

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
MARCH 8, 2022
7:00 P.M. HYBRID MEETING
275 BROAD STREET WINDSOR, CT**

**Present: Commissioners Mips, Levine, Harvey, Kuintzle, and Jaggon.
Alternate Commissioner Harvey was present and seated for Commissioner Correia.
Commissioner Correia was not present. Alternate Commissioner Hallowell 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 7:00 p.m.

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

Michelle Vannelli, 1152 Poquonock Ave. spoke of her concerns for the Arthur's Plaza three-story apartment buildings. Mrs. Vannelli stated that South Windsor has put a moratorium on apartment construction to allow time to assess the impacts on their schools, police, fire, and safety. Mrs. Vannelli said that Windsor could benefit from the moratorium approach. Mrs. Vannelli stated that Mr. Vaca's plan should be sensitive to the overall character of our town. She has reservations about a three-story high building. Mrs. Vannelli said that the Arthur Drug Plaza is the single most important part of the downtown and whatever gets built there needs tremendous scrutiny and careful deliberation. Mrs. Vannelli feels there should be an independent study on all the apartments in Windsor to determine what else might be needed. The taxpayers in this town deserve to know.

Bonnie Karkowski, 1852 Poquonock Ave., spoke that she shared Mrs. Vannelli's opinion regarding the prominence of the location at the corner of Poquonock Avenue and Broad Street. Mrs. Karkowski stated that what is built there must be of scale and design that enhances the center. Mrs. Karkowski stated that more apartments are a need for Windsor. The suggestion of a moratorium and a study would be wise. Mrs. Karkowski said that she would add that we also need a moratorium on Warehouses on well. Too many vacant structures and how would they be repurposed later when vacant. Mrs. Karkowski stated that the Poquonock Gas Convenience Store resembles more of a smoke shop than a Convenience Store. She said that the public walkway was not cleared during the last snowstorm. Mrs. Karkowski believed that the missing installation of pavement would be installed this year in front of the store. Mrs. Karkowski asked three questions to the Planning Department regarding the procedure:

1. When an application nears expiration whose responsibility is it to seek renewal promptly? The Planning Department, the Building Department, the developer, or someone else?
2. Is the town required to send a notification to the developer before expiration?
3. If an application had expired should the Building Department cease issuing all permits?

Kathryn Roby, 122 Eastview Drive, spoke of two issues. Mrs. Roby stated that she strongly agreed a moratorium be placed on all new or renewal apartments or multi-unit developments for some time, so the Town of Windsor may consider and determine the impact on traffic, on-road, and several other things. Mrs. Roby said that Windsor should be encouraging developers to build an alternative for affordable small businesses in Arthur's Plaza. Mrs. Roby stated that the former dealership on Poquonock Avenue would be an ideal location for an apartment building with mixed-use. Mrs. Roby said that an Independent study that is totally biased needs to be done to determine what is needed for this town. Mrs. Roby said that the patterns of the population need to be researched to determine the need for apartments and schools. Any multi-unit housing that would be built needs to have a reasonable percentage of the units that are handicap assessable.

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

**1. Informal Discussion: 144 Broad Street, Center Design Development, B2
Zone 3.25 acres**

Town Planner Barz stated that Greg Vaca would present a presentation to the Commission.

Greg Vaca, founder of Grava Properties gave a brief overview of his Windsor Center Redevelopment Project. The goal is to enhance the character of Windsor Center by fulfilling the promise of Windsor's Plan of Conservation and Development and the TOD Master Plan. Mr. Vaca stated that the town's vision for the Center is:

1. walkable and connected;
2. vibrant and diverse;
3. accessible and safe;
4. attractive and distinctive.

Chris Alford, Civil Engineer from Alford Associates, Inc. explained the three phase concept plan that would be developed as a Center Design Development. Mr. Alford said that there would be 100 apartments with 120 parking spaces. The curb cut across from Union Street would be closed off. The Arthur Drug building would remain and turn into a community building. The two other buildings would be removed during the different phases.

Jack Kemper of Kemper Associates Architects presented his building elevations to the Commission, which are designed to look like four attached buildings. All first-floor apartments would be handicap accessible and all apartments would have fire sprinklers.

Mr. Vaca said that each building had four separate entrances at the back, even though it is one building. Twenty percent of the apartments would be for workforce housing.

Commissioner Harvey asked about the food truck area. Mr. Vaca said that there would be a rotating food truck option per the season. Commissioner Harvey asked about the retail. Mr. Vaca said that it would depend on what tenants would be staying from the plaza and what would be coming in. Three of the four units are already taken by present tenants.

F. Re-Approvals/Revisions/Extensions – None

G. Site Plans – None

H. Minutes

1. February 8, 2022

Motion: Commissioner Levine moved to approve the minutes of February 8, 2022, as presented.

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

2. February 24, 2022

Motion: Commissioner Levine moved to approve the minutes of February 24, 2022, as presented.

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

II. MISCELLANEOUS

1. Connecticut Federation of Planning and Zoning Agencies – Winter 2022

III. PLANNER'S REPORT

1. Update on recent development

Town Planner Barz stated that he is progressing with the mandatory affordable housing plan and that he was hoping to hand the Commission tonight, but wants to get more data to support the logic of the plan. He hopes very shortly to get the draft to the Commission and post it online for the public to review. Town Planner Barz said that he would be presenting the draft to the Wilson Deerfield Advisory Committee and EDC soon. Social media would be used to have questionnaires put out to the town.

As for the issues that were raised during public communication tonight, based on the Town Planner's findings in drafting the plan, there is a definite need for affordable housing. There is interest in apartments and condominiums, but mostly the apartments. Rather than have a moratorium, Town Planner Barz would like to get the plan out and let the public see whether there is a need for apartments and affordable housing.

Town Planner Barz said that there is no new development to report. There was an issue with glare from the rear of Amazon on Kennedy Road. He would report back to the Commission once resolved.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Special Use Re-Approval – 4 Market Circle**, Temporary Outdoor Storage, Section 8.6B, W, Zone, Market Circle LLC
2. **Zone Change – 21 & 33 Stone Road**, AG Zone to W Zone, 1.69 acres, Raffia/Morneau
3. **Special Use – 1001 Day Hill Road**, Commercial Recreational Facility, Section 8.6E, Dudleytown Brewing Co. LLC/Square Peg Pizzeria, LLC
4. **Subdivision – 550 Matianuck Avenue**, 2 lots, 17.27 acres, AG/AA Zone, Alford Associates, Inc.
5. **Subdivision – 542 Prospect Hill Road**, 2 lots, 1.491 acres, AA Zone, Alford Associates, Inc.
6. **Special Use – 575 Palisado Avenue**, Flag Lots, Section 4.5.14, Robert Farrelly LLC
7. **Subdivision – 575 Palisado Avenue**, 3 lots, 8.245 acres, AA Zone, Robert Farrelly LLC

The Commission directed that the above items #1-5 would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on April 12, 2022. The Commission directed that the above items #6-7 would be scheduled for a public hearing at the Planning and Zoning Commission meeting on May 11, 2022.

8. Old Business – None

V. PUBLIC HEARINGS

1. **Special Use – 10/12 Palisado Ave.**, Conversion, Section 5.2.6J, B2/W Zone, Jordan

Commissioner Levine stated that she worked with Jordan Florist and if they wanted her to recuse herself, she would step down. Mr. and Mrs. Jordan said they have no problem with Commissioner Levine sitting.

Ernest Jordan Jr. stated that they would like to change the apartment from owner-occupied to an apartment rental.

Town Planner Barz said that this would be allowed per the new accessory apartment regulations that were approved if this was residentially zoned.

No Public Comment.

Motion: Commissioner Levine moved to approve the Special Use – 10/12 Palisado Ave., Conversion from owner-occupied to a rental apartment, Section 5.2.6J, B2/W Zone, Jordan

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

2. Zone Change – 584 Kennedy Road, R13/AA Zone to AG Zone, 5.79 acres, Bernard Michael Bernard owner of 584 Kennedy Road stated that he would like to change the zoning from residential to agricultural so he can preserve farmland in Windsor and enhance his farming hobby. Mr. Bernard stated that he currently farms hay on a friend's five acres in East Granby. He grows corn and pumpkins on his property. Mr. Bernard said that going forward the zoning change would allow him to build an adequate size barn to store his farm equipment. His current equipment resides outside and it's causing many maintenance issues.

Commissioner Mips said that she would like to see the tractors that are out front stay there. Mr. Bernard said that those need to stay outside since they look too nice there.

Commissioner Levine asked what he was going to grow. Mr. Bernard said that he would like to grow hay, winter rye, and pumpkins. Commissioner Levine asked if he would have livestock. Mr. Bernard said that there would be no livestock, but he wouldn't mind having chickens soon.

Commissioner Mips read the email from Karen Sevenoff dated March 5, 2022. Mr. Bernard said that he would not be using fertilizers since he has had good luck without them. Most of the hay he grew went to his friend's horses.

Town Planner Barz stated that the Commission cannot limit what he can grow on his property. The change in the zone is giving Mr. Bernard the flexibility to increase the size of the accessory structures.

Public Comment:

Bonnie Karkowski, 1852 Poquonock Ave., spoke that this is very refreshing to see someone wanting to save a few acres from development. Mrs. Karkowski said that farming is wonderful and she urges the Commission to support this application.

Asst. Town Planner Sealy read the questions from the chat into the record.

Caedan Winborne, 4 Hampton Place, spoke of strongly supporting this application. He hoped that no pesticides or insecticides would be used to farm.

Mr. Bernard said that the area where the barn would be built had already been cleared. Mr. Bernard stated that he likes having the trees as a buffer and has planted about twenty trees.

Town Planner Barz stated that as a zone change there are no conditions placed on this. Any typical farm animal is allowed in the zone. Mr. Bernard said just chickens, but is more interested in the plants.

Motion: Commissioner Levine moved to approve the Zone Change – 584 Kennedy Road, R13/AA Zone to AG Zone, 5.79 acres, Bernard.

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

3. Text Amendment – Zoning Regulation Sections: 8.6L, 4.5.10 & 4.5.16, Adaptive reuse of vacant, underutilized, and/or obsolete industrial facilities, TOW

Town Planner Barz stated that a couple of months ago, a laundromat wanted to occupy a building on Bloomfield Avenue. The Commission believed the use was appropriate for the location, but a zone change was not. Town Planner Barz stated that he worked with the applicant's attorney on a text amendment, which would be adding Section 8.6L to the regulations. This regulation concept came from Windsor Locks and it was adapted to the Town of Windsor's regulations. Town Planner Barz gave the Commission a brief overview of the new text amendment.

Commissioner Mips said that this amendment is very well written.

Public Comment:

Atty. John Webber, 126 Palisado Ave., spoke in favor and said that it would help a lot of property owners in town.

Haris Sabovic, 94 Cobblestone Way, spoke in favor of the text amendment. His family owns a laundromat in town and he wanted to own his own location. This text amendment would help him have the laundromat on Bloomfield Avenue.

Kathryn Lange, 63 Hudson Lane, spoke in favor of the text amendment. She said that the location that Mr. Sabovic is speaking about would become a gateway for the community. Mrs. Lange stated that this text amendment would make viable businesses and enhance vacant properties that haven't been used in a long time.

Caeden Winborne, 4 Hampton Place, said that he would like more information in terms of the underuse. Mr. Winborne stated that he could think of a few vacant properties that would benefit from this text amendment. Mr. Winborne said that he would like to have these types of properties returned to new use and redeveloped. Mr. Winborne stated that in terms of warehouses in the future, the town needs to be careful since there would be many vacant properties later on.

Commissioner Mips said that this is a particular application is just to create a zoning regulation. No property is attached to this amendment.

Town Planner Barz stated that Mr. Winborne referenced sites that have been vacant for a while. Any of these properties would be able to come in for a special use and if it is appropriate, the Commission would have the discretion to allow the buildings to be renovated and reused.

Commissioner Levine read the CRCOG letter dated March 4, 2022, into the record.

Motion: Commissioner Levine moved to approve the Text Amendment – Zoning Regulation Sections: 8.6L, 4.5.10 & 4.5.16, Adaptive reuse of vacant, underutilized, and/or obsolete industrial facilities, TOW.

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

4. Design Development – 1857 Poquonock Avenue, 296 units, 50 acres, Poquonock Commons, LLC

5. Concept Plan – 1857 Poquonock Avenue, 296 units, 50 acres, Poquonock Commons, LLC

Public Hearing Items #4 & 5 would be heard together.

Joseph Hammer, Attorney from MacDermid, Reynolds, and Glissman Law firm explained that this application is for reapproval of the Concept Plan and Detailed Plan of the Village at Poquonock. This is a partially completed development that has been under construction over the past years. The original applications for this development were approved in 2012. The Design Development Plan was approved on December 11, 2012, and there are no changes to it. Atty. Hammer stated that recently the town staff advised the developer when they inquired about starting the apartments that the application has been expired since 2018 and would need reapproval. The developer continued building single-family houses and condos. Atty. Hammer said that the prior development was for 296 approved housing units that consisted of sixty-two free-standing houses and sixty have been completed. There is a total of forty-two townhouse units approved and thirty units are completed. Eight buildings for 192 apartment units were approved but have not been built. The infrastructure for the development is nearly completed. The apartments were not built sooner since there was a condition on the ratio of single-family homes built first. The eight buildings were left to be built until most of the development was completed since it was more cost-effective to complete once everything has been built following the earlier approvals and the developer is not seeking any changes. There were some 3.9 revisions to the site, which did not require the developer to come to the Commission.

Commissioner Levine read the legal opinion from Town Attorney Timothy Fitzgerald dated to the Commission.

Town Planner Barz gave a brief overview of Atty. Fitzgerald's legal opinion and explained the time limits to the Commission. Town Planner Barz stated that the Commission's original approval had a condition that the developer was unable to start the apartments until a certain percentage of single-family units had been completed. The five-year time limit is the responsibility of the developer to track. When the economy turns down in Connecticut the legislature tries to provide relief for these time limits but this application is beyond those extended limits.

Commissioner Levine asked just to be clear that the number of units remains the same as the original approved. Atty. Hammer said that is correct.

Commissioner Harvey asked if the applicant had come in right before the expiration date, and who would have done the approval. Town Planner Barz said that the Commission would have granted an administrative extension without a public hearing that could have been up to ten

years. Commissioner Harvey asked if the only reason this application is in a public hearing is that it lapsed. Town Planner Barz stated that is correct.

Commissioner Levine asked if the changes in the design development that was presented in the five-year time limit do not start again. Town Planner Barz gave the Commission a brief overview of that.

Public Comment:

Jim Baryza, 210 Old Village Circle, spoke against the application and asked for clarification since this seems like a new application. The apartments were referred to as condos in his public offering statement when he bought his townhouse, so which is it? When will the road be conveyed to the town and which roads? Mr. Baryza stated that he has not seen a final approval of the original Concept Plan or Design Development. He would like any descriptive information about the high-end condos that are to be developed. Mr. Baryza asked will there be affordable housing units in the apartments? How many parking areas would be available for the 192 units? Mr. Baryza said that parking is very limited if anyone is having guests in this development. Mr. Baryza stated that he is concerned about the traffic flow and emergency access to the development.

Caedan Winborne, 4 Hampton Place, spoke against the application. Mr. Winborne is confused why the houses are built so close together with no privacy. There is only one way in and out of this property. What would happen during an emergency with only one access? Mr. Winborne feels there should be more tree plantings throughout. Mr. Winborne stated that there is nothing in this area to walk to so there would be a lot of traffic from this development which is unlike Great Pond where there is a lot around there. Mr. Winborne said that 296 units are too many for this area, so maybe make that area a park for the residents of the Village of Poquonock. Mr. Winborne would like to come back to Windsor after college and eventually rent an affordable apartment.

Henry Klein, 10 Old Village Circle, stated that he bought the fifth house in this development and that he loves this development. Mr. Klein stated that he has never seen a drawing of the apartments or how many bedrooms there would be in each. He said that he is very disappointed because since day one he was under the impression that these were going to be condos, not apartments. His house on Old Village Circle is the nicest and most well-built he has ever owned. Mr. Klein said that all the residents of the Villages were told a different ideas about the apartments. The basic theme of the Commons is aging in place. Mr. Klein stated that there are supposed to be three separate HOA for the single-family homes, the townhouses, and the apartments. He asked who would own the units once built. How are the small swimming pool, pavilion, and clubhouse going to accommodate 192 units plus the single-family and townhomes? Mr. Klein is very disappointed and assumed that the apartments were going to be owned by individuals. He is concerned that the 192 units of the HOA would outvote the rest of the development.

