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MINUTES
SPECIAL MEETING
TOWN PLANNING AND ZONING COMMISSION
MAY 14, 2007 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT

PRESENT: **Commissioners Mips, Kelsey, Profe, O'Brien and Smith**

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 a concerned resident

Commissioner Profe read the above letter into the record.

Commissioner Mips said that anonymous communications are not usually read into the record, but there was such misinformation in this letter that she believed that it needed to be addressed.

2. Letter from a concerned resident of Stone Road

The Commission directed that the letter be referred to Zoning Enforcement Officer McKinney for investigation.

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

Commissioner Kelsey said that 631 Park Avenue is now looking like junk yard and he asked that the Zoning Enforcement Officer look into it.

C. Zoning Enforcement Officer's Report - None

D. CGS § 8-24 Referral Requests

1. Acceptance of Land, Easements, and Right-of-Ways along Archer Road

Town Engineer Lenehan postponed the presentation of the above request until the TP&ZC regular meeting in June, 2007.

2. **Acceptance of a Drainage Easement at 770 Matianuck Avenue**

Town Engineer Lenehan said that the Town Planning and Zoning Commission recently approved a subdivision at 770 Matianuck Avenue and he was requesting a recommendation from the Commission to the Town Council to approve the 10-foot construction easement and the 20-foot drainage easement as shown on the approved plans.

Commissioner O'Brien noted that the construction easement looked like it was going through an existing pool on the property. Mr. Lenehan said that the Wistrom's, who own the parcel, signed the easement in agreement with the developer and the developer would be responsible for any disturbance to the property.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, acceptance of a 20 foot wide storm drainage easement and a 10 foot wide temporary construction easement as shown on the map entitled "SUBDIVISION PLAN PREPARED FOR RAYCO DEVELOPMENT, LLC. 770 MATIANUCK AVENUE WINDSOR, CONNECTICUT ALFORD ASSOCIATES, INC. CIVIL ENGINEERS WINDSOR, CONNECTICUT DATE JANUARY 2, 2007 SCALE 1 IN.=40 FT. SHEET 1 REVISED 1-26-07, 2-7-07", which map is on file in the Town Clerk's Office in said Town of Windsor. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

E. **Pre-Application Scrutiny** - None

F. **Re-approvals/Revisions**

1. **Site Plan Revision – 136 Addison Road,** Add 6,457 s.f. floor space, kennels, dog runs, exercise areas and parking, I-1 Zone, Day Hill Kennels/Lally **(See Public Hearing Item II.2)**

The Commission directed that the above item would be heard together with the associated public hearing item and voted on separately.

G. **Bonds** - None

H. **Site Plans** - None

I. **Minutes**

1. **April 10, 2007**

Motion: Commissioner Profe moved to approve the minutes of April 10, 2007 as presented. Commissioner O'Brien seconded the motion and it passed 4-0-1 with Commissioner Kelsey abstaining due to non-presence.

2. **April 17, 2007**

Page two paragraph four – correct first name of "Dave" Zukowski to "Don".
Motion: Commissioner Profe moved to approve the minutes of April 17, 2007 as amended. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

The meeting was recessed at 7:15 p.m. until 7:30 p.m.

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. **Special Use – 990T Archer Road,** Outside Storage, Zoning Regulations Section 8.1.6B, I-1 Zone, Rolocut

Steve Rolocut, 4 Lawn Acre Road in Windsor Locks, said that he is the owner of the site that is partially in Windsor and partially in Windsor Locks. He said that he was seeking a special use permit for outdoor storage on the site. He noted that he was cited with a wetlands violation that he is in the process of correcting.

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

Town Planner Barz said that staff had signed off on the application and Inland Wetlands Agent Groff was working with the applicant on remediation of the violation. He said that the applicant had submitted a drawing showing where the outside storage would be located and he recommended approval subject to the applicant continuing remediation of the violation, which is currently underway, and he suggested a time limit of one to two years.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Special Use at 990T Archer Road for outside storage under Zoning Regulations Section 8.1.6L subject to the following conditions: 1) two-year time limit; and 2) remediation of the wetlands violation shall continue until completed to the satisfaction of staff. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

2. **Special Use – 136 Addison Road,** Building addition to kennel, Zoning Regulations Section 8.1.6G, I-1 Zone, Day Hill Kennels/Lally **(See Site Plan Revision Item I.F.1)**

   Site Plan Revision – 136 Addison Road, Add 6,457 s.f. floor space, kennels, dog runs, exercise areas and parking, I-1 Zone, Day Hill Kennels/Lally

   - **Letter from Hartford Associates, Inc.**

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

Thomas Barresi, engineer with Ed Lally and Associates, Inc. presented a drawing and described the proposed expansion of the existing kennel operation.

