

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JUNE 14, 2022
7:00 P.M. HYBRID MEETING
275 BROAD STREET WINDSOR, CT**

**Present: Commissioners Mips, Levine, Jaggon and Kuintzle
Not Present: Commissioners Correia and Hallowell
Alternate Commissioner Harvey was present and seated for Correia**

Also Present: Town Planner Barz, Assistant Town Planner Sealy and Recording Secretary Marcavitch

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7:00 p.m.

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

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

- 1. 3.9 Site Plan Revision -123 Great Pond Dr. Roof & Ground mounted solar & meter, Emhart Glass**

Assistant Town Planner Sealy explained the application approved by town staff.

G. Site Plans

- 1. Site Plan - 105 International Drive, Warehouse/Distribution Facility, I Zone, 59.67 Acres, Riverbend Development
Continued from May 11, 2022 meeting.**

Town Planner Barz reviewed why the application was tabled at the last meeting and read the legal opinion from Atty. Richard P. Roberts of Halloran Sage, dated June 9, 2022 into the record.

David Ziaks, Engineer from F.A. Hesketh & Assoc., was present and addressed the Commission discussing the revisions that addressed staff comments.

Commissioner Levine asked Mr. Barz if the new plans had been filed and if they've been reviewed. Mr. Sealy addressed the question and stated that they have not had a chance to review the plans to see if staff comments have been addressed.

Commissioner Levine stated the application will have to be subject to staff approval. Mr. Sealy agreed and stated yes, it would be subject to staff review and approval according to the dated staff memos.

Commissioner Harvey stated that this proposal would trigger a special use permit under the revised regulations if it had come in after but because it came in before the change was adopted, it is not subject to special use. Mr. Barz stated that this is correct.

Motion: Commissioner Levine moved to approve the Site Plan - 105 International Drive, subject to staff approval Warehouse/Distribution Facility, I Zone, 59.67 Acres, Riverbend Development.

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

H. Minutes

1. May 11, 2022

Motion: Commissioner Levine moved to approve the minutes of May 11, 2022, as amended.

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

II. MISCELLANEOUS

1. Connecticut Federation of Planning and Zoning Agencies – Spring 2022
2. Zoning Practice – May 2022

Mr. Barz summarized the highlights from both publications.

III. PLANNER'S REPORT

1. Update on recent development – None

IV. BUSINESS MEETING

A. Application Acceptance

1. Special Use – 25/35 International Dr., Section 8.6B – Outside storage. I zone, 17.94 acres (35 International), Indus Realty
2. Zone Change – 129 Niles Rd. AA to AG, 12.3 acres, Kula
3. Special Use – 1001 Day Hill Road, Commercial Recreational Facility, Section 8.6E, Bar Rated Entertainment, ArrowDodge
4. Text Amendment – Sections: 1.1.3, 2.2, 5.2.6R, & 8.6U, Cannabis Moratorium, TOW
5. Affordable Housing Plan Adoption

The Commission directed that the above items would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on July 12, 2022.

Mr. Barz updated the Commission on the text amendment stating that the moratorium will be extended another four months. Currently, there is a survey available on the town's website and public opinion is being gathered. In July, the Commission can discuss the direction they would like to go and then come back in September or October with a final amendment.

Mr. Barz also updated the Commission on the Affordable Housing Plan Adoption. He stated there is a new draft plan available on the town's website and at the Town Clerk's office. A public hearing will be held in July.

Commissioner Levine described a recent article in the Hartford Courant regarding affordable housing and Mr. Barz asked if Commissioner Levine could forward it to him. Mr. Barz stated there are a lot towns that haven't submitted their plans and he discussed the confusion surrounding the State deadline.

B. Old Business – None

V. PUBLIC HEARINGS

1. Text Amendment – Section 8.6E, Comm. Rec. Hotel, Alford Assoc., Inc.

Wilson Alford Jr., Engineer from Alford Assoc., Inc. was present and addressed the Commission stating that this amendment would permit a hotel to be added where it would allow those attending the recreational facility an opportunity to stay close by and not to have to use their car.

Mr. Barz made copies of the latest draft and distributed it to the Commissioners. Mr. Alford reviewed the changes with the Commission.

Commissioner Mips asked what would be the ratio between the 260 sq. ft. and the 300 sq. ft. Mr. Barz responded that he would address it in his report.

Commissioner Levine commented that the old regulation had a section that said except for the manager, no part of the development should be occupied. Mr. Alford stated that language has now been removed.

Public Comment:

Eric Weiner, 130 Palisado Ave. believed that the final text should be made available to the public with appropriate time for review before any action is taken. He suggested this public hearing be postponed until that time is made.

