

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JUNE 14, 2005 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT**

PRESENT: Commissioners Mips, Kelsey, Parker, Profe, and Alternate Commissioner O'Brien
Alternate Commissioners Chiodo and Dallesander were present, but not seated

ALSO PRESENT: Town Planner Zavarella, Assistant Planner Bachand and Planning Secretary Madison

Commissioner Mips directed that Commissioner Profe would be acting secretary in Commissioner Fitzgerald's absence.

I. NEW BUSINESS

A. Public Communications and Petitions (five-minute limit per person)

Kirby Bechthold, 907 Palisado Avenue, asked the Commissioner to consider removing the requirement for sidewalks on the 8 lots in the Shoham Subdivision. He said that he knew they were required for safety reasons, but he felt that removal of trees to accommodate the sidewalks would devalue the property. He suggested that a bus pad could be constructed instead of sidewalks or the sidewalks could be built closer to the road. He added that if the sidewalks must be constructed it would make more sense to construct them all at once rather than house by house so that they would be more uniform. He noted that he would not be able to get a Certificate of Occupancy (CO) until his portion of the sidewalk was constructed.

Richard Bosco, 867 Palisado said that he was planning to move into his house on July 1st, but as it stands now he would not be able to get a Certificate of Occupancy unless the sidewalk is constructed in front of his home. He said that he did not know that the sidewalk had to be constructed before he could get the CO until about a month ago when he received a letter in the mail.

There was a general discussion. Commissioner Profe said that a recent 10-lot subdivision on Merriman Road had the same condition of approval and he recalled that the sidewalks were all constructed at one time. Town Planner Zavarella suggested that if Mr. Bechthold and Mr. Bosco felt it would be more economical to construct the sidewalks all at once, they could bring it up to town staff for consideration. Commissioner Mips said that the applicant could request a modification to the Subdivision approval and she suggested that the applicant go back to the Planning Department who could further research the issue and the Town Planner then would get back to the Commission.

1. **Letter from Carol Bogard, 24 Millbrook Circle** – regarding concerns about the number of Group Homes in Windsor
2. **Letter from Andrew Gray** – withdrawing the application for Special Use at 17 Palisado Avenue (See Public Hearing Item II.I)
3. **Email from Sebastian Lenares** – withdrawing the application for Special Use at 17 Palisado Avenue and requesting a refund of the application fee (See Public Hearing Item II.I)
4. **Email from Mark Griffin, Windsor Federal Savings & Loan** – requesting that the Commission schedule a special meeting for the public hearing for Zoning Regulations Text Amendment application for signs in Windsor Center (See Application Acceptance Item III.B.5)
5. **Letter from Ed Lally & Associates, Inc.** – resubmitting the Zone Boundary Change application for 252 Bloomfield Avenue and requesting that the fee from the same application, which was withdrawn at the last meeting, be applied to this application (See Application Acceptance Item III.B.3)
6. **Letter from Ed Lally & Associates, Inc.** – requesting that the Commission schedule a special meeting for the public hearing on the Zone Boundary Change application for 252 Bloomfield Avenue (See Application Acceptance Item III.B.3)
7. **Letter from Vinfin Corporation** – withdrawing and resubmitting the Special Use application at 16 Forest Road (See Public Hearing Item II.H and Application Acceptance Item III.B.13)
8. **Letter from Ed Lally & Associates, Inc.** – requesting waiver of the application fee for Trinity United Methodist Church, Park Avenue
9. **Letter from Ed Lally & Associates, Inc.** – requesting waiver of the application fee for the First Church of Windsor, Palisado Avenue

Commissioner Profe read the above nine letters into the record.

B. Communications and Petitions from the Town Planning and Zoning Commission

Commissioner Mips announced that Assistant Planner Bachand would be leaving his position at the Town of Windsor. Mr. Bachand said that he had secured a new job closer to his home in Massachusetts.

Commissioner Profe said that he attended a presentation on Storm Water Management and had a copy of the State Storm Water Management manual if anyone would like to take a look at it.

Alternate Commissioner O'Brien referred to the letter from Carol Bogard regarding the number of Department of Mental Retardation Group homes in Windsor and he asked where it would go from here. Commissioner Mips responded that the letter would be forwarded to the Town Council. Commissioner Mips noted that the town is not notified when a group home is established in town. Town Planner Zavarella said that there is a special use application pending for a group home because it was brought to the town's attention that there are two group homes in town that do not comply with of the state's minimum distance requirement between group homes. He said that the State disputes that they are not in violation because they do not measure

distance “as the crow flies”, but rather from “portal to portal” which could place one home directly behind another, and that issue has not yet been resolved.

