

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
December 13, 2016 7:00 PM
COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

**PRESENT: Commissioners Mips, Profe, Smith, Levine and Scharoff
Alternate Commissioners Jaggon arrived at 8:05 p.m.**

**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 - None**
- C. Zoning Enforcement Officer's Report – December 2016**
- D. CGS § 8-24 Referral Requests**
 - 1. Recommend Acceptance of a Sidewalk and Transformer Easement - 55 & 69
Mechanic Street (Windsor Station)**

Victoria Houle, Town of Windsor Project Engineer, said that construction of the Olde Windsor Station redevelopment project on Mechanic Street is coming to completion. As a part of the site development, a new sidewalk has been constructed along the property frontage on the east side of Mechanic Street. However due to the limited right-of-way available, a portion of the sidewalk as well as a new electrical transformer are located outside the town right-of-way and on the private properties.

The proposed easement includes the area of both the portion of sidewalk outside of the established right-of-way as well as the area around the new transformer. Similar to the other sidewalk easements granted to the town, the easement would establish the sidewalk as a public sidewalk, with the long-term structural maintenance becoming the town's responsibility and snow and ice removal being the abutting property owner's, in accordance with Windsor Code of Ordinances Section 15-32. The easement will also allow Eversource access to the transformer.

Motion: Commissioner Profe moved to recommend the acceptance of a sidewalk and transformer easement located at 55 & 69 Mechanic Street, as shown on a map entitled “Map Showing Easement to be Granted to Town of Windsor Across the Property of Olde Windsor Station, LLC. Reconfigured Lot C, Mechanic Street, Windsor, Connecticut, Dated March 6, 2015, Revised through November 29, 2016, prepared by F.A. Hesketh & Associates, Inc.” Commissioner Levine seconded the motion and it passed unanimously.

E. Pre-Application Scrutiny

F. Re-Approvals/Revisions/Extensions

1. Site Plan Revision-1065 Kennedy Road, Construction of out-parcel area B (retail/restaurant) and extension of retail parcel A to 20,000 square feet, PUD Zone, JBL Asset Management/Schroeder

- **Updated Comments** – Planning Department and Engineering Department, December 12, 2016

Dana Steele, professional engineer with J.R. Russo, East Windsor, presented the application. He said that the property is in the PUD Zone and the site has not yet been fully built-out in accordance with the master plan. He presented a plan and described the pad site B location, which is being proposed for retail use. The size of the pad is proposed to increase from 6,000 square feet to 8,000 square feet. He said that the first phase of development will be the building of pad site B and the second phase will be expansion of retail building A.

Mr. Steele said that Sleepy’s mattress store will move into the new building along with some other small businesses like Verizon or a coffee shop. The plan for retail building A is to expand it at the rear of the building. He presented elevations for the new building and reviewed screening of mechanicals, landscaping, lighting, impervious coverage and parking. Regarding the updated staff comments presented to the Commission this evening, he said that his client is agreeable to them and he requested approval of the site plan with the condition that the issues be addressed on the staff memo dated December 12, 2016 and the Fire Marshal’s request for verification that the proposed fire suppression is adequate.

Commissioner Profe asked if there is a pad still available in the PUD behind Stop and Shop. Mr. Steele responded that the pad is still available, but it is not part of this application.

Assistant Town Planner Kenyon said that all signs in the PUD Zone have to be approved by the Commission or the Commission can remand approval to staff. She said that staff is proposing 1.5 square feet of sign for each linear foot of building frontage, which is consistent with other signs. She said that staff met with the applicant and she recommended approval subject to addressing outstanding staff comments.

Motion: Commissioner Profe moved to approve the Site Plan Revision for 1065 Kennedy Road subject to staff approval of signage and any outstanding staff comments to be completed. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

G. Site Plans - None

H. Minutes

1. November 9, 2016

Page 1 – Move Commissioner Profe’s comment from A. Public Communication to B. Communication from the Commission

Pages 7 & 9 – Change “Alternate Commissioner Levine” to “Commissioner Levine”

Motion: Commissioner Profe moved to approve the minutes of November 9, 2016 as amended. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

2. November 22, 2016 Special Meeting

Motion: Commissioner Profe moved to approve the minutes of the November 22, 2016 Special Meeting as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

II. MISCELLANEOUS

1. Zoning Practice — November

2. FYI: 3.9 Site Plan Revision—136 Addison Road, Generator Installation and Concrete Pad, I Zone, Day Hill Kennels/Tower Generator

3. FYI: 3.9 Site Plan Revision—300 Lamberton Road, Transfer Switch Installation and Concrete Pad, I Zone, Techni-Met/PJ Lodola & Son Inc.

