

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2022
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine and Jaggon and Alternate Commissioners Harvey and Hollowell

Not Present: Commissioners Correia and Kuintzle and Alternate Commissioner Rivas Plata

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

1. C.G.S. §8-24 Review – 1201 Kennedy Road – Sidewalk and Traffic Signal Easement

Director of Public Works/Town Engineer Robert Jarvis gave an overview to the Commission. The town wishes to have the right to maintain the sidewalk in the future if it should require structural improvements, as well as maintain the traffic signals and various street lighting that has been installed in the area. The property owner would be responsible for snow removal on the sidewalk in accordance with the town ordinances.

Commissioner Hollowell asked if the easement was just on the corner. Mr. Jarvis stated the easement goes across the frontage of the property. Commissioner Hollowell asked if the map shows the whole frontage. Mr. Jarvis said yes.

Commissioner Mips asked why Joseph Lane is blocked off because that is the emergency access into the Strawberry Hills neighborhood. Mr. Jarvis stated he believed that it is a temporary condition and that fencing will be removed once the project is complete.

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 acceptance of a easements of approximately 28,092 sq. ft., as shown on the “EASEMENT PLAN, PROJECT WARRIOR, 1 Joseph

Ln & 1201 Kennedy Road, WINDSOR, Connecticut” prepared by Langan CT, Inc. as Project No. 140207301 dated June 17, 2022, Drawing No. EA201, Sheet 1 of 1. Commissioner Jaggon seconded the motion and it passed 5-0-0.

2. C.G.S. §8-24 Review – 28 Cook Hill Road – Sidewalk Easement

Director of Public Works/Town Engineer Robert Jarvis gave an overview to the Commission. There is a requirement that a 5’ sidewalk be constructed along the frontage on Cook Hill Road in order to maintain adequate snow shelf along that area, some of the sidewalk will not be able to be constructed within the town’s right-of-way. Therefore, the town is requesting a 5’ easement of the developer in order to do future structural repair of the sidewalk. The property owners will be responsible for snow and ice removal along the sidewalk in accordance with town ordinances.

Commissioner Mips asked if the houses on Cook Hill are far back enough if we take another 5’. Mr. Jarvis stated that it would only be an easement so the property owner would retain ownership of the property up to the street line. We would only have an encumbrance to go in and maintain the sidewalk.

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 acceptance of a sidewalk easement of approximately 3,468 sq. ft. from 28 Cook Hill Road, LLC over the area shown as ‘Sidewalk Easement in Favor of the Town of Windsor’ on the attached map titled ‘Plot Plan – The Hamlet at Cook Hill, prepared for 28 Cook Hill Road, LLC, 28 Cook Hill Road, Windsor, Connecticut, Scale 1”=40’, Dated February 17, 2022’, prepared by Barresi Associates, LLC”.

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

3. C.G.S. §8-24 Review – 1857 Poquonock – Villages at Poquonock Improvements and ROW

Mr. Barz reported that he heard back late this afternoon from the Town Attorney that there is an issue and it will be postponed to the October or November meeting.

E. Pre-Application Scrutiny

1. Cannabis survey summary and next steps

Mr. Barz stated that we are in our third moratorium and it expires in November, unless we extend it. He reported on actions taken by other Connecticut towns and cities and summarized survey responses. He outlined several options for the Commission and asked for a consensus from the Commission to return in October with a draft amendment for public hearing in November as the moratorium expires. He said we can draft a one or two month extension for public hearing in November if more time is required for consideration.

Commissioner Levine asked if she heard him say that Windsor would only be entitled to one facility. Mr. Barz stated no, we are not but we could limit it to one. Commissioner

Levine stated even despite the ruling on density in Superior Court. Mr. Barz stated that was stricken by the Legislature. He reiterated that we have the power to limit it to one.

Commissioner Mips commended Mr. Barz for his work and putting together all the information.

The Commission agreed to have Mr. Barz draft an amendment as described and also draft an extension of the moratorium should the public disagree with the amendment.

F. Re-Approvals/Revisions/Extensions

1. 3.9 Site Plan – 9 Griffin Road North, Parking and Site Security Revisions, I Zone, Cigna

Mr. Sealy reported that the application was for a parking lot reduction, site security and site entrance revisions.

