

MINUTES
TOWN PLANNING AND ZONING COMMISSION
JULY 10, 2007 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CONNECTICUT

PRESENT: Commissioners Mips, Kelsey, Profe, O'Brien and Smith
Alternate Commissioner Brookman was present but not seated

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

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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

Commissioner Profe reported that at the most recent CRCOG meeting there was a discussion about the consideration of private heliports by the Town of Berlin. Commissioner Mips said that Windsor has a private heliport regulations used by the Aetna building a few years back and that we might be able to share some of our research findings with them.

C. Zoning Enforcement Officer's Report - None

D. CGS § 8-24 Referral Requests

1. Poquonock Elementary School - Installation of Solar Panels and/or Solar Shingles

Building and Facilities Manager Albert Neumann said that the Town Council has appropriated \$235,000 for re-roofing the sloped roof of Poquonock Elementary School and while re-roofing on its own is clearly maintenance and not subject to a CGS § 8-24 referral from this Commission, the potential exists to install solar panels and/or solar shingles on the south facing roof of the gymnasium. He explained that the addition of the solar panels and/or shingles has the potential to meet the "substantial improvement" criteria of CGS § 8-24, therefore he was requesting a recommendation from this Commission for the Town to investigate the installation of solar technology as part of the re-roofing project.

Motion: Commissioner Profe moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS § 8-24, approval to investigate the installation of solar technology on Poquonock Elementary School roof as part of the re-roofing project. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny

F. Re-approvals/Revisions

- 1. Subdivision Extension – Ainsley’s Meadow, 57 Portman Street and 50T Valley View Drive, 90-day extension to file mylars, Sasportas/Lally**

Ed Lalley of Ed Lalley and Associates, Inc. said that the mylars had not yet been filed for the Ainsley’s Meadow subdivision. On behalf of the applicant, he requested a 90-day extension to file the mylars.

Motion: Commissioner Profe moved to approve the request for a 90-day extension to file the mylars for the Ainsley’s Meadow Subdivision at 57 Portman Street and 50T Valley View Drive. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

G. Bonds

- 1. Subdivision Bond – Amolia Farms, 79 Lamberton Road, performance bond acceptance, Sidoti**

Town Planner Barz said that the applicant was seeking the Commission’s acceptance of a performance bond in the amount of \$152, 796 for public improvements at the Amolia Farms Subdivision and he referred to a memo from Engineering Assistant Hunt regarding the calculation of the bond amount. .

Motion: Commissioner Profe moved to accept a performance bond in the amount of \$152,796 for the Amolia Farms Subdivision at 79 Lamberton Road. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

H. Site Plans

- 1. Site Plan Revision – 1 and 11 Griffin Road North, Modification of condition No. 5 of March 13, 2007 site plan approval, I-2 Zone, Hartford Life/Hays**
 - Memo from Project Engineer Penney**

Attorney Susie Hays of Updike, Kelly & Spellacy, requested on behalf of The Hartford Life that the Commission rescind condition No. 5 of the site plan approval, which reads:

“...prior to commencing construction of Phase 2 of the project, the applicant shall perform an analysis of the intersection of Griffin Road North with Blue Hills Avenue to determine if an additional lane is required to accommodate the queuing on Griffin Road North and an analysis of the access drive from the site to Day Hill Road to determine if the location of the access drive can adequately accommodate the existing right-turn traffic from the access drive and the entering left-turn traffic to the entrance drive. The applicant shall submit such analyses to the Commission for its review. If the Commission determines that the analyses indicate a problem with either of said intersections, then the Commission may require that the Applicant make additional traffic improvements in connection with the construction of Phase 2 of the Building in order to address such problems”.

Ms. Hays presented drawings and described the off-site and on-site improvements that have been made to the plans to address all of the concerns of that condition.

He said that all staff had signed off on this application and he referred to a memo from Project Engineer Penney stating the Windsor Legal Traffic Authority, Wayne Radke and he are satisfied that the proposed improvements address the traffic impacts generated by Phase 2 of this project. Town Planner Barz recommended approval of the application.

