

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
APRIL 12, 2005 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT**

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

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

Commissioner Mips opened the meeting at 7:00 p.m. Commissioner Profe was acting secretary until Commissioner Fitzgerald arrived at 7:25 p.m.

I. NEW BUSINESS

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

1. **Letter from Vinfen Corporation** – requesting that the opening of the public hearing for the Special Use at 16 Forest Road be postponed and consenting to a 65 day extension for the opening of the public hearing. (See **Public Hearing Item II.A**)
2. **Letter from Alford Associates, Inc.** – withdrawing the Subdivision Application for 620 Park Avenue (See **Public Hearing Item II.J**)

Commissioner Profe read the above two letters into the record.

B. Communications and Petitions from the Town Planning and Zoning Commission - None

C. Zoning Enforcement Officer's Report - None

D. Pre-Application Scrutiny - None

E. Re-approvals/Revisions

1. **Site Plan Re-Approval – 140 White Rock Drive**, Addition to Existing Mosque, AG Zone, Islamic Center of Connecticut, Inc.

No one appeared to present the above application. The Commission directed that it should be rescheduled for the May 11, 2005 special meeting.

2. Site Plan Revision – 1 Batchelder Road, Boardwalk over “Old Hockey Pond”, NZ Zone, Loomis Institute/Alford

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the proposed crossing and the sidewalk connection. He said that it would get flooded at times and he noted that it would have to be built ten feet high in order to avoid flooding, which was not practical. In response to a question from the Commission, he said that the materials for the construction of the boardwalk had not yet been determined, but it would be something that was satisfactory to both the Inland Wetlands Agent and the Fire Marshal.

Assistant Planner Bachand said that Staff had signed off on the application and he recommended approval subject to Staff review and approval.

Motion: Commissioner Profe moved to approve the Site Plan at 1 Batchelder Road for a boardwalk subject to the following conditions: 1) Final Staff review and approval; and 2) The IWWC approval shall be placed on the drawings. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.

3. Building on Unpaved and Unaccepted Street Modification – 87 & 89 Southwood Drive, Remove condition requiring full basements, AA Zone, Unique Builders Contractors/Alford

Wilson Alford, Jr., Alford Associates, Inc. said that there was a fairly high water table on the lots and if there were a basement, a sump pump would have to be installed and it would be running most of the time. He said the builder did not want to put the homeowners in that situation.

Commissioner Mips said that there was a similar situation when her house was built and it was resolved by building up the ground level. Mr. Alford said that it would not be practical at this site. He said that the builder intended to construct a raised ranch style house and it would be filled on half of it. In response to a question from Town Planner Zavarella, he said that some dirt would be placed against the building foundation wall so that it would not look like the house was sitting on a slab.

Town Planner Zavarella recommended approval subject to a 2100 square foot minimum house size, central air conditioning, and lawn sprinklers.

Commissioner Kelsey said he was surprised that this item came back to the Commission since full basements was a condition that was placed on these lots when the original subdivision was approved.

Motion: Commissioner Profe moved to approve the Building on Unpaved and Unaccepted Street Modification at 87 & 89 South Wood Drive to remove the condition requiring full basements subject to the following conditions: 1) Minimum house size shall be 2100 square feet; 2) Installation of central air conditioning; 3) Installation of lawn sprinklers; and 4) Soil shall be placed against the building foundation walls so that the house does not appear

to be a “slab on grade”. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.

F. Bonds - None

G. Site Plans - None

H. Minutes

1. March 16, 2005

Page 9, Paragraph 10, change to “neither for nor against the application”

Page 14, Paragraph 2, Check tape to see if Commissioner Mips seconded the motion and correct if necessary.

Motion: Commissioner Profe moved to approve the minutes of the March 16, 2005 special meeting as amended. Commissioner Parker seconded the motion and it passed 3-0-1, with Commissioner Kelsey abstaining due to non-presence.

I. CGS § 8-24 Reviews

- 1. Construction of two portions of sidewalks along Batchelder Road adjoining Loomis Chaffee Campus**

Town Engineer Lenehan explained that the site plan presented and approved earlier at tonight’s meeting for the boardwalk at Loomis requires a sidewalk connection to the Town’s right-of-way in two locations. He said that constructing sidewalks on Town property requires Town Council approval and he was requesting that this Commission make a favorable recommendation to the Town Council pursuant to Connecticut General Statutes Section 8-24 for construction of the sidewalks.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the construction of two sections of sidewalk along Batchelder Road at the locations shown on a plan “Wetland Permit Application Plan prepared for Loomis Institute by Alford Associates, Inc. scale 1”=40’ dated 10-27-04, revised 3-7-05”. Commissioner Profe seconded the motion and it passed unanimously, 4-0-0.

