

MINUTES
TOWN PLANNING AND ZONING COMMISSION
SPECIAL MEETING
MAY 9, 2006 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT

RECEIVED
WINDSOR, CT.

2006 MAY 12 P 1:43

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

ALSO PRESENT: Town Planner Barz and Planning Secretary Madison

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7:00 p.m.

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

1. Letter from Alice Gegesky, 500 Rainbow Road – Regarding problems with development at Wyndemere Estates
2. Letter from Alford Associates, Inc. – withdrawing the Zoning Regulations Text Amendment application for Section 8.1.6R, Building Height over 7 Stories (See Public Hearing Item II. 3)
3. Letter from Laura Casinghino – requesting that the public hearing for the Special Use application at 909 Stone Road be recessed until the next TP&ZC meeting in June. (See Public Hearing Item II.6)
4. Letter from Madina Academy – withdrawing the Special Use applications for a school and daycare at 200 Addison Road (See Public Hearing Items II. 1 & 2)

Commissioner Profe read the above 4 letters into the record. Commissioner Mips asked that the letter from Alice Gegesky be forwarded to the Building Official.

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

Commissioner Kelsey said that for a few weeks there has been an 18 wheeler truck and other cars parked behind a home at 631 Park Avenue. Town Planner Barz said that it would be brought to the attention of the Zoning Enforcement Officer.

Commissioner Kelsey also said that he had observed several residential dish antenna setups that were not in conformance with Zoning Regulations Section 4.4.13. There was a general discussion and there was a general consensus that when the regulation was created satellite dishes were much larger than today and that the Town Planner would look into updating the regulation.

Commissioner O'Brien, on behalf of the Commission, expressed condolences to Alice Gegesky on the loss of her brother.

C. Zoning Enforcement Officer's Report - None

D. CGS 8-24 Referral Requests

1. Public Infrastructure Improvements – in the Day Hill Road Area

Economic Development Director Burke presented a drawing and described the areas of proposed infrastructure improvements at various intersections in the Day Hill Road area for improvements including adding turn lanes.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the proposed infrastructure improvements in the vicinity of the intersections of Day Hill Road and Marshall Phelps Road, Day Hill Road and Northfield Drive, and State Route 75 and Interstate 91 exit 38. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

2. Replace Culverts at the following locations:

- Rainbow Road

Town Engineer Lenehan presented a drawing and described the location of the culvert. He said that as a result of the storms this past fall, it was discovered that the culvert at Hamilton and Rainbow was undersized. He asked that the Commission recommend to the Town Council approval of the replacement of that culvert.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the replacement of the culvert on Rainbow Road as described. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- White Rock Drive

Town Engineer Lenehan presented a drawing and described the location of the culvert. He said that the pipes at this culvert were deteriorating and needed replacement. He added that the goal was to have both culverts replaced before late fall this year.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the replacement of the culvert on White Rock Drive as described. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

3. Acquire Land in the following Vicinities:

- Marshall Phelps Road and Day Hill Road (3)

Town Engineer Lenehan presented drawings and described the locations and the proposed roadway improvements. He explained that land would have to be acquired from 3 property owners. He said that the property owners are Spencer Turbine Company, Chromalloy Gas Turbine Corporation and Diamond Lease (U.S.A.), Inc.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the acquisition of 7,834 square feet of land from the Spencer Turbine Company for roadway improvements at the intersection of Marshall Phelps Road and Day Hill Road in Windsor. The area is more specifically defined in the map “Right of Way Survey Map Showing Land to be Acquired from the Spencer Turbine Company by the Town of Windsor Day Hill Road & Marshall Phelps Road Windsor, Connecticut Scale 1”=40’ 02-10-06 Revised 05-04-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026”. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the acquisition of 16,675 square feet of land from Chromalloy Gas Turbine Corporation for roadway improvements at the intersection of Marshall Phelps Road and Day Hill Road in Windsor. The area is more specifically defined in the map “Right of Way Survey Map Showing Land to be Acquired from Chromalloy Gas Turbine Corporation by the Town of Windsor Day Hill Road & Marshall Phelps Road Windsor, Connecticut Scale 1”=40’ 02-10-06 Revised 05-04-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026”. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the acquisition of 14,281 square feet of land from Diamond Lease (U.S.A.), Inc. for roadway improvements at the intersection of Marshall Phelps Road and Day Hill Road in Windsor. The area is more specifically defined in the map “Right of Way Survey Map Showing Land to be Acquired from Diamond Lease (U.S.A.), Inc. by the Town of Windsor Day Hill Road & Marshall Phelps Road Windsor, Connecticut Scale 1”=40’ 02-10-06 Revised 05-04-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026”. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- Northfield Drive and Day Hill Road (2)