Motion: Commissioner Profe moved to approve the Site Plan Revision application to rescind condition number 5 of the original Site Plan approval dated March 13, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

2. **Site Plan Revision – 599-703 Poquonock Avenue, Revise building #3 into two (2) buildings for bank and retail, B-2 and AA Zone, North Central Square, LLC/Alford (See Public Hearing Item II.9)**

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

I. Minutes

1. June 12, 2007

Page 1, Add information regarding attendance and seating

Page 3, Motion for May 1, 2007 Minutes– correct date

Page 7, Motion at top of page, first line – change to “Commissioner Kelsey” to “Commissioner

Motion: Commissioner Profe moved to approve the minutes of June 12, 2007 as amended. Commissioner Kelsey seconded the motion and it passed 4-0-1 with Commissioner O'Brien abstaining for non-presence.

2. June 25, 2007

Motion: Commissioner Profe moved to approve the minutes of June 25, 2007 as presented. Commissioner Kelsey seconded the motion and it passed 4-0-1 with Commissioner Smith abstaining for 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. ***Special Use – 296 Broad Street, True Value Hardware, Outside storage of propane tank, Zoning Regulations Section 2.1.15, B-2 Zone, HGGS**

Commissioner Mips noted that the hearing for the above application was opened at the June 12, 2007 meeting and continued to tonight's meeting.

Town Planner Barz said that at the last meeting this item was tabled for more information regarding a proposal to install a large propane tank for the purpose of refilling 20 pound tanks for customers. He said that an aerial drawing was included in the packet for tonight's agenda showing the evacuation area around the site in the event of a leak and he said that Fire Marshal Walker was available if the Commission should have any questions. He also noted that he had spoken with the new tenant, Steve Hoffman, about moving the dumpster to a more acceptable location.

Commissioner O'Brien stepped down because he was not present at the last meeting and Alternate Commissioner Brookman was seated.

Paul Smith of High Grade Gas in Stafford Springs said that he had spoken with the Fire Marshal and he believed that all of the needs of the Fire Marshal could be provided for at this site.

Fire Marshal Walker distributed a memo to the Commissioners regarding the evacuation distances required by regulation and the DOT guide book. He said that the plans submitted by the applicant did not accurately reflect the site, so he could not determine whether the applicant would be able to comply with the site requirements or not. He said that statistics show that there is a very slight risk of fires from propane tanks, but if something does go wrong the impact can be pretty serious.

In response to a question from the Commission, Fire Marshal Walker said that barriers could be put in place to prevent a large truck from hitting the tank.

Town Planner Barz said that the number of staff had outstanding concerns, especially the Building Official and the Fire Marshal because a detailed site plan for the installation of the tank had not been submitted. He said that he could understand why the applicant did not want to go to the expense of a formal site plan without the assurance that they could get a special use permit, but without an accurate detailed plan, it could not be determined if there were solutions to staff's concerns or not.

There was a general discussion of issues including delivery of fuel to refill the tank during off-peak hours only; consideration of a 500 gallon tank rather than a 1,000 gallon tank; and the close proximity of the site to residences and other businesses.

There was a general consensus of the Commission that a detailed site plan must be submitted to show that all staff concerns could be addressed before they could consider approving the application.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to deny the application for Special Use at 296 Broad Street for a propane tank under Zoning Regulations Section 2.1.15 for the reason that a detailed site plan addressing Town staff concerns was not provided by the applicant. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Alternate Commissioner Brookman stepped down and Commissioner O'Brien was reseated.

2. 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

Mary Elges, owner of All Star Gymnastics said that she was seeking re-approval for her gymnastics and cheerleading facility. She said that the original approval was for a period of two years and she was requesting a longer time period.

Commissioner Mips said that she had not heard any negative reports and she didn't see any negative staff comments, therefore, she did not see a reason that the time period could not be extended.

Commissioner O'Brien congratulated her on her many successes as reported in the newspapers.

Town Planner Barz said that Ms. Elges had mentioned that there had been a couple of accidents at the access drive and he asked her if she had spoken with the property owner about putting up a stop sign.

Ms. Elges said that the appropriate location for a stop sign was on the property across the street, which was not owned by her landlord. She said that she had spoken with the tenants at that building, but she did was unable to find out how to contact the property owner to ask. She said that she would be willing to pay for the stop sign and installation of it if she can get permission from the property owner.

