

**MINUTES  
TOWN PLANNING AND ZONING COMMISSION  
JUNE 13, 2017  
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL  
275 BROAD STREET, WINDSOR, CT**

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

**ALSO PRESENT: Town Planner Barz, Assistant Town Planner Kenyon and 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 - None**
- D. CGS § 8-24 Referral Requests - None**
- E. Pre-Application Scrutiny - None**
- F. Re-Approvals/Revisions/Extensions**
  - 1. Site Plan Revision – 99 Day Hill Road**, Construction of access drive to connect with 100 Addison Road, NZ Zone, Town of Windsor
  - 2. Site Plan Revision – 100 Addison Road**, Construction of access drive to connect with 99 Day Hill Road, I Zone, Town of Windsor
    - **Request for Modification** - of the distance between pavement and property line, Zoning Regulations Section 3.1.2C
    - **Report** - from Inland Wetlands and Watercourses Commission

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

Assistant Town Planner Kenyon presented the applications. She said that in March, the Commission recommended approval of a CGS 8-24 for improvements to 100 Addison Road and 99 Day Hill Road, which included construction of an access drive to connect the two properties. She presented a map and reviewed

the location of the 30-foot wide access drive. She said that the Commission is being asked for a modification for parking lots and driveway distances for unified public parking lots. She also noted that the applications have Inland Wetlands approval.

In response to a question from Commissioner Smith, Ms. Kenyon said that there would be no further development on the drive. She said that it is often difficult for DPW vehicles to make a left turn onto Day Hill Road and the purpose of the connecting drive is to let them exit onto Addison Road so they can turn at the traffic signal to travel west on Day Hill Road.

Commissioner Smith also said that he was concerned because he noticed that equipment stored on the 100 Addison Road site was highly visible to neighboring properties. Town Planner Barz said that outdoor storage should be mainly at the facility on Day Hill Road. After the site improvements have been completed, the parks and grounds equipment will be stored indoors at 100 Addison Road.

**Motion: Commissioner Profe moved to approve the Site Plan Revision for 99 Day Hill Road to connect with 100 Addison Road, to include a waiver for modification of the distance between pavement and property line. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**Motion: Commissioner Profe moved to approve the Site Plan Revision for 100 Addison Road to connect with 99 Day Hill Road, to include a waiver for modification of the distance between pavement and property line. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**G. Site Plans - None**

**H. Minutes**

**1. May 10, 2017**

**Motion: Commissioner Profe moved to approve the minutes for May 10, 2017 as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

## **II. MICSCCELLANEOUS**

**1. Zoning Practice - May 2017**

**2. CFPZA Quarterly News Letter - Spring 2017**

**3. FYI: 3.9 Site Plan Revision – 181 Broad Street, Awning, sign and lights, B-2 Zone, 175-181 Broad Street LLC/Sign Techniques Inc.**

**4. FYI: 3.9 Site Plan Revision – 53 Poquonock Avenue, Sign, B-2 Zone, Gustafson/Fair Street Crafts**

**5. FYI: 3.9 Site Plan Revision – 1035 Kennedy Road (Chili’s),** Exterior and interior remodeling, Pepper Dining Inc./GHA Architecture

Assistant Town Planner Kenyon briefly reviewed the above three minor site plan applications that have been approved by staff under Zoning Regulations Section 3.9.

### III. PLANNER’S REPORT

#### 1. Update on recent development

- Amazon is moving along with new conveyors.
- 1050 Day Hill Road (AeroGear) and 40-42 Baker Hollow Road (OSF) have both started on foundations.
- 942 Bloomfield Avenue (animal shelter) - the foundation is in and they are moving on to walls.
- 330 Stone Road has received a foundation permit.
- The Marriott is one week away from completion of a total renovation of the hotel.

The Commission completed agenda item 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 Re-approval – 1001 Day Hill Road,** Temporary School Bus Yard, Zoning Regulations Section 8.6K, I Zone, 1001 Day Hill Road, LLC/DATTCO, Inc.

Kevin Ferrigno, vice president and general counsel for DATTCO, said that the company is requesting an extension of their special use permit for another 12 months. He said that the company is closing on the purchase of 105 Baker Hollow Road later this month. Construction of their permanent bus yard will start this summer and is expected to be completed in six to nine months.

Town Planner Barz asked if the applicant would like a two-year extension and Mr. Ferrigno said yes.

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 changes to the plan since the last approval and staff had no concerns or issues.

Town Planner Barz commented that he noticed some large pot holes at their current temporary site. Mr. Ferrigno said that he has put in an order and the pot holes should be filled this summer.

Commissioner Mips closed the public hearing for this item.

