

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
OCTOBER 11, 2016 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

PRESENT: Commissioners Mips, Profe, Smith, Alternate Commissioners Levine and Correia

ALSO PRESENT: Town Planner Barz, Assistant Town Planner Kenyon, Recording Secretary Hartmann

I. NEW BUSINESS

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

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

Commissioner Profe read a letter from James N. Petropulos, P.E. of Hayner/Swanson, Inc. requesting postponement of the Great Pond Re-subdivision plan to the November 9, 2016 meeting.

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

Commissioner Profe spoke about reports from around the country concerning LED lighting on highways and how studies have shown the lights disrupt sleep patterns and are too bright. Town Planner Barz said while the town does not regulate highway lighting, there is a streetlight replacement program to replace existing street lights with LED lights but that has been put on hold. The town would wait for further information before considering any changes.

C. Zoning Enforcement Officer's Report — October 2016 – None

D. CGS § 8-24 Referral Requests - None

E. Re-Approvals/Revisions/Extensions -None

F. Site Plan - None

G. Minutes

1. Minutes September 13, 2016

Motion: Commissioner Profe moved to approve the minutes of September 13, 2016 as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

2. Minutes September 27, 2016 Special Meeting

Motion: Commissioner Profe moved to approve the minutes of the Special Meeting on September 27, 2016. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

II. MISCELLANEOUS

1. Adoption of Updated Zoning Map

Assistant Town Planner Kenyon explained the changes to the Zoning Map that have occurred since the map was last updated in July 2015.

- The Commission approved a change for 44 to 88 Larch Drive from AG to I on January 12, 2016;
- The Commission approved a change for 1530 Palisado Avenue from B-2 to NZ on September 13, 2016; and
- An error was corrected – 1809 Poquonock Avenue was incorrectly shown as NZ and the map was updated to show B-1.

Motion: Commissioner Profe moved to adopt the Updated Zoning Map as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

2. Acceptance of Annotated Zoning Regulations

Town Planner Barz explained that the Zoning Regulations were brought up to date with the most recent amendments included. Sidebars were then added on each page to better explain the regulations and to help people better understand them. Pictures were also included to illustrate the concepts outlined in the regulations. Town Planner Barz went on to explain that hyperlinks were added so if the user clicks on a hyperlink, it will bring them to other regulations, ordinances, or state statues mentioned in the regulations for further reading. It was noted that the regulations are best viewed on a computer or tablet.

3. **FYI: 3.9 Site Plan Revision – 555 Corporate Drive**, install outdoor storage shed, I Zone, IHP Windsor CT LLC/Hilton Garden Inn Windsor
4. **FYI: 3.9 Site Plan Revision – 80 International Drive**, install freestanding and directional sign, I Zone, Walgreen Eastern Co Inc./Carol M. Bugbee
5. **FYI: 3.9 Site Plan Revision – 90 Pierson Lane**, install freestanding sign, I Zone, Havunen/Kraftsmen Remodeling
6. **FYI: 3.9 Site Plan Revision – 599 Matianuck Avenue**, install shed, NZ Zone, Town of Windsor
7. **FYI: 3.9 Site Plan Revision – 1050 Day Hill Road**, elevations change, I Zone, D Rose Realty LLC/Rose

Assistant Town Planner Kenyon briefly reviewed the above five minor site plan revisions approved by staff.