Commissioner Mips asked if it was a parking lot reduction. Mr. Sealy said yes, they revised the parking lot layout and reduced the amount of pavement.

Mr. Barz thanked Cigna for cooperating with us as the staff had concerns about the appearance of their security fencing. We had some good conversations and found a middle ground.

G. Site Plans

1. Site Plan – 4 Batchelder Road, Loomis Chaffee Addition, NZ Zone, Lance Hall Director of Physical Plant Lance Hall from the Loomis Chaffee School, Project Engineer Michael Kwok and Landscape Architect Kate Montgomery from Freeman Companies were present. Mr. Kwok stated they are proposing a 3 ½ story, 4,000 sq. ft. building addition to the Warham dormitory located on the northeast side of campus. They are also making improvements to the surrounding area such as sidewalks, pavement, utilities, drainage, lights and landscaping. The applicant is also seeking a waiver for the maximum building height requirement of 2 ½ stories.

Commissioner Levine asked how many stories would be in the new addition. Mr. Kwok stated 3 ½ stories. Ms. Montgomery explained that the surrounding buildings are all 3 ½ stories.

Commissioner Mips asked if staff had any comments. Mr. Sealy replied no.

Commissioner Mips asked Mr. Barz if we have approved a height waiver for the last building they built. Mr. Barz noted that we have provided a waiver for almost every one of their recent dorms projects.

Commissioner Levine clarified that the applicant is asking for an increase. Mr. Barz stated yes and that it had regularly been granted due to the uniqueness of its use.

Motion: Commissioner Levine moved to approve a waiver concerning the height of the building to 3 ½ stories based upon previously granted approvals and the unique use of the campus buildings.

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

Motion: Commissioner Levine moved to approve the Site Plan for 4 Batchelder Road, Loomis Chaffee Addition in the NZ Zone, Lance Hall.

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

2. Site Plan – 15, 21, 27, 33 & 41 Stone Road, Warehouse/Distribution Facility, 21.51 acres, W Zone, VW Realty

***To be heard with public hearing item C.**

3. Site Plan – 415, 424 & 505 Day Hill Road, Warehouse/Distribution, 20.989 acres, I Zone, Alford Assoc., Inc.

***To be heard with public hearing item D.**

H. Minutes

1. July 12, 2022

Motion: Commissioner Levine moved to approve the draft minutes of July 12, 2022 meeting as presented.

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

II. MISCELLANEOUS

A. Connecticut Federation of Planning and Zoning Agencies – Summer 2022

Commissioner Mips asked Mr. Barz if there was anything that the Commission needed to pay particular note of. Mr. Barz stated no, other than the State Legislature's action to remove the limit on the number of marijuana facilities.

III. PLANNER'S REPORT

1. Update on recent development

Town Planner Barz asked to back track to the Zoning Enforcement Officer's report and reminded the Commission that he is serving as the interim Zoning Enforcement Officer. At last count, he had received 29 separate truck complaints. These are tractor trailer cabs and box trucks parked in driveways or the cab and trailers together parked in the street or trailers left in the street without the truck or cab. As the interim Zoning Enforcement Officer, he is able to go after those parked on residential properties. He has drafted letters to those parking in the street but that enforcement is left up to the Police Department. Before he sends out the letters, he will coordinate with one of the police captains on that effort. If trucks and trailers aren't removed from driveways or streets, there will be penalties under the town code. He reminded residents that they can contact the Planning and Zoning Office with complaints.

Mr. Barz had asked the Commission at the July meeting to look around town for how campers, trailers and boats were parked on residential properties and he asked if they took

notice. The Commission stated they had and Mr. Barz asked if they seemed appropriately stored. The Commission replied no.

IV. BUSINESS MEETING

A. Application Acceptance

1. Zone Change – 550 Marshall Phelps Road, W to I Zone, 2 acres, 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 October 11, 2022.

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

Commissioner Mips notified the public that the Text Amendment for 8.4 D will be postponed and read a letter from the applicant for 415, 425 and 505 Day Hill Road requesting postponement due to a potential notice issue that they became aware of today. These applications will be postponed to the next meeting on October 11, 2022.

Mr. Barz requested a vote to postpone the two items to the October meeting.

Motion: Commissioner Levine moved to postpone the items that were delineated previously by the Chair.

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

A. Special Use – 840 Prospect Hill Road, Section 8.6E, Comm. Rec., 5850 sq. ft., I Zone, Playstrong Studio LLC/Corry

Owner of Playstrong Studio, LLC Judith Corry was present and explained that she was before the Commission in June for a Special Use permit for 820D Prospect Hill Road but unfortunately the current tenant is still occupying that space and they were able to relocate their contract to 840 Prospect Hill Road.

The Commission had no comments.

Public Comment: None

Mr. Barz stated that given that the buildings have different addresses even though they are on the same site, staff felt the applicant was obligated to come in and reapply. He stated there are no further staff comments and would recommend approval.

Motion: Commissioner Levine moved to approve a Special Use at 840 Prospect Hill Road under the provisions of Section 8.6E.

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

B. Text Amendment – Sections 8.4D to 8.4E & 8.6X to 8.6Z, Recodification of Sections, TOW

Postponed to the next meeting on October 11, 2022.

C. Special Use and Site Plan – 15, 21, 27, 33 & 41 Stone Road, Section 9.6.6,

Warehouse/Distribution Facility, 21.51 acres, W Zone, UW Realty
Engineer David Ziaks and Engineer Scott Hesketh from F.A. Hesketh & Associates, Inc. and applicants Brad Weiman and Bob Urso from UW Realty VII were present. Mr. Ziaks gave an overview of the application. The project involved includes five separate parcels on the westerly side of Stone Road on the town line with East Granby. The parcels would be combined into one parcel which would then total 21.51 acres. They are looking at a one-story warehouse distribution facility with 218,400 sq. ft. of floor area. On the north side of the building, there will be employee parking with 135 conventional spaces and on the south side, there will be 53 loading docks along the side of the building with 53 tractor trailer parking spaces. On the very south side, there will be an additional 57 trailer parking spaces for the facility. On the west side of the building, there will be a fire lane drive that will allow circulation around the building. Trucks will be restricted to the south side of the building and will exit directly to Stone Road and it would be properly signed to keep trucks off the north side of the facility. On the west side, 40% of the site will stay in its present wooded condition. They also have a comprehensive landscaping plan and have adequate buffers on the north and south sides and new landscaping along the front. They have a full site lighting plan and all of the lighting will be the new high-tech LED lighting with maximum height of 24' at the poles. They have an extensive stormwater management system on the site with large stormwater basins on the north and south sides and a large underground infiltration system underneath the parking lot on the south side. The entire system is sized to handle storms up to 100-year storms. They have also provided a traffic analysis to staff and the site has excellent site lines on Stone Road. Public Works Director Robert Jarvis who is also the LTA (Local Traffic Authority) wrote a letter to the State Traffic Commission on July 22, 2022 that he concurred with their assessment that there will be no substantial impact to the roadways.

Commissioner Mips stated she didn't see a letter for the sidewalk waiver request. Mr. Ziaks thought he did that in a form of an email but stated that he can provide any necessary documentation.

Mr. Ziaks reviewed how they have met the required regulations for Special Use. They requested a waiver for required sidewalks as there are no sidewalks to connect to and are not aware of any plans for sidewalks in the future. Mr. Ziaks also reviewed the elevation plans.

Mr. Barz asked in relation to the request for a waiver of the sidewalks, would preserving those mature trees and maintaining an adequate snow shelf present an engineering challenge with a sidewalk. Mr. Ziaks stated that it would.

Commissioner Mips stated there was a comment from the Engineering Department about an erosion and sediment control permit. Mr. Ziaks stated that is the next steps after the Planning and Zoning Commission.

Mr. Sealy summarized staff comments stating that the latest staff comments were provided on August 26th, the applicant has responded but staff hasn't had the opportunity to review their response. Staff is also currently working with the architectural elevations with the applicant. He asked the Commission to condition their approval subject to final staff review and approval.

Commissioner Harvey asked Mr. Ziaks to describe the most likely used truck routes since this project has 53 loading docks. Mr. Ziaks stated they are anticipating the vast majority of the traffic to turn left and go up Hazelton Road to Route 20.

Mr. Barz stated that there is also the attraction of a gas station serving trucks there as well. Mr. Ziaks agreed and that intersection was greatly improved as a result of that project.

Public Comments:

Eric Weiner of 130 Palisado Avenue commented that it was unfortunate to be approving another warehouse and thought there was a direct correlation between the number of warehouses in town and the trucks that are being parked in residential areas. He asked the Commission to decline this Special Use but recognized that they probably can't do that.

Noel Osowiecki of 21 Farmstead Lane stated that he doesn't like to see warehouses being developed in the town but he did like how the developer is leaving so much wetlands and from that perspective he is in favor of the development.

Lea Chayes of Maude Circle spoke about her concerns on how the town is being developed. She discussed the ways it is harmful when we decrease the wooded areas and is concerned with the amount of grass that will need to be cut and the increase of trucks will increase carbon in the air. She thought the town should try to mitigate this and make steps in real planning, not business as usual.

Commissioner Mips gave our forbearers thanks for creating discrete industrial areas of town. In other towns, you'll have houses mixed with industrial development and that is not something we have in Windsor but she does understand the concerns of others.

Mr. Barz stated this is the first application under the new ordinance requiring a special use for warehouses over 200,000 sq. ft., one loading dock per 15,000 sq. ft., one loading dock per 7,500 sq. ft. or within 1,000 feet of a residential property. He stated that he thinks it meets the intent of the regulation and is a well suited location.

Commissioner Hallowell asked for clarification that it is not along any residential areas and that it is square in the middle of the industrial even when you turn up Route 20. Mr.

Ziaks stated that was correct, certainly nothing within a 1,000 sq. ft. He stated that there is pretty much no development to the west and that you'd have to go way back to East Granby. Further south is the Walgreens site and pretty much anything up Hazelwood Road is a straight shot to Route 20 where there is a mix of warehousing and distribution.

Commissioner Mips asked how much acreage will be saved in the wooded area. Mr. Ziaks stated roughly 10 acres.

Mr. Barz stated that because of the Tenneco gas line that was mentioned, there is a self-preserving wildlife corridor that runs through Walgreens, Dollar Tree and continues down to the Farmington River. Mr. Ziaks agreed and stated it does isolate this area.

Commissioner Levine read an email into the record from Tom Lescalleet from INDUS Realty Trust waiving any objection to receiving late notice of the meeting.

Motion: Commissioner Levine moved to approve the Special Use application for 15, 21, 27, 33 & 41 Stone Road.

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

Motion: Commissioner Levine moved to approve the applicants request to waive the sidewalk requirement for this application and request a letter to be submitted to staff.

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

Motion: Commissioner Levine moved to approve the Site Plan for 15, 21, 27, 33 & 41 Stone Road subject to final staff review and approval.

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

D. Special Uses and Site Plan – 415, 425 & 505 Day Hill Road, Section 8.6X,

Warehouse, 20.989 acres, I Zone, Alford Assoc., Inc.

Postponed to the next meeting on October 11, 2022.

E. Design Development Detail Plan – 144 Broad Street, 60 units, 2.655 acres, B2

Zone, Alford Assoc., Inc.

Gregg Vaca of GRAVA Properties, Christopher Alford of Alford Associates, Architect Jack Kemper of Kemper Associates and Scott Hesketh of F.A. Hesketh and Associates were present. Mr. Vaca gave an overview of the application. He stated there have been no material changes made to the project in regards to site access, unit mix and sizes, project square footage, number of parking spaces or any material change that would adversely affect coverage ratios or other zoning regulations since the concept plan application was approved at the June meeting. He stated minor adjustments have been made as a result of staff and public comments such as wider internal lanes for more comfortable turning movements for emergency vehicles, added a stop bar at South Prospect Street as well as other signage throughout the property. He reported they have specified shields to be added

to lighting facing houses at the back of the site to eliminate lighting trespass, added additional windows and other minor architectural changes.

Commissioner Hallowell asked who would maintain the dog park. Mr. Vaca stated there will be an onsite property manager that would be responsible for maintenance of all the common amenities including the dog park.

