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**MINUTES
TOWN PLANNING AND ZONING COMMISSION
NOVEMBER 14, 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, Chiodo and Clark were present,
but not seated

ALSO PRESENT: Town Planner Barz, Assistant Planner Bertotti and Planning
Secretary Madison

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7:00 p.m.

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

1. **Letter from Jubrey Enterprises, LLC** – requesting that the Commission recess the public hearing for a Subdivision at 401, 405 and 409 Dudley Town Road until the next regular TP&ZC meeting in December (**See Public Hearing Item II.2**)
2. **Letter from Levy & Droney, P.C.** – requesting that the Commission postpone the public hearing for the Zoning Regulations Text Amendment to Section 11.6 until the next regular TP&ZC meeting in December (**See Public Hearing Item II.9**)

Commissioner Profe read the above two letters into the record.

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

Commissioner Mips said that she noticed that some trees had been removed and from a vacant parcel on Merriman Road. She said it looked like a road had been made and she asked if it was temporary for construction and if the trees would be replaced when it was no longer needed.

Town Planner Barz said that some pipes were being laid there to connect utilities to another site and the trees would be replaced when the work is completed.

C. Zoning Enforcement Officer's Report

Town Planner Barz reported that the unregistered vehicle violation at 631 Park Avenue that Commissioner Kelsey brought up at the last meeting was referred to the Windsor Police Department for action. He said that the officer investigating the violation has sent a letter to the resident, because he was unable to reach the resident at home, and he was awaiting a response. Mr. Barz noted that the resident has 15 days to respond to the violation letter.

D. CGS 8-24 Referral Requests – None

E. Pre-Application Scrutiny – None

F. Re-approvals/Revisions – None

G. Bonds – None

H. Site Plans

- 1. Site Plan Revision – 200 & 300 Corporate Drive, Add 40 rooms to Residence Inn and revise parking, I-1 Zone, PRA Suites/Alford (See Public Hearing Item II.7)**

The Commission directed that the above application would be heard during the public hearing portion of the meeting with the related Special Use application.

I. Minutes

- 1. September 12, 2006**

Page 2, paragraph 10, line 2 – remove the word “the” before “he” at the end of the line

Motion: Commissioner O’Brien moved to approve the minutes for September 12, 2006 as modified at the meeting. Commissioner Profe seconded the motion and it passed 3-0-2, with Commissioners Profe and Kelsey abstaining due to non-presence.

- 2. October 10, 2006**

Motion: Commissioner Profe moved to approve the minutes for October 10, 2006 as presented. Commissioner Kelsey seconded the motion and it passed 4-0-1, with Commissioner O’Brien abstaining due to non-presence.

II. PUBLIC HEARINGS

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

- 1. *Subdivision – 1032 Palisado Avenue, 2 lots, Zones AG, A & AA, Omeara/Alford**
 - Zoning Board of Appeals Variance**
 - IWWC Permit**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the location of the parcel, noting the location of an existing barn and house on the front lot. He stated that the

applicant has secured a variance for the distance of the barn from the proposed side property line. He said that the proposed lot sizes would be approximately 32 acres and 16 acres.

Commissioner Mips asked if the home would be sprinklered as recommended by the Fire Marshal and Mr. Alford said yes.

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

Town Planner Barz said that the lot line alongside the barn showed a hard 90 degree turn into the second lot and the Fire Marshal said that the angle would be too much for emergency vehicles and should be softened. Mr. Barz recommended that the line should be modified with this subdivision proposal because it will likely require a lot line revision in the future if it is not taken care of now.

In rebuttal, Mr. Alford noted that sprinklers were only recommended, but not required. Commissioner Mips said she believed that it would make sense to sprinker a nice new home if one were build on the lot.

Commissioner Mips closed the public hearing for this item.

There was a general discussion regarding modification of the lot line to address the comment from the Fire Marshal.