- 2. Discontinuance of Drake Street**

Community Development Coordinator Hallisey, indicated he was seeking comment on the proposed discontinuance of a portion of Drake Street pursuant to Section 8-24 of the Connecticut General Statutes. The specific portion of the roadway proposed for discontinuance is that portion which was effectively abandon at such time as Decker’s Brook was relocated and channelized. He noted that a public hearing on the matter is slated to take place at the May 2, 2005 Town Council meeting. He explained that the discontinuance of Drake Street is necessary

to assemble various parcels of land, including two former streets (Deerfield and Drake) into a single parcel so as to render the site, suitable for development purposes.

Mr. Hallisey noted that the proposed motion provided to Commissioners referenced the map of the original development. At the suggestion of the Town Engineer, a revised map was drawn up depicting only that portion of the road proposed for discontinuance. Mr. Hallisey distributed a revised "Schedule A" which referenced the updated map prepared specifically for the discontinuance of Drake Street.

There was a general discussion.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the discontinuance of that portion of Drake Street, as shown on the map dated April 5, 2005 and referenced in the revised Schedule A, as presented for the reason that it will provide a contiguous piece of property for resale and because that portion of Drake Street has been abandoned for several years. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.

3. Traffic Control Signal Installation at International Drive and Rainbow Road Intersection

Economic Development Director Burke said he was seeking a favorable recommendation to the Town Council for the installation of a traffic control signal at the intersection of International Drive and Rainbow Road. He said that this public improvement was a requirement of the State Traffic Commission for the New England Tradeport area. He presented a drawing and described the location of the proposed traffic signal and re-striping to provide a separate left-turn lane for vehicles headed southbound on International Drive and turning eastward on Rainbow Road. He said that the improvement would be completed as a Town of Windsor project under the supervision of the Town Engineer.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of installation of a traffic control signal at the intersection of International Drive and Rainbow Road. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.

Commissioner Fitzgerald arrived and was seated at 7:25. The Commission directed that the meeting would be recessed until 7:30.

II. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:30 p.m. and Commissioner Fitzgerald read the legal notice. Commissioner Mips announced for the audience that public hearing items A and J would not be heard at tonight's meeting.

A. Special Use – 16 Forest Road, Group Home, Zoning Regulations Section 2.4.15I, AA Zone, Vinfen Corporation

Commencement of the opening of the public hearing for the above item was postponed until the special meeting on May 11, 2005 upon request of the applicant. (See **New Business Item I.A.1**)

B. Subdivision Regulations Text Amendment – Sections 5.2.1, 5.2.1(A), 5.2.1(E), 5.2.3, Update references to reflect current surveying standards, Town of Windsor
• **Memo from Duane Martin, Project Engineer**

Assistant Planner Bachand said that the text amendment, prepared by Project Engineer Martin, provides a reference to the proper or current surveying standards which were adopted by the Connecticut Association of Land Surveyors since the time that the regulations were last updated.

Commissioner Fitzgerald read a memo from Project Engineer Martin dated April 7, 2005 stating that regardless of the current Subdivision Regulation reference to the previous surveying publication, the surveying information submitted to the Town in association with proposed subdivisions or other applicable surveys were to the best of his knowledge prepared in accordance with surveying standards, which are acceptable in the State of Connecticut.

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

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the Subdivision Regulations Text Amendment to Sections 5.2.1, 5.2.1(A), 5.2.1(E), 5.2.3, to update references to reflect current surveying standards as presented for the reasons explained by Project Engineer Martin. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

C. Special Use – 625 Day Hill Road, Outdoor Storage, Liquid Oxygen Tank, Zoning Regulations Section 8.1.6B, I-1 Zone, Rotech Healthcare, Inc.

Wilson Alford, Jr., Alford Associates, Inc. said that the applicant Rotech Healthcare provides medical supplies and is seeking approval of a special use to install an outdoor liquid oxygen tank. He presented a drawing and described the site. He said the proposed tank would be located behind the building and it would be about the same height as the building. He reviewed proposed landscaping and screening including a chain link fence with slats as requested by Staff.

