

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

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

ALSO PRESENT: Town Planner Zavarella, Town Planner Barz and Planning Secretary Madison

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

I. NEW BUSINESS

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

1. **Letter from Madina Academy** – requesting that the commencement of the Public Hearing for the Special Use applications for a school and daycare at 200 Addison Road be postponed until the next regular meeting on April 11, 2006 (See **Public Hearing Items II.1 & 2**)
2. **Letter from Fahey, Landolina & Associates, LLC** – requesting that the public hearing for the Subdivision at 79 Lamberton Road be continued until the next regular TP&ZC meeting on April 11, 2006 (See **Public Hearing Item II.3**)

Commissioner Profe read the above two letters into the record.

3. **Memorandum from Fire Marshal Walker** – regarding application for Zoning Regulations Text Amendment to Section 8.1.6R (See **Application Acceptance Item III.B.2**)

Fire Marshal Walker asked that the Commission consider his memo, but that it was not necessary to read it into the record.

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

Commissioner Mips congratulated Town Planner Zavarella and wished him the best in his retirement. She introduced Eric Barz and welcomed him as the new Town Planner. She said that he was not new to everyone because he was previously an Assistant Planner with the Town of Windsor for six years and worked as a consultant on Windsor's 2004 Plan of Conservation and Development.

C. Zoning Enforcement Officer's Report

D. CGS 8-24 Referral Requests

1. **Public Infrastructure Improvements** – on International Drive and Rainbow Road

Economic Development Director Burke said that the area where the proposed infrastructure improvements would take place is in the area of the development called The New England Tradeport. In addition to the existing development of over 800,000 square of industrial space, the Planning and Zoning Commission recently approved an

additional 900,000 square feet of development in the Rainbow Road and Stone Road area and approximately 200,000 square feet west of International Drive. He presented a drawing and described the proposed improvements which included construction of a landscaped median with left-turn lanes, two additional travel lanes, street lighting, traffic signage and markings and related work. He explained that these improvements would bring the infrastructure into compliance with the requirements of the State Traffic Commission certificate issued for New England Tradeport.

Mr. Burke said that the benefits of the improvements would be access management by providing the median, increased traffic safety provided by protected left turns and better visibility. Regarding the existing house in the area, he said it would be protected and provided with adequate access.

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 public infrastructure improvements to International Drive and Rainbow Road. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny

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 (Recessed from the TP&ZC meeting on February 14, 2006)**
 - **Legal Opinion**, from Town Attorney

Wilson Alford, Jr., Alford Associates, Inc. said that at the end of the meeting last month there were three issues: site improvement requirements; the definition of a truck terminal; and whether the proposed storage was permitted in the W Zone.

Commissioner Profe stepped down because he was not present at the previous meeting and Alternate Commissioner Chiodo was seated in his place.

Regarding the requirement to bring a developed site into conformance with current site plan regulations, Mr. Alford said that he gave Combustion Engineering (CE) as an example of an existing site that was not required to make those improvements. As further examples, he distributed site plan drawings for True Value Hardware on Broad Street where a Subway Shop was added to the front of the store and Geissler's where renovations were made to the front of the store, which were approved although the sites did not comply with current regulation requirements. He said he believed that these approvals set a precedent that the Commission considered the nonconformity of these developed sites to be grandfathered. Therefore, he said that the applicant should not be required to pave the graveled areas at this site.

