

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
DECEMBER 11, 2018
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

**PRESENT: Commissioners Mips, Profe, Levine, Smith and Alternate Commissioner Harvey
Alternate Commissioner Jaggon was present, but not seated.**

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

I. NEW BUSINESS

- 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 - None**
- D. CGS § 8-24 Referral Requests - None**
- E. Pre-Application Scrutiny - None**
- F. Re-Approvals/Revisions/Extensions - None**
- G. Site Plans**
 - 1. Site Plan Revision – 2 Market Circle, expand outdoor storage facility, 1,120 sq. ft., W Zone, Ahoy Storage/Barresi (See related Special Use Section IV, item 3)**
 - Inland Wetlands Commission Report**

The Commission directed that the above application would be heard concurrently with the associated public hearing item.

H. Minutes

1. November 13, 2018

Motion: Commissioner Profe moved to approve the minutes of November 13, 2018 as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

II. MISCELLANEOUS

- 1. FYI: Zoning Practice – November 2018**
- 2. FYI: 3.9 Site Plan Revision – 775 Bloomfield Avenue, install fan cooler, concrete pad for Eversource transformer, and replace retaining wall, I Zone, Willis Commercial**

3. **FYI: 3.9 Site Plan Revision – 35 International Drive**, install new trailer parking area behind existing building with access drives, I Zone, Griffin Industrial Realty, Inc./Barresi
4. **FYI: 3.9 Site Plan Revision – 379 Broad Street**, parking lot expansion, NZ Zone, St. Gabriel's Church

III. PLANNER'S REPORT

1. Update on recent development

Town Planner Barz reported that the refectory at Loomis is completed and the marquee at the Plaza Building is in disrepair and will need to be replaced.

The Commission completed the items in Section V. before opening the public hearings.

IV. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:30 pm and Commissioner Profe read the legal notice into the record.

1. **Special Use – 909 Stone Road**, Commercial Kennel, Zoning Regulations Section 10.4.5A, AG Zone, Tulloch **(Continued from November 13, 2018)**
 - **Letter from Dan Huckin** – 908 Stone Road
 - **Letter from Vincent Scacchitti** – 16 Seymour Road, East Granby, CT
 - **Letter from Julie and Andrew Beliveau** – 916 Stone Road

Commissioner Levine recused herself and stepped down for the hearing of this application.

Michael Johnson, 100 Retreat Avenue, Hartford, said that he is a developer working with Mr. Tulloch and his family to build a facility to house about 30 dogs. The facility will be for obedience training and grooming, it is not to be used as a doggie daycare. He stated that the proposed facility will be constructed to keep noise at a minimum.

Commissioner Mips requested public comment.

The following persons spoke against the application: Jeffery Hoyt, 805 Stone Road; Carl Crane, 801 and 807 Stone Road; Paul Kuraitis, 873 Stone Road; Robert Bologna, 993 Stone Road; Bonnie Karkowski, 1852 Poquonock Avenue; Michele Vannelli, 1152 Poquonock Avenue; Julie Beliveau, 916 Stone Road; Debra Bologna, 933 Stone Road; John Burns, 842 Stone Road; Myroslav Povroznky, 800 Stone Road; Bob Wallick, 782 Stone Road.

Commissioner Profe read the letter in opposition of the application from Dan Huckin, 908 Stone Road and Commissioner Mips read the letter in opposition of the application from Vincent Scacchitti, 16 Seymour Road, East Granby, CT. into the record.

Concerns included increased traffic and the safety issues it would create for walkers, joggers, dog walkers, etc.; going from a small to a large operation would mean more disturbance from barking dogs than before; sound echoes, so barking affects not only directly abutting residents, but residences that TP&ZC

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are quite a distance from the kennel; loud barking during the day when babies and shift workers are sleeping; negative impact on property values and quality of life; dogs getting loose and confronting people, causing injury or damage to property; there is not a public need for this use on this site; applicant ambiguous about the number of dogs and overall operation; what are the specific types of training and will it be indoors or outdoors; how will existing outbuildings be used; the same consideration of all impacts to nearby residents should be given like the Town Council did for the new dog pound; light pollution; noise from air conditioners; and the significant amount of waste from so many dogs.

