

MINUTES  
 TOWN PLANNING AND ZONING COMMISSION  
 JUNE 13, 2006 7:00 PM  
 COUNCIL CHAMBERS, TOWN HALL  
 275 BROAD STREET, WINDSOR, CONNECTICUT

**PRESENT:** Commissioners Mips, Profe, Parker, O'Brien and Alternate Commissioner Brookman  
 Alternate Commissioner Chiodo was 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. Alternate Commissioner Brookman was seated in Commissioner Kelsey's absence.

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

1. **Letter from Ed Lally & Associates, Inc.** – Requesting to add an item to the Miscellaneous portion of tonight's agenda to discuss the approval process regarding Amolia Farms subdivision

Commissioner Profe read the above letter into the record. There was a consensus of the Commission to add the discussion to the agenda as requested.

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

Commissioner Mips said that she went to the grand opening for Mototown last week and was very impressed with the facility. She suggested that all of the Commissioners should arrange to see the facility.

Town Planner Barz explained that if the Commissioners went as a group and there were enough people for a quorum they would have to set a special meeting.

**C. Zoning Enforcement Officer's Report**

1. **500 Rainbow Road/Rayco Construction** – report regarding complaint letter from Alice Gegesky, dated April 11, 2006 as requested by the Commission at the May 9, 2006 meeting

Commissioner Profe read the above report into the record.

Town Planner Barz reported that he went to the site and that you could see the upper half of a pair of gables on the roof of the unit immediately behind Mrs. Gegesky's property. He said that Town Planner Zavarella requested the addition of the gables on the roof and it was a matter of semantics that Mr. Alford said at the hearing that only the top half of the roof would be seen. He said that there were also some delays getting the project started and they were unable to remove all the fill that they had intended to remove, so in some areas the grade is two feet higher than in the original plans. He said that he also asked Mr. Alford and Rayco Development to get together with Mrs. Gegesky when they are selecting and locating the trees for screening behind her house.

## D. CGS 8-24 Referral Requests

### 1. Acquisition of additional right-of-way Route 75 at Day Hill Road

Economic Development Director Burke said that on May 9th the Commission reviewed a series of proposed road improvements in the Day Hill Road area in conjunction with the recent special use and site plan approvals for the ING office building. He presented a drawing and described the area at Route 75 and Day Hill Road where the proposed improvement would be made. He stated that the proposed acquisition includes a 448 square foot taking and a 675 square foot easement that will permit a widening of the travel lane on Route 75 beginning just north of Day Hill Road. He noted that the acquired land may be deeded to the State after it is acquired by the Town.

**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 acquisition of property in the vicinity of the intersection of State Route 75 and Day Hill Road as shown on the survey presented by Economic Development Director Burke at the meeting. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

### 2. Modification to previous recommendation of approval to Acquire Land in the Vicinity of Marshall Phelps Road and Day Hill Road (2)

Town Engineer Lenehan said that on May 9th the Commission recommended the acquisition of land from three property owners in the vicinity of Marshall Phelps Road and Day Hill Road. He explained that in the process of review with the Department of Transportation, it was determined that the area of the acquisitions would need to be increased slightly. He stated that the area of land to be acquired from the Spencer Turbine Company would be increased by 173 square feet and the land to be acquired from Diamond Lease (U.S.A.), Inc. would be increased by 125 square feet.

**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 8,007 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 and 05-26-06 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 14,401 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 and 05-26-06 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.**

**E. Pre-Application Scrutiny**

**F. Re-approvals/Revisions**

- 1. Amendment to the Design Development – 33 Mechanic Street**, Identification sign and revisions to parking area, Zoning Regulations Sections 13.15 and 13.9, Windsor Center Design Development, I-1 Zone, CIL Development of Windsor, Inc.

Marty Legault, president of CIL Development of Windsor, Inc. said that he was seeking approval for an identification sign in front of the building where it could be seen from Center Street and Mechanic Street and he presented a drawing of the proposed sign. He said that he was also seeking approval for some modifications to the parking on the Town property as per the Town Engineers.

