

RECEIVED  
 WINDSOR, CT. *RMB*  
**MINUTES**  
**TOWN PLANNING AND ZONING COMMISSION**  
**DECEMBER 12, 2006 7:00 PM**  
**COUNCIL CHAMBERS, TOWN HALL**  
**275 BROAD STREET, WINDSOR, CONNECTICUT**

**PRESENT:** Commissioners Mips, Profe, O'Brien, Alternate Commissioners Chiodo and Brookman  
 Alternate Commissioner Clark was 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) - None**

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

Alternate Commissioner Clark said that a neighbor asked him how to report a problem with silt running into his yard from a nearby construction project.

Town Planner Barz recommended that the person should call the Building Department or the Planning Department to report the problem for the quickest response. He said that problems could also be reported to the Town through the mail or email.

**C. Zoning Enforcement Officer's Report - None**

**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 - 123 Day Hill Road, 45,000 sq. ft. Building Addition, I-1 Zone, Permasteelisa/Borghesi**
  - IWWC - Decision 12/05/06

Jack Neubieser, Borghesi Building and Engineering, presented a drawing and described the site location and the surrounding area. He said that the application was for a 45,000 square-foot building addition for the current tenant, Permasteelisa. He explained that Permasteelisa does not currently use all of the existing parking and the applicant is asking for a deferral of the parking requirement for the addition. He reviewed the staff comments and stated how he had addressed each item.

Commissioner Mips noted that Permasteelisa was before the Commission last month for re-approval of their Special Use for outdoor storage and she asked if the addition would mean that they no longer needed to store items outside. Mr. Neubieser responded that there would still be a need for outside storage at the site.

Mr. Neubieser presented a drawing and reviewed the elevations and the construction materials. He stated that it followed along the same lines as the existing building with materials that matched the façade of the building, except on the west side where the metal used on the existing building would be continued.

Town Planner Barz said that he wanted the Commission to understand why the materials used on the façade of the building were not being brought all around the addition. Commissioner Mips noted that the western side of the building where the metal will be used is not visible from Day Hill Road.

Town Planner Barz said that comments had been addressed with staff, but there were a few issues that would need to be resolved, including reestablishment of the landscaping, relocation of fire service, and some minor issues regarding drainage. He recommended approval subject to final staff review and approval.

**Motion: Commissioner Profe moved to approve the Site Plan Revision at 123 Day Hill Road for a 45,000 square-foot building addition subject to the following conditions: final staff review and approval of landscaping; relocation of fire service; and drainage. The parking requirement for the addition is deferred as requested by the applicant. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

## I. Minutes

### 1. November 14, 2006

Page 1, first sentence under item B – change “vacant” parcel to “buffer” parcel

Page 3, paragraph beginning “In rebuttal” – change “build” to “built”

Page 5, last paragraph – change spoke “upon” to spoke “on”

Page 4, last paragraph – remove the word “the” after “In rebuttal”

Page 6, correct spelling of the name “Fahrbach”, and remove the word “it” before “there” in the 3<sup>rd</sup> sentence of the same paragraph

Page 10, last sentence – add the word “would” before “result”

**Motion: Commissioner Profe moved to approve the minutes of November 14, 2006 as amended at the meeting. Commissioner O'Brien seconded the motion and it passed 3-0-2, with Alternate Commissioners Chiodo and Brookman 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 – 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**

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and reviewed the location of the 9.5 acre site and the surrounding area. He explained that the 409 Dudley Town Road parcel has been removed from the subdivision because it is zoned AG, therefore the number of proposed lots has been reduced to nine. He stated that a Zone Change application has been submitted for that parcel, and if it is approved, the applicant will be back before the Commission to add the two lots to this subdivision. He reviewed the landscaping, soil and topography, utilities and drainage. He said that the only staff comment that has not been addressed is from the Fire Marshall with regard to leaving a stub for future access to the parcel behind this subdivision. He stated that there was a very significant amount of wetlands and watercourses in that location and most likely could not be used as an access way, and therefore it would serve no purpose. He also stated that that parcel would not be landlocked because it has a right-of-way off of Matthew Lane.