Town Planner Barz said that there were many questions brought up and he suggested that some of those questions be addressed by the applicant or his representative.

Mr. Johnson said that the safety concerns had to do with the past management; six or seven cars coming down the road each day should not cause a safety issue; dogs will bark, but the facility will have soundproofing as well as additional sound barriers around the facility itself; dog grooming will be done in another building on the property, not in the kennel.

Shayla Young, 909 Stone Road, said that she is the daughter of the applicant. She said that the building will be located behind an existing building, so people walking their dogs do not have to worry about their dogs barking because they see the dogs in the kennel.

Mr. Johnson said that there will not be 30 dogs outside at one time; they will be let out individually. He said that there will also be an opaque fence so the dogs in the kennel cannot be seen from the street. In response to questions from Town Planner Barz, he said that there will not be a doggie daycare at the facility; there will be only one dog outside at one time.

In response to a question from Town Planner Barz, Ms. Young said that the training would strictly be obedience training, not attack training; regarding licensing, her father has the license and has experience from the dogs at the house they lived at in Hartford; there would probably be one litter every three months.

In response to questions from the Commission, Mr. Johnson said that the existing building that served as the kennel will only be used for administrative purposes; it is not the applicant's intention to have more dogs than the number of kennels; they will not be boarding dogs on a consistent basis.

Town Planner Barz explained that the number of dogs is important because it will be taken into consideration by the Commission in making their decision whether the special use will be compatible with the neighborhood. He noted that the application says that there would be 15 of his own dogs, up to six dogs for grooming and four dogs for training on a daily basis, but he is planning to have 30 kennels. Mr. Barz said that if he were to bring his dog there for grooming or training, he would not expect them to be put in a kennel.

Shawn Tulloch, 909 Stone Road, said that if he put in a building, he would not know what the future is going to hold, whether business will increase or decrease, so he wants to have extra runs. He said that if he needed to hold someone's dog for training, he would not want to crate it, he would put it in a kennel, because it is safer. He said that he might have 25 dogs at one time, not 30 dogs every day. He said that he also has a small business breeding dogs. He would breed one or two dogs every two or three months, probably three times a year.

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Town Planner Barz said that in October he had said that neither staff nor the Police Department had any complaints when the previous owner was operating her kennel there. When the applicant came to talk to planning, we did not know that there had been any issues there and if we had known, we might have dealt with this application differently. The issues only became known during the October meeting. Regarding traffic, he said that he did not feel that it would be an issue with six or seven cars per day. Regarding the noise issue, he said could not assure that the barking is not going to be heard by the neighbors, who he believed made a very strong case. He said that it is not necessarily the decibel level that is concerning, but as someone said, a chainsaw off in the distance in the neighborhood is clearly audible, but is not at a level that would register on a noise meter, but it is annoying nonetheless. He added that he lives off Bloomfield Avenue, about a half mile from Day Hill Kennels and he can hear the dogs barking there on a Saturday afternoon.

The Commission called for a five-minute recess at 8:45 p.m. for staff to review the soundproofing documentation that had recently been submitted. The meeting was called back to order at 8:50 p.m.

Town Planner Barz said that the proposed acoustical tiles would theoretically be able to stop 100 percent of the sound if directed at them, if all of the doors are closed. He said that he could not guarantee the effectiveness of this without a sound study.

Mr. Barz told the applicant that he is proposing a significant investment and the Commission usually puts a one-year time limit on this type of application, and if there were significant complaints that he could not address, then that investment would be lost if the Commission did not approve renewal of the special use.

There was a general discussion regarding the increased size of the operation from the previous operation at this site, the concern is that the applicant would lose his investment if after a year the special use could not be renewed because of significant complaints and the seemingly inadequate size of the individual units.