C. Zoning Enforcement Officer’s Report

D. Pre-Application Scrutiny

E. Re-approvals/Revisions

1. **Site Plan Re-Approval – 140 White Rock Drive**, Addition to existing mosque, AG Zone, Islamic Center of Connecticut, Inc.
 - **IWWC Decision March 16, 2005**
 - **Memo from Planning Secretary Madison** – regarding applicant’s request to recess consideration of the above application until the next regular meeting in July

Commissioner Profe read the above memo into the record.

Motion: Commissioner Profe moved to recess the consideration of the request for Site Plan Re-approval at 140 White Rock Drive for an addition to the existing mosque until the next regular TP&ZC meeting on July 12, 2005. Alternate Commissioner O’Brien seconded the motion and it passed unanimously, 5-0-0.

2. **Subdivision Re-Approval – 140 West Street**, One Lot, AA Zone, Graca/Alford

Wilson Alford, Jr., Alford Associated, Inc. presented a drawing and described the location of the property at the northwest corner of West Street. He said that there is an existing home on the parcel and the subdivision was originally approved in 1994, but it was not filed on the land records, so the applicant is asking for re-approval of the subdivision.

Assistant Planner Bachand said that all staff had signed off on the application and he recommended approval.

There was a general discussion. Mr. Alford stated that there were no changes from this subdivision plan and the original subdivision plan.

Motion: Commissioner Profe moved to approve the re-approval of the Subdivision at 140 West Street for one lot, finding that the map has not changed since the original approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

F. Bonds

G. Site Plans

H. Minutes

1. **May 11, 2005**

Motion: Commissioner Profe moved to approve the minutes of May 11, 2005 special meeting as presented. Commissioner Kelsey seconded the motion and it passed 4-0-1 with Alternate Commissioner O'Brien abstained because he was not seated for that meeting.

I. CGS § 8-127 Review – Redevelopment Area Plan for Mechanic Street Redevelopment Project

Economic Development Director Burke said that pursuant to Connecticut General Statutes Section 8-127, the Windsor Development agency was requesting an opinion from the Commission regarding the redevelopment project at 33 Mechanic Street. He said that the Commission is being asked to look at the relationship between the proposed redevelopment plan and the Plan of Conservation and Development (POCD), and the relationship between the proposed redevelopment plan and the Site Plan standards of the town. He noted that the 2004 POCD specifically identifies the redevelopment areas on the map and states that the town should continue to target key parcels for redevelopment. He said that the Town Planner indicated that even back to the 1973 Plan of Development (POD), this site was shown as a redevelopment area, and the 1990 POD indicated that this site should be redeveloped for residential or office use. He said that the requested opinion ties the development into what has been approved by the Commission.

Alternate Commissioner O'Brien questioned the request for \$700,000 that was mentioned in the documentation that was provided. He said that when the TP&ZC approved the plans there was no mention that it would cost the town that money. Commissioner Mips responded that the issue of the request for money from the town was not in the purview of this Commission.

For those in the audience that wished to speak regarding the redevelopment project, Mr. Burke announced that the town was holding a public hearing on this matter the following evening, Wednesday, June 15, 2005, 7:00 p.m. in the Ludlow Room.

Commissioner Parker asked what the status was with the Amtrak property that was needed for access to the site. Mr. Burke responded that that although it had not been finalized, the town has received a conditional letter of approval.

Motion: Commissioner Profe moved to approve the letter, that was included in the packet, from Commissioner Mips to the Windsor Redevelopment Agency regarding the Redevelopment Area Plan for Mechanic Street Redevelopment Project the pursuant to CGS § 8-127. Commissioner Kelsey seconded the motion and it passed 4-1-0, with Alternate Commissioner O'Brien voting against.

II. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:30 p.m. Commissioner Profe read the legal notice. Commissioner Mips noted that public hearing items H and I would not be heard at tonight's meeting.

- A. **Special Use – 848 Marshall Phelps Road**, Filling, Zoning Regulations Section 2.4.15M, I-1 Zone, Butler/Alford
- B. **Special Use – 848 Marshall Phelps Road**, Horticultural Nurseries, Zoning Regulations Section 2.4.15C, I-1 Zone, Butler/Alford

Commissioner Mips directed that the above two applications would be heard together and voted on separately.

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the site and its location. He said that the applicant has been granted special uses for a nursery and filling since 1989 and they wish to continue those uses. Regarding staff comments, he said that the staff was recommending unannounced site inspections. He noted that the Environmental Planner noted that the applicant was doing well with maintenance, but requested that oil/water separator hoods be added to some of the catch basins. Regarding the 50-foot setback, he said that he believed it referred to structures, not for materials.

