

MINUTES RECEIVED  
SPECIAL MEETING  
TOWN PLANNING AND ZONING COMMISSION  
JULY 12, 2006 7:00 PM  
COUNCIL CHAMBERS, TOWN HALL  
275 BROAD STREET, WINDSOR, CONNECTICUT

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

**ALSO PRESENT:** Town Planner Barz and Planning Secretary Madison

**I. NEW BUSINESS**

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

Commissioner Profe read the following three letters into the record.

1. **Letter from Jay Podorowsky, 5 Meadowlark Drive** – regarding outdoor operation of motorbikes at Mototown USA on Day Hill Road

There was a general discussion. It was noted that the property where the outdoor motorbike activity was taking place was on the parcel adjacent to Mototown USA and a special use for fill and fill removal were recently approved at that location. There was a general consensus that motorbike activity is not permitted at fill and fill removal sites and it was a Zoning Enforcement issue.

2. **Letter from Ballymeade Association Board of Directors** – regarding steep grading at Ballymeade Condominiums, Unit 205 Kenswick Lane

Town Planner Barz said that he went by the property and he spoke with Assistant Building Official (ABO) Ruzzo who was mentioned in the letter. He said that he did not know why the grading was not the same as what was approved on the site plan and the as-built grading was an inconvenience to the property owner because, unlike the homes behind them, they do not have a level area at the back of their home to set up a barbecue, etc. He also noted that ABO Ruzzo did not say that there may be a safety issue as stated in the letter and he agreed with Mr. Ruzzo.

There was a consensus of the Commission that the matter was beyond their purview and the homeowner and the developer needed to work the matter out between them. Town Planner Barz said that he would speak with the developer as well.

3. **Letter from Griffin Land and Nurseries, Inc.** – withdrawing the two special use applications for 872 Stone Road and 976 Stone Road (See II. Public Hearing Items 3 and 4)

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

Commissioner Kelsey asked if there was a report regarding the issue about cars in the back yard of 631 Park Avenue. Planning Secretary Madison said that the Zoning Enforcement Officer (ZEO) said that the large truck had been removed. Commissioner Kelsey said that there were still several cars parked at the back of the property and Ms. Madison said that she would follow up on the matter with the ZEO.

Commissioner Profe said that an issue was raised at the last meeting regarding the modification to the grading at Wyndemere that was approved by staff under Zoning Regulations Section 3.9. He requested that future 3.9 staff approvals be reported to the Commission. Commissioner Mips said that 3.9 approvals were reported to the Commission in the past and Town Planner Barz said that that procedure would be reinstated.

Commissioner Profe said that the construction trucks working on the development at Stone Road and Rainbow Road have not been using International Drive to access the site as was a condition of approval for that development. He said that if the truck drivers are using a GPS to get directions to the site, they need to be made aware by the developer that they are not permitted to use that route. Town Planner Barz said that he would speak with the developer.

There was a discussion about the berms at the same site and Commissioner Profe requested the developer come before the Commission if any substantial changes to the berms were proposed.

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

## **D. CGS 8-24 Referral Requests**

### **1. Release of parcel to State of Connecticut**

Economic Developer Burke said that the Commission previously recommended the acquisition of the parcel of land on Route 75 at Day Hill Road in support of the infrastructure improvements required by the STC for the relocation of ING to Windsor. He said that the Commission was now being asked to make a favorable recommendation regarding the disposition of this parcel of property to the State. He stated that the State would not accept the quit claim deed received from the property owners, therefore the Town must acquire a Certificate of Taking from Superior Court and then transfer that interest to the State.

In response to a question from the Commission he said that the land would be used for the widening of Poquonock Avenue at Day Hill Road.

**Motion: Commissioner Profe moved to approve the release to the State of Connecticut of the property as described in the attached schedules A and B. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

## **E. Pre-Application Scrutiny**

### **1. Proposed Road and Lot Layouts – 593 Park Avenue, 27 lots, AG Zone, Rivertown Village Associates, Inc./Lally**

Ed Lally, Ed Lally and Associates, Inc. presented a drawing and described the proposed 27 lot subdivision on 22.5 acres adjacent to the Rivertown Village development. He said that it would be an age restricted development in the AG zone with individual lots on a 28-foot wide private road that would be accessed off of Stillwater. He said that the applicant was working with the Fire Marshall regarding some concerns that were raised regarding the access and emergency services. He said that in keeping with the standard in Rivertown Village, there would be a bituminous walk around the development on at least one side of the road and he noted that a right-of-way to the open space had been provided between two of the homes.

In response to a question from the Commission, Mr. Lally said that it would be too costly to provide a road out to Park Avenue, rather than coming off of Stillwater.