Motion: Commissioner Profe moved to modify and approve the application for Subdivision at 1032 Palisado Avenue for 2 lots in the AG, A and AA Zones subject to Fire Marshal approval of modification of the lot line to accommodate access by emergency vehicles. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

2. *Subdivision – 401, 405 and 409 Dudley Town Road, 11 Lots, AA Zone, Jubrey/Alford
 - Letter from George Kotowicz – 381 & 385 Dudley Town Road
 - Environmental Planner Comments 11/06/06 and IWWC Minutes of 09/06/06

Motion: Commissioner Profe moved to recess the application for Subdivision at 401, 405 and 409 Dudley Town Road for 11 lots in the AA Zone until the next regular meeting on December 12, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

3. **Special Use Re-Approval – 464 Broad Street, Two-Family Home, Zoning Regulations Section 4.5.1, R-13 Zone, Hogan**

Mary Hogan, 464 Broad Street said that the original Special Use permit to convert her home to a two-family home was approved several years ago. She said that she has come before the

Commissioner two previous times for re-approval and she is seeking another 10-year re-approval for the special use. She said that the last re-approval has expired and she apologized for being late submitting her application for re-approval.

Commissioner Mips confirmed with the Town Planner that, if approved, the time limit start date would be backdated to the expiration date of the prior approval.

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

Town Planner Barz said that no problems have been reported at this site since the last re-approval and he recommended re-approval with same 10-year time limit.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use re-approval at 464 Broad Street for a two-family home under Zoning Regulations Section 4.5.1 with a time limit of 10 years retroactive to the 2004 expiration date of the previous approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

4. Special Use – 20 Larch Drive, 1,200 sq. ft. Accessory Building, Zoning Regulations Section 4.5.17, A Zone, Heredia

Alberto Heredia, 20 Larch Drive said that he was seeking a special use permit to put up an accessory building in his back yard. He presented a drawing and described where the building would be located at the back of his lot. He distributed a pamphlet showing the type of structure he planned to put up.

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

Town Planner Barz said that there were some outstanding issues regarding this application. He said that there was a concern that vehicles might drive over the septic system in the back yard because there was no driveway to guide access to the proposed structure. He said that although the current owner knows where the septic tank and leach fields are, it could become a problem with the new homeowners if the property were sold.

Regarding the structure itself, Town Planner Barz said that the special use regulation has criteria to insure that these structures will not be out of character with the surrounding neighborhood. He said that the building proposed by the applicant looks industrial and at 1,200 square feet in size, it is as large as some of the homes in the neighborhood.

In rebuttal, the Mr. Heredia said that he did not want to put in a paved driveway, but he did intend to put down a graveled way along the side of the property, not over the septic system.

Commissioner Profe said he felt that the proposed building had a commercial look, like it was intended to store commercial vehicles. In response, Mr. Heredia said that there would be windows in the doors and it would be about the same color as the house. He said that one of the overhead doors was 11 x 10 feet and the other was 8 x 10 feet, noting that the larger door would allow him to park an RV in the building if he purchased one in the future.

Commissioner Kelsey said he felt that it looked like it did not meet the criteria of the regulation, especially with the metal roof. Mr. Heredia responded that there were different color options for the roof.

Commissioner O'Brien agreed that it did not appear to meet the criteria of the regulation. He said that if it were a large garage constructed of the same building materials as the house, it would be more fitting, but he agreed that it looked more commercial, especially with the metal roof.

Mr. Heredia said that he had letters from the neighbors that they had no objection to the proposed building and he stated that he would put vinyl siding on the building if the Commission wanted him to.

The Commission concurred that they could not approve the special use request as presented and recommended to the applicant that the hearing be continued to give him a chance to bring more detailed plans back to the Commission in December since he should now have a better idea of what the Commission is looking for.

Motion: Commissioner Profe moved to recess the application for Special Use at 20 Larch Drive for a 1,200 square-foot accessory building under Zoning Regulations Section 45.17 until the next regular meeting on December 12, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

5. **Special Use - 599-703 Poquonock Avenue**, Revise condition of approval for development on a site of more than two acres, Zoning Regulations Section 5.2.6I, B-2 Zone and AA Zone, North Central Square, LLC/Alford
 - **Special Use Approval Letter**

Harry Freeman spoke upon behalf of the applicant North Central Square, LLC. He said when the special use was originally approved at this site, the lighting regulations called for 14 foot light poles in the parking lot, which was made a condition of approval. He stated that when the lighting plan was being prepared in compliance with the regulation, it was found that it would be impossible to do that configuration. He said that it resulted in a lot of hot spots and dark spots. He noted that at that time, the Town Planner had said that there was another site in town that was finding it impossible to comply with the regulation as well.

Mr. Freeman said that a new lighting regulation was recently approved by the Commission, which calls for down lighting to keep all of the light on the site with 24-foot poles rather than 14-foot poles. He stated that to be in compliance with the old regulation a light pole on an island for every three or four parking spaces would be required. He added that the Town Planner said that the new regulation corrected an over lighting problem created by the old regulation.

