

MINUTES
TOWN PLANNING AND ZONING COMMISSION
FEBRUARY 14, 2006 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT

PRESENT: Commissioners Mips, Kelsey, Parker, Alternate Commissioners Chiodo and O'Brien

ALSO PRESENT: Town Planner Zavarella and Planning Secretary Madison

Commissioner Mips opened the meeting at 7:00 p.m. Commissioner Kelsey was acting secretary.

I. NEW BUSINESS

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

- 1. Letter from Ed Lally & Associates, Inc.** – requesting that the commencement of the Public Hearing for the Amolia Farms Subdivision, 79 Lamberton Road be postponed until the next regular meeting on March 14, 2006 (**See Public Hearing Item II.8**)
- 2. Letter from Brian Quagan** – withdrawing the Subdivision Re-approval application for 633 Stone Road and requesting a refund of the application fee (**See Public Hearing Item II.7**)
- 3. Letter from Madina Academy** – requesting that the commencement of the Public Hearing for the Special Use applications for a school and daycare be postponed until the next regular meeting on March 14, 2006 (**See Public Hearing Items II.5&6**)
- 4. Email from Emma Gilli** – requesting to present a petition regarding the development at 911 Rainbow Road
- 5. Email from Jonathan Strong, 1362 Palisado Avenue** – regarding the Site Plan application for 1485 Palisado Avenue

Commissioner Kelsey read the above letters and emails into the record.

The following people came forward to speak to the Commission:

Emma Gilli, 55 Berrios Hill Road presented a petition regarding the development of the site at 911 Rainbow Road. The petition was signed by 77 residents requesting that truck traffic be prohibited from using the perimeter road and requesting a revised plan to better address the visual and audible impact of the proposed development to residents on the west (Berrios Hill) side of the site.

Stan Kosinski, 1444 Palisado Avenue spoke in opposition of the Site Plan application for 1485 Palisado Avenue. He said that the special use application for this site was denied last month and he was concerned that if the proposed site plan were approved, every warehouse zone would become a trucking terminal. He said he thought that the major issue was putting that type of

operation at the gateway into town. Also, he expressed his concern that if the trucks were to catch fire, it might ruin his and the neighboring restaurant's wells. Because there is no public water or sewers in the area, he said that there was an infrastructure issue as well. He added that the area was historic and he hoped that the integrity of the neighborhood would be maintained.

- B. Communications and Petitions from the Town Planning and Zoning Commission - None**
- C. Zoning Enforcement Officer's Report - None**
- D. CGS 8-24 Referral Requests**

1. Construction of a Sidewalk – along a portion of Pleasant Street

Town Engineer Lenehan said that he was requesting a recommendation to the Town Council for approval of the construction of sidewalks along a portion of Pleasant Street from Poquonock Avenue. He presented a drawing and described the location of the proposed sidewalk noting that it would be on the north side of the street to capture the scenic view along the river. He said that the construction was consistent with the Plan of Conservation and Development which calls for sidewalks on all connector roads. He added that some trees along that portion of the road could be saved and others would need to be removed.

Alternate Commissioner O'Brien expressed concern about pedestrians using the sidewalk getting in the way of fishermen casting off the bank in that area. He suggested that the sidewalk be made temporary as a test if possible, because a recreation area for fishermen along the river, which is especially important during shad season, might be lost.

Commissioner Mips asked if the road was going to be narrowed as well. Mr. Lenehan responded that there are plans for alternating one-way traffic under the bridge with stop signs.

Motion: Commissioner Kelsey moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the construction of a sidewalk along a portion of Pleasant Street, hopefully with a review of the impact on fishing in the strip of land along the Farmington River on the north side of Pleasant one year before construction as a test for temporary sidewalks. Alternate Commissioner Chiodo seconded the motion and it passed, 4-1-0 with Alternate Commissioner O'Brien opposing.

- 2. Discontinuance of a Road – a portion of Northfield Drive**
- 3. Transfer of Property – to ING**

Economic Development Director Burke said that the above two requests relate to the discontinuance and transfer of a portion of Northfield Drive. He said that ING North America Insurance Corporation is planning to develop new corporate offices in Windsor on approximately 80 acres of property on Northfield Drive. He indicated on a map the undeveloped areas on both sides of Northfield Drive that would be merged and as a result the Company has requested that the Town Council approve a discontinuance of a portion of Northfield Drive and the transfer of that discontinued portion to the Company for development of the site. He stated

that the plans have been reviewed by the Police Department and Fire Marshal and they determined that it would not impact emergency services.

