

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 12, 2023
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine, Jepsen and Kuintzle; Alternate Commissioner Harvey was seated for Commissioner Jaggon and Commissioner Jaggon was present via Zoom at the beginning of the meeting but was not seated.

Absent: 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**
 - 1. Day Hill Road Pedestrian Circulation Enhancements – Construction of multi-use path from Prospect Hill Road to Great Pond Development**

Assistant Town Planner Todd Sealy reviewed Town Engineer Suzanne Choate’s memo outlining the project. He stated approximately 300 linear feet of path are proposed to be constructed to close the gap between the recently developed section and Prospect Hill Road. By constructing this segment, there will be a multi-use path from Helmsford Way all the way to the intersection of Blue Hills Avenue and Griffin Road North.

Commissioner Levine asked if this was part of the CIP (Capital Improvement Program). Town Planner Barz replied that it was.

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 the approval of the Day Hill Road Pedestrian Circulation Enhancements – Construction of the Multi-Use Path from Prospect Hill Road to Great Pond Development to the Windsor Town Council.

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

- E. Pre-Application Scrutiny – None**

F. Re-Approvals/Revisions/Extensions

1. **3.9 Site Plan – 200 Old Iron Ore Road**, Revising curbs and fencing, I Zone, Langan CT, Inc.
2. **Site Plan – 2200 Day Hill Road**, Retail, dining and entertainment, GP-T4 Zone, Noble Energy Real Estate Holdings, LLC.
3. **3.9 Site Plan – 550 Matianuck Avenue**, Adding a lighted sign, AA Zone, Mt. Zion Church.
4. **3.9 Site Plan – 1000 Day Hill Road**, Adding a flag pole, I Zone, Morris Group, Inc.
5. **3.9 Site Plan – 137 Matianuck Avenue (171 Windsor Avenue)**, Drainage improvements, NZ Zone, City of Hartford
6. **3.9 Site Plan – 130 Deerfield Road**, Adding a generator, A Zone, 3.7 acres, Carmon

Mr. Sealy reviewed the approved applications.

G. Site Plans

1. **Site Plan – 120 High Street**, Housing for handicapped persons, 4.38 acres, AA Zone, Lally/EBEX, Inc.
 - a. Request for waiver of section 3.5.1F, which requires sidewalks along the street frontage of all new site developments

This agenda item was heard during the public hearing portion of the meeting with the corresponding special use application.

H. Minutes**1. July 11, 2023**

Motion: Commissioner Levine moved to approve the draft minutes of July 11, 2023 meeting as amended.

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

2. August 8, 2023

Motion: Commissioner Levine moved to approve the draft minutes of August 8, 2023 meeting as presented.

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

II. MISCELLANEOUS**A. Connecticut Federation of Planning and Zoning Agencies (CFPZA) – Summer 2023****III. PLANNER'S REPORT****A. Update on recent development**

Mr. Barz reported that the Day Hill Dome is now inflated and they are working on the interior; Dudley Town Brewery is open; BDL Logistics Center, opposite Amazon, has finalized their electrical connections and will be getting their final CO soon; and 415-425 Day Hill Road, opposite Northfield Drive, is finishing pouring panels and we should see that building going up soon.

B. Introduce inclusionary zoning

Mr. Barz spoke briefly about inclusionary zoning and stated that he would prepare a brief workshop for the Commission at the next meeting.

IV. BUSINESS MEETING**A. Application Acceptance**

1. **Text Amendment – Sections 2.2, 3.3.5F(2)(b) and 15.2.16**, Group daycare homes, TOW
2. **Text Amendment – Add new section 13.2.10**, Highway transitional design development, A.R. Building Company

The above items will be scheduled for public hearing at the next regular Town Planning and Zoning Commission meeting on October 10, 2023.

B. Old Business – None**V. PUBLIC HEARINGS**

Commissioner Levine read the legal notice into the record.

A. Special Use and Site Plan – 120 High Street, Section 4.5.17, Housing for handicapped persons, AA Zone, 4.38 acres, Lally/EBEX, Inc.

