

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

**Present: Commissioners Mips, Correia, Kuintzle, Harvey, Ferraina, and Hallowell.
Alternate Commissioner Ferraina was seated for Commissioner Levine.
Alternate Commissioner Harvey was seated for Commissioner Jaggon.
Alternate Commissioner Hallowell was seated for Alternate Commissioner Ferraina when he recused himself from Agenda items #5 & 6 since he was an abutter.
Commissioners Levine and Jaggon were not present.**

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. Commissioner Mips introduced the new Alternate Commissioner Hallowell to the Commission.

A. Public Communications and Petitions (five-minute time limit per person) – None

B. Communications and Petitions from the Town Planning and Zoning Commission

Commissioner Harvey gave a summary of the CRCOG September 23, 2021 meeting she attended and an email she wrote to the Commission.

Commissioner Mips asked Town Planner Barz if there was a chance that the 2017 affordable housing would be added to the POCD. Town Planner Barz said that there is an intention of doing an affordable housing update before the end of next summer. We are still waiting for the final traffic report for Day Hill Road to finish that chapter and then a new chapter would be started to incorporate affordable housing. Town Planner Barz said that the Commission can absolutely review the zoning regulations relative to large distribution facilities and he would do an analysis and come back to the Commission with regulatory options.

C. Zoning Enforcement Officer's Report – None

D. C.G.S. §8-24 Referral Requests – None

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions – None

G. Site Plans - None

H. Minutes

1. September 14, 2021

Motion: Commissioner Correia moved to approve the minutes of September 14, 2021, as presented.

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

II. MISCELLANEOUS

III. PLANNER’S REPORT

1. Update on recent development

Town Planner Barz stated that progress is continuing on the Kennedy Road Amazon at Route 20. A previously reapproved building at 110 Tradeport Drive is finally breaking ground.

IV. BUSINESS MEETING

A. Application Acceptance – None

B. Old Business – None

V. PUBLIC HEARINGS

1. Special Use Re-approval – 770, 800 & 808 Bloomfield Ave., Outdoor Storage, Section 8.6B, Alford Assoc., Inc. continued from September 14, 2021 meeting

2. Special Use Re-approval – 812 Bloomfield Ave., Outdoor Storage, Section 8.6B, Alford Assoc., Inc. continued from September 14, 2021 meeting

These two applications for Bloomfield Avenue would be heard together.

Skip Alford, Engineer from Alford Assoc., Inc. was present and addressed the Commission. Mr. Alford stated that landscaping was added along Addison Road. Mr. Alford shared his screen and explained the storage areas to the Commission. Additionally, there was lithium iron battery storage added to the plan near the building at 800 Bloomfield Avenue.

Commissioner Mips asked where on Addison Road the landscaping was going. Mr. Alford stated that the plantings would go in the island. Commissioner Mips asked not in front on Addison Road. Commissioner Mips stated that there is storage right in front of building 770 facing Addison Road. Mr. Alford said that there is supposed to not be any storage over there. Commissioner Mips said that the storage has been there for over a year.

Mr. Alford asked Mr. Nickerson what the timetable would be for the plantings. Mr. Nickerson said that they would be planted in the spring. Commissioner Mips asked if there will no longer be storage on Addison Road. Mr. Nickerson said that it has all been removed.

No public comment.

Assistant Town Planner Sealy read Fire Inspector Lauri Volkert's comments dated October 12, 2021, to the Commission.

Mr. Alford asked that the Commission approve this application for re-approval and the rest to be worked out with staff.

Town Planner Barz said that there are three issues with this application. There is re-approval for the outside storage that had previously been approved. Two things have happened since this application was opened. A new type of battery is being tested called a lithium-iron battery. Town Planner Barz said that since this battery is newer the Fire Marshal is waiting for new storage standards to be approved. Until the standards for permanent storage are figured out, TLD Ace is asking for two cargo containers to be used for temporary battery storage. Town Planner Barz stated that the town regularly enforces against such cargo container temporary storage and a permanent structure needs to be built. Under the circumstances, Town Planner Barz recommended to the Commission a five-year time limit for the outside storage, a one-year time limit for the lithium-iron battery storage, and subject to 3.9 staff approval to resolve the racking system and plantings. Mr. Alford said that all of that would be fine with TLD Ace.