Roger Ball, owner of Day Hill Kennels said that the kennel has been in operation for 31 years, and at its current location for 24 years. He said that the kennel provides boarding, grooming, day care and transporting animals. He said that more families are in need of accommodations for multiple large dogs and he wanted to build larger accommodations for those families. He said that the expansion would include 30 luxury suites and an indoor play area. In response to a question from the Commission, he reviewed the procedure used for disposal of the dog droppings.

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

Commissioner Profe read the letter from Hartford Associates, Inc. in opposition of the expansion.

Town Planner Barz said that the Fire Marshal had an outstanding issue regarding location of the fire hydrant, but it could be enforced outside of this application. He recommended approval subject to final staff review and approval of the site plan and elevations.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Special Use at 136 Addison Road for a building addition under Zoning Regulations Section 8.1.6G subject to the following conditions: final review and approval of Site Plan and Elevations by Town Staff. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the Site Plan application for a building addition at 136 Addison Road subject to the following conditions: final review and approval of Site Plan and Elevations by Town Staff. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

3. **Special Use Re-approval – 800 Scotland Road,** Fill Removal, Zoning Regulations Section 2.4.15L, I-2 Zone, Tilcon Roncari, Inc.

Fred Hanks, representative for Tilcon Roncari, Inc., said that he was seeking renewal of the special use permit for fill removal at the site. He stated that the fill removal at the site has been in operation since 1967, but sadly this may be the last year. He explained that Mr. Roncari passed away this year and his family has decided to dispose of several properties.

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

Town Planner Barz said that it has always been a pleasure working with the applicant who submitted plans on time and up to date, however, being that this might be the last year that this applicant will be in charge of the operation, he felt that some conditions should be placed on the re-approval. He recommended approval subject to a dust control plan, a landscaping and restoration plan, an erosion and sedimentation control plan. He noted that the applicant has been working with the Police Department to put a stop to dirt bikes and ATVs on the site and a bond has been submitted for restoration of the areas being worked on.

In response to a question from the Commission, Kevin Johnson, engineer with Close, Jensen and Miller, said that the current area of excavation was taking place in the southerly portion of the site and that the work near the river was completed about midway through the process and would come no closer to the river than it is at this time.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for Special Use Re-approval at 800 Scotland Road for fill removal under Zoning Regulations Section 2.4.15L subject to the following conditions: 1) one-year time limit; 2) a dust control plan; 3) a landscaping and restoration plan; and 4) an erosion and sedimentation control plan. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

4. **Zone Boundary Change – 72 Mack Street,** P Zone to AA Zone, 1.1 acres, Devito/Kleinman

Daniel Kleinman, land use attorney with Levy and Droney represented the applicants. He said that the applicants were unable to attend the meeting and he read a letter from the applicants, stating that the neighborhood has become more residential over the years and rezoning the property to the AA zone would be more in harmony with the neighborhood. He also read a letter into the record from the engineering firm representing the applicants, Richter and Cegan, who surveyed the site and said that it would be difficult to develop the parcel and achieve conformity with the current P zone.

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

Marybeth Welsh, real estate agent with Century 21, said that she has been working with the applicants and talking to them about their options with the sale of the property. She said that the property is not as valuable zoned for professional use as the applicants thought it would be, so they are seeking a zone change to residential.

Town Planner Barz said that staff has signed off on the application. He said that the property currently has a house on it and development on the parcel for the professional zone is very limited. He said that the Plan of Conservation and Development mirrors the current zone of the Future Land Use map, but he said that in light of the engineer's analysis of the site for professional zone development and considering the amount of residentially zoned parcels in the area, he felt that the change to residential zoning seemed reasonable.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zone Boundary Change from P Zone to AA Zone at 72 Mack Street for the reason that it is in keeping with the zoning of most of the adjoining parcels. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

5. **Zoning Regulations Text Amendment – Sections 4.4.5, 16.2.3C and 16.2.7G,** Parking Commercial Vehicles in Residential Driveways, T.O.W
    - **CRCOG Referral Letter**

Town Planner Barz said that at the kick-off of the comprehensive rewrite of the Zoning Regulations, the Zoning Board of Appeals requested that the regulations for commercial vehicle and recreational vehicle parking in the residential zone be addressed right away because residents are frequently seeking a variance of those regulations.

He said that the regulation for commercial vehicle parking in the residential zone was written at a time when the size of the truck was simply defined by the model of the truck, but now so many trucks are customized with stronger engines, dual wheels and extra suspension, so that although it might look like a three-quarter ton truck it can actually hold a lot more weight than that. He said that he researched the issue and found that what a lot of towns are doing is going with the weight rating of the vehicle itself and its load capacity. He said that permitted vehicles would be limited to 2 axles, a length of up to 21 feet and an overall height of 10 feet excluding the roof rack. He explained that this would allow a parcel van, which is a front end that looks like a pickup with a box on the back rather than a regular truck bed to be parked in a residential driveway. He said that if the Commission is not comfortable with this type of vehicle, which is often used for catering trucks, landscaping trucks, being permitted if it meets the guidelines, he would go back and revisit the amendment to this regulation.