Licensed Engineer and Land Surveyor Ed Lally reviewed the application and discussed the proposal, need for the special use permit, ownership of the property, location, access, parking, lighting, ADA requirements, accessibility, common spaces, unit amenities, stormwater system, unique topography, soil type and erosion, and outstanding items to be addressed. He stated the project would have no impact on the wetlands, traffic, MDC (Metropolitan District) sewer or adjacent properties. Regarding the sidewalk waiver request, he said that they have requested a waiver for the construction of a sidewalk along the frontage of the site as it would create significant environmental harm and would be challenging to engineer due to topography and elevations of adjacent wetlands and watercourses. He said they propose to install a sidewalk to connect to the adjacent facility, as shown on the addendum, and would connect to other sidewalks within that same facility. He said someone could walk about 50% of the way to Poquonock Avenue on a sidewalk.

Public Comment:

Caeden Winborne of 4 Hampden Place shared concerns with landscaping and urged the applicant to plant non-invasive trees and plants and recommended native species.

Commissioner Levine read a letter that was submitted on September 11th from Bonnie Karkowski of 1852 Poquonock Avenue. She shared concerns with approving the sidewalk waiver and asked that at a minimum, a contiguous walkway be constructed leading directly from the building to the easterly frontage and ending at the eastern boundary of the property to increase walkability and connectivity for the residents and employees.

Mr. Barz clarified a statement made in Ms. Karkowski's letter about a sidewalk on Poquonock Avenue leading to the Villages of Poquonock. He stated that the developer of the Village of Poquonock has every

intention of connecting that sidewalk from Village Lane down to the church but they do not want to do it until they know exactly how the house and the land to the south are going to be used.

Mr. Barz said that staff had met with the applicant and that there were some loose ends that would require a conditional approval.

Commissioner Mips asked if that area to the west goes down passed the ravine. Mr. Barz said yes.

Commissioner Mips said it does not make sense to have a sidewalk there. Mr. Lally said he would be happy to address her comment.

Mr. Barz continued that there was a need for this type of housing and that the site had been carefully planned. He said there were only two items left to be addressed – a waiver of the sidewalk to the west and the alternate location of the sidewalk connecting this facility to the other office facility next door. He recommended approval with the recommended conditions of approval provided by Mr. Lally.

Mr. Lally was asked to address public comments and the unique topography of the site. Mr. Lally said he was fine with a condition not to include invasive species in the landscaping. He discussed the sidewalk waiver and explained that providing a sidewalk on the west of this site would require grading on an abutter's property and the sidewalk would still be 809' from Poquonock Avenue. He continued that installing a sidewalk on the west would require a significant disturbance to the wetlands and would be almost impossible given the unique topography and would be extremely expensive for very little gain. He stated his proposed sidewalk will get them 50% of the way to Poquonock Avenue versus 3% without the sidewalk waiver.

Mr. Lally addressed the unique topography of the site and said that there is no shoulder along the front of this site to construct a sidewalk. He said the area between the pavement and the street line rises steeply with an elevation change as much as 10' or drops as much as 40' down to the brook and associated wetlands. He said that the slope from the road down is two to one with some areas even steeper with highly erodible soils. The sidewalk would require many feet of fill with a resulting grade chasing down the slope to the brook and would require significant disturbance to the wetlands and a large volume of fill into the wetlands. He said the loss of habitat in the area would be significant and exposure to highly erodible soils on the new steep slopes would create the potential for significant impacts to the watercourse. He added that it would also be necessary to extend the culvert, carrying the brook under High Street, and a new headwall would need to be constructed. He said the Commission could grant a sidewalk waiver if it would cause significant environmental harm to adjacent wetlands or wildlife habitat or if it posed significant engineering challenges, which this sidewalk would do both.

Commissioner Mips agreed and thought the applicant's proposal was a better solution.

