

MINUTES
TOWN PLANNING AND ZONING COMMISSION
JUNE 12, 2007 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT

PRESENT: Commissioners Mips, Kelsey, Profe, Smith and Alternate Commissioner Brookman

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

I. NEW BUSINESS

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

1. Letter from Joan Blazis Levitt – Metcalfe Circle Subdivision

Thomas Barresi, engineer with Ed Lally and Associates, Inc. summarized the letter from Ms. Levitt on behalf of her father Anthony Blazis. He stated that a five-lot subdivision know as Metcalfe Circle was approved once in 1962 and again in 1993. Three of the lots have been sold to family members who have built homes there and Mr. Blazis would like to now sell one or possibly both of the remaining lots to his nephew. Mr. Barresi said that a search of the land records revealed that signed mylars were never filed with the Town Clerk's Office, and therefore the subdivision is invalid, although Mr. Blazis has been paying taxes on the five lots. In order to validate the subdivision and allow the sale of the last two lots, an application for subdivision has been filed and the applicant, Mr. Blazis is requesting that the Commission accept the application this evening and schedule it for public hearing at their next regular meeting in July.

2. Thomas Bowley, 287 Rood Avenue – Concerns regarding the proposed CL&P Substation

Mr. Bowley came forward to speak regarding the CL&P preliminary plans for a substation. He said that CL&P owns the house at 15 Shelley Avenue and the house is run down, the lawn overgrown and strewn with litter, bringing the property values down in the neighborhood. He said that he has contacted CL&P regarding the matter, but he has not received a response and he has reported the conditions to the Town, but no action has been taken to clean up the site. He said that he understood that the substation would be good for the Town of Windsor, but he was concerned that CL&P will not be a good neighbor and the property values would be brought down even lower.

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

C. Zoning Enforcement Officer's Report

D. CGS § 8-24 Referral Requests

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

Town Engineer Lenehan said that he was requesting a recommendation from the Commission to the Town council for acceptance of land, easements and right-of-ways along Archer Road from the State of Connecticut. He presented a drawing and described the land acquisition and easements proposed. He said that the State is offering to give the Town approximately 100 feet of right-of-way consisting of 6 different parcels. He said that the State will retain slope and drainage right-of-way easements.

In response to questions from the Commission, he said that the Town has been maintaining the frontage road since the DOT acquired it in the 1990s, so there will be no impact on Town services and it is really just a matter of cleaning house. He stated that the commuter lot would stay with the state and would not be part of the acquisition.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval to accept from the Department of Transportation, 6 parcels of land, 3 full and perpetual easements appurtenant to the parcels being conveyed, and reserving to the State of Connecticut, 2 full and perpetual easements as shown on maps filed in the Windsor Town Clerk's Office entitled, "TOWN OF WINDSOR MAP SHOWING LAND RELEASED TO TOWN OF WINDSOR BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION ARCHER ROAD SCALE 1" = 40' JUNE 2004 ARTHUR W. GRUHN, P. E. CHIEF ENGINEER – BUREAU OF ENGINEERING AND HIGHWAY OPERATIONS", TOWN NO. 164, PROJ. NO. 164-178-75A, SHEET NOS. 1-6 OF 6. REVISED 08/06. Additionally: Move to recommend the acceptance of the proposed street line as shown on the above cited maps. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny

F. Re-approvals/Revisions

G. Bonds

H. Site Plans

1. Site Plan Revision – 800 Bloomfield Avenue, building addition 18,531 s.f., I-1 Zone, TLD ACE /Alford

Wilson Alford, Jr., Alford Associates, Inc. represented the applicant TLD, the successor to Accessory Controls. He presented a drawing and described the area surrounding the site and the location of four existing buildings on the site. He said that the applicant was seeking approval to put an addition onto one of the buildings. He said that the purpose of expansion of the building was for shipping and receiving, to make it more efficient and to make the site more orderly. Regarding staff comments, he said that he had worked out a satisfactory fire lane with the Fire Marshal and that all of the Project Engineer's comments had been addressed with the exception of his suggestion that the handicap parking stalls should be in balance on the site.

In response to questions from the Commission, Mr. Alford said that in 1997-1998 Accessory Controls received approval from the Commission for a very aggressive plan for an addition with the intent of moving some of the testing indoors to lessen the noise impact, but they were unable to go forward with those plans. He stated that this addition would be a step toward relieving some of the

noise because when the parts are cleared out of the storage building and moved into the building addition area, the emptied storage building can be used for indoor testing.

Mr. Alford said that the applicant also has submitted a special use application for Commission acceptance tonight and public hearing in July for outdoor storage. He said that the applicant is seeking site plan approval now rather than with the special use in July because it will enable the applicant begin to get more materials and testing moved inside right away to improve the site.

Town Planner Barz said that the Building Official/Zoning Enforcement Officer had comments regarding the noise from the outdoor testing. He said that the applicants have asked that they be notified when there is a complaint so that they can find what testing process is causing the noise and measure the decibel level to determine whether the noise is not in compliance with the noise ordinance or if it is within acceptable levels. Regarding outside storage, he said that there is a long history of outdoor storage at the site, but it could not be grandfathered in and therefore, the applicant has submitted a special use application for that use. He noted that there was a lot of debris on the site including a toilet and broken pallets.

