

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JULY 12, 2016 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Mips, Profe, O'Brien, Smith and Scharoff
Alternate Commissioners Levine & Jaggon were present, but not seated**

**Also Present: Town Planner Barz, Assistant Town Planner Kenyon and Planning Secretary
Madison**

I. NEW BUSINESS

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

A. Public Communications and Petitions (five-minute time limit per person) - None

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

Commissioner O'Brien announced that he has decided to resign from the Commission and tonight would be his last meeting.

C. Zoning Enforcement Officer's Report – July 7, 2016

Town Planner Barz briefly reviewed the report.

D. CGS § 8-24 Referral Requests

1. Day Hill Road Pedestrian Circulation Enhancements

Victoria Houle, Project Engineer for the Town of Windsor, reviewed the multi-year program to complete pedestrian circulation enhancements throughout the Day Hill Corporate Area. She said that in the past five years, some sidewalks, multi-use paths and bus shelters have been installed. This project includes the installation of a 10-foot wide bituminous path beginning at 910 Day Hill Road and extending west to the intersection of Day Hill and Prospect Hill Roads. Another section will be on the south side of Day Hill Road in front of the ComTrust Credit Union to connect to the existing path west of Goodwin Drive. A bus shelter will be installed on Day Hill Road at Integrity Way.

Ms. Houle said that there is not enough room in the town right-of-way for construction of the paths, therefore eight easements will be required from property owners along the north side of Day Hill Road.

Construction of new sidewalks is regulated by Chapter 15 of the *Town of Windsor Code of Ordinances*, which outlines specific procedures for approval. Town Council has scheduled a public hearing on August 1, 2016 for the consideration of the new path segments. Prior to Council action, a recommendation for approval from the Town Planning & Zoning Commission is required.

Commission consideration is also requested to recommend approval of the proposed path and sidewalk segments and bus shelter locations pursuant to C.G.S. 8-24. Commission recommendation for the acceptance of the easements associated with the FY17 work will be requested under a separate agenda item.

Motion: Commissioner Profe moved that pursuant to the *Town of Windsor Code of Ordinances* Section. 15-32, the Town Planning & Zoning Commission recommend to the Windsor Town Council, approval of the proposed multi-use path segment locations, as described in this memorandum and shown on the attached map. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe resolved that pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, the Town Planning and Zoning Commission recommend to the Windsor Town Council, approval of the proposed multi-use path segment locations, as well as the proposed bus shelter location, as described in this memorandum and shown on the attached map. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

2. Accept Sidewalk Easements along Day Hill Road

Ms. Houle requested the Commission to recommend the eight easements from property owners on Day Hill Road to construct the paths and bus shelter. She said that staff has discussed the project with all current property owners, all of which have indicated support of the multi-use path construction and intent to grant the proposed easements upon Council approval.

Motion: Commissioner Profe moved that pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, the Town Planning and Zoning Commission recommend to the Windsor Town Council, approval of the proposed easements as presented. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

3. Town of Windsor Capital Improvement Program 2017 – 2022

Ms. Houle reviewed projects in the proposed six-year Capital Improvement Program including: expansion of the public safety complex; pavement management, major street rehabilitation; WPD updated software and updated video equipment in police cars; the dog pound project; and Day Hill Road resurfacing, which is 100 percent funded for installation, with the town responsible for the cost of the design only.

Motion: Commissioner Profe moved to approve the proposed FY 2017-2022 CIP as required by Connecticut General Statutes Section 8-24. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny

F. Re-Approvals/Revisions/Extensions

1. Site Plan Revision – 1045 Day Hill Road, add sidewalk, re-designate reserved parking spaces, I Zone, Alford

- **Request for waiver** - for required distance between pavement and property line for a unified parking lot
- **Request to establish a building line** - at a greater distance than the minimum requirement

Wilson Alford, Jr., civil engineer with Alford Associates, Inc., represented the property owner Mark Greenberg. He presented a plan and described the property and the location of the daycare building. He said that a prospective purchaser wants to buy the rear of the property and re-establish a daycare operation. He said that there would not be any additional lots created with the lot line changes proposed. Three of the five lots owned by Mr. Greenberg will be combined to make just one lot, which will actually reduce the number of lots.

Mr. Alford said that the lot has no frontage on Day Hill Road, so in order to comply with the regulations, the lot will have frontage on Old Iron Ore Road, although that portion of the property will not be used for a driveway. His client is requesting that the Commission establish the front building line at a greater distance than the minimum requirement, per the "Building Line" definition in Section 2.2 of the Zoning Regulations.