Jack Wall, attorney representing the applicant said that he received Town Attorney Oswecki's response to the Commission's request for a legal opinion. He said that the response did not answer the question of what a trucking terminal is. He stated that a trucking terminal serves the transference of loads from one truck to another, just as Mr. Alford described it at the last meeting. Regarding the safety issue of storing the trucks in the building at the site, he said that the applicant was not proposing to store explosives in the building, but only to store their trucks which would have diesel fuel in them which was not hazardous. Regarding the Town Attorney's thought that the storage of the trucks would be offensive, he said that the trucks would be empty, not filled with garbage. He said that the proposed use was for storage, not a trucking terminal. He said that the trucks were very valuable and needed to be stored for

safekeeping and some of the equipment would go out daily and some would not. He said that the Town Attorney referred to general repair establishments, which this was not. He stated that only maintenance repairs, such as oil changes would be done at the site. Regarding bringing the site up to current standards, he said the key was to find that this use is different than the other. He said that the purpose of the use would be the same as the previous tenant Baystate, bringing in stuff and storing it in the building, only in this case the stuff would be trucks. Regarding the traffic impact, he said that the trucks would be accessing the highway and the added traffic on Palisado Avenue would be negligible. He added that he believed that the site was appropriate and a good spot for the use proposed by the applicant.

Commissioner Mips noted that it was past 7:30 p.m., therefore consideration of the above application and all other New Business items would resume after the public hearings.

Note: The following portion of the presentation for this item was made after the all public hearings were completed.

Regarding the reference to site development at CE, he said that he felt that the comparison was quite different. He said that to his recollection, whenever a modification was made the applicant was not told that they had to bring the entire site up to compliance, but where the proposed building was going to go did have to be in compliance.

Regarding Attorney Oswecki's recommendations, he said that he found similar holes in Mr. Wall's interpretation of the issues. He said that Attorney Oswecki basically said that you have a clear definition of what a truck terminal which this isn't. The storage of vehicles is provided for in the I-1 and the I-2 zone regulations, but he points out that these vehicles are not being stored, they are being parked indoors. It is not the intent of the warehouse district. And the Zoning Regulations are permissive in the sense that where what is allowed is provided for in the regulations and if it is not there it is not a permitted use.

Commissioner Kelsey said he agreed that the use was not in keeping with the intent of the regulation. He added that if it were determined to be a permitted use he felt that Section 3.2.3 would apply. All of the other Commissioners agreed.

In rebuttal, referring to the nonconformance at the previously mentioned sites, Mr. Alford said that the Commission did not have the authority to pick and choose where Section 3.2.3 should apply. He said that the sections of the regulations in the industrial zones referred to by Attorney Oswecki were for limited repair facilities, which this was not. Regarding what a warehouse is, he said that is to provide inside storage for valuable items, which these trucks are, and it doesn't matter if the storage of items is for 10 minutes, 3 days or 3 months. He stated that there was previously a fuel tank and pump located on the site, it was just being relocated.

There was a general discussion. Commissioner Kelsey said that he was mainly concerned with the compatibility with the neighborhood. Commissioner Mips said she believed that it was a more intense use than was previously at that site. Alternate Commissioner O'Brien said he felt that the clear intent of warehouse was storage of goods and he agreed with the recommendation of the Town Attorney.

Motion: Commissioner Kelsey moved to deny the application for Site Plan Revision at 1485 Palisado Avenue to add an overhead door, fuel tank and pump for the reasons noted earlier and in particular the proposed use for this facility does not appear to be within the intent of this zone because it would have a deleterious affect on the neighborhood. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved to extend the meeting until 11:00 p.m. Alternate Commissioner O'Brien seconded the motion and it passed 4-0-0.

Note: The next item heard was Site Plan Item I.I.3, 910 Day Hill Road.

G. Bonds

H. Site Plans

1. **Site Plan - 148 Broad Street**, Bank with Drive-in Facility, B-2 Zone, CBT/Alford (See Public Hearing Items II. 6 & 7)
2. **Site Plan – 60 & 80 International Drive**, Distribution Center, 779,858 square feet, Building Height 104.65 feet, Zoning Regulations Section 9.6.2, W Zone, Walgreens/Fuss & O'Neill (See Public Hearing Item II. 11)
3. **Site Plan – 910 Day Hill Road**, Office/Assembly/Distribution Building, 47,000 sq. ft., I-1 Zone, LADA

Philip Doyle, LADA, presented a drawing and described the site and its location. He said that the Robert E. Morris company was proposing to build a facility for training, machine tools distribution, and assembly of some products. He noted that there was joint access between this site and a few other sites. He said that the building materials would be the same as the Key Logic building on the parcel in front of this site

Town Planner Zavarella said that there were some comments from the Fire Marshal who said that he felt that the issues could be worked out with final staff review and approval. He recommended approval subject to final staff review and approval.