Mr. Barz stated the applicant has been meeting with staff for many months discussing the possibility of a hotel catering to the needs of the commercial recreational facility. Mr. Barz noted that this applicant can't make the typical hotel room size work, so staff looked at it from the standpoint that this has to be an amenity rich project that compensates for the smaller

rooms. Mr. Barz amended the regulation to reflect the town's thoughts on the issue and the applicant agreed to his changes. He stated we adopted the approach that we used in the Windsor Station Apartments where we have an average room size and a minimum room size. Given the rich amenity package with indoor/outdoor lounge, a heated indoor pool, grills, the fire pit, the flex space and breakfast included, he thought we have a good fit for the reactional hotel. There will only be one of this type of hotel allowed for this or any other significant reactional facility as a whole.

Commissioner Mips asked if the amenities would be in place before they received their certificate of occupancy. Mr. Barz responded, yes.

Commissioner Mips addressed Mr. Weiner's concerns by stating that the only difference is the addition of the different things allowed compared to what was in the packet. She stated it is exactly the same but with more amenities. Mr. Barz stated that it is improved. Commissioner Mips stated that it is not lessened, it's more restrictive.

Commissioner Levine read the CRCOG letter dated May 27, 2022 into the record.

Mr. Weiner expressed his concerns again and didn't agree that the Committee should move forward without the final text amendment being made available to the public.

Commissioner Mips asked Mr. Barz to address Mr. Weiner's concerns. Mr. Barz stated that it has long been our practice to wordsmith regulations at meetings during a public hearing and nothing new or different is being done.

Commissioner Mips stated that what was added only enhanced what the regulation stated. Mr. Barz added that there are no wholesale changes being made that would alter the nature of the regulation. They both agreed that they aren't doing that.

Commissioner Harvey asked if there are any unintended consequences by modifying this regulation with existing facilities. Mr. Barz responded that there would have to be a project with town, state or regional significance that would draw hundreds or thousands of people. The special use gives the Commission discretion.

Commissioner Harvey asked if this would have to be in the I Zone because the hotels are already allowed in B2 Zone. Mr. Barz stated this would only be allowed in a cultural/recreational facility in the I Zone.

Commissioner Jaggon stated that he has no concerns with the text amendment but he believed that the changes should be posted for the public to review.

Commissioner Mips stated they have provided us with a better understanding of what we are getting. The changes are more restrictive rather than less restrictive. She stated that she didn't have any problem with moving forward.

Commissioner Levine agreed that the amended regulation gives a more clear understanding of what the hotel will contain and thought it was a positive thing for the town and the public.

Commissioner Kuintzle agreed as well that the changes make the regulation tighter, not looser.

Commissioner Harvey stated that it is always best to provide as much transparency and full information to the public in advance. She was not clear how much wordsmithing is too much. She believed if major sections are being added or removed then it's not minor wordsmithing anymore, but wasn't clear where the line is. She thought the commenter raised a good point.

Mr. Barz stated that no text amendment survives the application process intact and to change the process we've been using for the last 50 years would add at least a month to every text amendment application.

Commissioner Harvey agreed and said that in some cases it could add multiple months.

Commissioner Mips stated that it had long been the practice that if it was less restrictive then the application would be tabled. When we are making it more restrictive, she personally didn't see a problem with moving forward.

Commissioner Levine stated the applicant will have to submit a special use and site plan as well.

Commissioner Harvey explained that she doesn't have any disagreement with the text amendment.

**Motion: Commissioner Levine moved to approve the Text Amendment as amended – Section 8.6E, Comm. Rec. Hotel, Alford Assoc., Inc.
Commissioner Kuintzle seconded the motion and it passed unanimously 5-0-0.**

2. **Design Development Concept Plan – 144 Broad St., 60 Units, 2.655 acres, B2 Zone, Alford Assoc., Inc.**
 - a. **Waiver for interior landscape islands – Section 3.1.2C(3)**
 - b. **Waiver for 20' required yard – Section 13.1.3B(2)**
 - c. **Waiver for Parking Lots Adjacent to Property and Right-of-Way Lines: Per 3.1.2.C.(1).(b).(iv)**
 - d. **Waiver for Parking Lots Adjacent to Buildings: Per 3.1.2.C.(2).(a).(ii)**

Gregg Vaca, GRAVA Properties; Christian Alford, Alford Assoc., Inc.; and Jack Kemper, Kemper Assoc. Architects, LLC were present. Mr. Vaca began by stating that they have come up with a plan but the vision is not theirs. This vision started in 2012 with the transit oriented development (TOD) master plan that was conducted by the town leadership and citizens as well as the zoning regulations which have been amended as recently as last August to support

vibrant, mixed use development in the historic town center. The TOD plan designated this site as a priority, going as far as illustrating a building in this specific location. He wanted to thank and give credit to those who have been working for the last 15-20 years to get this type of development back in our town center.