Motion: Commissioner Correia moved to approve the Special Use Re-approval – 770, 800 & 808 Bloomfield Ave., Outdoor Storage, Section 8.6B, Alford Assoc., Inc. with the following conditions:

- 1. Five-year time limit for Outdoor Storage Re-approval.**
- 2. One-year time limit for Temporary Lithium Iron Storage Unit.**
- 3. 3.9 Site Plan Staff Approval.**

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

Motion: Commissioner Correia moved to approve the Special Use Re-approval – 812 Bloomfield Ave., Outdoor Storage, Section 8.6B, Alford Assoc., Inc. with the following conditions:

- 1. Five-year time limit for Outdoor Storage Re-approval.**
- 2. One-year time limit for Temporary Lithium Iron Storage Unit.**
- 3. 3.9 Site Plan Staff Approval.**

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

3. Zone Change – 575 Palisado Ave., AG to AA Zone, 7.089 acres, Farrelly LLC

Ed Lally, Civil Engineer representing Robert Farrelly LLC was present and addressed the Commission. Mr. Lally gave the Commission a brief overview of the zone change application. Mr. Lally stated that Mr. Farrelly's long-term goal is to create a conforming lot around the house and create one or two additional lots in the rear parcel.

Commission Mips asked what access would be allowed to the rear lots. Mr. Lally said that as of now there is a fifty-foot strip that goes to the rear land. He said that he had a meeting with the Fire Marshal about the possibility of having a single driveway instead of having two driveways. Mr. Lally stated that the Fire Marshal preferred to have one wider driveway for the rear lots. The Fire Marshal said that he would prefer an eighteen-foot wide driveway.

Commissioner Mips asked if the existing barn would be taken down. Mr. Lally said that yes, the barn would be removed.

No public comment.

Town Planner Barz stated that he met with Mr. Lally and Mr. Farrelly about the application. Town Planner Barz said that in his opinion the land would be better in the Agricultural zone for more flexibility. Mr. Lally explained to Town Planner Barz that the owner would like to put three houses in the rear lot. There is only a fifty-foot strip and that would only allow one additional flag lot. Even with the zone change there is no ability to add a third house. In order to create a third lot, the owner would need to go to ZBA for a variance or acquire an additional twenty-five-foot strip somewhere along Palisado Avenue. Town Planner Barz stated that one or two additional flag lots would require a special use after a zone change was granted.

Motion: Commissioner Correia moved to approve the Zone Change – 575 Palisado Ave., AG to AA Zone, 7.089 acres, Farrelly LLC.

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

4. Zone Change – 799 Matianuck Ave. (77 Lincoln Way), A to AG Zone, 9.858 acres, T. Edwards Construction.

Tim Ploszaj, President of T. Edwards Construction was present and addressed the Commission. Mr. Ploszaj said that there is access for this property not only off Matianuck Avenue but at 77 Lincoln Way. Mr. Ploszaj stated that his intention for the zone change would be for farming right now, but eventually in the future would like a single building lot back there. Mr. Ploszaj said that he would use this land for farming not livestock.

Commissioner Mips asked what was bordering the property. Mr. Ploszaj said that there are residential houses all around the property. Commissioner Mips asked what kind of agriculture you would be doing. Mr. Ploszaj said a tree farm or possibly crops. Commissioner Mips asked what the width of the access off of Lincoln Way was. Mr. Ploszaj said twenty-five feet. Commissioner Mips asked if there was access off of Matianuck Avenue. Mr. Ploszaj said that yes there is a twenty-five access off of Matianuck Avenue, but wetlands covered that area.

Commissioner Harvey stated that some agricultural uses do not belong around residential. Commissioner Harvey said that a bunch of uses are allowed by-right, but not compatible with residential being that close. Commissioner Harvey is concerned another dog kennel could happen in this area that previously was approved by the Commission. Commissioner Harvey said maybe low-intensity agriculture would be better.