## **F. Re-approvals/Revisions**

## **G. Bonds**

## **H. Site Plans**

- 1. Site Plan – 1733 Poquonock Avenue, parking lot, NZ Zone, St. Joseph's Church/Alford**
  - **Wetland/Watercourse Permit – July 6, 2006**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the existing and proposed parking area at St. Joseph's Church. He stated that last month the applicant received zone change approval and was now seeking site approval for a parking lot on that parcel. He explained that when the church was built back in the 1800's there were no parking spaces provided and currently there are only 20 existing parking spaces. He said that he spoke with the Fire Marshal regarding his concern that that the turnaround area was inadequate for a ladder truck. He said that the Fire Marshal agreed that a ladder truck would not be needed to fight a car fire and the turnaround area was adequate for a smaller truck. He said that the Environmental Planner had recommended that the arborvitae be alternated with eastern cedar so that if a blight that destroyed one species, the other would survive and only half of the trees would be lost. He said that he could not get the eastern cedar at the local nursery and he preferred to plant only the arborvitae.

Commissioner Parker briefly left the meeting.

Town Planner Barz said that both the Town Engineer and the Fire Marshal signed off on the plans that were submitted to them this afternoon as well as the other staff members except the

Environmental Planner who is on vacation. He recommended approval subject to a resolution of the landscaping issue.

**Motion: Commissioner Profe moved to approve the Site Plan application at 1733 Poquonock Avenue for a parking lot subject to the following condition: 1) resolution of landscaping issues with the Environmental Planner. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.**

Commissioner Parker returned to the meeting and was reseated.

## **I. Minutes**

### **1. June 13, 2006**

**Page 2, 2nd and 3rd motion - correct to show that Commissioner O'Brien seconded the motion, not Commissioner Kelsey.**

**Commissioner Profe moved to approve the minutes of June 13, 2006 as amended, Commissioner O'Brien seconded the motion and it passed 4-0-1, with Commissioner Kelsey abstaining for non-presence.**

## **II. PUBLIC HEARINGS**

Commissioner Mips opened the public hearings at 7:33 pm and Commissioner Profe read the legal notice.

Commissioner Mips announced that items 3 and 4 were withdrawn by the applicant.

- 1. Special Use – 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, 6 Single-Family Homes with a Private Road, Zoning Regulations Section 4.5.4, R-8 Zone/R-13 Zone, Sasportas Company/Lally**
- 2. Subdivision – 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, 6 Single-Family Homes with a Private Road, Zoning Regulations Section 4.5.4, R-8 Zone/R-13 Zone, Sasportas Company/Lally**

Ed Lally, Ed Lally and Associates, Inc. said that the applicant, Jon Sasportas, previously applied for a special use to construct 8 homes, not on individual lots, and received approval from this Commission. He said that the applicant is now proposing to build 6 homes on individual lots, which will be more in keeping with the surrounding neighborhood. He presented a drawing and described the site and proposed site layout for the subdivision. He said that because there was no useable road frontage on this property a stub was left off of Amanda Circle for access, but it is no longer viable because of the valuable wetlands in that area, therefore a private road off of Portman Street is being proposed. He said that the homes would be served by public water and sewer and the road would be constructed to Town standards.

Regarding the Town Engineer's comments, Mr. Lally said that a driveway turnaround area would be offered to the buyers. He said that because there are so few homes and the road is so short, he does not feel that sidewalks are necessary. He said that he would work out the details of the bio-filter and retention issues with the Town Engineer and he requested that that be a condition of approval. He noted that the house at 918 Windsor Avenue would be provided a driveway out to the cul de sac and the address would be changed.

In response to questions from the Commission, Mr. Lally said that the driveways would be stone with a bituminous apron unless the buyer requests something different.

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

Town Planner Barz requested that the lot that is currently known as 918 Windsor Avenue be provided fee simple access to the cul de sac. He also asked that the applicant work with the Town Engineer to modify the plans with a note on the plan that speaks to the drainage.

Project Engineer Penney spoke to the drainage issue, which he said involves utilization of a natural detention area at the site. Regarding the sidewalks, Mr. Penney said that his request for sidewalks is consistent with Town Engineering standards. He noted that the sidewalks would connect with the existing sidewalks on Portman Street.

Commissioner Mips said that she did not feel that sidewalks were needed on a cul de sac with only six houses.

Town Planner Barz recommended approval subject to sidewalks as recommended by the Town Engineer and resolution of the detention basin issue. He said that the Environmental Planner was on vacation, so did not have an opportunity to sign off on the plans, so he recommended that the approval also be subject to her approval of the number and species of vegetation.

There was a general discussion regarding the housing styles and Mr. Lally said that the applicant had no objection to referencing the styles that were part of the previous approval.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the application for a Special Use at 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, for six single-family homes with a private road under Zoning Regulations Section 4.5.4 subject to the following conditions: 1) the housing styles shall be the same as those that were previously approved; 2) final Environmental Planner review and approval regarding the number and species of vegetation on the landscaping plan; 3) fee simple access shall be provided to lot four; and 4) final Engineering Department approval of the detention basin. The approval includes a waiver of pavement width. Commissioner Kelsey seconded the motion and it passed 5-0-0.**

**Motion: Commissioner Profe moved to modify and approve the application for a Subdivision at 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, for six lots. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.**

3. **Special Use – 872 and 976 Stone Road, Fill Removal, Zoning Regulations Section 2.4.15L, AG Zone, Griffin Land/Lally**
4. **Special Use – 872 and 976 Stone Road, Filling, Zoning Regulations Section 2.4.15M, AG Zone, Griffin Land/Lally**
  - **Letter from Michael and June Daugherty – 48 Birchwood Road**
  - **Letter from Marie and George Dixon – 99 Hilltop Road**
  - **Letter from Allen and Ellen Reed – 95 Hilltop Road**
  - **Letters (2) from Anthony and Christine Juliano – 102 Birchwood Road**

The above two applications were withdrawn by the applicant.