Town Planner Barz recommended approval subject to final staff review and approval.

There was a general discussion.

**Motion: Commissioner Profe moved to approve the application for Amendment to the Design Development at 33 Mechanic Street for an identification sign and revisions to the parking area under Zoning Regulations Sections 13.15 and 13.9, Windsor Center Design Development subject to final staff review and approval. Commissioner O'Brien seconded the motion and it passed unanimously.**

**G. Bonds - None**

**H. Site Plans**

- 1. Site Plan Revision – 1075 Kennedy Road**, Additional Restaurant and Retail Buildings, PUD Zone, ND-Franklin Windsor/RJ O'Connell

The applicant was not available to present the application. Town Planner Barz said that the revised site plan was almost exactly what was reviewed and approved by the Commission in the concept plan. He reviewed the site plan revisions which included a detailed landscaping plan and some minor site revisions to provide better circulation in the parking lot for emergency vehicles. He said that he was working with the applicant regarding architectural design and building materials.

Commissioner Profe said that he was concerned about the backs of the building facing the access way into the shopping center. Town Planner Barz said that he was also concerned about screening issues of the backs of those buildings and he would be working with the applicant on those types of issues.

Town Planner Barz recommended approval subject to staff review and approval and he suggested that the Commission give him the discretion to have the applicant come back to the Commission for their decision if he and the applicant come to loggerheads on architectural design and signage issues.

There was a general discussion.

**Motion: Commissioner Profe moved to approve the application for Site Plan Revision at 1075 Kennedy Road for additional restaurant and retail buildings subject to final staff review and approval; and Town Planner approval of the architecture and signage with the discretion to have the applicant come back to**

the Commission if necessary. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

## I. Minutes

### 1. May 9, 2006

**Motion: Commissioner Profe moved to approve the May 9, 2006 minutes as modified at the meeting. Commissioner O'Brien seconded the motion and it passed 4-0-1 with Alternate Commissioner Brookman abstaining because he was not seated at the May 9, 2006 meeting.**

## II. PUBLIC HEARINGS

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

### 1. \*Special Use – 909 Stone Road, Kennel, Zoning Regulations Section 10.5.5, AG Zone, Casinghino

Laura Casinghino, 909 Stone Road, presented a drawing and described the site location. She said that she wanted to provide overnight boarding with group play times for up to ten dogs. She said that in addition to the boarded dogs she would have midday playgroups for approximately 15 other dogs. She stated that the boarded dogs and the playgroup dogs would have separate play times. She said that she would also provide grooming, massage/reiki, professional photographs and training. She said that there would be indoor and outdoor play areas and the facility would be constructed with sound proofing materials. She reviewed fencing, screening, parking, waste disposal, and hours of operation. She explained that she currently picks up the dogs for the playgroups and takes them to another facility for their playtime and then returns the dogs when playtime is over. She said that she would do the same thing except she would bring the dogs to her own facility for play time. She said that there would be indoor and outdoor play areas and a small pool for those dogs who like to swim.

Town Planner Barz said that there were staff comments from Public Works, Fire Marshal, Health and Planning that were outstanding. He said that if the Commission were inclined to approve the special use, the applicant would have to return with a site plan to address those comments.

In response to questions from Commissioner O'Brien, Ms. Casinghino said that there is a house on the site where she will be living. Regarding the outdoor pool, she said that it would be an in-ground pool and she described it as more like a wading pool than a swimming pool.

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

Debbie Bologna, 933 Stone Road said that she had good faith that the applicant will run her business responsibly and environmentally, but she was concerned about what might happen in the future if she were no longer running the business.

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

Town Planner Barz recommended approval initially for one year in consideration of Ms. Bologna's concerns. He also recommended that the site plan approval should be required and that the hours of operation should also be a condition of approval.

There was a general discussion. Commissioner O'Brien asked how close the site was to any residential zones. Town Planner Barz said that the applicant got a variance for the 500-foot distance requirement from the property line. Ms. Casinghino said that she was granted a variance of 350 feet.