**Motion: Commissioner Levine moved to approve the Special Use at 120 High Street, housing for handicapped persons, in the AA Zone as presented by the applicant.
Commissioner Jepsen seconded the motion and it passed 5-0-0.**

**Motion: Commission Levine moved approval of the waiver for the sidewalk as described by the applicant.
Commissioner Jepsen seconded the motion and it passed 5-0-0.**

**Motion: Commissioner Levine moved approval of the Site Plan for 120 High Street, housing for handicapped persons, in the AA Zone as presented by the applicant with the following conditions: the addendum to the site plan sheets 1& 2 submitted by the applicant showing the sidewalk connecting to the adjacent property; addendum in response to Wetlands Agent's concerns submitted by the applicant; addendum in response to Town Engineers concerns submitted by the applicant; the Health Department comments of September 11, 2023; the definition of the dumpster enclosure; façade material defined as high quality, medium gray vinyl siding with white vinyl trim; sidewalk waiver as discussed; the landscaping plan should include no invasive species; and resolution of any other outstanding issues with the town staff.
Commissioner Jepsen seconded the motion and it passed 5-0-0.**

B. & C. Special Use Re-Approval – 25 & 35 International Drive, Section 8.6B, Outdoor storage, I Zone, INDUS Realty, LLC

Executive Vice President Tim Lescalleet of INDUS Realty, LLC was present and reviewed the applications. He discussed the sites, outdoor storage locations, shared driveway and history of the outdoor storage on the properties. He requested re-approval of the special use applications for five years on 25 International Drive and for no more than two years on 35 International Drive.

Public Comment: None

Mr. Barz said staff had met with the applicant and his tenant and staff agreed that there were extenuating circumstances resulting from the pandemic that created the need for outdoor storage. He supported the re-approvals of both applications.

**Motion: Commissioner Levine moved re-approval of the Special Use for 25 International Drive, outside storage, for a period of five years subject to the same conditions.
Commissioner Jepsen seconded the motion and it passed 5-0-0.**

**Motion: Commissioner Levine moved re-approval of the Special Use at 25 & 35 International Drive for outside storage for a period of two years with the same conditions.
Commissioner Jepsen seconded the motion and it passed 5-0-0.**

D. Special Use – 60 Ezra Silva Lane, Section 8.6B, Outdoor storage, I Zone, Ezra Silva Lane, LLC Engineer and Land surveyor T.J. Barresi of Barresi Associates on Hayden Station Road in Windsor and All Crate, Inc. owner Joe Novak, Jr. were present. Mr. Barresi gave an overview and discussed the location, size of the property, existing buildings, access, topography, wetland soils, outdoor storage containers and screening.

Mr. Barz asked Mr. Barresi to explain the need for cargo container storage. Mr. Barz said it has been our practice not to allow cargo containers for storage to avoid construction of legitimate warehouse space. Mr. Barz believed they have a valid reason that was explained to staff.

Mr. Novak explained that the containers are for staging and not for storing because of covid and supply chain issues. He said he had pictures of what is inside all of the containers. He said they are waiting for a few more pieces to come in before the containers leave to provide power generation for Pratt Whitney and Mitsubishi Power. He said they just learned that out of the 60 containers, 25 will be leaving at the end of the month. He said there are usually five to six containers per power system and they are shipped all over the world.

Commissioner Mips asked how far away from the homes on Colonial Drive are they located. Mr. Barresi said that Colonial Drive is to the north and then there is an access drive, the buildings, another access drive and then the storage area.

Commissioner Mips asked how far down on Ezra Silva Lane are they located. Mr. Novak replied that they are all the way down at the end and to the left. He said that you have to pass two buildings and drive almost into the woods to see the containers.

Commissioner Levine asked if that would be the end of the containers once they are picked up. Mr. Novak said yes. He stated that the containers are shipping/ocean containers, which are picked up on a flatbed truck and brought to New Jersey or Boston and put on a cargo ship.

Public Comment: None

Mr. Barz stated that the applicant had met with staff. He said he would not ordinarily approve the outdoor storage for these containers but given the circumstances, he recommended approval of the special use for one year.

Motion: Commissioner Levine moved approval of the Special Use at 60 Ezra Silva Lane for outdoor storage for a period of one year.

Commissioner Jepsen 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 8:02 p.m.

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

TP&ZC

September 12, 2023

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Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on
September 12, 2023.

Jill Levine, Secretary