Mr. Alford said that because there is unified parking at the site, parking and pavement crosses property lines and he requested a waiver of the required distance between pavement and property lines for a unified parking lot, as required under Section 3.1C(1)(v) of the Windsor Zoning Regulations.

Town Planner Barz said that the applicant has met with staff and there were no concerns. Because the requirements are very strict for properties on Day Hill Road, the lot will have frontage on Old Iron Ore Road, which will not be used for a driveway. The existing driveway at Day Hill Road leading to Mototown and the daycare center will continue to provide access to the site. Because the applicant intends to make a change to parking, Town Planner Barz recommended that the revised site plan be reviewed by staff under Zoning Regulations Section 3.9

Motion: Commissioner Profe moved to approve the waiver of Zoning Regulations Section 3.1.C(1)(v) for required distance between pavement and property line for a unified parking lot at 1045 Day Hill Road. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to establish a building line at a greater distance than the minimum requirement under Zoning Regulations Section 2.2 at 1045 Day Hill Road. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

The Commission delegated the site plan to staff for final review and approval under Zoning Regulations Section 3.9.

G. Site Plans

The Commission opened the public hearings and discussed the remaining agenda items. (I.H, II, III &V)

H. Minutes

1. Minutes June 14, 2016

Motion: Commissioner Profe moved to approve the minutes of June 14, 2016 as presented. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

Regarding the public communication at the last meeting, regarding 70 White Rock Drive, Town Planner Barz said that the Commission directed Mr. Madina come to the town hall the following morning to try to resolve the issues before the closing, but he did not come in that morning. Mr. Barz said that he will need to get a legal opinion from the town attorney and he did speak with an MDC engineer who said that an eight inch main must be installed because MDC will have to maintain it if the town decides to build a road. They would not want to be responsible for laterals that do not meet their standards.

II. MICSCCELLANEOUS

TP&ZC

July 12, 20216

Page 4 of 9

1. **FYI: APA Zoning Practice – June 2016**
2. **FYI: 3.9 Site Plan Approval – 276 Broad Street**, awning, sign and lights, B-2 Zone, VFW
3. **FYI: 3.9 Site Plan Approval – 1 Market Circle**, loading docks, paving, landscaping, I Zone
4. **FYI: 3.9 Site Plan Approval – 1045 Day Hill Road**, new vestibule, I Zone, Educational Playcare
5. **FYI: 3.9 Site Plan Approval—184 Windsor Avenue, directional signs, B-2 Zone, 184 Windsor Ave LLC.**
6. **FYI: 3.9 Site Plan Approval—1050 Kennedy Road, concrete pad, I Zone, Cleveland Constriction**

Assistant Town Planner Kenyon briefly reviewed the above five minor site plan revision approved by staff under Zoning Regulations Section 3.9.

III. PLANNER’S REPORT

1. Update on recent development

Assistant Town Planner Kenyon reported on the progress of ongoing projects.

IV. 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 – 753 Day Hill Road & 139 Old Poquonock Road**, fill removal, Zoning Regulations
Section 15.2.13, I Zone, 139 Old Poquonock Road, LLC
2. **Special Use – 753 Day Hill Road & 139 Old Poquonock**, filling, Zoning Regulations
Section 15.2.14, I Zone, 139 Old Poquonock Road, LLC

Commissioner Mips read the letter from the applicant requesting that the public hearing for the above two items be opened and recessed until the September TP&ZC meeting.

Motion: Commissioner Profe moved to recess the items to the September meeting. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

3. Zone Boundary Change – 1530 Palisado Avenue, B-2 to NZ, Sachdev

- **CRCOG Referral Letter**

Lon Pelton, 1 Orchard Road and his daughter, Holly Pelton, explained that the property is being sold and they expected to have the closing before the hearing, but it did not happen. They requested that the Commission hear the application, close the public hearing and schedule a special meeting after the new closing date of July 22, 2016.

Mohan Sachdev, 960 Kennedy Road, said that he is applying for the zone change because he is trying to buy the property and use the existing building for a temple. He emphasized that the property has been vacant for a long time and he believed that the proposed temple would be the best use for this property. He said that services will be mostly on weekends, Friday through Sunday. He added that it would not be a nuisance to the neighbors.

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

Laszlo Tarko, 1575 Palisado Avenue, said that the building has been used as a restaurant in the past and there was a problem with noise; people parking on his property; and a lot of litter. He said that he would like a nice use for that property that does not generate litter or noise.

Commissioner Profe read the CRCOG letter into the record.

