

**PLANNING AND ZONING COMMISSION**  
**October 11, 2016 Meeting Minutes**

*These minutes are not official until approved at a subsequent meeting.*

Commission Members Present: Vincent Zimnoch, Jim Szepanski, and Cindy Cooper (Alternate)

Commission Members Absent: Alan Gannuscio, Alexa Brengi, Luis Valdez, and Kayleigh Royston (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer)

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**I. Call to Order**

Vice Chairman Zimnoch called the meeting to order at 7:11 pm.

**II. Roll Call**

Commission roll call was taken. Cindy Cooper was seated for Alexa Brengi.

**III. Approval of Minutes from the September 12, 2016 Regular Meeting and September 21, 2016 Special Meeting**

It was **MOVED** (Cooper) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission postpones approval of the minutes of the September 12, 2016 regular meeting and September 21, 2016 special meeting until the next scheduled meeting of November 14, 2016.

**IV. Public Hearings**

Mr. Szepanski read the rules for conducting a public hearing.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on September 29, 2016 and October 6, 2016.

**A. Special use permit to install 24-foot light poles at the following Laz Fly properties: 18 and 22 Ella Grasso Turnpike, 50 and 53 Ella Grasso Turnpike, and 110 Ella Grasso Turnpike**

Richard Meehan from Meehan & Goodin Engineers-Surveyors of Manchester, Connecticut introduced himself. Mr. Szepanski interrupted to state that to the best of his knowledge the applicant has not complied with Section 1103 of the zoning regulations; specifically, the posting of the sign for the public hearing. He visited the property many times in the past ten days and did not see a sign in any of the properties. Mr. Meehan said he was not aware of this process. Vice Chairman Zimnoch explained where to get the signs and then stated that the public hearing would have to be postponed to the next meeting.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission continues the public hearing on the special use permit to install 24-foot light poles at the following Laz Fly properties: 18 and 22 Ella Grasso Turnpike, 50 and 53 Ella Grasso Turnpike, and 110 Ella Grasso Turnpike to November 14, 2016.

**B. Text amendment to Chapter V of the Windsor Locks Zoning Regulations on Alcoholic Beverages and to the permitted use table, and new definitions of brewery, brew pub, and brew pub restaurants**

Jennifer Rodriguez, Town Planner, stated that a few months ago this commission showed interest in a new regulation that responds to new Connecticut state statutes that have permissive language for breweries, brew pubs, and brew pub restaurants in the state. Some interest was shown by someone local who might be interested in locating one in Windsor Locks, so the commission gave her direction to draft some regulations. After reviewing the regulations for Manchester, Ellington, East Windsor, Windsor, and other towns farther away, a draft was submitted in September. In this draft which is being reviewed tonight, additions that are being proposed are in blue. Parts of the regulations that will be removed have strike marks through them. Ms. Rodriguez proceeded to read through the three new definitions for brewery, brew pub, and brew pub restaurant. She then explained that a few years ago the commission took action to permit restaurants that serve liquor in closer proximity to each other. The old regulation required a lengthy distance between two liquor permits and was becoming problematic in trying to promote more family restaurants where liquor was served. That distance was removed, but with that, the commission made a decision to not permit just bars and cafes; if the commission was to approve a liquor license for on-site consumption, it would also be in conjunction with food. Now we have this state statute and someone with interest in starting a brewery/brew pub/brew restaurant, and you have three options that are now being proposed. The commission showed some interest in determining that this was a little bit different from a simple bar and it might be a tourist attraction, and asked for specific regulations allowing off-site sales and on-premise consumption without that restaurant permit. Our regulations currently show an off-premise consumption and an on-premise consumption, but with these new definitions you would have a little bit of both.

Ms. Rodriguez went on to discuss the changes for each section and for the permitted use table.

Ms. Rodriguez noted that a report from the Police Chief dated October 10, 2016 was received by her office indicating that he had no issues with the brewery regulations.

Vice Chairman Zimnoch commented that by adding the brewery category, we are allowing the tasting tours to serve alcohol without food, which is the only exception from our previous requirement. Ms. Rodriguez added that a brew pub allows the sale of beer to be served in open containers to be consumed on the premises, one of the main differences, again without the sale of food. The third definition is brew pub restaurant, and that would be with the sale of food in a restaurant setting.

Mr. Szepanski remarked that he understands why the commission has to anticipate making some changes, but the brew pub bothers him a little bit where you're serving alcohol without food. However, the liquor commission and other towns are approving these and the Police Chief doesn't have a problem with this, so he doesn't have a problem with it either. Hopefully the proprietor will be trained to recognize if someone is sampling too much. He added that Ms. Rodriguez did a good job in modifying this and she covered everything. Ms. Cooper agreed that Ms. Rodriguez did a good job and commented that we have to go along with the state statutes and the fact that the public really wants these things. Ms. Rodriguez stated that to show this is something a lot of communities are interested in, she received another email from the Connecticut Planning List Serve asking for more model regulations. It's interesting enough that communities are looking for a way to make this something that is permitted in some circumstances where appropriate.

At this time Vice Chairman Zimnoch opened up the public hearing for comments from the public in favor of this amendment. Janet Ramsey, 86 Greenwood Road; Pete Lambert, 11 Copper Drive; John Ross, 41 Fox Hollow Drive; and Bob Benito (?), 423 Woodland Street spoke in favor of this amendment.

