

MINUTES ^{mm}
 TOWN PLANNING AND ZONING COMMISSION
 SEPTEMBER 12, 2006 7:00 PM
 COUNCIL CHAMBERS, TOWN HALL
 275 BROAD STREET, WINDSOR, CONNECTICUT
 2006 SEP 14 10 58 AM

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

ALSO PRESENT: Town Planner Barz and Planning Secretary Madison

Commissioner Mips opened the meeting at 7:00 p.m. Commissioner O'Brien was Acting Secretary and Alternate Commissioner Brookman was seated at 7:15 p.m.

I. NEW BUSINESS

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

1. **Letter from Robert Lodge** – 92 Ethan Drive, request for a variance of Zoning Regulations Section 4.4.14E to allow two driveways (existing and proposed driveways off of Harvest Lane)

Commissioner O'Brien read the above letter into the record.

Robert Lodge, 92 Ethan Drive said that he bought the property 2 month ago intending to put a garage in the rear yard and he checked with the Building Department before he bought the house, but he did not realize that the second driveway would be a problem. He explained that he would be unable to extend the existing driveway because it would be too near the propane tank fill pipe, which would be dangerous; therefore he was requesting a variance to Zoning Regulations Section 4.4.14E.

Commissioner Mips asked if Mr. Lodge intended to pave the second drive or leave it as stone. She said that leaving it as stone might be better so that more runoff would go into the ground instead of the street. Mr. Lodge said that he did intend to pave the second driveway.

Town Planner Barz said that the Zoning Regulations require that the first 20 feet of the drive from the street must be paved. He said that the applicant would also be required to repair the curb at the entrance to the driveway.

Motion: Commissioner O'Brien moved to grant a variance of Zoning Regulations Section 4.4.14E to allow two driveways at 92 Ethan Drive because it would be hazardous to access by the existing driveway. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 4-0-0.

2. **Letter from Ronald Eleveld** – 323 Dunfey Lane, request for determination of a special use for a Professional Office in the AG Zone (880 Palisado Avenue) pursuant to Zoning Regulations Section 2.1.15

Commissioner O'Brien read the above letter into the record.

Ronald Eleveld, 323 Dunfey Lane, said that he submitted an application for a Professional Office under Section 4.5.10 of the Zoning Regulations, but it was inappropriate because the property is zoned AG, not residential. He said that he would live in the home and use a portion for an office.

There was a general discussion.

Motion: Commissioner O'Brien moved for an affirmative determination for filing of a special use application for a Professional Office in a Dwelling in the AG Zone pursuant to Zoning Regulations Section 2.1.5 because it is a logical progression of the use. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 4-0-0.

3. **Letter from John Coughlin** – request to re-schedule the public hearing for the Special Use Re-approval application for Dunkin Donuts, 700 Poquonock Avenue until the next regular meeting on October 10, 2006 (See Public Hearing Item II.2)

Commissioner O'Brien read the above letter into the record.

Alternate Commissioner Brookman was seated at 7:15 p.m.

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

Commissioner Mips said that she went by to see the units being constructed at 33 Mechanic Street and she found it amazing what can be done with an old warehouse building.

C. Zoning Enforcement Officer's Report

- **Memo from ZEO McKinney - 20 Windsor Avenue, Status of Zoning Violation**

Commissioner Mips briefly reviewed the ZEO's memo which stated that on October 11, 2005, the Superior Court stipulated that a temporary injunction be entered against the above property.

Commissioner O'Brien asked if the business had closed.

Planning Secretary Madison noted that the court stipulation, attached to the ZEO's memo, required that the owner comply with the regulations within 60 days. She reported that the ZEO said that the last time that he observed the property, the business was cleaned out except for a couple of cars and there was a for-sale sign on the property.

D. CGS 8-24 Referral Requests

1. Modify the Street Line of a Portion of Marshall Phelps Road

Town Engineer Lenehan said that the STC is requiring the improvement of various intersections that are impacted by the relocation of ING to Windsor. He noted that there have been previous requests for purchases and releases of land in relation to this development. He stated that he was seeking a recommendation from the Commission for the approval of the release of 1,405 square feet of Town of Windsor owned property to the State for the purpose of modification of the street line of a portion of Marshall Phelps Road at Route 75. He said that the intent is to use the land as a right of way.