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

Town Planner Zavarella recommended approval of the plan as presented including the chain link fencing with vertical slats, and appropriate landscaping.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the Special Use at 625 Day Hill Road for outdoor storage of a liquid oxygen tank under Zoning Regulations Section 8.1.6B as presented subject to final landscaping plans and chain link fencing with vertical slats as approved by the Town Planner. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

D. Special Use Re-approval – 20A International Drive, Limited Retail Sales, Distribution Pharmacy, Zoning Regulations Section 8.1.6M, I-1 Zone, Neighbor Care/Lachapelle

Ken Powell, Neighbor Care said that the company was seeking re-approval for their pharmacy operation. He explained that the company distributes drugs to nursing homes and does not serve the public.

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

Assistant Planner Bachand said that Staff had signed off on the application and he recommended approval with a one-year time limit.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the Special Use Re-approval at 20A International Drive for limited retail sales under Zoning Regulations Section 8.1.6M subject to a one-year time limit. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

E. Special Use – 58 Pond Road, Flag Lot, Zoning Regulations Section 4.5.13, AA Zone, Cwikla/Lally

Ed Lally, Ed Lally & Associates, Inc. presented a drawing and described the site. He noted that the zone for this parcel was changed from AG to AA in March and the applicant was now seeking special use approval for a flag lot. He said the owner would continue to use the adjacent parcel of land that is zoned AG for growing and selling Christmas trees. He said that as shown on the plan, many of the existing trees at the site would remain and the area to the east that was previously cleared, would be re-vegetated. He stated that the driveway would comply with the regulations for rear lots and he reviewed screening. He referred to note number 18 on the plan regarding a minimum house size of 2,600 square feet to insure at least as high quality housing as the rest of the neighborhood and it would not bring down property values, but it might bring them up.

In response from a question from Town Planner Zavarella, Mr. Lally said that a subdivision was not required because the applicant owns the two separate parcels. He explained that before the zone change of a portion of the properties to residential, they were both nonconforming lots in the agricultural zone because neither lot was 3 acres. He said that the lot line between the two lots would be revised to make the two parcels conforming, but there would still be only 2 lots.

Commissioner Mips requested comments from the public. Speaking neither for nor against the application:

Donna Chapman, 50 Somerset Drive, said that she was concerned that headlights from a car pulling in the driveway would shine onto her home and she requested that there be more screening with arborvitae or pines to minimize the nuisance of headlights glaring toward her home.

Mark Whitten, 54 Somerset Drive asked if he understood correctly that the minimum square footage of the home would be 2,600 square feet and Mr. Lally confirmed that 2,600 square feet would be the minimum size of the house.

No one else came forward to speak regarding the application.

Town Planner Zavarella recommended approval of the application as presented with consideration of the abutter's stated concern. Mr. Lally said that he thought that it was a good suggestion to provide more screening and he could double up the screening with evergreens or hemlocks.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the Special Use at 58 Pond Road for a flag lot under Zoning Regulations Section 4.5.13 as presented by the applicant, subject to installation of additional evergreen screening at the end of the driveway as approved by the Town Planner. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

F. Special Use Re-approval – 113 Maple Avenue, Professional Office, Zoning Regulations Section 4.5.15, R-10 Zone, Pawlowski

Dr. Walter Pawlowski, 113 Maple Avenue said that he was seeking re-approval for a professional office to provide counseling at his home. He said that he had spoken with staff and he agreed to make improvements to the exterior of his house and said he would like to put up a fence between his driveway and his neighbors due to safety concerns.

Commissioner Mips requested comments from the public.

Speaking in favor of the application:

Commissioner Fitzgerald read a letter from Ann Allen, 116 Maple Avenue.

Speaking against the application:

Commissioner Fitzgerald read a letter from Sean and Christina D. Ghio, 37 Welch Avenue, who had concerns including business uses being allowed in residential neighborhoods and the collection of debris in the applicant's yard that is in violation of basic municipal ordinances.

Speaking neither for nor against the application:

Robert Lydecker, 117 Maple Avenue, also expressed concerns about the condition of the property, but he said that as far as the business was concerned, he has not noticed any problems. He said he felt the applicant should give greater care and attention to his house because it would be better for his business as well.

Ray Pepin, 33 Welch Avenue said he had the same concerns regarding the property upkeep especially because of safety concerns for children and animals because of broken glass around the house and a stepladder that has been left out leaning up against the side of the house.

No one else from the public came forward to speak regarding the application.

