses asking to put certain types of items outside their business during the day. She looked at the language for different towns and felt this would be a good thing to have in our regulations. These items would have to be taken in at the end of the day. Mr. McMahan suggested it be titled Outdoor Display rather than Outdoor Storage. Commission members agreed this should be included in the regulations.

Other

Mr. McMahan said he would like to have an informal discussion with the commission and staff regarding the train station. He explained that the town is in the process of acquiring the train station from Amtrak. Amtrak had told them they did not want the town to do any kind of environmental testing of their site, so they asked Amtrak to sell them the building and the footprint. An appraisal was just done, and in that appraisal the state said that under the town's zoning regulations, a minimum of .17 acres was needed. Mr. McMahan asked the commission, "do we go forward with Amtrak with just the footprint, or do you feel we need to get .17 acres to meet the guidelines of the lot requirements?" He remarked that at this point in time it's critical the building be restored as soon as possible and they could worry about the parking later. Ms. Rodriguez stated that it is in the B-DRD (business downtown renewal district) and there is no minimum requirement. Mr. McMahan felt more comfortable being able to go to town meeting knowing now that there was no minimum requirement. He said, "We know where the state's going to go with the relocation of the station and how the parking is going to be laid out, we'll just deal with it at that point." Mr. Wawruck said they have to send a letter to Amtrak stating what they envision the building will be used for.

Mr. Szepanski asked how much land Amtrak owns with that building. Mr. Wawruck said they own the old rail yard, which goes in back of the Windsor Locks Commons and is about three or four acres. He explained that there is an easement or right of way that was in the deed for the Santa Maria castle that comes down along the tracks toward the old train station. Under the original concept that's what they were looking at for the parking, for the platform itself, and for the buses that have to come in to accommodate Bradley Airport passengers. There is quite a bit of land associated with that platform endeavor. Mr. Wawruck reiterated that the town will not own it. The platform will be a DOT-Amtrak project, and DOT is the one who becomes the lead. Mr. Wawruck stated, "We just want the building. Nobody knows at this point what the final use will be. We just want the building to be restored and to make it look attractive on Main Street."

18 Maple Avenue

Ms. Rodriguez referred to a photo in the packet that was passed out which shows the tracks, the old station, and the proposed relocation for the active train station. She said she has been asked numerous times by the owners of 18 Maple Avenue if they could do a bed and breakfast or hold bridal showers and other parties. She stated that it is a historical property, just north of the proposed station location. She had asked for the property to be included in the MSOZ some time ago, but because of the staff change, it did not get included. She thought that because Maple Avenue is residential she did not think it would be appropriate to extend the MSOZ to that property, but she did comment that it could provide a good connection and a good asset to any new development in that area. A discussion took place regarding including just 18 Maple Avenue or the whole street in the MSOZ. The general opinion was to include the entire street, and also the residences on North Main Street coming south, including the large condos on the south side of Maple, and to continue it along the rear property lines of all the properties on the north side of Maple. Mr. Steele said he will clean up the map.

MSOZ Map

Mr. Steele asked if the commission wanted him to talk about the delineation of the map and how it came about. He explained how he and Mr. O'Leary decided what to include on the map. They looked at the village district heading south on South Main Street. All those properties have frontage on South Main Street, so the line jogs in and out because properties are different depths. If a property didn't have frontage on South Main Street then they did not include it. They stopped at the southwest corner of South Street and South Main Street. The next property to the south is the CL&P substation which was left out. They stopped it at a gas station further down. Included in the downtown district is all of the Dexter property, Memorial Hall on the corner, and Walgreen's. As you head up Elm Street you have two parcels that are new residential houses. These were not included. They left that entire side of the street out (the south side of Elm Street). He said some of those properties go pretty deep and the village district would start to encroach onto that portion of town. The older

houses on the south side of Elm Street were not included because they had to stop somewhere, but if the commission wants to include those in the village district they can be included. Mr. Szepanski remarked that the two new homes near Dexter's have changed hands many times and wondered if those should be included so that a use other than residential might be appropriate. The commission agreed with Mr. Szepanski. Mr. Steele asked if the commission liked having the rest of Elm Street on the north side within the village district. The response was yes.

