

MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2020
7:00 P.M. ONLINE VIRTUAL MEETING
275 BROAD STREET WINDSOR, CT

Present: Commissioners Mips, Levine, Correia, and Smith.
Alternate Commissioner Harvey and Alternate Commissioner Jaggon were seated for
Commissioner Profe during different public hearings.
Commissioner Mark Ferraina 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 7:03 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

Assistant Town Planner Sealy stated that he has promoted the following to panelists for
this application: Adam Kessler

1. C.G.S. §8-24 Recommendation for Approval - Quail Hollow MDC Easement

Adam Kessler, Asst. Town Engineer was present and addressed the commission. Mr.
Kessler stated that the easement is on the property of the John F. Kennedy School. This
will allow MDC to move their fence five feet onto the property to make more room
around a permanent generator being installed at the pump station.

Motion: Commissioner Levine moved that the Planning and Zoning Commission of the
Town of Windsor, pursuant to the provisions of Section 8-24 of the General Statutes of
Connecticut recommend to the Town Council approval of the Quail Hollow MDC
Easement as described.

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

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2. C.G.S. §8-24 Recommendation for Approval – Southwood Drive / Windbrook Drive

Eversource Easement

Asst. Town Engineer Kessler stated that this is an access easement for the overheard line which were temporarily there for the last three years. This recommendation will now make the easement permanent.

Motion: Commissioner Levine moved that the Planning and Zoning Commission of the Town of Windsor, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut recommend to the Town Council approval of the Southwood Drive / Windbrook Drive Eversource Easement as described.
Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.

E. Pre-Application Scrutiny - None

F. Re-Approvals/Revisions/Extensions – None

G. Site Plans

1. Site Plan - 777 Day Hill Rd., Soccer Dome, Section 8.6E, Day Hill Dome Partners, LLC
Commissioner Mips stated that the Site Plan will be heard during the public hearing for the Special Use located on 777 Day Hill Road.

Minutes

1. July 14, 2020

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

II. MISCELLANEOUS

1. Zoning Practice – July 2020

Town Planner Barz said the source water protection doesn't really apply to the town.

2. Zoning Practice – August 2020

Town Planner Barz stated that practicing nonconformities had some interesting tools and we should take a look at them. The change of nonconforming use is a major tool we use. There are administrative tools that the staff will look into.

III. PLANNER'S REPORT

1. Update on recent development.

Town Planner Barz stated that on Kennedy Road and Route 20 they are rapidly moving dirt around and emphasized to Amazon that the town expects the sound barrier to go up as soon as possible. East Pointe is finishing up Phase I of Great Pond and is on schedule to be finally done this fall.

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Commissioner Mips stated that the same company on Kennedy Road that is building that facility is building the Home Depot facility in the East Windsor area on Route 30. Town Planner Barz said that is Scannell properties and the same developer, Commissioner Mips stated that Home Depot put the dirt around the outskirts and put the fencing on top of that.

IV. BUSINESS MEETING

A. Continuation of New Business – None

B. Application Acceptance

1. Special Use – 100 Helmsford Way, Package Distribution Facility, Section 8.6Y, I Zone, Amazon.com Services, LLC

The Commission directed that the above item to be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on October 13, 2020.

C. Old Business – None

V. PUBLIC HEARINGS

Town Planner Barz asked if items #2 & 3 can be heard before the recessed application of the Zone Change since they are smaller applications. The Commission agreed to swap the order of the applications.

1. Special Use Reapproval – 10 Adam Hill Road, Professional Therapy Office, Section 4.5.4, A Zone, Noonan

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: James and Laura Noonan

James Noonan, applicant was present and addressed the Commission. Mr. Noonan stated that his therapy office is located in the building the former occupant used as their illegal in-law apartment. Mr. Noonan said that for the past six years he sees two clients a day, four days a week. The clients park in his driveway which has a parking area just for the therapy office. There is a small sign that has been there for six years. Mr. Noonan stated that he specializes in autism, ADHD, anxiety and depression. He works mostly with families and little children.

Asst. Town Planner Sealy stated that town staff has signed off and there are no comments to be addressed. The previous Special use permit was for five years and with no free standing sign.

Commissioner Mips asked Mr. Noonan if he would be comfortable with the same conditions of five-years and no free standing sign. Mr. Noonan said that he would like longer, but that is no problem.