Commissioner Mips requested public comments.

Speaking neither for nor against the application:

Dave Gillette, 592 Poquonock Avenue said that the location of this site is in a small business zone with major residential around it. He said that he is concerned that the whole area is becoming trashed and he noted that there were currently many signs and banners up that violate the zoning regulations. Regarding the lights, he said that he was concerned that if the lights are not properly adjusted on the higher poles there was a better chance that they would shine away from the lot.

Ruth Farbach, 592 Poquonock Avenue said that she was concerned about the follow-up on the installation of signs and lighting once they are approved. She said that down lighting is currently installed, but it there was a problem with the way it was angled, not pointing at the ground. Regarding signs, she said that there are all kinds of small paper signs and banners all over town that are not within zoning regulations and she hoped that the Town would take a look into all the small signs all over town.

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

Town Planner Barz said that the Zoning Enforcement Officer (ZEO) spoke with him about signs within the last two weeks. He said that the ZEO reported that signs were becoming a major problem, but with all the work going on with the new construction it is hard to put together a comprehensive enforcement program for signs.

Regarding the site lighting, Town Planner Barz said that this is the second applicant that has come before the Commission since the lighting regulation was amended. He said that, as Mr. Freeman said, with poles at 14 feet, it forced so many poles that it became untenable. He said that he understood the concern of the abutters regarding the angle of the lights on the poles, but he said that the new regulation does not allow lights to be angled up. He noted that light levels go down in some areas where there was no customer traffic, such as at the loading area. He stated that the conditions of the special use were also placed on the Site Plan and he recommended that the TP&ZC allow staff to review and approve the site lighting plan under Zoning Regulations Section 3.9, if the Commission is inclined to remove the condition from the Special Use.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use at 599-703 Poquonock Avenue to remove condition number 4 of the previous approval for development on a site of more than two acres under Zoning Regulations Section 5.2.6I, which refers to the lighting plan. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

There was a consensus of the Commission that the Site Plan revisions would be handled by staff as recommended by the Town Planner. Town Planner Barz said that the applicant has submitted the lighting plan and the photometric plan for review and approval.

Regarding the sign enforcement issue, Commissioner Kelsey said that the sign problem seems to be symptomatic because we do not have a full time Zoning Enforcement Officer and maybe as part of the next budget review, a full-time ZEO could be considered by the Town Council.

6. Special Use – 123 Day Hill Road, Outside Storage, Zoning Regulations Section 8.1.6B, I-1 Zone, Permasteelisa

Frank Plewa represented Permasteelisa, 123 Day Hill Road. He said that the applicant is seeking re-approval for outdoor storage, which the company has been doing for the past five or six years. He said that the company could not operate without outside storage. He presented photographs that showed various views of the site from Day Hill Road to demonstrate that the storage area is not visible from the street.

Commissioner Mips thanked the applicant for the photos because they were a very helpful to the Commission in making their decision.

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

Town Planner Barz said that staff had signed off on the application and he noted that during the review with staff, the applicant requested a five-year time limit. He said that the applicant has been given a two-year time limit on the prior applications and since the area has been well maintained, he felt that a five-year time limit would be reasonable and he recommended approval.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use Re-approval at 123 Day Hill Road for outside storage under Zoning Regulations Section 8.1.6B subject to a five-year time limit and all relevant previous conditions of approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

7. Special Use – 200 & 300 Corporate Drive, Increase residence inn height from 5 stories to 7 stories, I-1 Zone, PRA Suites/Alford (See Site Plan Item I.H.1)

Site Plan Revision – 200 & 300 Corporate Drive, Add 40 rooms to Residence Inn and revise parking, I-1 Zone, PRA Suites/Alford

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

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the site where approval was previously granted for a seven-story office building and a five-story hotel. He said that the applicant is seeking approval to increase the height of the hotel to seven-stories, which will result in an additional 40 rooms. He said that he understood that the demand for about 10,000 room-nights will be generated by the Traveler's University, soon to open on Lamberton Road, and he felt that the additional rooms would be satisfying a need in Windsor's industrial area.

Mr. Alford said that the only change on the site plan would be the phase line to allow for the additional parking spaces that would be required for the addition of rooms. He said that the size of the office building would be reduced in relation to the parking spaces lost to the hotel expansion. He noted that the Fire Marshal is satisfied with the two additional stories proposed for the hotel.