Motion: Commissioner Kelsey moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the discontinuance of a portion of Northfield Drive as described in the Schedule A presented at tonight's meeting. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval of the transfer of a portion of Northfield Drive to ING North America Insurance Corporation. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny - None

F. Re-approvals/Revisions

- 1. Site Plan Revision - 1485 Palisado Avenue, Add overhead door, fuel tank and pump, W Zone and AA Zone, Cance/Alford**

Wilson Alford, Jr., Alford Associates, Inc. said that the applicant applied for a special use for outside storage at the site, which was denied and is now asking for site plan approval to add a garage door, fuel tank and pump at the site. He said that all vehicles would be stored in the existing building and there would be no outside storage. Regarding staff comments about existing non-conformances at the site, he said that in other cases the applicant is not required to bring the site up to current regulations and he cited revision approvals for the Combustion Engineering site as an example..

Commissioner Mips said that the first thing the Commission needed to decide was whether this zoning should be used for this particular use. Commissioner O'Brien agreed and said he would like to get a legal opinion regarding whether it is legally in the Commission's rights to consider the application.

Town Planner Zavarella recommended that the Commission consider Section 1.0 of the regulations, entitled Purpose And Authority, which in part reads "... These regulations are intended to provide the Town Planning and Zoning Commission with authority to give reasonable consideration for the protection of historic factors in its evaluations and decision.", which authority is provided by Connecticut General Statutes Section 8-2. He emphasized that this consideration applies to all regulations, site plans as well as special uses.

Alternate Commissioner O'Brien said that Section 9.6.2 covers special uses for refueling and repairing of trucks. In rebuttal, Mr. Alford said that the proposed operation at the site was not a trucking terminal.

Alternate Commissioner O'Brien said that he would like to get a legal opinion on what a trucking terminal is.

Commissioner Kelsey said that based on Zoning Regulations Section 9.0, which establishes the intent of the W Zone, the proposed use did seem to be in conformance with the spirit of the regulation.

There was a general discussion and the Commission decided to recess the presentation of the application until the next regular meeting and obtain a legal opinion from the Town Attorney as discussed at tonight's meeting.

Motion: Commissioner Kelsey moved to recess the Site Revision application presentation until the next TP&ZC regular meeting on March 14, 2006. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

2. Subdivision Revision – 20 East Granby Road & 526 Rainbow Road, Revise lot lines, R-13 Zone, Rayco/Alford

Wilson Alford, Jr., Alford Associates presented a drawing and described the bearings and lot line distances proposed. He stated that the lots would remain conforming.

Motion: Commissioner Kelsey moved to approve the revisions proposed at to the Subdivision at 20 East Granby Road and 526 Rainbow Road as presented. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

G. Bonds - None

H. Site Plans

1. Site Plan – 100 International Drive, Warehouse/Distribution, 102,000 square feet, I-2 Zone, Griffin Land/Lally

- **Letter from Charles Francis, Town Engineer/Planner for East Granby**

Tim Lescalleet, Griffin Land presented a drawing and described the location of the 3 acre site and the layout of the proposed 102,000 square foot building. He reviewed utilities and drainage. He noted that that the company has an application pending with the State Traffic Commission.

Town Planner Zavarella said that he received a call this afternoon from the East Granby Town Planner Charles Francis who said that he had worked out his issues with the applicant and there was no need to read his letter into the record.

Town Planner Zavarella recommended approval subject to staff review and approval of the final plan. He asked Mr. Lescalleet if it would be possible to look at some variations for the buildings in that area, adding that they are very nice, but a little variety would help. Mr. Lescalleet said that it all came down to economics and his company's buildings are the finest and most expensive buildings at this time and he added that using the current materials they were limited to only three colors and those materials that offer more colors are too expensive.

Motion: Commissioner Kelsey moved to approve the Site Plan application at 100 International Drive for a warehouse/distribution facility subject to approval from the STC and final staff review and approval. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

2. **Site Plan – 800 Day Hill Road, Office/Distribution/Warehouse, 60,000 square feet, I-1 Zone, Walter Surface Technologies/Alford (See Public Hearing Items II.2&3)**

I. Minutes

1. January 10, 2006

Correct Page 3 – next to last paragraph, change "refuge" to "refuse".

Correct Page 8 – next to last paragraph should read "... she did not feel that it was the right place for this use."

Motion: Commissioner Kelsey moved to approve the January 10, 2006 TP&ZC meeting minutes as amended. Alternate Commissioner O'Brien seconded the motion and it passed 4-0-1 with Commissioner Mips abstaining for non-presence.

II. PUBLIC HEARINGS

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

1. **Special Use Re-approval – 78 Seymour Street, Home Occupation (Photography Studio), Zoning Regulations Section 4.5.19, R-8 Zone, Passon**

Jessica Passon, 78 Seymour Street said that she was seeking re-approval for a photo studio at her home. She said that at this time it is basically a hobby of hers. She said that she has a full time job and usually takes pictures on Saturdays.