**Motion: Commissioner Profe moved to approve the re-approval of the special use at 1001 Day Hill Road for a temporary school bus yard subject to a two-year time limit. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**2. Text Amendment – Zoning Regulations Section 16.1.11, Bonding Requirements, Great Pond Village/Great Pond Improvement District/Pullman & Comely, LLC**

- **CRCOG Referral Letter**

Eric Nelson, with Winstanley Enterprises in Concord MA., said that the applicant is asking for a change in the current timing in the bonding regulation to better fit with the timing for larger-scale multi-family developments as opposed to typical residential subdivisions. He said that the applicant is requesting that rather than requiring the bond at the time that the building permit is issued the bond be required at the time that the certificate of occupancy (CO) is issued. He said that there was also some language from a former revision of the regulations that was added to the bonding requirements to say “at least 25 percent of any bond shall be in the form of cash (certified check) deposited with the Town”.

Commissioner Scharoff asked Town Planner Barz if there would be any adverse impacts in the long term if the text is changed.

Mr. Barz responded that the whole idea behind bonding is to minimize risk to a buyer. In a conventional residential subdivision a performance bond is required for the street, wearing course, fire hydrants and storm drainage. If paving and sidewalks have not been finished, the town can take a bond to complete that work and somebody buying a house can be assured that if the developer doesn't perform the town holds the money to finish the work. He said that these regulations will not apply to single-family homes, but from an assessor's standpoint apartment buildings are considered commercial buildings, so when the time comes that they are ready for a CO the town will take a bond for any infrastructure that is not completed at that time.

In response to a question from Commissioner Mips, Mr. Barz said that by ordinance, roads must be approved by the Fire Marshal as well as fire hydrants, etc. and this change to the timing of bonding will not affect those standards.

In response to a question from Commissioner Smith, Mr. Barz said that the Windsor Station apartment development would have benefitted from this change in bonding if it was on a new street.

In response to a question from Commissioner Levine, Mr. Barz said that this regulation has no minimum number of units or square footage requirements.

Commissioner Profe read the CRCOG referral letter into the record.

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 text amendment to Zoning Regulations Section 16.1.11, Bonding Requirements, as presented. Commissioner Levine seconded the motion and it passed unanimously, 5-0-0.**

**3. Special Use - Transfer of Non-Residential Density, 880 Marshall Phelps Road to 80 Lamberton Road, Zoning Regulations Section 15.2.8, I Zone, Hawthorne MBM III, LLC/80 Lamberton Road Realty Co., LLC/Alford**

Wilson Alford, Jr., professional engineer with Alford Associates, Inc., spoke on behalf of the owner of 80 Lamberton Road, LLC. He presented a map and described the location and the site configuration. He said that the applicant needs more parking. He noted that the property is beyond the 50% maximum density that is currently allowed, because at the time that it was built the regulations allowed two-thirds coverage for industrial sites. Mr. Alford explained that there was a previous transfer of non-residential density where 880 Marshall Phelps Road was the receiving parcel and they now have a surplus of coverage that they did not use. He said that 80 Lamberton will be the receiving parcel with this application. He said that the additional parking will be constructed on the site where it meets Pigeon Hill Road. He noted that under the Town Planner's recommendation there will be landscaping along the west side of the parking area. Mr. Alford said that there would be no vehicular access on Pigeon Hill Road, but he is suggesting a walkway out to Pigeon Hill Road.

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

Town Planner Barz said that regarding staff comments, the stormwater permits, etc. will come with a 3.9 site plan revision to be reviewed and approved by staff.

Mr. Barz reviewed the previous transfer of coverage that Mr. Alford referred to. He said that the amount of coverage that 880 Marshall Phelps received was far more than Hawthorne MBM III, LLC needed, so they have surplus coverage, which they are requesting to transfer to 80 Lamberton Road.

Mr. Barz said that the regulations do not clearly state that Hawthorne MCM III, LLC can bank these development rights and he planned to clarify the regulations, but for now he believed it is a reasonable interpretation.

Commissioner Mips closed the public hearing for this item.

There was a general discussion.

**Motion: Commissioner Profe moved to approve the special use for transfer of non-residential coverage from 880 Marshall Phelps Road to 80 Lamberton Road, Zoning Regulations Section 15.2.8, because this is a reasonable solution for a transfer of coverage, subject to any final staff comments and review, including landscaping discussed during the meeting. 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 - 276 Palisado Avenue, In-Law Apartment, Zoning Regulations Section 4.5.10, AA Zone, Groenstein/Forward Solutions, Inc.**
- 2. Text Amendment – Zoning Regulations Sections 4.1, 4.2 and 14.2, move regulations pertaining to the residential zone from Section 14, General Requirements to Section 4 Single-Family Residential Zone, to clarify the regulations, Town of Windsor**

The Commission directed that the above two applications be scheduled for public hearing at the next TP&ZC regular meeting on July 11, 2017.

**C. Old Business - None**

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

The meeting was recessed at 7:12 p.m. until the public hearings were opened at 7:30 p.m.

## VI. ADJOURNMENT

**Motion: Commissioner Levine moved to adjourn the meeting at 8:03 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 July 11, 2017

---

Karl Robert Profe, Secretary