Town Engineer Lenehan presented drawings and described the locations and the proposed roadway improvements. He explained that land would have to be acquired from 2 property owners. He said that the property owners are 300 Day Hill Holding Company Limited Partnership and LIMRA International, Inc.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the acquisition of 2,797 square feet of land from the 300 Day Hill Holding Company Limited Partnership for roadway improvements at the intersection of Northfield Drive and Day Hill Road in Windsor. The area is more specifically defined in the map “Right of Way Survey Map Showing Land to be Acquired from the 300 Day Hill Holding Company Limited Partnership by the Town of Windsor Day Hill Road & Northfield Drive Windsor, Connecticut Scale 1”=40’ 02-10-06 Revised 05-01-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026”. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the acquisition of 2,807 square feet of land from LIMRA International, Inc., for roadway improvements at the intersection of Northfield Drive and Day Hill Road in Windsor. The area is more specifically defined in the map “Right of Way Survey Map Showing Land to be Acquired from LIMRA International, Inc. by the Town of Windsor Day Hill Road & Northfield Drive Windsor, Connecticut Scale 1”=40’ 02-10-06 Revised 05-01-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026”. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

4. Release Land to the State of Connecticut – Marshall Phelps Road and Route 75

Town Engineer Lenehan presented a drawing and described the area where the State will be doing the road improvements at State Route 75 and Marshall Phelps Road. He said that the State would require that some Town property be released to them in order to make the improvements.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the release of 2,096 square feet of land from at the intersection of Marshall Phelps Road and Route 75 in Windsor. The area is more specifically defined in the map "Right of Way Survey Town of Windsor Map Showing Land Acquired from Town of Windsor by the State of Connecticut Poquonock Avenue (Conn RTE75) Scale 1"=40' February 2006 Revised 05-01-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026". Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

5. Capitol Improvement Program – FY 2007 - FY 2012

Town Engineer Lenehan reviewed the process that the Town goes through to develop the program that listed proposed capitol improvements for a five-year period.

There was a general discussion of issues including the I-91 flyover, the ice skating rink on the green, the use of granite curbing and brick. Town Engineer Lenehan and Public Works Director Funk responded to the questions from the Commission.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of Town of Windsor and Board of Education proposed Capital Improvement Program for fiscal years 2007-2012.

E. Pre-Application Scrutiny – None

F. Re-approvals/Revisions

1. Subdivision Re-approval – 58 Woodland Street, 8 lots, R-11 Zone, Holmes

The applicant was not present. Town Planner Barz explained that the applicant was seeking re-approval of the single family subdivision because she was ill and unable to file the mylars within the required time limit. He said that the applicant stated that there were no changes made to the previous approval.

Motion: Commissioner Profe moved to approve the Subdivision Re-approval at 58 Woodland Street for 8 lots subject to staff review and approval and all conditions of the previous approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

2. Site Plan Revision – 323 Broad Street, Identification Signs, NZ Zone, Town of Windsor

Building and Facility Manager Neumann presented drawings and described the proposed signs. He said that there would be two wall signs, one at the front of the building and one at the back. He said that the sign at the back was being added because people driving down Batchelder Road think that the library is part of the Loomis Chaffee School. In addition, he said that there would be two free-standing signs, one at the front of the building and one on the east side of the building at the parking displaying the hours.

