

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JANUARY 10, 2023
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine, Harvey, Jaggon and Kuintzle
Alternate Commissioner Harvey was seated for former Commissioner Correia
Alternate Commissioners Hallowell and Rivas Plata

Also Present: Town Planner Barz, Assistant Town Planner Sealy and Secretary Andrea D. 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 – None

G. Site Plans

- 1. Site Plan – 685 (777 & 903) Day Hill Road, Section 8.6E(3), Commercial Recreational and Cultural Facilities (Hotel), I Zone, Alford**

Engineer and Land Surveyor Wilson Alford, Jr. was present and reviewed the application. He discussed the location, acreage, access, grading, parking, storm drainage, sewer, slope rights, surrounding properties, erosion prevention, staff comments addressed and building elevations.

Commissioner Levine asked if the number of charging stations had been resolved. Mr. Alford stated that they had allocated four of them. He mentioned a new state law that went into effect on January 1st and that their application preceded the new law but more could be added if the Commission felt it was necessary.

Commissioner Levine stated that Mr. Sealy had raised the question in staff comments if the new law or the old law was applicable here and asked Mr. Sealy to address that question. Mr. Sealy stated that he didn't have an answer but his assumption would be similar to Mr. Alford's, where the application was submitted before the new law took effect and that they wouldn't have to comply. He stated he would have to do more research.

Commissioner Levine asked if they would have to make the charging stations a condition of approval. Mr. Barz stated that he would address it later in his comments.

Commissioner Mips asked if Mr. Alford had taken care of the parking in the front yard, which is prohibited. Mr. Alford stated that they have taken care of that and have submitted new plans.

Commissioner Mips said that the Fire Marshal had nine comments. Mr. Alford stated that he believed they had addressed all of them and that new plans need to be submitted showing the new turning radiuses.

Commissioner Jaggon asked if there was a certified food protection manager already put in place. Mr. Alford replied that will be done with the building permit or before the certificate of occupancy.

Commissioner Jaggon asked if there was a litter and rodent control plan in place or if it would be put in place later. Mr. Alford said that would be developed when they do the detail plans and again when we apply for a building permit.

Mr. Barz stated that staff had reviewed the application and that two special use permits had been approved by the Commission two months ago, subject to site plan approval and approval of the architecture of the building. He explained that the applicant would like to maintain the look of a Moda brand hotel but that the town has standards in the industrial zone where they have to provide a building that is 70% glass and masonry and the other 30% can be a number of materials. He explained concerns of proposed delicate materials on the ground floor and proposed that they use a concrete backer board on the studs to give some rigidity and structure instead of just foam, metal lath and a vapor barrier. He asked to hear from the prospective operator of the hotel or the architect to see if this would be feasible.

Commissioner Mips stated that she had concerns with drainage onto other people's property. She had concerns if the property were to be sold in the future and asked if there would be a problem there. Mr. Barz stated that if there was an easement in favor of the hotel onto that land and there is a stormwater permit that makes the hotel responsible together with the owner of the land, where the basin is located, then we don't have to worry about it.

Commissioner Mips asked if we should get it in writing before we have anything else. Mr. Barz stated that is something we could work out. Mr. Alford stated the plans have stormwater easements and rights to discharge from one property to another.

Commissioner Mips said that she understood that but was concerned if the property were to be sold, where would that put the town if we allowed this to happen. Mr. Alford stated when the property is purchased there will be deeds containing language taking responsibility for the stormwater and anyone doing a title search in the clerk's office could find it.

Architect Brian Nelson from Modus Architecture was present and responded to Mr. Barz that this proposal would be acceptable. He explained that they typically use plywood instead of a concrete backer board and asked if that would be acceptable. Mr. Barz replied that he preferred the concrete backer board for its durability. Mr. Nelson said that plywood sheathing would have to be used from a structural standpoint, but if that's not enough that they could add the additional concrete backer board on the ground floor. Mr. Barz clarified that he was only asking for it to be added on the ground floor. Mr. Nelson stated that they could make adjustments and add it in their details.