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

Town Planner Barz said that the subdivision complies with the regulations and all staff comments have been addressed. He recommended approval subject to a fee in lieu of open space. He also reminded the applicant that bonding would be required if any of the parcels were to be sold before the completion of all public improvements.

Commissioner Mips said that sidewalks were not mentioned. Mr. Alford responded that sidewalks are shown on the plans in compliance with the regulations.

Commissioner Profe read the letter from George Kotowicz, owner of the properties at 381 & 385 Dudley Town Road, regarding concerns about drainage from the site onto his properties.

Mr. Alford reviewed the changes that were made to the hydraulic calculations by redirection of the footing drains to the wetlands and connection of roof leaders to subterranean dispersal units to decrease runoff from the site.

Howard Jubrey, 18 Country Club Drive submitted a soil scientist's field sketch of the wetlands on and around the site, which Mr. Alford reviewed.

**Motion: Commissioner Profe moved to approve the Subdivision at 401 and 405 Dudley Town Road, for 9 lots as presented by the applicant subject to the following modification: a fee in lieu of Open Space. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

2. **\*Special Use – 20 Larch Drive**, 1,200 sq. ft. Accessory Building, Zoning Regulations Section 4.5.17, A Zone, Heredia
- **Letter from Dolores Boland** – 98 Hemlock Road
  - **Letter from Walter Ofsuryk** – 15 Larch Drive, East Granby
  - **Letter from John Miliski** – 14 Larch Drive, East Granby

Alberto Heredia, 20 Larch Drive said that since the last meeting, he had worked with the Town Planner and he presented new plans that included vinyl siding on the building and landscaping. He submitted photos and further described his backyard with woods to the north and south and a commercial building to the west that he looks at every day.

Commissioner Profe read the above three letters supporting the application into the record.

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

Town Planner Barz said that he suggested that the applicant create a demarcation line with vegetation to prevent any vehicles from driving over the septic system area. He said that the vinyl siding would make a big difference in the appearance of the building and he did not feel that the metal roof was an issue considering the location, but he thought that it would be a good idea to select a dark color for the roof.

There was a general discussion and the Commission agreed with the Town Planner, that in consideration of the location, the building would be appropriate with the addition of vinyl siding on the building and vegetation to protect the septic system.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the application for Special Use at 20 Larch Drive for a 1,200 square foot accessory building under Zoning Regulations Section 4.5.17 subject to the following conditions: 1) staff review and approval of the final landscaping plan; and 2) vinyl siding, similar or complementary to the siding on the house, shall be installed on three sides of the building. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

3. **\*Zoning Regulations Text Amendment – Section 11.6**, Recreational Neighborhood Design Development, Millbrook Greens, LLC/Kleinman
- **CRCOG Referral Letter**

Daniel Kleinman, attorney with Levey & Droney, Farmington, spoke for the applicant. He said that the applicant was a developer of residential properties and he concluded that the regulations did not meet the unique needs of the site. He said that there have been several meetings with Town staff to develop a regulation that would provide for the type of development that the applicant wanted to propose, though not site specific. He said that the proposed regulation was consistent with the Plan of Conservation and development and spoke to the needs of the town with recreation and single family housing.

Denton Hopper, land use planner with Levey & Droney, Farmington said that the proposed regulation would provide single-family housing, preserve open space and provide recreation open to the community at large. He reviewed the general requirements including 25 acres of recreational use; building height three stories or 45 feet with the flexibility for the Commission to allow a building height of up to 50 feet; private streets; buffer zones; emergency access; storage space for the residential units; and architectural standards.

In response to a question from the Commission, Mr. Kleinman said that there would be one primary and one secondary access. Marc Steiner, Millbrook Greens, LLC said that there was a concern that with two accesses it would be used as a cut-through. He stated that the main access must be adequate for the flow of traffic and there must be a secondary access as per the Fire Marshal.