Motion: Commissioner O'Brien moved to recommend the approval of the use of 1,405 square feet of land at the intersection of Marshall Phelps Road and Route 75 in Windsor for the purpose of the modification of the street line of Marshall Phelps Road. The area to be used and the proposed street line modification is more specifically defined in the map "Map Showing Revised Street Line Portion of Marshall Phelps Road Prepared for Town of Windsor Poquonock Ave. (RTE 75) & Marshall Phelps Road Windsor, Connecticut Scale 1"=40' 02-10-06 Revised 06-07-06 Prepared by F.A. Hesketh & Associates, Inc. 6 Creamery Brook, East Granby, CT 06026". Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0

E. Pre-Application Scrutiny - None**F. Re-approvals/Revisions****1. Subdivision Extension – 52 Woodland Street, 90-day extension to file mylars, Holmes**

Julia Holmes, 142 East Barber, said that she has not been able to file the mylars because she is waiting for a utility easement from the owners of 25 David Circle. She said that the owners are now going through a divorce, which is causing a holdup.

Commissioner Mips asked if this was the last extension allowable for this subdivision and Town Planner Barz said that the applicant would be eligible for one more 90-day extension if the Commission approved this one.

Motion: Commissioner O'Brien moved to approve a 90-day extension for filing mylars for the 52 Woodland Street subdivision. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

G. Bonds**1. Subdivision Bond Acceptance – Huckleberry Farms, Morello Circle, Sal Morello**

Town Planner Barz said that Mr. Morello was seeking bond acceptance for the recently approved subdivision, Huckleberry Farms. He referenced the memo from the Town Engineering Department, which provided the required bond amount. He recommended approval subject to submission of proper bond instruments.

Motion: Commissioner O'Brien moved to accept the bond in the amount of \$106,110 for the Huckleberry Farms subdivision, Morello Drive subject to filing of the appropriate bond instruments. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

H. Site Plans

- 1. Site Plan – 175 Great Pond Drive, Office/Manufacturing 93,672 square feet, I-1 Zone, Winstanley Enterprises, LLC/Alford (See Public Hearing Items II. 4, 5, 6 & 7)**
 - **Memo from Fire Marshal Walker – September 12, 2006**
 - **Memo from Project Engineer Penney - September 12, 2006**
 - **Memo from Environmental Planner Groff - September 12, 2006**
 - **Memo from Town Planner – September**

The Commission directed that the above site plan would be heard during the public hearing portion of the meeting with the related applications for this site.

I. Minutes**1. July 12, 2006**

Page 2, Paragraph 5, correct the spelling of "Director"

Motion: Commissioner O'Brien moved to approve the minutes of July 12, 2006 as modified at the meeting. Commissioner Parker seconded the motion and it passed, 4-0-1. Alternate Commissioner Chiodo abstained due to non-presence.

2. July 25, 2006

Motion: Commissioner O'Brien moved to approve the minutes of July 25, 2006 as presented. Alternate Commissioner Parker seconded the motion and it passed, 3-0-2. Alternate Commissioners Chiodo and Brookman abstained due to non-presence.

II. PUBLIC HEARINGS

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

1. **Special Use – 148 Pleasant Street, Home Occupation, Massage Therapy, Zoning Regulations Section 4.5.15(7), A Zone, Loughran**

Carol Loughran, 148 Pleasant Street said that she wanted to have a massage therapy business at her home. She stated that she had met with staff and both the Police and Health Department have done their inspections and are fine with the space where she will be working. She said that her neighbors were aware of her plans and they were encouraging. She noted that it was a quiet occupation and there would be only one client at a time. She added that she was not planning on putting up a sign.

In response to a question from the Commission, Ms. Loughran said that her clients would park in the area of the driveway in front of the house.

Commissioner Mips said that the Fire Marshal noted that prior to opening, a fire inspector would need to check for any violations, so that would be a condition of approval.

Commissioner Mips opened the public hearing for this item. No one from the public came forward to speak regarding the application.

Town Planner Barz said that there was adequate room on the driveway, toward the front of the house, to allow one client to park without blocking the driveway. He said that since there would be no sign, there would be no outward indication that there was a business there. He recommended approval subject to an initial one-year time limit and Fire Marshal inspection.