Town Planner Barz read the definition of a commercial kennel, which would not permit the owner to have more than four dogs without special use approval.

Motion: Alternate Commissioner Harvey moved to deny the application for the following reasons: the nature of the area; proximity of residences; potential noise nuisance complaints; potential congestion with additional vehicles and the inadequacy of the streets; and the size of the facility, which is the potential for noise complaints. Commissioner Profe seconded the motion and it passed, 3-1-0 with Commissioner Smith opposed.

Commissioner Levine was reseated for the remainder of the meeting.

2. Zone Boundary Change – 119 Tunxis Street, from Zone A (residential) to Zone AG (agricultural), Lincer

Karina Lincer, 119 Tunxis Street, said that their property is partially in the residential zone and partially in the agricultural zone and she and her family would like to make the entire parcel agriculturally zoned. She said that tobacco fields abut their property, which are agriculturally zoned. She added that they

were hoping to use the land for a little farm with a larger garden and a lot of fruit trees. She noted that the area of land is in the flood plain, so no residential structures can be built on that land.

Commissioner Mips requested public comment.

The following persons spoke in favor of the application:

Robert and Debra Bologna, 993 Stone Road; and Bonnie Karkowski, 1852 Poquonock Avenue

The above three people commended the applicant because they felt that the town needs more agricultural uses and more open space.

Town Planner Barz said that staff has reviewed the application and had no comments. He noted that the Plan of Conservation and Development recommends that we protect our agricultural heritage and the Commission has a policy of waiving the per acre charge that normally applies to a zone change when it is a down zone from residential, commercial, or industrial to agricultural. Mr. Barz recommended approval.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the zone change from zone A to zone AG at 119 Tunxis Street. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

3. **Special Use – 2 Market Circle**, outdoor storage facility expansion, 1,120 sq. ft., I & W Zone, Ahoy Self Storage/ Barresi

Site Plan Revision – 2 Market Circle, expand outdoor storage facility, 1,120 sq. ft., W Zone, Ahoy Storage/Barresi

- **Inland Wetlands Commission Report**

The Commission directed that the above two applications would be heard concurrently and voted on separately.

TJ Barresi, principal with Barresi Associates, presented a plan and reviewed the location of the site, access, circulation, grading, drainage, utilities, lighting and security, erosion control, landscaping and screening. He said that the expansion includes abutting property located at 908T Archer Road, just north of 2 Market Circle. There will be an additional 151 outdoor spaces for storage of vehicles on 24.57 acres. Mr. Barresi said that staff comments were addressed on revised plans submitted today and he was waiting for the photometric plans from the electric contractor.

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

Town Planner Barz said that staff has not had a chance to review the revised plans submitted today and he recommended approval subject to staff review and approval.

Commissioner Mips closed the public hearing for this item.

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Motion: Commissioner Profe moved to approve the special use for 2 Market Circle, outside storage and facility expansion. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Profe moved to approve the site plan subject to staff final approval. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

4. Special Use – 505 Day Hill Road, commercial volleyball facility, Zoning Regulations Section 8.6E, I Zone, The Real Group, LLC/Alford

Wilson Alford, Jr., civil engineer with Alford Associates, Inc., presented the application. He said that in April, the applicant received approval for a warehouse at this site but now Husky Volleyball, currently located at 30 Baker Hollow Road, is a potential tenant. He reviewed the location of the site, parking, and the proposed location for four outside beach volleyball courts. He said that there would be no impact on peak traffic on Day Hill Road. In response to a question from the Commission, he said that the facility on Baker Hollow Road will be closed when they relocate.

Town Planner Barz said that the applicant needs to close out the previous site plan approval for a warehouse/distribution center and submit a site plan revision for this use to be reviewed by staff pursuant to Zoning Regulations Section 3.9.