Town Planner Zavarella said that since Data Mail began construction, the storage piles at this site have become very visible. He said he believed that the piles should not be visible from Data Mail, not screened from others' sight by the Data Mail building. He recommended that town staff should review the set back issue with the applicant as a condition of approval.

Alternate Commissioner O'Brien said that he recalled a lot of negative comments at the last re-approval for this site and it appeared that the applicant was doing a good job abating the problems and should be commended for their efforts.

Commissioner Mips asked for public comments. No one from the audience came forward to speak regarding the applications.

Assistant Planner Bachand said that staff had signed off on the applications with some comments. He recommended conditions including a one-year time limit, oil/water separators, unannounced site inspections, screening and landscaping improvements, and staff review and approval regarding the 50-foot setback requirement.

In rebuttal, Mr. Alford said that he felt that more screening would be appropriate rather than moving materials at the site to prevent too much congestion on the site.

There was a general discussion. Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to re-approve the Special Use at 848 Marshall Phelps Road for Filling under Zoning Regulations Section 2.4.15M subject to the following conditions: 1) One-year time limit; 2) All previous conditions of approval including unannounced site inspections by town staff; 3) Applicant shall install landscape screening along the southerly property line with Data Mail and elsewhere as needed by the end of this planting season; 4) Applicant shall submit a planting plan showing the location and type of existing and proposed trees no later than July 31, 2005 to be approved by town staff; 5) Sweeping and catch basin maintenance by the applicant is to continue and the applicant

shall add the oil/water separators to the three central catch basins to the satisfaction of the Town Engineer and the Environmental Planner; and 6) Staff review and approval to cover such issues as the 50-foot setback requirement that was discussed by the applicant. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to re-approve the Special Use at 848 Marshall Phelps Road for Horticultural Nurseries under Zoning Regulations Section 2.4.15C subject to the following conditions:

1) One-year time limit; 2) All previous conditions of approval including unannounced site inspections by town staff; 3) Applicant shall install landscape screening along the southerly property line with Data Mail and elsewhere as needed by the end of this planting season; 4) Applicant shall submit a planting plan showing the location and type of existing and proposed trees no later than July 31, 2005 to be approved by town staff; 5) Sweeping and catch basin maintenance by the applicant is to continue and the applicant shall add the oil/water separators to the three central catch basins to the satisfaction of the Town Engineer and the Environmental Planner; and 6) Staff review and approval to cover such issues as the 50-foot setback requirement that was discussed by the applicant. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

C. Special Use – 758 Rainbow Road, Limited Retail Sales, Distribution Pharmacy, Zoning Regulations Section 8.1.6M, I-1 Zone, Neighbor Care/Lachapelle

Ken Powell, representing the applicant Neighborcare said that the company was relocating from 20A International Drive to 758 Rainbow Road. He said that there would be no changes in the operation.

Commissioner Mips requested public comments. No one from the audience came forward to speak regarding the application.

Assistant Planner Bachand said all staff had signed off on the application and he recommended approval subject to a one-year time limit.

Motion: Commissioner Profe moved to approve the Special Use at 758 Rainbow Road for limited retail sales under Zoning Regulations Section 8.1.6M, subject to the following condition: 1) One-year time limit. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

D. Zoning Regulations Text Amendment – Section 2.2.4E, Requirements for Northfield Drive area sites, Town of Windsor

Commissioner Parker asked for a five-minute break and she stepped down. Alternate Commissioner Chiodo was seated in her place.

Assistant Planner Bachand presented a drawing and reviewed the location of the Northfield area. He said that the amendment would allow the Commission to approve taller buildings with greater setbacks and buffer strips for offices and research laboratories only in the Northfield Drive area.

Town Planner Zavarella said that it would provide more flexibility to the regulation, which would better serve the town.

Commissioner Mips asked for public comments. No one came forward to speak regarding the application.

There was a general discussion. Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve Zoning Regulations Text Amendment for Section 2.2.4E, requirements for Northfield Drive for the reasons stated by the Town Planner. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- E. Zoning Regulations Text Amendment – Sections 4.5.3A(3) and 4.5.3B(1)(b), Open Space Subdivisions and Cluster Subdivisions, Town of Windsor**
- **Letter from CRCOG**

Alternate Commissioner Chiodo stepped down and Commissioner Parker was reseated.

Assistant Planner Bachand said that the requirements for density calculations were changed so that they would be consistent with the recently updated subdivision regulation.

