

PLANNING & ZONING COMMISSION
October 15, 2013 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, and Peter Juszczyński

Commission Members Absent: Alexa Brengi, and Paul Harrington (Alternate)

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:05 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the September 9, 2013 Regular Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the September 9, 2013 minutes.

IV. Public Hearings

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

A. Adoption of a new regulation Section 606 regarding the temporary placement of off-site signs for events in an industrial zone and Section 608c regarding allowing the exemption of bus shelter advertisements in business and industrial zones

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 3, 2013 and October 10, 2013.

Ms. Rodriguez stated that the commission is proposing to amend the sign regulations relating to both temporary signs in industrial zones and advertisements in town bus shelters. Several businesses in town have expressed interest in having off-site signs permits available so if they are off of a side street they can take advantage of some of the traffic and visibility on some of the major roads, and until now the regulations have read that signs need to be on the same property as the business that the sign is advertising. She further stated that the Plan of Conservation and Development recognizes the challenges of keeping some of the older industrial areas marketable, and perhaps this off-site permission for certain types of signs, if it is controlled and not a visibility issue, could be a benefit to those businesses. At the August meeting, Ms. Carson submitted a report dated August 8, 2013 which provided insight on the

text amendment being proposed. Many towns currently have regulations that are similar to the commission's existing regulations, and some towns as a response to business needs have become more lenient when it comes to signs, and when it is done in a controlled fashion, you don't end up with the clutter that towns are trying not to have on the corners. Some towns mentioned were Bristol and East Windsor. Ms. Rodriguez has these as part of her file. When considering signs, two of the things that come to mind are visibility and safety and avoiding that cluttered and distracting roadside. The language in the regulations should address these two concerns. An issue that should be discussed tonight is the possibility of more than one business requesting a sign at the same location at the same time.

Ms. Rodriguez read for the record the language in proposed Section 606, Temporary Signs. Mr. Gannuscio commented that this language is concise and takes into consideration all the different concerns the commission had when it was a draft. Chairman Zimnoch asked if this would allow for marketing the property as real estate. A brief discussion was held regarding whether the language would allow for this. Ms. Rodriguez said that if the intention is not to have real estate advertisements fall under this new regulation, and as long as the discussion took place tonight, she feels there is enough already in the regulation so if someone came looking for that she could say that's not really a special event sign.

Mr. Szepanski asked if a 32 square foot sign would include the entire sign or just the board itself (in other words, would flags or streamers on the top be included in the 32 square feet). Ms. Rodriguez replied that she could look at it case by case to see if there was an issue with visibility. Commission members commented they were comfortable with the new language in Section 606.

Ms. Rodriguez explained that in 2007 the policy board of Capital Region Council of Governments (CRCOG) adopted a resolution expressing interest in a regional bus shelter program. In 2008 the program was developed in response to that resolution, working with the regions' municipalities to allow an opt-in agreement to turn over responsibility for installation of new shelters and maintenance of existing bus shelters to Connecticut Transit. In order to fund the program, some shelters within the town would allow advertisements. The program is nearing that point of installation, and the commission has been asked by staff to comment on that program. It would delay the process if there was any question about the program meeting the intention of the regulations, so it makes sense to put something into the regulations that excludes the bus shelters from the sign regulations. Therefore, in Section 608, C and D become D and E, and section C reads, "Advertising in bus shelters shall not be considered a sign for the purposes of this section." CRCOG did get favorable comments on the changes that were proposed, the abutting towns were sent notice, and no comments have been received. The public notice registry was sent these proposals by email and US mail, and the police chief had no issues.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this new regulation. Joe Calsetta, 121 Orchard Hill Drive, addressed the commission. He stated he supports both regulations but wondered why temporary signs were allowed for only two events a year. Mr. Gannuscio commented that discussions were held by commission members, and they felt two was a reasonable number for the context of what they were looking to allow (for example, a fall/spring event or a winter/summer event). Ms. Rodriguez added that if you have several businesses applying for these at 30 days each, you may have signs there all year long. Sam Sales, 7 Woodland Hollow, addressed the commission. He stated that he runs an auction twice a year but has been approved by the Zoning Commission for four a year. He asked what he is supposed to do if he wanted to hold an auction more than just twice a year. A brief discussion was held regarding advertising via permanent or temporary signs more than twice a year. Ms. Rodriguez stated that she did not feel it was wise to make a regulation based on a zoning complaint for one business, and that the commission should consider all of the businesses and how this regulation is going to benefit all of the businesses that might be able to use this.