Town Planner Barz said that staff has met with the property owner and the applicant and they had no concerns regarding the zone change. He reminded the Commission that if the zone change is approved, churches are permitted by right, but they must consider all permitted uses for that zone.

Mr. Barz said that if the zone is changed from B-2 to NZ, the applicant could use the site for what he wants, but if the sale does not go through, Mr. Pelton would be very restricted as to how the site can be used. He said that the Commission could close the hearing and give the applicant and the owner a chance to close. Since the closing date is July 22nd, he suggested that the Commission close the public hearing and schedule a special meeting Tuesday, July 26th at 5:30 to make their decision. He noted that no new evidence can be introduced on July 26th.

In response to a question from the Commission Mr. Pelton said that he is not selling the lot next door that has the boat launch. He said that he will maintain it and keep it open to the public.

TP&ZC

July 12, 20216

Page 6 of 9

Motion: Commissioner Profe moved to close the public hearing for a Zone Change at 1530 Poquonock Avenue and schedule a Special Meeting on July 26, 2016 at 5:30 p.m. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

4. Text Amendment – Zoning Regulations Section 5.2.6E, car rental and taxi service, Enterprise/Kolstad

- **CRCOG Referral Letter**

Kevin Kolstad, 8 Ella Grasso Turnpike, said that he was representing Enterprise Rent-a-Car for this text amendment. He said that it was a minor amendment to permit a car rental agency to park cars without screening them from the street. Similar to a car dealership, having cars is part of the business. He said that the goal is to move cars, not to have a lot of cars just sitting out on the lot at one time.

Town Planner Barz said that he had been considering changing this regulation as well. He said that he found no reason to screen the cars at a car rental facility because it is no different than a car dealership. He said that the exemption for screening does not apply to moving trucks, just for pickup trucks, the largest being similar to a Ford F150.

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

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 amendment to Zoning Regulations Section 5.2.6E to eliminate the need for screening of rental cars in a business Zone. Commissioner O'Brien seconded the motion and it passed unanimously, 5-0-0.

5. Special Use – 147A Poquonock Avenue, car rental agency, Zoning Regulations Section 5.2.6E, B-2 Zone, Enterprise/Kolstad

Kevin Kolstad, representing Enterprise Rent-a-Car, said that he was seeking a special use to open up an Enterprise car rental agency. He said reviewed the hours and he said that there would only be three to four employees at one time. At the current facility in Windsor, he is not allowed to prep cars on the site, but at this site, there is a bay where he will be able to vacuum and wash the exterior of the cars.

There was a general discussion. In response to questions from the Commission Mr. Kolstad said that he is considering putting some decorative wooden barrels to prevent people cutting through the site to avoid the light a Mack Street. He also responded that he would not have a shuttle to bring people to the facility from the airport.

Town Planner Barz suggested that where the proposed elevations show blacked out windows, the applicant should consider instead using a wall and graphics to block the wash-bay. Commissioner Scharoff noted that there are some parts of the building where the concrete is falling off. Town Planner Barz said that a condition of the special use would be that the site be brought into compliance.

Commissioner Smith said that there was a steep drop-off that could be a safety issue and he asked that a railing or some other deterrent be installed at that drop-off.

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

Town Planner Barz said that staff has met with the applicant and there were no issues with the special use at the site. He recommended that the Commission approve the application subject to submitting a site plan revision for staff to approval under Zoning Regulations Section 3.9 to address some issues

Commissioner O'Brien suggested that the time limit be changed from the current approval of five years to two years because there will be a change of landlords.

Commissioner Mips said that she had no problem with giving the special use the same five-year time limit.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the special use at 147A Poquonock Avenue for a car rental agency subject to a five-year time limit and submission of a site plan to staff under Zoning Regulations Section 3.9 for approval. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

V. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. Re-subdivision – Great Pond Village, 1 lot to 4 lots, I Zone, Great Pond Village, LLC/Great Pond Industrial District

The Commission directed that the above application be scheduled for public hearing at the next TP&ZC regular meeting on September 13, 2016.

C. Old Business

D. Public Communications and Petitions (if not completed)

E. Presentation and Discussion – regarding residential fencing, visibility at intersections and accessory structures

Town Planner Barz gave a computer presentation on interpretation of attached and detached structures; residential fencing; and visibility at intersections to get Commission consensus on what the current regulations allow and discuss potential changes.

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 9:00 p.m. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

Respectfully submitted, _____, Marian Madison, Recording Secretary

I certify these minutes were adopted on September 13, 2016 _____
Karl Robert Profe, Secretary