

**MINUTES  
TOWN PLANNING AND ZONING COMMISSION  
APRIL 9, 2019  
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL  
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Mips, Levine, Correia, Smith and Harvey sat for Profe. Jaggon was present, but not seated.**

**Also Present: Town Planner Barz, Assistant Town Planner Sealy and Recording Secretary Lisa Ozaki.**

**I. NEW BUSINESS**

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

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

**a. Determination of use – 154 Broad St. – Snelgrove**

Timothy Snelgrove addressed the commission about Snelgrove's Florist needing a special use permit to sell ice cream. Snelgrove's has been in business since 1924 with an additional location in East Granby. Mr. Snelgrove added ice cream to his florist business, which also sells chocolate and fudge. Mr. Snelgrove stated that he is not an ice cream parlor, so he does not understand why he needs a special use permit to add ice cream sales to his business. He stated that the ice cream is made from the same ingredients as the fudge he sells.

Town Planner Barz read the definition of a limited-service restaurant, which included ice cream parlors, and stated that there is no separate definition of ice cream parlor in the Zoning Regulations. Commissioner Mips asked how they are serving the ice cream. Snelgrove stated that the ice cream is served in cones. Mr. Snelgrove stated that his business is struggling in Windsor and he is looking to just survive. He is hoping to serve ice cream for Easter, Mother's Day and for Shad Derby. Commissioner Mips asked what was the impact of not requiring a special use certificate. Mr. Barz explained to the Commission that the impact of Mr. Snelgrove not having a special use permit will open doors for other places to also claim they are not restaurants.

Mr. Snelgrove stated that he started selling fudge last year and didn't get a special use permit for that. His shop is not an ice cream parlor. Commissioner Smith asked if the Health Department is all set. Mr. Snelgrove stated that the fudge and chocolate come from the East Granby store so a health department review was not required. He hasn't consulted with the Health Department for the ice cream. Mr. Barz will check with the

The existing church was built in 1991 and the church has outgrown it. The proposed addition is 5,645 sq. ft. with a breezeway connecting to the original building. The proposal includes a kitchen and bathroom in the basement fellowship hall in the addition.

Commissioner Levine offered some landscaping alternatives. Mr. Barz stated that staff has signed off, but there are outstanding comments that need to be addressed.

**Motion: Commissioner Levine to approve Site Plan - 320 Hayden Station, Building Addition 5,645 S.F., Parking lot modifications, NZ Zone, Archer Memorial with the condition in the Staff Review Memo dated April 5, 2019 be completed. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.**

#### H. Minutes

##### 1. March 12, 2019

**Motion: Commissioner Levine moved to approve the minutes as presented. Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.**

#### II. MISCELLANEOUS

1. **FYI: Zoning Practice - March 2019**
2. **FYI: 3.9 Site Plan Revision – 800 Bloomfield Ave (TLD Ace) Sidewalk along road and concrete pad, I Zone, Alford**
3. **FYI: 3.9 Site Plan Revision – 2000 Day Hill (Great Pond) Light poles and electrical modifications, I Zone, Winstanley**
4. **FYI: 3.9 Site Plan Revision – 200 Corporate Dr. (Hyatt) 26 Parking spaces, 6 guest rooms, I Zone, Windsor Suites/Alford**

Asst. Town Planner Sealy briefly reviewed the above 3 minor site plan revision applications approved by staff pursuant to Zoning Regulations Section 3.9.

#### III. PLANNER'S REPORT

1. **Update on recent development. – None**

#### IV. PUBLIC HEARINGS

Commissioner Mips opened the public hearings at 7:30 p.m. and Commissioner Levine read the legal notice into the record.

Town Planner Barz stated that there have been no complaints in the last two years. Mr. Thulen has been keeping a record of the other noises that can be heard on Tunxis St in case they are attributed to him in error.

**Motion: Commissioner Levine moved to approve the Special Use – Special Use Re Approval – 33 Tunxis St for 5 years. Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.**

**3. Special Use – 909 Stone Road, Commercial Kennel, Zoning Regulations Section 10.5.4, AG Zone, Tulloch**

Commissioner Levine stated that she is not recusing herself from this application since it is for a breeding kennel and not a boarding kennel.

Atty. Brian Smith of Robinson & Cole was present and addressed the Commission. Atty. Smith stated that this application is substantially different than the previous one, which was denied. The application is just for a dog breeding kennel, which is a more modest proposal in the AG zone, where a kennel is permitted by special use permit. There would be no more than 22 adult dogs at any time. The dogs are only for breeding and will be purchased after 8 weeks old, generating limited traffic.

Michael Johnson, the project architect, has modified the roof from 6 to 4 pitch. There are fabric panels for soundproofing and only 3 dogs at a time would be allowed in the outside runs during cleaning of their inside stalls, limiting the outside noise from dogs. Atty. Smith has visited Mr. Tulloch's current facility in Hartford and stated that there are no complaints regarding dog breeding.

Shawn Tulloch, owner, stated that he will be using the existing building for raising chickens. The admin building was not built correctly for a kennel and will remain empty. The new building is for housing dogs. Mr. Tulloch stated that he does live the house.

Commissioner Harvey asked about the number and size of stalls. Mr. Tulloch explained that there are 22 stalls. Four dogs will be bred every quarter. A dog might give birth to one to ten puppies. Commissioner Levine asked if there would only be one breed of dogs. Mr. Tulloch stated just Rottweilers for now and that he might breed Labrador Retrievers after one year. Commissioner Levine asked if there is a sprinkler system in kennel. Mr. Johnson stated that it was not required by the Fire Marshal. Commissioner Smith asked what kind of heat will be in there. Mr. Johnson stated that it is forced air fueled by oil.