4. FYI 3.9 Site Plan Revision—1050 Day Hill Road, Heat Exchangers and Tank Installation, I Zone, D. Rose Real Estate LLC

Assistant Town Planner Kenyon briefly reviewed the above three minor site plan revisions approved by staff pursuant to Zoning Regulations Section 3.9.

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III. PLANNER'S REPORT

1. Update on recent development

- **Leipold, 545 Marshall Phelps Road** – addition nearly complete, will be getting C/O soon
- **LP Wilson, 599 Matianuck Avenue** – bathrooms and showers for emergency shelter completed
- **AeroGear, 1050 Day Hill Road** – making some additions to their site
- **1530 Palisado Avenue** – interior renovations underway for the Sikh Temple
- **Europa, 755 Rainbow Road** - conveyors have been installed. Also Dollar Tree and maybe Amazon will be installing new conveyors soon.
- **100 Northfield** – have begun making office renovations
- **Windsor Station, Mechanic Street** - pavement has been completed and will be occupied early in the coming year.

The Commission completed Section V. 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. **Special Use—850 Prospect Hill Road, Ninja Warrior Gym, Zoning Regulations Section 8.6E, I Zone, FS Realty, LLC/Alberti**

Thomas Alberti, gymnastics trainer, said that he and Drew Drechsel started New Era Ninjas in April 2015 and they now have 8 employees and 325 attendees. The business is designed to teach children ages 5 and up and adults the techniques to athletically overcome obstacles. There are techniques using basic gymnastics, agility, speed and grip strength. He said that it is a good positive outlet for kids to play around in a safe way and to be the best that they can be.

Mr. Alberti said that the hours of operation would be Monday through Friday 4:00 p.m. until 8:00 or 9:00 p.m. and Saturdays from 9:00 a.m. until 12:00 p.m. He added that there would be birthday party times as well on weekends.

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Commissioner Mips requested public comment. Speaking in favor of the application:

Brian Cigal, 226 Rollingbrook, said that he and his family have watched the show and found it very entertaining. It's great for the community getting both children and adults involved in physical activity, goal setting and engaging in competition. He urged the Commission to vote in favor of the application.

No one else came forward to speak regarding the application.

Assistant Town Planner Kenyon said that staff met with the applicant and there was an issue with landscaping on the site, which has been addressed. She noted that there is enough parking to support the proposed use and if it should become an issue, there is reserved parking on the site, which can be built-out if needed. She added that the Health Department has verified that the septic is adequate for this use at the site. She recommended approval.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the Special Use at 850 Prospect Hill Road. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

2. Special Use Re-Approval—464 Broad Street, Two-Family Home, Zoning Regulations Section 4.5.1, R-11 Zone, ACASS, LLC

Andy Johnson, 16 Hudson Lane, said that the house was converted to a two-family home in 1984. He said that there is a 10-year time limit on the special use, which he was not aware of until recently. Because it has been the same for the last 30 years and there have been no problems, he requested re-approval of the special use with no time limit.

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

Assistant Town Planner Kenyon said that there have been no issues with the special use and removal of the time limit was up to the Commission.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the re-approval for 464 Broad Street removing any time limit associated with the property. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

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

Tim Fitzgerald represented Union Street Tavern for re-approval of the special use. He said that there have been no changes in ownership, management and operation of the tavern. The first approval was in 2001, re-approved in 2006 and again in 2011. He requested an extension of the five-year time limit to 10 years.

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

Lon Pelton, 1 Orchard Lane, said that the tavern has replaced the Windsor House and he hoped that the Commission wouldn't mess with it.

Commissioner Levine asked about the shared parking. Mr. Fitzgerald said that it has long been an issue in flux, but he said that even if the Selig building was sold he believed that there was enough flexibility and it would not be a problem.

Commissioner Mips closed the public hearing for this item.

Assistant Town Planner Kenyon said that staff reviewed the application and there were no issues with this application.

Motion: Commissioner Profe moved to approve the Special Use Re-Approval for 20 Union Street subject to a 10 year time limit and all previous conditions of approval. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

4. Zone Boundary Change –1201 Kennedy Road, Agricultural Zone to Industrial Zone, O.J. Thrall Inc./Alford Associates, Inc.

