

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JUNE 11, 2019
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine, Correia, Harvey sat for Profe and Jaggon sat for Smith.
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) –

Paul Darocha, 139 Broad Street was present and addressed the commission regarding a special use for Track 139 Restaurant. He said several weeks ago he was at the town hall to reopen his business at Track 139. He brought all appropriate paperwork to the town and is supposed to open next week. Last Friday he received a phone call from town that said he needs to reapply for a special use as his had expired. He indicated this is a problem, since he is fully staffed and this preapproval could now take several months to process. He stated he had no idea his permit expired and is now stuck with 40 employees that he needs to pay every week. He asked if he can obtain a temporary permit so he can open next week and then have public hearing. He then asked for a special meeting.

Commissioner Mips consulted with Town Planner Barz regarding timing for a meeting. Mr. Barz stated that there is enough time to post publications for a June 25, 2019 meeting and if the Commission is available, we are all set. Commissioner Mips asked Mr. Barz if he had a chance to speak to the town attorney regarding a temporary use. Mr. Barz stated he has not yet, as this was the first time he was asked. Mr. Darocha stated he left the Town Manager a message, but he has not returned his call. Commissioner Mips explained to Mr. Darocha that the special use was his responsibility to keep track of and renew before expiration was coming up. Commissioner Mips stated she doesn't want to set a precedent for a temporary permit. She explained we will have a special meeting in two weeks just for him, that this is the best and legal way to do it. Mr. Darocha asked how long will this take? Commissioner Mips stated two weeks. Mr. Darocha stated he is fine with that. Commissioner Mips consulted with the Commission on their availability for that meeting. The Commission decided to have a special meeting on June 25, 2019 at 6pm.

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

1. 8-24 Capital Improvements Plan 2020-2025

Town Planner Barz stated that Town Engineer and Director of Public Works, Robert Jarvis, was here to give the Commission a brief overview of the plan. Mr. Jarvis explained that the program presented summaries of larger projects that are financed using a variety of funding sources: including bond receipts, state federal aid and general fund resources. Various town departments submitted the project proposals. The projects are then vetted by town staff, town council, and various town committees. Ultimately, the annual budget is approved by the voters. Some of the more notable projects this fiscal year includes Island Rd and Deerfield Rd. reconstruction, improvements to the DPW facility at 99 Day Hill Rd and roof repair at Sage Park Middle School.

Commissioner Mips stated that it is very well done and that it looks good to her. Commissioner Jaggon stated that he noticed that the cricket park was pushed back to 2022. Mr. Jarvis stated he did not know the specific reason other than where funding may best fit in with other bond obligations. Mr. Jarvis told Mr. Jaggon that he can check into that and personally find out what the reasons were and will get back to him. Mr. Jaggon stated he would like that.

Motion: Commissioner Levine to accept the Capital Improvement Plan 2020-2025 as presented. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny - None

F. Re-Approvals/Revisions/Extensions

1. SU Re-approval – 645-703 Poquonock Ave., Zoning Regulations Section 5.2.6D(3), 5.2.6H, 5.2.6I, B2 Zone, North Central Square, LLC

Town Planner Barz explained that Mr. Lynch was not here, but he provided a letter asking for a two year extension. Mr. Barz stated Mr. Lynch had to pull a building permit within eighteen months and for the reason stated in his letter that it is taking longer than he expected, he was not prepared to do that. He asked for a two year extension.

Motion: Commissioner Levine moved to approve the SU Re-approval – 645-703 Poquonock Ave., Zoning Regulations Section 5.2.6D(3), 5.2.6H, 5.2.6I, B2 Zone, North

Central Square, LLC for two-year extension. **Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.**

G. Site Plans

- 1. Site Plan 777/903 Day Hill Road, Extended-Stay Hotel, I Zone, Alford Associate Inc.: Postponed to June 11th, 2019 upon request of the applicant**

Commissioner Mips stated that Alford Associate, Inc. has written a withdrawal letter dated June 11, 2019 and will resubmit a new application. The applicant requested for the fee to be waived for the square footage in the application fee when resubmitted.