Town Planner Zavarella recommended approval subject to the conditions of the original approval, except to allow the applicant to put up a fence as he has requested. In addition to the previous conditions he recommended that the applicant submit a design for improvements to the yard done by a professional, such as a landscape architect. He distributed some photos of the site, noting that the pictures were taken yesterday.

Commissioner Parker said that she found the front of the house attractive and she assumed that the problems with the exterior of the house were at the back of the house.

In rebuttal, Dr. Pawlowski said that he had a friend with a landscaping business that could provide a design for the improvements.

There was a general discussion. Commissioner Fitzgerald suggested that the application could be denied without prejudice or re-approval could be conditional on clean up of the property being completed within 30 days. He said that he was inclined to agree with the applicant that the use would not have an impact, but because of the use great care should be taken to keep the place presentable. Commissioner Kelsey said that he remembered a lengthy hearing taking place with the original approval of this application and he had expected that the applicant would take better care of the appearance of the property. Commissioner Parker said that she did not want to see the applicant put out of business. Commissioner Mips explained that the applicant would still be allowed to operate his business from his home while cleaning up his property.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to re-approve the Special Use at 113 Maple Avenue for a professional office under zoning regulations section 4.5.15 subject to the following conditions: 1) Six-month time limit; 2) Applicant shall remove all debris and equipment on all areas of his yard within 30 days; and 3) Applicant shall submit a complete plan for the exterior improvements to the Town Planner within 30 days. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

G. Special Use Re-approval – 700 Poquonock Avenue, Begin hours of operation at 5:00 a.m., Zoning Regulations Section 5.2.6D(3)(h), B-2 Zone, Dunkin Donuts/Coughlin

John Coughlin, Dunkin Donuts franchise owner at 700 Poquonock Avenue, said that he was seeking re-approval to open for business at 5:00 a.m. rather than 6:00 a.m. He said that he would accept a two-year approval as per the suggestion of Town Staff.

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

Assistant Planner Bachand said that there was a problem with trash and debris behind the building. He presented photos taken at the site. He recommended a one-year approval and that the applicant submit a written plan for daily pickup of trash and debris.

In rebuttal, Mr. Coughlin said he believed that the property owner was responsible for clean up of trash and debris and he asked to see the photos that the Assistant Planner referred to. He said that the owner has a contract with the China Sea Restaurant for pick up of trash and debris on the entire site and he would submit a copy of that maintenance agreement. He also stated that when he met with Staff there was no mention of this problem during the meeting and both the Fire Marshal and Health Department said they had no issues. It wasn't until after the meeting that someone mentioned it. He said he felt that a one-year time limit was unfair considering his track record of compliance of Town regulations.

There was a general discussion. Town Planner Zavarella said that pick up of trash and debris was the business operator's responsibility. The Commission agreed that there was not an issue with the time of opening, but there was an issue of litter that needed to be addressed and that if it was brought under control within the next year, the time limit could be extended beyond one year.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to re-approve the Special Use at 700 Poquonock Avenue to begin hours of operation at 5:00 am under Zoning Regulations Section 5.2.6D(3)(h) subject to the following conditions: 1) a one-year time limit; and 2) the applicant shall submit a written plan for daily litter pickup similar to the plan in existence for the China Sea restaurant within 30 days and abide closely by it. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

H. Special Use – 1156 Matianuck Avenue, Home Occupation, Zoning Regulations Section 4.5.19, R-13 Zone, Goslin

Jean Goslin, 1156 Matianuck Avenue said that she was seeking special use approval to practice therapy out of her home on a part time basis two evenings during the week and every other Saturday. She described the location of her home two miles from Park Avenue and adjacent to the entrance to Kimberly Hall. She said her driveway could accommodate up to four cars and appointments would be scheduled 15 to 30 minutes apart to insure that the driveway would not be tied up, and to provide privacy for her clients. She said that she would not advertise or put up a sign and there would be no change to the neighborhood. In response to a question from the Commission she said that evening appointments would begin at 5:30 p.m. and end at 8:30 p.m. on Tuesdays and Thursdays, and alternate Saturdays appointments would begin at 10:00 a.m. and end at 1:30 p.m.

Commissioner Mips asked for public comments. Speaking neither for nor against the application:

Cora Lee Jones, 1071 Matianuck Avenue said that the neighborhood was residential and she wouldn't want any activity that would put the safety of residents at risk or have a negative affect on the neighborhood.