Commissioner Mips asked for public comments. No one from the audience came forward to speak regarding the application.

Commissioner Profe read the CRCOG referral letter into the record.

There was a general discussion and Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve Zoning Regulations Text Amendment – Sections 4.5.3A(3) and 4.5.3B(1)(b), Open Space Subdivisions and Cluster Subdivisions because it will bring it into alignment with previously amended sections of the regulations. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- F. *Zoning Regulations Text Amendment – Sections 2.4.150 & 16.2.7 , Existing Gasoline Filling Station Uses and Gasoline Filling Station Definition, Ballard/Stone**
- **Letter from CRCOG**

Attorney Chris Stone spoke for the applicant who owns the property at 20 Windsor Avenue, which prompted this proposed text amendment. He said that the amendment would allow no more than 20 cars for sale at one time and no more than 10 cars on display for sale at one time. He stated that standards for storage and screening of vehicles, which is necessary for towed vehicles and an accessory use to a used car business, were also included. He added that this was an important service for the town as well because the Windsor Police Department often calls to have abandoned vehicles towed. He said that an updated definition of a gasoline filling station was proposed which was consistent with the definition in the CT General Statutes, because fuel

sources are ever changing. Also, he said that the site location would be restricted to be near a state highway because that is where the most activity would come from.

There was a general discussion. Commissioner Mips asked where cars would be stored on the site and Mr. Stone responded that it would be up to the Commission. Alternate Commissioner O'Brien questioned the requirement of location near an I-91 interchange and Mr. Stone responded that the intent was to restrict locations, but he had no problem with elimination of that requirement. Commissioner Mips noted that consideration of the residential area behind the site must be taken.

Commissioner Mips asked for comments from the public. No one came forward to speak regarding the application.

Commissioner Profe read the CRCOG referral letter into the record.

Town Planner Zavarella said he could not recommend approval of the proposed amendment because he felt that it was a way of legitimizing the current condition at the site and he did not feel that it was the type of business that should be at the gateway into the town. He said that currently the applicant had approval for the sale of 6 used cars at the site and asked what would happen there if it were increased to 10-20 cars. He said that none of the staff signed off on the application with the exception of the Engineering Department. He said that the sale of diesel fuel instead of gasoline would be small and would result in the potential of excess on-site car storage and site circulation problems. He said that for these reasons and those that he stated in writing, he could not recommend approval of the proposed amendment.

In rebuttal, Mr. Stone said that the proposed amendment was not an attempt solely to create a worse situation than exists now, but if he missed his mark, he would like input from the Commission.

Commissioner Mips suggested that 10 cars be the maximum number of cars, a yearly renewal be required and elimination of previously existing gas stations be eliminated. Regarding defining fuels, she said she would like more information from the Fire Marshal. She said she understood that something needed to be done to bring the site into compliance, but the site was overburdened.

Mr. Stone said that there would be a limit of just 10 cars for display, not storage.

Commissioner Mips said she understood that the towed cars should be in a fenced in area. She also noted that the site has a detailing operation that takes up space as well.

Mr. Stone agreed that the site was overburdened.

Commissioner Profe asked if the amended regulation, as written, would improve conditions at the site. Mr. Stone responded that it would because it would give the Commission better controls.

Alternate Commissioner O'Brien suggested that any site that applied for a special use to sell used cars should be looked at individually. Commissioner Profe suggested that the number of cars allowed should be based on the geometry of the site.

There was a general discussion. There was a consensus of the Commission that the applicant should work with town staff to modify the proposed text amendment and return to the Commission for further consideration.

Motion: Commissioner Profe moved to recess the public hearing for Zoning Regulations Text Amendment for Sections 2.4.15O & 16.2.7, Existing Gasoline Filling Station Uses and Gasoline Filling Station Definition until the next regular meeting on July 12, 2005. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

G.*Zoning Regulations Text Amendment – Section 4.5.1, Conversion of Existing Buildings, Town of Windsor

- **Letter from CRCOG**

Town Planner Zavarella said that the proposed text amendment would establish the area where the conversion of single family homes to multi-family homes can occur. Currently, the criteria for these conversions include distances from bus routes and grocery stores, which is too broad. A new grocery store was recently approved and public transit authorities can move bus routes, so there is a loss of control. The conversion of single family homes into multi-family homes increases the density of the neighborhood and it can result in excessive use of the interior and exterior of the home, with cars parked in the yard and street creating blight on the neighborhood. As it stands now, anyone within a quarter mile of a grocery store or bus route can apply to convert a single family home into a three family home. Research results indicate that at present approximately 2,344 homes in town would be eligible to apply based on proximity to bus lines alone.