Mr. Barz concluded that there weren't any other outstanding staff comments that couldn't be left to the staff to approve and recommended approval subject to final staff review of the comments outlined in the staff and engineering memos and the substitution of a concrete backer board behind the stucco on the ground floor of the building.

Motion: Commissioner Levine moved approval of the site plan for 685 (777 & 903) Day Hill Road, commercial recreational cultural facilities hotel in the I zone, with the caveat that all outstanding issues that are defined in the staff memo and comments be resolved to the satisfaction of town staff and that includes the substitution of the concrete backer board on the first floor only and include that the grading will not be incurred within 15' of the property line unless specified. Commissioner Jaggon seconded the motion and it passed 5-0-0.

H. Minutes

1. December 13, 2022

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

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

II. MISCELLANEOUS – None

A. CT Land Use Law Webinar – Saturday, March 11, 2023

Mr. Barz discussed the webinar and reminded the Commissioners that the State statutes now include an educational requirement for Land Use Commissioners. He urged

Commissioners to attend and let him know if they attend so we can keep track of their educational requirements.

Commissioner Levine asked if it was possible to listen to some of the presentations but not all of them and still meet the requirement. Mr. Barz replied that he would have to check on that.

III. PLANNER'S REPORT

1. Update on recent development

Mr. Barz stated that there was no new development to report on and briefly mentioned that they are still trying to wrap up details on the Great Pond distribution project. He discussed an upcoming demographic survey that the Commission should expect to receive from the town's Personnel Committee. The survey will focus on age, race/ethnicity, gender and disability as they continue to promote diversity, equity and inclusion. He encouraged the Commissioners to participate.

IV. BUSINESS MEETING

A. Application Acceptance

1. 29 Windsor Avenue, Mixed commercial development, 13.8 acres, B2 Zone
 - Special Use – Parking within a front yard, Section 5.2.6H
 - Special Use – Self-service car washes, Section 15.2.1D
 - Special Use – Establishments with drive-through windows, Section 5.2.6C
 - Special Use – Daycare center, Section 15.2.16
 - Site Plan
2. **Special Use – 530 Hayden Station Road**, Section 8.6E, Commercial recreational and cultural buildings, I Zone, Twitchell
3. **Special Use Re-Approval – 519, 545, 549 Palisado Avenue**, Sections 10.5.3C & 4.5.7C, Private School, AA/AG Zone, Madina Academy
4. **Special Use Re-Approval – 519, 545, 549 Palisado Avenue**, Section 15.2.16, Day Care, AA/AG Zone, Madina Academy

The above items will be scheduled for public hearing at the next regular Planning and Zoning Commission meeting on February 14, 2023.

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Special Use Re-Approval – 1916 Poquonock Avenue, Section 15.2.1, Gas Station/Convenience Store, B2 Zone, Kahn/Safia 2 LLC

Applicant Tahir Khan was present and asked for a renewal of the special use permit.

Commissioner Levine thought she had seen a sign in their window indicating they were selling cannabis and asked if that was correct. Mr. Khan replied no.

Public Comment:

Jim Griskewicz of 1920 Poquonock Avenue stated that he was neither for or against the application and stated that they need to upgrade the property fence as it is starting to deteriorate and requested that trees at the back of the property need to be cleared as it poses a fire hazard.

Mr. Barz asked if Mr. Griskewicz lived behind the gas station and he replied yes.

Mr. Barz stated that last year a resident noted that there is still a gap in the public sidewalk leading to this facility and he wanted them to know that we haven't forgotten. It is still on our radar of items that need to be accomplished but it is not the responsibility of the property owner. He explained that it is a state right-of-way and the town would make that extension. Mr. Barz also stated that staff would look into Mr. Griskewicz's concerns. He recommended an extension of the time limit subject to staff visitation to look at the status of the landscaping and have any deficiencies corrected.

