

**MINUTES  
TOWN PLANNING AND ZONING COMMISSION  
NOVEMBER 9, 2016 7:00 PM**

**PRESENT: Commissioners Mips, Profe, Smith, Levine and Scharoff  
Alternate Commissioners Jaggon and Correia were present, but not seated**

**ALSO PRESENT: Town Planner Barz, Assistant Town Planner Kenyon, 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 Mips welcomed Jill Levine as a regular member of the Commission.

Commissioner Profe said that there was a CRCOG meeting where water distribution was discussed.

**C. Zoning Enforcement Officer's Report - None**

The Commission reviewed Section II. Miscellaneous, items 1 through 4, before the presentation of the following two CGS § 8-24 referral requests.

**D. CGS § 8-24 Referral Requests**

**1. Prospect Hill Road reconstruction, Phase 2**

Victoria Houle, Project Engineer for the Town of Windsor, said that final design plans will be submitted to the DOT on Friday. She noted that construction of the project is 100% funded by the state and the town is responsible for the cost of the design plan.

Ms. Houle said that authorization to proceed to the construction phase will be requested from Town Council in December; therefore, Commission consideration is requested to recommend approval of the proposed project pursuant to C.G.S 8-24.

**Motion: Commissioner Profe moved that the Planning and Zoning Commission, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, recommend to the Windsor**

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**Town Council approval of the proposed Prospect Hill Road Reconstruction, Phase 2 Project. Commissioner Scharoff seconded the motion and it passed unanimously.**

**2. Slope easement at 240 Prospect Hill Road**

Ms. Houle said that in relation to the design plans for the Prospect Hill Road reconstruction, a slope easement from the property owner at 240 Prospect Hill Road will be needed in order to grade the land adjacent to the project in a manner which supports the long-term integrity of both the new sidewalk and roadway.

In response to questions from the Commission, Ms. Houle explained that what appears to be an island in front of the property is actually the center of the owner's horseshoe driveway. She said that the property owner is in agreement with the easement and his responsibility to maintain the land in the center of the horseshoe driveway. He also agreed to plant arborvitae there.

**Motion: Commissioner Profe moved that the Planning and Zoning Commission, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, recommend to the Windsor Town Council acceptance of the proposed slope easement at 240 Prospect Hill Road as shown on the map entitled "Map Showing Easement Acquired from Peter S. and Deanna M. Tyszka, 240 Prospect Hill Road, by Town of Windsor, Reconstruction of Prospect Hill Road – Phase 2, Scale 1" = 20', dated October 2016." Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

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

**F. Re-Approvals/Revisions/Extensions - None**

**G. Site Plans - None**

**H. Minutes**

**1. Minutes October 11, 2016**

Page 1, Commissioners Present - change to "Alternate" Commissioner Levine

**Motion: Commissioner Profe moved to approve the minutes of October 11, 2016 as amended. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.**

**II. MICSCCELLANEOUS**

**1. FYI: Approval of the 2017 TP&ZC Meeting Schedule**

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**Motion: Commissioner Profe moved to approve the 2017 TP&ZC meeting schedule as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

2. **FYI: Zoning Practice** — October 2016
3. **FYI: CFPZA Quarterly Newsletter** — Fall 2016
4. **FYI: Invitation to Commission** – TOD Action Plan Workshop, November 16, 2016

Town Planner Barz said that the workshop has been put together by the DOT and their consulting team Parsons Brinkerhoff, who are tasked to either develop a TOD plan or help advance existing TOD plans for all towns in CT where station stops are planned on the New Haven, Hartford, Springfield commuter rail line. The Town Planning and Zoning Commission, Economic Development Commission, Redevelopment Agency, Windsor Chamber of Commerce/First Town Downtown Board of Directors have been invited to participate. He asked that the Commissioners contact the Town Manager's Office to let Helene Albert know that you are coming.

The Commission completed Section I. CGS § 8-24 Referral Requests before completing the following items.

5. **FYI: 3.9 Site Plan Revision—147 Poquonock Avenue**, parking, landscaping, planters, B-2 Zone, AUM KRMK LLC/Enterprise
6. **FYI: 3.9 Site Plan Revision—Design Development, 41 Mechanic Street**, columns and parking blocks for deck, I Zone, Dube

Assistant Town Planner Kenyon briefly reviewed the above two applications approved by staff pursuant to Zoning Regulations Section 3.9.

### III. PLANNER'S REPORT

#### 1. Update on recent development

Town Planner Barz said that there was little change from the last report.

- Poquonock Commons, the first six townhouses are under construction
- Windsor Station, site work is proceeding slowly and they are moving to do finish work on the Ellsworth building.

