

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
MAY 12, 2021
7:00 P.M. ONLINE VIRTUAL MEETING
275 BROAD STREET WINDSOR, CT**

**Present: Commissioners Mips, Levine, Correia, Kuintzle; Alternate Commissioner Ferraina. Alternate Commissioner Jaggon was present but not seated.
Absent: Alternate Commissioner Harvey.
Also Present: Town Planner Barz, Assistant Town Planner Sealy and Recording Secretary Lisa Ozaki**

Alternate Commissioner Ferraina was seated for the vacant Commissioner's seat.

I. NEW BUSINESS

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

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

Assistant Town Planner Sealy addressed the public on how to participate in Public Comments.

B. Communications and Petitions from the Town Planning and Zoning Commission - None

C. Zoning Enforcement Officer's Report – None

D. C.G.S. §8-24 Referral Requests

1. Sage Park Field Improvements Project

Adam Kessler, Asst. Town Engineer was present and addressed the Commission. The project is from the 2013 master plan to improve the fields on the west side. Asst. Town Engineer Kessler gave a brief overview of the project to the Commission. IWWC had already approved the project. The project is currently out to bid. The construction would start in mid-July. The seeding would happen this fall and the fields would rest until early 2022. Sage Park fields would be closed from July 15, 2021 to 2022 unless an add alternate for turf is within the budget.

Commissioner Levine moved to recommend to the Windsor Town Council the approval of the proposed improvements at Sage Park Fields as described above.

Commissioner Ferraina seconded the motion and it was passed unanimously, 5-0-0

E. Pre-Application Scrutiny - None

F. Re-Approvals/Revisions/Extensions

1. Extension of Special Use – Re-approval – 777 Day Hill Road, Section 8.6P, Extended Stay Hotel Alford Assoc., Inc. Extension Letter dated May 4, 2021

Commissioner Mips asked if this has already been extended. Town Planner Barz stated that this had not been previously extended. Town Planner Barz said that under the regulations, they have eighteen months to pull a building permit. Town Planner Barz recommended an eighteen month extension.

Motion: Commissioner Levine moved to approve the extension of Special Use – Re-Approval – 777 Day Hill Road, Section 8.6P, Extended Stay Hotel, Alford Assoc., Inc. with the following condition:

1. Eighteen month extension.

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

G. Site Plans – None

H. Minutes

1. April 13, 2021

Motion: Commissioner Levine moved to approve the minutes as amended.

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

II. MISCELLANEOUS

1. Zoning Practice – April 2021

2. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter- Spring 2021

III. PLANNER'S REPORT

1. Update on recent development.

Town Planner Barz stated that there is a lot that he cannot report on right now. There is a lot of activity going on behind the scenes and we are in for a busy summer. The two Amazon facilities are still proceeding. Town Planner Barz said that there is a change at 100 Helmsford Way, which is being taken care of administratively. It was discovered that an MDC easement was running through the twenty foot tall sound barrier around the truck court. Town Planner Barz said that accommodations were made for a soundproof door in a twenty foot gap in the wall. A sound study has been submitted and stated that the new door would abate the sound as the concrete wall would have.

Commissioner Mips asked the Town Planner if he looked into Mrs. Karkowski letter. Town Planner Barz said that he had a conversation with Mr. Ferraina's partner about another phase that would dictate how the sidewalk is installed on their property. Town Manager Souza had a conversation with the Development Team to take a look at the sidewalk situation on Rt. 75.

Commissioner Levine said that she had a lot of people ask her about all the activity to the right on Helmsford Way and if Town Planner Barz could please explain it. Town Planner Barz said

that this is a last mile facility for Amazon and he gave a brief overview of the approval for this application.

Commissioner Ferraina asked if they are also installing two hundred chargers for the electric vans. Town Planner Barz said that the electric vans were not supposed to happen until later and there has not been a plan submitted for that yet.

Commissioner Levine asked if all the disturbed soil would be paved over for parking. Town Planner Barz said that yes pavement and landscaping.

Town Planner Barz stated that a new Environmental Planner was hired and her name is Chloe Thompson from Windsor.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Special Use – 839 Marshall Phelps**, Car Detailing/Repair, J&B Engineering Department
2. **Special Use Re-Approval – 103 Dudley Town Road**, 2 Greenhouses, Casales.

The Commission directed that the above items would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on June 8, 2021.

B. Old Business – None

V. PUBLIC HEARINGS

1. **Text Amendment – Zoning Regulations Section 2.1**, Kitchen Definition, Town of Windsor

Town Planner Barz stated that when a previous application for a hotel was proposed, there was a debate over what constituted a kitchen. Per the Zoning Regulations definition of Kitchen: A room or area where food is stored, prepared and/or cooked, containing three or more of the following: kitchen counters and/or cabinets; a range; wall oven and cooktop; kitchen hood; microwave oven; refrigerator and/or freezer, dishwasher, kitchen sink (22” x 30” or greater), or food disposal.

Town Planner Barz said that definition was to define a second kitchen in a residence, so the town did not have illegal apartments outside of our in-law apartment regulations. Town Planner Barz stated that the Commission asked him to clarify a kitchen for hotels and he had completed that. Town Planner Barz stated that he spoke with Mr. Alford, who asked him to hold off presenting this text amendment. Mr. Alford is concerned that the town is limiting hotel brands that do not have the flexibility to meet the definition. Town Planner Barz asked for this item to be continued until next month and any information Mr. Alford comes up with should be submitted to him regarding the definition.

