

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

Present: Commissioners Mips, Levine, Correia, Kuintzle and Jaggon and Alternate Commissioners Hollowell and Rivas Plata

Not Present: Alternate Commissioner Harvey

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
Commissioner Mips introduced the Commission's new alternate, Christian Rivas Plata and noted that the next meeting will take place on Wednesday, November 9th.

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 – 35 & 25 International Drive, Fencing, I Zone, INDUS Realty, LLC

2. 3.9 Site Plan – 123 Day Hill Road, Nitrogen Tank/Pad/Fence, I Zone, Specialty Printing, LLC

3. 3.9 Site Plan – 20 International Drive, Parking Lot Modification, I Zone, 12.81 acres, Tradeport Development, LLC

Mr. Sealy briefly described the 3.9 revisions and Mr. Barz noted that some of these 3.9 applications are related to the return of manufacturing interest in Windsor.

4. Special Use Extension – 895 (formerly 777) Day Hill Road, Section 8.6P, Extended Stay Hotel, Alford Assoc., Inc.

Mr. Sealy read a letter from the applicant requesting an 18-month extension of the Special Use. Commissioner Mips asked how many extensions had been given. Mr. Barz stated that this would be the second extension and that there is no reason that it cannot be done. He noted the extension would be from November 12, 2022.

Motion: Commissioner Levine moved that the application request concerning 895 Day Hill Road for an extension of a period of 18-months commencing on November 12, 2022 be granted.

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

G. Site Plans

1. 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 B & C. Postponed from September 13, 2022**

2. 3.9 Site Plan – 1001 Day Hill Road, Section 3.1.2C(3) waiver request for landscaped interior islands for parking lots to the rear of buildings in the I Zone, Alford Assoc., Inc.

Mr. Sealy explained that a parking lot is being added in the rear and because the applicant did not include landscaped islands, it requires a waiver from the Commission.

Motion: Commissioner Levine moved that the application for the elimination of the interior islands for the parking lots in the rear of the building for 1001 Day Hill Road be approved.

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

H. Minutes

1. September 13, 2022

Motion: Commissioner Levine moved to approve the draft minutes of September 13, 2022 meeting as amended.

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

II. MISCELLANEOUS

A. Tax Increment Financing (TIF)

Economic and Community Development Director Patrick McMahon gave an overview. He explained that TIF has been established by state statute and has procedures for municipalities to follow. It will allow the town to capture a portion of new funds generated from future development and to designate it back into the district as opposed to the general fund. The proposed district for Windsor Center goes along the mixed-use commercial spine of Broad Street, Palisado, Poquonock Avenues and some of the side

streets that have commercial uses. They are proposing that the district be in place for 20 years. He stated that it is essentially a funding mechanism to help further some of the strategies that were incorporated into the Plan of Conservation and Development in Chapter 9, *Enhance Villages*, and incorporating all of the recommendations from the Windsor Center Transit-Oriented Development Plan that was conducted between 2012 and 2014 with the Town Planner and the Town Planning and Zoning Commission. Mr. McMahon explained that TIF is a very flexible economic and community development tool. The Economic Development Commission (EDC) would be the advisory body for TIF revenue. They would make recommendations to the Town Manager and Town Council as to how those funds would be utilized. The funds collected would go through the budget process each year.

Commissioner Jaggon asked why they had chosen 20 years. Mr. McMahon explained that it would provide flexibility for the length of term that we'd be able to provide incentive to a private sector developer and it also takes a bit of time for a TIF district to generate revenue as there are a significant number of projects that will need funding.

Commissioner Jaggon asked if we could have multiple TIF districts. Mr. McMahon said yes, under the municipal TIF state statute, we could have multiple TIF districts but they can't exceed 10% of the real estate value in the community.

Commissioner Jaggon asked if there was any consideration given to the Wilson area. Mr. McMahon stated that there were conversations about it with the Town Council and the Finance Committee when the Town Council adopted a TIF policy in June. At this point in time, they felt that the Windsor Center area was a better place to start with the redevelopment that is already in the works.

Commissioner Mips asked if TIF districts are mostly for new development or reuse of what is already there. Mr. McMahon stated we can utilize TIF revenue to encourage new construction or rehabilitation of existing buildings.