Motion: Commissioner Levine moved approval for the renewal of the special use application at 1916 Poquonock Avenue for a period of five years pending the staff's visitation to inspect the landscaping in and around the building. Commissioner Jaggon seconded the motion and it passed 5-0-0.

B. Special Use – 540 (494) Windsor Avenue, Section 5.2.6D(1), Limited-Service Restaurant, B2 Zone, Collins

Applicant Kevin Collins of Florette, LLC was present and described that they plan to open a Caribbean restaurant.

Mr. Barz said this is the location of the former Ellsworth Medical supply store.

Commissioner Mips asked if he was able to address all of the staff comments. Mr. Collins said there were concerns about layout and number of bathrooms and said that it will be in the architectural plans when the building is built out and will be addressed so there shouldn't be any issue going forward.

Commissioner Mips asked Mr. Barz if anything had been turned in that was supposed to be. Mr. Barz stated that the only thing needed that wasn't covered by building or food permits was submitting a litter control plan.

Mr. Sealy added that he was requesting information to familiarize the Commission on the operation so a lot of the comments were information gathering. He requested that the approval would be subject to submission of a litter control plan.

Mr. Barz asked Mr. Collins to talk about the restaurant and hours. Mr. Collins replied that they will be serving three meals a day. Mr. Barz asked if it was correct that he won't be serving alcohol or have live entertainment. Mr. Collins said that is correct.

Commissioner Levine asked if it would be open seven days a week. Mr. Collins said yes, seven days a week.

Commissioner Jaggon asked what will be the open hours. Mr. Collins said they will be open from 7 a.m. to 10 p.m. and that the owner of the mall insisted that those hours be maintained.

Commissioner Jaggon asked if they will be making Jamaican patties. Mr. Collins said definitely.

Public Comment: None

Motion: Commissioner Levine moved approval of the special use application for 540 Windsor Avenue with the condition that the applicant submit a litter control plan. Commissioner Jaggon seconded the motion and it passed 5-0-0.

C. Special Use – 57 Tunxis Street, Section 5.2.6E, Car Rental and Taxi Service, B2 Zone, Calafiore

Attorney David Markowitz of Hassett & George, P.C. were present to represent Mr. Calafiore and the owner of the property.

Commissioner Mips asked if Bill's Limousine was the business up on High Street. Mr. Barz said in some form, yes.

Mr. Barz provided some background information and why the application is before the Commission.

Commissioner Mips asked if the permit would have to be subject to repair of the parking lot. Mr. Barz said yes. As a property hosting a special use, the property has to be up to code and maintained in good condition. He stated the property owner told him that he intends to repair the parking lot.

Mr. Barz briefed the Commission on former tenants of the building and that this requested use has less impact. Mr. Barz asked Mr. Markowitz if vehicles were being washed on the premises. Mr. Markowitz said no, they are not. They go off site and spend a fair amount of money every month washing the vehicles. He keeps about eight of his fifteen vehicles at the property, he has another location for the other vehicles, and generally the vehicles are in the building.

Commissioner Levine asked about the landscaping mentioned in the staff comments memo and if the landscaping needs to be improved. Mr. Sealy stated that comment number one was left there as a note to the applicant and doesn't apply as long as the vehicles are kept in the garage.

Public Comment: None

Motion: Commissioner Levine moved approval of the special use application for 57 Tunxis Street, car rental and taxi service, with the condition that the parking lot be repaired, weather permitting.

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

D. Design Development Detail Plan – 109-125 Poquonock Avenue, Mixed-Use with 77 dwelling units, B2 Zone, 2.33 acres, Blue Moon Design