Motion: Commissioner Levine moved to waive the fee for the application square footage. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.

- 2. Site Plane 550 Marshal Phelps Rd., Extended-Stay Hotel, I Zone, Alford Associates, Inc.**

Commissioner Mips stated the Commission will wait for the public hearings on the two special use applications for 550 Marshal Phelps Road to be heard and then vote on this.

H. Minutes

- 1. May 15, 2019**

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

II. MISCELLANEOUS

- 1. FYI: Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Spring 2019**
- 2. FYI: 3.9 Site Plan Revision – 1 Griffin Rd., Awning over entrance, Hartford Financial**
- 3. FYI: 3.9 Site Plan Revision – 99 International Dr., Addition of a stationary fuel cube, Dollar Tree**

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

III. PLANNER'S REPORT

1. Update on recent development.

Town Planner Barz stated that the restaurant in the former 75 Diner is coming along and should be opening soon. We had an unfortunate incident at the Thai Corner and we hope that everyone understands that it has nothing to do with the restaurant itself. Everything will be done to make sure that it is properly cleaned and safe. He hoped everyone will patronize it once it reopens.

Mr. Barz explained there are two buildings on Waterside Crossing with some major and minor renovations going on inside. There is interest in vacant space at 100 Corporate Drive that would involve renovation work if that is pursued. There has been activity at 313 Bloomfield Ave, the former Kindercare facility, where they are doing a total rehab of the exterior to prepare it for the dentist office that is moving in.

Mr. Barz stated we had a discussion with a major property owner in town about what would be the most appropriate use for their property on Day Hill Road. There have been several internal discussions with town staff, based on some preliminary plans they submitted, the staff discussion took a surprising turn away from the specifics of which of the three alternatives was the better plan. The discussion went to a more high level review and we decided to step back and look at this from a bigger picture. There are still a lot of large vacant parcels on Day Hill Road. There have been a lot of requests for apartments to be built here or there over the years. We decided that it was time to step back and think about the future of Day Hill Road. We did this in 2004 and now we need to update the Day Hill Road chapter again. We are now at the point where all these warehouses are going in, traffic is getting heavy, and clearly the POCD needs an update for the Day Hill Corridor.

Mr. Barz stated the application for 10 Great Pond has been appealed. He can't go into detail about, but if in the future, we will put it on as an executive session if necessary.

Mr. Barz noted that 777-903 Day Hill Road will be added to application acceptance for a public hearing at the next meeting on July 9, 2019. 139 Broad Street is removed from application acceptance, since it is having a separate special meeting on June 25, 2019.

IV. PUBLIC HEARINGS

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

1. **Continued from May 15th Public Hearing - 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 that this amendment will allow more flexibility in uses and building standards within 500 feet of Day Hill Road due to changing economic conditions, and flexibility in building design and materials for small accessory buildings in the Industrial Zone, whose size or use would make meeting the current standards impractical.

Commissioner Mips noted that nobody was in the audience, so she closed the public hearing.

Motion: Commissioner Levine moved to approve the Text Amendment – Sections 8.1, 8.6M(6), 14.2.3A, 14.2.3B, & 12.2.4B(2), Day Hill Standards, Town of Windsor. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.

2. **Special Use – 777/903 Day Hill Road, Extended-Stay Hotel, Zoning Regulations Section 8.6P, I Zone, Alford Associate Inc.**

Commissioner Mips stated that Alford Associate, Inc. has written a withdrawal letter dated June 11, 2019 and wished to resubmit a new application. They asked for the fee to be waived for the square footage in the application fee when resubmitted.