In rebuttal, Ms. Goslin said that she works full time for the judicial department during the day and she would be prohibited from having any clients involved with the probation department, adult or juvenile court, domestic violence, divorce or any court case. She said that she has been in contact with Linda Saypalia regarding participating in the town's partnership program and she told Linda that she would not be able to work with any students who were involved with the criminal justice system. She stated that she would not be conducting any group therapy programs or anger management therapy, but would have clients who were straight couples and families whose children are having behavioral issues at school. She said she would not have any clients that her neighbors would be afraid of or that she herself would be afraid of.

Town Planner Zavarella told Ms. Jones that there was a one-year time limit for this special use and the applicant would have to come back for re-approval, which would give the neighbors an opportunity to bring any problems to the attention of the Commission.

No one else from the public came forward to speak regarding the application.

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the Special Use at 1156 Matianuck Avenue for a home occupation subject to the following conditions: 1) one-year time limit; 2) hours of operation shall be as described by the applicant – Tuesday and Thursday evenings from 5:30 p.m. to 8:30 p.m. and alternate Saturdays from 10:00 a.m. to 1:30 p.m.; and 3)

the clients shall not include referrals from Criminal Justice or Family Violence programs. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- I. *Special Use – 99 Wilson Avenue**, Convert 2-family home to 3-family home, Zoning Regulations Section 4.5.1, R-8 Zone, Chowdhury

Town Planner Zavarella said that Staff had not had any communication from the applicant since the public hearing for the application was recessed last month, and the required time period to hear the item will expire before the next meeting. Therefore, he recommended that the Commission deny the application without prejudice.

Motion: Commissioner Fitzgerald moved to deny without prejudice the Special Use at 99 Wilson Avenue for conversion of a 2-family home to a 3-family home under Zoning Regulations Section 4.5.1. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- J. Subdivision – 620 Park Avenue**, Two Lots, AA Zone and AG Zone, International Gospel Fellowship/Alford

The above application was withdrawn upon request of the applicant. (See **New Business Item I.A.2**)

* Recessed from the meeting of March 16, 2005

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

- 1. Special Use – 625 Day Hill Road**, Limited Retail Sales, Zoning Regulations Section 8.1.6M, I-1 Zone, Rotech Healthcare, Inc.
- 2. Zoning Regulations Text Amendment – Sections 2.4.15O & 16.2.7**, Existing Gasoline Filling Station Uses and Gasoline Filling Station Definition, Ballard/Stone
- 3. Subdivision – 334-344 Rainbow Road**, 2 lots, B-2 Zone and AA Zone, Camilleri Brothers, Inc./Lally
- 4. Special Use – 250 Broad Street**, Sign in Windsor Center Area, Zoning Regulations Section 13.4.21, B-2 Zone, Windsor Federal Savings/Artfx Signs
- 5. Special Use – 3 Baker Hollow Rd**, Wholesale/Distribution/Warehouse parking, Zoning Regulations Section 8.1.6L, I-1 Zone, The Real Group II, LLC/Alford
- 6. Special Use – 40, 80 & 100 International Drive**, Fill Removal, I-2 Zone and W Zone, Griffin Land/Alford
- 7. Zoning Regulations Text Amendment – Section 4.5.1**, Conversion of Existing Buildings, Town of Windsor
- 8. Special Use – 430 Hayden Station Road**, Gymnastics and Cheerleading Facility, Zoning Regulations Section 8.1.6E, I-1 Zone, Elges
- 9. Special Use – 73 Lang Road**, Filling, Zoning Regulations Section 2.4.15M, AG Zone, Rush

10. Special Use – 848 Marshall Phelps Road, Filling, Zoning Regulations Section 2.4.15M, I-1 Zone, Butler/Alford

11. Special Use – 848 Marshall Phelps Road, Horticultural Nurseries, Zoning Regulations Section 2.4.15C, I-1 Zone, Butler/Alford

Commissioner Mips noted that there were four applications scheduled for public hearing in May at the last meeting in March in addition to the eleven applications on the agenda for acceptance tonight. Town Planner Zavarella recommended that the above applications numbered 1 through 9 also be scheduled for the May meeting, noting that the Commission was able to take care of eight items in one hour at tonight's meeting. Commissioner Mips noted that the application for a gymnastics and cheerleading facility that was recently approved was again on the agenda for application acceptance. Town Planner Zavarella said that it was the same application, but for a different location. The Commission directed that the above applications numbered 1 through 9 be scheduled for public hearing at the special meeting on May 11, 2005 and the application for the gymnastics and cheerleading facility be first on the public hearing agenda since it was essentially a continuation of the recently approved application. The Commission directed that the above applications numbered 10 and 11 be scheduled for public hearing at the meeting on June 14, 2005. Commissioner Mips said that it was important that the applicants be made aware that the TP&ZC meetings end at 11:00 p.m. and there is a possibility that due to time constraints some applications might not be heard that night.