Engineer David Ziaks of F.A. Hesketh and Associates and Architect Chris Hill of Blue Moon Design Architectural Design were present. Mr. Ziaks reported that there were very few changes made to the site layout and architectural design from when the plan was approved last May. He explained that the project is a single, four-story, mixed-use building consisting of 77 apartment units, 6,911 square feet of retail/office space for rent on the first floor facing Poquonock Avenue and a 3,700 square foot flex space at the corner of Mack Street and Poquonock Avenue which will initially be used for tenant amenities but could be used for other uses depending on market conditions. He reported that they have 28 studio apartments, 42 one-bedroom and seven two-bedroom units with 126 parking spaces on site, which consist of 98 outside spaces, 19 garage spaces, which are located on the first floor on the Mack Street side of the building, and that they have decided to defer installation of 9 parking spaces near Hayden Avenue until they see if they are needed. If they are not needed, the space will remain as a landscaped buffer. Mr. Ziaks also discussed off-street parking, outdoor amenities including a fire pit with grill and seating area, the dog park, site sidewalks, Americans with Disabilities Act (ADA) site accessibility, access, circulation diagram, landscaping plan, light emitting diode (LED) lighting and proper shielding and minor planning and engineering comments, which he said would be addressed before final signatures.

Mr. Barz asked Mr. Ziaks to describe the grade of the site as it dips as you move west along Poquonock Avenue. Mr. Ziaks responded that there is a little bit of stepping of the building from that south easterly drive off Poquonock Avenue down to the corner. He explained that the Y-shaped sidewalk at the corner of Mack Street and Poquonock Avenue gives them

an opportunity to chase the grades out, giving a nice landscaped island in the middle of the walk, which will allow for almost two feet of grade in that location and keeps it under ADA requirements. He stated that people will hardly notice it driving down the street.

Commission Mips asked where the electric vehicle (EV) stations will be located. Mr. Ziaks replied that there are more conversations to have with the Fire Marshal but that he had some ideas of good locations. He also wanted to talk to the owners about putting in additional conduits everywhere on the site to make sure they can put in more EV stations in the future, if tenants demand it.

Mr. Hill reviewed the architectural details of the building and discussed total square footage, elevations, grading, materials used and features including a terrace, amenities and storage.

Commissioner Levine asked if there will be a laundry facility in the building. Mr. Hill said that he has designs with laundry within the units but that they will probably have one in the facility as well.

Mr. Barz commented that a dog washing station could be a popular addition in the basement. Mr. Ziaks added that storage for bikes could be popular as well.

Commissioner Mips asked if the Fire Marshal's comments had been addressed. Mr. Ziaks said yes.

Public Comments:

Andrea Flynn of 36 Loomis Avenue asked how the traffic study took the town's new roadway diet plan into consideration, if the additional smells or sounds from the dog park had been considered and if the number of parking spaces are adequate with the mixed-use.

LeighAnn Tyson of 141 Giddings Avenue shared concerns, which included affordability for young people, a guarantee from the owner that this project will come to fruition as there are other projects that they haven't completed and anticipated tax revenue. She stated that she is on the fence with this project.

Lisette LaTorre of 402 Broad Street asked if there will be handicap accessibility on both Mack Street and Poquonock Avenue for accessing the retail spaces, what the hours would be for the on-site leasing office and if there will be designated parking spots for them. Lastly, she asked how much access the public would have to the residential portion of the building and how would deliveries be made to the commercial portion of the building. She also shared concerns about the affordability of the apartments.

Kathryn Roby of 122 Eastview Drive asked for at least one handicap parking space designated for the on-street parking. She commented on the long distance from the handicap parking space in the parking lot to the retail spaces. She asked if there would be

at least one handicap accessible unit in the studio and one-bedroom apartments with an adaptive bathroom and if there was an elevator in the building. She hoped handicap accessible units would be included.

Caeden Winborne of 4 Hampton Place asked if there would be a recycling facility with the trash. He stated that he thought the plans became available late to the public and questioned if it should be postponed. Lastly, he too agreed that affordability is a concern and suggested the use of more native plants in the landscaping.

Mr. Barz addressed a few of the concerns raised regarding affordability, housing affordability plan elements, tax abatements, incomplete projects by the applicant, the elevator and the mandate on handicap accessible and adaptable units. He asked Mr. Sealy to summarize the outstanding issues from the staff memo.

Commissioner Mips stated that there was a letter to add to public comment.