3. **Special Use – 550 Marshall Phelps Rd., Zoning Regulations 9.6.2; W Zone, Alford Associate Inc.**
4. **Special Use – 550 Marshall Phelps Rd., Zoning Regulations 9.6.4; W Zone, Alford Associate Inc.**

Items IV 3 and 4 will be heard together per the Commission. Commissioner Levine recused herself since she is an abutter to the property. Town Planner Barz explained to Wilson Alford, engineer Alford Associates, that we are out of alternates. It could create a scenario where the application could be denied if the vote was split. He asked if Alford Associates objects to Commissioner Levine sitting for this application. Mr. Alford stated he does not. Mr. Barz asked Commissioner Levine if she believes that she can be objective in hearing this application. Commissioner Levine responded that she can be objective. Commissioner Levine stated to Mr. Alford that she was at the Walden Woods Conservancy meeting last week and there was some discussion about this application. She stated that she thinks she can form a reasonable objective determination on this.

Mr. Alford explained that the property is located on the west side of Marshall Phelps Road. The building is the old 1982 Royal Typewriter Company and then became Konica Minolta. The building is now mostly vacant with only one tenant residing on the south side. The proposal is for an entry way and expanded loading docks to the north and the west. A repair facility with a fueling station will be located in the rear of the property. The new tenant for the building is a produce distributor. The distributor operation starts during the day when tractor trailers deliver produce and then divide up the

vegetables and fruits into box trucks for deliveries to hospitals, schools and other facilities first thing in the morning. The distributor will prepare about 20% of the produce into cut vegetables and package them for distribution. Mr. Alford stated that this company is one that is out on the road during statewide emergencies, necessitating repairs, fueling and generators.

Mr. Alford stated that there are two special use applications the distributors are applying for tonight:

1. manufacturing for the cutting of the vegetables inside the warehouse zone; and
2. A truck terminal for the fueling station and maintenance building.

The fueling station is so when there is a statewide emergency, they always have enough fuel for all their trucks. The maintenance facility is for minor repairs.

The site plan application asked for a reduction of the 150' buffer from a residential zone to 75' buffer with a very significant berm with plantings. The berm could be anywhere from 6'-8' tall. Mr. Alford showed the advantages of a 75' buffer with a berm and the disadvantages of 150' buffer with no berm. The advantages of the berm is that it shields the line of sight of the box trucks and any noise that they may make such as the exhaust or refrigeration units on top of the trucks. Over the years, the berm plantings will grow to shield even more of the view and noise of the parking area.

Mr. Alford distributed an acoustic report prepared by Carl Cascio, dated June 11, 2019. He explained the noise charts with a berm and without a berm. The report indicated that noise was much less with a berm and buffer reduction than without a berm and 150' buffer.

Mr. Alford explained the drainage concerns and how drainage will now be directed. The IWWC had already approved this property. He stated that the addition and parking is going to be approved by staff. Commissioner Levine stated she has concerns with the drainage and the detention basin flowing to Walden Pond. Mr. Alford assured her the flow will not increase. Commissioner Levine asked what is the height of the building? Mr. Alford responded with 35' is the highest point of the building. Commissioner Levine asked what size trees will be installed in the berm? Mr. Alford stated 6' to 8' tall trees on the top of the berm. Commissioner Levine asked about the front parking spaces. Is there a berm there also? Mr. Alford stated yes.

Mr. Alford explained that the drivers for the produce distributor will not be allowed to take a left onto Marshall Phelps Road. All drivers are in an incentive program for safe driving and receive a monthly bonus for doing so. The drivers follow the rules. Mr. Alford indicated that the trucks may be equipped with quieter OSHA required backup

alarms. Town Planner Barz asked if there was wing wall on the loading dock to add to noise abatement. Mr. Alford stated yes.

Commissioner Mips requested public comment.

The following persons spoke neither for nor against the application:

Roland Bernier, 17 Haskins Road; Russell Devlin, 14 Aster Place; Lynne Gillette, 11 Aster Place; John Sullivan, 10 Haskins Road; Peter DeBisschop, 2 On the Green; Lydia Blanche, General Manager of Leipold, Inc., 545 Marshall Phelps; Warren Johnson, 22 Ivy Lane; Marlene Towers, 5 On the Green; Bob Ellis, 144 Morning Glory Court;

The concerns included noise; multiple trucks; food odor; added traffic to Marshall Phelps Rd.; food waste; house values declining; truck repairs polluting the environment; wildlife attracted to the food waste; lighting; 24 hr. operation; fueling station control; drainage to Walden Pond; discharge causing more water flow; disposal of garbage.