III. PLANNER'S REPORT

1. Update on recent development – Town Planner Barz updated the Commission on projects underway including:

- Windsor Station is proceeding
- 545 Marshall Phelps—Leipold—is 85% complete
- Keney Park Clubhouse – Fire protection water supply installed. Sheetrock is being installed
- 99 International – Dollar Tree – additional conveyors are being installed
- 599 Matianuck Ave. – L.P. Wilson – work is ongoing for new showers and lavatories
- 1 Market Circle – UPS – Conveyors are being installed
- 21 Griffin Rd – 16,000 SF of tenant improvements received a Certificate of Approval
- 5 Waterside Crossing – Vertafore – tenant improvements are 90% complete
- 480 Hayden Station – The demising wall to separate tenant space is complete
- 200 Old Iron Ore – Amazon – Solar permit has been issued
- 235 Great Pond –Lindenmyer Munroe – Tenant fit-out is underway, replacing a large portion of the former Valassis building
- Aero Gear – 1050 Day Hill Rd.—will be coming in soon with plans for an addition
- 175 Addison Rd. – Belcan – has completed improvements for space on the first and second floors
- 28 Day Hill, Marriott – Guest rooms on the 6th, 7th, and 8th floors are complete. Work is proceeding on the 5th floor
- 280 Broad Street – Electrical contractor is working on relocating the meter bank and Eversource is installing a transformer on the property
- Poquonock Commons—first six townhouses are under construction.

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. Re-subdivision –2300 Day Hill Road and 1 Salisbury Street Great Pond Village**, 2 lots to 4 lots, I Zone, Great Pond Village, LLC/Great Pond Industrial District. **Postponed to the November 9, 2016 meeting**
- 2. Special Use – 1, 3, 4, 5, 6, 7, 30, 32, 34, 36, 38, 40, 42, 44, 46 & 48 Kari Court**, single-family, two-family, and multi-family dwellings, Zoning Regulations Section 4.5.3, A Zone, T. Edwards Construction Inc. & Kathy VanWaters, Pres. Kari Court Homeowners Association, Inc./T. Edwards Construction Inc.

Ed Lally, Ed Lally & Associates, Inc., represented the applicant. Mr. Lally said the application for consideration tonight is under Section 4.5.3 of the Windsor Zoning Regulations, development of semi-attached and detached single family dwellings on a site not exceeding 10 acres in the A Residential Zone. Mr. Lally stated he is representing T. Edwards Construction Inc. who owns the development rights to 30, 32, 35, 36, 38, 44 & 46 Kari Court, the Kari Court Homeowners Association Inc., and the owners of units 1, 3, 4, 5, 6, 7, 40, 42 and 48 Kari Court. Each of these owners has signed a letter to the Commission in support of this application. The president of the Kari Court Homeowners Association, Kathy VanWaters, has signed the application after a unanimous vote of the homeowners. Mr. Lally explained the subdivision was originally approved as housing for older people. Most of the infrastructure was installed and 9 of the 16 units were constructed and sold. He went on to say the developer would like to complete the remaining improvements but it is difficult to borrow money to fund this completion because the age-restricted market is essentially dead and without the prospect of sales activity, lenders will not approve a loan. Approval of this application would facilitate completion of the improvements that the residents and the developer hoped would be completed by now.

Mr. Lally said the property currently consists of more than 10 acres and a boundary line revision has been proposed to reduce the property size to 9.975 acres with sufficient land to support the 16 units previously approved by the Commission as required.

He went on to explain the regulations now require a dedication of open space and the developer agrees to pay a fee in lieu of open space not to exceed ten percent of the fair market value of the land, which will be paid either prorated prior to Certificate of Occupancy of the seven unconstructed units or paid in full at the option of the developer. The town staff has determined that there is no appropriate open space associated with this property, therefore a fee in lieu of open space is preferred.

Mr. Lally stated that the applicant believes this an appropriate request and that it will benefit all owners and the adjacent neighborhoods by completing this project in a manner consistent with the town regulations.

Mr. Lally said upon approval of the application and by agreement with the unit owners, all improvements required by the approved site plan will be completed prior to applying for a building permit for any unit. By agreement with the town staff, all improvements required by the approved site plan will be complete or bonded prior to applying for a building permit for any unit. Mr. Lally noted that all staff suggested conditions of approval are also acceptable.

The owners of the 9 units constructed were in the audience and raised their hands in support of the application.