Public Comment:

Ray Colla, 81 Lincoln Way spoke of his concern about the access next to his house. Lincoln Way is a very quiet neighborhood. Mr. Colla said his other neighbor on the other side of the access way didn't know there was an access way when they bought the house. He is concerned about any construction happening back there. He was never given any notice about the access. He would prefer it used for agriculture. Mr. Colla said that farming trees and bringing in log cutters is problematic.

Penny Fryer, 42 Kari Court, President of Kari Court Association has concerns. Her main question is what would be built there. She was told that it was all wetlands around this property and nothing could be built there. The access from Lincoln Way would be directly behind several houses. She is worried about what it would do to our property values and any tax impacts. Mrs. Fryer said that the Association does not want any access through Kari Court. Kari Court is a very small community. What kind of buildings would be put on the property?

Diane Dwelley, 1 Kari Court explained her concerns to the Commission. She said that if she walked by the access today it would be right next to the houses on both sides. She said that would really upset me if she lived there. We don't want it to go through Kari Court at all. Heavy machinery would not fit through there. Mrs. Dwelley said that the Commission needed to visually see how small it would be with a road there.

Penny Richard, 6 Kari Court said she supported all the concerns that have been voiced. She said that she has a lot of concerns about this becoming agricultural land.

Town Planner Barz gave a brief explanation about the property and access to the Commission. There would never be a driveway from Matianuck Avenue since there is wetland all over the southern area of the lot. Town Planner Barz stated that there could be two flag lots regardless of zone change. Town Planner Barz explained the difference

between the residential zone and the agricultural zone for this property to the Commission. With this amount of land, the owner can certainly raise chickens, cows, horses, and other livestock there in the current residential zone but limited by the total acreage of the parcel. Town Planner Barz gave a brief overview of accessory structures to the Commission. Town Planner Barz explained to the Commission about flag lots. When you look closely at the Lincoln Way access, the houses next to it meet the zone requirements and conform to zoning. This is not going to be a road, but a driveway. Flag lots are nothing new or different in Windsor, but new to this neighborhood. Town Planner Barz said that any house in this area would require a special use for a flag lot. There would be no traffic public traffic from Lincoln Way since this is not a road, but a driveway. There might be a limited amount of construction activity if a residential structure was built.

Commissioner Mips asked if it was changed to Agricultural if there was any way to control animals on it. Town Planner Barz said that no because some animals are permitted by right. Even if it stayed in the Residential Zone, he would be allowed to have a limited number of animals by right as well. Commissioner Mips asked even if this zone change was granted, he could not have more than two residential lots. Town Planner Barz said that that is correct. He could probably have two flag lots in either zone.

Commissioner Harvey said that she is confused since the plan shows that one flag lot has been approved through the Kari Court subdivision. Mr. Ploszaj said that it was approved as a flag lot back then, but when he met with the Town Planner, he said it was not. Town Planner Barz said he would have to do some research on that.

Mr. Ploszaj asked how far away the house was to the lot. Mrs. Ploszaj said the houses are over 170 feet away from the lot.

Asst. Town Planner Sealy noted that a wetland permit would be required.

Commissioner Harvey asked if both access points off of Lincoln and Matianuck stay no matter if the zone changes or not. The Town Planner stated that those will always be rights of way to the property.

Commissioner Correia asked about the tree farm. Would those access points be for people coming to chop down trees and bring home? Commissioner Mips said that her concern is about the Lincoln Way turnaround. It's a very narrow area and she is concerned about the turning radius. Commissioner Correia said that the public green between Lincoln Way would be a bit much for traffic.

Commissioner Harvey said that in an agricultural zone, farming would be permitted by right. Are all properties on MDC or private well? Commissioner Mips said that they are on MDC.

Commissioner Mips said that she is concerned about the aroma if there are animals. Commissioner Mips stated that the bigger issue is the twenty-five-foot access is very narrow. It would be fine for a flag lot.

Commissioner Kunitzle is also concerned about the access for commercial vehicles for harvesting or anything.

Commissioner Harvey asked if there could be a conservation easement that could be done by deed. Town Planner Barz said that is called contract zoning and you can't allow that.

Commissioner Mips said that this should stay residential and should not be agricultural. Commissioner Harvey agreed with Commissioner Mips.