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

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission close the public hearing regarding changes to temporary placement of off-site signs, changes to Section 606, as well as the changes that will result in the renumbering of Sections 607 and 608.

Commission members commented on this regulation. Mr. Gannuscio pointed out that this regulation was first drafted in the summer, is now at a public hearing, and the fact that the commission is voting on this proposal tonight shows that it is willing to make a reasonable accommodation for this type of situation. Chairman Zimnoch added that this regulation was researched and crafted as a broad regulation to cover these types of situations.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve or adopt Regulation 606 regarding temporary placement of off-site signs for events in an industrial zone as well as the change to Section 608C regarding allowing the exemption of bus shelter advertisements in business and industrial zones.

B. Site plan review/special use permit application for Fared Saleh for an Islamic Center for the property located at 20L Main Street

Mr. Szepanski pointed out that he did not see the required posting for this property. Ms. Rodriguez stated that she received a letter from Mr. Saleh, 381 Reed Avenue, stating that due to unavoidable circumstances he would be unable to attend the October 15 meeting and requesting an extension for the November hearing. Mr. Gannuscio suggested that the commission give some thought to making the applicant pay for the second set of advertising fees, given how tight the commission's advertising budget is.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 3, 2013 and October 10, 2013.

At this time Chairman Zimnoch opened up the public hearing.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission continue the public hearing to the November 12, 2013 regular meeting at the request of the applicant.

C. Site plan review/special use permit application for motor vehicle dealers license for sale of used motor vehicles for the property located at 584 North Street/345-355 Ella Grasso Turnpike

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on October 3, 2013 and October 10, 2013.

Attorney Thomas Fahey, attorney for the applicant, John Barberino, applicant and owner of the property, and Guy Hesketh, Engineer, addressed the commission. They are here tonight to discuss the site plan and special permit approval. Attorney Fahey stated that the old Passport Café is being remodeled for two separate offices— Mr. Barberino’s company, Carite of Connecticut, and another tenant, hopefully Enterprise. These spaces were pre-existing and part of the previous approval and have been resurfaced with marked parking spaces. This site is to use the rear portion of 345 and 355 for long term storage of vehicles. There is no need for signage and there will be no daily traffic, and very few people coming in. Mr. Hesketh went on to explain the table and how the parking calculations work and how they comply with the requirements of the zone on the site plan. The total number of spaces that would be required is 42, and they have on site a total number of 204, a significant number of extra spaces. The additional delineated spaces, 162 spaces, will be dedicated for car storage for the tenant at 584 North Street. Mr. Hesketh stated that the commission’s regulations have a number of requirements that are related to parking, so the commission needs to decide whether this is a use for parking or a use for outdoor storage. The applicant feels that 584 North is clearly for parking, but the balance of the area of 345-355 would be for outside storage of vehicles. Landscaping buffers are not being proposed because there is a vinyl fence between four and eight feet tall. Next, Mr. Hesketh discussed the drainage plans.

Attorney Fahey mentioned that a meeting which was held with Mr. Hesketh and Ms. Rodriguez was very helpful. He briefly went through Mr. Steele’s comments dated October 15, 2013.

Mr. Steele discussed his report dated October 15, 2013. He stated the applicant was willing to make the changes he recommended in item one of his report. Most of his other comments were about section 705 of the regulations and whether or not that applies to a car storage lot, so whatever decision the commission makes in regard to that will apply to many of his comments.

