

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

**Present: Commissioners Mips, Levine, Correia, Hallowell, and Jaggon**

**Not Present: Commissioner Kuintzle**

**Alternate Commissioner Hallowell was present and seated for Commissioner Kuintzle.**

**Alternate Commissioner Harvey 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)**

Letter for 105 International Dive from John O'Malley was read into record dated May 11, 2022.

**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. C.G.S. §8-24 Review – Reuse of 20 William Street**

Town Planner Barz stated that Team Paragon would be renting a portion of the Town-owned building at 20 William Street that EMS formerly occupied.

Commissioner Jaggon asked what portion of the building and what are they paying for rent. Town Planner Barz said that the portion is highlighted in yellow on the included layout. Commissioner Mips stated that the rental is between the Town Council and not for TPZC to consider.

Commissioner Levine said that she thinks this is a great use of the property and she supported the robotics club activities.

Commissioner Mips said that it's a great way to help the robotics club since they had to move out of the other facility.

**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 the approval of the use of a portion of 20 William Street for youth robotics programming.**

**Commissioner Jaggon 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 - 105 International Drive, Warehouse/Distribution Facility, I Zone, 59.67 Acres, Riverbend Development**

David Ziaks, Engineer from F.A. Hesketh & Assoc., was present and addressed the Commission. Mr. Ziaks stated that wetlands approval has been received from the IWWC. This is the last major parcel on International Drive which is part of the Tradeport Master Plan. Mr. Ziaks explained the Site Plan to the Commission. The property is in the I Zone with 61.7 acres. The property is abutting the East Granby line. Mr. Ziaks stated that the applicant is proposing a one-story 248,000 sq. ft. building with 151 employee parking spaces to the north, 61 truck docking spaces to the south, and 120 truck trailer spaces located on the southerly side of the site. The truck trailer spaces would be built if the tenant required additional truck trailer parking. The maximum building coverage is 9.2% and the maximum impervious coverage is 21%. The truck parking area would be depressed and screened by all the surrounding lands. There would be a berm along International Drive. Mr. Ziaks stated that there would be a single driveway that would need a median break constructed for the driveway. The town staff has requested a left turn slot included in the median break. Mr. Ziaks stated that the OSTA certificate is updated every time a new use is proposed. Mr. Ziaks said that they have already applied to OSTA for the modification. There would be an extension of the water and sewer down International Drive. The building is going to be between 42ft. and 47ft. high. Mr. Ziaks stated that he is still working with town staff about adding more architectural features to accommodate their needs. Mr. Ziaks stated that he is asking for two waivers from the Commission:

1. Waiver for interior landscape islands – Section 3.1.2C(3);
2. Waiver for 20' required yard – Section 13.1.3B(2).

Commissioner Levine asked if all the Planning and Engineering Comments were taken care of. Mr. Ziaks stated that the Site Plan could be approved subject to final staff review.

Town Planner Barz stated that staff had met with the applicant and is fine with the approval conditioned with final staff review. Town Planner Barz said that the architectural plans would be completed. Towner Planner Barz stated that in the comment from John O'Malley's letter he is not sure what to do about that. The property in question has access to Stone Road, but it's substandard access. Commissioner Mips said that she believed we went through this quite a few years ago. Town Planner Barz stated that when the property was changed to I Zone, the

member of TPCZ questioned the viability of the driveway and was told by the property owners that it was their problem and would take care of it. Commissioner Mips said that the property is not landlocked. Town Planner Barz stated that the regulations do not allow access to the industrial zone through a lessor zoned property. There is 50' of industrial zoned access, but it is not wide enough.

Commissioner Mips asked if we should table the application and have a legal opinion from the Town Attorney. Town Planner Barz stated this cannot go to the Town Attorney since the owners of this property are related to them. An outside council would have to be obtained. Commissioner Mips said that to protect the Commission, that is probably what would have to be done.

Mr. Ziaks stated that this type of issue is dealt with during the subdivision process. These lots have all been subdivided for many years. Commissioner Mips said that she is aware of that. Mr. Ziaks said that he is not sure why abutting property owners' concerns are relevant to this application. Town Planner Barz stated that is a valid point. Commissioner Mips stated that she thought it was settled back then. Commissioner Mips said that it should be in the files, but she does not remember the outcome.

Commissioner Levine said that Commissioner Mips indicated that the issue had been resolved many years ago. Commissioner Mips believed that it had been.

Town Planner Barz stated that he agreed with Mr. Ziaks about the subdivision regulations. And this is not a subdivision.

Commissioner Mips said that she wished she could remember that long ago and what was done. Commissioner Mips stated that we should table this and have Town Planner Barz research it more. Commissioner Jaggon said that he agreed with tabling this until it is resolved.

Mr. Ziaks asked if there were any other outstanding things the Commission is looking for. Commissioner Mips stated that the comments could be taken care of. Mr. Ziaks stated that he would work with staff and take care of all that.

**Motion: Commissioner Levine moved to table the Site Plan - 105 International Drive, Warehouse/Distribution Facility, I Zone, 59.67 Acres, Riverbend Development to the next meeting on June 14, 2022.**

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

## H. Minutes

### 1. April 12, 2022

**Motion: Commissioner Levine moved to approve the minutes of April 12, 2022, as amended.**

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

## II. MISCELLANEOUS – None

TP&ZC

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### III. PLANNER'S REPORT

#### 1. Update on recent development

Town Planner Barz stated that it is with great regret Lisa Ozaki, Planning Secretary has resigned and would be leaving the Town of Windsor. Town Planner Barz said that on Tuesday, May 17, 2022, the town is having a workshop on Affordable Housing in Council Chambers. There is a survey on the website for everyone to take to help with this. Town Planner Barz stated that activity has started on Hayden Station and Kennedy Road. There is construction on Baker Hollow Road. Town Planner Barz said that Permasteelisa has left 123 Day Hill Road and a company from East Windsor would be occupying the building now.

### IV. BUSINESS MEETING

#### A. Application Acceptance

1. **Text Amendment – Section 8.6E**, Comm. Rec. Hotel, Alford Assoc., Inc.
2. **Design Development Concept Plan – 144 Broad Street**, 60 Units, 2.655 Acres, B2 Zone, Alford Assoc., Inc.

The Commission directed that the above items would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on June 14, 2022.

#### 3. Old Business – None

### V. PUBLIC HEARINGS

1. **Subdivision – 575 Palisado Ave.**, 3 lots, 8.245 acres, AA Zone, Robert Farrelly LLC
2. **Special Use – 575 Palisado Ave.**, Flag Lots, Section 4.5.14, AA Zone, Robert Farrelly LLC

Ed Lally, Engineer was present and addressed the Commission for the applicant. Mr. Lally stated that 575 Palisado Ave is a single parcel of 8.24 acres in the AA zone with one single-family home on it. Mr. Lally said that Mr. Farrelly would like a large lot for himself with room for a large garden on one of the lots and have two new rear lots on this parcel. Mr. Lally stated that he met with the Fire Marshal and it was determined that the three lots would be served by a single paved 18' wide driveway. The ZBA Commission approved the variances of a 12.5' wide access for lot #571, a 12.5' access strip for lot #573, and a 25' wide access for #575 with an easement to provide for access and utilities. The ZBA Commission also approved the variance of two flag lots. The IWWC has approved the subdivision. Mr. Lally stated that he has not addressed the open space. Mr. Lally said that one parcel already exists, but should not need open space. Mr. Lally stated that there should be a \$3,000 fee in lieu of open space for each of the two parcels at the time of issuance of the certificate of occupancies.

Commissioner Mips asked what about the horse paddock and existing shed. Mr. Lally said that those areas would be used for something if not removed. Commissioner Mips asked what about the dirt drive around. Mr. Lally said that would be scarified.

Commissioner Levine asked if there is MDC water available. Mr. Lally stated that is correct and everything is designed in on the plan. Commissioner Levine asked about #573 and she

cannot see the wetland boundaries. Mr. Lally said that they are far away from the wetland boundaries and Wetland's Agent Thompson did an agent review of it. Commissioner Levine asked if there are sprinklers for the flag lots. Mr. Lally said that both lots would have sprinklers.

No Public Comment.

Town Planner Barz stated that staff has met with Mr. Lally and Mr. Farrelly. Town Planner Barz said that the issue is the fee in lieu of open space. Town Planner Barz stated that every lot should have \$3,000 paid in lieu of open space even with the existing house parcel. Town Planner Barz said that there is landscape screening between #571 and the front lots, but may not be a viable screen throughout the year. Town Planner Barz stated that he would ask for approval to be subject to a final staff review of the landscaping screening before CO.

Mr. Lally explained the requirement of open space to the Commission. Mr. Lally said that we have more people and need more open space, but this is a small development that should not need it. The existing house is not creating a new need. The state statute stated that open space should be for each new parcel created. This property has been paying taxes since 1983 and it's not fair. Mr. Lally said that he has no problem with the final approval of the screening.

Town Planner Barz explained that he keeps coming back to the state statute for the fee in lieu of open space.

Commissioner Hollowell asked if there was a prior precedent on other homes where the lot has been subdivided. Town Planner Barz said that there has not, but we have consistently required a fee for those homes. Commissioner Hollowell said that the Commission would be keeping in prior precedent if the Commission proposed on all three of the subdivision, not just two.

Commissioner Mips said that she would not set precedence.

**Motion: Commissioner Levine moved to approve the Special Use – 575 Palisado Avenue, Flag Lots, Section 4.5.14, AA Zone, Robert Farrelly LLC with the following conditions:**

1. 3 lots;
2. \$3,000 fee in lieu of open space at the time of issuance of the certificate of occupancy for each of the three houses that are proposed;
3. Final landscaping plan is approved by staff.

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

**Motion: Commissioner Levine moved to approve the Subdivision – 575 Palisado Ave., 3 lots, 8.245 acres, AA Zone, Robert Farrelly LLC.**

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

3. **Design Development Concept Plan – 109-125 Poquonock Ave., 77 Units, 2.33 acres, B2 Zone, Blue Moon Design/Hill**

- a. **Waiver for interior landscape islands – Section 3.1.2C(3)**
- b. **Waiver for 20' required yard – Section 13.1.3B(2)**

Shamus O'Rourke was present and introduced the team to the Commission.

Dave Ziaks, Professional Engineer from F.A. Hesketh & Assoc., was present and addressed the Commission. This property is two lots combined that total 2.33 acres in the B2 zone. The Commission approved a similar project in 2010 with only 42 larger units and commercial retail on the bottom floor different than what is being proposed tonight. This project was never built for some reason. The site is currently vacant. The new project has 28 studio units, 42 one-bedroom units, 8 two-bedrooms, and 6,900 sq. ft. of retail and/or office space on the first floor facing Poquonock Avenue. The parking includes 116 parking spaces. There are 30 garage spaces at the ground level and 86 outdoor parking spaces. Adding up to five street parking spaces on Poquonock Ave., and two or three street parking spaces on Mack Street. Mr. Ziaks explained the site to the Commission. There is an updated traffic report at the town staff's request and there are now no concerns with traffic. There are two waiver requests that Mr. Ziaks explained to the Commission.

Commissioner Levine asked about the area of deferred parking. Mr. Ziaks said that is for the extra ten parking spaces, but we are leaving it green.

Chis Hill, Architect from Blue Hills Design showed the Commission the architecture of the building. Mr. Hill stated that he wanted to keep with the town center look. There would be ground-floor retail. Mr. Hill explained the layout of each floor to the Commission. The amenities would be storage cubes in the basement, covered parking for tenants, and on the 4<sup>th</sup> floor, there is a tenant lounge and a rooftop garden.

Commissioner Mips asked about the parking spaces underground and how to get to the elevator because it looks closed off on the plan. Mr. Hill explained that is an open area where the second floor overhangs there.

Commissioner Hallowell asked about the five street retail parking spaces, is the intent to use the other side of the building for resident parking as retail space during the day. Mr. Hill explained the total parking to the Commission.

Commissioner Correia asked what kind of retail you are hoping to attract. Mr. Hill stated that all the spaces are flexible and can be adjusted as needed.

Town Planner Barz stated that there are numerous ways for asking for a reduction in parking and explained the Urban Institute Plan to them. Town Planner Barz stated that they have more than adequate parking for this property and also a buffer of ten spaces.

Commissioner Levine asked if there was any space for people working from home who would not have to stay in their apartments. Mr. Hill said that there is an amenity space they could use. Commissioner Levine asked what the top floor would be used for. Mr. Hill stated that

there are not full walls, but there are apartments there. Town Planner Barz stated that the front is dormered and the backside would have apartments.

Commissioner Mips said that she liked the architecture of the building.

No Public Comment.

Town Planner Barz stated that the waivers are appropriate requests. The parking goes above and beyond what is needed. Town Planner Barz stated that the Fire Marshal said they would work with the applicant to make the underground parking as safe as possible. If this is approved tonight, they would be back with a Detailed Plan.

Commissioner Levine asked if there would be any conditions. Town Planner Barz stated that would be taken care of before the Detailed Plan.

Commissioner Mips asked about the remediation. Mr. Hill stated that the property would be fully remediated.

Commissioner Levine asked what the time frame would be like. Mr. Ziaks said that it would be fall construction time.

**Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 109-125 Poquonock Ave., Waiver for interior landscape islands – Section 3.1.2C(3).**

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

**Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 109-125 Poquonock Ave., Waiver for 20' required yard – Section 13.1.3B(2).**

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

**Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 109-125 Poquonock Ave., 77 Units, 2.33 acres, B2 Zone, Blue Moon Design/Hill**

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

**4. Text Amendment – Section 13.2.9B&C, Flexibility in the planned expansion of Poquonock Center, Alford Assoc., Inc.**

Christian Alford, Engineer from Alford Assoc., Inc. was present and addressed the Commission. Mr. Alford explained the amendment to the Commission. Mr. Alford showed the Commission the map of the Poquonock Design Development Area that only has The Villages of Poquonock in it.

Commissioner Hollowell stated that she had an issue with the striking of “consisting of, at a minimum” and in doing that you are making it narrower, is that the intent? Mr. Alford said that with a smaller parcel all those items would not be included, but only some would.

No public comment.

Commissioner Levine and Commissioner Mips read the following letters into the record:

1. CRCOG letter dated April 4, 2022;
2. Bonnie Karkowski, 1852 Poquonock Ave., dated May 11, 2022;
3. Robert Wallick, 782 Stone Rd., dated May 11, 2022;
4. Letter from Town Attorney Fitzgerald dated April 7, 2022;
5. Letter from John Dunn, 15 Strawberry Hill, dated May 11, 2022.

Town Planner Barz explained why he asked for the Town Attorney's opinion. Town Planner Barz stated that Mr. Alford has taken Attorney Fitzgerald's language and mirrored it in Section C. Town Planner Barz stated that it does not do exactly what Atty. Fitzgerald said. On the issue of proportionality, it's being done by a different property owner and they do not have access to the private amenities in The Villages of Poquonock Development. It's a smaller parcel and wanted to develop at a density of seven units per acre, but don't have the land to provide the package of amenities. Should they get that density bonus without providing those amenities? Town Planner Barz said that he does not like the watering down of the language in Section B.

Commissioner Hollowell said that if someone else comes in and wants to add on, they could still ask for that waiver of the minimum acreage without changing the regulations as written. Commissioner Hollowell stated that this is a better way to approach it than opening the regulation up. Commissioner Mips and Commissioner Correia agreed with that. Commissioner Hollowell asked if this would have to be revised. Town Planner Barz said that the Commission could amend it tonight or ask to be tabled.

Commissioner Mips said that we should use what Atty. Fitzgerald suggested in his letter, but not watering down what is already the Poquonock Design Development District. Mr. Alford asked that those items could be waived under Section B if someone comes in a five-acre parcel at that particular time. Commissioner Mips said that no you have to leave them in because that is the Design Development. Commissioner Mips said that depending on what Mr. Alford come in with and it would be another public hearing. The Commission stated that the text needed to be fixed. Town Planner Barz stated that everything on the list could be done proportionally.

Commissioner Correia asked if all the conditions could be with an entire acre or each one in an acre itself. Town Planner Barz stated that it sounds like all of these are optional. Ultimately it's up to the Commission to what you feel is enough to justify the increase in density as compared to what would otherwise be allowed in the underlined zoning.

Commissioner Mips asked if we altered the general requirements, couldn't they can come back in and say if this is the case, we want to put in extra this and that of housing because we can go back to less than. Town Planner Barz said that could happen. Commissioner Mips said that she does not like that and would rather do what Atty. Fitzgerald suggested.

Mr. Alford asked if the Commission could add something that waived these items. Commissioner Levine stated that she does not think this language is clear enough.



Commissioner Mips stated that the waiving of any of the conditions allows precedence which she does not want to see happen.

Commissioner Hollowell stated that she doesn't see a driving need to change the top part as it covers the intent and gives the Commission flexibility. Town Planner Barz said that he is not seeing the flexibility that Commissioner Hollowell is seeing. Mr. Alford said that just strike the "totaling at least one acre".

Commissioner Mips asked if you use Section C from Atty. Fitzgerald and put something with the consideration to the size property regarding the amenities allowed.

Commissioner Hollowell asked if the things in brackets are to be removed. Mr. Alford said that is correct. Town Planner Barz said that Mr. Alford did not highlight it in red. Commissioner Mips stated that so it may consist of any of these and there is no minimum requirement and no acreage requirement is what you are proposing. Mr. Alford said that is correct. Commissioner Mips stated that she doesn't know where this puts the Commission legally if we take the Design Development and rewrite it the way Mr. Alford wanted it.

Commissioner Levine asked if what Mr. Alford is trying to accomplish is to make this piece of property part of The Villages of Poquonock. Mr. Alford said that is correct and maybe a couple more.

Commissioner Hollowell stated that there is no agreement with the way this is drafted and the Commission is not comfortable with it. Mr. Alford said that the Commission could just strike out the one acre. Commissioner Hollowell said that she would like to suggest a revision to this and it should be tabled to the next meeting. Mr. Alford said that the one-acre should be removed and he would be comfortable with that. Commissioner Hollowell said that if this was made for a smaller parcel it would be fine, but if a larger lot comes in it would remove the minimum.

Commissioner Jaggon said that he is not comfortable with the way it is drafted and would be inclined to vote no tonight.

Commissioner Correia said that if we are leaning toward tabling this and asking for a revision, he needs some direction from us.

Mr. Alford asked if the Commission is comfortable with Section C as is and just leave Section B alone. The Commission stated that they are comfortable with that.

**Motion: Commissioner Levine moved to approve the Text Amendment – Section 13.2.9B&C, Flexibility in the planned expansion of Poquonock Center, Alford Assoc., Inc. as amended tonight.**

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

**5. Text Amendment – Section 8.4D, 8.6Y, 9.4.1, 9.6.6, Large Distribution Facilities, TOW**

Town Planner Barz explained the proposed text amendment to the Commission. Town Planner Barz stated that Commissioner Harvey asked him if there is something we could amend to have more discretion on these types of large facilities in the future. Town Planner Barz said that he imagined an amendment that would trigger a Special Use. Personally, Town Planner Barz would not like to see a moratorium.

Commissioner Mips said that this amendment does what a moratorium would do.

Town Planner Barz stated that this does not limit the size of large manufacturing facilities. A manufacturer is not a high-velocity 24-hour operation. Town Planner Barz said that warehousing could potentially not be a use in the warehousing zone if it does not meet those same criteria that he outlined. Commissioner Correia asked about all the warehouses that have been approved which would have been affected by this amendment. Town Planner Barz stated that almost all of them.

Commissioner Hallowell stated that what this means is it gives the Commission the ability to weigh in on it because if it exceeds X amount then the applicant has to come in for a Special Use. Town Planner Barz stated that is correct with some discretion.

Commissioner Mips thanked the Town Planner for getting this done so fast.

Public Comment:

Caeden Winbourne, 4 Hampden Place spoke in favor of this and said it's been a while coming. Is the Great Pond Warehouse affected by this in any way? Town Planner Barz stated that no Great Pond is not affected because it was submitted before tonight and the regulation would not take effect until it is published in the newspaper. Mr. Winbourne asked about the warehouse that was proposed tonight. Town Planner Barz stated that the application was made before the text amendment was even heard and was not subject to this new law if it's passed tonight.

Commissioner Levine and Commissioner Mips read the following letters into the record:

1. CRCOG letter dated April 29, 2022;
2. Bonnie Karkowski, 1852 Poquonock Ave., dated May 11, 2022;
3. John Dunn, 15 Strawberry Hill, dated May 11, 2022;
4. Eric Weiner, 76 Palisado Ave., dated May 11, 2022

Commissioner Hallowell asked about Section 8.4D2d comment from Eric Weiner does it just need to have one of these for a Special Use permit? Town Planner Barz stated that it has to meet all four of the criteria that do not require a Special Use.

Town Planner Barz said that he believed this addressed all the points. Town Planner Barz asked if the Commission was comfortable with the 200,000 sq. ft. or should it be 250,000 sq. ft.?

Commissioner Jaggon asked if we could increase the 1,000 ft. from the nearest residential zone to a little more. Town Planner Barz said that 2,000 ft. covers a significant area and it's too far.

Commissioner Jaggon asked if we went to 1,400 ft. would that be significant. Town Planner Barz said that it would not make that much of a difference and there are not many large vacant parcels left.

**Motion: Commissioner Levine moved to approve the Text Amendment – Section 8.4D, 8.6Y, 9.4.1E, 9.6.6, Large Distribution Facilities, TOW as amended tonight.  
Commissioner Hallowell 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 9:58 p.m.  
Commissioner Hallowell seconded the motion and it passed unanimously 5-0-0.**

Respectfully submitted, \_\_\_\_\_, Lisa Ozaki, Recording Secretary  
June 14, 2022.

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Jill Levine, Secretary