

**MINUTES
SPECIAL MEETING
TOWN PLANNING AND ZONING COMMISSION
MARCH 16, 2005 7:00 PM
COUNCIL CHAMBERS, BOTTOM FLOOR, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT**

PRESENT: Commissioners Mips, Fitzgerald, Parker, Profe and Alternate Commissioner Chiodo

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

Commissioner Mips opened the meeting at 7:00 p.m. She stated that the regular meeting on March 8, 2005 was cancelled due to inclement weather and she noted that it was the first such cancellation of the TP&ZC in 33 years.

Alternate Commissioner Chiodo was seated in the absence of Commissioner Kelsey. Although she was not seated at the February 8, 2005 meeting, she was present.

I. NEW BUSINESS

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

1. **Letter from Ed Lally and Associates, Inc.** - withdrawing the Zone Boundary Change application for 593 Park Avenue (See **Public Hearing Item, II.L**)
2. **Letter from Alford Associates, Inc.** - requesting that the public hearing for the subdivision application for 620 Park Avenue be postponed until the April meeting (See **Public Hearing Item, II.M**)
3. **Letter from Hussainur Chowdhury** -- requesting that the public hearing for the special use application at 99 Wilson Avenue be recessed (See **Item II.J**)

Commissioner Fitzgerald read the above three letters into the record.

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

Commissioner Profe reported that at the last CRCOG meeting there was a very interesting presentation on the disaster contingency plan. He noted that there is a disaster contingency for each town as well as the region.

C. Zoning Enforcement Officer's Report

1. Status Report - 20 Windsor Avenue

Zoning Enforcement Officer Wayne McKinney reports that on February 22, 2005 in the case of S & L Realty, LLC versus Town of Windsor, Zoning Board, a "Return of Record" was filed with the Superior Court in Hartford. Docket No.: CV 04-4001393S A Court date has not been set.

D. Pre-Application Scrutiny - None

E. Re-approvals/Revisions

1. Subdivision Re-Approval – 68 & 70 White Rock Drive, 2 Lots, R-13 Zone, Chaudhary/Lally

Ed Lally, Ed Lally & Associates, Inc. said that the two-lot subdivision was approved approximately five years ago and the applicant was asking for a five-year extension of that approval. Regarding drainage issues, he said that he would work to resolve them with Town Staff and the Inland Wetlands Commission. He said that the easement to the Town for the potential connection to Dally Farms Road would remain. He said that the applicant would likely come back to the Commission with a revised plan after it goes before the IWWC.

Assistant Planner Bachand, said that all Staff had signed off on the application and recommended a five-year extension until April 11, 2010.

Motion: Commissioner Fitzgerald moved to approve an extension of the subdivision approval for 68 and 70 White Rock Drive subject to all previous conditions of approval and a final drainage plan satisfactory to the Town Staff. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

F. Bonds – None

G. Site Plans

1. Site Plan – 627 River Street, classrooms and offices (River Street School), P Zone, CREC

Gus Penna, Capital Region Education Council, said that the proposed classrooms and offices would serve as an addition to the existing River Street School.

Mark Fisher, architect and landscaper for the applicant, presented a drawing and described the site. He said that the existing access on River Street would be closed and access would be at the existing entrance drive for the main school. He reviewed parking, landscaping, and emergency vehicle access. He noted that a fire hydrant would be added and the applicant was going to hook

up to city sewer and the septic system at the site would be removed. He reviewed drainage and grading, stating that there would be no extra runoff during peak time.

Commissioner Mips noted that the concerns of the Fire Marshal regarding the turning radius were not addressed on the current plans being presented. In response, Fire Marshal Walker said that he had communicated his concerns to the applicant and there was an indication that it would be resolved.

Assistant Planner Bachand recommended approval subject to Staff review and approval of final plans.

Town Planner Zavarella said he felt the architect has done a good job with the site without changing much and it would be a good addition to the area. He noted that the building at one time served as a hospital.

