

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
OCTOBER 2, 2017**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Andy Kidd, Vice Chairman  
Michael Stebe, Secretary  
Jessica Scorso

Alternate Member Sitting: Julian Stoppelman

Alternates: Patrick Kennedy  
Teresa Ike

Absent: Timothy Bergin

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Matthew Bordeaux, Environmental  
Planner/Wetlands  
Agent

Time Convened: 7:00 P.M.

CHAMPAGNE WEST, LLC – Request a special exception under Art. II, Sec. 16.15.02(j) for a used auto sales and service facility at 259 Adams Street. – Special Exception (2017-065)

Attorney Stephen Penny introduced himself as representing the applicant. Attorney Penny displayed the property and explained the parcel size and abutting properties. The property is zoned Industrial, he explained, and there is one structure on the property that was constructed in 1985 as the Bob Riley Oldsmobile New and Used Car Dealership, which received special exception auto-related use approval at the time from the Zoning Board of Appeals (ZBA). He reported that a similar approval was granted by the ZBA in 1996 for the DeCormier Motor Sales Nissan New and Used Car Dealership, which operated on the site until June 2011. Attorney Penny reported that the site has been primarily vacant since that time, though a small and now nearly entirely unused DeCormier Body Shop operation has remained on the site. The Zoning Board of Appeals unanimously granted a Department of Motor Vehicles Location Approval to the applicant on September 27, 2017.

Attorney Penny reported that public water and sewer serve the site. Beyond the Town recreational facility, the Industrial zone, of which the subject parcel is a part, extends along both sides of Adams Street all the way to its intersection with Tolland Turnpike, he said. Adams Street is classified in the local Plan of Conservation and Development, he stated, as a major

arterial roadway, meaning that it falls within the category of local streets that carry the highest volume of traffic. Attorney Penny noted that a 2012 Average Daily Traffic report showed 13,600 vehicles per day on Adams Street at Middle Turnpike. He reported that a review of the Connecticut Crash Data Repository records does not indicate any pattern of repeated automobile accidents in the area of the site.

Attorney Penny stated that the property is owned by the DeCormier Family, LLC and a consent letter from the property owner is in the Planning Department file. The applicant intends to operate a used auto sales and repair business at the site, he reported, and the ability to make minor repairs is required by the Motor Vehicle Department so that is, of necessity, included. The hours of operation will be from 7:30 A.M. to 8:00 P.M. Monday through Thursday, 7:30 A.M. to 6:00 P.M. on Friday, and 7:30 A.M. to 5:00 P.M. on Saturday, with sales only from 11:00 A.M. to 4:00 P.M. on Sunday, he explained. There will be approximately 20 employees, Attorney Penny stated. The applicant has reported that the anticipated traffic generated by the use would be 5 to 10 sales customer trips on weekdays, 10-20 such trips on Saturdays, and 5 to 10 trips on Sundays, according to Attorney Penny.

Mr. Andrew Bushnell, Professional Engineer and Land Surveyor with Bushnell Associates, 563 Woodbridge Street, Manchester, introduced himself. Mr. Bushnell explained that his firm prepared the site plan, which he demonstrated. He showed the existing site conditions, including the building and parking area. There will be no changes proposed to the building or utilities, he explained, so there will be no concern for erosion or sediment control. Mr. Bushnell displayed landscaped areas of the property. As the building was a car dealership in the past, he noted there are provisions in the building such as an oil/water separator for the floor drains. There is an outside oil waste tank presently, which will be removed and relocated inside the building for waste oil, he reported. Mr. Bushnell described the utilities serving the property, as well as the storm drainage in the parking lot.

Mr. Bushnell described the access to the driveway from Adams Street, reiterating the traffic reports. He explained that there is ample room to onload/offload cars on a tractor-trailer truck. There is less volume anticipated than there was for the previous dealership, he noted, as this will be a used car dealership. Mr. Bushnell reported there are a total of 256 parking spaces: 140 auto display spaces; 22 customer spaces, including 2 handicapped van accessible spaces; 17 repair storage spaces; 11 spaces for trade-in vehicle storage; and 22 employee spaces.