Motion: Commissioner Correia moved to deny the Zone Change – 799 Matianuck Ave. (77 Lincoln Way), A to AG Zone, 9.858 acres, T. Edwards Construction. Commissioner Kuintzle seconded the motion and it was denied unanimously 5-0-0.

5. Re-Subdivision – 333 Arlington Rd., 1900, 2000, and 2100 Day Hill Rd., and 300 Scotland Rd., 11 lots, I Zone, Great Pond Improvement District

Commissioner Ferraina recused himself and Commissioner Hollowell was seated for Commissioner Ferraina for the next two applications.

Attorney Diane Whitney, representing Winstanley Enterprises and Great Pond Village, said that the next two applications would be heard together. Atty. Whitney stated that Great Pond would like to have single-family houses allowed in Great Pond. Atty. Whitney explained to the Commission that there are staff comments that need to be addressed at the November 9, 2021 meeting.

Jim Petropulos, President of Hayner/Swanson Inc. gave the Commission a brief history of Great Pond. Mr. Petropulos stated that Great Pond would like to re-subdivide the property and add new streets. Concord Road would be constructed directly across from Great Pond Drive. Lexington Street would be extended northeast connecting to Groton Road, which would have a new curb break on Day Hill Road. Groton Road is intended to service the rear parcel. Mr. Petropulos said that there would be a new signal added to Day Hill Road for Groton Road. Great Pond is currently working with staff and will address their comments before the next meeting. In regards to the lots:

- 2100 Day Hill Road would have residential.
- 2200 Day Hill Road would have commercial.
- 2250 Day Hill Road would be a blend of commercial and residential.
- 50 Lexington Street would be a blend of commercial and residential.
- 100 Groton Road, 2000 Day Hill Road, and 300 Groton Road are intended to be retained by ABB for the time being?

- 200 Groton Road would be a blend of commercial and residential.
- The back 133 acres would be commercial.

Mr. Petropulos stated that as of now the re-subdivision is before the IWWC. Mr. Petropulos said that he is currently working with town staff and would be ready for the November 9, 2021 meeting.

Commissioner Mips asked where the single-family lots were. Mr. Petropulos said 100 and 200 Newport Road and 100 and 200 Windham Road.

Town Planner Barz said that the text amendment can be approved tonight but this application needs to be kept open until next month. Town Planner Barz gave the Commission more details about Great Pond.

No public comment.

Motion: Commissioner Correia moved to continue the Re-Subdivision – 333 Arlington Rd., 1900, 2000, and 2100 Day Hill Rd., and 300 Scotland Rd., 11 lots, I Zone, Great Pond Improvement District to the November 9, 2021 meeting.

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

6. Text Amendment – Form-Based Code, Section 4, Lewis/Winstanley Enterprises, LLC

Craig Lewis, Principal of CallisonRTKL presented the text amendment to the form-based code to the Commission to permit single-family housing in the T3 area of Great Pond Village of 31 acres. Mr. Lewis showed the Commission a slideshow of the amendment. Mr. Lewis said that with this change their unit count would range from 200 units to 360 units. Mr. Lewis stated that this is keeping density up since it's better for the rest of the development as a whole. Mr. Lewis stated that everything has been worked out with the town staff.

Commissioner Mips stated that she is glad to see single-family back into the plan.

Town Planner Barz said that this text amendment is only focused on the T3 zone and that staff is unanimous in Great Pond keeping up the unit count in the vicinity of 1,500 dwelling units or higher to support the mixed-use portion of Great Pond that will rely on a critical mass of residential units to support a robust retail environment.

Commissioner Correia read the CRCOG letter to the Commission.

No public comment.

**Motion: Commissioner Correia moved to approve the Text Amendment – Form-Based Code, Section 4, Lewis/Winstanley Enterprises, LLC.
Commissioner Kunitzle seconded and it passed unanimously 5-0-0.**

VI. Public Communications and Petitions

VII. ADJOURNMENT

**Motion: Commissioner Levine moved to adjourn the meeting at 8:41 p.m.
Commissioner Harvey seconded the motion and it passed unanimously 5-0-0.**

Respectfully submitted, _____, Lisa Ozaki, Recording Secretary
November 9, 2021

Jill Levine, Secretary