

PLANNING & ZONING COMMISSION
October 19, 2009 Special Meeting

Commission Members Present: Alan Gannuscio, Marshall Brown, Vincent Zimnoch,
Janet Ramsay, and Anthony Scarfo

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands
Officer Jennifer Rodriguez, and Town Engineer Dana Steele

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

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the September 14, 2009 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown, Ms. Ramsay, and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the September 14, 2009 meeting minutes, as published. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio referred to two letters that he had recently received which pertained to a couple of the Commission members. He then stated that the first letter confirmed that Commission member Jim Tatro had resigned as a full member of the Commission. Mr. Gannuscio then proceeded to acknowledge Mr. Tatro's service and extended a big thank you to him. He then noted that Mr. Tatro had been an alternate for three years prior to becoming a full member and that he had been seated for every meeting during that three year period. Mr. Gannuscio noted that Mr. Tatro, in his letter, had thanked all of the staff for their excellent support.

Chairman Gannuscio stated that the second letter was from First Selectman Wawruck dated October 8, 2009. He went on to say that that letter congratulated Anthony Scarfo for his appointment as a full member of the Commission. Mr. Gannuscio then acknowledged that as an alternate Mr. Scarfo had attended all of the meetings and would be able to step right into the role as a full member.

Chairman Gannuscio stated that Michael O'Leary, Town Planning Consultant, was not going to be able to attend the meeting that evening. He went on to say that since most of the items listed under VII.a on the evening's agenda were Mr. O'Leary's they would leave those discussions for the following meeting.

PUBLIC HEARINGS:

There were none.

REVIEWS:

a. Review of the subdivision modification application of Northgroup, LLC for Windsor Locks Farms.

Dana Steele, Town Engineer, stated that he had not prepared a memorandum, but that Mr. O'Leary had submitted a memorandum dated October 18, 2009. He explained that he had been coordinating on the application with the developer and that he had made a presentation to the Commission at the previous meeting explaining what was being proposed. Mr. Steele stated that Bob Stanhope from T & M was also present that evening to answer any questions. He then asked Chairman Gannuscio if he wanted him to go through the presentation again. Mr. Gannuscio replied that he did not.

Chairman Gannuscio asked if there was anything that had been wrapped up since the previous meeting. Mr. Steele stated that he had corresponded with Dave Farr, Director of Park and Recreation, and Scott Lappen, Director of Public Works. He went on to say that they had discussed the idea of possibly doing less parking than had been shown on the plan. He then noted that the plan had shown 55 gravel parking spaces, including three handicap spaces. Mr. Steele stated that Mr. Lappen had thought that they should not reduce the number of parking spaces.

Mr. Steele stated that he had also spoken with the applicant regarding the cost for the improvements that were going to be waived (fencing around the open space and detention basins) in exchange for the gravel parking surface and handicap ramps at the intersection of Szypanski Road and North Road. He went on to say that if the agreement was acceptable to the Commission it would resolve the issue of the ramps and also provide parking for the use of the open space.

Mr. Steele pointed out that Mr. Farr had stated that Park & Recreation did not have any immediate plans to turn the open space into a ball field. He went on to say that based upon Mr. Lappen's opinion, they should get the parking now while they had the chance, Mr. Farr had no objection.

Mr. Steele commented that he believed that they had gotten positive feedback from staff and that the applicant had indicated that the swap of improvements was acceptable. He went on to say that the applicant was also going to install a timber rail

around the detention basin in the open space. Mr. Steele stated that the applicant had indicated that they were willing to install the gravel parking, but that they did not feel that they could justify the cost of the landscaping. He went on to say that the applicant had asked if the Town could pay for the trees (six canopy trees would meet the regulations). Mr. Steele noted that he had assumed that some of the street trees around the subdivision that had not been installed could have been used by the parking area, but that they had already been installed elsewhere. Bob Stanhope, T & M Builders, then explained that the five trees had indeed already been planted along Acorn Drive by the open space. Mr. Steele noted that that would provide some screening from the houses that were across the street from the open space. He went on to say that Mr. Lappen had stated that, if the applicant was willing to install the trees, he would find a way to purchase them as well as the signs (a stop sign and handicap parking signs).

Mr. Steele asked Mr. Stanhope to confirm whether or not he was agreeable to planting the trees and installing the gravel parking area and the ramps. Mr. Stanhope explained that they had cost it out and that it was very, very close in cost to the improvements that would be waived. He went on to say that it would be an enhancement to the development and to the Town. Mr. Stanhope stated that they were willing to go with it as shown on the plan, except for the trees. He then reiterated that because the cost was so very close, if the Town were to supply the trees, they would plant them. He concluded by saying that they were okay with the swamp of improvements.

