

PLANNING & ZONING COMMISSION
October 9, 2012 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Jim Szepanski, Anthony Scarfo, Peter Juszczynski, and Paul Harrington

Commission Members Absent: Alan Gannuscio

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer—arrived at 7:07 pm)

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:04 pm.

II. Roll Call

Commission roll call was taken. Mr. Harrington was seated for Mr. Gannuscio by Chairman Zimnoch.

III. Approval of Minutes from the September 10, 2012 Regular Meeting and the September 20, 2012 Special Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (5-0) that the Planning & Zoning Commission approve the September 10, 2012 minutes.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (4-0, with Scarfo Abstaining) that the Planning & Zoning Commission approve the September 20, 2012 minutes.

IV. Public Hearings

A. Public hearing on the special use permit application for lighting of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike.

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

Athene Zaleski, Director of Facilities Permitting for Pride Convenience, Inc. located at 246 Cottage Street in Springfield, Massachusetts, informed the commission that she would be serving as spokesperson for Robert Bolduc, CEO and owner of Pride Convenience stores, as he was unable to speak due to acute laryngitis. The commission was provided with photos of the proposed canopy lighting and the proposed site plan lighting as well as a photo metrics plan. Ms. Zaleski stated that Pride feels their scheme and plan will meet the dark sky requirements of no upward lighting. She referred to the first photo which was distributed and said this is a replica of the lighting of the underside of the canopy showing the LED lighting which

is being proposed at their site. The canopy is immediately lit from just below, illuminating the pumps, and there has been no light spillover onto the roadway or adjacent properties. There may be some minor spillage into the roadway, but it's dark there now, and this will help illuminate cars coming into and exiting from the site. Ms. Zaleski pointed out that these lights are the most energy efficient on the market today and qualify for electric company rebates which they have been approved for. They cannot promise harmony with their abutters lighting since theirs is of an older generation and not designed to today's standard or in fact to the commission's standards, but they can promise perfect harmony with any future lighting by others since this is what the electric company is now recommending for everyone. Ms. Zaleski went on to state, "As you can see, this particular scheme is higher than the maximum of six foot-candle levels, but that is obviously a filter to allow you to approve each site, but basically six foot-candle levels equates to very little or no lighting at all. Your code recognizes the need for gas stations to have a higher level of lighting, and that's in Section 705.F.4, and in that spirit we are confident that our plan illuminates our site to allow safe and inviting operations and nothing more. We have nothing to gain by over lighting the site, and that would be in direct contradiction to energy preservation as well. Higher lighting levels are necessary for safety and visibility under the pumps. They are also necessary for parking areas and simply walking to and from the store."

Ms. Zaleski stated that the second photo was a regular parking lot illumination of what their parking areas would look like. She noted that there is very little spillage onto abutting properties yet it still provides a very safe, friendly environment for those traversing to and from areas at night. She emphasized that the new LED lights provide a considerable reduction in energy, as they use only 155 watts of energy compared to 400 watts with the old lights. This is the very latest in technology which is approved and recommended by all of the utility companies. Ms. Zaleski summarized: "Our plan reflects a very state-of-the-art technology, and Pride is excited and proud to be introducing this technology to Windsor Locks and its station. We want to be a good community citizen and reflect our commitment to energy conservation and have a very safe and inviting store and area for our patrons."

Ms. Zaleski went on to answer questions from commission members. Yes, there is a marketing advantage to having brighter light. Other stations in town do not have this type of LED lighting, and Pride does not have any other stations currently using LED lighting. Windsor Locks will be the first. The lights will dim over age, and the degradation over time is 25% in two years, and then it holds steady at that level. Beyond the canopy, the other areas on the site would be illuminated by 14-foot high pole lighting that casts forward. The parking area illumination is very different and at a fairly substantial reduction than under the canopy.