C. Old Business

1. Decision on items closed at the Public Hearing on March 16, 2005:

- a.) **Special Use – Parcels 1, 2, & 3 - 355 T Prospect Hill Road, Single- family residential development with more than 30 lots, Zoning Regulations Section 4.5.2, AA Zone, Daddario/Alford**
- b.) **Special Use – Parcel 3 - 355 T Prospect Hill Road, 2 Flag Lots, Zoning Regulations Section 4.5.13, Daddario/Alford**
- c.) **Subdivision – Parcel 1 - 355 T Prospect Hill Road, 24 Lots, AA Zone, Daddario/Alford**
- d.) **Subdivision – Parcel 2 - 355 T Prospect Hill Road, 21 Lots, AA Zone, Daddario/Alford**
- e.) **Subdivision – Parcel 3 - 355 T Prospect Hill Road, 15 Lots, AA Zone, Daddario/Alford**
 - **Legal opinion from Town Attorney – regarding consideration of Wetlands report**
 - **IWWC Decision Letter to Applicant – regarding application for modification, March 16, 2005**

Commissioner Kelsey stepped down and Alternate Commissioner Chiodo was seated for this item.

Commissioner Mips directed that the above five items would be discussed together and voted on separately.

Commissioner Mips said that the plans filed with the original applications for this development had two points of access and egress and those applications were withdrawn when the applicant realized that was not what the Commission wanted. The applicant came back with plans that showed three points of access and egress, and she said that she was in favor of those plans because traffic would be more equally distributed, but she was not in favor of the recently modified plans that showed only two points of access and egress by eliminating the connection to Gary Lynn Lane.

Commissioner Fitzgerald said that he had drafted a motion with conditions for approval of the Special Use for a residential development of more than 30 lots and he reviewed various issues. Regarding road widths, he said he felt that a 26-foot road width was adequate because it was in keeping with the width of the surrounding streets. He said he believed that the 2 access points as shown on the modified plans would be adequate. In case it was determined in the future that it was not adequate, he suggested that when the utility right of way and construction access was converted to a pedestrian walkway to connect the two subdivisions, the design should provide that the Town could make it into a road if necessary. Regarding traffic, he said he felt that with the additional studies the matter had been thoroughly addressed and he felt that some traffic calming measures should be taken. He said that the Commission should find that the surrounding roads can adequately serve a new subdivision and he noted that Prospect Hill Road was in need of improvement. He said he did not feel that it would be fair to wait until Prospect Hill was improved before the site could be developed, but he suggested that the applicant could give the Town a 50-foot right of way at Prospect Hill Road. He suggested that all homes be equipped with central air conditioning, lawn irrigation systems and he agreed with the Town Planner regarding minimum house sizes of 2,400 square feet for one story houses and 2,700 square feet for two story houses..

Commissioner Fitzgerald suggested conditions regarding notification in writing to abutters regarding safety measures and when to expect noisy activity, and restricted hours of operation taking into consideration weekends and major holidays. He reviewed open space and conservation easements including the donation of 1,000 tree seedlings, and a \$2,000 per lot fee in lieu of open space finding that there would be no significant difference if the fee were determined by assessment of the lots.

Commissioner Profe said that he came to the meeting tonight thinking that the proposal with three points of access was the solution and he was against the modification that took away the third access, but he liked Commissioner Fitzgerald's suggestion. He said that if rather than a third point of access, a permanent walkway was put in place connecting the two subdivisions, and it was designed in such a way that the town could complete it as a town street if it was deemed necessary, it would be sufficient.

Commissioner Chiodo said that she was not in favor of the modified plans showing just the two points of access and egress. She said she was in favor of the plans showing the three points of access but she could not support the modified plans.

There was a general discussion regarding the access points. Commissioner Mips said she felt that the third point of access would more equally distribute traffic, so that no one street would get overburdened and she pointed out that since the area would be disturbed to bring utilities through it would make sense to construct the road now rather than the town having to pay to construct a road in the future.