Commissioner Levine asked if it would be up to the Economic Development Commission to identify those areas that would use the money or would the owners of the property approach the Commission and ask for help. Mr. McMahon said there would be opportunities for the public to provide their feedback to the EDC before they make their recommendations.

Commissioner Correia asked if the EDC would be deciding the allocation and the approval of TIF expenditures. Mr. McMahon stated that the EDC would be an advisory body to the Town Manager and Town Council, so they would only make a recommendation. Ultimately, it would be up to the Town Manager to present the budget for the Town Council's consideration.

Commissioner Mips stated that a percentage of the taxes paid on a property would go into this account and asked if that was correct. Mr. McMahon stated that at the establishment

of a district any of the current value or taxes being generated within the district will continue to go into the general fund. The baseline that comes in today will continue to pay for general town services. We're only talking about the increases in value and taking a portion of that to incorporate into the district. Under the District Master Plan, 75% is earmarked for reinvestment in a district and 25% will go into the general fund.

Commissioner Correia asked about the mechanism for deciding which projects get approved for subsidy using the TIF funds. Mr. McMahon stated the EDC will be the advisory body that makes a recommendation. He also mentioned that one of the potential uses of TIF revenue is through the use of credit enhancement agreements that would be a negotiation with the property owner and the Town Council would determine what would be the terms of that agreement. Commissioner Correia asked if that is different from how we currently negotiate tax abatements. Mr. McMahon said it is very similar. The EDC makes a recommendation and Town Council is the ultimate body to decide.

Motion: Commissioner Levine moved that the Town Planning & Zoning Commission recommend to the Windsor Town Council, pursuant to CGS Section 7-339ee, approval of the Windsor Center Tax Increment Financing District and District Master Plan. The Commission finds that the Windsor Center TIF District will further the community and economic development goals contained in the Town's Plan of Conservation and Development. Commissioner Jaggon seconded the motion and it passed 5-0-0.

III. PLANNER'S REPORT

1. Update on recent development

Town Planner Mr. Eric Barz reviewed major projects that are reaching conclusion in town.

Commissioner Levine asked for an update on the status of tractor trailer trucks, commercial vehicles and campers. Mr. Barz reported that tractor trailers and cabs continue to show up in residential driveways. Letters have been sent out and there has been some compliance on a minimal level. A lot of the certified letters are coming back from the post office that have been unaccepted. He stated that he is looking into alternate methods of serving those letters. He also stated he hasn't been able to address campers and boats at this point and would like to tackle each issue one at a time.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Text Amendment – Add Section 4.5.17, Housing for Handicapped Persons, Lally and Assoc., Inc.**
2. **Text Amendment – Section 3.0.1 C(1), Signs, TOW**
3. **Special Use – 675 (777 & 903) Day Hill Road, Section 8.6A, Industrial Development Reduced Lot Area, I Zone, 2.46 acres, Alford Assoc., Inc.**
4. **Special Use – 675 (777 & 903) Day Hill Road, Section 8.6 E(3), Commercial Recreational and Cultural Buildings & Facilities, I Zone, 2.46 acres, Alford Assoc., Inc.**

5. **Text Amendment – Sections 2.2 & 8.6U**, Cannabis Dispensary Facility or Cannabis Hybrid Retailer, TOW
6. **Text Amendment – Sections: 1.1.3, 2.2, 5.2.6R, & 8.6U**, Cannabis Moratorium, TOW

The Commission directed that the above items would be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on November 9, 2022.

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

Commissioner Mips reported that the Commission received a notice from the applicant at 550 Marshall Phelps Road to postpone the opening of the public hearing until November 9th and she asked Commissioner Levine for a motion.

Motion: Commissioner Levine moved to postpone the application pertaining to 550 Marshall Phelps Road from this evening to the next meeting on November 9, 2022. Commissioner Correia seconded the motion and it passed 5-0-0.

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

Town Planner Mr. Barz stated that this is a housekeeping matter to correct section numbers that were used twice in error. It does not change any of the language or intent of the regulation.

Public Comment: None

Motion: Commissioner Levine moved to approve the recodification of sections 8.4D to 8.4E and 8.6Y to 8.6Z.

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

B. & C. Special Uses and Site Plan – 415, 425 & 505 Day Hill Road, Sections 8.6Y & 14.2.3.A(1)(b)(i), Warehouse, 20.989 acres, I Zone, Alford Assoc., Inc.