Motion: Commissioner O'Brien moved to approve the Special Use application for a Home Occupation, Massage Therapy under Zoning Regulations Section 4.5.15(7) subject to a one-year time limit for the first year of operation and satisfactory inspection by the Fire Marshal. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

2. **Special Use Re-approval – 700 Poquonock Avenue, Hours of Operation – 5:00 a.m. Opening, Zoning Regulations Section 5.2.6D(3)(h), B-2 Zone, Dunkin Donuts/Coughlin**

The above application was rescheduled to the next regular TP&ZC meeting on October 10, 2006 upon request of the applicant.

3. **Special Use – 34 Bloomfield Avenue, Reduced Parking – Beauty shop, Zoning Regulations Section 5.2.6N, B-2 Zone, Davis**

Paulette Davis, 20 Victor Lane, South Windsor, said that she wanted to purchase the property to operate a beauty salon where she would do hair, facials and such.

Carlos Atherton, owner of 34 Poquonock Avenue said that the current use at the property was for offices, but Ms. Davis would like to use it for a beauty parlor and there was an issue of parking. He said that staff had suggested sharing parking with the diner behind the property, but the diner does not have more than the required parking spaces on his site. However, he said that the owner of the diner has agreed to allow of Ms. Davis' clients to park on his lot if needed. He said that there were five spots for parking plus 2 garage spots at the site. He also noted that there is street parking, if she is unable to share parking.

Commissioner O'Brien asked how much space Ms. Davis is going to take up in the building for her business. Mr. Atherton replied that she is going to start with just the first floor and in the future she wants to expand to the second floor.

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

Town Planner Barz said that the applicant has presented that she wants to purchase the property from Mr. Atherton and open a beauty salon. He said that she stated that she initially would have her business on the first floor and might live on the second floor. He noted that the third floor could not be rented without improvements. He said that the required number of parking spaces for the use of two floors is 14 spaces. He stated that by Special Use in Windsor Center, street parking can be considered for the required parking, which he said seems to be a reasonable request at this location. He said that if the first and second floors are used for the salon, the third floor cannot be used for occupancy.

There was a general discussion. Commissioner O'Brien said that it was nice to see someone wanting to open a business in Windsor Center and because the clients who come to the beauty salon would not be parking for long periods of time, so the request for reduced parking seemed reasonable. Commissioner Mips asked how many chairs the salon would have and Ms. Davis responded that there would be five chairs and she would have two employees. Town Planner Barz noted that the requested use was a permitted use in the B-2 Zone and the Special Use application is only for reduced parking.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner O'Brien moved to approve the Special Use application to reduce the number of parking spaces required for use as a beauty shop at 34 Bloomfield Avenue under Zoning Regulations Section 5.2.6N with the stipulation that the third floor shall never be used for housing or for a business. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

4. **Re-subdivision – 175 Great Pond Drive, 2 Lots, I-1 Zone, Winstanley Enterprises, LLC/Alford**
 - **CRCOG referral letter**
5. **Special Use - 175 Great Pond Drive, Reduced Parking, Zoning Regulations Section 8.1.6L, I-1 Zone, Winstanley Enterprises, LLC/Alford**
6. **Special Use - 175 Great Pond Drive, Building Height 65 feet, Zoning Regulations Section 8.1.6Q, I-1 Zone, Winstanley Enterprises, LLC/Alford**
7. **Special Use - 175 Great Pond Drive, Outside Storage, Zoning Regulations Section 8.1.6B, I-1 Zone, Winstanley Enterprises, LLC/Alford**

- I.F.1 Site Plan – 175 Great Pond Drive, Office/Manufacturing 93,672 square feet, I-1 Zone, Winstanley Enterprises, LLC/Alford**
- **Memo from Fire Marshal Walker – September 12, 2006**
 - **Memo from Project Engineer Penney - September 12, 2006**
 - **Memo from Environmental Planner Groff - September 12, 2006**
 - **Memo from Town Planner – September**

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

Wilson Alford, Jr., Alford Associates, Inc. said that he was presenting the above applications on behalf of the property owner Winstanley and the proposed tenant Emhart Glass. He said that Emhart doesn't make glass, rather they make the equipment for the procedures before and after the furnace for companies that do make glass. He explained that the proposed facility will be basically a laboratory where research and development will be done to make better grades of glass and they sell the equipment to produce it.