Commissioner Levine read emails from:

Colleen Olson, 16 Adam Hill Rd, dated September 6, 2020
Patricia Hines, 40 Adam Hill Rd, dated September 6, 2020

Commissioner Mips asked Mr. Noonan if he had any freestanding signs since she did not notice any when she went there. Mr. Noonan said that he does not have a free standing sign. Commissioner Smith asked if they can address the parking issue. Mr. Noonan states that his clients are instructed to park in the side driveway. Mr. Noonan said that in his contracts, it states where the clients should park and as far as he know, none park on the street. Commissioner Smith said that it sounds like it could be anyone parking on the street. Mr. Noonan agreed with Commissioner Smith.

Motion: Commissioner Levine moved to approve the Special Use Reapproval – 10 Adam Hill Road, Professional Therapy Office, Section 4.5.4, A Zone, Noonan with the following conditions:

- 1. Five-year time limit;
- 2. No freestanding sign.

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

2. Special Use Reapproval – 226 Broad Street, Coffee Shop/Art Gallery with Live Music, Section 5.2.6D(2), B2 Zone, Madigan
Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Melissa Madigan

Melissa Madigan, owner of The Bean @226 was present and addressed the Commission. Ms. Madigan stated that she took over the business and would like to take over the previous special use. The hours would remain the same.

Commissioner Mips asked if she planned to do Saturday night concerts also. Ms. Madigan said that it depended on how Friday night went and the input she would get from the audience.

Town Planner Barz stated that the hours of operation should be from 6:00a.m. to 9:00p.m. everyday. Ms. Madigan said that would be great. Commissioner Mips said that would be fine and will make a change to the Saturday hours as well.

Commissioner Levine moved to approve the Special Use Reapproval – 226 Broad Street, Coffee Shop/Art Gallery with Live Music, Section 5.2.6D(2), B2 Zone, Madigan with the following conditions:

- 1. Five-year time limit;
- 2. Hours of operation shall be Monday through Sunday 6:00 a.m. through 9:00 p.m.

Commissioner Smith seconded and the motion passed 5-0-0.

3. Zone Change from "I" Industrial to Transect 4 ("T4") Urban Core Zone / TNDD Concept Plan – 10 Great Pond Dr., 181 Multifamily Units, The Real Group VI, LLC – Owner/Alford Associates, Inc. – Applicant

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: David Sherwood and Skip Alford

Town Planner Barz gave the Commission a brief review of what has happened since the last meeting.

Commissioner Levine read letters from:

Atty. Tim Fitzgerald, Town Attorney, dated August 28, 2020.
Thomas Gillon, President of William B. Meyers, Inc., dated August 31, 2020

Town Planner Barz read letter from Peter Massiah, the Facilities EH & S Manager from Scapa, dated September 9, 2020.

Diane Whitney, Atty. from Pullman & Comley, was present and addressed the Commission. She agreed with the two letters that were just read in. Atty. Whitney said that it is their opinion that this application is a backdoor attempt to rezone the property, when it was unlikely the Commission would have granted a rezoning of the property itself. The residential use on this side of Day Hill Road does not comply with the POCD and this side of Day Hill Road was reserved for industrial use. This application piggybacks off the Great Pond Village in ways that are not compatible. Several requirements under the form-based code are not met by this application, such as the open space requirements not being satisfied. To put residential on this property would have a distinctly chilling effect on further industrial development on this stretch of Day Hill Road. Atty. Whitney said that putting a high density residential use in the middle of this industrial zoned property would interfere with further development plans for the property. As Atty. Fitzgerald mentioned in his letter, the Commission is free to make a different decision based on new information. Atty. Whitney is asking that the Commission deny this application based on compatibility and unfair use of Great Pond's attributes.

Town Planner Barz stated that while you can change your mind, Atty. Fitzgerald is saying not to necessarily do that, but observe good zoning practices. Town Planner Barz explained that if the Commission approves this application it would be grandfathered in under the current code and not the new one that is being proposed tonight.

Atty. David Sherwood, was present and addressed the Commission. Atty. Sherwood stated that the statement that Winstanley was never notified by Alford for this plan was false. The Winstanley Business was notified and did receive the letter for the original application. Atty. Sherwood said that is why they are upset now because Great Pond Village has shifted the emphasis of what was proposed originally 4,000 residential units to a very large industrial proposal with residential in it. Great Pond has also entered into an agreement with the developer, Mr. Finger, who is building residential apartments. The apartments at 10 Great Pond would be in direct competition with those units. Atty. Sherwood disagrees with Atty. Fitzgerald's opinion in the letter. Atty. Sherwood said it's up to the Commission whether they should change their mind after a year. The only reason the reapproval of application was done was because the Commission's own staff failed to properly notice the public hearing. The TNDD was approved in May 2019 and the only thing that has changed is Winstanley's opposition. Atty. Sherwood asked the Commission if it was a good idea for the Commission to flip flop like this and fair to the applicant.