Ms. Rodriguez summarized her report dated October 5, 2012 regarding 77 Ella Grasso Turnpike. She said that the Police Chief had one concern about glare for the cars driving by that he hoped would be addressed. Ms. Zaleski stated that the plan does address the Police Department's concern for over illumination. Every effort has been expended to minimize any spillage and if there is minor spillage or overflow particularly from the lighting plan at the entrance and exits of the lot, it is very minimal, and it's very dark there now so it would actually be an enhancement. These lights are mounted under the canopy and are directed down, and they are in compliance.

Chairman Zimnoch asked Mr. Steele for his opinion on the foot-candles. Mr. Steele commented that the proposed foot-candle levels are quite a bit higher than standard six foot-candles, so the main issue is spillover onto surrounding properties and if this negatively impacts these properties. This LED technology seems to have the capability to keep the light directed, offering a little more control. Mr. Steele noted that the site plans appear to indicate some building mounted fixtures and asked Ms. Zaleski if those are the same fixtures as the pole mounted, or if they have been eliminated. She responded that those fixtures have been eliminated and there will be no building mounted lights. Mr. Steele concluded that the fixtures are full cutoff and the overspill is not onto a sensitive area. Foot-candle readings under the canopy approach 50 foot-candles, and some of the drive thru areas are in the 30's range, which is substantially higher than the six foot-candles for conventional parking areas, but the regulations seem to indicate that for gas station uses it's expected that they will be higher. How much higher is up to the commission's discretion, but Mr. Steele does not have any objection to that. He said he would like to see those driveway areas lit up well enough so cars can be seen when they're pulling in or out of the gas station. Because it's so bright you will get some spillover, some benefit out into the street. He feels the light levels at the street are appropriate and good. As to whether the lighting under the canopy is excessive or not, he would have to research that.

Mr. Szepanski commented that the real question is what is too dim (creating a safety hazard) and what is too bright. Mr. Steele responded that the commission has the discretion to limit the foot-candle levels to something less than what the applicant is proposing, and the intent of the regulations as they are written is to provide the commission with the ability to say no if the lighting is in a sensitive area, but also to give quite a bit of leeway to the applicant if it is not in a sensitive area. Ms. Zaleski pointed out that the standards for foot-candle levels were made under the old generation of lighting, and it will be just a matter of time before everyone will be using this LED lighting and the commission will be facing other petitioners coming forward for this. She said because LED is an industry standard they do not feel these lights are too bright, and if they were too bright, their competitors would not be adopting and endorsing this particular new technology for their stations. Also, their plan was recommended by the manufacturer of the LED fixtures.

There were a few more questions asked by commission members, which Ms. Zaleski answered. To Mr. Bolduc's knowledge, less than 25% of filling stations in CT have adopted LED lighting or are in the process of introducing it into their stations. All the Sunoco, Mobil, and Shell stations in Springfield have these LED lights. Once an LED fixture is chosen and installed, it cannot be upgraded. A whole new retrofit would be required to upgrade it. One last comment from Mr. Steele was that with LED you can regulate it based on the amount of wattage (in other words, you can still have LED and have less intensity).

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Joe Calsetta of 121 Orchard Hill Drive and Jason Bostock of 9 Reed Court spoke in favor of this application. At this time the floor was opened up for comments in opposition. There were no comments in opposition of this application. Commission members in general felt the proposed state-of-the-art LED lighting at 77 Ella Grasso Turnpike would be a good thing for Windsor Locks.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing on the special use permit application for lighting of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the special use permit application for lighting of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike with the condition that the lighting shall not create a glare or traffic hazard on Route 75. As noted in the town's regulations, gasoline filling stations usually require a higher light intensity, and the commission recognizes that although there will be a higher light intensity with this installation, the lights will be directed downwards, not creating glare, and this LED lighting will provide a considerable savings in energy.