Town Planner Barz stated there are quite a number of staff comments that need to be addressed. Mr. Barz explained to the Commission that the staff could have signed off on just a site plan, but there are two special use permits that are needed. This property is warehouse zoned. Every other property on Day Hill Rd. is industrial. If the company was simply distributing produce, they wouldn't be here for the special uses. The special use for manufacturing is for the cutting of tomatoes, Brussels sprouts, etc. and repacking them for distribution. The other special use is for a maintenance facility. This is not a full-serve garage, but for minor repairs such as wipers, oil, and headlight changes. The company still operates when there is a state of emergency and a fueling station is a must for them. In regards to the safety of the fueling station, the Fire Marshal is fine with it. It will be double walled and monitored with a spill control plan in place.

Town Planner Barz explained that the produce distributor would occupy the south side of the building. Mr. Barz went out to Haskins Road and could see the facility clearly from there. He stated to the Commission that the berm and landscaping would help hide the building and also lessen any noise. If this applicant doesn't occupy this property, it is going to go to someone else. The next company might not need a special use and we would have no control over how many trucks, where the trucks go, or anything like that. There would be no berm and no landscaping on top of it. The neighborhood will be exposed in full to whatever goes in there. Mr. Barz stated that he looked at the application for the produce distributors and sees no problem with them. He had the pleasure to tour their current facility, and that he has no concerns regarding cleanliness due to the strict regulations, overseen by the State Health Department. As far as the lighting goes, we have dark sky regulations and the lights will be pointing away from the residential area.

Town Planner Barz stated we that we cannot adequately control or regulate turning left onto Marshall Phelps Road. The company wants to do things right and offers their drivers incentives for being good drivers. The drivers will make a bonus for not turning left onto Marshall Phelps Road so that may work as an incentive. The special use is not to operate a produce warehouse but for processing food and the maintenance building. The warehousing and distribution of produce is a permitted use.

Mr. Alford explained that the acoustic report was based on eight trucks running at one time. The food processing area will be regulated by the State Health Department. The extra cuttings are ground, liquefied, and sealed, then taken to another facility to be burned for heat. In regards to the total tractor trailers delivering produce to the building, there are ten. These trailers arrive every half hour or two hours and are gone by 2pm or 3pm. Any repairs on the box trucks is cosmetic. No tire changing, just minor things. The fueling station has a spill control plan. The fuel is necessary for emergency situations so trucks can still deliver to hospitals, school, or other facilities. Mr. Alford stated that water flow will be less and not go directly into Walden Pond. He explained that he can change the opening to the pipe and reduce the flow more. An 8,000 gallon waste oil truck will come to the property once a month to remove waste oil.

Town Planner Barz stated that the maintenance of the berm will be regulated by zoning enforcement action. If there are any dead plantings, they will be replaced. The berm with the 75' buffer is going to be superior to the current condition. Commissioner Levine questioned the vernal ponds near Haskins Road being effected. Mr. Alford assured that there is no impact to the pools, as they are too far away and there is already a ridge where the berm is going.

Commissioner Harvey asked what exact noise was being reported in the acoustic report. Town Planner explained that the refrigeration unit is included in report. Once the refrigeration unit has reached the correct temperature, it turns off. Mr. Barz explained how the decibel system works. Commissioner Correia stated that the sound has nothing to do with the special use application. Commissioner Levine asked how many box trucks are there? Mr. Alford explained there could be up to 55 box trucks depending on their success in the future. Commission Levine asked what hours the employees work. Mr. Alford stated that the employees work 4pm to 4am inside the produce facility in 2 shifts. The facility is not open on Sundays.