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

There was a general discussion. Town Planner Barz recommended re-approval of the application and a five year time period.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the application for re-approval of the Special Use at 430 Hayden Station Road for a gymnastics and cheerleading facility. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

3. Zoning Regulations Text Amendment – Section 2.4.15H, Child Day Care Centers and Group Day Care Homes, Wall

- **CRCOG Referral Letter**
- **Memo from Economic Development Director Burke**

Jack Wall, attorney with Wall, McCormack and Robinson, said that he was essentially requesting that Zoning Regulations Section 2.4.15H for day care centers be re-instated, so that the Commission can consider those facilities for approval in any zone rather than in only residential zones. He said

that day care centers were included with a text amendment for places of assembly about a year ago and he felt that the use did not fall into the category of places of assembly and should not have been included with that text amendment.

Town Planner Barz said that there was a comprehensive set of changes recently made to the Zoning Regulations that affected several regulations and the section for day care centers was inadvertently included in the category of places of assembly. Also, with the new corporate development that is coming into town he said he felt that there will be an increased need for day care centers in the industrial areas to fill the needs of the employees who are working for companies that don't provide onsite day care. He said that all staff had signed off on the application and he recommended approval.

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

Commissioner Profe read the CRCOG referral letter and the memo from Economic Development Director Burke in support of the text amendment, into the record.

Motion: Commissioner Profe moved to approve the Zoning Regulations Text Amendment to Section 2.4.15H for Child Day Care Centers and Group Day Care Homes in any zone for the reason that this regulations was inadvertently moved to a less appropriate section in a previous amendment to the regulations and this modification will put the regulation back in a more appropriate section. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

4. Special Use – 200 Lamberton Road, Wall sign oriented to a highway, Zoning Regulations Section 13.4.17, All Crate, Inc.

Joe Novak, owner of All Crate, Inc. at 200 Lamberton Road, said that he was seeking a special use approval to put a sign on the I-91 side of his building. He explained that the elevation of the lot prevents practical placement of a freestanding sign that would be compliant with the regulations. He presented a drawing and described the location and size of the building. He said that the dimensions of the permanent sign would be 4' x 8', which is the same size as the temporary sign that is currently mounted on the east side of the building. In response to questions from the Commission, he said that the temporary sign will be removed if he receives approval of this application to install a permanent sign on the building and he stated that the sign would not be internally or externally illuminated.

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

Town Planner Barz said that all staff members 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 application for Special Use at 200 Lamberton Road to install a wall sign oriented to I-91 under Zoning Regulations Section 13.4.17 as presented. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

- 5. Recreational Neighborhood Design Development Concept Plan – 147 Pigeon Hill Road and 72 Mack Street, 232 Dwelling Units, Golf Course, Club House, Pool and Tennis Court, Millbrook Greens LLC/Kleinman**
- **Letter from the Windsor Chamber of Commerce**
 - **Letter from Chang-Yu Sun and Kuei-Yin Sun – 117 Pigeon Hill Road**
 - **Letter from Diane McKim – 18 Amy Drive**
 - **Petition from Residents of Scherer Ridge Estates – Sarah Anne Lane and Scherer Lane**
 - **Letter from Ron and Sue Williams – 15 East Street**
 - **Memo from Project Engineer Penney**
 - **Letter from CT Farm Bureau Assoc., Inc. – 775 Bloomfield Avenue**
 - **Millbrook Greens, LLC – Responses to Staff Comments**

Before the start of the public hearing on this item, Commissioner Kelsey said that his father-in-law owns property on Scherer Lane and Commissioner Smith said that he had a one-third interest in property on Warham Street. Both Commissioners stated that they did not feel that those facts would have any impact on their decision regarding this application.

Daniel Kleinman, attorney with Levy and Droney, LLC in Farmington, spoke for the applicant. He said that the applicant had no objection to both Commissioner Kelsey and Commissioner Smith sitting on the Commission for this application.

Mr. Kleinman said that the applicant was seeking approval for a development of an existing golf course that will include a 9-hole golf public golf course; clubhouse; health club; pool; tennis courts; and 232 dwelling units consisting of a combination of town homes and flats.

Michael Cegan, landscape architect/ planner with Richter and Cegan, Inc. of Avon, CT gave a power point presentation and described the proposed layout of the development.

David Ziaks, professional engineer with F.A. Hesketh and Associates of East Granby reviewed drainage and utilities at the site.

Scott Hesketh, traffic engineer with F.A. Hesketh of East Granby reviewed the traffic study.