Attorney Joseph Hammer from the law firm MacDermid Reynolds and Glissman, Licensed Architect Tom Riley, Civil Engineer Christian Alford of Alford Associate, Inc., Traffic Engineer Scott Hesketh and Sal Campofranco of Luzern Associates were present. Atty. Hammer gave a brief overview of the applications and then turned it over to Mr. Riley to review the design. The proposed project is a 170,000 square foot, single-story warehouse/manufacturing building which will include 14 loading docks with an initial parking lot of 129 spaces with a reserved parking lot on the eastern portion of the site with an additional 157 spaces, for a total of 286 spaces. Mr. Riley stated that they took into consideration the Day Hill area and set the building back twice the required front setback – 218’ at its closest point from the road. They established a berm in the front yard with

evergreen plantings to provide a buffer from the street and for the neighbors across the street. Mr. Riley discussed natural buffers, wetland location, envisioned traffic flow, lot coverage and percentage of impervious surface. Mr. Riley turned the presentation over to Mr. Alford to address the site plan, drainage and landscaping.

Mr. Alford discussed the location of the parking lots, the number of parking spaces, the size of the building, possible manufacture and warehouse uses, a comparison of the site to other locations in Windsor, drainage and water quality improvements, sidewalks, pedestrian access to the site, landscaping, demolition of the bridge and satellite parking, plans for new trees and reconfiguration of the entrance.

Mr. Riley gave a design review of the building and architectural details. He also reviewed the special use applications and a waiver to increase the ceiling height from 28 feet to 32 feet.

Commissioner Levine asked for clarification on the number of loading docks. Mr. Riley stated there are 14 shown on the plan. The regulation allows 11, but they are asking the Commission to approve three additional docks. Commissioner Levine stated that she counted 28 on the back side of the building. Mr. Riley explained that those other spaces are tractor trailer storage spaces, not loading docks.

Commissioner Levine asked if the spaces near the wetlands, on the east-side, are also trailer storage spaces. Mr. Riley said yes, they were allowed 22 spaces and they are requesting 28.

Commissioner Levine shared her concerns for the neighbors across the street and asked how they will ensure that their quality of life will not be disturbed. Mr. Riley stated that they don't know who will be in the building. They are required to meet the noise requirements of both the town and the State and the loading docks are shielded by both the berm and the trees.

Commissioner Levine asked if there would be a turn lane from Day Hill Road onto the site going from the east to the west. Mr. Riley said yes, there is a left-hand turning lane that is being extended based on the traffic report. There is also a turn signal that governs that and they expect most tractor trailers will leave the site and head east toward I-91.

Commissioner Levine asked if there will be a sign telling them they can't make a left-hand turn there. Mr. Riley said no, though they believe that most of the traffic will be going in and out from I-91.

Commissioner Levine asked about employee traffic. Mr. Riley said they imagine it will come from all directions. Manufacturing would bring more employee traffic in and out of the site than a warehouse but there would be much less traffic than the current use of the site.

Commissioner Levine shared her concerns about excessive traffic in this residential area and the abundance of warehousing in Windsor, in part due to moratoriums in other CT towns.

Commissioner Mips asked if the north side had loading docks. Mr. Riley said no, it's the west side that faced the wetlands.

Commissioner Mips asked about the parking on the north side. Mr. Riley stated that it is automobile parking. One row is reserve parking should they need it down the road and the row closest to the building is employee parking. Commissioner Mips stated that she understood that the employee parking was going to be on the east side. Mr. Riley responded that the majority of employee parking is on the east side. Initially, there will be 111 spaces and on the north side, there will be 25 parking spots.

Commissioner Correia asked about the flow of potential tractor trailers and if they would go west on the north side or around the back. Mr. Riley stated that they could go in either direction. They project that most trucks leaving the site would go counter-clockwise around the back of the building and have straight access out the exit but they haven't committed to a traffic direction either way.

Commissioner Mips asked if the tractor trailers would be going through the parking area on the north. Mr. Riley said yes, they have segregated the road from the parking on the east side of the building.

Commissioner Mips asked if they are eliminating the lower parking lot on the east side unless needed. Mr. Riley stated that it is reserved unless they need it. It would not be built initially and would be a grass field with other landscaping.