Motion: Commissioner Fitzgerald moved to approve the Site Plan at 627 River Street for classrooms and offices as presented by the applicant subject to the following conditions: 1) the vehicle turning radius shall be revised to the satisfaction of the Fire Marshal; and 2) final Staff review and approval. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

H. Minutes

1. February 8, 2005

Page 8, last paragraph and page 9 first paragraph – change Pigeon Hill Road to Prospect Hill Road

Page 10 after third paragraph – add “Alternate Commissioner O’Brien stepped down and Commissioner Fitzgerald was reseated”

Motion: Commissioner Fitzgerald moved to approve the minutes of February 8, 2005 as corrected. Commissioner Profe seconded the motion and it passed unanimously, 4-0-1 with Alternate Commissioner Chiodo abstaining because she was not seated at that meeting.

II. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:30 p.m. and Commissioner Fitzgerald read the legal notice.

Commissioner Mips said that the hearings would begin with Item F, 6 Spring Street because the applicant for the first items A through E was still in another meeting. She also announced the items that were withdrawn or postponed upon request of the applicants.

F. *Special Use – 6 Spring Street, Request for extension to complete original approval condition #4, pavement of driveway, Zoning Regulations Section 4.5.19, R-8 Zone, Walsh

- **Letter from Ed Lally & Associates, Inc. dated February 10, 2005**
- **Letter from Ed Lally & Associates, Inc. dated March 7, 2005**

Commissioner Fitzgerald stepped down for this item due to a conflict of interest.

Ed Lally, Ed Lally & Associates, Inc. said that the special use for a home occupation was approved, but there were some questions about legal rights regarding the driveway and by the time the issue was resolved, the asphalt plants were closed, therefore the applicant was seeking an extension for completion of condition number four of the approval. He distributed a copy of the prior approval including the conditions.

He said that the driveway would be relocated which would resolve any questions regarding the easement at the driveway. Regarding the concern that people would park on the abutter's property, he distributed a drawing showing that the driveway could accommodate up to four cars. In response to a letter from Mr. Kandik, he said that there were no variances needed and the easement issue is gone with the relocation of the driveway at 6 Spring Street. Regarding the letter from Mrs. Pike, he said the applicant has decided to move his driveway off the easement area and the proper mailing of notices was verified. He added that the driveway would be paved for more than 25 feet which was the distance required under condition number four.

Commissioner Mips asked if the existing fence could be moved so that it was along the property line so there would be no question of boundaries. Mr. Lally responded that the fence did not belong to the applicant, so he could not move it

Commissioner Mips requested public comments. 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 that the application be approved with the condition that all work be completed by July 13, 2005, and if the abutter agrees, the applicant shall install additional landscaping and if not, he recommended that the applicant install a four-foot high decorative iron fence extending along the property line to a point even with the second post on the existing fence. The purpose of this is to prevent crossing between properties.

Mr. Lally said that a minor amount of landscaping would close the six-inch gap, but the abutter was not being cooperative. He also said he did not see why people would park in a dirt area rather than on the paved portion. He added that a wrought iron fence would be very expensive.

Commissioner Mips suggested a picket fence instead, and Mr. Lally agreed to a 4-foot vinyl picket fence.

There was a general discussion regarding the fence and the legal issues.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved approval of an extension of the Special Use for a home occupation under Zoning Regulations Section 4.5.19 at 6 Spring Street to July 13, 2005 when all work should be completed and subject to all previous conditions of approval and either a landscaping solution or a 4-foot vinyl picket fence shall be installed along the property line up to the second post of the existing fence to insure that there is no movement from the Walsh property to the adjacent property. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 4-0-0.

Commissioner Fitzgerald was re-seated.

The Commission directed Item K., Pond Road would be heard next.

K. Zone Boundary Change – 58 Pond Road, AG Zone to AA Zone, Cwikla/Lally

Ed Lally, Ed Lally & Associates, Inc. presented a drawing and described the 107,000 square foot parcel on the east side of Pond Road. He said that this parcel and the adjacent parcel, which the applicant also owned, were zoned AG, but the surrounding properties were zoned AA residential. He explained that the applicant has a nursery where he sells Christmas trees, etc. and he needed to maintain that parcel as AG so that he could continue his business. He also noted that the nursery lot was not conforming in area and the applicant intended to move the lot line to make it conforming. He distributed a plan for a flag lot for illustrative purposes. Regarding the comment about the storm drainage history from the Engineering Department, he said that he searched the land records and in the surveys he did not find anything.

Commissioner Mips requested public comments. Speaking against the application:

Donna Chapman, 50 Somerset Drive, asked if the applicant planned more homes since there was enough frontage left on Pond Road for another flag lot. She said she felt that the driveway should be wider and she was concerned about her privacy. She submitted some photos and a letter.