Mr. Prause requested clarification on the traffic data between 1995 to 2014 and whether it includes traffic impact from when the site was an operating car dealership. Mr. Bushnell confirmed that was the case, saying he used the older database because the newer database is from 2015 to the present.

Mr. Prause asked if the property is in the flood zone. Mr. Bushnell reported that part of the parking lot is in the 100 year flood zone, though the building is not. Mr. Prause questioned whether there is a change in the layout to accommodate for that. Mr. Bushnell explained there will not be any parking added.

Mr. Stebe said he assumed the property is in the aquifer protection area, and though the operation is not changing as it is changing hands, he wanted to double check that there was no impact that needs to be addressed. Mr. Bushnell pointed to the Hockanum River and the wells, which are on

the other side of the river. Ms. Bertotti reported that the property is not located in the aquifer protection area.

Mr. Stebe questioned the scope of work on the used vehicles and whether that will be done onsite.

Mr. Bushnell said he assumed repairs would be done onsite. He reiterated all the facilities onsite for the prior repair shop. The oil tank will also be relocated to the inside of the building and will be a double-walled contained tank, he stated.

Mr. Stebe surmised that, from the redesign and the layout, the building would be cleaner on the outside than in the prior use. Mr. Bushnell stated that it will be a more environmentally-friendly site, adding the double-walled tank and putting the equipment inside.

Attorney Penny explained that the Motor Vehicle Department requires that a Limited Repairs license accompany the used auto sales, and Sec. 14-51 of the Statutes defines limited repair to be “Minor repairs including specifically repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers.” The Statute further states, “Adding or changing oil or other motor vehicle fluids, changing of tires and tubes including the balancing of wheels or installing batteries or lightbulbs, windshield wiper blades or drive belts, shall not be construed as the repairing of motor vehicles,” Attorney Penny said. He stated that the point would be that the Motor Vehicle Department expects there will be some repairs required to used automobiles but it envisions those repairs as being minor in nature, of the type described.

Attorney Penny discussed the regulations beginning with Art. II, Sec. 16.15.02(j), which identifies automobile sales as a special exception use in the Industrial zone. Both that article and Art. IV, Sec. 5 of the regulations vest authority over such uses in the Planning and Zoning Commission, he said. The factors that the PZC is obliged to consider per Art IV, Sec. 5.01.03 in finding that the site is suitable for the use and granting an approval include, “Proximity of the site to schools, places of worship, libraries, theaters or playhouses, or other places of public gathering,” Attorney Penny stated. In this case, he said, the only place of public gathering is arguably the seasonally-used Town ballfield across Adams Street from the subject parcel. He assumed that the access to the ballfield is only from New State Road. Attorney Penny also reported that, “Intersecting streets, traffic conditions, width of highway and effect on public travel” is another touchstone such that the use “will not imperil the safety of the public with respect to such traffic-related matters,” and as stated, the subject site is located within a large industrial and commercial area. Attorney Penny described the proposed use as a small traffic generator and said that the nearest intersections both north and south of the site are signalized. There is no significant traffic accident history at or near the site, he reported, and the site has been approved by the Zoning Board of Appeals for the auto-related use on at least three prior occasions.

Other general requirements for the location approval include Art. IV, Sec. 5.02.01, “Public sanitary sewer and water are required,” and both such utilities are available at this site, he noted. Sec. 5.02.02 requires, “Adequate safeguards against surface and sub-surface leakage of gas and oil;” Attorney Penny explained that, from the prior new car dealerships on the site, there is an existing oil/water separator tank inside the building. Sec. 5.02.04 requires that, “All site plans

conform to Art. I, Sec. IV of the regulations,” which the applicant’s submittal does, he stated, and the site will not be altered from its current configuration as developed with topography, bituminous surfaces, drainage and utility facilities, parking and building location all to remain in place.