Ms. Rodriguez discussed her report of October 11, 2013, sent via email.

Mr. Szepanski asked the applicant for his interpretation of long term storage. Mr. Barberino replied that the cars would probably be on the lot for two or three weeks, possibly 30 days. Mr. Szepanski also asked about a 30x30 shed that appears to be a permanent building. A brief discussion took place regarding the 66% impervious coverage on the lot, merging the lots, and reciprocal cross easements. Mr. Szepanski asked about encroachment. Mr. Barberino stated he moved the fence line and there is no more encroachment now. Mr. Steele asked that they update the site plan prior to filing to reflect that.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Joe Calsetta, 121 Orchard Hill Drive, spoke in favor of this application. Arlene Taylor, 588 North Street, addressed the commission. She is concerned about pollutants in the runoff affecting the groundwater, as she has a well. Mr. Steele commented that everything is draining away from her property and he does not see the wells along North Street being impacted by this development. Ms. Taylor said she had heard from an old timer years ago that there is an aquifer underneath that part of town. Mr. Steele said he doesn't have any information about the groundwater, but the applicant's engineer did some exploratory test pits down in the northern section of the project where the storm basins are going, and it was quite sandy and deep, so if there is a water table, he suspects it's pretty deep. Attorney Fahey clarified for the record that every town has to comply with a special set of regulations in every zoning regulation dealing with aquifer protection zones, and in this area of town there is not an aquifer protection zone. They are defined and located on town hall maps. Mr. Steele pointed out that these protected zones are usually for public water supply wells, not for private wells.

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

Conditions of approval were discussed by commission members. Mr. Gannuscio stated he would define this as a low volume use, the low volume being defined by the number of trips (low turnover). Chairman Zimnoch said this could be considered as a storage area, not a parking area. He added that he does not see the benefit of merging the lots.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission close the public hearing regarding the site plan review/special use permit application for motor vehicle dealers license for sale of used motor vehicles for the property located at 584 North Street/345-355 Ella Grasso Turnpike.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the site plan and special use permit application for motor vehicle dealers license for sale of used motor vehicles for the property located at 584 North Street/345-355 Ella Grasso Turnpike, with the following conditions listed in Mr. Steele's memo dated October 15, 2013: item 1; the last sentence

in item 5, specifically, “a note will be added to the plan that there will be no public access to the storage lot;” item 6, “the installation of sidewalks and trees on Route 75 will be deferred,” with an agreement executed for installation for sidewalks and trees at the time of development of Route 75; item 8; item 9, and item 10, as listed. This special use permit should be allowed because something dilapidated and overgrown is being put to a better use that does not cause conflict with the existing and surrounding uses of this property and is a benefit overall to the town and region and puts commercial/business use back on the books for this site.

D. Site plan review/special use permit application for dealers license for used vehicles and equipment for the property located at 51 Lawnacre Road

Attorney Thomas Fahey, attorney for the applicant, and Gary Paganelli, Paganelli Construction, addressed the commission. Attorney Fahey stated that this application is interesting because it proposes not a single change to the existing site plan. There are no changes to the structure or the parking. Mr. Paganelli is in the construction business and bids for construction projects with states and municipalities. To get these jobs, there are bidding requirements such as the equipment has to be x number of years old, and it has to be a certain size, etc., so there are times when he has to buy equipment to qualify for these jobs, and after he uses it for these jobs, he then ends up with an excess amount of vehicles. He would like to be able to sell these vehicles, and in this state you can only sell three vehicles a year. If you want to sell more than three a year, you have to get a dealers’ license from motor vehicles. Attorney Fahey stated this would be on a very small scale, and the only advertising would be on the internet or in magazines. The vehicles/equipment for sale will be from his own fleet.