Commissioner Mips asked about the status of staff comments. Mr. Alford stated that they have addressed them all including engineering comments but town staff will need some time to review.

Public Comment:

Mark Ferraina, 126 West Street, spoke in favor of the project for the future viability of this combined property and its continued contribution to the tax base.

Tom Carr, 100 Lexington Street, stated that he is in the middle with this project. He asked how many trees will be taken out and shared his concerns about clearcutting and the loss of trees in town.

Mr. Sealy provided an administrative recap. He asked that the Commission condition any approval upon final staff review and approval.

Mr. Barz added that the applicant had been very cooperative with the staff. He stated we were very concerned about losing two office buildings that were 20 years old but has

heard that vacancy rates of office buildings are currently 40% or higher. This is one of the first projects under these two new regulations. He thought the applicant had gone above and beyond in terms of the quality of the architecture of the building including changes in materials and incorporating a significant amount of glass. They worked to give it an appearance of something other than a warehouse building. Mr. Barz supported the waivers, thought the impact was nominal and that it was in keeping with the intent of the regulations.

Commissioner Mips asked if there were any waivers with the previous application under the new regulation. Mr. Barz stated there were no waivers for the Stone Road building but the applicant is asking for waivers under a different regulation dealing with warehouses within 500 feet of Day Hill Road. They have to comply with both new regulations, whereas the Stone Road facility only had to comply with the latest regulation.

Commissioner Mips shared concerns about setting a precedent with the waivers for anyone applying in the future and asked if we should provide a waiver for the loading docks. Mr. Barz replied that he thought the impact would be nominal as they've requested four additional loading docks and six separate truck spaces. He didn't believe the waivers would push them into a significantly more intense category of use.

Mr. Alford addressed the public question about trees.

Commissioner Mips asked if there was any ability to leave the trees in the southernmost location on the site. Mr. Alford stated that it would remain treed. Mr. Riley stated that the 505 Day Hill Road lot has previously been cleared and that a lot of the trees were scrubby. They are planning to plant more trees. He stated that they are happy to work with the Planning Department if they need to plant more trees on Day Hill Road to increase the buffer or add to the vegetation. He added that the abutting property is fairly vegetated with large trees.

Commissioner Levine asked if the trailer parking was increased by six spaces which would bring it up to a total of 28. Mr. Riley said that is correct. They are asking for six additional trailer storage spaces.

Commissioner Correia asked if the flex space will be for one to four tenants and anything in between. Mr. Riley replied yes, we have set this up to allow up to four individual tenants or one large tenant but no one knows how that will develop.

Motion: Commissioner Levine moved to approve Special Use for 415, 425 & 505 Day Hill Road under the provisions of Section 8.6Y.

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

**Motion: Commissioner Levine moved approval of the waivers as follows: an increase in the ceiling height from 28' to 32'; an increase of four additional loading dock spaces; an increase of six parking spaces for trailers bringing it to a total of 28; and a waiver of the sidewalk requirement on the west side of the building.
Commissioner Correia seconded the motion and it passed 5-0-0.**

**Motion: Commissioner Levine moved approval of the Site Plan for 415, 425 & 505 Day Hill Road as proposed by the applicant, subject to final staff approval of any outstanding issues.
Commissioner Correia seconded the motion and it passed 5-0-0.**

**Motion: Commissioner Levine moved approval of Special Use for 415, 425 & 505 Day Hill Road under the provisions of Section 14.2.3.A(1)(b)(i) with the waivers as previously denoted.
Commissioner Correia seconded the motion and it passed 5-0-0.**

- B. Zone Change – 550 Marshall Phelps Road, W to I Zone, 29.75 acres, Alford Assoc., Inc.**
Postponed to November 9, 2022.

VI. PUBLIC COMMUNICATIONS AND PETITIONS

Dr. Linda Alexander, 155 Fieldstone Drive, stated that she was not in favor of the Windsor Center TIF District plan as it is written and expressed concerns about diverting tax revenues away from their usual beneficiaries to a select group of business people, developers and contractors.

VII. ADJOURNMENT

**Motion: Commissioner Correia moved to adjourn the meeting at 9:02 p.m.
Commissioner Levine seconded the motion and it passed 5-0-0.**

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary
October 11, 2022.

Jill Levine, Secretary