- **Letter from Ernest Perreault** – President, Strawberry Hills Homeowners Association

The following 10 residents of Strawberry Hills signed the above letter in opposition to the Zone Change:

Barbara Masera; Lisa Farrell, 279 Strawberry Hill; Perri Hurd, 45 Waterview Drive; Samuel Mata, 5 Early Dawn Circle; Deborah Germon, 73 Sunrise Circle; Douglas McGough, 9 Early Dawn Circle; Cynthia Barron, 239 Bounty Way; Tony Melo, 101 Sunrise Circle; Diane Lehan, 29 Early Dawn Circle; and Patricia LaVallee, 21 Early Dawn Circle.

- **Letter from David Georgetti** – 210 Eastwood Circle
- **Letter signed by the following 6 residents of Strawberry Hills:**
Elizabeth Roman, 214 Eastwood Circle; Bonnie Richards, 226 Eastwood Circle; Laverne Simpson, 218 Eastwood Circle; Cary and Roberta Talbot, 202 Eastwood Circle; and Alan Lau, 222 Eastwood Circle
- **Letter from Emily Kissel**, 206 Eastwood Circle (three photos and one map attached)

Wilson Alford, Jr., professional engineer with Alford Associates, Inc., presented a map and reviewed the surrounding location of the 159-acre parcel. He said that the north portion of the parcel is 84.5 acres zoned Industrial (I) and the southern portion is 74.5 acres zoned Agricultural (AG). He noted that last month an application was heard by this Commission to rezone the entire parcel to the Warehouse (W) Zone, with the exception of a 150-foot buffer of the parcel which would remain AG. The application was denied and the Commission indicated that building material standards in the I Zone were important and such requirements would be lost if zoned W.

Mr. Alford said that he met with the Town Planner who suggested an amendment to the application to create more of a buffer by not asking for a zone change on a small portion of property on the plateau of the southwestern portion of the property, which would restrict the use of that area and lessen the impact on the abutting residents. He said that an area on the southeastern portion of the property the zone will remain AG to assure that there will not be a drive coming out onto River Street as per Zoning Regulations Section 14.1.12. He reviewed the topography and the areas on the property that would restrict development because of steep slopes.

Mr. Alford said that the northern portion of the property could be developed at the present time as permitted in the I Zone. He explained that the zone change was being requested to allow the creation of a stormwater detention basin to handle drainage and the additional acreage would also allow more coverage. He said that as far as the impact on neighbors, it would be no different than would be expected if the Industrial portion were to be developed without the zone change.

Commissioner Levine asked for further explanation regarding coverage. In response, Mr. Alford said that if developing a six-acre site, the maximum coverage by buildings and pavement cannot be more than 50 percent of the site, so only three acres would be buildable. On this site the area where the topography restricts building, while it won't be built on, can be used for building on the rest of the property if the zone is changed.

Mr. Alford presented cross-sections to show what the view of the building would be from the closest residences if the building was 60 feet tall as permitted or 80 feet tall if the Commission were to approve a special use application as per the regulations. He said that at a height of 60 feet the top of the building would not be seen and if 80 feet tall only a small portion of the building would be visible.

Alternate Commissioner Jaggon arrived at 8:05 p.m.

In response to letters that were received regarding the application Mr. Alford addressed traffic concerns, saying that the only driveway would be on Kennedy Road, not on River Street and because of the location, trucks would likely use nearby Route 20 and Interstate 91 rather than River Street.

Commissioner Mips requested public comment.

The following members of the public spoke against the application:

Leslie Harrison, 41 Early Dawn Circle; Curtis Clark, 89 Sunrise Circle; Kristin Sterling, 9 Waterview; Emily Kissel, 206 Eastwood Circle; and Billy Moreno, 55 Pebblebrook

Concerns included noise from trucks loading/unloading and backup alarms which are exempt from the town noise ordinance; more local traffic on River Street; decrease in home values; intent of agricultural designation includes visual open space, which will be lost; may disrupt a functional wildlife corridor; CRCOG report recommends that this portion of the property be excluded from the rezoning or protected from development; it is inconsistent with the Future Land Use Plan; and the safety of the students at the two schools on River Street.

Ms. Kissel asked if people in the audience could raise their hands to show their opposition to the application, although they might not come forward to speak. Approximately 15 – 20 people raised their hands.

Commissioner Profe read the letter in opposition to the application from Mr. Perault into the record and Commissioner Mips read the names of the 10 residents who signed the same letter in opposition to the application.

Mr. Perault wrote that he was representing the Strawberry Hills Homeowners Association. The reasons for opposition to the application included the potential for increased traffic; noise from the industrial use; and the adverse impact on property values in Strawberry Hills and surrounding neighborhoods.

Commissioner Profe read the letter in opposition to the application from David Georgetti into the record.