Commissioner Correia asked if the location of the fuel station could be moved. Mr. Alford stated that this is the best place for it since there is a tenant on the other side. Commissioner Correia asked about the cleaning of the facility every night. Is it just hosed down and does that water go to the other facility for heating? Mr. Alford stated no, it's just goes in the drainage. Commissioner Correia also asked about the fuel tank. Mr. Alford stated that it is underground.

Commissioner Mips stated that this is a benefit for us since warehousing could be much worse and we have more control over it with the special uses. Commissioner Levine stated, for her, it is just the abutter of a residential area against a commercial area. Town Planner Barz explained that Walden Woods is a transitional design development intended to be a buffer between industrial and single-family residential. Literally, it is doing what it was meant to do. Commissioner Levine said she does not understand. Mr. Barz explained that in return for an increase in density and allowing multi-family housing, there is an understanding that the neighborhood is going to be the buffer. Commissioner Levine stated she has had trouble with this, but this hearing tonight has helped a great deal.

Motion: Commissioner Levine moved to approve the Special Use - 550 Marshall Phelps Rd., Zoning Regulations 9.6.2; W Zone, Alford Associate Inc., with the following conditions:

1. Resolution of the outstanding staff comments.
2. The applicant will install a no left turn on Marshal Phelps sign at the intersection of the driveway and Marshall Phelps Road.
3. The applicant to take whatever measures they need to reduce the backup alarms on the trucks.

Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Levine moved to approve the Special Use - 550 Marshall Phelps Rd., Zoning Regulations 9.6.4; W Zone, Alford Associate Inc., with the following conditions:

4. Resolution of the outstanding staff conditions.
5. The applicant will install a no left turn on Marshal Phelps sign at the intersection of the driveway and Marshall Phelps Road.
6. The applicant to take whatever measures they need to reduce the backup alarms on the trucks.

Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

Motion: Commissioner Levine moved to approve the Site Plan 550 Marshall Phelps., Building addition and fuel station, I Zone, Alford Associate Inc. with the following conditions:

1. Waiver of the 150' buffer reduced to 75' buffer with berm.
2. Resolution of the outstanding staff conditions.
3. The applicant will install a no left turn on Marshal Phelps sign at the intersection of the driveway and Marshall Phelps Road.
4. The applicant to take whatever measures they need to reduce the backup alarms on the trucks.

Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

V. BUSINESS MEETING

A. Continuation of New Business - None

TP&ZC

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B. Application Acceptance

1. **Special Use Re-approval – 564 Park Ave.**, Zoning Regulations 4.5.7D; AA Zone, Singh
2. **Special Use Re-approval - 999 Archer Rd.**, Zoning Regulations Section 8.6F, I Zone, Lebeau
3. **Text Amendment – Section 4.4.12**, Driveways, Town of Windsor
4. **Special Use Re-approval – 1450 Great Meadow Rd.**, Gun Club, Section 10.5.7, AG Zone, Breen/Windsor Marksmen's Assoc.
5. **Special Use Re-approval – 139 Broad St.**, Full service restaurant, Section 5.2.6D(2), B-2 Zone, 139 Broad St. Windsor LLC

The Commission directed that the above public hearing items 1-4 be scheduled for public hearing at the next regular Town Planning and Zoning Commission meeting on July 9, 2019.

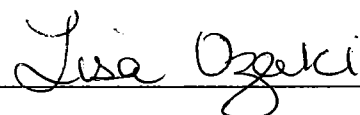
The Commission directed that the above public hearing item 5 be scheduled for a public hearing at the special Town Planning and Zoning Commission meeting on June 25, 2019. Public Hearing Item IV.2 will be added to the next regular Town Planning and Zoning Commission meeting on July 9, 2019.

C. Old Business - None

D. Public Communications and Petitions – None

VI. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 9:47 p.m. Commissioner Correia seconded the motion and it passed unanimously, 5-0-0.

Respectfully submitted, , Lisa Ozaki, Recording Secretary

I certify these minutes were adopted on May 15, 2019


Jill Levine, Secretary