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

Town Planner Zavarella said that there had been no complaints and he recommended approval for 3 years with the previous conditions of approval.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Kelsey moved to approve the application for Special Use Re-approval for a Photo Studio at 78 Seymour Street under Zoning Regulations Section 4.5.19 for a three-year time period and subject to all previous conditions of approval. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

2. **Re-Subdivision – 800 Day Hill Road**, Add one lot, I-1 Zone, Walter Surface Technologies/Alford (See **Site Plan Item I.H.2**)
3. **Special Use – 800 Day Hill Road**, Reduced Parking, Zoning Regulations Section 8.1.6L, I-1 Zone, Walter Surface Technologies/Alford (See **Site Plan Item I.H.2**)

Site Plan – 800 Day Hill Road, Office/Distribution/Warehouse, 60,000 square feet, I-1 Zone, Walter Surface Technologies/Alford (See **Public Hearing Items II.2&3**)

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

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the location of the approximately 13- acre parcel on the north side of Day Hill Road. He said that the applicant was asking for a re-subdivision to divide the parcel in half to create a front and rear lot. He presented a site plan drawing and described the orientation of the proposed 60,000 square foot building, landscaping, circulation, drainage and utilities. He said that the applicant was also seeking a special use for reduced parking. He indicated the location of the reserved parking and loading areas. He said that warehouse/distribution operations do not need the quantity of parking that an office building needs and he stated that the plan met all the requirements of the reduced parking regulation.

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

Ackley Beaumont, 70 Lochview Drive asked if the applicant could build a wall along the site where the parking lot will be.

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

In rebuttal Mr. Alford said that the parking was reoriented so that it would be further from the residences. He said that the parking was about 130 feet from Mr. Beaumont's house and there is an existing berm with some older trees on it and more trees will be planted in front of the berm that will grow to make coverage for the lower branches of the older trees.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Kelsey moved to approve the application for Re-subdivision at 800 Day Hill Road to add one lot as presented by the applicant. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved to approve the application for Special Use at 800 Day Hill Road for reduced parking under Zoning Regulations Section 8.1.6L subject to final staff review and approval. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved to approve the application for Site Plan at 800 Day Hill Road for an office/warehouse/distribution building subject to final staff review and approval. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

4. **Zoning Regulations Text Amendment – Section 8.1.6E**, Commercial recreational and cultural buildings and facilities, Alford

Wilson Alford, Jr., Alford Associates, Inc. submitted the application on behalf of Mototown USA. He said that the amendment would lessen the restrictions on restaurant and retail in order to provide a broader service at the facility. He said that the restaurant would cater to walk-ins as well as people who are participating in motocross activities.

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

Tim Lescalleet said that there was an easement between the property owners at the Mototown USA site and he wanted to be sure that the owners were aware of the easement.

Town Planner Zavarella said that the first paragraph gives the essence that is being attempted by the applicant and that the reference to it being unique is very tightly defined as being unique to the Town, Region and possibly the State.

Mr. Alford gave Summerwind as an example saying that the facility was nice, but there was a similar facility in Simsbury, so it would not be unique to the area, but he stated that there is no facility like Mototown anywhere in the state.

Town Planner Zavarella recommended approval of the application.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Kelsey moved to approve the application for a Zoning Regulations Text Amendment to Section 8.1.6E as presented at the meeting for the reason that it will provide additional restaurant and retail uses in such facilities. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

5. **Special Use – 200 Addison Road**, Day Care, Zoning Regulations Section 2.4.15H, I-1 Zone, Madina Academy (**Postponed**)
6. **Special Use – 200 Addison Road**, Private School, Zoning Regulations Section 2.4.15J, I-1 Zone, Madina Academy(**Postponed**)
7. **Subdivision Re-approval – 633 Stone Road**, 1 Lot, AA Zone, Yankee Plumbing and Heating Co., Inc. (**Withdrawn**)
8. **Subdivision – 79 Lamberton Road**, Amolia Farms, 16 single – family homes, AA Zone, The Broad Brook Group, LLC/Lally (**Postponed**)

9. Special Use – 289 Broad Street, General Offices, Zoning Regulations Section 6.6.1, P Zone, J. Morrissey & Company

Jim Morrissey, J. Morrissey Company, said that he recently received approval for a Zone Change at the site from the NZ zone to the Professional zone and he was now seeking a special use approval to use the building for offices. He said his company was an executive search and employment firm and it would be a low intensity use and it would be in keeping with the Plan of Conservation Development for the Windsor Center area.