Mr. Georgetti wrote that he was an abutter to the property. The reasons for his opposition included the potential for increased noise; unsightly views from his home; increased traffic; a decrease in the value of his home; and the zone change is inconsistent with the Future Land Use Plan and the Plan of Conservation and Development.

Commissioner Profe read the letter in opposition to the application signed by six residents on Eastwood Circle into the record.

The residents wrote that the reasons for their opposition to the application included the potential for increased noise; unsightly views from their homes; increased traffic; a decrease in the value of their homes; the need to protect the wildlife corridor; the CRCOG report recommends that this portion of the property be excluded from the rezoning or protected from development; and the zone change is inconsistent with the Future Land Use Plan and the Plan of Conservation and Development.

Town Planner Barz reviewed his suggestions for the amendment to the application. He said that to achieve the goal of pushing development away from the nearest residences, the applicant has increased the area in the southwest corner to remain AG. He added that much of the area of the zone change is not necessarily undevelopable, but it would take major earthwork and be very cost prohibitive to develop.

Ms. Kissel came forward saying that approving the zone change to the I Zone, is to ignore the 50 percent coverage regulation. It would be allowing them to get around the regulations.

In rebuttal, Mr. Alford said that the wildlife corridor area has very steep slopes and it would not change if a building is constructed on the developable area on the parcel. He said that it is very unlikely for River Street to be used by tractor trailers and the only traffic expected would be from residents who worked there and lived nearby.

Commissioner Scharoff said that his largest issue was with the buffer of trees for the abutting neighbors in the southwest portion of the property, which has been addressed. Secondly his concern was safety for the students at the schools on River Street and Kennedy Road, but since there will be no direct access from the site to River Street that concern has also been addressed.

Commissioner Mips said that she thought the applicant listened to the Commission at last month's meeting. She believed that the amount of traffic was lessened because of

the type of building, it addresses stormwater and will not interfere with a wildlife corridor. She said she understood that the tobacco business is unfortunately declining and it was sad because Windsor has been a tobacco town for centuries.

Commissioner Levine said that she thought that Windsor is full of situations like this where residential areas abut right up to I Zones and there is a peaceful cohabitation. She added that she lives in one of those areas and they all exist.

Commissioner Smith asked if there was any possibility of closing River Street to truck traffic similar to what was done on Rainbow Road. Town Planner Barz said that the town has an ordinance for the lower half of Stone Road, but the town was prohibited from doing that on Rainbow Road, so it is something that would have to be looked into.

Louie Glanz, 39 Pebblebrook, said he did not feel that traffic had been addressed properly and did not believe that trucks would not use River Street.

Commissioner Mips noted that traffic will also be addressed when an application to develop the property is submitted.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the request to change the zone on this property at 1201 Kennedy Road from Agricultural to Industrial as amended and presented this evening, because with this change to Industrial there will be quite a lot of ways that potential development can be controlled, including building height or truck traffic and other things when applications are made. Commissioner Scharoff seconded the motion and it passed unanimously, 5-0-0.

V. BUSINESS MEETING

A. Continuation of New Business

B. Application Acceptance

- 1. Special Use – 18 Box Turtle Lane**, In-law apartment, Zoning Regulations Section 4.5.10, AA Zone, Kirkwood
- 2. Special Use – 25 International Drive**, Limited outdoor storage, Mock-up Display, Zoning Regulations Section 8.6.B, I Zone, Tradeport Development I, LLC/Griffin Industrial Realty, Inc.

3. **Text Amendment to Great Pond Form-Based Code – Sections 3.1; 3.2.2; 1.2; 6.2; 6.8; 8.2; 8.3; and 5.4**, TNDD Zone, Great Pond Village, LLC/Great Pond Improvement District
4. **Traditional Neighborhood Design Development – 100 Arlington Road; 111 Newport Road; 200 Newport Road; 100 Lexington Road; 333 Arlington Road; and 2300 Day Hill Road**, Concept Plan Change, TNDD Zone, Great Pond Village, LLC/Great Pond Improvement District
5. **Re-Subdivision 100 & 333 Arlington Road; 111 & 200 Newport Road; 200 Windham Road; 100 Lexington Road; 2300 Day Hill Road; and 1 Salisbury Street**, 10 Lots to 9 Lots, TNDD Zone, Great Pond Village, LLC/Great Pond Improvement District

The Commission directed that the above five applications be scheduled for public hearing at the next regular TP&ZC meeting on January 10, 2017.

C. Old Business

D. Public Communications and Petitions (if not completed)

The meeting was recessed at 7:17 p.m. until the Public Hearings were opened at 7:30 p.m.

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 9:18 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 January 10, 2017 _____
Karl Robert Profe, Secretary