

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

RECEIVED  
WINDSOR, CT.

2005 JUL 14 P 12:31

**PRESENT:** Commissioners Mips, Fitzgerald, Kelsey, Parker, and Profe  
 Alternate Commissioner O'Brien was present, but not seated

**ALSO PRESENT:** Town Planner Zavarella and Planning Secretary Madison

Commissioner Mips opened the meeting at 7:00 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 until the next regular meeting on September 13, 2005 (See **Public Hearing Item II.I.**)
2. **Letter from Stowe Machine** – withdrawing the application for a Zone Boundary Change at 45 Hayden Station Road (See **Public Hearing Item II.O.**)
3. **Letter from Howard Mayer** – requesting that the opening of the public hearing for the Special Use Re-approval at 28 Phelps Street be postponed until the next regular meeting on September 13, 2005 (See **Public Hearing Item II.C.**)
4. **Letter from Ed Lally & Associates, Inc.** – requesting that the public hearing for the Special Use at 232 Park Avenue be opened and recessed until the next regular meeting on September 13, 2005 (See **Public Hearing Item II.E.**)

Commissioner Fitzgerald read the above four 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.
  - **IWWC Decision March 16, 2005**

Elmar Shakir, 67 Indian Hill Road, spoke for the applicant. He explained that the site plan had expired and he was requesting an extension of time. He stated that there were no modifications to the plan, it was the same as what was originally approved.

Fire Marshal Walker and Town Planner Zavarella said that there were serious code issues that had not been addressed and the conditions of approval had not been met. Mr. Walker said that engineering drawings were needed and he offered that he and the building official would meet with the applicant and his contractor to clear up any confusion as to what was needed.

There was a general discussion. The Commission suggested that Mr. Shakir could withdraw the application and resubmit it for consideration in September after working with staff to resolve the issues, or the Commission would have to deny it without prejudice. Mr. Shakir stated that he did not want to withdraw the application.

**Motion: Commissioner Fitzgerald moved to deny without prejudice the Site Plan Re-approval Application at 140 White Rock Drive for an addition to the existing mosque due to incomplete engineering information and fire safety issues. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

#### **F. Bonds**

#### **G. Site Plans**

- 1. Site Plan – 107 Palisado Avenue, Access improvements for the parish house, NZ Zone, Lally/The First Church of Windsor**

Ed Lally, Ed Lally and Associates, Inc. spoke for the applicant. He presented a drawing and described the proposed changes to the façade of the building to accommodate an elevator and the proposed improvements for circulation at the site.

Town Planner said staff had signed off on the application with some technical issues that needed to be addressed and he recommended approval subject to final staff review and approval.

**Motion: Commissioner Fitzgerald moved to approve the Site Plan Application at 107 Palisado Avenue for access improvements for the parish house as presented subject to final staff review and approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

#### **H. Minutes**

- 1. June 14, 2005**

Page 1, first paragraph, line 1 – change “Commissioner” to “Commission”

Page 2, second paragraph, line 1 – change “leaving his position at” to “leaving his position with”

**Motion: Commissioner Profe moved to approve the minutes of June 14, 2005 as modified. Commissioner Kelsey seconded the motion and it passed 4-0-1, with Commissioner Fitzgerald abstaining due to non-presence.**

#### **I. CGS 8-24 Reviews**

- 1. Installation of a traffic signal and turn lane extension at Mototown, 1001 Day Hill Road**

Economic Development Director Burke said that the State Traffic Commission is requiring that a traffic signal and turn lane extension. He said that he was presenting the project to the Commission for review under CGS § 8-24 because it involves public improvements.

**Motion: Commissioner Fitzgerald moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, extension of the left-turn lane and the installation of a traffic control signal at the intersection of Day Hill Road and the private drives at 1001 Day Hill Road. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

## **2. Town purchase of property at 45 Central Street**

Economic Development Director Burke explained that the parcel is currently owned by Amtrak and subleased to the town to provide parking for the train station and freight house. He stated that the proposed purchase would transfer control to the town and permit the provision of public access to 33 Mechanic Street. He said that he was presenting the project to the Commission for review and comment pursuant to CGS § 8-24 because it involves the purchase of land for public purposes.