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

Town Planner Barz said that staff has been meeting with the applicant over the past several months. He said that soon the demand for hotel rooms would outnumber the supply, so the applicant was encouraged to add rooms and reduce the size of the office accordingly. He said that he has also worked with the applicant on materials for construction and he felt that the design of the building is much nicer than originally proposed. He said that the Town Engineer was concerned that 30 extra hotel rooms might generate more traffic, but he felt that it would be a reverse flow from traffic leaving the industrial sites. Town Planner Barz also noted that because of the close proximity especially of the Travelers University, it is likely that shuttles will be used rather than individual vehicles.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use at 200 & 300 Corporate Drive to increase the height of the residence inn from five stories to seven stories under Zoning Regulations Section 8.1.6Q, subject to all prior conditions of approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the application for Site Plan at 200 & 300 Corporate Drive to add 40 rooms to the residence inn and revise parking subject to final staff review and approval; and all appropriate prior conditions of approval. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

8. Zone Boundary Change – 770 Matianuck Avenue, AG Zone to R-13 Zone, Rayco/Alford

- **IWWC Legal Notice** – Decision at meeting on November 8, 2006

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the site and the surrounding area. He said that the applicant was seeking approval to change the zone of the 7.6 acres from AG to R-13. He noted that the applicant has won awards for two active adult developments in Town and he said that the applicant intended to build single family homes at this site that would be marketed to active adults, but without the restrictions associated with active adult development.

Mr. Alford presented a drawing showing the site and the surrounding zones. He said that the frontage on the parcel is already zoned R-13 and it is surrounded by both the A zone and the R-13 zone. He stated that the future land use map in the Plan of Conservation and Development (POCD) shows low-density residential, which would make the change to R-13 in conflict with the plan, but any zone change must also take into account the existing zoning in the areas and he said that he felt that the R-13 zone was consistent with the existing zones and therefore, by default, was consistent with the POCD. He said that the property has no steep slopes, virtually no wetlands, city water and sewer, it is on an arterial road and on a bus line and therefore, it meets the criteria for areas where density could be increased, as per POCD Section 7-1.

Commissioner Profe asked what the difference would be in the number of homes that could be built if the parcel was rezoned to A rather than R-13. Mr. Alford responded that the difference would be about three homes.

Mr. Alford presented a sketch of the preliminary subdivision plan. Town Planner Barz cautioned the Commission that this hearing was for a zone change only, so the subdivision sketch was only academic, and therefore could not be considered when making a decision on the zone change.

Commissioner Mips requested public comments. Speaking against the application:

Howard Jubrey, 18 Country Club Drive said that he felt that if the zone was changed to R-13, and was accessed from Sunnyfield Drive, which is zoned A, it would bring down property values.

Matthew Fontana, 37 Country Club Drive said that he also was concerned that it would bring down property values in the neighborhood if the zone change is approved.

Speaking neither for nor against the application:

John Tarbox, 758 Matianuck Avenue said that he did not oppose the subdivision, but he felt that the three house difference would affect the buffers, which the Commission should do all that they can to preserve.

Alice Lang, 771 Matianuck Avenue said that there was a lot of speeding cars and drag racing on that area of Matianuck Avenue and she was concerned that if there was another street in that area there would be more accidents.

Jerry Wistrom, 23 Country Club Drive, expressed concerns regarding the impact that an R-13 zoned development would have on property values, drainage, woods and wildlife. He also said he would be concerned if the resulting subdivision were to have access from both Sunnyfield Drive and Matianuck Avenue because it would encourage cars to use it as a cut-through to avoid the Park Avenue and Matianuck Avenue intersection.

Cathy Allen, 1 Country Club Drive expressed concerns regarding the impact on property values, drainage and wildlife.

Larry Walton, 129 Sunnyfield Drive said he felt that any rezoning that would lead to connecting Sunnyfield Drive to Matianuck Avenue would be bad.

Marion Lombardi, 206 Sunnyfield Drive expressed concerns regarding the impact on property values, drainage and wildlife. She said she felt that the zone should be consistent with her neighborhood and there would be an increase in traffic if Sunnyfield Drive were to be connected with Matianuck through this subdivision.

Town Planner Barz said that there were a number of issues raised that are development specific and does not apply to the legislative act of rezoning that the applicant is seeking with this application. He said that staff agrees with the POCD future land use map recommendation for A or AA zoning in this area. He said that he believed that there were three wetland areas in some of the corners of the parcel and he felt that they would be more affected with R-13 zoning than with A zoning. Regarding Mr. Alford's reference to Section 7-1 of the POCD, he said that he felt that a change from the three-acre lot area requirement in the current AG zoning of the parcel to A with a required lot size of less than half an acre was a generous upgrade.