**Motion:** Commissioner Profe moved to approve the application for Special Use at 909 Stone Road for a dog kennel under Zoning Regulations Section 10.5.5 subject to the following conditions: 1) one-year time limit; 2) submission and approval of a site plan; and 3) hours of operation as presented by the applicant at the public hearing. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

**2. Zone Boundary Change - 1733 Poquonock Avenue, A and AA Zone to NZ Zone, St. Joseph's Church**

• **Letter from Blanche Blazis, 38 Niles Road**

Wilson Alford, Jr., Alford Associates, Inc., presented a drawing and described the site of the three-quarter acre parcel behind St. Joseph's Church. He said that the church is asking for rezoning of the parcel from residential to the public/quasi-public zone so that they can create a parking lot. He said that at present there are only 20 parking places in the existing parking lot behind the church, so people are parking on both sides of Poquonock Avenue and on nearby side streets creating a problem with traffic and pedestrian safety.

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

Commissioner Profe read the letter from Blanche Blazis of 38 Niles Road expressing her support of the application.

Speaking neither for nor against the application:

Rich Simmons said that he was there to represent his mother who lives on Marshall Street and owns the abutting parcel of land at the end of Kearney Road. He said that he was concerned about drainage problems that might result from the snow piles when the parking lot is plowed.

Town Planner Barz said that in terms of the zone change, he thought it would be good because of the existing parking situation at the church. He said that although the Plan of Conservation and Development did not address small parcels such as this, he did not feel that it would adversely affect the plan. He added that there were some concerns regarding the parking lot that would be addressed at the time of site plan review.

Mr. Alford said that the proposed parking lot would end approximately 100 feet from the property line, so the piled up snow will not affect Mrs. Simmons' property.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the application for a Zone Boundary Change at 1733 Poquonock Avenue from the A and AA Zone to the NZ Zone for the reason that it will allow the church to produce parking that will alleviate the problem of parking on the street and it will not adversely affect the Plan of Conservation and Development. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**3. Special Use Re-approval – 625 Day Hill Road, Limited Retail Sales, Zoning Regulations Section 8.1.6M, I-1 Zone, Rotech Healthcare, Inc.**

Burt Russell, Rotech Healthcare, Inc. said that he was seeking a re-approval of a special use for limited retail sales. He stated that the company primarily provides oxygen and other respiratory services, which is mostly done in customers' homes. He said that occasionally a customer will need stop to pick something up such as a replacement order, but there is no retail showroom or drug store items that are sold.

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

Town Planner Barz said that all staff had signed off on the application and no issues had been reported related to the special use during the past year and he recommended approval. He also noted that the Commission had the option to place a time limit of one to five years on the special use permit and he recommended that the time limit be extended.

**Motion: Commissioner Profe moved to re-approve the application for Special Use at 625 Day Hill Road for limited retail sales under Zoning Regulations Section 8.1.6M subject to a three-year time limit. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**4. Special Use – 645 Poquonock Avenue, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), B-2 Zone, North Central Square, LLC/The Beanery**

- **Letter from North Central Square, LLC** – requesting a minimum two-year time limit for approval of the special use for the temporary re-location of The Beanery

Harry Freeman, 115 Carriage Way, represented the applicant North Central Square, LLC. He said that the applicant was seeking a special use for a limited service restaurant for temporary relocation of The Beanery Restaurant until the new building that they will be permanently relocated to. He presented a drawing and described where the restaurant would be relocated to, the locations of the surrounding tenants and parking at the site. He said that the applicant was requesting a two-year time limit on the approval because it is an established restaurant in town and the new building should be completed within the next 12 to 18 months and will be before the Commission for a special use to move into the new building.

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

Town Planner Barz said that there was some concern with the new location regarding restrooms, which were being worked out with a neighboring restaurant. He recommended approval with a two-year time limit subject to staff review and approval, and approval of signage by the Planning Department.