Motion: Commissioner Profe moved to approve the application for Site Plan at 910 Day Hill Road for an office/assembly/distribution building subject to staff review and approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

I. Minutes

1. **February 2, 2006 Special Meeting**
2. **February 14, 2006**
3. **February 17, 2006 Special Meeting**

The Commission directed that the above minutes would be tabled until the April 11, 2006 meeting due to time constraints.

II. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:39 p.m. 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 Commission directed that the public hearing for the above two items would be postponed until April 11, 2006 upon request of the applicant.

3. **Subdivision – 79 Lamberton Road**, Amolia Farms, 16 single – family homes, AA Zone, The Broad Brook Group, LLC

The Commission directed that the public hearing for the above item would be recessed until April 11, 2006 upon request of the applicant.

4. **Special Use Re-Approval – 245 Deerfield Road**, 5 Apartments, Zoning Regulations Section 4.5.1, A Zone, Tolve

Oliver Tolve, 245 Deerfield Road, said that he was seeking re-approval for 5 apartment units. He said that he although he did not attend the meeting with staff, he did receive the staff comments.

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

Town Planner Zavarella said that all members of staff had signed off on the application and he recommended approval for three years subject to relevant conditions of previous approvals.

Motion: Commissioner Profe moved to approve the application for Special Use Re-approval at 245 Day Hill Road for five apartment units subject to the following conditions: 1) a three-year time period; and 2) all relevant previous conditions of approval shall be met. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

5. **Special Use Re-Approval – 800 Scotland Road**, Gravel Excavation, Zoning Regulations Section 2.4.15L, I-1 Zone, Tilcon Roncari

Fred Hanks, Tilcon Roncari, said that the company had been excavating the site since 1982 and has come before the Commission annually for re-approval since that time. He said that there were no outstanding issues with the town that he was aware of and the company was not looking to expand the operation and there would be no changes from the 2005 plans. He stated that all required drawings had been submitted including contour plans, a revised key map, cross sections and a conceptual re-use plan.

Commissioner Mips asked if the Engineering Department comment that the activity required a DEP storm water permit had been addressed. Mr. Hanks responded that he interpreted it as a suggestion and he did not feel that it would be appropriate until the site is developed.

Town Engineer Lenehan said that the comment had been intended as a request for the applicant to look into it and determine if the permit was necessary. Kori Garro said that for this type of mining operation the permit would be necessary if there were dredging or filling of the wetlands occurring, but those activities were not occurring at this site, so a permit was not required. Regarding erosion control, Mr. Garro said that nothing erodes from the site because it is all sand and gravel, so the water just sinks into the ground.

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

Town Planner Zavarella recommended approval subject to staff and applicant agreement regarding the Town Engineering department comments. He also requested that the applicant continue his endeavor to keep dirt bikes off the site.

Mr. Hanks said that the company does all that it can by posting trespassing notices, fencing and a locked gate.

Commissioner Mips closed the public hearing.

Motion: Commissioner Profe moved to approve the application for Special Use Re-approval at 800 Scotland Road for gravel excavation under Zoning Regulations Section 2.4.15L subject to the following conditions: 1) one-year time limit; 2) applicant shall make best efforts to keep out dirt-bikes and other off-road vehicles; and 3) an agreement with Staff Engineers comments. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

6. **Special Use – 148 Broad Street, Drive-in facility for proposed bank, Zoning Regulations Section 5.2.6C, B-2 Zone, CBT/Alford (See Site Plan Item I.H. 1)**
7. **Special Use – 148 Broad Street, reduced parking, Zoning Regulations Section 5.2.6N, B-2 Zone, CBT/Alford (See Site Plan Item I.H. 1)**