VII. Old Business

A. Discussion with Commission and Staff regarding:

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

Mr. Steele spoke to Bob Stanhope from T&M Builders about receiving a portion of the deeds from their attorney. Mr. Steele responded with comments and concerns that this was not adequate and also spoke to the town attorney who concurred with his conclusion. The town attorney will contact the developer's attorney directly to indicate this and to ask for a response. Mr. Steele spoke with the developer who was not aware of this, so either the town attorney has not contacted them yet or their attorney is not communicating with them. The developer is now aware of the situation, which is a positive thing and may help to get things moving.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission move Items VIII (A) and (B) i, to be discussed as the next items.

VIII. New Business

A. Public Input

There was no public input at this time.

B. Receive New Applications

i. Application for internet leasing for used/reconditioned motor vehicle lot and small building at 2 Ella Grasso Turnpike

Joe Calsetta of 121 Orchard Hill Drive informed the commission that John Barberino was not able to be at tonight's meeting. Mr. Barberino asked him to be available to answer questions from the commission. Mr. Calsetta summarized: Mr. Barberino's company is basically an internet leasing company; he plans to have a little less than 200 cars on the property; he expects to do an average of three transactions a day, which is 100 cars a month; the cars are reconditioned at 24 King Spring Road; and they will be leased via the internet. Mr. Calsetta commented that internet leasing and leasing of used cars is a growing business because you can lease a reconditioned used car for a lot less money than you can buy or lease a brand new car. These will be a secondary market of fairly new decent model cars. Mr. Calsetta clarified with the commission that a public hearing will be needed at the next meeting.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission accept the application of John Barberino for internet leasing for used/reconditioned motor vehicle lot and small building at 2 Ella Grasso Turnpike. A site plan review and special use permit will be scheduled for the November 12, 2012 meeting.

Ms. Rodriguez informed the commission that this application was also referred to the Wetlands Commission and that the Planning and Zoning Commission would have to wait for comments from the Wetlands Commission before approving it.

VII. Old Business

A. Discussion with Commission and Staff regarding:

- ii. zoning regulations**
- iii. subdivision regulations**
- iv. Main Street zoning**
- v. Alcoholic Beverage Regulations**

Ms. Rodriguez informed the commission that she hoped to have a revised draft of the Main Street regulations and alcohol beverage regulations to them within the next week or so to incorporate everything that was discussed at the special meeting on September 20, 2012. A discussion took place regarding a timeline for scheduling public hearings and workshops. It was decided that at the next meeting on November 12, the commission would review the revised regulations and map and then forward copies to the Board of Selectmen, Board of Finance, Zoning Board of Appeals, and Economic and Industrial Development Commission (EIDC) for their review for a workshop/joint meeting to be held on Wednesday, December 5, 2012 at 7:00 pm.

Mr. Szepanski asked what the next step would be after the joint meeting. Ms. Rodriguez talked about a public participation workshop with the community which would be advertised as a public workshop rather than a public hearing. She said there are ways to advertise this workshop via social media, not just the newspaper. She talked about different ways to get input (surveys, questions for the public), and pointed out that this would be more time consuming. In summary, the public workshop could take place in January, recommendations and comments could be considered and worked into a final draft, the commission would meet in February to discuss the revisions, and then a public hearing could be scheduled for March.

Chairman Zimnoch asked Ms. Rodriguez to tell the commission about the State Liquor Commission hearing she attended on Wednesday, October 3, 2012. Ms. Rodriguez said she was called by the State Liquor Commission office to attend a hearing based on a remonstrance that was filed by the Islamic Center at National Drive against Mike's Blue Collar Bar. She was asked to attend and gave testimony, based on minutes of the meeting, and to confirm that the procedures that were listed as part of the hearing did take place. The questions were largely procedural, with a little bit of cross examining. She was advised to leave immediately after her testimony and was escorted out of the building for her own safety. She said the testimony period for the written testimony will end in one week, this Thursday, October 11, 2012, and then the State Liquor Commission has 90 days to come up with a final decision based on that testimony, whether or not they will grant the state liquor permit for Mike's Blue Collar Bar.

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Scarfo) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the October 10, 2012 meeting at 8:45 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary