

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JANUARY 11, 2022
7:00 P.M. HYBRID MEETING
275 BROAD STREET WINDSOR, CT**

**Present: Commissioners Mips, Levine, Correia, Kuintzle, and Jaggon.
Alternate Commissioner Harvey was present but not seated.
Alternate Commissioner Hallowell was 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.

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

Eric Weiner, 130 Palisado Ave., said that he looked at the TPZC website for the Accessory Apartment application and there is the same document from last month's revision. There is no updated document. Commissioner Mips stated that when the Commission starts the public hearing for that, it would be checked.

**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 – None

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions – None

G. Site Plans – None

H. Minutes

1. December 14, 2021

**Motion: Commissioner Levine moved to approve the minutes of December 14, 2021,
as amended.**

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

II. MISCELLANEOUS – None

III. PLANNER’S REPORT

1. Update on recent development

Town Planner Barz stated that there is a lot of activity going on and the Commission has probably heard that at the Town Council meeting there was an economic development incentive package for online marketer Chewy. The company Chewy is looking to relocate in the IW Zone at the rear of Great Pond. The BDL Logistics Center has broken ground on the corners of Kennedy and Hayden Station Roads. There is activity going on at 110 Tradeport Drive for a building that was re-approved several years ago.

IV. BUSINESS MEETING

A. Application Acceptance -None

B. Old Business – None

V. PUBLIC HEARINGS

1. Special Use Re-Approval – 1916 Poquonock Ave., Gas Station/Convenience Store, Section 15.2.1, B2 Zone, Kahn/Safia 2 LLC

The Applicant was not present as the public hearing started, so Commissioner Mips said that the item would be tabled until the end of the meeting.

The Commission went back to this application at the end of the meeting. Tahir Kahn, the applicant was present and addressed the Commission. Mr. Kahn asked for a re-approval for the special use of the gas station and convenience store.

Commissioner Levine read a letter from:

Bonnie Karkowski, 1852 Poquonock Ave. dated December 14, 2021.

Commissioner Mips asked if the pathway could be cleared that is on the property. Mr. Kahn said that there is no walking pathway on his property. Town Planner Barz said that Commissioner Mips is suggesting that he clear the walkway where the sidewalk would be. Commissioner Mips asked the Town Planner if the Commission could make that a condition of the Special use. Town Planner Barz said that this is not a site plan, the town plans to construct the sidewalk, and clearing an area not configured as a path could become a liability for both the applicant and the Commission. Town Planner Barz stated that he would work with Mr. Kahn to address this.

Commissioner Levine asked if hours were still six to ten. Mr. Kahn said that is correct. Commissioner Levine asked if the lighting issues have been taken care of. Asst. Town Planner Sealy said that the lighting issue has been taken care of. Commissioner Levine asked if he is asking for a one-year time limit. Commissioner Mips said that she would say so for one more time.

Motion: Commissioner Levine moved to approve the Special Use Re-Approval – 1916 Poquonock Ave., Gas Station/Convenience Store, Section 15.2.1, B2 Zone, Kahn/Safia 2 LLC with the following condition:

1. One-Year time limit.

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

2. Text Amendment – Zoning Regulation Sections: 2.2, 4.4.1A, 4.4.16A, 4.4.17, 4.5.10 & 4.5.16, Accessory Apartments, TOW

Town Planner Barz stated that he checked the website and the clean copy version is available for review. Town Planner Barz gave a summary of the application to the Commission.

Commissioner Mips asked how parking would be handled. Town Planner Barz said that the state statutes say that the town cannot require any additional parking for accessory apartments and there is a regulation that allows up to four vehicles to park outside of a garage in a proper driveway.

Commissioner Kuintzle asked if the online revision should still be dated Dec. 7, 2021. Town Planner Barz stated that the date and text have not changed since December 7, 2021. Commissioner Kuintzle asked if you could do more than one accessory apartment on a parcel. Town Planner Barz said that you cannot.

Commissioner Correia asked if the owner still has to reside in the main dwelling. Town Planner Barz stated that he did not change that. The owner must reside in either the main dwelling or accessory apartment to keep a responsible party on the premises for maintenance purposes and keep absentee investors from creating portfolios of multi-family properties.

Public Comment:

Eric Weiner said that he sent an email to Commissioner Mips and Town Planner Barz about 4.4.1A1 not being changed and left to read 4.4.X. Mr. Weiner stated that he requests that this public hearing be postponed to such time that the public can view it.

Commissioner Levine read the CRCOG letter dated November 12, 2021.

Town Planner Barz said that he sees what Mr. Weiner is saying. Section 4.4.1A1 should read 4.4.17B(7)(b). The Text amendment should be amended with that inserted.

Mr. Weiner said that he would like a chance to review this before action is taken.

Town Planner said that he suggested the Commission should table this so Mr. Weiner can review it and come back to it at the end of the meeting.

Mr. Weiner said that adequate public notice has not been given to allow for thorough public review. Commissioner Correia stated that he disagreed with that comment. Commissioner Mips said that it has been advertised and was sent to CRCOG for review.

Motion: Commissioner Levine moved to table this until the end of the meeting. Commissioner Jaggon seconded this motion and it was passed unanimously 5-0-0.

Asst. Town Planner Sealy addressed all the Zoom chat comments.

Town Planner Barz stated that he did clean the text amendment up and the date is the same. Town Planner Barz explained to the Commission that there was a placeholder in the text that should read 4.4.X where section 4.4.17B(7)(b) should be. Town Planner Barz said that he recommended that the text amendment be approved as amended.

Commissioner Mips asked that a completely clean copy be put online without any changes. Town Planner Barz said that he would take care of that.

Mr. Weiner asked if there is any chance we can get a fully corrected version. Town Planner Barz stated that he would have it put online tomorrow.

Commissioner Jaggon said that he would like a clean copy for the Commission and the public to review. Commissioner Jaggon stated that this should be tabled until the next meeting.

Commissioner Correia said that he is fine with the changes that were referenced. Town Planner Barz stated that the Commission has regularly approved amendments that were crafted at the public hearing as long as they did not substantively alter the advertised intent and that this can be approved as amended. Commissioner Correia, Levine, and Kuintzle stated that they were comfortable voting on this tonight.

Motion: Commissioner Levine moved to approve the Text Amendment – Zoning Regulation Sections: 2.2, 4.4.1A, 4.4.16A, 4.4.17B(7)(b), 4.5.10 & 4.5.16, Accessory Apartments, TOW as amended. Commissioner Correia seconded the motion and it passed unanimously 4-0-1.

3. Text Amendment – Form-based Code Section 3, 4, & 5, Lewis/Winstanley

Diane Whitney, Attorney representing Winstanley Enterprises and Great Pond Village was present and addressed the Commission. Atty. Whitney stated that items #3 & #4 should be heard together and voted on separately.

Craig Lewis, Principal of CallisonRTKL presented the regulating plan and text amendments for the form-based code to the Commission. Mr. Lewis explained that this text amendment would allow the ED transect to be located north of Day Hill Road, as well as clean up several issues discovered in the code relative to Phase I. It will also amend the regulating plan to create a 40-acre ED parcel as a buffer between the IW and T4 transects north of Day Hill Road.

No Public Comment.

Motion: Commissioner Levine moved to approve the Text Amendment – Form-based Code Section 3, 4, & 5 including the Regulated Plan, Lewis/Winstanley. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

4. Re-Subdivision – 500 Groton Road, 2 Lots, 133.791 acres, I Zone, Great Pond Improvement District

i. Waiver of Subdivision Regulations Section 5.3.1.I Plan Standards – to allow plan scale of 1" = 100'.

Jim Petropulos, Engineer from Hayner/Swanson, Inc. was present and addressed the Commission. Mr. Petropulos explained the subdivision plan to the Commission. Parcel 400 Groton Road would be 40-acres in size in the ED transect and parcel 500 Groton Road would be 93-acres in size IW transect. Mr. Petropulos said that there is one waiver the applicant is seeking for the scale of the overall subdivision plan.

No Public Comment

Town Planner Barz said that the staff has met with the applicant and their team to review the application. This is a positive change of the ED Zone and provides a better transition to the T3 and T4 transects that allow the residential and mixed-use development. Town Planner Barz said that he would recommend that both be approved tonight.

Motion: Commissioner Levine moved to approve the waiver of Subdivision Regulations Section 5.3.1.I Plan Standards – to allow plan scale of 1" = 100'. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Re-Subdivision – 500 Groton Road, 2 Lots, 133.791 acres, IW Zone, Great Pond Improvement District. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

5. Special Use – 80 Poquonock Ave., Limited-Service Restaurant, Section 5.2.6D(1), B2 Zone, Thomas

Chantel Thomas, the owner was present and addressed the Commission. Ms. Thomas said that she would like to open a limited-service restaurant at 80 Poquonock Ave. Commissioner Mips asked what the hours would be. Ms. Thomas said that it would be 12 pm. to 4 pm. possibly changing until 6 pm. depending on the feedback.

Commissioner Levine asked how many days a week she would be open. Ms. Thomas said that would start at four days a week and eventually change to six or seven days a week.

Commissioner Mips asked if parking is sufficient. Ms. Thomas said that it's the same as what was there for the bakery. Commissioner Mips said that it has shared parking.

Commissioner Correia asked if all the baking would be done on the premises. Ms. Thomas said that yes, but all items would be produced in Manchester and brought in pre-prepared and finished on site.

No Public Comment.

Commissioner Levine asked how long would the applicant be looking for. Commissioner Mips said that we usually give them one year and then they come back.

Town Planner Barz stated that he would have liked to call this a bakery, but felt it was safer to bring to the Commission since she was heating product there. There is no need to limit the hours of operation since the nature of the business is going to drive its hour and he would suggest a litter control plan be submitted.

No Public Comment.

Motion: Commissioner Levine moved to approve the Special Use – 80 Poquonock Ave., Limited-Service Restaurant, Section 5.2.6D(1), B2 Zone, Thomas with the following conditions:

- 1. One-Year time limit;**
- 2. Submit a litter control plan.**

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

VI. Public Communications and Petitions

Commissioner Levine asked the Town Planner if the Commission could have an updated Zoning Regulations with all the new amendments in it. Town Planner Barz stated that the Zoning Regulations would be worked on as soon as possible and new copies given to the Commission.

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 8:09 p.m.

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

Respectfully submitted, _____, Lisa Ozaki, Recording Secretary
February 8, 2022.

Jill Levine, Secretary