Christine Columba, 46 Somerset Drive, said that this proposal would change the view from her property and when she bought the house the real estate agent said that the property was agricultural and no homes could be built there. She said she was concerned about her privacy and that it would make her house harder to sell with a flag lot right behind it.

Mark Whitten, 54 Somerset Drive, said that he had concerns about the width of the driveway, the type of house that would be built there and that it would greatly affect the value of the abutting properties.

Mr. Lally said that because the property was surrounded on three sides by residential properties the zone change seemed appropriate. He said that the regulations require at least 24 feet of vegetation behind the abutting properties and he noted that with a standard subdivision the setback could be only 15 feet, and the applicant is proposing 50 feet. He said that screening and

protection of the neighbors would be addressed at the public hearing for the special use for the flag lot.

Commissioner Fitzgerald asked why the area for the zone change was just 56,000 square feet and what the future use of the remaining land would be. Mr. Lally said that the applicant planned to continue living there and he had not heard anything from the applicant except that he wanted to sell the lot to get some money.

Assistant Planner Bachand said that all Staff had signed off on the application. He noted that the POC&D suggests that the Commission be careful of changes of parcels from agricultural to residential zones, but in this particular case the lot is less than the 3 acres required in the agricultural zone and there is residential zoning on three sides of the parcel. He recommended approval

Town Planner Zavarella said that overall the total area of the agricultural land was small, at only a little over 4 acres. He said the plan would leave a conforming 3-acre lot zoned agricultural and a 56,000 square foot lot, which was larger than the surrounding residential lots.

Commissioner Fitzgerald said he had reservations about this zone change. He said that changing only one piece did not make sense to him.

Commissioner Mips said that if the entire piece of property zoned agricultural was changed to residential, the applicants would have to quit their business. She said she saw no problem as she understood that they want sell off some of their property because they need the money.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zone Boundary Change at 58 Pond Road from the AG Zone to the AA Zone as presented for the reason that although it is a relatively small piece of agricultural land, it is surrounded on three sides by the AA Zone, so the change would bring it into conformity with the neighboring properties on three sides. Alternate Commissioner Chiodo seconded the motion and it passed 4-1-0 with Commissioner Fitzgerald opposed.

The Commission directed that Items A through E, Lord's Woods, would be heard next since the applicant was now present.

- 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

- **Letter from Ray Walker, Fire Marshal**
- **IWWC Conditions of Approval**
- **Town Engineering Department letter to applicant**
- **Letter from Arthur Trantolo – 30 Mary Catherine Circle**
- **Letter from Robert Fromer**
- **Letter from the CT Department of Environmental Protection**

Mike Zizka, Murtha Cullina, attorney for the applicant stated that he and his client had just come from the IWWC special meeting. As a result of discussions with neighbors, he said the applicant has proposed an alternative plan that eliminates the access at Gary Lynn Lane. He said that the proposed modification to the plan was denied by the IWWC this evening with a vote of two in favor and four against. He said that he disagreed with that decision because the access at Gary Lynn Lane does not impact wetlands. He reminded the Commission that TP&ZC was not required to go along with the decision of the IWWC, it has the authority to go its own route, therefore the TP&ZC could still approve the application.

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the proposed modification of the elimination of access at Gary Lynn Lane. He said that the sewer and water connection would come off of Gary Lynn Lane and during the first phase of construction it would be used for emergency access and then would be returned to it's current condition. Regarding the construction of the road in phase two, he stated that the applicant would post a bond to cover costs so that if phase two were never constructed the road would still be built. He said that if you looked at circulation, the more comfortable way to the south would be at Pierce Boulevard and to the north at Prospect Hill Road and the connection from Gary Lynn Lane would serve no purpose. Regarding the three subdivision applications, he said that rather than present the development in piece meal, the applicant was presenting all three applications for approval at the same time and by that logic, the applicant was seeking special use approval for a subdivision of more than 30 lots.

In response to questions from Commissioner Profe, Mr. Alford said that the intent was to have the bridge built at the Prospect Hill Road access by August and upon completion all construction traffic would go out to Prospect Hill Road. When phase two was built with the connection to Pierce Boulevard, he stated that all construction traffic would continue to go out to Prospect Hill Road, not Pierce Boulevard.