Wilson Alford, Engineer from Alford Associates, Inc. was present and addressed the Commission. It's clear from all the discussion that Great Pond is trying to protect itself from competition. By previously approving this application the Commission has decided that this is appropriate. Mr. Alford showed the Commission a slideshow of the future land use map from the 2008 POCD and explained it to the Commission. Mr. Alford reviewed the Great Pond changes over the years for 2000 Day Hill Road. Mr. Alford feels that the impact of their development will not change anything on Day Hill Road. Mr. Alford stated that the POCD says that people should work in the area and ride their bikes or walk to work.

Town Planner Barz agreed with Mr. Alford that the Commission is not here to protect an applicant of one particular use. Town Planner Barz stated that that does not mean you can't consider the comments from the abutters to determine if it is an appropriate use, put aside the issue of competition. Atty. Sherwood is correct that Winstanley was notified and the notice may not have rose to their attention.

Commissioner Levine read the CRCOG letter July 13, 2020.

Commissioner Levine stated that she never realized there were so many businesses in the back of this property. Commissioner Levine asked if there would ever be a thru street. Town Planner Barz said that it's for emergency access. Mr. Alford stated that originally there was a plan to come out to Blue Hill Ave., but it was never done. Commissioner Mips said that there is an emergency access at the end of it out to Day Hill Road. Town Planner Barz said that there is also a parcel on the ED zone that could be developed across the street from 10 Great Pond Drive.

Commissioner Mips said that she believed that the Commission was thinking it was Great Pond Village when we made the decision the first time.

Commissioner Levine asked if the parcel on the other side of Great Pond Drive was for sale. Town Planner Barz stated that yes it is for sale.

Commissioner Harvey said that back in May she voted against this because of the current industrial make-up and the developments that could still come in and create potential conflicts. Commissioner Harvey stated that she was also against the change of the residential to industrial warehouse in the back of Great Pond also. She is still opposed to it.

Commissioner Smith stated that when the north side was ABB Combustion Engineering, they went through a big remediation process. Commissioner Smith said that Great Pond intended for residential to be built on the south side of Day Hill Road. Commissioner Smith said that he voted in favor of this and given the information now, he would reverse his vote. Commissioner Mips agreed with Commissioner Smith and she would reverse her vote also. Commissioner Levine agreed with both Commissioners.

Commissioner Levine moved to deny the Zone Change from "I" Industrial to Tract 4 ("T4") Urban Core Zone / TND Concept Plan – 10 Great Pond Dr., 181 Multifamily Units, The Real Group VI, LLC – Owner/Alford Associates, Inc. – Applicant. Commissioner Smith seconded and the motion denied 5-0-0.

4. TND Concept Plan – 2000 Day Hill Rd., 35 Great Pond Dr., and 2195 Day Hill Rd. / Repeal and Replace the existing Great Pond Form-Based Code Regulations, Winstanley Business Park, LLC / Great Pond Village, LLC

Alternate Commissioner Jaggon was seated for Commissioner Profe. Alternative Commissioner Harvey was not seated for this application.

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Diane Whitney and Craig Lewis

Diane Whitney, attorney from Pullman & Comley was present and addressed the Commission. Atty. Whitney stated that the intent is to enhance the plan and simplify the form-based code. Atty. Whitney gave a brief summary of ABB Combustion Engineering leaving the site about twenty-five years ago. Atty. Whitney shared and explained a PowerPoint to the Commission. Atty. Whitney stated that the traffic report showed less traffic since the previous plan.

Craig Lewis, Urban Design Co-Leader from Stantec, addressed the Commission. Mr. Lewis walked the Commission through the changes of the code and focused on design quality.

Major Conceptual Plan Changes:

- 1. Creates a vibrant, walkable, mixed-use village centered around Great Pond and the public park.

2. Better buffering of the industrial/warehouse uses.
3. Dedicated roadway to direct the truck traffic away from the Village Center.
4. Assisted living to the east of Small Pond.
5. Re-introduces some lower density, mixed housing options to the west.
6. Conserves more open space.
7. Observation tower in the Bird Sanctuary
8. Provides options for four + miles of trails from Day Hill Road to the Farmington River.