Town Planner Barz asked Mr. Johnson about the architectural sound panels, if they will be the 1 ½" thick panels, to which Mr. Johnson stated yes. The dogs will be in their chain link stalls and will not be able to reach the panels. Mr. Barz was concerned about

Town Planner Barz stated he met with Atty. Smith and there are still some outstanding comments from Staff Review Memo dated March 15, 2019. Sound proofing sounds good on paper, but I can't tell you it's going to work. Staff will need to look up licensing requirements for kennels.

Commissioner Levine asked a question about Section 10.1 of the Zoning Regulations regarding accessory structures. Mr. Barz explained that this is not a residential accessory structure, but treated more like an agricultural structure. Commissioner Levine asked if some of the residents are closer than 500'. Mr. Barz stated yes and that is because of the variance granted to the previous owner, which applies to the land in perpetuity.

Commissioner Harvey asked about the special use permit and the history of the previous owner. Commissioner Harvey stated that this makes the Commission's decision very subjective. Mr. Barz explained to the Commission how to determine if a property is suitable for a special use permit and that the Commission does have the ability to place conditions to permit.

Town Planner Barz explained that we do have a noise ordinance, but it be relevant in this situation, as you may clearly hear dogs barking but it may not be loud enough to trigger a violation.

Commissioner Smith asked how we got here. The previous owner had a non-compliant doggie daycare. Now Mr. Tulloch wants a breeding kennel. Since this was such a problem, in all fairness to the applicant, wasn't there a way to discourage rather than encourage him to continue? It seems like Mr. Tulloch has spent a lot of money on an attorney and architect. Also, a lot of time spent by the residents too. How did we get here? Mr. Barz explained that the daycare didn't live up to what the owner promised to do. Dogs were barking and escaping all the time. The problem was that no one complained to the staff. Had known that there were all these issues with dogs escaping, the constant noise, never doing the septic system and the building not suitable for a kennel, we would have advised Mr. Tulloch that this wasn't a good idea. After all of that was brought to light by residents and Mr. Tulloch was denied, he chose to come back with a new application.

Commissioner Harvey stated that the AG zone does not seem to be an appropriate zone for a commercial kennel. It is better limited to I or W zone. Commissioner Levine also believed that this is not the right zone for the kennel.

Atty. Brian Smith explained that Mr. Tulloch is suffering from the previous owner's mistakes. Mr. Tulloch is trying to run the kennel the right way. The Commission has a tough decision on their hands. We have heard all the heartfelt letters from the neighbors, but the kennel is a permitted special use in this zone. Mr. Tulloch has hired an attorney and an architect to make sure he is doing everything correctly. Even though

The Commission questioned the applicant about puppies and breeding. Mr. Tulloch explained that breeding is based on customer requests for puppies. Commissioner Mips asked Mr. Tulloch about the AKC regulations. He explained that they come right to the facility, where they check the dogs and inspect the kennel. He explained that each puppy has a certificate of pedigree. His vet on Cottage Grove Road in Bloomfield can also verify health of animals.

Town Planner Barz stated that he wants to close the public hearing, but thinks that we need to consult with the Department of Agriculture about kennels and come back with answers.

Commissioner Levine asked Mr. Barz to look into heights of fencing required for kennels. Commissioner Harvey stated that it would be helpful to find the variance and see what exactly was passed. Mr. Barz stated the he will research it.

**Motion: Commissioner Levine moved to continue the Public Hearing for the Special Use at 909 Stone Rd., Commercial Kennel, Zoning Regulations Section 10.5.4, AG Zone, Tulloch. Commissioner Harvey seconded the continuation and it passed unanimously, 5-0-0.**

4. **Special Use – 777 Day Hill Road, Extended-Stay Hotel, Zoning Regulations Section 8.6P, I Zone, Alford Associate Inc. (Continued to May 15<sup>th</sup>, 2019 upon request of the applicant)**
5. **Text Amendment – Sections 8.1, 8.6M(6), 14.2.3A, 14.2.3B, & 12.2.4B(2), Day Hill Standards, Town of Windsor**

Town Planner Barz explained the reasoning behind this text amendment is that we were approached by property owners on Day Hill Road about the restrictions within 500 feet being too restrictive. Windsor is running out of I zone land and Town Planner Barz, Town Manager Sousa and Economic Development Director Burke are trying to look ahead to the economic future of Windsor. The state is leaning more towards a service economy. We would like to maintain the future viability of Day Hill Rd corridor by giving more flexibility in uses and building standards, while continuing to attract high-quality industrial tenants. We would like to allow limited warehousing to go on within 500', which still has to meet relatively high standards of architectural design and materials, and low truck counts and loading dock counts relative to the amount of floor area. We will not be serving high-velocity distributors like Fed Ex, Amazon or Dollar Tree. This gives opportunities for businesses limited to the Industrial areas, to use Day Hill Road frontage. We will be adding and cleaning up some language in the regulations.

**VI. ADJOURNMENT**

**Motion: Commissioner Levine moved to adjourn the meeting at 10:45 p.m. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.**

Respectfully submitted,  
Lisa Ozaki, Recording Secretary

Respectfully submitted, *Lisa Ozaki*, Lisa Ozaki, Recording Secretary

I certify these minutes were adopted on May 15, 2019

*Jill Levine*  
Jill Levine, Secretary