The Commission completed Section V. Business Meeting before the public hearings were opened.

#### 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 from October 11, 2016 meeting)
  - **The above application was withdrawn by the applicant**
2. **Special Use—22 Greenfield Street**, Group Day Care Home, Zoning Regulations Section 15.2.16, R-11 Zone, Santana/Diaz
  - **The above application was withdrawn by the applicant**
3. **Zone Boundary Change –1201 Kennedy Road**, Agricultural & Industrial to Warehouse, O.J. Thrall Inc./Alford Associates, Inc.
  - **Letter from Emily Kissell**, 206 Eastwood Circle **and Cary Talbot**, 202 Eastwood Circle
  - **CRCOG Referral Letter**

Wilson Alford, Jr., professional engineer with Alford Associates, Inc., presented a map showing the existing zoning of the property. He said that the property is being sold and his client is seeking to change the zoning of the entire parcel from the AG Zone and I Zone to the W Zone. The AG portion of the lot is not able to be farmed because of the soil type, and because of the slopes, much of it cannot be built upon. He also noted that an adjacent property to the south is zoned W.

Mr. Alford reviewed the contours and vegetation on the site and the distances from the adjacent residentially zoned properties. Regarding impact on the neighbors, he said that the Zoning Regulations provide protection, because under Zoning Regulations Section 3.4.1A(1) the setback for truck aprons from the residential properties is 150 feet. The noise ordinance in the Town Code includes provisions to minimize the impact of noise on neighbors.

Regarding the letter from CRCOG recommending protection of the south piece of the property, Mr. Alford said that what was discussed in the letter would be achieved because of the contours of the property, which prevent it from being built on. Regarding a letter

from an abutter concerned about traffic, he said that the site would generate much less traffic than a big office building like The Hartford.

Town Planner Barz asked why change the AG zoned land, if it is so difficult to build on. Mr. Alford responded that to develop the rest of the property, that acreage is needed for impervious coverage, building density and for stormwater detention areas.

There was a general discussion including traffic generation, the CRCOG recommendation to protect the southerly portion of the parcel, noise levels, and how long the property has had split zoning.

Mr. Alford reviewed the buffer requirements, the need for less parking than offices and he said that the town has set standards for noise levels that must be complied with.

Town Planner Barz said that in his research it appeared that the zoning split, AG and I, was in place since at least the mid-sixties.

Commissioner Mips requested public comment.

The following people spoke against the application:

Brian Vines, 79 Pebblebrook; John Joyce, 10 Pebblebrook; Emily Kissell, 206 Eastwood Circle; Louis Glanz, 35 Pebblebrook; David Fontaine, 35 River Street; and Matilde Bello, 23 Pebblebrook.

Concerns included noise, pedestrian safety from truck traffic on River Street, visibility of the buildings from resident homes, property values and the lack of necessity for new buildings when there are so many vacant buildings in Windsor. People also expressed disappointment that the land would no longer be farmed.

No one else from the public came forward to speak regarding the application.

Town Planner Barz said that staff has met with the applicant and several use options were discussed for the property. Because the exact proposed use is unknown, the Commission will have to take an educated guess. He noted that the flat developable area is currently zoned industrial, so there is potential development of that property today. He noted that a 60-foot building could be built on the site under the current zoning. In the I Zone, the regulations include building material standards, which do not apply to buildings in the W Zone. He reminded the Commission that they cannot place conditions on a zone change.

Regarding the town noise ordinance, Mr. Barz noted that motor vehicle noise is exempt, which means that it does not apply to noise from truck backup alarms. All trucks must have backup alarms per federal regulation.

Commissioner Profe read the CRCOG referral letter into the record.

In rebuttal, Mr. Alford said that there is no likelihood that there would be a driveway on the site out to River Street because of the slopes. There would be better access and egress from Kennedy Road. He said that his client has offered to leave 150 feet of AG zoned land, which would provide a 300-foot buffer.

There was a general discussion. Commissioner Smith said that he was not in favor of the property being developed under the warehouse regulations and land zoned industrial should not be changed.

A brief recess was called so that Mr. Alford could confer with his client.

Mr. Alford said that his client would leave the extra 150-foot buffer of AG. He noted that with the geometry of the property, when developed, there would be more than one building on the site.

Commissioner Scharoff said that the additional buffer answered some of his concerns, but he still would not be in favor of approving the zone change.

Commissioner Mips closed the public hearing for this item.

There was a general discussion regarding recessing the public hearing. It was determined that because the public hearing was closed, the Commission would have to either approve or deny the application. There was a consensus of the Commission to deny the application without prejudice and if the applicant submits a revised application next month, the applicant would only have to pay the base fee.