Total Site: 670 acres
 Open Space: 330+ acres

Proposed Uses

- Housing (general): 1,300 units
- Assisted Living: 200 units
- Retail: 84,000 sq. ft.
- Office: 60,000 sq. ft.
- Lodging: 300 rooms
- R & D / Industrial: 670,000 sq. ft.
- Warehousing / Distribution: 750,000 sq. ft.

Mr. Lewis summarized the comparisons of past approvals of the form-based code.

Commissioner Smith asked if the north abutter was Northwest Park. Town Planner Barz said that is actually the landfill.

Commissioner Levine asked if all units will be rental. Mr. Lewis said that no, there are rental and for sale properties. Commissioner Levine asked if the assisted living would be a separate building. Mr. Lewis said that would be a separate development. Commissioner Milps said that it sounds like Seabury.

Form-Based Code Changes:

The Great Pond Transect:

- Natural Zone (GP-T1)
- Rural Neighborhood Zone (GP-T2) transect not being use in the Great Pond Code
- Mixed-Use Neighborhood Zone (GP-T3)
- Village Center Zone (GP-T4)
- Special Employment District (GP-ED)
- Special Industrial / Warehousing District (GP-IW)

Proposed District Changes:

Maintained:

- T4 Village Center, minor adjustments
- ED Employment District: no changes

- Flex and Commercial buildings have been combined
- Expanded number of uses permitted by-right
- Added and/or defined some uses for clarity

Summary of Code Changes:

- Ensures applications meet code standards prior to submission to town staff
- Coordinator for general infrastructure design and building compatibility and

Role of the Design Manager:

- Clarified role of Design Master
- Clarified open space standards
- those two districts
- Maintained standards for IW that adapted standards in the current zoning ordinance for
- Added T3 district and standards (from 2006 version)
- New master plan and regulating plan

Summary of Code Changes:

The Waterfront village has a lot of amenities which the entire community can use. Mr. Lewis gave a brief overview of each district and a view of each district.

- Neighborhood park
- Linear green
- Connected trail system
- Interconnected boardwalks
- Embracing water's edge
- Amphitheater
- Wildflower meadow
- Orchard
- Connection to nature
- Observation tower
- Natural beauty

Open Space:

- T3 District on western edge
- IW district access road
- Assisted Living (T4) on eastern edge
- "Main Street" in the T4 District

Added:

- Industrial / Warehouse District
- T1 Natural: minor adjustments to trails

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- Adjusted Additional IW requirements and added clarifying language regarding noise buffers, building height and distance from T3, T4

Mr. Lewis explained that the distance from IW to other homes is 1,920 feet which is more than the length of five football fields.

Summary of Code Changes:

- District standards organized by district rather than building type as before
- IW permitted uses are generally consistent with those already permitted in the current Industrial and Warehousing districts in the Zoning Ordinance
- Condensed standards for buildings, lots, and encroachments into tables to streamline the code
- Increased stringency of building design standards
- Clarified height measurements
- Added pond buffer standards
- Refined street types to align better with new concept plan and addition of T3 zone
- Added definitions for previously undefined uses.

Commissioner Mips asked about the memo from Asst. Town Planner Sealy dated September 4, 2020. Mr. Lewis stated that we have had several meetings with town staff and there is still more to come. Commissioner Mips said that she would like these issues cleared up and resolved before next meeting. Mr. Lewis stated that there is a meeting next Monday, September 14, 2020

Asst. Town Planner Sealy stated that we have had several meetings with them and reviewed the code.

Town Planner Barz said that we had no intention for the Commission to approve this tonight. Town Planner Barz stated that he would like the Commission to review and write down any questions also. There is a Special meeting in two weeks, but was not sure this will be ready for the Special meeting.

Commissioner Mips said that it is looking good. Town Planner Barz stated that there are some policy questions that need to be handled.

Atty. Whitney asked to recess to the September 22, 2020 Special Meeting.

Commissioner Levine moved to recess the TND Concept Plan – 2000 Day Hill Rd., 35 Great Pond Dr., and 2195 Day Hill Rd. / Repeal and Replace the existing Great Pond Form-Based Code Regulations, Winstanley Business Park, LLC / Great Pond Village, LLC to September 22, 2020 Special Meeting.

Commissioner Smith seconded and the motion passed 5-0-0.