**Motion: Commissioner Fitzgerald moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the purchase of real estate at 45 Central Street by the Town of Windsor. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

## II. PUBLIC HEARINGS

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

Commissioner Mips noted that the Special Use application for 232 Park Avenue would be opened and recessed until the next meeting on September 13, 2005 and she directed that all applications recessed or postponed at tonight's meeting should be scheduled at the beginning of the public hearings in September.

Commissioner Mips also noted that item N would be the second item heard on tonight's public hearing agenda.

### **A. \*Zoning Regulations Text Amendment – Sections 2.4.150 & 16.2.7 , Existing Gasoline Filling Station Uses and Gasoline Filling Station Definition, Ballard/Stone**

Attorney Christopher Stone spoke for the applicant. He explained that the hearing was a continuation from the last regular TP&ZC meeting. He said that based on input at the previous meeting, modifications were made to the proposed regulation including: elimination of the change to the definition of fuel; it would apply to existing or former gas station site that have a current general repairers or car dealer's license; not more than 10 cars for sale at any one time; subject to approval of a site plan; and yearly re-approval.

Town Planner Zavarella said that the modified text amendment being presented had been faxed to the Planning Department late this afternoon and therefore, there was not time for review by staff. He recommended that, because of time constraints, the application be withdrawn and resubmitted.

Commissioner Profe requested that staff investigate which locations in town would qualify as former gas stations.

**Motion: Commissioner Fitzgerald moved to accept the withdrawal and resubmission of the above application with a waiver of the fee. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**N. \*\*Zone Boundary Change – 593 Park Avenue, AG Zone to A Zone, F & L Construction/Lally**

Ed Lally, Ed Lally and Associates, Inc. spoke for the applicant. He presented a drawing and described the site location and the surrounding area. He stated that the applicant intended to develop this 34 acre parcel with age restricted housing as part of the adjacent development of River Town Village.

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

Town Planner Zavarella said that both the State of Connecticut and the Town of Windsor 2004 Plans of Conservation and Development indicates that this land is highlighted for preservation as agricultural land. He said that he did not recommend approval.

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

**Motion: Commissioner Fitzgerald moved to deny without prejudice, the Zone Change Application for 593 Park Avenue for a change from the AG Zone to the A Zone. Commissioner Kelsey seconded the motion and it passed 4-1-0, with Commissioner Mips opposed.**

There was a consensus of the Commission that fee to resubmit the application would be waived.

**B. Special Use – 280 Windsor Avenue, Carnival, Zoning Regulations Section 2.4.15T, I-1 Zone, Hopewell Baptist Church**

Katherine Hughey, youth director for Hopewell Baptist Church, said that the applicant was requesting approval for their annual carnival. She said that she expected to have the site plan that was requested by staff, within the next couple of days.

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

Town Planner Zavarella recommended approval subject to all previous conditions of approval, staff review and approval, and approval of the same distance waivers as previous approvals.

**Motion: Commissioner Fitzgerald moved to approve the Special Use at 280 Windsor Avenue for a Carnival under Zoning Regulations Section 2.4.15T subject to final staff review and approval; all previous conditions of approval; and the approval includes a waiver of distance requirements the same as previous approvals. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

**C. Special Use Re-approval – 28 Phelps Street, Conversion of garage for catering business, Zoning Regulations Section 2.1.15, R-8 Zone, Mayer (Postponed until September 13, 2005)**

**D. Zoning Regulations Text Amendment – Section 2.1.22, Content Protective Structures, Town of Windsor**

Town Planner Zavarella said that the proposed text amendment would provide regulation of content protective structures in commercial buildings in the PUD zones. He said that the regulation was already in place for business zones in Windsor and Wilson Centers.

Fire Marshal Walker said the regulation would benefit both fire fighters and the public.

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

Commission Fitzgerald read the CRCOG referral letter and a memo from the Windsor Chief of Police in support of the text amendment.

Commissioner Mips closed the public hearing.