Mr. Steele stated that he had received a memorandum from Michael O'Leary, Town Planning Consultant, earlier that day. He went on to say that the memorandum contained the following two suggestions:

1. To consider some edging of pressure treated timber along the edge of the gravel parking surface.

Mr. Steele commented that, with the cost issues the way that they were, the only way to add the edging would be to reduce the size of the parking area. He went on to say that Mr. Lappen's feeling had been not to add the edging at this point. Mr. Steele noted that Mr. O'Leary's concern was to try to define the parking area so that the gravel did not migrate into the lawn area. He then pointed out that that would become a problem during winter snow plowing; although the parking area in question may not need to be plowed in the winter (not sure who would be using the open space at that time). Mr. Steele stated that Mr. O'Leary had a valid concern, but that considering the limitations he had not suggested adding the edging.

2. Regarding the fact that there were houses across the street from the proposed parking area. The trees would provide some screening, but Mr. O'Leary had also suggested a row of hedges along there.

Mr. Steele pointed out that the parking area was sloped down from the road. He went on to say that shrubs would screen it, but that it would be another expense. He then noted that the applicant might be willing to install the shrubs, but that the Town would probably have to purchase them.

Chairman Gannuscio asked the Commission members for any questions. Mr. Brown referred to the "Y"-intersection where the detention basin was located and asked if there was any danger of someone driving into the detention basin. Mr. Steele replied that someone driving fast enough could jump the guard rail that was already in place as a barrier.

Mr. Steele suggested that the Commission approve the modification to the subdivision plan as submitted, except that the parking lot would reference the September 14, 2009 plan.

Chairman Gannuscio asked Mr. Stanhope how many houses made up the Northgroup portion of Windsor Locks Farms. Mr. Stanhope replied that he thought that there were 30, but that he was not 100% positive; it was more clear cut in Northwind Estates. Mr. Gannuscio questioned a dump truck full of gravel and a few shrubs being budget busters when the applicant had sold each of the houses for \$300,000 or more. He then commented that someone had made some money. Mr. Stanhope replied that that was not the issue; it was just a trade of improvements. Mr. Steele explained that the Town had had some concerns regarding the number of parking spaces being provided off the streets and that that had begun the discussion. He went on to say that at that time the applicant had been asking for acceptance of the roadways in Windsor Locks Farms. Mr. Steele stated that they had then put together a punch list of items that needed to be completed which were then submitted to the applicant. He then explained that the applicant had asked if there was a any chance that they could eliminate the fencing around the detention basins and the open space for aesthetic reasons. The Town staff had then proposed an exchange of improvements, the value of the fence for the value of additional parking spaces which both sides felt was a good idea. Mr. Steele reiterated that the original intent had been to try to match the cost of improvements.

Mr. Steele commented that he did not think that the trees and shrubs would cost a tremendous amount; about \$1,200 for the trees plus the cost of the shrubs. He went on to say that Mr. Lappen had thought that he could get the trees; he did not know about the shrubs.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Mr. Zimnoch commented that the shrubs would not cost as much as the trees. A brief discussion followed and Mr. Steele stated that they would need about 30 shrubs (Arbor vitae) at \$50 each totaling about \$1,300. Mr. Zimnoch pointed out that the smaller (4 foot hedges) would only cost about \$25 each. Mr. Steele stated that hedges would need to be trimmed. He went on to say that his guess would be that Mr. Lappen would probably prefer not to have the shrubs. He then noted the topography factor and commented that that might be enough.

Chairman Gannuscio referred to the other projects that the Commission had approved with payments in lieu of open space and asked what had happened with that money. Was it put into a fund that could cover the cost of the trees and shrubs? Mr. Steele replied that he did not know where Mr. Lappen was going to get the funds. Ms. Rodriguez commented that by Statute the funds went into a dedicated account. She went on to say that she would check with the Finance Department.

Mr. Steele stated that in his opinion the proposal was a win-win for the Town and the residents of Windsor Locks Farms. He went on to say that it was a reasonable compromise.

Mr. Brown pointed out that detention basins held water. He then asked if there would be a problem in the winter with children trying to skate on the detention basins. Mr. Steele replied that they had discussed that and that Public Works had preferred that the detention basins not be fenced for access reasons, i.e. if balls were to go in there they would be harder to get out, etc. He went on to say that the detention basin was wet most of the time, but that it did not hold feet of water; it was more of a marshy environment.

Chairman Gannuscio asked for a motion regarding the subdivision modification. Mr. Zimnoch moved to approve the subdivision modification application of Northgroup, LLC for Windsor Locks Farms based upon the parking lot drawing dated September 14, 2009 including a 55 space gravel parking lot, timber guide rail around the detention basin, two handicap ramps at the intersection of North and Szypanski, and installation of landscaping (materials to be provided by the Town of Windsor Locks) in exchange for the elimination of the chain link fence around both detention basins and the open space. Ms. Ramsay seconded the motion. The vote was 4 -1 (Mr. Gannuscio was opposed), the motion was approved.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There was none.