Mr. Alford said the applicant was also asking for a waiver to reduce the snow shelf requirement from 10 feet to 7 feet at the connection from Pierce Boulevard in an effort to reduce the tree cutting in consideration of the existing homes on either side.

In response to a question from Commissioner Fitzgerald, Mr. Zizka said that the IWWC denied the modification because of a concern that more traffic would be going over the bridge at the Prospect Hill Road access resulting in a greater impact on the watercourse. He said they were

also concerned that the existing culvert at the old access road would cause a problem if used for construction traffic. Mr. Alford said that the issue regarding Gary Lynn Lane and Prospect Hill Road was a technical issue. He said that all catch basins run back to a water clear basin, therefore the water would not be treated at Gary Lynn Lane. Regarding the culvert at the old gravel pit road, Mr. Alford said that there is an existing culvert under that roadway in an area where fill was removed. He said the culvert was installed when they began to use that access way and he said that if the Engineering Department said that the culvert was inadequate it could be resolved with a steel plate and would not effect the wetlands. He said that the old gravel road would be used for most construction vehicles and Gary Lynn Lane would be used for materials that could not make it up the hill there, such as manhole covers, catch basins and pipes. He also noted that the applicant was trying to balance grading and filling, so that nothing would come on or off the site.

Commissioner Fitzgerald said that the town might need a right of way to widen the road when the improvements are done to Prospect Hill Road and asked the applicant to indicate if, as an abutter, he would recognize that this is going to happen, because he understood that the town has approached persons in the past for such a right of way and had some opposition. In response, Robert Daddario, 110 Mountain Road, Suffield, said that he could not speak for Peter Lord who provided the strip of land to the LLC for the development.

Commissioner Mips said that she was very pleased with the three points of access because it made the traffic equal. Mr. Daddario said that eliminating one of the points of access was done because that was what the neighbors wanted.

Mr. Zizka distributed a copy of a court case, Arway vs. Bloom, in support of his statement that the Commission did not have to follow the decision of the IWWC. He said that the alternate plan presented tonight was the result of discussions with the neighbors, but the Commission can make a decision on either plan, and the applicant is seeking approval of one plan or the other.

Commissioner Mips asked for public comments. Speaking in favor of the application:

Mickey Mattei, 108 Gary Lynn Lane, said she was in favor of dual access at Prospect Hill Road and Pierce Boulevard, assuming that Gary Lynn Lane would be closed and restored. She also said she would like the Town to relinquish its claim to the land which she believes she and her husband own. She added that she did not believe that if there were three points of access they would all be evenly used.

Mike Wagner, 20 Mary Catherine Circle, said that the Commission said that they wanted an access onto Prospect Hill Road, not three points of access. He said he felt that with the Prospect Hill Road access, there was no need for an access at Gary Lynn Lane.

Arthur Trantolo, 30 Mary Catherine Circle, said that there was a meeting with about 35 to 40 neighbors and the developer and the neighbors agreed that eliminating the access at Gary Lynn Lane was the way to go.

Craig Lubitski, 24 Mary Catherine Circle, said that the developer worked things out together with the neighbors who were in favor of the plan to eliminate the access at Gary Lynn Lane.

Debra Reale, Pierce Boulevard said she believed that two points of access were enough. She noted that she submitted an A-2 survey of her property to be placed in the file so that there would be no questions when the road off of Pierce Boulevard was built near her property.

Ernie Mattei, 108 Gary Lynn Lane said that he believed that a minimum home size of 2500 square feet should be set. He also noted that there were safety issues that should be addressed on the existing roads in the area of Pierce Boulevard.

Ed Lally, 123 Prospect Hill Road, said that he owns three lots on Prospect Hill Road and that all of the water at the site goes onto his property, so he was happy with the storm water management plan. He said he did not feel that percentage wise the amount of traffic that would be generated on Prospect Hill Road would have much impact and he said that although the third access would take some of the traffic, there would be an equal distribution.

Jesus Melave, 76 Pierce Boulevard said that he hoped that the Commission would make sure that traffic-calming measures were put into place. He said that although it was no unanimous, there was not a great number of residents on Pierce Boulevard who were opposed to the modified plan.