Site Plan - 148 Broad Street, Bank with Drive-in Facility, B-2 Zone, CBT/Alford (See Public Hearing Items II. 6 & 7)

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

Dom Ferraina, attorney for the CBT, said that the bank is planning to utilize a presently vacant area which used to be Arthur's Drug and they are seeking a special use permit for a drive-in facility. He presented a drawing and described location and circulation for the proposed two-lane drive in facility for an atm and a deposit window. He said that there was a fence along the entire perimeter providing some degree of separation from the residential area and he presented photographs of the fence. He described the parking area and the security lighting at the back. He said that there were 125 spaces available, but the required parking is 143 spaces, so the applicant was seeking a special use for reduced parking.

Mr. Ferraina explained that there must be a public need for a bank before the State Department of Banking can approve a branch location and he presented a document indicating application approval for this branch. He said that the bank would be in harmony with the area and he noted that there was a bank at one time in a nearby section of the shopping center. He said that a drive-in facility is a necessary component of banking in today's world and the proposed signage directing traffic would ensure that it would not be disruptive to traffic flow. He added that the approval of the proposed bank at this location would permit utilization of a presently vacant area in the mall and promote pedestrian interest in the center of town.

In response to questions from the Commission, Mr. Ferraina said that the staff comments pertaining to the site plan had been addressed and he said that the Palisado Avenue entrance would be one of the major accesses and it would not be closed off.

Alternate Commissioner O'Brien asked if the one-way proposal for traffic flow at the back of the building would affect other businesses. Mr. Ferraina said he did not envision that it would be a problem and Town Planner Zavarella added that there was enough stacking area and there was more than adequate room for delivery trucks to get through.

Alternate Commissioner O'Brien also asked how the applicant would screen the residents in the back from the headlights of the cars using the drive-in lanes. Mr. Ferraina responded that there was a six-foot fence in place and the applicant would agree to put up more screening if necessary.

Town Planner Zavarella said that the stacking area was nearly double the required area. He recommended additional screening and landscaping and Mr. Alford agreed that some landscaping could be added along the north side to provide for buffering and some screening. Town Planner Zavarella said that under Zoning Regulations Section 3.1.2 the Commission could waive the 20-foot buffer requirement between business and residential zones and approve the three-foot and 10-foot distances that the applicant is proposing at the rear of the building.

Commissioner Mips requested public comments. Speaking against the application:

Pat Carpenter, 33 Phelps Street said that she has resided there for thirty and the only vehicles that came through the back were plows or police cars and their headlights have always shined in her yard. She also stated that the fence was in disrepair and she asked that the gate remain because children use it as a cut-through to go to school. She said that there was a problem with where the snow was stacked by the plows and it was resolved by stacking the snow where the kiosks are now proposed. She said that in addition to visibility issues she was concerned with the impact of noise from motorcycle engines, car radios as well as the impact of exhaust from the vehicles.

James Beckert, 25 Phelps Street said he was also concerned about noise and pollution from vehicle exhaust. He said that there were light poles proposed and wanted be sure that they do not shine into the back yards of the residents. He asked that with the curb island proposed drainage, especially in the winter is adequately addressed. He said that the curve at the back was very sharp turn and he was concerned that the 3-foot distance from the pavement would be adequate so that the fence is not knocked down. He said that the existing rooftop equipment was very loud and not screened and he asked if there was adequate room for the six dumpsters in the back to be emptied. He said he felt that the site was already over developed and there was too much impervious coverage.

No one else came forward to speak regarding the application.

Town Planner Zavarella said that before people spoke he had about 7 or 8 conditions that he was going to recommend if the Commission were inclined to approve the application, however now he had a list of about 15 conditions and he felt that it would be best if the hearing were recessed for further review until the next meeting.