Motion: Commissioner Profe moved to approve the Site Plan Revision for signage at Windsor Public Library, 323 Broad Street as presented. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

G. Bonds - None

H. Site Plans - None

I. Minutes

1. April 11, 2006

Page 11, motions for election of officers, change second from Kelsey to O'Brien.

Motion: Commissioner Profe moved to approve the minutes for April 11, 2006 as amended. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

II. PUBLIC HEARINGS

Commissioner Mips opened the public hearing at 7:30 p.m. and Commissioner Profe read the legal notice into the record.

1. **Special Use – 200 Addison Road, Day Care, Zoning Regulations Section 2.4.15H, I-1 Zone, Madina Academy**
2. **Special Use – 200 Addison Road, Private School, Zoning Regulations Section 2.4.15J, I-1 Zone, Madina Academy**

The above applications were withdrawn upon request of the applicant.

3. ***Zoning Regulations Text Amendment – Section 8.1.6R, Building Height over 7 Stories, Alford**

The above application was withdrawn upon request of the applicant.

4. **Special Use – 1001 Day Hill Road, Health Club, Zoning Regulations Section 8.1.6E, I-1 Zone, Gold's Gym/Mototown**

Frank Rinaldi, Somers, CT, owner of six Gold Gyms said that he would like to open a seventh health club at the Mototown building.

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

Town Planner Barz said that staff had signed off on the application and he recommended approval subject to the same conditions of approval as the original special use permit for Mototown with the exception of hours of operation.

Motion: Commissioner Profe moved to approve the Special Use at 1001 Day Hill Road for a health club under Zoning Regulations Section 8.1.6E subject to all conditions of approval for the original special use approval at this site with exception to hours of operation. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

5. **Special Use Re-Approval - 20 Union Street, Full Service Restaurant, Zoning Regulations Section 12.4.1, NZ Zone, The Firehouse Pub, LLC/Fitzgerald**

Commissioner O'Brien stepped down for this item and Alternate Commissioner Clark was seated.

Tim Fitzgerald of 1295 Windsor Avenue said that he and three other partners were seeking approval to open a restaurant and bar at the former location of the Center Coffee Bar. He reviewed the floor plans, plans for live entertainment, hours of operation and addition of some ductwork along the outside of the building.

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

Bruce McClintock, Windsor Fire District representative said that he was in favor because it would help growth in Windsor Center.

Town Planner Barz said that staff had signed off on the application and he recommended approval subject to all previous conditions of approval with the exception of the hours of operation.

Motion: Commissioner Profe moved to approve the Special Use Re-approval application for a full service restaurant at 20 Union Street under Zoning Regulations Section 12.4.1 subject to the same conditions as the previous approval except that the hours of operation shall be 11:00 a.m. until 1:00 a.m. Sunday through Thursday and 11:00 a.m. until 2:00 a.m. on Friday and Saturday. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Alternate Commissioner Clark stepped down and Commissioner O'Brien was reelected.

6. Special Use – 909 Stone Road, Kennel, Zoning Regulations Section 10.5.5, AG Zone, Casinghino

Motion: Commissioner Profe moved to recess the application for Special Use at 909 Stone Road, for a kennel under Zoning Regulations Section 10.5.5 until the June 13, 2006 TP&ZC meeting. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- 7. Special Use Re-Approval – 753 Day Hill Road and 139 Old Poquonock Road, Fill Removal, Zoning Regulations Section 2.4.15L, I-1 Zone, Ferraina/Alford**
- 8. Special Use Re-Approval – 753 Day Hill Road and 139 Old Poquonock Road, Filling, Zoning Regulations Section 2.4.15M, I-1 Zone, Ferraina/Alford**
 - **Letter from Attorney Jack Wall – regarding access to the site**

The Commission directed that the above two applications would be heard together and voted on separately.