**Motion: Commissioner Fitzgerald moved to approve the Text Amendment to Zoning Regulations Section 2.1.22 as presented for the reasons stated by the Town Planner, Chief of Police and Fire Marshal. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**E. Special Use – 232 Park Avenue, Zoning Regulations Section 2.4.15P, Churches and Religious Institutions, Trinity United Methodist Church, Inc./Lally (Recessed until September 13, 2005)**

**Motion: Commissioner Profe moved to recess the above application until the next regular TP&ZC meeting on September 13, 2005. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**F. Special Use – 306 Mountain Road, 3 Flag Lots, Zoning Regulations Section 4.5.13, AA Zone, Carrier Enterprises/Alford**

**G. Subdivision – 306 Mountain Road, 5 Lots, AA Zone, Carrier Enterprises/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 he described the location of the site and the surrounding area. He said that the single-family homes would be constructed on the lots and the lots would all share a common private drive for access. He said that the drive would 24 feet in width and the applicant was requesting a waiver for the road width.

Commissioner Mips requested public comments. Speaking against the application:

Richard Goldsmith, 10 Sachem Hill Road said he felt the houses should be set farther back on the lots and he was concerned that a great deal of woodland would be removed.

Speaking neither for nor against the application:

Joe Scalari, Avon Circle; Susan Viner, 85 Stratford Court; Fred Scribnek, 20 Mill Brook Circle; Maxine and Heidi Englund, 293 Mountain Road; and Susan Houser, 2 Whitward Place expressed concerns regarding traffic, location of the drive in relation to the school bus stop, drainage, the removal of trees and screening.

Town Planner Zavarella said staff had signed off on the applications and recommended approval with conditions. There was a general discussion.

Commissioner Mips closed the public hearing.

**Motion: Commissioner moved to approve the above Special Use and Subdivision applications subject to the following modifications: final staff review and approval; minimum house size of 2,200 s.f. on the front lots and 2,300 s.f. on the rear lots; central air conditioning; full basements; minimal tree cutting consistent with the approved plan; cooperation with town traffic authorities regarding traffic control measures; lawn sprinklers, 10 inches of topsoil, or equivalent as approved by Town Planner; and the approval includes a waiver of the pavement width to allow 24 feet. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**H. Zoning Regulations Text Amendment – Sections 8.1.1 and 8.1.6P, Height Standards and Residence Inns, Alford**

Wilson Alford, Jr., Alford Associates, Inc. said that the text amendment would provide for Residence Inns in the Industrial Zone. Also, he said it would allow for a maximum building height of 75 feet for the inns and 80 feet for office buildings.

Commissioner Mips requested public comments.

Economic Development Director Burke spoke in favor of the application. No one else came forward to speak regarding the application.

Fire Marshal Walker said that he and Chief Lewis both felt comfortable that the current fire equipment could handle the heights proposed.

Town Planner Zavarella noted that the proposal was for Sections 8.1.1 and 8.1.6P as indicated and an added section 8.1.6Q. He recommended approval with a modification of the number of stories from no more than 7 stories to seven stories or less to be consistent with the regulations.

Commissioner Fitzgerald read the CRCOG referral letter into the record.

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

**Motion: Commissioner Fitzgerald moved to approve the above application for a text amendment to Zoning Regulations Sections 8.1.1, 8.1.6P and 8.1.6Q as presented for the reasons explained by the Town Planner and Fire Marshal. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

**I. Special Use - 16 Forest Road, Group Home, Zoning Regulations Section 2.4.15I, AA Zone, Vinfen Corporation (Postponed until September 13, 2005)**

**J. Subdivision Re-Approval – 52 Woodland Street, 8 Lots, R-11 Zone, Holmes**

Julia Homes, 42 East Barber Street, said that the subdivision was approved a couple of years ago, but the mylars were not filed, so she was seeking re-approval. She said that no changes were made to the original plans.

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

Edwina Pernell, 16 David Circle and Helda Williams, 40 Woodland Street expressed concerns including traffic, screening, drainage and the detention basin.

No one else came forward to speak regarding the application.

Fire Marshall Walker said that there were some technical issues that could be resolved with the applicant. Town Planner Zavarella said that there were some minor issues that could be resolved at the staff level and he recommended approval subject to modifications.