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5. **Special Use – 50 Great Pond Dr., Volleyball, Section 8.6E, I Zone, Husky Volleyball Club, LLC**

Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Skip Alford and Patrick Ryan

Wilson Alford, Engineer for Alford Associates, Inc. was present and addressed the Commission. Mr. Alford shared the site plan with the Commission. He gave a brief overview of the volleyball application. There will also be four beach sand volleyball courts constructed on the north side of the property. Mr. Alford stated that a waiver is needed for the dead end parking.

Asst. Town Planner Sealy stated that there were some initial comments about parking. But upon further review he noted that there was sufficient parking on site for practice and that overflow parking for tournaments could be accommodated on the adjacent property. The applicant has stated that they are working on a parking agreement with the abutting property for parking.

Town Planner Barz asked about the tournaments being only on weekends? Mr. Ryan stated that yes they are only on weekends and there are ten a year. Mr. Ryan said that he heard back from the abutter and they agreed to the parking agreement. Commissioner Smith asked what the hours of operations are. Mr. Ryan stated that the practice is Monday through Thursday night 6:00 p.m. to 9:30 p.m. and weekend tournaments are 9:00 a.m. to 6:00 p.m.

Commissioner Correa asked if they were planning on having concessions for the tournaments. Mr. Ryan said that they plan on not having anything. **Commissioner Levine moved to approve the Special Use – 50 Great Pond Dr., Volleyball, Section 8.6E, I Zone, Husky Volleyball Club, LLC. Commissioner Smith seconded and the motion passed 5-0-0.**

6. **Special Use – 777 Day Hill Rd., Soccer Dome, Section 8.6E, Day Hill Dome Partners, LLC**
Assistant Town Planner Sealy stated that he has promoted the following to panelists for this application: Phil Doyle, Skip Alford, Vincent DiCarlo, Scott Hesketh, Michael Mahoney, and Michael Kozowski

Asst. Town Planner Sealy stated that this Special Use is heard in conjunction with the Site Plan.

Phil Doyle, LADA P.C. was present and addressed the Commission. Mr. Doyle explained the PowerPoint of the site plan to the Commission. This facility is for an air inflated structure

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youth soccer dome which will house a full size soccer field. The total parcel is 3.1 acres. There will be three outdoor soccer fields and a baseball field as well. This parcel will be owned by Vincent Dicarilo and will have leaseholders where the sports facilities are located. Mr. Doyle explained the different phases to the Commission.

Town Planner Barz asked if phase II is going to be the same level as phase I. Mr. Doyle said that is correct. Town Planner Barz stated that the material that is removed in the construction of a site plan or of a subdivision does not require a separate permit.

Mr. Doyle explained the dome in more detail to the Commission. The business hours would primarily be on Saturdays and Sunday starting at 4:30p.m. Field one is the only proposed lighted field.

Wilson Alford, Engineer from Alford Associates, Inc. explained to the Commission the storm drainage and erosion control plan. The Wetlands Commission has already approved this application.

Scott Hesketh, Traffic Consultant from F.A. Hesketh & Associates, Inc. gave a brief overview of the traffic study report. Another application will have to be made to OSTA.

Michael Kozlowski, Product Executive from Claris Construction, the architect for the project. Mr. Claris shared various photos of the dome so the Commission can see how it will look. The dome material is a white plastic material that does not show light through it.

Mike Mahoney from Musco Lighting shared the lighting site plan with the Commission. The site will use the same luminaires that were previously approved for the Windsor High School Tennis Court. Mr. Mahoney stated that they are asking for a waiver to extend the height of the poles to 80'. Mr. Doyle asked Mr. Mahoney about the graphics of lights from a distance. Mr. Mahoney does not have those, but Mr. Doyle will get them to the Town Planner as soon as possible.

Mr. Doyle recapped for the Commission and said the engineering comments will be addressed.

Motion: Commissioner Levine moved to recess the public hearing until September 22, 2020. Commissioner Correa seconded the motion and it passed unanimously. 5-0-0

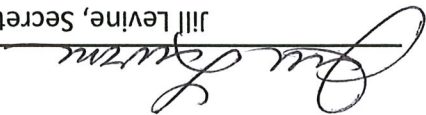
VI. Public Communications and Petitions - None

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 10:13p.m. Commissioner Jaggon seconded the motion and it passed unanimously, 5-0-0.

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Jill Levine, Secretary



I certify these minutes were adopted on October 13, 2020

Respectfully submitted, Lisa Ozaki, Recording Secretary



APPROVED