Ms. Rodriguez discussed her report of October 9, 2013. Police Chief comments were favorable. No comments were received from WPCA/DPW.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Joe Calsetta, 121 Orchard Hill Drive, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission close the public hearing on the site plan review/special use permit application for dealers license for used vehicles and equipment for the property located at 51 Lawnacre Road.

Mr. Gannuscio pointed out that this special use permit application adds no burden to anything that is going on, is not a traffic generator, is a legitimate accessory use to the business currently located on the property, and fits well within the site and location.

It was **MOVED** (Szepanski) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the site plan review and special use permit application for dealers license for used vehicles and equipment for the property located at 51 Lawnacre Road, with the clarification that there will be no auctions held on site and any equipment sold by the applicant will be company-owned.

V. **Reviews**

A. **Site plan review for retail store at 5 National Drive**

Chester Ardolino, 279 Sunrise Terrace, Springfield, Massachusetts, and Bob Kelly, 181 Chestnut Street, Springfield, Massachusetts, addressed the commission. They are planning to open a store similar to Staples with computer and phone repairs, selling, copying capabilities, and internet access, with seating for 30 people. None of the computers will be fixed on site. They will be picked up by their technician.

Ms. Rodriguez discussed her report of October 10, 2013. Fire Marshall comments were read into the record. Comments from the Police Chief and WPCA were favorable.

Mr. Gannuscio commented that the Town Planner and Town Engineer are looking for a clearer delineation of where the parking spaces are (specifically, sweeping the lot and restriping), which is the responsibility of the landowner. Ms. Rodriguez said she would look for the plan to refer to and have the building permit issued and then follow up as a zoning enforcement issue with the property owner.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the site plan for a proposed retail store at 5 National Drive, also requiring that the landlord stripe the parking lot at the very least for the area most adjacent to where this business will be located so there are spaces delineated for this business.

The applicants asked for clarification on how to approach their landlord. They were advised that they should let him know that as part of the approval tonight, he is required to stripe the parking at least in front of their unit, and they should remind him that when the last application for this property was approved (Mike's Blue Collar Bar), he said he was going to do the striping. Ms. Rodriguez will follow up with the applicants. Also, they can open their store.

Chairman Zimnoch called a five minute recess at 9:44 pm.

FIVE MINUTE RECESS

Chairman Zimnoch called the meeting back to order at 9:49 pm.

VI. **Action on Closed Public Hearing Items** (none)

VII. Old Business

A. Discussion with Commission and Staff regarding:

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

Mr. Steele stated he has not heard back from the Town Attorney who was supposed to have drafted deeds. Mr. Steele, Ms. Rodriguez, and Attorney Storms met and went over the details of what each document needed to say, and the Town Attorney now has everything he needs to get that into the hands of the developer's attorney and have that turned around.

ii. Zoning regulations-- Signs in MSOZ

Mr. Gannuscio commented that he looked at two of the newer Walgreens in the area, in Enfield and East Longmeadow, and the apothecary symbol was not on either of these buildings. Ms. Rodriguez said she has never seen a graphic of the symbol. The commission has a very busy schedule, so it was agreed to let it go until someone fills out an application or request for it.

VIII. New Business

A. Public Input (none)

B. Receive New Applications (none)

C. Informal Discussions

i. 448 Spring Street (special use permit application for motor vehicle service station dispensing lubricants and minor service)

The applicant, Michael Zuraw, 448 Spring Street, addressed the commission. He said that at the last meeting, the commission tabled the hearing for his application. He found out after he left the meeting that the Police Chief had called back, and he was surprised to find out that the hearing was re-opened, and additional concerns were brought up. He wasn't present to speak and ended up getting denied. Since then, he has taken care of the issues that were brought to his attention. The landscaping has been done over to improve the line of sight, all unregistered vehicles have been removed, and he has spoken to a paving company regarding potential paving. He will have the same insurance as the other facilities on Spring Street, and he will be just as environmentally aware of the issues regarding lubrication, etc.