Speaking against the application:

Robert Fromer, 398 Conestoga Street, submitted a notice of intervention and a revised letter to the Commission. He said he believed there was a problem with the subdivision applications because there was no subdivision for three lots to begin with. He also said he felt that the solar access plans were inadequate.

Speaking neither for nor against the application:

Joe Smolka, 212 Ethan Drive said that Prospect Hill Road was not safe and though he understood that the property would be developed, he said the question was how to do what is safe. He said that the road couldn't handle a school bus, not to mention construction vehicles. He said that maybe the developer should also work with the residents in the Prospect Hill Road neighborhood.

Commissioners Mips and Fitzgerald read the letters from the following people, neither nor against the application:

Steven and Cindy Farrell, 171 Ethan Drive; Robert Fromer, 398 Conestoga Street; Leon Alford, 426 Lantern Way; and Sean Decatur and Renee Ramano, 107 Gary Lynn Lane.

Fire Marshal Walker said that he reviewed the alternate plans deleting Gary Lynn Lane and he said that it would not have an effect on safety response. He stated that Prospect Hill Road and Pierce Boulevard would be a better option than Prospect Hill Road and Gary Lynn Lane.

Town Engineer Lenehan, referring to a memo from Project Engineer Martin , said that regarding the survey accuracy it was found that the subdivision was satisfactory according to A-2 standards. Regarding the proposed road width, he said that the Engineering Department had continued concerns that all roads should be 28 feet. He stated that a traffic study was done with only the two points of access and the conclusion was that Prospect Hill Road could accommodate the traffic that would be generated by the development.

Town Planner Zavarella noted that there was a disparity between the nomenclature that is contained in the subdivision regulations and he asked Mr. Lenehan if he felt that the accuracy of surveys that have been submitted has been in keeping with state laws. Mr. Lenehan responded that he believed that they were. Town Planner Zavarella noted that the regulations are being amended to replace the obsolete nomenclature in the subdivision regulations, but he noted that it did not dispute the integrity of any past submissions.

Town Planner Zavarella said he recalled that the Prospect Hill Road access was requested by the Commission to distribute traffic as much as possible. He said he believed that having only the two access ways would be adequate as far as the Fire Marshal and Town Engineer were concerned. He said that under Connecticut General Statutes Section 8-26 the Commission has the authority to decide whether a subdivision is to be considered a subdivision or a re-subdivision. He noted that the Town Attorney suggested that if phase one is approved as a subdivision, the other two phases get approved as re-subdivisions to eliminate any legal issue. He added that the important thing here is if it is a good development, but any doubt about what was required to make the process legal should be eliminated. He suggested that if the Commission were inclined to approve the applications, that they first approve the special use applications with all modifications and requirements and then the subdivision applications with all modifications and requirements. Regarding whether the Commission should follow the report received from IWWC report on the modified plans, he said he had no recommendation.

Town Planner Zavarella said he recommended the waiver of the required road width only because the road widths in the surrounding area were also 26 feet. He added that the same road width should be maintained throughout the development. He suggested the following conditions and modifications: 1) Lawn sprinklers be required; 2) House sizes set at a minimum of 2,400 square feet for one story homes and a minimum of 2,700 square feet for two story homes; 3) Sidewalks on all streets except the cul de sac at the end of Tewksbury Road; 4) A sidewalk connection between the proposed Gary Lynn Lane cul de sac and the existing Gary Lynn Lane cul de sac; 5) The Commission accept a fee in lieu of open space as per the subdivision regulations; 6) Full basements in all homes; 7) Construction easements should be identified on the drawings; 8) Staff review and approval of final drawings; 9) Solar access plans as per the appropriate section the regulations; 10) Central air conditioning; 11) The owners shall be responsible for spraying ponds and detention basin; 12) A note on the plan that the owners adjacent to the cul de sac shall be responsible for cul de sac maintenance, not the Town of Windsor; 13) A general note on the plans that there shall be a minimum of 2 trees per lot front, 14) 1,000 seedlings if an agreement can be reached.

Regarding questions about the three parcels and naming of the parcels, Town Planner Zavarella reported that Town Assessor Kosofsky said that it was not a real consequential matter.

The Commission called a brief recess at 10:15 p.m. and the meeting was called back to order at 10:25 p.m.