In rebuttal, Mr. Alford said he felt that the surrounding parcels and the entirety of Matianuck Avenue north and south of the parcel are zoned R-13 and a zone change to R-13 here would be in keeping with the current zoning and character of the area as per the POCD. He said that the only affect that a residential development on this parcel would have on the lots on Sunnyfield Drive would be that the back of the lots on this parcel would face the backs of those lots.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for a Zone Boundary Change at 770 Matianuck Avenue from the AG Zone to the A Zone for the reason that it is more in keeping with the Plan of Conservation and Development and result in less

intensive use as described therein. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

9. **Zoning Regulations Text Amendment – Section 11.6**, Recreational Neighborhood Design Development, Millbrook Greens, LLC/Kleinman

Motion: Commissioner Profe moved to recess the application for Zoning Regulations Text Amendment to Section 11.6 for Recreational Neighborhood Design Development until the next regular TP&ZC meeting on December 12, 2006. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

***Recessed from the meeting on September 12, 2006**

III. BUSINESS MEETING

- A. **Continuation of New Business - None**
- B. **Application Acceptance**

1. **Zone Boundary Change – 45 Hayden Station Road**, I-1 Zone to AA Zone, Stowe Machinery/Carpenter
2. **Special Use – 129 Ethan Drive**, Professional Office in a Dwelling, Zoning Regulations Section 4.5.15, AA Zone, Hightower
3. **Special Use Re-Approval – 26 Lochview Drive**, In-law apartment, Zoning Regulations Section 4.5.10, AA Zone, Curry/Long
4. **Special Use – 593 Park Avenue**, Active Adult Subdivision, 26 Units, Zoning Regulations Section 10.5.15, AG Zone, Rivertown Village Associates, LLC/Lally
5. **Subdivision – 593 Park Avenue**, 26 Lots, AG Zone, Rivertown Village Associates, LLC/Lally
6. **Re-Subdivision – 647 Park Avenue**, Rivertown Village, AA Zone, Increase road width, Rivertown Village Associates, LLC/Lally

- C. **Old Business – None**

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

IV. MISCELLANEOUS

- A. **FYI: Letter from Town Planner Barz to LHW Ltd. Liability Company – regarding non-compliance issues at 700 Poquonock Avenue**

- B. FYI: Letter to Peter Souza regarding development at 911 Rainbow Road – from Anthony and Emma Gilli, 55 Berrios Hill Road**
- C. FYI: Letter from the Windsor Zoning Board of Appeals – requesting review and modification of Zoning Regulations Section 4.4.5 regarding commercial vehicles**
- D. FYI: Updated Subdivision and Zoning Regulations**
- E. 2007 Meeting Schedule**

Motion: Commissioner Profe moved to approve the TP&ZC 2007 meeting schedule as presented. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- F. FYI: Letter from Town Manager Souza to Mr. & Mrs. Gilli – in response to their letter dated October 30, 2006 regarding Griffin Land development at 911 Rainbow Road**

V. PLANNER'S REPORT

- A. Memo from Town Planner Barz – proposed process for comprehensive re-write of the Zoning Regulations**

Town Planner Barz said that he has been keeping a running list of changes that needed to be made and issues that needed to be addressed in the Zoning Regulations. He noted that a re-write of the regulations was also recommended in the POCD. He outlined the proposed process, which included Commission and public workshops. He said that he planned to come up with a way to track the changes for the Commission's reference and he stated that the Assistant Planner is working on a quick reference use table to be used as a tool as well, not necessarily part of the regulations. He suggested that the first workshop be scheduled for Tuesday, January 23, 2007 at 7:00 p.m.

Commissioner O'Brien said that he was not comfortable with changes to such longstanding regulations. Town Planner Barz said that the POCD did not recommend a re-write of the regulations because they were not done right, but because they need to be updated. As an example, he said that references to coal are no longer relevant and enhancements, such as definitions of terms like bollards and berms, could also be included.

The Commission directed that the Town Planner schedule a public workshop on January 23, 2007 as proposed. Town Planner Barz said that he would put together a letter and a press release and schedule the meeting to begin at 7:00 p.m. in the Council Chambers.

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 9:25 p.m. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.