Assistant Planner Bachand presented a drawing indicating the area where, under the proposed regulation, homes could be considered for conversion to multi-family homes including Windsor Center and it's fringe area and the Wilson Center area. Town Planner Zavarella noted that the comments from CRCOG in support of this type of use in center areas.

Commissioner Mips asked for public comments. No one came forward to speak regarding the application.

Commissioner Profe read the letter from CRCOG into the record.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the revised draft of the Zoning Regulations Text Amendment for Section 4.5.1, Conversion of Existing Buildings, dated June 13, 2005 because it will not tie the regulation to specific buildings such as grocery stores and bus

lines which can be moved or added. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

G. *Special Use – 16 Forest Road, Group Home, Zoning Regulations Section 2.4.15I, AA Zone, Vinfen Corporation (Withdrawn & Resubmitted)

H. *Special Use – 17 Palisado Avenue, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), B-2 Zone, Lanares/Barrett (Withdrawn)

* Recessed or Postponed from the special meeting on May 11, 2005

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. **Special Use – 280 Windsor Avenue, Carnival, Zoning Regulations Section 2.4.15T, I-1 Zone, Hopewell Baptist Church**
2. **Zone Boundary Change – 385 a/k/a 387 Rainbow Road, B-2 Zone to R-11 Zone, McCormack**
3. **Zone Boundary Change – 252 Bloomfield Avenue, I-1 Zone to A Zone, Sasportas/Lally**
4. **Zone Boundary Change – 593 Park Avenue, AG Zone to A Zone, F & L Construction/Lally**
5. **Zoning Regulations Text Amendment – Section 13.4.21, Signs in Windsor Center & Wilson Center, ARTFX Signs**
6. **Zone Boundary Change – 45 Hayden Station Road, I-1 Zone to AA Zone, Stowe Machine**
7. **Special Use – 28 Phelps Street, Conversion of garage for catering business, Zoning Regulations Section 2.1.15, R-8 Zone, Mayer**
8. **Zoning Regulations Text Amendment – Section 2.1.22, Content Protective Structures, Town Of Windsor**
9. **Special Use – 232 Park Avenue, Zoning Regulation Section 2.4.15P, Churches and Religious Institutions, Trinity United Methodist Church, Inc./Lally**
10. **Special Use – 306 Mountain Road, 3 Flag Lots, Zoning Regulations Section 4.5.13, AA Zone, Carrier Enterprises/Alford**
11. **Subdivision – 306 Mountain Road, 5 Lots, AA Zone, Carrier Enterprises/Alford**
12. **Zoning Regulations Text Amendment – Sections 8.1.1 and 8.1.6P, Height Standards and Residence Inns, Alford**
13. **Special Use - 16 Forest Road, Group Home, Zoning Regulations Section 2.4.15I, AA Zone, Vinfen Corporation**
14. **Subdivision Re-Approval – 58 Woodland Street, 8 Lots, R-11 Zone, Holmes**

The Commission directed that the above applications numbered 1 through 7 would be scheduled for public hearing at a special meeting on Tuesday, June 28, 2005. They directed that the remaining applications numbered 8 through 14 be scheduled for public hearing at the next regular meeting on Tuesday, July 12, 2005.

Motion: Commissioner Profe moved to schedule a special meeting on June 28, 2005 to hear application acceptance items 1 through 7 at 7:00 p.m. in Town Hall Council Chambers. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

C. Old Business

D. Public Communications and Petitions (if not completed)

The Commission requested that the Planning Department send a letter to Ms. Bogard on their behalf to let her know that the Commission did not have the authority to take any action regarding the issue and the letter would be passed on to the Town Council and Town Manager.

Regarding the request from Mr. Lally to waive the fee for the applications filed by non-profit organizations, there was a general consensus of the Commission that it has always been the practice that only applicants that are part of the town are exempt from paying application fees. The Commission requested that the Planning Department send a letter to Mr. Lally on their behalf in response to his request.

IV. MISCELLANEOUS

- A. FYI: CFPZA Quarterly Newsletter – Spring 2005**
- B. FYI: CT NEMO Newsletter – Spring 2005**
- C. FYI: FRWA River Notes – May 2005**
- D. FYI: STC Traffic Investigation Report approval - for the New England Trade Port, International Drive and Rainbow Road**
- E. FYI: MSNBC article – Mr. Wang’s ‘garden in the sky’ (forwarded to the Commission upon the request of Robert Fromer)**
- F. FYI: APA Planning Magazine – June 2005**

IV. PLANNER’S REPORT

V. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

The meeting ended at 8:50 p.m.