In rebuttal, Mr. Ferraina said that staff had requested that the gates at the rear be closed off by staff, but it would not be a problem to leave them open as the residents have requested. He said that time was of the essence and he would rather have the application turned back to staff for final review and approval than to continue the hearing until next month.

There was a general discussion. The Commission agreed with the Town Planner's recommendation that the hearing should be recessed until the next TP&ZC meeting in April while the applicant worked further with staff to resolve the issues.

Motion: Commissioner Profe moved to recess the application for Special Use at 148 Broad Street for a drive-in facility for proposed bank under Zoning Regulations Section 5.2.6C until the next regular TP&ZC meeting on April 11, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to recess the application for Special Use at 148 Broad Street for reduced parking under Zoning Regulations Section 5.2.6N until the next regular TP&ZC meeting on April 11, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to recess the application for Site Plan at 148 Broad Street for a bank with a drive-in facility until the next regular TP&ZC meeting on April 11, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

8. Special Use – 999 Archer Road, Used Car Sales, Zoning Regulations Section 8.1.6F(b), I-1 Zone, LeBeau

Shelly LeBeau, 35 Pearl Street, Enfield said that she and her husband would like to purchase the property on Archer Road and use it as a general repair facility and they were seeking a special use permit to sell 6 used cars at the site. She said that the previous owner had received approval for the special use permit, but it had expired and was no longer valid for the site. She said she believed that all issues with staff had been addressed.

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

Town Planner Zavarella said that issue raised by staff was that the applicant must clearly define where the six cars were going to be parked, so that Zoning Enforcement Officer and the Fire Marshal could clearly see where those cars were located when they visited the site. He recommended approval subject to overall staff review and approval and a one-year time limit.

Alternate Commissioner O'Brien said that there was no mention of storage of recreation vehicles at the site, but there has been one parked at the site for some time. Ms. LeBeau said that the site was in distress at this time, but she and her husband would be cleaning up the site so that it is fully in compliance.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use at 999 Archer Road for the sale of six used cars under Zoning Regulations Section 8.1.6F(b) subject to the following conditions: 1) one-year time limit; and 2) final staff review and approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

9. Special Use – 115 Pierson Lane, Communications Museum, Zoning Regulations Section 8.1.6E, Vintage Radio Communications Museum/Ellsworth (Withdrawn)

The above application was withdrawn upon request of the applicant.

10. Re-Subdivision – 175, 200, 275 & 300 Northfield Drive, Add One Lot, I-2 Zone, ING/Hesketh

Commissioner Kelsey stepped down and Alternate Commissioner Chiodo was seated for this item.

Mark Asmar, Brown Rudnick of Hartford said that the applicant was proposing to build new company headquarters at the site. He said that it would be built on a total of approximately 80 acres and that land is currently divided into 4 lots. He said that the applicant is proposing to combine the 4 lots and divide it into 2 lots, the second lot being approximately 8 acres, which will remain with the present owner. He explained that the re-subdivision was necessary to allow the building to be located where the roadway currently exists. He said that the applicant would be coming back to the Commission for site plan and special use approval in the near future.

Roger Kellman, F.A. Hesketh presented a drawing and described the site location. He said that only 100 Northfield Drive was currently being served by the road and he noted that emergency access was provided to the satisfaction of town staff.

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

Elaine Mockliss, 41 Elaine Mary Drive said that she always expected that 5 or 6 buildings would be built in that area and she was happy with this proposal for only 1 Class A building and she was in favor of approval.

Speaking neither for nor against the application:

Joe Cicero, 109 River Street, said that he was concerned about traffic because of the serious bottlenecking issue at Bloomfield Avenue and Mountain Road and he requested that the traffic study consider all the way to I-91, not just the immediate area.

No one else came forward to speak regarding the application.

Fire Marshal Walker said that the emergency service access issues had been addressed to the satisfaction of town staff and he recommended approval.

Town Planner Zavarella recommended approval with the applicant's statement that they will keep and maintain the open access for emergency vehicles.