Motion: Commissioner Levine moved to recess the Text Amendment – Zoning Regulations Section 2.1, Kitchen Definition, Town of Windsor to the next meeting on June 8, 2021.

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

2. Special Use – 20 Union Street, Outdoor Music, Section 11.4.1 & 5.2.6D(2), NZ Zone, The Firehouse Pub, LLC

Atty. Tim Fitzgerald was present and addressed the Commission. Atty. Fitzgerald stated that they are looking to enhance the outdoor dining experience during the warm weather season. The outdoor music would only be four times a month between 5pm-10pm. The performances would be no more than three hours long on either Thurs., Fri., or Sat. evenings. Atty. Fitzgerald said that it would be very small amplification. The stage would be set up at the rear of the parking lot on a concrete pad near the dumpster or on the deck depending on how many performers. Atty. Fitzgerald said that they would be sensitive to any complaints.

Commissioner Ferraina asked if this would be open air. Atty. Fitzgerald stated that yes it is. There is a tent there now, but the performances would not be under the tent. Commissioner Ferraina asked what proportion of the parking lot is utilized between the parking and the dining. Atty. Fitzgerald said that right now the whole side parking lot is available for outdoor dining. There would be fifteen feet of separation from the dining to the music. Commissioner Ferraina asked where the patrons are parking now. Atty. Fitzgerald said that they are parking all over the area. There is a parking lease agreement with the two property owners behind the tavern. People also park in the commuter lots, by the Green by CVS and anywhere.

Commissioner Levine asked if there needed to be liquor control approval for this. Atty. Fitzgerald said no.

Commissioner Mips stated that her only concern is playing until 10pm. Atty. Fitzgerald said that he would adjust it if there was a problem.

Commissioner Correia asked which way the stage would be facing. Atty. Fitzgerald said that they are facing north projected across the parking lot.

There was no public comment.

Asst. Town Planner Sealy stated that the Health Department commented that this application should follow the Town noise ordinance. The Fire Marshal commented that any outside stage must allow for the free access of all exits from the building, while the building is occupied.

Commissioner Ferraina asked if this was just for one year. Commissioner Mips said that it would have to be and then come back. Atty. Fitzgerald said that one year is what he was seeking.

Motion: Commissioner Levine moved to approve the Special Use – 20 Union Street, Outdoor Music, Section 11.4.1 & 5.2.6D(2), NZ Zone, The Firehouse Pub, LLC with the following conditions:

- 1. One-year time limit;**
- 2. Town Noise Ordinance;**
- 3. Staff Comments.**

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

- 4. Special Use – 801 Stone Road., In-Law Apartment, Section 4.5.10, AG Zone, Youssef Applicant was not present and recessed to June 8, 2021 meeting.**

Mr. Youseff was not at the public hearing and the Commission would come back at the end of all public hearings to see if he was here.

The Commission came back to this application after Agenda item #V.4 and once again, no applicant.

Motion: Commissioner Levine moved to continue the Special Use – 801 Stone Road, In-Law Apartment, Section 4.5.10, AG Zone, Youssef to the June 8, 2021 meeting.

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

- 5. Special Use – 777 Day Hill Road, Industrial Development, Section 8.6A, I Zone, Alford Assoc., Inc.**

Skip Alford, Engineer was present and addressed the Commission. Mr. Alford gave the Commission a brief slide presentation of the application. Zoning Regulation Section 8.6A allows for a reduction lot size would result in a more appropriate development. Mr. Alford said that they are asking permission to reduce it from the four acres to 3.425 acres. All of the abutter properties around the hotel are owned by Mark Greenberg and he is aware of the reduction.

Town Planner Barz asked if this is the new footprint that is being shown in the presentation. Mr. Alford said that this is the old footprint. Town Planner Barz asked if with the new footprint the applicant is still able to maintain 50% impervious coverage. Mr. Alford said that it would meet all the regulations.

Commissioner Mips said that the Fire Marshal had a comment about fire department access. Mr. Alford said that the Fire Marshal did not have a problem with the smaller lot. Mr. Alford stated that he has a new site plan with what the Fire Marshal asked for and would submit that for review.

Commissioner Levine said that it is reducing the lot from 4 acres to 3.425 acres, correct. Mr. Alford said that is correct.

Commissioner Mips asked if the cross easement would have to be approved subject to. Town Planner Barz said no.

Asst. Town Planner Sealy said that the staff sign off from Fire Marshal Bolasevich said that if this application is approved, he is concerned that buildings would be closer together and all building in this area would need to be protected by fire sprinklers.

There was no public comment.

Commissioner Levine asked about the other application for 777 Day Hill Road that had the dirt flying around and if this site had the same issue. Mr. Alford stated that this site has been seeded.

Motion: Commissioner Levine moved to approve the Special Use – 777 Day Hill Road, Industrial Development, Section 8.6A, I Zone, Alford Assoc., Inc. with the following conditions:

- 1. Reducing site from 4 acres to 3.425 acres;**
- 2. Staff comments of May 4, 2021**
- 3. All buildings contain fire sprinklers.**

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

- 6. Special Use – 777 Day Hill Road, Extended Stay Hotel, Section 8.6P, I Zone, Alford Assoc., Inc. Applicant has withdrawn application letter dated May 4, 2021**

Town Planner Barz explained that the applicant originally thought they would be adding 20% more rooms than were previously approved. When the applicant presented the details, it was discovered there were only two additional rooms. The application was withdrawn and the fee would either be refunded or used for another application.

Commissioner Mips said that would be acceptable.

VI. Public Communications and Petitions

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 7:46p.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 June 8, 2021

Jill Levine, Secretary