Mr. Vaca provided a brief history of how the site has been used over the last several years. He stated that the proposal is to create a dynamic mixed use plaza and to restore this prominent northern street wall in the center. Today, it is a large surface parking lot and they would be increasing the permeable surface through landscaping. In terms of access, he stated they plan to close the entrance on Palisado Avenue and maintain the other three points of access. There was a detailed traffic study done by F.A. Hesketh & Assoc. which showed that the average daily traffic from the site will be reduced due to changing from a high-intensity commercial use to a low-intensity residential use and that no area intersections will suffer any degradation of service. In terms of parking, most of the parking will be in the rear of the main building and around the rear of the other buildings with a pool of commercial parking spaces. In terms of landscaping, the perimeter fencing which has fallen into disrepair will be replaced and green buffers will be added between the neighbors and the project where possible.

Mr. Vaca discussed the phasing plan for the project. Before the Commission now is phase 1 of the development. They are working to acquire excess state right-of-way around the site which is known as the berm. This will enable a future phase illustrated on the site plan as “future 3-story apartment building” containing an additional 36 units. After the first phase, they plan to relocate tenants from the 152 Broad Street location into the front building to demolish that building and then begin the second phase.

Mr. Vaca stated that they plan to start construction in the spring of 2023 and be done with the first phase in a year, then they will come back in 2025 to build the second phase which should also take a year.

Mr. Alford discussed the zoning parameters of the site and zoning table.

Mr. Vaca introduced the architectural aspects of the project noting that the facades of the buildings are all different and were inspired by buildings that are seen around the center. Mr. Kemper discussed the design of the south building. He mentioned that there are no apartment entries facing south and that they all face inward. The first floor apartments enter right into the apartments which is a modification from when they informally presented to the Commission. The buildings will be separate buildings but very close to one another. The apartment units in the whole project range from 680 sq. ft. for studios to 1160 sq. ft. for two bedrooms. The project has predominantly one-bedroom apartments.

Commissioner Mips brought up staff comments which had concerns about emergency vehicles being able to get through the turns in the development. She asked if they had a chance to review staff comments and if they had come up with any ideas. Mr. Alford responded that it is tight but he said they will make further adjustments so there is at least a foot on either side.

Commissioner Levine noted that there is an indication there will be food trucks on one handout but she didn't see it on the plan. Mr. Vaca explained that space and the space that is activated by it is within the public and state right-of-way which they are in the process of acquiring. He stated they are presenting phase 1 tonight and the food trucks will be part of a later phase.

Commissioner Levine stated that if they plan to incorporate food trucks that she would recommend they read the regulations. They stated they would.

Commissioner Kuintzle asked about future parking and where people would park once the additional 30 units are added. Mr. Vaca stated the public right-of-way around the site which they are in the process of acquiring is about .6 acres and that area would contain about 38 additional parking spaces and would serve the 36-one bedroom apartments that would be delivered.

Commissioner Mips asked if the original building will be coming down. Mr. Vaca said yes, once the tenants are relocated, the building will be taken down and the second phase will begin.

Public Comments:

Dave Morad, 45 Prospect Street, explained that he's been in the town for about thirteen years and stated that he is very excited about this project. He also stated that he is very excited about the Broad Street road diet.

Alfred Loomer, 5 Sarah Ann Lane, stated he is in favor of this project. He moved to Windsor for the village feel and thinks this will improve density in town and improve businesses.

Susan Miller, 36 Tiffany Drive, is the owner of the Blue Dragonfly and is extremely excited about this project and to move into the new building where their business can be front and center.

Susan Miller, 130 Palisado Avenue, offered strong support. She is an advocate for sustainable, transit-oriented development like this one.

Mr. Singh, 158 Broad Street, is the business owner for Giovanni's Restaurant and wanted to know what the plans are for his restaurant located in town center.

Patricia Carpenter, 33 Phelps Street, shared several safety and parking concerns including the amount of available parking, the traffic light at Prospect Street, fencing, additional stop signs, parking lot lighting, snow removal, fire hydrants, dumpsters and trash collection times and traffic flow during construction.

Mr. Barz shared staff comments. He mentioned that the turning movements for emergency vehicles aren't insurmountable and that we don't have the peer review yet regarding the traffic report. It was his understanding that the impact would be nominal relative to what is currently

there. He noted that there is an affordability element to this project and that staff are currently working on an affordability plan.

Commissioner Mips asked if the engineering and fire marshals comments regarding the turn arounds will be taken care of when we get to the final plan. Mr. Barz said yes and that it would be addressed when we get to the detailed plan. Commissioner Mips wanted to be sure that everyone understood that this was a concept plan.