### **III. BUSINESS MEETING**

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

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

1. **Special Use – 148 Pleasant Street, Home Occupation, Massage Therapy, Zoning Regulations Section 4.5.15(7), A Zone, Loughran**
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 Commission directed that the above two applications be scheduled for public hearing at the next regular meeting on September 12, 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 Town Planner submit formal applications for the above five proposed text amendments.

#### **IV. MISCELLANEOUS**

##### **A. Town Planner's request for a Legal Opinion regarding Amolia Farms Subdivision Approval (on behalf of the Commission) and response from Town Attorney**

Commissioner Profe read the above letters into the record.

In summary, Town Planner Barz said that under the staff approval given by the commission, the staff cannot require the applicant to install sidewalks at the Amolia Farms Subdivision. He said that he will be submitting a text amendment application to establish regulations for sidewalks in the future. He said that he would also propose a regulation to define what staff review and approval encompasses over the next two months to establish what issues can and cannot be determined under staff review and approval. He said that he would like to submit the applications for approval at the special meeting on July 25, 2006.

There was a general discussion. Commissioner O'Brien suggested that in light of this residential development and the need to address this safety issue, the reconstruction of Pigeon Hill Road should be moved up on the CIP since the developer will not be installing the sidewalks.

Town Planner Barz said that in order to give the Commission and the citizens who are interested in the plans that are presented with the applications, he would be working with people like Mr. Alford and Mr. Lally to set up procedures that will provide that the plans that will be presented to the Commission will be available for review before the meeting packets are sent out. He said that he would like to leave some flexibility in the regulations, but there was a need to tighten things up in some areas.

##### **B. STC Traffic Investigation Report – 200 Northfield Drive Office Park Expansion (ING)**

##### **C. STC Certificate Approval – 200 & 300 Corporate Drive, Hotel and Office Development**

#### **V. PLANNER'S REPORT**

Town Planner Barz announced that the new Assistant Planner, Renata Bertotti will be starting on July 24, 2006.

**VI. ADJOURNMENT**

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

The meeting ended at 8:25 p.m.

**NOTICE OF ACTIONS  
TOWN PLANNING AND ZONING COMMISSION  
JULY 12, 2006**

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

**Motion:** Commissioner Profe moved to approve the release to the State of Connecticut of the property as described in the attached schedules A and B. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

**Vote:** Mips, yes; Profe, yes; Kelsey, yes; Parker, yes; O'Brien, yes

**Motion:** Commissioner Profe moved to approve the Site Plan application at 1733 Poquonock Avenue for a parking lot subject to the following condition: 1) resolution of landscaping issues with the Environmental Planner. Commissioner Kelsey seconded the motion and it passed unanimously, 4-0-0.

**Vote:** Mips, yes; Profe, yes; Kelsey, yes; O'Brien, yes

**Motion:** Commissioner Profe moved to approve the minutes of June 13, 2006 as amended at the meeting, Commissioner O'Brien seconded the motion and it passed 4-0-1, with Commissioner Kelsey abstaining for non-presence

**Vote:** Mips, yes; Profe, yes; Kelsey, abstained; Parker, yes; O'Brien, yes

**Motion:** Commissioner Profe moved to approve the application for a Special Use at 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, for six single-family homes with a private road under Zoning Regulations Section 4.5.4 subject to the following conditions: 1) the housing styles shall be the same as those that were previously approved; 2) final Environmental Planner review and approval regarding the number and species of vegetation on the landscaping plan; 3) fee simple access shall be provided to lot four; and 4) final Engineering Department approval of the detention basin. The approval includes a waiver of pavement width. Commissioner Kelsey seconded the motion and it passed 5-0-0.

**Vote:** Mips, yes; Profe, yes; Kelsey, yes; Parker, yes; O'Brien, yes

**Motion:** Commissioner Profe moved to modify and approve the application for a Subdivision at 57 Portman Street and 50T Valley View Drive, Ainsley's Meadow, for six lots.

**Vote:** Mips, yes; Profe, yes; Kelsey, yes; Parker, yes; O'Brien, yes

1. **Special Use – 148 Pleasant Street**, Home Occupation, Massage Therapy, Zoning Regulations Section 4.5.15(7), A Zone, Loughran
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 Commission directed that the above two applications be scheduled for public hearing at the next regular meeting on September 12, 2006.**

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 Town Planner submit formal applications for the above five proposed text amendments.**

**Motion:** Commissioner O'Brien moved to adjourn the meeting at 8:25 p.m. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

**Vote:** Mips, yes; Profe, yes; Kelsey, yes; Parker, yes; O'Brien, yes