In rebuttal, Mr. Daddario said that he felt that installation of central air conditioning should be up to the owner to do when he wants to. He said that lawn sprinklers should be up to the owners because they might want to install them at a later time when they have the money for it.

Commissioner Profe suggested that either central air conditioning or forced hot air be required.

Regarding the solar access plan, Mr. Alford said that a drawing was submitted and the applicant intended to file it with the subdivision package at the Town Clerk's Office. He said he would prefer not construct a walkway between the cul de sac and Gary Lynn Lane and he confirmed that by maintenance of the cul de sac, the Town Planner was referring to landscaping. He said that for the fee in lieu of open space, the applicant would give the town \$2,000 per lot.

Mr. Zizka said that setting house sizes was not really within the Commission's authority. He said that when talking with neighbors they agreed on a 2,500 square foot minimum and he felt that the applicant could make that accommodation with the neighbors.

Commissioner Fitzgerald said that he wanted more time to review the new materials before making a decision. There was a general discussion and the Commission agreed to close the public hearing and to make their decision at the next regular meeting in April.

Commissioner Mips closed the public hearing for these five items.

Motion: Commissioner Fitzgerald moved to table the decision until the next TP&ZC meeting on April 12, 2005. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

The Commission directed that Items G and H, Mechanic Street would be heard next.

G. *Design Development Center Design Concept Plan – 33 Mechanic Street, Warehouse conversion to 50 residential units, CIL Windsor Development, Inc.

H. *Design Development Center Design Detail Plan – 33 Mechanic Street, Warehouse conversion to 50 residential units, CIL Windsor Development, Inc.

- **Town Engineering Department Letter to applicant**
- **Memorandum from Town Fire Marshal**
- **Letter from Windsor Economic Development Commission**

Marty Legault, CIL Windsor Development, said that the application was for 50 units although the notice said 55 units. He said the name of the project was First Town Square. He stated that the comments from the letters from the Fire Marshal had been addressed to their satisfaction. Regarding Mark Allen's concern that traffic would be crossing over his property, he said that the

emergency access to Palisado Avenue would have bollards in place with lockable chains and a key would be given to abutters who might be affected by flooding. Regarding the question of the company's financial capacity, he distributed and reviewed a copy of a financial report and he reviewed the asset values on page 19 of the document. He said that the company has been around since 1979 and has developed nearly two hundred million dollars in real estate. He said that they had a commitment from a bank for financing this project. Regarding marketing, he said that the appraisal was not yet completed, but the bank required that the units must be condos and the developer must have a certain number of pre-sales. He said that this could not ever be an affordable housing project because it is too difficult to get subsidies for that type of development. He said that there was a demand for housing in Windsor Center and he said that there are many developments along railroad tracks and he felt that the location might be a big benefit if the commuter rail goes through. He distributed an article about a similar project in Pawtucket, Rhode Island, which was very successful.

Mr. Legault referred to the letter from the Economic Development Commission recommending this application because the site is one of eleven priority redevelopment properties as determined by the Town Council in 2002; a report from the CT Main Street Center and First Town Downtown states that a residential project makes the best economic and planning sense; it will benefit the existing retail and service businesses in Windsor Center because it will place and additional 50 to 100 or more residents within easy walking distance of Center businesses; and the benefit to the community from the environmental remediation at the site which is a higher level than would be required for commercial or industrial reuse.

Dave McKinley, CIL Windsor Development, said that very extensive testing inside the buildings and outside was conducted to determine remediation measures. He reviewed the areas to be remediated and stated that the work would be done by professionals with special equipment. He said that there is a remediation plan before the DEP at this time for remediation of the coal tar and coal ash in the ground.

Commissioner Mips requested public comments. Speaking in favor of the application:

Mary Espinosa, 382 Merriman Road, said she felt that there was a great need for this type of housing and she hoped the Commission would approve the application.

John Calkins, 44 Court Street, a member of First Town Downtown, said that they were enthusiastically looking forward to this development. He said that several analyses were done on this site and the results were always the same, that housing would be the best use. He said that this type of density was needed in the Center.

Speaking against the application:

Wanda Siemiatkoski, 438 Broad Street, distributed and reviewed a copy of a noise study report, State noise regulations, the Town Planning and Zoning noise regulations and the Health Department regulations. She stated that if the Commission approved this application they would be breaking the Town's health and sanitation rules. She said that the development did not conform to the POD and several other Town regulations for various reasons including the fact

that it was not compatible with the existing uses in the area; it would change the character of the neighborhood; the use was not superior to the underlying zone; it would not promote Windsor Center; there was no legal access to the site; and no alternative access over the railroad tracks was proposed.

Noreen Novak, 18 Hamden Place, said that she has been a licensed real estate agent for 20 years and she has seen many town houses that are just now selling for \$175,000. She said that these proposed units would be less desirable than others would because there will be no basements and they are closer to the tracks. She asked if only a quarter or a third of the units were built, would the taxpayers have to pick up the cost.

Speaking neither for nor against:

Mark Allen 19 Mechanic Street said he was concerned about his safety and quality of life during and after construction and he asked that it be addressed.

No one else came forward regarding the applications.

Regarding the overall issue of the closeness of the building to the railroad tracks, Town Planner Zavarella said that Zoning Regulations Section 2.2.3 says in part, that no building to be used for residential purposes shall be constructed within 150 of a track of a railroad line, unless approved by the Commission under Section 4.5 or Section 11.3 which governs this development. He suggested that measures be taken for glazing, construction materials and insulation of the walls to lessen the impact. He noted that there are 128 homes existing in Windsor that are on lots adjacent to the railroad tracks. He said he had a feeling that people get used to the noise and he added that anyone who moves into these units would know readily what they are moving into. He said he did not see how the issue that this development would not be superior to the underlying zone when it would put higher density in the center of town and the building would be improved as indicated on the drawings, rather than remaining an industrial building. In terms of land use, he said that this use was ideal for this building and the renovation of the building would improve the aesthetics in the area and would be a valuable asset to Windsor Center. He recommended approval and suggested the following conditions: 1) content protective structures must be in compliance with Zoning Regulations Sections 5.2.4D(5) and 5.2.6Q(5). He explained that those regulations only covered the B-2 Zones in Windsor Center, but should also be required at this development in the I-1 Zone.; 2) Any common ownership or interest documents for this development must be approved by the Town ; 3) subject to review and agreement by the Fire Marshal of the access for emergency vehicles; and 4) general Staff review and approval of the final plans.

Mr. Legault distributed a copy of a reduced drawing of the plan and he pointed out that there was a note on the plan regarding the emergency access and he said that Mr. Allen would be given a key. In response to the Town Planner's comments, he said that the masonry walls are two feet thick and regarding double glazed glass, he would consult with engineers and provide a report to staff and he stated that he would get the best product if the cost is reasonable.

In response to a question from the Commission, Economic Development Director Burke said that the Amtrak property that provides access is leased to the town and that lease would expire in two years. He said that he will be going to the council to purchase that piece of property. He noted that legal access is also a condition of the applicant's bank.

At 11:49 p.m. Commissioner Profe moved to extend the meeting until midnight. Commissioner Mips seconded the motion and it passed unanimously, 5-0-0.

There was a general discussion and Town Planner Zavarella recommended that the Commission waive the requirement of building no closer than 150 feet of the railroad tracks.

Commissioner Fitzgerald said he thought it was an excellent proposal, supportive and well thought out. He said that he lived on Garden Street right by the Amtrak line for seven years and it never bothered him at all and he agreed with the Town Planner, that people who live near the railroad tracks do get used to the railroad noises.

Commissioner Mips said that she once lived in a small town where the trains came right through the center of town and people were used to the sounds and they always knew what time it was and where they should be based on the train. She said she was pleased with the development because it would bring more people into the down town area which is what the Commission has been striving for.

Commissioner Mips closed the public hearing for these two items.

Motion: Commissioner Fitzgerald moved to approve the Design Development Center Design Concept Plan and the Design Development Center Design Detail Plan for warehouse conversion to 50 residential units at 33 Mechanic Street as presented by the applicant at the public hearing subject to the following conditions: 1) the applicant shall comply with Zoning Regulations Sections 5.2.4D(5) and 5.2.6Q(5) to the extent applicable; 2) any common ownership interest documents created shall be approved by the Town Attorney; 3) the applicant shall obtain Fire Marshal approval as to the plan for emergency vehicle access; 4) the applicant shall implement any measures as directed by the Town Staff including the Town Planner to minimize the impact of construction activities on the residential abutter on Mechanic Street; 5) the applicant shall use glass materials of reasonable quality and thickness to maximize sound insulation as approved by the Town Planner; 6) the applicant shall demonstrate legal access to the site to the satisfaction of the Town Attorney; 7) final Staff review and approval; and 8) the pursuant to the authority of Zoning Regulations Section 2.2.3 the Commission waives the 150 foot distance requirement. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