Town Planner Barz said that the addition would be a positive step toward lessening the noise impact by moving some of the testing inside when the existing parts storage building is emptied. He noted that some staff members had comments that needed to be addressed and he recommended approval subject to all outstanding comments resolved to the satisfaction of staff before a building permit is issued.

There was a general discussion.

Motion: Commissioner Profe moved to approve the application for Site Plan at 800 Bloomfield Avenue for a building addition subject to the following conditions: 1) final staff review and approval; and 2) no building permit shall be issued until all staff comments are addressed to the satisfaction of the staff. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

I. Minutes

1. May 1, 2007

Motion: Alternate Commissioner Brookman moved to approve the minutes of May 1, 2007 as presented. Commissioner Profe seconded the motion and it passed 4-0-1 with Commissioner Kelsey abstaining for non-presence.

2. May 14, 2007

Motion: Commissioner Profe moved to approve the minutes of May 14, 2007 as presented. Commissioner Kelsey seconded the motion and it passed 4-0-1 with Alternate Commissioner Brookman abstaining for non-presence.

J. Preliminary Plan Review CL&P – Proposed substation at 264 Rood Avenue and 25 Shelley Avenue

Marianne Barbino Dubuque, attorney for CL&P said that her client was asking for approval of the site selected for a substation. She explained that the Commission would be acting as a special agent of the State in this matter and the final decision would be made by the Siting Council.

Marcella Ferrara, project manager for CL&P presented a slide show and described the 20 acre site and the proposed substation. In response to Mr. Bowley's comments during the Public Comments portion of the meeting regarding maintenance of the property at 15 Shelley Avenue, Ms. Ferrara said that the Town had notified CL&P regarding the condition of the site and she would provide a direct contact number for him with the appropriate CL&P representative. She said that mowing of the lawn at the property would be addressed right away and a long term plan for maintenance was being put in place.

Town Planner Barz said that staff had a hard time with the confusing approval process for this project in the beginning, but after looking at the alternate sites proposed, staff is comfortable that this site will ultimately be the best location for a substation. He said that staff has some reservations because they have not yet seen elevations of the substation and how it might impact the neighbors is contingent on further review, but they are comfortable that the process includes a 60-day review period prior to final approval of the site by the Siting Council. He recommended approval of the proposed site for the substation.

Ms. Dubuque said that the next step in the process will be to provide the municipality with more information and allow a 60-day review period for the Town to comment on the project. After the municipality review, a public hearing will be conducted followed by a 30-day comment period.

There was a general discussion.

Motion: Commissioner Profe moved that the Windsor Town Planning and Zoning Commission recommend to the Connecticut Siting Council the site located at 264 Rood Avenue and 25 Shelley Avenue for the location of a CL&P substation. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

II. PUBLIC HEARINGS

1. Zone Boundary Change – 365 Hayden Station Road, AG Zone to AA Zone, 3 acres, Cwikla/Lally

Thomas Barresi, engineer with Ed Lally & Associates, Inc. presented a drawing and described the location of the parcel and the zoning of the surrounding parcels. He noted that with the exception of a small portion of the parcel to the east, the surrounding parcels were all residential.

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

Kristina Foreman of 46 Somerset Drive asked if the applicant could still conduct his nursery business on the site if the zone were changed to residential.

In response Mr. Barresi said that Mr. Cwikla was retiring and would no longer be conducting business on the site.

Town Planner Barz said that the Plan of Conservation and Development Future Land Use Map simply reflected the current zoning, but the zone change seemed appropriate because the majority of the surrounding area, with the exception of a sliver of the parcel to the east is zoned residential. He noted that staff had suggested that the neighboring land owner be contacted to see if they were interested in including that small piece of their lot in the zone change, but the applicant did not respond to the suggestion.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Zone Boundary Change at 365 Hayden Station Road from the AG Zone to the AA Zone for the reason that the majority of the surrounding parcels are zoned residential and the change would therefore be compatible with the local neighborhood. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

2. Special Use – 406 Windsor Avenue, Limited Service Restaurant, Zoning Regulations Section 5.2.6D(1), B-2 Zone, Christian

Anthony Christian of 136 Midian Avenue said that he would like to establish a small Jamaican restaurant at the site.

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

Town Planner Barz said that there were some issues with the site including the landlord needing to bring the site into compliance with the site plan and he recommended that the application be approved with the condition that the landlord bring the site into compliance before a building permit could be issued for the interior work.

There was a general discussion.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Special Use application for a limited service restaurant at 406 Windsor Avenue under Zoning Regulations Section 5.2.6D(1) subject to the following conditions: 1) applicant shall meet all state health and fire requirements regarding the interior space; and 2) the landlord shall bring the site into compliance with the court ordered site plan including but not limited to pavement repairs and landscaping before a building permit can be issued for the interior improvements. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

3. Special Use Re-approval – 999 Archer Road, Used Car Sales, Zoning Regulations Section 8.1.6F, I-1 Zone, LeBeau

Shelly LeBeau of 35 Pearl Street Extension, Enfield spoke for the applicant. She said that the applicant was seeking re-approval of the special use permit for used car sales at the site.