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

Town Planner Barz said that Husky has been a very good tenant in town and he felt that this was a better fit than a warehouse at this location. He recommended approval subject to final site plan approval.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the special use application for 505 Day Hill Road, recreational facility subject to final site plan approval. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

5. Re-subdivision – 1046 Windsor Avenue, 1 lot to 2 lots, A Zone, McAllister

- **Letter from Ruth Urso** – 1037 Windsor Avenue
- **Letter from Diana & Gary Kwader** – 4 Country Lane

Robert McAllister, 1046 Windsor Avenue, explained that after he bought the property on Windsor Avenue he decided that he didn't want anyone living on the empty lot behind him, so he bought it and merged it into 1046 Windsor Avenue 30 years ago. He said that what he was proposing was to go back to the original two lots, his house lot and the vacant lot that he bought, both of which were approved by the town in the original subdivision for Country Lane, so that he could market the lot separately if the buyer(s) desired.

Commissioner Mips requested public comment.

The following people spoke in favor of the application: Paul Zeiner, 1053 Windsor Avenue; and Scott Mitchell, 21 Country Lane.

Commissioner Mips read the letters in favor of the application from Ruth Urso, 1037 Windsor Avenue, and Diana and Gary Kwader, 4 Country Lane, into the record.

Town Planner Barz said that when Mr. Pelton developed Country Lane, he restored the Hart House to its present condition and wanted to preserve the historic barn on the lot to the rear, which is still there today. He said that he checked with the Town Attorney, who said that because Mr. McAllister combined the two lots for tax purposes, it wasn't a simple matter of un-combining them, and he recommended re-subdivision. Mr. Barz said that he would have otherwise handled the matter administratively.

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the re-subdivision for 1046 Windsor Avenue. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

6. Special Use – 144B Broad Street, Full-service restaurant, Zoning Regulations Section 5.2.6D(2), B-2 Zone, Mastriani Realty LLC/Williams

Ken Williams, 203 Marshall Phelps Road, presented the application. He said that the application is for a full-service restaurant at 144B Broad Street which is the former space occupied by Nat's Barbeque. He said that the floor plan complied with the regulations for a full-service restaurant and that the restaurant will be a fine casual dining facility serving principally American cuisine with some cultural influences.

In response to a question from Town Planner Barz, Mr. Williams said that there would not be regular entertainment, but there might be some light acoustic entertainment now and then, with no amplifiers.

Mr. Williams reviewed the hours of operation. Town Planner Barz suggested that Mr. Williams simplify the hours of operation for zoning enforcement purposes. Mr. Williams agreed that it would be safe to say that the restaurant would be open seven days a week from 9:00 a.m. to 10:00 p.m.

Town Planner Barz recommended approval with a one-year time limit because of the change in the liquor license. If they were going with beer and wine only, like the previous tenant, there wouldn't be a need for a time limit.

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

Commissioner Mips closed the public hearing for this item.

Motion: Commissioner Profe moved to approve the special use at 144B Broad Street for a full-service restaurant subject to a one-year time limit. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.

V. BUSINESS MEETING

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A. Continuation of New Business - None

B. Application Acceptance

1. **Special Use – 90 Pierson Lane**, indoor sales of antique, classic, and exotic automobiles, Zoning Regulations Section 8.6V, I Zone, DiGrazia
2. **Text Amendment – Zoning Regulations Section 8.6W**, Development Adjacent to Traditional Neighborhood Design Development (TNDD), Alford Associates, Inc.
3. **Special Use – 200 Corporate Drive (Hyatt House)**, Extended-Stay Hotels, Zoning Regulations Section 8.6P(10), I Zone, Windsor Suites, LLC/Alford

The Commission directed that the above 3 public hearing items be scheduled for public hearing at the next regular Town Planning and Zoning Commission meeting on January 8, 2019.

C. Old Business - None

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

The meeting was recessed at 7:05 p.m. until the opening of the public hearings at 7:30 p.m.

VI. ADJOURNMENT

Motion: Commissioner Profe moved to adjourn the meeting at 9:40 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 January 8, 2019

Jill Levine, Secretary