Commissioner Levine read a letter written on December 13th from Christine Garthwaite who had concerns with the development being oversized and not fitting in with the neighborhood and asked that the plan is reconsidered and redesigned.

Mr. Sealy commented on the staff memo dated December 28, 2022. He said the applicant has worked with staff to address concerns and the biggest concern was with the WB-50 access plan. They have resubmitted and the Fire Marshal has approved it. The rest of the comments pertained to lighting and screening. With the residents at Hayden Court and Milbrook Villages, staff wanted to be sure lights will not cast any glare towards the houses or any windows on those properties. Mr. Sealy stated that he is working with their lighting consultant. He said the remaining comments are relatively minor and asked that if approved that it be subject to final staff approval.

Mr. Barz discussed the process for reviewing projects in the Center Design Development District, which involves a two-step process that includes two public hearings – one for the concept plan and one for the detail plan. The concept plan is the time to look at density, appearance, neighborhood fit, traffic, etc. and the process is designed to take the guesswork out of a significant project rather than having an applicant fully engineer a project and possibly have it denied by the Commission because they don't like the concept. He said, tonight, we are looking at essentially a site plan but it is attached to a public hearing. He shared that in this process once a concept plan is approved, the Commission doesn't have the ability to deny the project at the second public hearing if the applicant has relied on the concept approval and acted in good faith to engineer the detailed plan. He questioned if the second public hearing was giving residents false expectations about denying applications and if such hearings should continue.

Commissioner Mips said that was a good question and that she would have to think about it. Mr. Barz replied that a decision didn't have to be made tonight and that they could think about it.

Mr. Barz wanted to make people aware that we appreciate the input but as far as shutting the project down at this juncture, when the applicant has acted in good faith, he didn't think it was right to do that.

Mr. Ziaks addressed questions asked during public comment, which included traffic, the dog park, parking spaces, affordability, ADA, adding an ADA parking space on Poquonock Avenue and the leasing office.

Mr. Hill addressed questions asked about the apartments, which included elevator access, handicap parking, accessible and adaptable apartments, trash and recycling.

Commissioner Harvey said there was one comment about deliveries and asked them to address that concern. Mr. Ziaks stated that the management office will have an area reserved where residents can collect packages.

Mr. Barz asked about commercial deliveries. Mr. Ziaks stated that it depends on the types of businesses that go into the retail spaces but that they would expect UPS and small box trucks that will make their deliveries and go.

Commissioner Levine asked about moving trucks and Mr. Ziaks said that they will have to be accommodated like any apartment complex. He added that if they were to design these projects to accommodate trucks then they start to look like big box sites and this is a tight downtown site.

Mr. Barz asked them to discuss their parking ratio relative to the units and the retail. He stated that he heard concerns that on-street parking wouldn't be useable in the winter and he didn't think the applicant was counting on those parking spaces to meet the minimum parking requirements. Mr. Ziaks said that they weren't and that the on-street parking spaces were considered extras. He referenced the drawing that laid out the number of parking spaces.

Mr. Barz summarized that when he looked at the project, he sees a possible surplus of parking. He said we are trying to find a balance. We want public parking but we also want to minimize private surface parking because it is a walkable environment and has access to the train station and the bus lines, so we don't want a parking lot to sit half empty. He added that this is a mixed-use development that will probably never have a restaurant in it and the retail parking spaces will be empty on nights and weekends and residents can use them when they need them. The applicant could have asked for fewer parking spaces because of access to train and bus lines, the walkability of the neighborhood and access to public parking, and they haven't done that.

Mr. Sealy said one of the callers had a question about the public being able to access the residential spaces and asked if they could address that. Mr. Ziaks stated that the public

will have access to the first floor retail spaces but the rest of the building will operate like any other apartment, which will require a card or code for access to the residential spaces.

Motion: Commissioner Levine moved approval of the design development detail for 109-125 Poquonock Avenue subject to the 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 8:38 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary January 10, 2023.

Jill Levine, Secretary