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

Diane McKim, 18 Amy Drive said that she was concerned about the loss of open space with this type of development and she would like to see specifics about the golf course, so that it would not be reduced to a 3-hole course.

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

Town Planner Barz said that the Town did not have specific regulations for what the applicant wanted to do, so it was suggested that a modification of the Design Development regulations would be a good direction to take. The applicant has been meeting with the staff for many months and subsequent changes have been made based on staff comments. He said that the Fire Marshal still has some concerns about setting a precedent of long streets without two major accesses and he said that providing an emergency access might be adequate, but it would be up to the Commission to decide. Regarding concerns about a retail use in a design development, he said that the application was a two-step process with first a concept plan application and then a detail plan application, so the Commission has significant discretion on the design plan.

There was a general discussion. Town Planner Barz said that the proposed regulation integrates the other design development regulations and he said that the design development regulations should be considered in the upcoming comprehensive update of the regulations.

Upon request of the Commission, Mr. Steiner briefly reviewed the concept of a plan for future development at Millbrook Golf Course.

Commissioner Profe read the CRCOG referral letter into the record.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Section 11.6 for the creation of a recreational design district as submitted this evening. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**4. Zone Boundary Change – 45 Hayden Station Road, I-1 Zone to AA Zone, Stowe Machinery/Carpenter**

Commissioner O'Brien left the room during the presentation of this application.

John Delaney, Stowe Machinery, 45 Hayden Station presented a drawing and described the area of the site that the zone change was being requested for. He said that the intent was to change the zone of a part of the property from industrial to residential in order to sell it to the abutting resident, Lance Carpenter, to incorporate into his property.

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

Town Planner Barz said that the applicant and Mr. Carpenter have been working for a long time, so that Mr. Carpenter could purchase the abandoned building and the parcel that it is sitting on to incorporate into his own residential property. He said that it would make Mr. Carpenter's property into conformity because it would provide frontage and the Stowe Machinery parcel would remain in conformance. He said that staff had signed off on the application and he recommended approval.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the Zone Change at 45 Hayden Station from the I-1 Zone to the AA Zone as presented for the reason that it will reduce the nonconformity of the adjacent parcel when it is incorporated into that parcel and the surrounding parcels are zoned A or AA. Alternate Commissioner Chiodo seconded the motion and it passed, 4-0-1, with Commissioner O'Brien abstaining due to non-presence during the hearing.**

**5. Special Use – 129 Ethan Drive, Professional Office in a Dwelling, Zoning Regulations Section 4.5.15, AA Zone, Hightower**

Heath Hightower, 129 Ethan Drive said that he was seeking special use approval to conduct his counseling practice at his home. He reviewed the hours of operation, the approximate number of clients, parking and the architectural changes that would be made to the house to accommodate the use as per suggestions from staff.

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

Tracy Leigh, 196 Ethan Drive said that she has been working with Mr. Hightower and she is familiar with the type of clients that he has and she said that she had no concerns about them coming into the neighborhood.

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

Town Planner Barz said that staff has signed off on the application and he recommended approval with an initial one-year time limit as per the regulation.

**Motion: Commissioner Profe moved to approve the Special Use at 129 Ethan Drive for a professional office in a dwelling under Zoning Regulations Section 4.5.15 subject to the following**

**condition: 1) one-year time limit. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**6. Special Use Re-Approval – 26 Lochview Drive, In-law apartment, Zoning Regulations Section 4.5.10, AA Zone, Curry/Long**

Kathleen Long, 26 Lochview Drive, said that she was seeking re-approval of a special use for an in-law apartment for her mother.