Mr. Alford said that the company intends to build in phases. The first phase will be the building that will hold the furnace which is scheduled to be delivered in March 2007. He said that the lease at their current location expires in May 2008 which will be the targeted date for completion of all phases. He presented a drawing and described the location of the site, the surrounding area, grading, drainage, parking and circulation. He said that the silo where the glass will be stored will be outdoors, so the maximum height allowed is 20-feet above the height of the building. He said that originally, they planned to store the silo inside the building, therefore a special use was filed for the height, but that application is not necessary and is being withdrawn.

Mr. Alford presented a perspective drawing of the front of the building and described the materials that would be used in the construction.

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

Town Planner Barz further reviewed the elevations of the entire building and the materials. He said that there were a number of applications, noting that the only outstanding issue for the re-subdivision application was the street numbers that will ultimately be used, and that will be between the Fire Marshal and the Assessor. He said that four memos were submitted from the Project Engineer, Fire Marshal, Environmental Planner and Town Planner. He recommended that if the Commission were inclined to approve the applications, that staff approval of all of the issues on these memos should be a condition of approval. He noted that the memos are staff's attempt to address recent issue about approvals subject to staff review and approval. He also recommended that the Commission allow a deferral of 50% for required parking. He added that the applicant would need a waiver of the grading requirements under Section 3.3.2F.

Commissioner O'Brien read the CRCOG letter into the record.

Mr. Alford said that he had no rebuttal and would accept all conditions as presented by the Town Planner.

There was a general discussion.

Motion: Commissioner O'Brien moved to approve the Re-subdivision application at 175 Great Pond Drive for two lots as presented by the applicant. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner O'Brien moved to approve the Special Use application at 175 Great Pond Drive for reduced parking under Zoning Regulations Section 8.1.6L subject to the applicant addressing all comments on the four memos from staff presented tonight to the satisfaction of the staff. The approval includes a waiver for deferral of up to 50% of the required parking as per staff. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner O'Brien moved to approve the Special Use application at 175 Great Pond Drive for outside storage under Zoning Regulations Section 8.1.6B subject to the applicant addressing all

comments on the four memos from staff presented tonight to the satisfaction of the staff. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner O'Brien moved to approve the Site Plan for Office/Manufacturing at 175 Great Pond Drive subject to the applicant addressing all comments on the four memos from staff presented tonight to the satisfaction of the staff. The approval includes a waiver of grading requirements under Zoning Regulations Section 3.3.2F. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

8. **Zoning Regulations Text Amendment – Section 3.1.18, Outdoor lighting, Town of Windsor**
- **CRCOG referral letter**

Town Planner Barz reviewed the proposed text amendment. He said that the intent of the amendment was to bring the regulation into conformance with current industry standards and reduce light pollution.

The Commission recommended the following modification: Remove the requirement of all stores to turn off their sign lighting after hours, because it is important for advertisement for people who normally do not drive by the area during the day.

Town Planner Barz said that he would add a section "O" as follows to provide some flexibility: "Where strict adherence to the recommended maintained horizontal illuminance requirements of these Regulations would cause undue hardship, the Commission, Town Planner or Zoning Enforcement Officer may modify those requirements."

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

Commissioner O'Brien read the CRCOG letter into the record.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner O'Brien moved to approve the Zoning Regulations Text Amendment to Section 3.1.18, Outdoor lighting as modified at the meeting. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

9. **Zoning Regulations Text Amendment – Sections 3.9 and 15.6.4, Minor technical revisions and conditions of Special Use and Site Plan approval, Town of Windsor**
- **CRCOG referral letter**

Town Planner Barz reviewed the proposed text amendment. He said that the amendment, as suggested by the Commission, is intended to address the recent issue where the applicant thought that the staff overstepped its bounds under an approval subject to staff review and approval.

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

Commissioner O'Brien read the CRCOG letter into the record.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner O'Brien moved to approve the Zoning Regulations Text Amendment to Sections 3.9 and 15.6.4 as presented because it provides criteria for staff review and approval and will codify a longstanding practice of the Commission. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

10. Subdivision Regulations Text Amendment – Section 6.3, Subdivision Approvals, Town of Windsor

Town Planner Barz reviewed the proposed text amendment. He noted that it was very similar to the previous text amendment presented and was intended also to address staff review and approval.