Veronica Oates, 88 Windbrook Drive, asked about additional nuisances that she might be subject to with the lifting of the age restriction. Mr. Lally showed Ms. Oates the map that indicates the woods would still be visible from her home and the closest unit is 450 feet away from her property.

Marcee Coppola, 11 Grant Circle, expressed her concerns, which included it is very loud when

the snow plow clears the road because the plow hits the raised manhole covers; screen porches should be added; the limit of only five parking spaces outlined in the regulation is violated, as six are shown on the site plan; use of the emergency access road and Grant Circle was a problem during the original construction; and the construction noise was inappropriate at times, occurring at night and in the early morning on weekends.

Christopher Nelson, 803 Matianuck Avenue, has no issues with the construction or neighbors. He questions the notice he received and the lack of information the notice gave concerning exactly what was being asked for tonight.

Town Planner Barz noted that the original application was made at the tail end of the age-restricted housing market more than 13 years ago. He said this application is a solution to get the improvements completed.

Mr. Lally responded to the issues raised and reiterated that this subdivision cannot be completed without this approval and the lifting of the age restriction. The paving of the road would take place this fall before the asphalt plant closes. The six parking spaces noted by Ms. Coppola are outside the required yard. The condition for no construction parking on Grant Circle or any adjacent public street is acceptable. The developer will work with the Town Wetlands Agent to change previously approved sidewalks to a proper width in order to comply with town and ADA standards. The remainder of the roadway, sidewalk, and other common improvements will be completed or bonded for prior to the issuance of a building permit. The applicant will abide by the town noise ordinance. Mr. Lally agrees with Mr. Nelson's comment and said that some towns require a narrative be sent with the legal notice to abutters.

Motion: Commissioner Profe moved approval of the Special Use – 1, 3, 4, 5, 6, 7, 30, 32, 34, 36, 38, 40, 42, 44, 46 & 48 Kari Court, single-family, two-family, and multi-family dwellings, Zoning Regulations Section 4.5.3, A Zone, T. Edwards Construction Inc. & Kathy VanWaters, Pres. Kari Court Homeowners Association, Inc./T. Edwards Construction Inc. with the following conditions:

- **Removal of the age restriction;**
- **Subject to outstanding conditions of prior Special Use Approval;**
- **The remainder of the roadway, sidewalk, and other common improvements will be completed or bonded for prior to the issuance of a building permit;**
- **A fee in lieu of open space not to exceed ten percent of the fair market value of the land will be paid either prorated and paid prior to Certificate of Occupancy of the seven unconstructed units or paid in full at the option of the developer;**
- **A site plan revision is required;**
- **The developer will work with the Town Wetlands Agent to change previously approved sidewalks to a proper width in order to comply with town standards and ADA standards**
- **Changes to property lines will require pinning of the new property corners;**
- **The Town Noise Ordinance will be followed for hours of construction; and**
- **Construction equipment and workers will not use Grant Circle.**

Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

V. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

1. **Special Use—22 Greenfield Street**, Group Day Care Home, Zoning Regulations Section 15.2.16, R-11 Zone, Santana/Diaz
2. **Zone Boundary Change –1201 Kennedy Road**, Agricultural & Industrial to Warehouse, O.J. Thrall Inc./Alford Associates, Inc.
3. **Special Use—261 Broad Street**, Nonpublic use of public and quasi-public property, Zoning Regulations Section 11.4.1, NZ Zone, Town of Windsor/Porri
4. **Special Use—1069 Palisado Avenue**, Tattoo Establishment, Zoning Regulations Section 5.2.6M, B-2 Zone, Honey Bee LLC/Smith

C. Old Business - None

D. Public Communications and Petitions - None

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 8:15 p.m. Alternate Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

Respectfully submitted, _____ Lori Hartmann,
Recording Secretary

I certify these minutes were adopted on November 9, 2016

Karl Robert Profe, Secretary