He stated he would like to address some of the concerns that were brought up at the meeting after he left. He is not sure how a "heavy volume operation" is defined, but he does not see this operation being a heavy volume operation. It is a two-bay garage, has only one employee who will only be able to drive one vehicle

there at a time. There is a small potential for other customers to show up, but it will be by appointment only. It was also mentioned that the difference between 590 Spring, which was approved, and his operation was that the aisle ways were larger, but in fact they are the same size when it comes to queuing up to the garage itself. In fact, he stated, he has a little more room because at 590 they have parking spots alongside where their vehicles will queue up into the oil change facility. While there is no rear access to the rear of the building at his facility and there is at 590, it is impractical at 590 because the way the car wash is set up, not only do the cars line up in the queuing line of where the oil changes are, but they skirt around the back into the rear of the car wash, which makes vehicles leaving the rear of their facility impossible without playing musical cars. In fact, if he were to queue the vehicles like they are doing at 590, he has more room to queue the vehicles without impeding any of the other customers, while at 590 they use the same queue line for both the car wash and the oil changes. He made a simple drawing based on the GIS map depicting two vehicles fitting into a one inch space, and he has depicted the amount of space that he has versus the amount of space they have, and his queuing ability, which he won't ever need, is greater than 590 Spring Street. He wanted to come before the commission and have a chance to have a dialogue about this as opposed to being denied after he left the meeting last time.

A lengthy discussion took place about the nature of a conversation Mr. Zuraw had with town officials. Chairman Zimnoch said it was passed on to the commission that Mr. Zuraw felt he was discriminated against because he was handicapped. Mr. Zuraw said he never once brought up the fact that he was handicapped or that this was an issue. He felt that by opening the hearing back up and then dismissing it without him being present was something that is not a general practice, and he took that personally. He has been involved in many town hall meetings, and in his experience, a public hearing has never been opened without the applicant being present. He also felt he was being discriminated against because the commission had approved someone who was applying for the same thing with the exact same business plan but obviously less frontage. Mr. Zuraw asked if it is general practice to reopen a hearing after the applicant has left. Mr. Gannuscio replied that it is not a general practice, it's something that happened to occur that particular evening because the commission received the input that it needed to make a decision on the application. Mr. Zuraw asked if that had ever happened prior to his application. Mr. Gannuscio replied that the commission has never had an instance where a police chief did not have available for the commission the necessary information. Chairman Zimnoch added that this was perhaps unusual, but it only happened because the commission did not have the information that it normally has when making decisions. Mr. Szepanski stated there is an appeal process, but it is 15 days after publication of the verdict. It is now beyond the appeal date, and the only option would be to file another application. Mr. Zuraw stated he was under the impression that the purpose of this informal discussion tonight was to have an open conversation to determine if there was anything that they could reevaluate regarding his application and what he could do to address the commission's concerns, since he did not have a chance to do that when it was

denied. Ms. Rodriguez said they talked about giving him some direction as to what to do now if he still wanted to consider that site. Chairman Zimnoch said to Mr. Zuraw that if he feels he has remedied some of the concerns in the original decision, then he could reapply. Mr. Zuraw thanked the commission and said he would reapply.

ii. Medical marijuana facility

Ms. Rodriguez talked about the workshop at the Legislative Office Building that she attended regarding medical marijuana facilities in the State of Connecticut. She mentioned that someone is interested in leasing the Choice Vend building for this type of facility, and their application is due at the end of November.

IX. Communications and Bills (none)

Ms. Rodriguez updated the commission on the meeting she had with Attorney Gerarde. He is requesting a special meeting. A discussion was held regarding creating a new zone or using an overlay zone for sexually oriented businesses.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission schedule a special meeting for October 28, 2013 at 7:00 pm.

There will be an Executive Session at this meeting. Attorney Scott Storms will be invited into the Executive Session, and Attorney Paul Smith will be invited to the special meeting.

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission adjourn the October 15, 2013 meeting at 10:42 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*