Mr. Vaca thanked everyone who spoke in favor of the project and that he would reach out to the owner of Giovannis this week. He addressed concerns regarding street parking, fencing, light pollution, traffic, a fire hydrant, snow removal and dedicated parking spots.

Commissioner Levine stated that there are no elevators on the plans and asked if they were required to have elevators on a three-story building. Mr. Vaca stated they aren't required because they are only doing four units per floor and the ground level apartment are ADA accessible.

Mr. Vaca addressed the affordability aspect of the project and stated that 20% of the units will be deed restricted workforce housing which means they will be fixed as affordable to households earning 80% of the area median income.

Scott Hesketh, Engineer from F.A. Hesketh & Assoc., spoke regarding the May 3, 2022 traffic report which had been submitted. He stated that based on their study there will be a significant traffic decreases during different times, excellent levels of service at the adjacent intersections, and that traffic will operate safely and efficiently.

Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 144 Broad St., waiver for interior landscape islands – Section 3.1.2C(3). Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 144 Broad St., waiver for 20' required yard – Section 13.1.3B(2). Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 144 Broad St., waiver for Parking Lots Adjacent to Property and Right-of-Way Lines – Section 3.1.2.C.(1).(b).(iv) Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Design Development Concept Plan – 144 Broad St., waiver for Parking Lots Adjacent to Buildings – Section 3.1.2.C.(2).(a).(ii) Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Design Development Concept Plan as presented – 144 Broad St., 60 Units, 2.655 acres, B2 Zone, Alford Assoc., Inc.

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

3. Special Use – 35 Poquonock Ave., Outdoor Entertainment, Section 5.2.6D(2), 0.48 Acres, B2 Zone, Windsor Steak & Seafood/Beskovic

Mark Pinard, 650 Stone Road, landlord for the property and Sead Beskovic, owner of Windsor Steak and Seafood, were present and addressed the Commission. They are requesting a special use permit to add unamplified live music on the patio like acoustical guitar or piano no later than 9 p.m. in the evenings.

Commissioner Levine asked if there would be amplifiers. Mr. Pinard stated no, there would be no amplifiers.

Commissioner Levine asked for clarification as the application stated that they cater to clientele with verbal and physical arguments. She assumed the word not was missing. Mr. Pinard agreed that it was a typo.

Commissioner Mips asked what is the nearest residence. Mr. Pinard stated there are houses behind the building, residents along Spring Street and there are apartments next door on Poquonock Avenue.

Commissioner Mips confirmed that all neighbors received notice that this was happening. Mr. Pinard said yes.

Commissioner Harvey asked if there have been any noise complaints in the past three years. Mr. Barz responded that he was not aware of any.

Public Comments:

Henry Karas, 29 Giddings Avenue, is a patron of the business and supported the application.

Alfred Loomer, 5 Sarah Ann Lane, is also a patron of the business and supported the application.

Dave Morad, 45 Prospect Street, supported the application.

Mr. Sealy presented a GIS map and showed the Commission that the business is in the B2 zone but does have residential properties around them. The nearest residential properties are a little over 100 feet away from the patio. Staff did not have any comments with this application.

Motion: Commissioner Levine moved to approve the Special Use with no music after 9 p.m. – 35 Poquonock Ave., Outdoor Entertainment, Section 5.2.6D(2), 0.48 Acres, B2 Zone, Windsor Steak & Seafood/Beskovic with a one-year time limit.

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

4. Special Use – 820D Prospect Hill Rd., Comm. Rec., Section 8.6E, 5850 sq. ft., I Zone, Playstrong Studio LLC/Corry

Judith Corry, Owner of Playstrong Studio LLC was present and addressed the Commission stating that they are a children’s fitness facility and that she has the full support of the landlord and other tenants within the building.

Commissioner Levine asked how many people at a time would use the facility. Ms. Corry stated there are up to 15 students per class.

Commissioner Levine asked how many parking spaces there are. Ms. Corry stated there are approximately 26 spaces for the first half of the building and another 26 in the second half. They would be occupying 2 of the total 4 or 5 units in the building. She also stated their program is more of a drop off program and the only time parents would typically stay is for their morning program twice a week.

Mr. Sealy stated that they did review the parking for the site and there are no concerns.

Mr. Sealy reported that staff met with Ms. Corry and that she does have intentions on making some modifications to the building and that she will be coordinating with the fire marshal and the building official at a later date. He stated that staff had no comments.

There were no public comments.

Motion: Commissioner Levine moved to approve the Special Use – 820D Prospect Hill Rd., Comm. Rec., Section 8.6E, 5850 sq. ft., I Zone, Playstrong Studio LLC/Corry.
Commissioner Jaggon 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 9:07 p.m.
Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Respectfully submitted, _____, Andrea Marcavitch, Recording Secretary
July 12, 2022.

Jill Levine, Secretary