Commissioner Parker said that she was in favor of the modified plans for two reasons. She said she understood that the builder sat down with the neighbors and they talked things out. She said she also understood that the builder made a lot of concessions.

Commissioner Fitzgerald noted that although the Inland Wetlands Commission denied the modified application with just the two accesses, after consideration of their report, he did not feel that the TP&ZC should necessarily deny the application as well.

Commissioner Chiodo said that although she encouraged the neighbors and the developer to talk, she did not expect that it would result in taking one of the points of access away. She said that when the improvements are being done to Prospect Hill Road she did not want there to be only one point of access into the development.

There was further discussion regarding various issues including the number of access points, road widths, central air conditioning, lawn irrigation systems, solar access, cul de sac maintenance and bonding to insure that the point of access at Pierce Boulevard is constructed.

Motion: Commissioner Fitzgerald moved to approve the Special Use at 355T Prospect Hill Road for a development of single-family residential houses with more than 30 lots under Zoning Regulations Section 4.5.2 as presented by the applicant at the public hearings including the modification at the March 16, 2005 public hearing subject to the following conditions:

Condition 1- As to roads and sidewalks:

- a) All roads shall be constructed of 26-foot width and according to Town standards as approved by the Town Engineer and this approval includes a waiver of the subdivision requirement requiring 28 feet;
- b) Sidewalks shall be constructed on all new roads throughout the new development except for the end of the Tewksbury cul-de-sac;
- c) The proposed Gary Lynn Lane cul de sac and the Town of Windsor right-of-way and the existing Gary Lynn Lane cul de sac shall be connected and first used as a temporary construction access, but only for those vehicles and for those operations as directed and approved by the Town Planner in writing and this connection shall also be used as a temporary emergency access and remain in place until a connection to Pierce Boulevard is completed. After the connection to Pierce Boulevard is completed, the temporary emergency access shall be converted to a pedestrian walkway with a final design including landscaping

plan as approved by the Town Planner which design shall be consistent with possible future construction of the right of way as a public road;

- d) The applicant shall install traffic calming measures such as a rumble strip, patterned pavement, brick pavers and signage all as directed by the Town Planner and as approved by the Town Engineer and the Town Of Windsor Legal Traffic Authority. To the extent such measures require easements or rights from the abutters they are subject to the abutters written consent;
- e) The applicant and the applicants members and principals shall quit claim all title and rights in Prospect Hill Road to the Town of Windsor by a legal instrument approved by the Town Attorney, but only to the extent necessary to create a 50-foot right-of-way for the future improvement of Prospect Hill Road so as to better handle the traffic generated by this subdivision;
- f) The applicant shall post a bond regarding the construction of the road out to Pierce Boulevard subject to the approval of Town Staff.

Condition 2 - As to plans and drawings submitted by the applicant:

- a) All construction easements shall be noted on the plans and drawings;
- b) The plans shall note that adjoining owners are responsible for the maintenance of cul-de-sac landscaping;
- c) The plan shall note that lot owners are responsible for spraying of detention ponds and basins for mosquito control;
- d) All houses shall be constructed with full basements, central air conditioning and lawn irrigation in order to conform to the standards of current development;
- e) All houses in the development shall have a habitable floor area of no less than 2700 square feet except for one story houses which may have no less than 2400 square feet of habitable floor area in order to conform to the prevailing standards in the neighborhood;
- f) The plan shall note that two trees must be planted on the front lots as per the subdivision regulations;
- g) The plan shall note that the house orientation may be adjusted to maximize solar access and the plan shall provide other further information about solar access as directed by the Town Planner;
- h) The final cul-de-sac landscaping plans and planting shall be approved by the Town Planner;
- i) Final Staff review and approval of the final architectural drawings and elevations.