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.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Kelsey moved to approve the application for Special Use at 289 Broad for general offices as presented by the applicant. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

- 10. *Zoning Regulations Text Amendment – Section 2.2.3, Residential Development Adjacent to Industrial or Warehouse Zones, Town of Windsor**
- **Letter from The Broad Brook Group, LLC**
 - **CRCOG referral letter**

- 11. *Zoning Regulations Text Amendment – Section 3.1.2, Increase Buffer Strips, Town of Windsor**

Town Planner Zavarella said that after the last TP&ZC meeting on the above two proposed text amendments, he worked with the people that had concerns and hashed things out.

Regarding the proposed amendment to Section 2.2.3, he said that the regulation now measures the 50-foot distance requirement from the back of the residential building to the rear property line of the lot. He said that everyone agreed to the proposed regulation with that modification.

Regarding the proposed amendment to Section 3.1.2, he said that it has been modified so that the 150-foot distance is measured from the maneuvering area for trucks, loading ramps, etc. He explained that manufacturing facilities generate noise from the inside and there are regulations setting noise standards for those facilities now in place. He said that warehouse developments have developed primarily in the last 8 years or so and they generate noise from the outside generally from the maneuvering area for trucks.

He recommended approval of the proposed text amendments because the town is very dependent on industrial development in order to keep taxes down and every effort must be made to establish

a sound planning policy to minimize the impacts generated by this type of development that interfaces with Residential, AG and NZ zones.

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

Economic Development Director Burke said that he was in support of both of the proposed text amendments essentially for the reason Town Planner Zavarella provided, to continue the development that we see coming in. He said that it is very important to try to reduce the friction between industrial and residential developments.

No one else came forward to speak regarding the applications.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Kelsey moved to approve the application for Zoning Regulations Text Amendment to Section 2.2.3 as presented for the reason that it will provide some equity between the industrial and residential zones. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved to approve the application for Zoning Regulations Text Amendment to Section 3.1.2 as presented for the reason that it will provide some equity between the industrial and residential zones. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

*Recessed from the TP&ZC meeting on January 10, 2006

III. BUSINESS MEETING

- A. Continuation of New Business**
- B. Application Acceptance**

- 1. Special Use Re-approval – 245 Deerfield Avenue, 5 Apartments, Zoning Regulations Section 4.5.1, A Zone, Tolve**
- 2. Special Use Re-Approval – 800 Scotland Road, Gravel Excavation, Zoning Regulations Section 2.4.15L, I-1 Zone, Roncari**
- 3. Special Use – 148 Broad Street, drive-in facility for proposed bank, Zoning Regulations Section 5.2.6C, B-2 Zone, CBT/Alford**
- 4. Special Use – 148 Broad Street, reduced parking, Zoning Regulations Section 5.2.6N, B-2 Zone, CBT/Alford**
- 5. Special Use – 999 Archer Road, Used Car Sales, Zoning Regulations Section 8.1.6F(b), I-1 Zone, LeBeau**
- 6. Special Use – 115 Pierson Lane, Communications Museum, Zoning Regulations Section 8.1.6E, Vintage Radio Communications Museum/Ellsworth**

7. **Re-Subdivision – 175, 200, 275 & 300 Northfield Drive**, Add One Lot, I-2 Zone, ING/Hesketh
8. **Special Use – 60 & 80 International Drive**, Building Height 104.65 feet, Zoning Regulations Section 9.6.2, W Zone, Walgreens/Fuss & O'Neill
9. **Subdivision – 10 Huckleberry Road**, 10 Lots, AA Zone, ADM Builders, LLC/Lally

The Commission directed that the above 9 applications be accepted and scheduled for public hearing at the regular TP&ZC meeting on March 14, 2006. Commissioner Mips said that if any items were not heard by 11:00 p.m., they would have to be rescheduled to the regular meeting in April.

C. Old Business

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

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
6. **Zoning Regulations Text Amendment – Section 8.1.2**, Miscellaneous Requirements

The workshop was postponed because all regular members were not present at this time.

IV. MISCELLANEOUS

- A. **FYI: Hartford Current Editorial** – entitled "Towns are What They Zone"
- B. **FYI: Email from Carol Candler, 148 Pleasant Street** – Copy of an email she sent to Town Engineer Lenehan after the Pleasant Street Reconstruction meeting on January 31, 2006
- C. **FYI: CFPZA Annual Conference** – Thursday, March 23rd Please RSVP to Planning Secretary Madison no later than March 14th

Planning Secretary Madison said that Commissioner Mips was eligible for the Lifetime Achievement Award for serving 25 years and she hoped that all of the Commissioners could attend the Annual Conference this year where Commissioner Mips will receive her award.

V. PLANNER'S REPORT - None

VI. ADJOURNMENT

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

The meeting ended at 8:50 p.m.

Respectfully submitted, _____, Marian Madison, Recording Secretary

I certify these minutes were adopted on April 11, 2006.

Karl Robert Profe, Secretary