Attorney Penny stated that Sec. 5.02.05 requires adequate automobile parking per Art. IV, Sec. 9 of the regulations and there is more than adequate parking for the use on the site, as the project engineer highlighted. He further described Sec. 5.03.01 regarding automobile sales and 5.03.02 regarding automobile repair garages, both requiring a minimum lot area of 0.5 acres, which is a dimensional requirement that is met, with 4.53 acres. Attorney Penny instructed the Commission that it is to look at the General Special Exception Criteria, requiring the Commission to consider those matters set forth in Art. IV, Sec. 20, the first being suitable location for use and neighborhood compatibility. He submitted that the mixed use industrial and commercial development of the area has already been addressed, as has the fact that the site is located within a large industrial-zoned area.

Attorney Penny acknowledged that there are adequate streets for use, the property is located on an arterial roadway with a nearby signalized intersection, and as confirmed by the project engineer’s traffic letter, the proposed use will not impact this significant roadway or the nearby intersections. He noted that the Town’s Traffic Engineer has identified no traffic-related concerns with the proposal. Adequate parking and access is another of the matters in this section of the regulations, and the subject was already addressed, Attorney Penny reported. He pointed to the site plan exhibiting that there is adequate onsite parking to support the proposed use on the site. The access to the site is at a location with good sight distances in both directions, he explained, and was previously well-tested by the two prior, more heavily-trafficked new car dealerships. He reported that no access issues were raised by Town staff in their comments.

Attorney Penny referenced another requirement, adequate public utilities, and reported that public water and sewer serve the site; the utilities will not be altered and have adequately served two prior auto-related uses for at least several decades. There are no adverse Staff comments from the Water and Sewer Department, he noted. Referring to suitable structures for use, he reported that the existing building is more than adequate to handle any minor repairs that might be required to the vehicles for sale on the site. Concerning environmental protection and conservation, there are no such issues on this long-developed site, the main characteristics of which will not be disturbed by the proposal; the site is well-landscaped and presents a visually attractive setting, and no concerns were raised by the Town’s Environmental Planner, according to Attorney Penny.

The application meets all the various requirements of the regulations, Attorney Penny stated, and therefore it should be approved.

Ms. Bertotti stated that there were no outstanding technical comments after review of the application, and the Zoning Board of Appeals approved the location. She noted that the building also includes an area for restoration body work with a fenced-in area adjacent to the back of the building which will be used for outside storage for damaged or restoration vehicles. If the business transitions into more than a limited repair facility under the site plan, the vehicles will have to be kept in the fenced-in area, she reported.

There was no member of the public to speak.

**MOTION:** Mr. Stebe moved to close the public hearing. Mr. Kidd seconded the motion and all members voted in favor.

FRANCIS BURNS – Request a special exception under Art. II, Sec. 16.15.02(k) for automotive repair and service at 191 Adams Street, a.k.a. 195B Adams Street. – Special Exception (2017-073)

Mr. Francis Burns reported that he proposes to open a small repair shop. He explained that he repairs small parts such as information displays, ABS modules, convertible top motors, and other similar items. He reported that his business model is such that he receives parts, sells them on EBay, and has one delivery truck per day. There will be cars arriving, Mr. Burns reported, to be programmed to function properly. He reported that his facility is in close proximity to the earlier applicant, noting the traffic reports.

Mr. Prause questioned the existing use of the property. Mr. Burns reported that there are many businesses at the location, including a used car dealership, the Spice Mill, and Greene Moving & Storage.

Mr. Prause confirmed that the building is zoned Industrial. He questioned what the applicant will need for parking and access. Mr. Burns responded that he needs one space for his personal vehicle and perhaps one additional space.

Mr. Prause asked how many spots have been allocated for the business. Mr. Burns said there were not any spots specifically allocated to his business, but noted that there is free space in the parking lot. Most of the lot is free all day, he stated. Mr. Prause inquired if there are striped locations for spots, which Mr. Burns affirmed. Mr. Prause asked how many total spots are in the lot. Mr. Burns replied there are approximately 40 spots.