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 recommended approval. He noted that the applicant had requested a longer time period for approval, but the time period was set by the regulation. He suggested that the regulation should be considered during the upcoming comprehensive update of the regulations to allow for a longer time period after the initial two-year time period.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the application for Special Use Re-approval at 26 Lochview for and in-law apartment under Zoning Regulations Section 4.5.10 subject to the following condition: 1) a two-year time limit. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

- 7. Special Use – 593 Park Avenue, Active Adult Subdivision, 26 Units, Zoning Regulations Section 10.5.15, AG Zone, Rivertown Village Associates, LLC/Lally**
- 8. Subdivision – 593 Park Avenue, 26 Lots, AG Zone, Rivertown Village Associates, LLC/Lally**
  - **Request for Waivers – Sidewalks and Open Space**
  - **IWWC – Decision 12/05/06**
  - **Town Engineer Comments – December 12, 2006**
- 9. Re-Subdivision – 647 Park Avenue, Rivertown Village, AA Zone, Increase road width, Rivertown Village Associates, LLC/Lally**

Commissioner Mips said that the above three applications would be heard together and voted on separately.

Ed Lally, Ed Lally and Associates, Inc. presented a drawing and described the proposed 26 lot subdivision. He explained that it would be an addition to the age restricted River Town Village development.

Thomas Barresi, Ed Lally and Associates, Inc. reviewed the conservation easements, drainage, landscaping, screening, access and egress, erosion controls and sidewalks. He requested a waiver for a 2% reduction of the Open Space requirement and sidewalks.

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

Edmond Hollick, 620 Park Avenue said that he was not against development of the 30-acre site, but he was concerned about preservation of open space.

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

Town Planner Barz recommended approval subject to final staff review and approval. He also recommended approval of the waiver for open space and recommended that the waiver requested for sidewalks be denied.

**Motion: Commissioner Profe moved to approve the Special Use at 593 Park Avenue for a 26-unit active adult subdivision in the AG Zone under Zoning Regulations Section 10.5.15 subject to the following conditions: 1) Town Engineer final review and approval of items noted in the email dated 12/12/06 provided at the meeting; and 2) sidewalks shall be added along the road to Park Avenue and on Park Avenue along the frontage of the site. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**Motion: Commissioner Profe moved to approve the Subdivision at 593 Park Avenue for 26 lots subject to the following modifications: 1) Town Engineer final review and approval of items noted in the email dated 12/12/06 provided at the meeting; and 2) sidewalks shall be added along the road to Park Avenue and on Park Avenue along the frontage of the site. The approval includes a waiver for a 2% reduction of the Open Space requirement. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**Motion: Commissioner Profe moved to approve the Re-subdivision at 647 Park Avenue for extension of Stillwater Road as presented. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.**

**\*Recessed or Postponed from the meeting on November 14, 2006**

### **III. BUSINESS MEETING**

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

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

1. **Zone Boundary Change – 409 Dudley Town Road, AG Zone to AA Zone, Jubrey**
2. **Subdivision – 770 Matianuck Avenue, 11 Lots, A Zone, Rayco/Alford**

The Commission directed that the above two applications be scheduled for public hearing at the next regular TP&C meeting on January 9, 2007.

#### **C. Old Business**

#### **D. Public Communications and Petitions (if not completed)**

### **IV. MISCELLANEOUS**

1. **FYI: Memorandum of Decision – Lord Family of Windsor, LLC, Et Al. vs. Windsor Planning & Zoning Commission**
2. **FYI: Memorandum of Decision – Jesus Malave vs. Town of Windsor Zoning Commission, Et Al.**

Town Planner Barz briefly reviewed the above two items.

**V. PLANNER'S REPORT**

- 1. FYI: Site Plan 3.9 Revision – 754 Rainbow Road,** Add vehicle access ramp to loading dock, I-1 Zone, Griffin
- 2. FYI: Site Plan 3.9 Revision – 758 Rainbow Road,** Add 3 overhead doors, access drives and speed bumps, and relocate 2 handicap parking spaces, I-1 Zone, Griffin

Town Planner Barz briefly reviewed the above two items.

Town Planner Barz reviewed the plans for the public workshop scheduled on January 23, 2007 to conduct a brainstorming session for the upcoming comprehensive rewrite of the regulations.

**VI. ADJOURNMENT**

Commissioner Profe moved to adjourn the meeting at 9:50 p.m. Alternate Commissioner Chiodo seconded the motion and it passed unanimously, 5-0-0.