Mr. Steele and Mr. O'Leary continued the delineation down Center Street, where there are some professional uses such as the orthodontist. Both sides of that street in that area were included. All of Church Street was included because it's in the middle of everything. Mr. O'Leary was not sure if he wanted to include the north side of Spring Street, so he and Mr. Steele discussed it. Mr. Steele thought some of those houses are older and could use some revitalization, so that area was included. Mr. Steele said they probably could have included Oak Street and Grove Street too, using the same logic, but Spring Street is a through street and more of a main thoroughfare, and Grove and Oak don't get nearly as much traffic, so there was a distinction there and a reason to stop where they did. But Mr. O'Leary was initially thinking of doing it like Elm Street, with only one side of the street included, providing a little more buffer for the residential, so that's something to think about if the commission wants to include those on Spring Street, and whether you want to extend further to Oak and Grove. On the east side of Chestnut Street is the HUD housing, which is in the downtown district, and then you have village district on the east side of Chestnut Street. Nothing on the west side of Chestnut Street was included. When you get to Pesci Park you have some commercial type of buildings, or apartments, so it's more multi-family, it's higher density, and seemed to fit in with the Montgomery Mill part of the downtown district, so instead of village was included in downtown. Then going up Suffield Street, all those properties were put in the village district. On one side they put the Barberino property in the Main Street zone. They split the triangle for the properties that don't have frontage. They didn't do that whole corner because those are all residential. The extension of North Street, between Suffield and North Main, is a pretty residential area, and was left out of the village area. They did extend the village on the west side of Suffield Street all the way past the corner of North Main because on the corner you have the Carillo insurance agency, which is a great example of what you'd like to see happen in these village districts. Mr. Steele said they did not look at 18 Maple because it was tucked away and they didn't want to start getting into the residential areas.

Mr. Steele summarized: both sides of Maple and the two new houses on Elm Street would be added to the map. There was a discussion of changing the zone for the two houses on Elm Street from residential to commercial, but Mr. Steele pointed out that the MSOZ doesn't change the underlying zone, so it could stay residential. Mr. Juszczynski asked about including the brick building on the corner of Center and Elm and also the brick house with the gazebo on the south side of Elm. Mr. Steele replied that if you include those on the south side of Elm, you'd have to include the

entire parcel, so the line would go pretty far down. Mr. Wawruck also suggested including the three houses by the Chevron Station going up to North Main Street in the overlay zone itself. Mr. Gannuscio suggested revising the map for the October meeting.

Drive-Thru's

Mr. Szepanski asked about reconsidering drive thru's based upon the potential of having a bank in the North Main Street area. Mr. Steele mentioned Attorney Fahey's remark at the last meeting that Enfield's New England Bank put a drive-thru in *under* the building which fits more into the urban feel than open air drive-thru's. Ms. Rodriguez said that Simsbury has the same requirement that if the drive-thru is part of another structure or garage and is not a fast food drive-thru, then it is allowed for other institutions like a bank. She will gather Enfield, Simsbury, and Windsor language on drive-thru's for the next meeting.

Ms. Rodriguez asked that the commission give some thought between now and October about the public process. She said typically it's been just the required public meeting and hearing and that's about it, but she is open to other processes in the meantime like workshops and outreach to neighborhoods. Mr. Gannuscio asked about a joint meeting. Mr. Wawruck said, "What if you had a workshop or a hearing and invited different boards and commissions such as the EIDC, Zoning Board of Appeals, Board of Selectmen, and Board of Finance, some of the boards that have a stake in the town's future, so that everyone has a sense of where we're going." Ms. Rodriguez mentioned that Simsbury did a series of public forums, and even a branch-out with students to get families more involved. Mr. Gannuscio said he thought the commission should at least list this as an item for discussion again. Ms. Rodriguez suggested that in October they talk about whether or not to schedule something special and just try to keep the agenda for November light and have a joint workshop. Mr. Szepanski was very concerned about having enough time and suggested they put a time table together as to when they expect to do this and then work backwards to make it happen.

IV. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the September 20, 2012 special meeting at 9:38 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary