

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JULY 12, 2022
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Mips, Levine, Correia, Jaggon and Kuintzle
Alternate Commissioners Harvey and Hallowell**

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

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7:08 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

Commissioner Mips welcomed Andrea Marcavitch who will serve as the new Secretary for the Planning and Zoning Department. She also noted that because of Election Day the November TPZ meeting is scheduled for Wednesday, November 9.

C. Zoning Enforcement Officer’s Report – None

D. C.G.S. §8-24 Referral Requests

1. C.G.S. §8-24 Review – Wilson Library – Transfer of Ownership

Town Manager Souza gave a brief overview to the Commission.

Commissioner Jaggon asked if the library would lose any services when taken over by the town. Town Manager Souza replied that the building is owned by the Windsor Library Association but all the programs and services are provided by the town. He stated that everything will continue as they have in the past.

Motion: Commissioner Levine moved that the Town Planning and Zoning Commission, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, approves the conveyance of the Wilson Memorial Library, at 356 and 371 Windsor Avenue, to Town of Windsor with the understanding the town would continue to operate a public library at that location.

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

2. C.G.S. §8-24 Review – Excess Right of Way

Town Manager Souza gave an overview to the Commission.

Commissioner Mips asked if the pine tree on the southern end would remain. Town Manager Souza stated that is a question that will come up before the final design plans are reviewed by the Commission.

Commissioner Levine asked if the developer of the plaza would be responsible for shoveling the sidewalks and mowing the grass. Town Manager Souza stated yes.

Motion: Commissioner Levine moved that the Town Planning and Zoning Commission of the Town of Windsor, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, approves the receipt of excess State Right-of-Way and the conveyance of town controlled property and former State Right-of-Way adjacent to 144-152 Broad Street for redevelopment and economic development purposes as outlined in the Town Center Transit Oriented Development Master Plan. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

3. C.G.S. §8-24 Review – CIP

Town Manager Souza provided an overview to the Commission. He noted that there have not been many substantial changes in this year's CIP other than moving the dates of a few projects.

Commissioner Levine asked about the appropriation of \$500,000 to the public safety projects and if that meant it would circumvent approval by the Town Council if they wanted to make a new capital project, like a fire truck. Town Manager Souza stated that it does not circumvent the process. All projects will still need to go before Council and potentially before a special town meeting or referendum if they're over the threshold dollar amount. The \$500,000 essentially reduces our long-term debt by cash funding projects versus borrowing for those projects.

Commissioner Jaggon asked how the CIP is developed and who develops these plans. Town Manager Souza replied that input is collected from all Boards and Commissions and all town departments for new projects or any adjustments to the projects that are in place.

Commissioner Mips commented to the Commission that they can add something to the CIP and have it considered.

**Motion: Commissioner Levine moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS Section 8-24, approval of the Town of Windsor and Windsor Board of Education proposed Capital Improvements Program for fiscal years 2023-2028.
Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.**

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions

1. Subdivision Filing Extension: 550 Matianuck Avenue – 2 lots

Mr. Barz stated that the statutes do allow for up to a 90-day extension for the filing of plans.

Wilson (Skip) Alford Jr., Engineer from Alford Assoc., Inc. was present and requested an extension to take care of some loose ends.

The Commission had no questions.

**Motion: Commissioner Levine moved to approve the applicant's request for a 90-day extension to file the Mylars of the subdivision plan for 550 Matianuck Avenue
Commissioner Kuintzle seconded the motion and it passed unanimously 5-0-0.**

G. Site Plans

**1. Site Plan – 200 Bloomfield Ave., Laundromat, I Zone, 0.73 acres, Sabovic
*To be heard with public hearing item #4**

Commissioner Mips stated that it would be heard with the public hearing item at the same address but that it would be voted on separately.

H. Minutes

1. June 14, 2022

Motion: Commissioner Levine moved to approve the minutes of June 14, 2022, as amended.

Commissioner Correia 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 welcomed the new Secretary, Andrea Marcavitch. In development news, he noted the buildings are going up quickly at the triangle on Kennedy Road. Across the street, Amazon is proceeding as well. Work is also moving rapidly on the warehouse on Baker Hollow Road and homes are going up at the corner of Capen Street and Cook Hill Road. He mentioned that as the current Zoning Enforcement Officer, he is seeing a lot of RVs and boats on trailers parked in places that don't meet the regulations. He asked the Commission to take note when driving through town and to ask themselves if where they are stored is appropriate or not. He suggested that maybe the regulations need to be adjusted or that we need to instruct the Zoning Officer to enforce current regulations.

Commissioner Levine commented that you just never know how the neighbors feel about that situation. Mr. Barz agreed. He stated that we can be proactive or reactive in our enforcement and that there is a balance point somewhere in between.

Commissioner Mips made a suggestion to add a reminder to Facebook about town standards and regulations. She commented that people might not know what is allowed. Mr. Barz agreed.

Commissioner Levine stated that she has noticed a lot of lawns that aren't regularly mowed. Mr. Barz noted that we have a property maintenance ordinance. The Property Maintenance Officer isn't out there looking for problems. It is often reactive.

Commissioner Mips remembered when there was a problem out on the Bloomfield town line and the people didn't understand what the regulations where and they corrected it. She suggested doing something proactively would help prevent violations.

Commissioner Jaggon asked if Commissioners could legally go around and look and complain to Mr. Barz. Mr. Barz replied yes and he stated that he's not asking for Commissioners to find violations but for them to think if what they are seeing is ok or if the RVs and boats should be hidden.

Commissioner Correia stated that he saw tall grass and property maintenance as the bigger issue than boats and RVs.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Special Use – 15, 21,27,33,41 Stone Road, Section 9.6.6** – Warehouse/Distribution Facility, 21.51 acres, W Zone, VW Realty

The Commission directed that the above items would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on September 13, 2022.

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

1. **Special Use – 25/35 International Dr., Section 8.6B** – Outside storage. I zone, 17.94 acres (35 International), Indus Realty

Tim Lescalleet, Executive Vice President of Indus Realty, was present and gave an overview of the application. The property is fully enclosed by wooded acreage and is accessed by a common driveway that is shared by 25 and 35 International Drive. They have a tenant at 25 International Drive interested in using the remaining portion of the trailer lot at 35 International Drive for outdoor storage of crated, finished product until they can be delivered to the jobsite.

Commissioner Mips asked if the tenants at 35 International Drive have moved to 25 International Drive. Mr. Lescalleet stated that the tenants had once occupied both buildings but are now only located at 25 International Drive.

Commissioner Levine asked if they had seen the Planning staff's notes for a one-year time limit. Mr. Lescalleet said yes and requested the permit be extended to two-years as the tenant requires usage for that amount of time.

Commissioner Correia asked what is located to the north, 40 Larch Drive? Is it residential? Mr. Barz stated he didn't believe so. Mr. Lescalleet stated they may own 40 Larch Drive if it's not a house. There is only one lot left that they don't own. He stated that there is plenty of buffer between the parking lot and the residences.

Public Comment: None

Mr. Sealy stated that staff was hesitant to set a precedence for outdoor storage on an adjacent property. There were some qualifiers like the common shared driveway and the current manufacturing and construction delays related to the COVID-19 pandemic. Staff

is requesting that they have a one-year time limit on the application and for the use to cease once the project is complete.

Commissioner Levine stated that in the past they have limited all outdoor storage to one-year and thought it would be unfair to give the applicant a longer term.

Commissioner Mips agreed and stated that if they need an additional year then they'll have to come back.

Commissioner Correia asked what would be the negative impact to the surrounding area if they were allowed a two-year use. He didn't have a problem with two-years but understood the point about fairness.

Mr. Barz stated that we are trying to accommodate our manufacturers who are in a particular bind. Ordinarily, outdoor storage is approved on the same site where the product is being generated or the materials are being consumed. We are willing to stretch a little until the building construction is complete but we don't want to set a precedence.

Commissioner Kuintzle asked if anyone had ever asked for outdoor storage use at a different location that they weren't occupying. Mr. Barz replied never.

Commissioner Mips stated that she would probably vote no if they didn't have a common shared driveway.

Commissioner Kuintzle stated that the Commission is opening the door for others to stretch it one step further.

Commissioner Correia stated that agreements would still be required on both sides in order to store items on someone else's property.

Mr. Lescalleet proposed tying the special use permit to when the tenant's lease is up.

Commissioner Mips responded that it's not something the Commission would consider.

Leroy Smith, 531 Edgewood Road, shared concerns about wooded vegetation, increasing amount of warehouses, trucks and traffic, lack of enforcement and walkability and increase of field mice. He stated that the town needs to be more aware of what is going on in his neighborhood.

Commissioner Mips stated that this applicant is closer to Route 20 and what he was talking about with Larch Drive is the old Pine Acres. Mr. Barz stated that he measured today on the GIS and the nearest residential property line that is occupied was 496 +/- feet away. Commissioner Mips clarified that it was down on Walnut or Chestnut. Mr. Barz said yes.

Mr. Lescalleet stated that the acreage is fully vegetated on the east, north and south sides of the lot and the west side of the lot is screened from International Drive by the building at 35 International Drive.

Commissioner Levine asked if 35 International Drive is occupied now. Mr. Lescalleet said yes.

Commissioner Correia stated that this would be a less intensive use of this space because right now it is designated for tractor trailer parking.

Mr. Lescalleet said that 35 International Drive is occupied and 35 of the 108 parking spaces are also currently occupied.

**Motion: Commissioner Levine moved to approve the Special Use for one year – 25/35 International Dr., Section 8.6B – Outside storage. I zone, 17.94 acres (35 International), Indus Realty.
Commissioner Kuintzle seconded the motion and it passed unanimously 5-0-0.**

2. Zone Change – 129 Niles Rd. AA to AG, 12.3 acres, Kula

Paul Kula, 29 Metcalfe Circle, was present and stated he would like to change the zone on the back of his property. He has been using it for farmland and would like to save a little on taxes. He stated it will never be developed as it is right by the river and part of it is in the flood plain.

Commissioner Correia asked if he owned all the abutting properties except for 106 Niles Road. Mr. Kula said yes.

Public Comments: None

Mr. Sealy stated that the Plan of Conservation Development (POCD) encourages preservation of agricultural lands. He stated they have reviewed the application and have no comments.

Commissioner Mips asked if Mr. Kula was using all of that land for agriculture. Mr. Kula said yes, except where it is wooded.

**Motion: Commissioner Levine moved to approve Zone Change – 129 Niles Rd. AA to AG, 12.3 acres, Kula.
Commissioner Correia seconded the motion and it passed unanimously 5-0-0.**

3. **Special Use – 1001 Day Hill Road, Section 8.6E - Commercial Recreational Facility, Bar Rated Entertainment, ArrowDodge**

Robert Goldberg of Bar Rated Entertainment was present and gave an overview of the application. They are looking to use a portion of the property for a new activity called ArrowDodge, which is a game that combines archery and dodgeball. They have been in the entertainment business for 12 years out of Hartford, CT and are looking to lease a space at 1001 Day Hill Road in 2023. The owner of the property is letting them use an outdoor portion of the property to promote their game and run some events while they are getting the indoor space ready. They would be providing extra entertainment for the people coming in for Fastpitch Nation.

Commissioner Correia asked if they have any other locations. Mr. Goldberg responded that they have no other locations but they do provide entertainment trivia, bingo and events at 46 locations across CT. This would be their first brick and mortar location.

Mr. Barz asked Mr. Goldberg to describe the nature of the recreation use. Mr. Goldberg stated that the game follows the rules of dodgeball. It uses a safe foam tipped arrow and everyone wears a mask. There are training sessions before they go out and they run 90-minute sessions.

Commissioner Correia commented that looking at the slides, it looks like paintball but with archery. Mr. Goldberg said yes, it has the feel of paintball but it has dodgeball rules.

Commissioner Levine asked what the hours of operation would be. Mr. Goldberg replied that weekend usage would be operating in good weather as they would be outside when Fastpitch Nation would be running their softball tournaments. It would roughly be around 9:30 a.m. – 5:30/6 p.m.

Mr. Barz asked Mr. Goldberg to explain what the permanent solution is going to be. Mr. Goldberg stated they plan to lease a 10,000 + square foot space in the property at 1001 Day Hill Road as they continue to redevelop the property. They would continue to provide ArrowDodge and look to provide other entertainment like axe throwing, virtual golf, simulators, virtual reality and indoor arcade.

Commissioner Levine stated that they would have to come back to the town for a permit for the indoor space. Mr. Barz stated yes and Mr. Goldberg stated that he is aware of that.

Public Comments: None

Mr. Sealy stated that they had met with the applicant and he asked Mr. Goldberg if they intend to use the outdoor space once they move inside. Mr. Goldberg replied that the property is being redeveloped and was unsure of the developer's plans. If they were to use an outdoor space they would be renting the softball fields directly from Fastpitch Nation.

Mr. Sealy summarized the application and asked Mr. Goldberg if there would be any infrastructure that would be put up outside. Mr. Goldberg stated that they would be setting up and breaking down the field with protective nets, bunkers and inflatables that would be weighted down with sandbags. Mr. Sealy stated the staff sees this as complementary to the other uses that are occurring on the site and that staff had no comments for this application.

Commissioner Levine asked if they would need to add a time restriction on hours of operation. Mr. Barz said he didn't think so. Commissioner Mips stated that it would likely operate the same as the softball. Commissioner Correia said that he guessed that it is daylight restricted. Mr. Goldberg said that was correct.

Motion: Commissioner Levine moved to approve the Special Use – 1001 Day Hill Road, Section 8.6E – Commercial Recreational Facility, Bar Rated Entertainment, ArrowDodge.

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

4. Special Use and Site Plan – 200 Bloomfield Avenue, Section 8.6L Adaptive Reuse Laundromat, I Zone, 0.73 acres, Sabovic

John Oliveto, Engineer with Alfred Benesch & Company, and Haris Sabovic, owner, were present and provided an overview of the application. The building has been vacant for 10-15 years. They are proposing to transform the building into a laundromat. With the site plan, they are adding 13 parking spaces, the parking lot will be paved and new landscaping will be added, as well as rain gardens for stormwater quality. There are a number of existing non-conformities that will be brought into conformity.

Public Comments:

Commissioner Levine read two letters into the record against the application from Priscilla Barber and Claudia and Carlton Weiman, Maple Avenue.

Mr. Barz gave a brief history of the property and the process taken to allow this use in the I Zone. He believed the laundromat is a good use for the site. It is a low-volume business and it is not going to create a significant amount of traffic. The traffic will be entering and exiting from a state highway, not Mack Street. They are closing the driveway that goes around the north side of the building on Mack Street. They are pulling paving away from the residential neighbor to the north and are leaving a significant buffer there and adding a landscape buffer on the southern border to block headlights. There is one outstanding issue and that is the final architectural plans of the building. Staff reviewed plans and discovered that they were proposing to use EIFS (Exterior Insulation Finishing System), which is insulation board covered with a stucco material made to look like stucco on brick. We do not allow that in the I Zone so we are going to work with them to come up with an alternative.

Commissioner Levine asked about the rain gardens and if they were for drainage or horticultural purposes. Mr. Oliveto responded that they are for stormwater management. Commissioner Levine asked where the water would drain to and Mr. Oliveto stated the water would infiltrate into the ground but if they fill up, it will overflow to the Mack Street storm sewer system where it currently drains to.

Motion: Commissioner Levine moved to approve the Special Use subject to final approval with the staff concerning the elevations of the building – 200 Bloomfield Avenue, Section 8.6L Adaptive Reuse, Laundromat, I Zone, 0.73 acres, Sabovic. Commissioner Jaggon seconded the motion and it passed unanimously 5-0-0.

Motion: Commissioner Levine moved to approve the Site Plan as presented and subject to final review of the staff – 200 Bloomfield Avenue, Laundromat, I Zone, 0.73 acres, Sabovic. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

6. Text Amendment – Sections: 1.1.3, 2.2, 5.2.6R, & 8.6U, Cannabis Moratorium, TOW

Mr. Barz explained that this is the same text amendment that was approved previously. This will allow us some additional time over the summer to continue to evaluate the evolving situation in the region. There is a survey currently on the town's website where residents can participate. We have had 691 responses so far with a representative sample of different incomes, races and ages. We'll have more information for the Commission in September with a palate of options to consider based upon all of the input. We will have until November to hold a public hearing and finally adopt a regulation.

Commissioner Correia asked if 600 people is statistically relevant. Mr. Barz said yes, 381 respondents is representative of any large population but that's if you're asking a simple question and not breaking down responses to subsets of the population. However, the sample was not randomly drawn and only represents residents with Internet access.

Commissioner Levine read the CRCOG letter dated June 24, 2022 into the record.

Public Comments: None

Mr. Barz recommended approval.

Motion: Commissioner Levine moved to approve the Text Amendment extension – Sections: 1.1.3, 2.2, 5.2.6R, & 8.6U, Cannabis Moratorium, TOW. Commissioner Correia seconded the motion and it passed unanimously 5-0-0.

7. Affordable Housing Plan Adoption

Mr. Barz gave an overview of the plan and the steps that were taken to solicit input from residents to help draft the plan. There were two public workshops and a survey where residents had an opportunity to give feedback. Mr. Barz also met with the Economic Development Commission and the Wilson Deerfield Advisory Commission. He stated that the plan provides a framework with immediate, short-term and long-term strategies. He reported that the survey showed a strong consensus for affordable housing for retirees, those who grew up in town, government employees like teachers and firefighters and those just starting out. He stated that, like our plan of conservation and development, this is a living document that is active and regularly acted upon.

Commissioner Levine asked who would be monitoring to ensure we are moving forward with this plan and would the State be involved. Mr. Barz said no. We are required to file it with the Office of Policy and Management but they do not have the staff to monitor 169 towns.

Commissioner Mips asked if the Commission alternates would be able to speak and give input. Mr. Barz was unsure. Commissioner Mips stated that she would like to let them if they had something to add. Mr. Correia suggested that they could do it as part of the public hearing. Commissioner Levine stated that they could speak as a homeowner.

Commissioner Correia asked if there have been any macro studies done on the impact of affordable housing to the surrounding homeowners and to their property values. Mr. Barz stated that it is our hope that affordable housing will look no different than market rate housing. It might be a bit smaller with lower cost interior finishes, but largely you won't see a difference.

Commissioner Levine reported a few typos in the document that needed to be addressed.

Public Comments:

Commissioner Levine read a letter dated July 12, 2022 from Nathan Karnes, 4 Juniper Road, requesting the commission to reject the plan.

Deborah Hallowell, long-time resident, stated that the plan is a start and that there are some gaps. The Commission needs to think higher. She requested that the structure and actions need to be more concrete. She recommended approving the plan but to push for more if we want to make effective change.

Meg Harvey, 37 Hobson Avenue, agreed that the plan should be approved but also look at it as a work in progress. She agreed with Mr. Karnes that we need to aspire to higher goals. She questioned whether having mandated ratios would discourage development.

Leroy Smith, 531 Edgewood Road, stated that the town missed an opportunity and should have placed affordable housing where Amazon and Chewy are located. He hoped we could think about providing families with homes instead of thinking about how it would affect property values. He agreed that our goals should be higher.

Mr. Barz highlighted some of what the town is already doing to provide affordable housing. He said this gives us a starting point. He looks at this as a 5-year plan that will need to be renewed every five years. He's heard the feedback and would like to make sure it gets incorporated into the POCD or a subsequent 5-year plan.

Commissioner Mips agreed that it needs to be approved this evening and that it is a working document. She thought Mr. Barz had done a good job.

Commissioner Correia asked when the data had been collected that was used in the plan. Mr. Barz replied that he didn't know where the Partnership for Strong Communities was getting their data but the data he was using was coming from various recent sources. Commissioner Correia stated that there is inflation due to Covid that is not reflected in those numbers and Mr. Barz agreed.

Commissioner Correia stated that a big part of people's housing costs in CT go towards their tax payments. He had concerns that the plan would exacerbate the problem and put stress on our grand list and burden our local government. Mr. Barz stated that if we don't build affordable housing then we won't have people working in Windsor, filling our jobs, and then the grand list numbers plummet.

Motion: Commissioner Levine moved to approve the draft Affordable Housing Plan as amended

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

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

Jill Levine, Secretary