There was a general discussion. The Commission agreed that the main concern was signage on the trucks. Commissioner Profe suggested magnetic signage and Commissioner Mips suggested that the regulation could permit lettering only, with no graphics.

Commissioner Profe read the CRCOG referral letter into the record. It was noted that the referral letter addressed all three of the proposed text amendments on the agenda tonight.

There was a general consensus of the Commission that the Town Planner revisit the text amendment to address their concerns regarding signage. Commissioner Kelsey asked the Town Planner to provide the number of variances that have been applied for under this regulation in the past few years and Commissioner Profe requested picture samples depicting the type of trucks that might be allowed.

Motion: Commissioner Profe moved to recess the public hearing for the Zoning Regulations Text Amendment to Sections 4.4.5, 16.2.3C and 16.2.7G, Parking Commercial Vehicles in Residential Driveways until the next regular TP&ZC meeting on June 12, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

6. **Zoning Regulations Text Amendment – Section 4.4.4,** Recreation Vehicle Storage on Corner Lots, T.O.W.
    - **CRCOG Referral Letter (See Item 5. above)**

Town Planner Barz said that this proposed text amendment addressed the Zoning Board of Appeals second request regarding parking of recreation vehicles on corner lots in residential zones. He explained that corner lots have two front yards, 2 side yards and no rear yard, which puts them at a disadvantage because our regulation requires that all such vehicles be parked in the rear yard. He said that the proposed amendment to the regulation would permit a waiver of the requirement only to properties in the A and AA zones because the setback requirements are greater in those zones than the other residential zones, which makes them unreasonably restricted.

Commissioner Mips requested public comments. Speaking against the application:

Raymond and Shirley Anderson of 66 Chestnut Drive said that they live on a corner lot and their camper has been parked in their side yard for 35 years and it would be a real hardship if they were not allowed to park it there.

Town Planner Barz explained that they will no longer be in violation of the regulations with this change to the regulation. He also explained that the Town only enforces zoning violations when a resident files a complaint.

No one else came forward to speak regarding the application.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Section 4.4.4 as presented on the draft dated May 7, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

7. **Zoning Regulations Text Amendment – Sections 5.1.2E, 5.2.2, 5.2.6R and 18.1.9,** Limited Outdoor Sales, T.O.W.
    - **CRCOG Referral Letter (See Item 5. above)**

Town Planner Barz said that this new regulation was prompted by staff concerns. He said that once or twice a year someone is looking to stake out a tent in a parking lot for temporary sales. He explained that it raised concerns about damage to parking surfaces and the impact on stormwater drainage. He said that the proposed regulation would limit all sales to the interior of a building in the B-1 Zone, which is the lower intensity commercial zone. In the higher intensity commercial B-2 Zone, outdoor sales could be allowed only on the premises of a permanent retail establishment and it must not obstruct fire lanes, nor interfere with the business activities of other establishments on the premises. To insure compliance and to address drainage concerns, site plan modification and special use applications must be submitted for approval. This special use would also be limited to two weeks per calendar year and no fireworks sales would be permitted.

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

There was a general discussion. The Commission commended Town Planner Barz for his timeliness in writing these text amendments and for writing them so clearly.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Sections 5.1.2E, 5.2.2, 5.2.6R and 18.1.9, as presented on the draft dated May 14, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. **Zone Boundary Change – 365 Hayden Station Road,** AG Zone to AA Zone, 3 acres, Cwikla/Lally
2. **Special Use – 406 Windsor Avenue,** Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), Christian
3. **Special Use Re-approval – 999 Archer Rd,** Used Car Sales, Zoning Regulations Section 8.1.6F, I-1 Zone, LeBeau
4. **Special Use – 296 Broad Street,** True Value Hardware, Outside storage of propane tank, Zoning Regulations Section 2.1.15, B-2 Zone, HGGS

The Commission directed that the above four applications be scheduled for public hearing at the next regular TP&ZC meeting on June 12, 2007.

C. **Old Business**

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

IV. MISCELLANEOUS

A. **FYI: Town of Windsor and Windsor Board of Education Approved CIP** (to be distributed at meeting)

V. PLANNER'S REPORT

Town Planner Barz gave an update on the progress of the recently approved developments including ING, The Hartford, Emhart Glass, Summerfield Suites and Chilis.

VI. ADJOURNMENT

Motion: Commissioner O'Brien moved to adjourn the meeting at 8:40 p.m. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.