**Motion: Commissioner Fitzgerald moved approval of the above application subject to all previous modifications of approval; final staff review and approval; minimum cutting of trees consistent with the approved plans; air conditioning; full basements; relocation of detention basin to extent approved by the Environmental Planner; lawn sprinklers or 10 inches topsoil, or equivalent as approved by Town Planner; and cooperation with traffic control authorities regarding any traffic control measures. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**K. Subdivision – 305, 315 & 321 Windsor Avenue, 2 Lots, B-2 Zone, Sasportas/Alford**

**L. Design Development Detailed Plan – 305, 315 & 321 Windsor Avenue, 9 Detached Residential Units and Retail/Office uses in Wilson Center, B-2 Zone, Sasportas/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. He explained that a concept plan for both commercial and residential development had been previously approved and this application was the detail plan for the residential phase of the development. He described the site and the surrounding area. He said that the private drive into the development would be 24 feet wide and the applicant would require a waiver from the Commission for the road width.

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

Town Planner Zavarella said that staff had signed off on the application and he recommended approval subject to modification.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Fitzgerald moved to approve the above applications subject to the following modifications: paving limits for all parcels must be shown on the drawing; all dumpsters must be screened; staff review and approval of final elevations; air conditioning; full basements; lawn sprinklers or 10 inches of topsoil, or equivalent approved by the Town Planner; and the approval includes a waiver for a 24 foot road width with parking on one side only. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**M. Subdivision – 534± Rainbow Road, 2 Lots, R-11 Zone, Rayco Development/Alford**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the site and the surrounding area. He said that one house would have access on Rainbow Road and the other would have access on East Granby Road.

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

Town Planner Zavarella said staff signed off on the application and he recommended approval with modifications.

**Motion: Commissioner Fitzgerald moved approval of the above application subject to the following modifications: final staff review and approval; a minimum house size of 2,00 square feet; air conditioning; full basements; and fill removal equipment shall access and egress on East Granby Road only. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

**N. \*\*Zone Boundary Change – 45 Hayden Station Road, I-1 Zone to AA Zone, Stowe Machine (Withdrawn)****O. Subdivision – 620 Park Avenue, 2 Lots, AA Zone, Hollick/Alford**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the site and the surrounding area. He explained that there was an existing house on one of the parcels and the applicant recently received approval for a church on the other parcel.

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

Town Planner Zavarella recommended approval with modifications.

**Motion: Commissioner Fitzgerald moved approval of the above application subject to the following modifications: final staff review and approval; and a septic test data plan to be filed with the Health Department. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

\* Recessed from the meeting on June 14, 2005

\*\* Recessed from the meeting on June 28, 2005

**III. BUSINESS MEETING****A. Continuation of New Business****B. Application Acceptance**

1. **Special Use – 18 Country Club Road, Home Office, Zoning Regulations Section 4.5.19, A Zone, Jubrey**
2. **Subdivision – 660 Prospect Hill Road, 7 Lots, AA Zone, Johnson**
3. **Special Use – 6 Spring Street, Conversion of existing building to professional office and dwelling unit, Zoning Regulations Section 4.5.1, R-8 Zone, Walsh/Lally**

4. **Special Use – 700 Poquonock Avenue, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), B-2 Zone, Quizno/Beckerman**
5. **Subdivision – 911 Rainbow Road, 6 Lots, I-1 Zone, Griffin Land/Lally**
6. **Special Use - 760 Rainbow Road, retail sale of nursery items, AG Zone, Fillmore**
7. **Special Use – 760 Rainbow Road, Filling, AG Zone, Fillmore**

The Commission directed that the above seven applications be scheduled for public hearing on September 13, 2005.

**C. Old Business**

**D. Public Communications and Petitions (if not completed)**

**IV. MISCELLANEOUS**

1. **FYI: Article from The Hartford Courant – regarding state spending for expanded community mental health services, dated June 27, 2005**
2. **FYI: Article from the Journal Inquirer – regarding the number of group homes in Windsor, dated June 28, 2005**

**V. PLANNER'S REPORT**

**VI. ADJOURNMENT**

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

The meeting ended at 10:30 p.m.