Mark Steiner, managing member of Millbrook Greens Development, LLC and applicant for the proposed development said that prior submitting the application several meetings were held with both staff and with nearby homeowners and several modifications have occurred since the beginning of the creation of the concept plan based on input from those meetings. He presented elevations and floor plans for the clubhouse. He said that the price on the proposed dwelling units would range from approximately \$270,000 and \$470,000.

The Commission directed that there would be a 5 – 10 minute break at 9:35 p.m. The meeting resumed at 9:45 p.m.

Commissioner Mips requested public comments.

The following person came forward to speak in favor of the application:

Mary Beth Welsh, 31 Parkwood Drive.

The following people spoke against the application:

Anthony Fusco, 10 Scherer Lane; Paul Poirer, 77 Mack Street; Diane McKim, 18 Amy Drive; John Bednarz, 356 Park Avenue; Anne Caeser Walker, 51 Pigeon Hill Road; Tom Fuller, First Vice President of the CT Farm Bureau Association (CFBA); Tracy Zotter, 65 Overlook Drive; Matt Staebner, 87 Kahn Road, Franklin CT member of the CFBA; Stanley Dziok, 83 Mack Street; Claudia Gaylord-Fullerton, parent and guardian of her daughter who is a resident on Mack Street;

The following people spoke neither for nor against the application:

Brad Baker, 20 Hayden Court; Joe Misiak, 45 Stagecoach Road, representative of the Windsor Medical Associates at 72 Mack Street; Paul Kotowicz, 385 Dudley Town Road; Dave Gillette, 592 Poquonock Avenue; Harold Jopeck, 4 Sarah Anne Lane; Robert Chellstorp, 15 Scherer Lane; William Walker, 51 Pigeon Hill Road.

Town Planner Barz said that some staff members had not signed off on the plans and he reviewed the staff comments.

Commissioner Profe read comment letters from the following people and businesses:

Chang-Yu Sun and Kuei-Yin Sun – 117 Pigeon Hill Road
Ron and Sue Williams – 15 East Street
CT Farm Bureau Assoc., Inc. – 775 Bloomfield Avenue
Windsor Chamber of Commerce

There was a general discussion.

Mr. Steiner requested that in light of the late hour, the public hearing be recessed until the TP&ZC next regular meeting in September.

Motion: Commissioner Profe moved to recess the public hearing for the Recreational Neighborhood Design Development Concept Plan at 147 Pigeon Hill Road and 72 Mack Street, until the next regular TP&ZC meeting on September 11, 2007. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Kelsey moved extend the TP&ZC meeting past 11:00 p.m. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.

- 6. Special Use – 384 Rainbow Road, Conversion of existing building to residential unit, Zoning Regulations Section 5.2.6K, B-2 Zone, Mollica**

Joseph Mollica, owner of 384 Rainbow Road said that there are two existing apartments in the building and he would like to convert the space that was formerly Rainbow Package Store into another dwelling unit. He reviewed the renovations that he intended to make on the structure.

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 but there were still a few outstanding comments. He recommended approval subject to removal of the store sign; redesign of the street front of the building to have a more residential character; and resolutions of the dumpster location after renovations are completed.

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 at 384 Rainbow Road for conversion of an existing building to a residential unit under Zoning Regulations Section 5.2.6K subject to the following conditions: 1) the existing sign shall be removed; 2) the side of the building facing the street shall be redesigned to be more residential in character as approved by Town Staff; and the dumpster shall be stored in accordance with the Zoning Regulations after renovations are completed. Commissioner O'Brien seconded the motion and it passed 4-1-0 with Commissioner Kelsey in opposition.

7. Special Use – 800 Bloomfield Avenue, Outside Storage, Zoning Regulations Section 8.1.6B, I-1 Zone, TLD ACE/Alford

Wilson Alford, Jr., Alford Associates, Inc. briefly reviewed the site plan revisions that were approved by the Commission at the June 12, 2007 meeting. He presented a drawing and described the proposed location for the outside storage and the proposed screening.

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

Town Planner Barz said that there were several outstanding violations that have existed at the site for some time and need to be resolved in order for the applicant to comply with the Zoning Regulations for outside storage. He recommended approval subject to prompt resolution of all violations.