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

Town Planner Barz recommended re-approval subject to a two-year time limit and completion of the site work.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to re-approve the Special Use at 999 Archer Road for used car sales under Zoning Regulations Section 8.1.6F subject to a two year time limit and completion of any outstanding site work. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

4. Special Use – 296 Broad Street, True Value Hardware, Outside storage of propane tank, Zoning Regulations Section 2.1.15, B-2 Zone, HGGS

Paul Smith with High Grade Gas Service of Stafford Springs spoke for the applicant. He said the applicant was seeking approval to install a 1,000 gallon propane tank to be used to refill 20 pound tanks for customers. He said that if the Commission felt more comfortable with a smaller tank, the applicant could work with a 500 gallon tank, rather than the 1,000 gallon tank that is proposed.

Commissioner Mips requested public comments. Speaking against the application:

Jon Miskin of 25 Elm Street said he was concerned about safety issues.

In rebuttal, Mr. Smith said that safety measures would be put in place.

There was a general discussion regarding the safety concerns associated with the storage of so many gallons of propane and the safety concerns regarding transfer of the gas from the tanker truck to the storage tank and from the storage tank to the smaller 20 pound tanks.

Town Planner Barz said that the Fire Marshal had not signed off on the application because he had concerns regarding the safety of such a large amount of gas being stored in such a congested area in Windsor Center. He recommended that the hearing be recessed until the next regular meeting in July to get further input from the Fire Marshal.

Motion: Commissioner Profe moved to recess the Special Use application at 296 Broad Street for outside storage of a propane tank under Zoning Regulations Section 2.1.15 subject until the next regular TP&ZC meeting on July 10, 2007. 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

Town Planner Barz noted that Commissioner O'Brien showed a strong interest in this item at the last meeting and since Commissioner O'Brien was unable to attend tonight's meeting it would be best to recess the hearing until July.

There was a general discussion.

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 July 10, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

III. BUSINESS MEETING

A. Continuation of New Business - None

B. Application Acceptance

1. **Special Use Re-Approval – 430 Hayden Station Road**, Gymnastics and cheerleading facility, Zoning Regulations Section 8.1.6E, I-1 Zone, All Star Gymnastics/Elges
2. **Zoning Regulations Text Amendment – Section 2.4.15H**, Child Day Care Centers and Group Day Care Homes, Wall
3. **Special Use – 200 Lamberton Road**, Wall sign oriented to a highway, Zoning Regulations Section 13.4.17, All Crate, Inc.
4. **Recreational Neighborhood Design Development Concept Plan – 141 Pigeon Hill Road and 72 Mack Street**, 232 Dwelling Units, Golf Course, Club House, Pool and Tennis Court, Millbrook Green LLC/Kleinman
5. **Special Use – 384 Rainbow Road**, Conversion of existing building to residential unit, Zoning Regulations Section 5.2.6K, B-2 Zone, Mollica
6. **Special Use – 800 Bloomfield Avenue**, Outside Storage, Zoning Regulations Section 8.1.6B, I-1 Zone, TLD ACE/Alford
7. **Subdivision – 125 Niles Road**, 5 Lots, AA Zone, Blazis/Lally

The Commission directed that the above seven applications be scheduled for public hearing at the next regular TP&ZC meeting on July 10, 2007.

C. Old Business - None

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

IV. MISCELLANEOUS

A. FYI: CFPZA Quarterly Newsletter – Spring 2007

B. FYI: Farmington River News – Spring 2007

C. FYI: Planning Magazine – May 2007 and June 2007

D. FYI: Site Plan applications approved under Zoning Regulations Section 3.9

1. **Site Plan 3.9 Revision – 123 Great Pond Drive**, Office/manufacturing, add 9,949 s.f., I-1 Zone, Emhart/Alford
2. **Site Plan 3.9 Revision – 1035-1065 Kennedy Road**, revise sidewalk grades in front of Retail A and add generator pad at rear of Retail B, PUD Zone, R.J. O’Connell & Associates

3. **Site Plan 3.9 Revision - 910 Day Hill Road**, revise loading area/dumpster location, Robert E. Morris Company/Phil Doyle
4. **Site Plan 3.9 Rev – 599-703 Poquonock Avenue, Buffalo Wild Wings**, add vestibule to building, 100 s.f., B-2 Zone, Morin/Alford
5. **Site Plan 3.9 Revision – 80 Lambertson Road**, Install enclosed generator, I-1 Zone, SS&C
6. **Site Plan 3.9 Revision – 650 Park Avenue**, Revise grading/ sidewalk and add portico, AA Zone, International Gospel Fellowship

Town Planner Barz briefly reviewed the above six items approved by staff.

V. PLANNER'S REPORT - None

VI. ADJOURNMENT

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

Respectfully submitted, _____, Marian Madison, Recording Secretary

I certify these minutes were adopted on July 10, 2007.

Karl Robert Profe, Secretary