Mr. Prause questioned if there are any environmental protection or conservation concerns.

Mr. Burns reported that the building is on or near an aquifer. He explained that there will be no car washing or floor drains.

Mr. Prause asked if there is any waste generated. Mr. Burns explained there will be waste oil generated. He will install a tank, pursuant to the Motor Vehicle Department, in the event that there are any fluids.

Mr. Stebe requested confirmation that the majority of the work will be small electronic parts and equipment, which Mr. Burns confirmed. Mr. Stebe agreed that when disposing of old equipment, there are many hazards, and questioned how that work will be addressed.

Mr. Burns replied that much of the work is re-soldering wires, replacing circuit boards and hydraulic motors, and there is some fluid associated with that. He said he cannot foresee generating any hazardous waste.

Mr. Prause indicated to Ms. Bertotti that he reviewed the aquifer protection map, which appears to cut through the first third of the property, he noted, but does not go to the applicant's building. He said he assumed Mr. Burns is exempt. Ms. Bertotti replied that the applicant is not exempt for that reason; he is exempt because the activity is not one of the 28 regulated activities under the aquifer protection regulations. The applicant notified the Department of Public Health, as is required for all sites that have a pending application before the Planning and Zoning Commission, she said; however, his activity is not regulated.

Mr. Prause reaffirmed that the Commission has discussed most of the special exception criteria. Regarding suitable location for use, he noted that the location is in an Industrial zone. Regarding suitable structure for use, he asked if the structure is able to satisfy the applicant's business with regard to adequate room and sound structure. Mr. Burns responded that the building was built in 1992, is modernized with all utilities, and is much larger than his business requires.

Mr. Prause referred to neighborhood compatibility, nuisance and noise, noting that the applicant submitted a letter informing the Commission of what functions will not be done. Mr. Burns stated that his business is very small and the work is limited with no motors or transmissions.

Mr. Prause affirmed the adequate parking and adequate streets, and requested confirmation as to the number of vehicles expected per day. Mr. Burns replied that there will be one delivery truck, one mail truck, and perhaps one or two customers per day.

Mr. Prause said he assumed there is adequate emergency access to the building. Mr. Burns confirmed that access is adequate and reported that tractor-trailers proceed to Greene Moving and Storage as well as the used car dealership.

Mr. Prause reiterated that there are adequate utilities. Mr. Burns stated that there are city water, city sewer, electrical, natural gas and Cox cable.

Mr. Prause inquired about environmental waste, requesting confirmation that there will be no generation of waste, with which Mr. Burns agreed. Mr. Prause further said he assumed the business will not have detrimental effects on public health, safety, welfare or property values, or conflict with the purposes of the regulations, to which Mr. Burns concurred.

Mr. Stoppelman asked about signage for the building. Mr. Burns responded that he will not put any sign on the building. There is a large sign out front, he noted, and his building is in the rear of the property.

Mr. Stoppelman said he assumed that he will deal with other dealers and other repair shops.

Mr. Burns reiterated that he will transact with EBay, other dealers, and repair shops. He also conveyed that, when the survey map was completed, there was an easement not recorded as well as tie points that should have been mapped out. Mr. Burns reported as such to the surveyor but they were unable to obtain the measurements prior to the meeting. He noted it is underway and will be completed shortly.

Ms. Bertotti reported that the only comment is in regard to the survey. Staff reviewed the application and had no comments or concerns. Ms. Bertotti recommended the Commission proceed to approve the application to include the comments from Doug Sanborn, Chief of Surveys, as a plan modification. Mr. Sanborn noted that the easement was not shown on the survey, and there are data points that must be mapped as well, she reported.

There were no members of the public to speak.

**MOTION:** Mr. Stebe moved to close the public hearing. Mr. Stoppelman seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 7:38 P.M.

I certify these minutes were adopted on the following date:

November 6, 2017  
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Date

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Eric Prause, Chairman