Bonnie Karkowski, 1852 Poquonock Ave., spoke against the apartments stating that when the plan expired, no construction of the single-family homes or townhomes should have been permitted. Mrs. Karkowski said that all pedestrian pathways should be completed before

advancing to the next phase. She stated that at the original public hearing several people stated that they were opposed to this development only having one access in and out. Another entrance would minimize traffic problems and increase safety for all residents.

Robert Wallick, 782 Stone Road, spoke against the application stating that the documents showed that there is a total of sixty-five acres available, fifty acres of which are developable. According to Mr. Wallick's math, the acreage is off by 1.25 acres. Given this number, 296 dwellings are not allowed. Mr. Wallick asked how many acres are there, has it been verified, and until that has been done the Commission should deny anything going forward.

Town Planner Barz said that he would like to hear where Mr. Wallick got his numbers.

Commissioner Levine read the email against the application from John Dunn, 15 Strawberry Hill dated March 8, 2022, into the record.

Asst. Town Planner Sealy read the chat comments into the record.

Commission Mips said that the Commission would take a fifteen-minute break at 9:07 PM. The Commission returned at 9:22 PM.

Town Planner Barz said that the open space was satisfied back in 2012 which was more than what was required. The entrance is very wide and there are two ways on each side to get in for emergency egress. There is a stub street at the southwest corner of the property into the Sponzo property to tie this development back to other streets. There is no other access out to Poquonock Avenue that the Village of Poquonock controls.

Atty. Hammer said that he would address the questions asked by the Public Comments. Atty. Hammer explained that under the Zoning Regulations "multifamily" is without regard to the form of ownership and that the paperwork that was handed out to the Commission tonight showed all the parking spaces. There are 357 parking spaces for the apartments.

Mark Ferraina, 126 West Street, explained the HOAs to the Commission. The apartments would have their own HOA that declares them as condos, but they would be rented out as apartments. Mr. Ferraina stated that there are 296 votes, 62 of which are single-home families, 42 townhouses, and 192 are in apartments. Mr. Ferraina said that there is a fourth HOA that is called the Master Homeowners Association. Mr. Ferraina showed the Commission and the public a rendering of one of the original eight buildings. All eight buildings are two-story so they remain on a residential scale and match the single-family dwellings. Each of the eight buildings is its own lot. The DOT would not allow another curb cut on Poquonock from the Villages for a secondary entrance. Mr. Ferraina stated that every house, townhouse, and apartment will have sprinklers.

Ed Lally, Engineer, and Land Surveyor stated that none of the roads within the apartment complex would be public. The Phase I as-built for the road has been submitted and approved. The Phase II and Phase III as-built would be done soon and the sidewalks would be completed. Mr. Lally said that the homes are closer together, but the density of them kept the

road cost down. The density allowed for more open space for pools, walking paths, and other amenities. The boulevard entrance can be used for two-way traffic on each side if there is an emergency. OSTA and DOT approved the traffic report and both have no issues with the entrance.

Town Planner Barz asked Mr. Ferraina to address the sidewalks along the frontage of Poquonock Avenue. Mr. Ferraina said that between now and July the pathways would be installed. Mr. Ferraina stated that at that time the sidewalk would be realigned and brought out along the boulevard to the street.

Commissioner Mips closed the public hearing.

Motion: Commissioner Levine moved to reapprove the Design Development Concept Plan – 1857 Poquonock Avenue, 296 units, 50 acres, Poquonock Commons, LLC. Commissioner Harvey seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Design Development Detail Plan – 1857 Poquonock Avenue, 296 units, 50 acres, Poquonock Commons, LLC. Commissioner Harvey seconded the motion and it passed unanimously 5-0-0.

VI. Public Communications and Petitions

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 9:53: p.m. Commissioner Harvey seconded the motion and it passed unanimously 5-0-0.

Respectfully submitted, _____, Lisa Ozaki, Recording Secretary
April 12 2022.

Jill Levine, Secretary