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 at 800 Bloomfield Avenue for outside storage under Zoning Regulations Section 8.1.6L subject to the following conditions: 1) one-year time limit; 2) all outstanding violations shall be corrected within the next three months or a cease and desist order will be issued; and 3) resolution of final outside storage and screening plan will be accomplished. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

8. Subdivision Re-Approval – 125 Niles Road, 5 Lots, AA Zone, Blazis/Lally

Ed Lally of Ed Lally and Associates spoke on behalf of the applicant. He explained that the subdivision was approved in 1961, and then re-approved in 1992. The property owner was taxed on 5 lots but the mylar was never filed. The applicant was seeking re-approval and the waiver of an open space requirement due to the fact that they have sold land to the Town for very fair price for Welch Park. Mr. Lally stated that the applicant would like to provide rest of the plans (grading, erosion and sediment, landscaping etc) to the Staff for the review and approval prior to filing of mylar.

Town Planner Barz said that he worked for the Town when this subdivision was re-approved in 92. He indicated that there needs to be private road agreement in the case that some lots are sold out of the family in future. He said that he expects full erosion and sedimentation control plan prior to filing of the mylar.

Commissioner Mips felt it was OK to grant the open space waiver considering that the property owner paid taxes on 5 lots for all this time.

Motion: Commissioner Profe moved to approve the application for Subdivision Re-approval for the Metcalf Road Subdivision at 125 Niles Road for five lots subject to the following conditions: 1) this approval includes a waiver of the open space requirement of Subdivision Regulations Section 4.7. 2) Private road maintenance agreement submitted to the Town and 3) erosion and sediment control plan to be approved by the Staff. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

9. Special Use – 599-703 Poquonock Avenue, Drive-in window for bank, Zoning Regulations Section 5.2.6C, B-2 and AA Zone, North Central Square, LLC/Alford

Site Plan Revision – 599-703 Poquonock Avenue, Revise building #3 into two (2) buildings for bank and retail, B-2 and AA Zone, North Central Square, LLC/Alford

Wilson Alford, Jr., Alford Associates, Inc. presented a drawing and described the revision to the site plan for building number 3 of the original approval for this site. He said that the applicant is proposing to have 2 buildings with a combined square footage the same as the original approval for building number 3. He said that one of the proposed buildings would be a bank with a drive-in window and the other would be used for retail.

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, but there were still a few outstanding staff comments and he recommended approval subject to final staff review and approval.

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 at 599-703 Poquonock Avenue for a drive-in window for a bank under Zoning Regulations Section 5.2.6C subject to the following conditions: 1) final staff review and approval of the architectural design for both the proposed bank and the proposed retail building. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the Site Plan at 599-703 Poquonock Avenue to revise building #3 into two (2) buildings for bank and retail subject drive-in window for a bank under Zoning Regulations Section 5.2.6C subject to the following conditions: 1) final staff review of the architectural design for both the proposed bank and the proposed retail building. Commissioner Kelsey seconded the motion and it passed unanimously, 5-0-0.

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

The Commission directed that, due to the late hour, the above application would not be heard at tonight's meeting and it should be included on the agenda for the next regular meeting on September 11, 2007.

* Indicates an item that was recessed or postponed from a previous meeting

III. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

- 1. Special Use – 64 Walnut Drive, 840 s.f. Accessory building, Zoning Regulations Section 4.5.17, A Zone, Wimble**

C. Old Business

D. Public Communications and Petitions (if not completed)

IV. MISCELLANEOUS

- A. FYI: Poquonock Fire House Antenna Tower – Re-evaluation FAA Determination of No Hazard to Air Navigation conditioned upon marking and/or lighting of the tower**

- B. FYI: Lower Farmington River & Salmon Brook Wild & Scenic Study- Committee activities update, June 30, 2007**

- C. FYI: APA Planning Magazine – July 2007**

V. PLANNER'S REPORT

Town Planner Barz reported that both Walter Surface Technologies and the Robert E. Morris company are now open for business; they are pushing dirt on Griffin Road North for The Hartford; at ING on Northfield Drive, they are working on the facade of the building and the mechanicals on the roof; work is proceeding at Walgreens; and the work at Buffalo Wild Wings and Price Choppers on Poquonock is moving at a fast pace.

TP&ZC

July 10, 2007

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VI. ADJOURNMENT

Motion: Commissioner Kelsey moved to adjourn the meeting at 11:55 p.m. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.