I. *Zoning Regulations Text Amendment – Sections 2.4.15L & 3.3.2F, Equalize requirements for fill removal in conjunction with site development with special use requirements for fill removal, Town of Windsor

- **Letter from CRCOG**
- **E-Mail from Conservation Commissioner**
- **E-Mail from Griffin Land**

Assistant Planner Bachand said that the proposed amendment increased the distance between property lines for fill removal in conjunction with site development from 6 feet to 15 feet.

Town Planner Zavarella stated that developers and our main engineers in town were alerted about this amendment because they are the people who would be involved. He said that they had no objection and they think it is a fair amendment.

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

Commissioner Fitzgerald read the letter from CRCOG into the record.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Fitzgerald moved to approve the text amendment to Zoning Regulations Sections 2.4.15L and 3.3.2F as presented for the reasons explained by the Town Planner. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

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

The above item was recessed upon request of the applicant. (See **New Business Item I.A.3**)

Motion: Commissioner Fitzgerald moved to recess the Special Use Application at 99 Wilson Avenue to convert a 2-family home to a 3-family home under Zoning Regulations Section 4.5.1 until the next regular meeting on April 12, 2005. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

L. Zone Boundary Change – 593 Park Avenue, AG Zone to AA Zone, Mocarsky/Lally (Withdrawn)

The above application was withdrawn upon request of the applicant. (See **New Business Item I.A.1**)

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

The above item was postponed until the next regular meeting on April 12, 2005 upon request of the applicant. (See **New Business Item I.A.2**)

* Recessed from the meeting of February 8, 2005

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. **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
2. **Special Use – 625 Day Hill Road**, outdoor storage, liquid oxygen tank, Zoning Regulations Section 8.1.6B, I-1 Zone, Finnigan
3. **Special Use Re-approval – 20A International Drive**, Limited retail sales, distribution pharmacy, Zoning Regulations Section 8.1.6M, I-1 Zone, Neighbor Care/Lachapelle
4. **Special Use – 58 Pond Road**, Flag Lot, Zoning Regulations Section 4.5.13, Cwilka/Lally
5. **Special Use Re-approval – 113 Maple Avenue**, Professional Office, Zoning Regulations Section 4.5.15, R-10 Zone, Pawlowski
6. **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
7. **Special Use – 1156 Matianuck Avenue**, Professional Office, Zoning Regulations Section 4.5.15, R-13 Zone, Goslin
8. **Special Use – 753 Day Hill Road and 139 Old Poquonock Road**, Fill removal, Zoning Regulations Section 2.4.15L, I-1 Zone, 139 Old Poquonock Road, LLC/Alford
9. **Special Use – 753 Day Hill Road and 139 Old Poquonock Road**, Filling, Zoning Regulations Section 2.4.15M, I-1 Zone, 139 Old Poquonock Road, LLC/Alford
10. **Zone Boundary Change – 122 East Street**, NZ Zone to R-13 Zone, Town of Windsor
11. **Special Use – 17 Palisado Avenue**, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), Lanares/Barrett

Town Planner Zavarella recommended that the Commission schedule some of the above items for the meeting in April and some for May to avoid scheduling too many items on the next agenda. He noted that some items on tonight's agenda have been rescheduled to the meeting in April and there was a chance that some of tonight's remaining public hearing items might need to be rescheduled to the meeting in April. The Commission directed that above applications numbered 1 through 7 be scheduled for public hearing at the next regular meeting on April 12, 2005 and applications numbered 8 through 11 be scheduled for the special meeting on Wednesday, May 11, 2005.

C. Old Business - None

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

IV. MISCELLANEOUS

- A. FYI – Farmington River Watershed Association Water Quality Project**
- B. FYI – Farmington River Watershed Association Newsletter, Winter 2005**
- C. APA Planning Magazine – March 2005**

V. PLANNER’S REPORT – None

VI. ADJOURNMENT

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

The meeting ended at 12:00 a.m.