Chris Alford, Alford Associates, Inc. presented a drawing and reviewed the site location behind Mototown, which is currently under construction. He said that the site has been excavated for about the past twenty years.

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

Town Planner Barz noted that the applicant's attorney had addressed staff's access concerns and recommended approval subject to final staff review and approval.

Motion: Commissioner Kelsey moved to approve the application for Special Use at 753 Day Hill Road and 139 Old Poquonock Road for fill removal under Zoning Regulations Section 2.4.15L subject to final staff review and a one-year time limit. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved to approve the application for Special Use at 753 Day Hill Road and 139 Old Poquonock Road for filling under Zoning Regulations Section 2.4.15M subject to final staff review and a one-year time limit. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

9. Special Use – 598 Hayden Station Road, Limited Retail Sales, Zoning Regulations Section 8.1.6M, I-1 Zone, Yosi Kosher Catering, LLC

Steve Spala, Weatogue, CT and Yosi Awad, West Hartford, CT said that they were offered more space at their location and they would like to open up a new area to showcase and sell frozen meals for purchase. Mr. Spala stated that no products other than the meals prepared and frozen at the site would be sold.

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

Town Planner Barz recommended approval subject to no grocery items not produced on the premises are to be sold and to final staff review and approval.

Motion: Commissioner Profe moved to approve the application for Special Use at 598 Hayden Station Road for limited retail sales under Zoning Regulations Section 8.1.6M subject to final staff review and approval and all food items shall be prepared on site, but shall not be consumed on site and there shall be no sale of grocery items at the site. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

10. Zoning Regulations Text Amendment – Section 8.2.3, Performance Standards, building exterior requirements, Town of Windsor

Town Planner Barz explained that the above text amendment was a “housekeeping” matter that the former Town Planner pointed out. He said that the addition to the text was a reference to Section 8.1.2 regarding building exterior requirements in the industrial zones.

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

Commissioner Profe read the CRCOG reference letter into the record.

Motion: Commissioner Profe moved to approve the application for Zoning Regulations Text Amendment to Section 8.2.3, performance standards, building exterior requirements as presented. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

* Item recessed from the meeting of April 11, 2006

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. **Zone Change - 1733 Poquonock Avenue, A and AA Zone to NZ Zone, St. Joseph's Church**
2. **Special Use Re-approval – 625 Day Hill Road, Limited Retail Sales, Zoning Regulations Section 8.1.6M, I-1 Zone, Rotech Healthcare, Inc.**
3. **Special Use – 645 Poquonock Avenue, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), B-2 Zone, North Central Square, LLC**
4. **Zone Boundary Change – 237 Pigeon Hill Road, AG Zone to AA Zone, Wilkos/Alford**

The Commission directed that the above 4 applications be scheduled for public hearing at the next regular TP&ZC meeting on June 13, 2006.

C. Old Business

D. Public Communications and Petitions (if not completed)

E. Workshop – Zoning Regulation Drafts for Discussion

1. **Zoning Regulations Text Amendment – Section 4.5.3, Open Space and Cluster Subdivisions**
2. **Zoning Regulations Text Amendment – Section 4.5.4, One-Family Detached, One-Family Semi-Attached and Multi-Family Dwellings**
3. **Zoning Regulations Text Amendment – Section 11.2, New Neighborhood Design Development**
4. **Zoning Regulations Text Amendment – Section 11.4, Peripheral Neighborhood Design Development**
5. **Zoning Regulations Text Amendment – Section 11.5, Neighborhood Design Development**

The Commission directed that the above 5 workshop items be rescheduled to June 13, 2006.

IV. MISCELLANEOUS

V. PLANNER'S REPORT

A. Subdivision Revision – 200 Northfield Drive, Revise Lot Line, I-1 Zone, ING/Hesketh

Town Planner Barz reviewed the above lot line change. He explained that the Town Attorney said that it could be handled administratively. There was a consensus of the Commission that it would be appropriate to let staff approve this type of change as the current regulations provide for minor site plan revisions.

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

I. ADJOURNMENT