Condition 3 – As to construction access, safety and impact mitigation:

- a) The initial construction access shall utilize the quarry road driveway off of Prospect Hill Road to the greatest extent possible. The applicant shall first furnish a written engineering opinion satisfactory to the Town Staff that heavy vehicles may safely cross the watercourse over the culvert and follow any construction directions by Staff. The applicant shall then grade and modify the access road from Prospect Hill Road as directed by staff to maximize use for construction purposes;
- b) All construction vehicles including logging trucks shall use this Prospect Hill Road access to the site to the greatest extent possible. Any construction or logging vehicles which must use the Gary Lynn Lane access or the Pierce Boulevard access to the site due to legitimate practical difficulties shall be described in writing in advance and approved by the Town Planner or his designee in writing;
- c) The hours of any operation for use of heavy construction equipment or vehicles or any significant noise generating activities shall be limited to Monday through Friday 7:00 a.m. until 7:00 p.m., Saturday 9:00 a.m. until 5:00 p.m. and no activity shall be conducted on Thanksgiving Day, Christmas Day, New Years Day, Memorial Day, Fourth of July legal holiday or Labor Day;
- d) All construction and logging workers vehicles shall be parked on the site and not on any public streets;
- e) All construction activity occurring on or near or relating to the Gary Lynn Lane and Pierce Boulevard access roads shall be described in writing in advance and submitted to the Town Planner and to the abutters;
- f) The applicant shall implement all construction safety and mitigation measures as directed by Town Staff especially as to construction activity near the Gary Lynn Lane and Pierce Boulevard abutting residences, such measures including but not limited to installation of orange construction fencing to prevent children from approaching construction activities, limiting noisy construction activity adjacent to the home to only weekdays after 8:00 a.m. not withstanding the general restriction on activities;
- g) The applicant shall utilize the best management practices for dust control and when construction activities are completed, power wash the exterior of the abutting residences if they request;
- h) The applicant shall mark the limits of disturbance in the field in advance of construction activity and notify the abutting residences; and
- i) The driveways on Gary Lynn Lane that are disturbed shall be relocated with the final plan and design approved by the Town Staff and all landscaping improvements removed shall be preserved to the greatest extent reasonably possible to allow reuse by the abutting owners.

Condition 4 – As to open space and conservation:

- a) The applicant shall show on the final plans the limits of tree clearing, tree cutting on the site shall be minimized to the greatest extent reasonably practical and accordingly the applicant must mark trees in the field to be removed and then notify the Environmental Planner who shall approve the tree cutting plan before any removal commences;
- b) The applicant shall donate 1,000 native tree seedlings to the Town of Windsor if the Town is willing to accept the donation for planting on Town property in order to mitigate the tree cutting;
- c) The 20-foot wide conservation easements on lots 110 and 109 shall be shown on maps and plans with notes approved by the Town Planner; and
- d) The applicant shall donate a fee in lieu of open space as required by the subdivision regulations based on a \$2,000 per lot option.

Commissioner Profe seconded the motion and it passed, 3-2-0 with Commissioner Mips and Alternate Commissioner Chiodo opposed.

Motion: Commissioner Fitzgerald moved to approve the Special Use for two flag lots on Parcel 3 at 355T Prospect Hill Road, under Zoning Regulations Section 4.5.13 as presented by the applicant at the public hearings subject to all conditions of approval for the Special Use for a residential development of 30 houses or more. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Fitzgerald moved to approve the Subdivision of Parcel 1 at 355T Prospect Hill Road, for 24 lots in the AA Zone as presented by the applicant at the public hearings including the modification at the March 16, 2005 public hearing. This approval is subject to modifications consistent with the conditions of approval for the Special Use for a residential development of 30 houses or more. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Fitzgerald moved to approve the Subdivision or Re-subdivision of Parcel 2 at 355T Prospect Hill Road, for 21 lots in the AA Zone as presented by the applicant at the public hearings including the modification at the March 16, 2005 public hearing. This approval is subject to modifications consistent with the conditions of approval for the Special Use for a residential development of 30 houses or more. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Fitzgerald moved to approve the Subdivision or Re-subdivision of Parcel 3 at 355T Prospect Hill Road, for 15 lots in the AA Zone as presented by the applicant at the public hearings including the modification at the March 16, 2005 public hearing. This approval is subject to modifications consistent with the conditions of approval for the Special Use for a residential development of 30 houses or more. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

D. Public Communications and Petitions (if not completed) - None

IV. MISCELLANEOUS

A. FYI: Solar Access Regulations – Town of Stonington

Town Planner Zavarella explained that the above regulations were provided to the Commission for their perusal and they could take them into consideration for modifications for our regulations if they wanted.

B. FYI: Article - from The Connecticut Law Tribune, February 7, 2005

C. FYI: Article – from The Connecticut Law Journal, March 1, 2005

D. FYI: APA Planning Magazine – April 2005

V. PLANNER'S REPORT - None

VI. ADJOURNMENT

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

The meeting ended at 9:50 p.m.