Commissioner Mips closed the public hearing.

Motion: Commissioner Profe moved to approve the application for Re-Subdivision at 175, 200, 275 & 300 Northfield Drive to add one lot as presented by the applicant to maintain open access between the two cul de sacs for public and emergency use and length of cul de sac as per the Fire Marshal. Alternate Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

Alternate Commissioner Chiodo stepped and Commissioner Kelsey was reseated.

11. Special Use – 60 & 80 International Drive, Building Height 104.65 feet, Zoning Regulations Section 9.6.2, W Zone, Walgreens/Fuss & O'Neill (See Site Plan Item I.H. 2)

Michelle Carlson, Fuss & O'Neill presented a drawing and described the location, access and circulation at the site. She said that there would be separate routes for employee vehicles and trucks with the employee traffic to the front and the truck traffic to the back. She said that the warehouse facility would be approximately 750,000 square feet when built out and the height would be varied, with the highest point reaching 104 feet. She reviewed drainage, landscaping, and irrigation. She said that the applicant had received approval from the FAA regarding the height of the building.

Bruce Schmiedl, Walgreen's, said that the distribution facility would serve 600 stores in 8 different states and approximately 150 trucks per day would be coming in and out of the site. He said that a traffic study was done by F.A. Hesketh and Associates and he described the proposed road improvements that would be made in the general area. He said that there would be a total of 550 employees over 3 shifts and the peak shift would be between 8 a.m. and 1 p.m. and he noted that about 30% of the employees would be persons who were disabled or had cognitive problems. He added that the building would be fully sprinklered and a water tank would be installed on site. He

presented drawings and described the exterior design of the building and the building materials. He said that it would be one of the nicest buildings in the Tradeport development.

Fire Marshal Walker said that there were a few details that needed to be worked out and a meeting was scheduled tomorrow morning and he expected that most of the issues would be resolved then. He said that fire hydrant location and increased water flow as well as other issues that were very technical in nature would be the focus of the meeting. He said that the height was acceptable from a safety standpoint because the ultimate level that people would be working was at 50 feet, not at the 100-foot level.

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

Bart Paskonis, Southridge Drive, South Windsor said that he was a representative with the Carpenter's Union. He expressed environmental concerns regarding fertilizers, etc that were used when the site was farmed for tobacco that might wash down to the reservoir during excavation. He asked if soil testing had been done, if the presence of endangered species had been investigated, and how much fill would be brought into the site. He also expressed concern regarding adequate parking for the applicant's handicapped personnel.

Speaking in favor of the application:

Kevin Roy, 60 Hayden Avenue said he thought that the project would be good for Windsor and that it would fit well in the area where it is proposed.

Gene Lonewski, 15 Stone Road said that he initially had a few concerns, but he was in favor of the application because the applicant will have the trucks going down International Drive to Route 20 where there were no residences that would be disturbed.

Steve Burnham, East Hartford, said that he was glad to hear that the applicant would be hiring handicapped persons in the community.

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

In rebuttal, Mr. Schmeidl said that a phase one environmental study was done as required as well as extra studies. He said that the results of these studies indicated no problems with contamination of soil or ground water. He added that soil borings were also done and they indicated that the site was adequate for the proposed building plan.

Ms. Carlson, said that a soil scientist report was a part of the IWWC file. She said the IWWC file also includes a letter from the DEP that there are no concerns regarding grassland birds. She also noted that the state requires that a weekly report regarding erosion and sedimentation control be submitted. Regarding filling, she said that she anticipated that the fill excavated at the site would be used for filling at other areas of the site and no additional fill will be needed from outside the site.

Regarding handicap parking, Mr. Schmeidl said that there would be nearly double the required spaces plus van parking areas. He noted that the applicant has been working with advocacy groups for the handicap and he stated that in the event that more handicap spaces were needed they would be provided. He added that a sheltered bus area would also be located at the front of the building.