The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission closes the public hearing on the text amendments to Chapter V of the Windsor Locks Zoning Regulations on Alcoholic Beverages and to the permitted use table, and new definitions of brewery, brew pub, and brew pub restaurants.

It was **MOVED** (Szepanski) and **SECONDED** (Cooper) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission approves the text amendments to Chapter V of the Windsor Locks Zoning Regulations on Alcoholic Beverages and to the permitted use table, and new definitions of brewery, brew pub, and brew pub restaurants, as outlined in Amendment 1 entitled Proposed New Definitions, effective November 1, 2016.

Ms. Rodriguez advised that a statement of reason needs to be included when approving new regulations. Vice Chairman Zimnoch stated that the regulations need to be updated to reflect the current landscape, and currently microbreweries and brew pubs and brew pub restaurants are everywhere. The commission will be controlling

how these are allowed in town by special use and will continue to maintain control to be sure they will be going into the proper locations. He added that we need this to compete with other towns.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

VII. **Old Business**

**A. Discussion with Commission and Staff**

**i. Road acceptance for Daleo Drive**

Dana Steele, Town Engineer, stated that he submitted a letter to the commission dated October 11, 2016 regarding Daleo Drive. Subdivision regulations require that the town engineer review the public improvements and confirm that they have been in substantial completion with the approved plan. He has reviewed as-builts that have been submitted, conferred with Public Works, and worked with the applicant to address outstanding items. All of those items have been addressed, and he is providing a letter indicating that those improvements are substantially complete and recommending release of the performance bond for Daleo Drive provided the applicant submits the following: (1) a certificate of title for the right-of-way in a form acceptable to the Town Attorney; and (2) a one-year maintenance bond in the amount of \$22,950. He also noted that section 12.5.4 of the subdivision regulations requires a two-year maintenance bond but according to the town attorney, the state statute has since been amended that limits your ability to require performance bonds to one year, so to be in compliance with the state law, we are saying a one-year maintenance bond in the amount of \$22,950. Mr. Steele clarified that this is a recommendation to release their performance bond providing these things are submitted. Mr. Steele did speak to the town attorney about the first condition item, and he was comfortable with that as a condition as opposed to having it in hand prior to the commission's recommendation. The commission's role at this time is to make a recommendation to the Board of Selectmen (BOS) for release of bonds and acceptance of the public improvements, including Daleo Drive, and it is the BOS who will vote to accept the public improvements. After the BOS meets they will schedule a town meeting, and the actual transfer of the property to the town would occur after a town vote at a town meeting.

Vice Chairman Zimnoch stated that the Planning and Zoning Commission recommends to the Board of Selectmen to accept the public improvements and to release the performance bond for Daleo Drive with the two conditions listed in the Town Engineer's letter dated October 11, 2016.

**B. Action Items** (none)

**VIII. New Business**

**A. Public Input** (none)

**B. Receive New Applications**

**i. Amended special use permit to allow higher light poles under new regulation for Carite of Connecticut at 499 and 501 North Street**

John Barberino pointed out that technically the address is now just 501 North Street.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission schedules a public hearing for November 14, 2016 on the amended special use permit to allow higher light poles under new regulation for Carite of Connecticut at 501 North Street.

**ii. Site plan review for 60' x 150' industrial rental garage bays for Rollies Garage at 4 Lawnacre Road**

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission schedules a public hearing for November 14, 2016 on the site plan review for 60' x 150' industrial rental garage bays for Rollies Garage at 4 Lawnacre Road.

**C. Informal Discussions**

John Barberino addressed the commission. He said there are four changes he would like to discuss regarding Carite at 501 North Street. They forgot to add a ten-foot asphalt strip in the back, but it won't change the impervious coverage. The plantings will be slightly different. They want to pave the whole lot. They would like to add four small buildings (824 square feet) all in a row. They also have to add one catch basin. Mr. Barberino mentioned his promise to the commission to be done with this project by the end of September and stated he was put seven weeks behind, but "it's water over the dam."

Mr. Steele explained that Mr. Barberino is asking what the approval process is for these changes—can staff approve it or should he come back to the commission? Ms. Rodriguez said the engineer is working on an updated plan which will include these changes. Mr. Steele stated it sounds like this can be done in full compliance with the regulations and is an appropriate thing for staff to review and approve, but the only question would be, what is the use of the buildings and is the commission comfortable with an expansion of that component of the use. Mr. Barberino explained the uses for each of the four buildings: one will have a buff and shine

machine, one will have a tire machine, one will have a brake machine, and one will be for general cleanup. The buildings will be 20 x 42, 12 feet high, and located 91 feet from the back of the North Street building and 50 feet from the berm, and separated by 15 feet. They will be in line with the self-storage place.

Commission members were comfortable with having staff review these changes.

**D. Action Items** (none)

**IX. Communications and Bills** (none)

**OTHER**

Mr. Steele mentioned that the subdivision regulations need to be updated to reflect the new state statute regarding maintenance bonds.

**X. Adjournment**

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission adjourns the October 11, 2016 meeting at 8:13 pm.

*Respectfully submitted,*

*Debbie Seymour  
Recording Secretary*