**Motion: Commissioner Profe moved to approve the application for Special Use at 645 Poquonock Avenue for a limited service restaurant under Zoning Regulations Section 5.2.6D(1) subject to the following conditions: 1) two-year time limit; 2) final staff review and approval by the Building Official, Fire Marshal and Health Department; and 3) final review and approval of signage by the Town Planner. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**5. Zone Boundary Change – 337 Pigeon Hill Road, AG Zone to AA Zone, Wilkos/Alford**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the property and the location. He stated that the applicant was seeking a zone change for 27, 500 square feet of her property from the AG Zone to the AA Zone with the intention of moving her lot line to incorporate the remaining AG Zoned acres into the land that is being farmed by her son. He said that the Plan of Conservation and Development calls for low intensity residential development in this area.

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

Town Planner Barz said that there were no comments from staff. He said that the Plan of Conservation and Development identified areas of prime agricultural soils as defined by the State of Connecticut and the soil in this area was not found to be prime, so the plan recommends low density residential development in this area. He recommended approval, noting that it will allow the parcel where the home is to stand alone as residential and it will increase the area of agricultural land that is being farmed.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the application for a Zone Boundary Change at 337 Pigeon Hill Road for the AG Zone to the AA Zone the reason that it is in keeping with the Plan of Conservation and Development and AA Zoning in the vicinity. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

\* Item recessed from the meeting of May 9, 2006

### **III. BUSINESS MEETING**

#### **A. Continuation of New Business**

#### **B. Application Acceptance**

- 1. Special Use – 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, 6 Single-Family Homes with a Private Road, Zoning Regulations Section 4.5.4, R-8 Zone/R-13 Zone, Sasportas Company/Lally**
- 2. Subdivision – 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, 6 Single-Family Homes with a Private Road, Zoning Regulations Section 4.5.4, R-8 Zone/R-13 Zone, Sasportas Company/Lally**
- 3. Special Use – 872 and 976 Stone Road, Fill Removal, Zoning Regulations Section 2.4.15L, AG Zone, Griffin Land/Lally**

4. **Special Use – 872 and 976 Stone Road, Filling, Zoning Regulations Section 2.4.15M, AG Zone, Griffin Land/Lally**

The Commission directed that the above four items be scheduled for public hearing on July 11, 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**

Commissioner Mips requested that all Commissioners review the above five drafts and make notes for discussion at the next regular meeting on July 11, 2006.

**IV. MISCELLANEOUS**

- A. **Request for Extension** – Letter from HD2 Development requesting a six month extension to take a building permit for development at 599-703 Poquonock Avenue under Zoning Regulations Section 2.4.8

Commissioner Profe read the above letter into the record.

There was a general discussion. There was a consensus of the Commission that especially being that the development is getting underway, it would be appropriate to grant the extension requested.

**Motion: Commissioner Profe moved to approve the request for a six-month extension to take a building permit for development at 599-703 Poquonock Avenue under Zoning Regulations Section 2.4.8. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**B. Farmington River Watershed Association Newsletter – Spring 2006**

**C. APA Planning Magazine – June 2006**

**D. Discussion with TJ Barresi, Ed Lally & Associates, Inc. regarding the approval process regarding the Amolia Farms Subdivision at 79 Lamberton Road**

TJ Barresi, Ed Lally & Associates, Inc. distributed a drawing of the subdivision and a copy of all staff comments made prior to approval by the Commission. He said that the applicant met with Town Staff three times before the application was presented at a public hearing before the Commission. The Commission approved the application subject to staff review and approval. He said that staff is now requiring that the applicant provide sidewalks, which were not shown on the plans presented at the public hearing, nor were they discussed at the public hearing. He said that the applicant feels that requiring the sidewalk is a little beyond staff authority and rights and he questioned how far staff can go.

Town Planner Barz and Town Engineer Lenehan said that staff had requested as shown on the comments distributed and that sidewalks are required under the Town Engineering Standards which are part of the Subdivision Regulations.

There was a general discussion.

There was a consensus of the Commission that the Town Planner should request a legal opinion from the Town Attorney on behalf of the Commission.

**V. PLANNER'S REPORT – None**

**VI. ADJOURNMENT**

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

The meeting ended at 8:58 p.m.