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner O'Brien moved to approve the Subdivision Regulations Text Amendment to Section 6.3, Subdivision Approvals as presented because it provides criteria for staff review and approval and will basically codify a longstanding practice of the Commission. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

11. Subdivision Regulations Text Amendment – Section 4.8.3(B) and 4.8.4, Sidewalks, Town of Windsor

Town Planner Barz reviewed the text amendment. He said that the intent of the amendment was to require sidewalks in all subdivisions unless waived by the Commission, rather than the previous wording that sidewalks may be required by the Commission. He noted that the amendment included the specific criteria by which the sidewalk requirement could be waived. He said that a new sentence, 3.(B), was added to eliminate a conflict between Engineering Standards and the Zoning Regulations. He said that it also gave the Commission discretion to require wider sidewalks in appropriate locations, citing in front of the Plaza building as an example.

The Commission recommended the following modification to clarify the requirement for sidewalks on arterial roads, Section 4.8.4(C): "In the interest of pedestrian safety, when a subdivision has frontage on an arterial street, as identified in the Windsor 2004 Plan of Conservation and Development, sidewalks shall be required on both sides of the street. The developer shall only be responsible for the sidewalk on the side of the street contiguous to the proposed development. Sidewalks on the opposite side of the street shall be provided as that property is developed or as the Town may provide at its discretion."

Motion: Commissioner O'Brien moved to approve the Subdivision Regulations Text Amendment to Sections 4.8.3(B) and 4.8.4, Sidewalks as modified at the meeting because it provided clarification of the sidewalk regulations. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.

III. BUSINESS MEETING

A. Continuation of New Business - None

B. Application Acceptance

1. **Subdivision – 1032 Palisado Avenue**, 2 lots, Zones AG, A & AA, Omeara/Alford
2. **Zone Boundary Change – 280 Windsor Avenue**, B-2 Zone to NZ Zone, Hopewell Baptist Church/Chase
3. **Subdivision – 401, 405 and 409 Dudley Town Road**, 11 Lots, AA Zone, Jubrey/Alford
4. **Special Use – 96 Poquonock Avenue**, Expansion of Massage Therapy business, Zoning Regulations Section 4.5.15, R-8 Zone, Therapeutic Solutions/Simard
5. **Special Use – 1001 Day Hill Road (Mototown)**, Manufacturing and sales of new motorcycles, Zoning Regulations 8.1.6C, I-1 Zone, Twisted Steel Custom Cycles, LLC/Liappes

C. Old Business - None

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

1. **Request from Town Manager** – for the Commission's input with respect to the Town's capital needs for the CIP FY 2008-2013

The Commission said that they would like to see the plans for reconstruction of Pigeon Hill Road with sidewalks to be moved up on the priority list in light of the recently approved residential subdivision at Lamberton Road and Pigeon Hill Road.

2. **Updated Application Forms** – for TP&ZC approval
3. **FYI: Office of Community Development Notice – Reconstruction of Pleasant Street**, notice of no significant impact on the environment and request for release of funds
4. **FYI: Overview of Aquifer Protection in CT**
5. **FYI: CFPZA Quarterly Newsletter** – Summer 2006
6. **FYI: Combustion Engineering Environmental Newsletter** – Summer 2006
7. **FYI: STC** – Notice of Traffic Certificate issued for 200 Northfield Drive, ING
8. **FYI: STC** – Notice of Traffic Certificate issued for 911 Rainbow Road, Griffin Land
9. **FYI: Site Plan 3.9 Revision - 240 Palisado Avenue (River Meadow Farm)**, Special Event Sign, K-9 Trials, AG Zone, Jan Adams
10. **FYI: Site Plan 3.9 Revision – 758 Rainbow Road**, Add 3 Overhead Doors and Relocate 2 HC Parking Spaces, I-1 Zone, Griffin/Lally

Town Planner Barz reviewed the above two 3.9 Site Plan Revisions that were recently approved by Staff.

11. **FYI: APA Magazine** – May, July and September 2006

Commissioner O'Brien said that he would not be able to attend the October 10, 2006 meeting.

V. PLANNER'S REPORT**VI. ADJOURNMENT**

Motion: Commissioner O'Brien moved to adjourn the meeting at 9:30 p.m. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.