OLD BUSINESS:

b. Discussion regarding the approvals for Babylon, specifically the upper basin, noise and hours of operation.

Ms. Rodriguez stated that she had received a number of complaints. She then explained that back in 2006 it had been made known to her office that there were concerns/complaints regarding noise, the hours of operation, potentially work being done by the riverbank, and run-off issues. She went on to say that all of those issues had been explored and addressed and that the Connecticut Department of Environmental Protection (DEP) had been involved in the process. Ms. Rodriguez stated that those issues had recently come up again.

Ms. Rodriguez stated that noise and hours of operation (train cars coming in during the wee hours of the morning) were not portrayed in the application or the approval. She went on to say that she had reviewed the documents, but could not find the DEP approval. Ms. Rodriguez noted that she was working with Mr. Bromley from the DEP and that she would hopefully get some clarification.

Ms. Rodriguez stated that there were two sets of hours of operation; those included in the original approval and those included in a modification. One set of hours stated 8:00 am to 8:00 pm and the other stated 7:00 am to 11:00 pm. She explained that both sets of hours dealt with inside the building, but not with activities that occurred outside the building. Ms. Rodriguez stated that she needed to get a handle on specifically what had been approved. She then noted that the Town's approval had been based upon the DEP's approval.

A brief discussion took place regarding what type of application/approval it had been and Ms. Rodriguez stated that the motion had been to approve a modification to the site plan. Mr. Steele stated that it had originally been approved in 1999 and that it had come back for a modification in 2001.

Mr. Steele asked what kind of DEP permit it was. Ms. Rodriguez replied that it was a solid waste permit. She then commented that there were other issues as well.

Chairman Gannuscio commented that maybe it was time to look at the overall plan. He then referenced Robert Fuller's Land Use, Section 50 and stated that, if indeed it was a site plan and if there was anything in that approval that had not been completed and it was a commercial, industrial or retail project having more than 400,000 square feet and they had not completed their conditions, then there was an automatic expiration of the site plan approval. Ms. Rodriguez stated that she would check to make sure that everything had been completed. She then asked if, a Certificate of Occupancy had been given without a bond, it would mean that everything had been completed. Mr. Gannuscio replied that he would make them come forward with the proof that everything had been completed. Mr. Steele pointed out that the site was partially in Suffield and partially in Windsor Locks, therefore he did not know if the Windsor Locks portion was more than nine acres.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

- i. Site plan review and special use permit application of M&L Development Corporation for the property located at Oak Ridge Drive, Assessor's Block 127.**

Chairman Gannuscio moved to schedule a public hearing on the site plan review and special use permit application of M&L Development Corporation for the property located at Oak Ridge Drive, Assessor's Block 127 for November 9, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

- ii. Site plan modification application of Scott Eckhart for the property located at 590 Spring Street.**

Chairman Gannuscio moved to schedule a review of the site plan modification application of Scott Eckhart for the property located at 590 Spring Street for November 9, 2009. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

c. Informal discussion regarding a vehicle salvage business.

Ms. Rodriguez stated that she had received a comment from Mr. O'Leary saying that a vehicle salvage was not all that different from a junk yard which was prohibited. Chairman Gannuscio stated that they would carry the discussion forward to the November 9, 2009 Commission meeting.

CORRESPONDENCE AND BILLS:

Chairman Gannuscio stated that he had received an invoice for supplies for recording the meetings, producing the minutes and filing the minutes. He went on to say that the invoice was from W.B. Mason in the amount of \$226.29. Mr. Gannuscio then moved to approve the W.B. Mason invoice in the amount of \$226.29. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio stated that he had also received an invoice from W.B. Mason for the filing cabinet that had been ordered for the Building Office. He went on to say that he was going to hold the invoice until the filing cabinet was located.

Chairman Gannuscio asked Ms. Rodriguez if she had any other correspondence to discuss. Ms. Rodriguez stated that she had received some correspondence regarding the old cart track building on Lawn Acre. She explained that another indoor sport had been informally proposed for the site, but that they also wanted to carry activities outside. Ms. Rodriguez stated that organized paintball had been proposed. She then noted that barricades were being proposed for outside. Ms. Rodriguez stated that it was not a new use, but that it would be extended outside.

Chairman Gannuscio stated that the previous two uses for the site had required that the Commission amend the Regulations to allow them. He went on to say that the proposed paintball facility looked similar. He then stated that they should come forward with a plan. Ms. Rodriguez asked if it should be formal or informal. Mr. Gannuscio replied that since they would be extending the use outside, it should be formal. The discussion then continued briefly.

Chairman Gannuscio asked the Commission members and staff if they had anything further for discussion. They did not.

Chairman Gannuscio moved to adjourn the meeting. Ms. Ramsay seconded the motion. The vote was 5 – 0, the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.