Town Planner Zavarella said that the Fire Marshal spoke to the issue of the special use application for the building height and he had no significant concerns regarding safety issues with the increased height. He said that the FAA also approved the building height finding that it presented no dangers to flight lines and he recommended approval

of the special use request. He said that staff had signed off on the site plan as well, but because it was such a large project he recommended that both applications be approved subject to final staff review and approval.

Alternate Commissioner O'Brien asked how placing large buildings on land that before had been vacant land impacts the noise in the area. Town Planner Zavarella responded that it does change the noise patterns, but he had never heard that it has been a significant issue.

Commissioner Mips said she thought that the proposed building was nice looking and she appreciated the plans provided by the applicant for the Commissioners to study at home to give them a better understanding of the project.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use at 60 & 80 International Drive for a building height of 104.65 feet under Zoning Regulations Section 9.6.2 for the reason that people will not be working at this height and the Fire Marshal has reviewed all aspects and has no problem. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the application for Site Plan at 60 & 80 International Drive for a distribution center subject to staff review and approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

12. Subdivision – 10 Huckleberry Road, 10 Lots, AA Zone, ADM Builders, LLC/Lally

Town Planner Zavarella stepped down because his father in law owns property adjacent to this site.

Ed Lally, Ed Lally and Associates, Inc. presented a drawing and described the site where the applicant was seeking approval to 10 single-family lots. He said that the applicant was requesting a waiver of Subdivision Regulations Section 4.11(a) to allow septic on less than one acre. He stated that the Health Department said that they supported the waiver finding that the soils would adequately support the systems on less than one acre. He said that a waiver was also being requested to allow development without sidewalks. He noted that because the cul de sac was extendable, as per regulations, it would not require a waiver for length. He said that the roads would be 28 feet wide and a bus pad would be provided. He said that one of the lots did not have much frontage on the cul de sac road proposed, and although it was not technically a flag lot, it would comply with all of the requirements of Zoning Regulations Section 4.5.13 for flag lots. He said a note would be added to the plans regarding the location and the possibility of becoming a transfer station creating noise and odor. He said locating all of the driveways on the new street instead of Huckleberry Road would lessen the impact on the homeowners as well as landscaping including hedgerows and berms. He reviewed drainage noting that staff had requested two additional infiltration systems and the applicant agrees with one, but would need to discuss the second requested with staff. Regarding open space, he said that the land offered for open space meets 5 out of the 7 categories for acceptable open space, noting that it is a little larger than required by the regulations. He stated that if the Commission did not find the open space acceptable, the applicant could place an easement on that piece of land so that it would always be an open space parcel. He said that the applicant had received approval from the IWWC.

In response to a question from the Commission, Mr. Lally said that for the parcel that would be deeded to the town for the extension from the cul de sac would be clearly stated on the subdivision drawing that it was a right of way for a future road and not a lot.

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

Frank Davis, Birchwood Farms, said that he was chair of the Conservation Commission and they were in favor of the applicant's proposal for the dedicated open space.

Speaking neither for nor against the application:

George Yuramian, 739 Prospect Hill Road said that he felt the same way about this subdivision as the 7 lot subdivision across the street that was recently approved and he regretted the loss of the open space that the subdivision would take up. He also he suggested relocation of the road to the landfill.

Mr. Lally said that he thought relocation of the road was a good idea and Commissioner Mips agreed, but said that it was not in the purview of the TP&ZC Commission.

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

Regarding staff comments, Town Planner Barz said that there was a memo from the Project Engineer regarding storm He said that as mentioned, a subdivision of 7 lots was recently approved with lots of one acre or more across the street from this site and this applicant was proposing lots of on the other side that are only the minimum area required in the AA zone. He said that this applicant should not be treated differently.

In rebuttal, regarding staff comments, Mr. Lally said the applicant would not object to approval subject to staff review and approval. Regarding equity, he said that this applicant went one step further and built a street to make a better neighborhood and the other developer chose not to, therefore he did not feel that there was a question of equitability.