**Motion: Commissioner Profe moved to deny without prejudice the Zone Change at 1201 Kennedy Road from AG and I Zones to the W Zone and allow only the base fee. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**4. Special Use—261 Broad Street, Nonpublic use of public and quasi-public property—sewing classes, Zoning Regulations Section 11.4.1, NZ Zone, Town of Windsor/Porri**

Jan Porri, 32 Tiffany Drive, said that she currently has an office in Windsor Locks where she teaches sewing to both adults and children. The hours are usually 11:00 a.m. to 7:00 p.m. and will not conflict with the Chamber of Commerce hours.

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

Assistant Town Planner Kenyon said that staff has reviewed the application and there were no issues. She said that the use is consistent with how the property has been used in the past by non-public uses.

Commissioner Mips closed the public hearing for this item.

Commissioner Mips commented that it was a small place and the hair salon was occupying it for a very long time. She said that she felt that this would also be a good use for the property.

**Motion: Commissioner Profe moved to approve the Special Use at 261 Broad Street for sewing classes. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**5. Special Use—1069 Palisado Avenue, Tattoo Establishment, Zoning Regulations Section 5.2.6M, B-2 Zone, Honey Bee LLC/Smith**

- **Letter from Virginia Hughes, 19 Hayden Station Road**

Michael Smith owner of the Choppe Shop in a building on the same property, was seeking a special use for a tattoo establishment. He said that cutting and body artwork would be available only by appointment and he expected no more than three customers a day. In response to a question from the Commission, he said that the charge was typically \$150 to \$300.

Mr. Smith explained that cutting is a process used to cover scars and for cancer patients who have lost their eyebrows, etc. He submitted a petition with signatures from residential property owners within 800 feet so the Commission could consider granting a distance waiver.

Commissioner Smith asked how many chairs there would be and what the hours would be. The applicant responded that there would be only one chair and the hours would be from 9:00 a.m. to 6:00 p.m.

Commissioner Mips requested public comment.

Speaking in favor of the application:

Diane Smith, owner of Moneta Moments, located on the same property, said that she is Michael Smith's mother and she stated that the hair salon that he and his wife opened has brought more business to the other businesses located there.

Chris Rakyta, owner of Nat Hayden's, said that he has gotten to know Mr. Smith and believed that Mr. Smith had a drive to help the town and be a part of the community, and he supported the application.

No one else from the public came forward to speak regarding the application.

Commissioner Profe read the above letter into the record. The letter was written in support of the application. Ms. Hughes wrote that she met the applicants and that she was impressed by the changes that were made by the applicant's wife on the two buildings on the property.

Assistant Town Planner Kenyon said that staff has met with the applicant and there were no concerns. She said that the petition had been verified and recommended that the Commission waive the 800-foot distance requirement. She noted that the applicant would need to get a building permit for a sign and follow up with the Health Department.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the waiver of the 800-foot distance requirement for an establishment being next to a residential zone. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**Motion: Commissioner Profe moved to approve the Special Use at 1069 Palisado Avenue for a tattoo establishment under Zoning Regulations Section 5.2.6M in the B-2 Zone subject to a one-year time limit. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

## **V. BUSINESS MEETING**

### **A. Continuation of New Business - None**

### **B. Application Acceptance**

- 1. Special Use—850 Prospect Hill Road, Ninja Warrior Gym, Zoning Regulations Section 8.6E, I Zone, FS Realty, LLC/Alberti**
- 2. Special Use Re-Approval—464 Broad Street, Two-Family Home, Zoning Regulations Section 4.5.1, R-11 Zone, ACASS, LLC**

- 3. **Special Use Re-Approval – 20 Union Street**, Nonpublic use of public and quasi-public property - full service restaurant, Zoning Regulations Sections 11.4.1 & 5.2.6D(2), NZ Zone, Windsor Fire District/The Firehouse Pub, LLC

Town Planner Barz briefly reviewed the above three applications and the Commission directed that they be scheduled for public hearing at the next regular TP&ZC meeting on December 13, 2016.

The meeting was recessed at 7:15 p.m. until the public hearings were opened at 7:30 p.m.

**C. Old Business** - None

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

#### VI. ADJOURNMENT

**Motion: Commissioner Scharoff moved to adjourn the meeting at 9:45 p.m. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

Respectfully submitted, \_\_\_\_\_, Marian Madison, Recording Secretary

I certify these minutes were adopted on December 13, 2016 \_\_\_\_\_  
Karl Robert Profe, Secretary