Commissioner Mips asked if the staff's comments from August 24th have been addressed. Mr. Vaca stated yes, they have responded to all of them and those that required incorporation into the plans have been done and the rest have been outlined as to how we will address them.

Commissioner Levine asked Mr. Vaca to tell her a little more about the food truck part. Mr. Vaca explained that the idea is to have a designated area with infrastructure so that routinely you could have a food truck parked there without the nuisance of noise of a generator given that there will be a dedicated electrical outlet for it. Commissioner Levine asked whether the same food truck would be there day after day. Mr. Vaca stated that the idea is to offer a rotating assortment of food amenities that aren't present in the center now. Its principal objective is to activate the new public open space that is being planned for the second phase. Commissioner Levine asked if the property manager would be responsible for granting permission that the person would need to receive. Mr. Vaca said yes.

Commissioner Mips asked if the September 7 engineering comments have been addressed. Mr. Vaca said yes, we received that last week. We have responded to those items and are waiting for formal responses from staff.

Commissioner Mips asked for an explanation on how they will widen the streets and still do everything else they would like to do. Mr. Vaca said looking at the parking behind the future phase 3 has come away from the buildings and they were able to pull in the sidewalks about two feet. They also narrowed what that future phase will be by 8' in order to allow a wider entrance in that second, northern Prospect Street entrance for the turning radius to be a little bit more comfortable and for the distances between the sidewalk and that parking to be wider. They have also shifted the parking in this location down about the distance of one stall in order to widen this area by about 5'.

Commissioner Mips asked if it would be one-way around or two-way traffic. Mr. Vaca said it will be one-way traffic.

Mr. Barz asked Mr. Vaca to explain to the public what is going to happen with the old Arthur Drug building, the appendage to it and those tenants. Mr. Vaca responded that the current Arthur Drug building at 144 Broad Street is currently vacant. They will be demolishing the exterior of that building and maintaining the foundation and building what is on the plan – a three-story building with 20 apartments. On the ground floor on the east side of that new building will be amenity space for the tenants. Part of the building that is tenanted today will remain so. Commissioner Mips asked if that is where it says existing

retail on the plan and Mr. Vaca said yes, that 6,000 sq. ft. will remain and will not be altered.

Mr. Barz stated the town is in the process of working with the State to have the State convey surplus right-of-way on Palisado, Upper Broad and Poquonock Avenue to the town and then the town will pass it through to the applicant and they will be coming back with revised plans to reflect an increase in density allowed by that additional land.

Commissioner Mips asked if building one would be done first and then building two. Mr. Vaca replied that the buildings labeled north and south buildings on the plan will be built concurrently in this phase. Once the State land is acquired, they would be incorporated into the site and parking will be expanded into this area to the east and allow for the parking needed to build the three-story building that is in the second phase.

Commissioner Mips asked whether the people on Upper Broad will be able to access it the same way they do now. Mr. Vaca said that is right.

Commissioner Levine asked if the first building will be the south building. Mr. Vaca said yes, the north and south building will be built concurrently.

Commissioner Levine asked if the people in the buildings now will be offered space in the new building as well. Mr. Vaca stated that the tenants in the existing 6,000 sq. ft. will remain here.

Commissioner Hallowell asked about the maintenance of the sidewalk with the fence coming up from Palisado. Mr. Barz replied that is in the CIP for the town to repair in the future. The wall has cracked and heaved and there's some issues there.

Commissioner Hallowell was concerned that the construction might exacerbate the situation and asked if we needed to address it. Mr. Barz stated that there were conversations about doing work jointly but he couldn't remember where that conversation ended.

Commissioner Hallowell stated that we are increasing foot traffic right through that area so the repairs should become higher on the priority list from a safety perspective. Mr. Vaca stated that they have been told from their meetings with staff that it is on the capital plan for next year, so the timing, if held, should align.

Mr. Sealy stated that staff comments were sent out on August 24th and their responses are currently under review by staff. The one outstanding item from the previous hearing was the truck turning movements for WB-50 vehicles, which is our standard fire truck. There were concerns that some of the turns around the backside of the building were a little tight and in some cases the truck was mounting the curbs. The applicant has since revised the plans and we received confirmation from the fire inspector that the turning movements appear okay but there are some minor outstanding comments from Planning and

Engineering so he asked if so inclined to condition the approval subject to final staff review and sign off.

Commissioner Mips asked if the September 7th Engineering comments have been given back. Mr. Sealy said yes, those comments have been reviewed and whittled down to a small list of comments that were being worked out with the applicant.

Mr. Barz stated that the discussion of architecture was a group effort with staff and that the staff has not been able to review the final design as a group.

Commissioner Mips asked if they were still sticking to the idea that the buildings will look like they have been there a few years rather than the new modern design. Mr. Vaca replied yes.

Public Comments:

Dave Morad of 45 Prospect Street explained that he has been following this plan since its inception and loved the proposal and how it dovetails with the TOD plan. He is in favor of the food truck idea and the project.

Sharran Selig Bennett of 30 Capen Street said this project fulfills a dream that we've had along with a plan of things we've worked on for the last 25 years to have a radius and point where when you come down Broad Street and see something that is exciting and want to go to. As a business owner, she hopes this will continue to bring more feet on the street. As a lifelong Windsor resident, she feels like we're going back to what we used to have in Windsor. She commended Greg Vaca and thinks it is a great project.

Patricia Carpenter of 33 Phelps Street stated she is against this project to some extent as she will lose her view of Broad Street and has concerns with traffic safety, street light timing and emergency vehicle access. She also asked how many handicapped spaces would be available and will there be a stop sign at the exit.

Frank Laporto of 40 Prospect Street had concerns with traffic and asked if there would be another exit coming out of the development. Commissioner Mips stated that it looks like it will be strictly off Prospect Street near Poquonock. Mr. Laporto asked if the dog area will be in the far corner. Commissioner Mips said yes, in the back corner. Mr. Laporto asked if that area will be open all the time. Commissioner Mips stated that the applicant can answer that question once everyone is done speaking.

Susan Miller of 130 Palisado spoke in favor of this development. She appreciated its focus on sustainable development by making things electric and efficient. She appreciated that they are planning for the future, like including electric vehicle chargers.

Eric Weiner of 130 Palisado echoed the comments of the previous resident and supported this plan. He asked about the likelihood of moving forward on the third phase of the project

and if his financing for this project is reliant on the town's approval of a tax increment financing district covering this area.

Mr. Vaca was given an opportunity to address concerns and comments made during public comment. He stated that in terms of safety, he believed that once it is more consistently managed and populated that it will enhance the safety in the area. In terms of traffic, there was a very detailed plan that was scrutinized by a third party from the town. We are going from a high commercial use to a resident use and it significantly reduces the amount of traffic on the site.

Commissioner Mips asked if the traffic light could be adjusted to let more traffic through. Mr. Vaca said that is a question for the State who controls it.

Mr. Vaca stated that he would look to the town for the street parking issues on Phelps since the town is the one who regulates that. Commissioner Mips stated one idea would be to only allow parking on one side of the street.

Mr. Vaca continued that there are 5 handicap spaces and there are no plans to charge for these spaces. He stated that there is a stop sign and stop bar now at the exit from Prospect. In terms of the dog park, he stated that area will be subject to regulation of the property. In regards to the likelihood of a third phase, he corrected that it is not on the berm. It is on the green portion of the site plan where 152 Broad is today so the berm will be left as is. They will put pavers down where there is a small lawn behind the spruce tree to make that a public amenity. As for financing, they are in discussions with regards to tax increment financing which is an important component of this and any project in the center.

Mr. Barz stated that as the applicant stated the plan is essentially a mirror image of the concept plan with a minor exception of a building being lowered by 8' and other minor shifting of parking to accommodate the potential fire truck movement through the site. We are grateful that Mr. Vaca has brought that shared vision of the Transit-Oriented Development Plan to life. It will add vitality to Windsor center, put feet on the street and add interest here. Eventually, it will put 100 units within easy walking distance to the train station and bus service in the center of town. He would recommend approval subject to final staff review and approval of the outstanding comments.

Commissioner Hallowell stated that she shares concerns with the traffic where there are two street lights in short order. Driving through the center between 4 & 5 p.m. traffic will back up between these two lights quite easily. She commented that it is tight now and has concerns if this is the only way out. She asked what the process is to get the State to address the issues. Mr. Barz asked that Mr. Hesketh come up to address concerns.

Mr. Hesketh stated there are two traffic signals in close proximity but they do operate as a single traffic signal. The three signals have been part of the State and town's roadway diet program. They are looking at some lane modifications and traffic signal timing adjustments to help traffic flow better through the area and that is in conjunction with proposed

pedestrian improvements. They did look at the State's proposed timing for the future and the timings indicate that the traffic should move through the intersection better. The exit driveway is in close proximity to the intersection but we are a little farther away than the current driveway so in that sense it is a little bit better.

Commissioner Hallowell asked if there were advantages to flipping those two driveways to give more space for people to get out. Mr. Hesketh responded that the first driveway closest to Route 75 is a two-way driveway. The rear driveway is an enter only and that is for deliveries, patrons and residents but that is due to the narrowness of the driveways around the back of the facility that it had to be limited to a one-way only.

Mr. Sealy noted for the record that the applicant received approval for its concept plan on June 14, 2022 and that approval included the following waivers: the yard requirements, parking lots adjacent to the property and right-of-way lines, parking lots adjacent to the buildings, the landscape islands within the parking lots and the parking requirements have been reduced.

Commissioner Mips said that in other words, we should keep these same waivers that were approved. Mr. Sealy said yes, that was part of your original approval for the concept plan.

Motion: Commissioner Levine moved to approve the Design Development Detail Plan for 144 Broad Street to include all waivers from the original Concept Plan and subject to final staff review and resolution of all outstanding issues.

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

F. Special Use – 605-615 Day Hill Road, Section 8.6, Outdoor Storage, 5.65 acres, I Zone, Metcalfe.

Engineer Suzanne Choate from Design Professionals and Asset Manager for the owner Chris Metcalfe were present. Ms. Choate stated that it is an existing building in an existing development for a change in use. One building is occupied by True Green and the other building has been vacant for some time. The owners are looking to make it a more desirable location for a new tenant and in doing so, they are proposing to add some overhead doors and some modifications to the parking lot in the back. They are proposing to remove some portions of an existing planting strip and remove nine parking spaces. A portion of the property will be enclosed by an 8' fence with fabric screening to allow for outdoor storage. They are also proposing ADA improvements for both buildings and to remove some large trees on the property that will be replaced with flowering Dogwoods and Serviceberries that are more suitable for the area.

Commissioner Mips stated that she didn't see staff comments in the packet. Mr. Sealy apologized and stated there were some staff comments associated with the site plan and one for the special use pertaining to the outdoor storage. The presenter addressed comments related to the landscaping and the other comment was from the fire marshal's office was the WB-50 turning movements around the back parking lot area. He said we received a

response to our comments and we are currently reviewing them. He asked the Commission to condition subject to final staff review and approval, if inclined.

Commissioner Levine asked what will be there for outdoor storage. Mr. Metcalfe stated they currently don't know who the tenant will be. They are just beginning the marketing process. The building is going through a renovation right now. The request for special use is being done proactively, as they see this as a key factor of being able to successfully market the property. The building is built entirely at grade so there are no loading docks in this building and that has been a problem. The building has been vacant for 15 years and part of that is the drive-in nature of this building and outdoor storage is a key factor to be able to utilize that type of building for building products type uses and other outside intensity type uses that need immediate access to the building.

Commissioner Mips asked what is in back of the building. Mr. Barz believed it was Fisher Scientific, the company on Marshall Phelps Road behind 555 Day Hill Road. It is wooded.

Commissioner Levine asked how this would impact our previous approvals of only one-year for outdoor storage.

Commissioner Mips stated that she has a problem with approving outdoor storage when we don't know what it is.

Mr. Barz stated that whatever it is, it would have to be stored in an orderly fashion that allows fire access and would have to be stored lower than the 8' fence so product is not visible. He appreciated where the applicant is coming from. They are looking for flexibility and this is an unusual building that has been vacant for a long time. Outside storage would be a benefit to them for landscapers who need to store their equipment and materials securely, for example.

Commissioner Levine asked if we gave them a one-year approval, would they have to come back every year. She stated that is what we've done up to this point. Mr. Barz stated that the Commission could see a situation where they come back in a year and they haven't gotten a tenant. Commissioner Levine stated that maybe we should wait until there is a tenant. Mr. Barz said they could approve for one-year from occupancy.

Commissioner Mips stated that she can see approving the work they want to do on the property but she has a problem with the outdoor storage. Mr. Barz stated that the outdoor storage area is entirely blocked by the building.

Commissioner Levine stated that could have been the case for others who have come before us because of the supply chain issues that they've been dealing with as well. She thought we should be fair.

Commission Mips asked if there was a way of allowing him to do the building changes he wants and have the maps marked where he wants outdoor storage and when he has a potential tenant have him come in for approval just for the outdoor storage.

Commission Hallowell said that it would be problematic because how would they guarantee to the new tenant that they could use outdoor storage if there is a possibility we could deny it. Mr. Barz stated that he needs the assurity of that given the quirkiness of the building.

Commissioner Levine asked if there was any way they could make an addition onto that building that would provide storage for a tenant. Mr. Metcalfe said not in an economically feasible way.

Commissioner Hallowell asked if we can approve use to construct subject to final approval of use. For example, rent it and then have them come back to ensure they aren't storing hazardous waste or something. Mr. Barz said no, you are approving the special use of outside storage.

Commission Levine said let's take the example of landscaping. There are a lot of chemicals involved. If it was kept outdoors and it was damaged and started to leak then you have a hazardous waste problem there.

Ms. Choate stated that the building has a lot of storage inside the building and hazardous materials are not allowed to be kept outside where they are exposed to the elements so she would envision that they would be kept inside.

Commissioner Levine stated then you couldn't entertain a landscaping business. Mr. Choate said they might have railroad ties, pavers and those kinds of materials to be stored outside.

Commissioner Hallowell asked what our current regulations are on the use of outdoor space. She asked if we had regulation around it. Mr. Barz said yes. Commissioner Hallowell stated that if we believe those regulations are sound and that any tenant who goes in there has to adhere to those regulations, that is the condition of the property anyways. She asked if we are concerned that someone might violate our existing conditions in advance.

Mr. Barz stated that whatever goes in there is going to be looked at by town staff.

Commissioner Harvey stated it almost doesn't matter what the materials are that are being stored outside if they are meeting the regulations but don't the fire marshal or Health Department have final say if there is something that is stored there that shouldn't be outside. Mr. Barz said yes. Commissioner Harvey stated so, there would be someone else looking at those issues.

Commissioner Hallowell said theoretically, we approve this and it has outdoor storage and he gets a tenant, does that tenant or property manager then have to come forward and report what is being stored. She asked if that is automatic. Mr. Barz stated they would come to staff. He said you could make it a condition of approval subject to staff review of outdoor material storage.

Commissioner Levine stated she thought Mr. Metcalfe said it would prohibit him from adequately marketing the building. Mr. Barz said it would but having to come back to the Commission for approval is basically up to a two month process when he's trying to rent the building and that's what he's trying to avoid tonight.

Commissioner Levine stated he would still have to come here and delay his renting. Mr. Barz said no, if you approved for a time period with the understanding that all the materials stored would be approved by town staff.

Commissioner Hallowell said so, we would build a codicil into the approval.

Commissioner Mips stated special uses are a one-year to start with so that would be for one-year and the materials would have to be approved by town staff before use. Mr. Barz stated that we have some final outstanding staff comments. He suggested that the one-year start from the start of occupancy. Commissioner Mips agreed that made sense.

Commissioner Hallowell commented that they took away some green space and added some and she asked if we are still within the regulations for total green space. Mr. Barz reported that they balanced it. The island or planting strip they are removing which runs between head to head parking spaces was in excess of the regulations. The regulations require that every other bay of parking has to have a planting strip, so we don't have a problem with them removing part of it and leaving part of it.

Public Comment: None

Motion: Commissioner Levine moved to approve the Special Use for 605-615 Day Hill Road with the following caveats, the special use will be for a period of one-year from occupancy, any material to be stored by a potential tenant shall be approved by town staff, and subject to resolution of any outstanding staff comments.

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

VI. Public Communications and Petitions – None

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 9:12 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording
Secretary
September 13, 2022.

Jill Levine, Secretary