Commissioner Mips said that she believed that the waiver for sidewalks should not be granted because of the extendable cul de sac and she noted that the correct section for the waiver request regarding septic was Subdivision Regulations Section 4.11.1.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Subdivision at 10 Huckleberry Road for 16 single-family homes subject to final staff review and approval. The approval includes a waiver of Subdivision Regulations Section 4.11.1 for the reason that the soil on the properties is adequate to support septic on lots of less than one acre. The approval does not include a waiver for sidewalks. The open space will be deemed protected open space. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

13. Zoning Regulations Text Amendment – Section 8.1.2, Miscellaneous Standards, establish building exterior requirements, Town of Windsor

Town Planner Zavarella said that he discussed the proposed text amendment with industrial and warehouse developers in the community and both were in support of this amendment primarily to preserve the character of the existing development that is not protected by the regulations as development is on Day Hill Road and Northfield Drive, which are more protective and restrictive. He stated that it would help to protect the environment in all the other industrial areas as well. He reviewed the changes in the minimums for glass, noting that flexibility to reduce the minimum standards by up to 10% has been provided. He stated that the proposed regulation would provide the same kind of aesthetic appearance of current industrial development.

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Section 8.1.2 to establish building exterior requirements for the reason that it will bring the standards that are currently in place at Day Hill Road and Northfield Drive to all industrial areas of Town. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

14. Zoning Regulations Text Amendment – Section 4.1, Area Standards, cross reference back yard setback exceptions to Section 2.2.3, Town of Windsor

Town Planner Zavarella explained that the proposed text amendment was a housekeeping item. He said that a month or two ago the Commission approved a text amendment to increase the back yard requirements for residential development abutting industrial zones. He said that a cross reference was added to Sections 4.1.1 to 4.1.6 to direct the reader to the back yard setback exceptions in Section 2.2.3, so that he or she can be sure that they are not planning a development in an area where those setbacks are prohibited.

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Section 4.1 to clarify the regulations by cross referencing Zoning Regulations Section 2.2.3 establishing rear yard exceptions to residential developments abutting industrial lots. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

III. BUSINESS MEETING

A. Continuation of New Business
B. Application Acceptance

1. **Zone Boundary Change – 401 & 405 Dudley Town Road, AG Zone to A Zone, Jubrey**
2. **Zoning Regulations Text Amendment – Section 8.1.6R, Building Height over 7 Stories, Alford**
3. **Special Use – 200 Northfield Drive, Building Height 71 Feet, Zoning Regulations Section 8.1.6R, I-1 Zone, ING/Hesketh**
4. **Special Use – 1001 Day Hill Road, Restaurants and Retail Establishments, Zoning Regulations Section 8.1.6E, I-1 Zone, Mototown Properties LLC/Alford**

The Commission directed that the above four applications would be accepted and scheduled for public hearing at the next regular TP&ZC meeting on April 11, 2006.

Commissioner Mips noted that the regular meeting in May might have to be rescheduled to May 16, 2006 due to the anticipated Budget Referendum meeting on May 9, 2006. She said that at this time the date is tentative and she expected that a definite date would be in place and announced at the TP&ZC meeting next month on April 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

The Commission directed that the above workshop would need to be rescheduled to the next TP&ZC meeting.

IV. MISCELLANEOUS

- A. **FYI: DEP** - Environmental Land Use Restriction and Easement Declaration for 115 Pierson Lane
- B. **FYI: CFPZA Quarterly Newsletter** – Winter 2006
- C. **FYI: Farmington River News** – Winter 2006
- D. **FYI: APA Planning Magazine** – February 2006 and March 2006

V. PLANNER'S REPORT

Town Planner Zavarella announced that this was his last TP&ZC meeting before he retires from the Town of Windsor. He said that it was a great pleasure to work here and he was sure that Eric Barz would carry on very in his place.

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 11:05 p.m.