

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

Present: Commissioners Mips, Levine, Jaggon, Jepsen, Alternate Commissioner Harvey was seated for Commissioner Kuintzle, and Alternate Commissioner Hallowell

Absent: Commissioner Kuintzle and Alternate Commissioner 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**

- 1. 3.9 Site Plan – 2160 Poquonock Avenue**, New signage and façade replacement, B2 Zone, Benderson Development Company, LLC

Assistant Town Planner Todd Sealy reviewed the approved application.

- 2. 90-Day Extension Request for Re-Subdivision Filing – 11 Goodwin Drive**, 2 lots, 62.47 acres, I Zone, Blueprint Partners Corp

Attorney Ryan D. Hoyler of Robinson and Cole was present and requested a 90-day extension while they continue the process of closing on the property.

Motion: Commissioner Levine moved approval of the applicant’s request for a 90-day extension to submit the re-subdivision filing for 11 Goodwin Drive.

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

G. Site Plans

- 1. Site Plan Revision – 1228 Windsor Avenue**, Construct new house, NZ Zone, Loomis

Attorney David Hoopes, Engineer Chuck Sheehan of PMPCA, LLC and Director of the Physical Plant Lance Hall from Loomis Chaffee School were present. Attorney Hoopes provided an overview of the

proposal to build a new house for staff and faculty housing. He discussed the need for faculty housing, acreage, incorporation of staff comments, zoning rules, and the architectural sketch.

Mr. Sheehan discussed the architectural sketch, two dwelling units, parking, existing solar array, zone, acreage, residential density, distance to neighbors to the south, integral parking for all residents, MDC water and sewer access and lack of wetland impacts.

Commissioner Levine asked if the housing was for staff only. Mr. Sheehan said yes and noted that there will be no garage, as shown on the elevation.

Commissioner Mips asked what was coming off of Windsor Avenue on the site plan. Mr. Sheehan replied that it was a walkway.

Motion: Commissioner Levine moved approval of the site plan for 1228 Windsor Avenue, construction of a new home, in the NZ zone.

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

2. Site Plan Revision – Beckwith Drive (10, 16, 22, 28 & 32) & 26 Island Road, Construct new house, NZ Zone, Loomis

Attorney David Hoopes, Engineer Chuck Sheehan of PMPCA, LLC and Director of the Physical Plant Lance Hall from Loomis Chaffee School were present. Attorney Hoopes explained that there are six existing houses on the property and that they plan to add one more for faculty housing. He stated that the plans are fully compliant and they did receive wetland approval for the site.

Mr. Sheehan discussed the location and orientation of the house, residential density, MDC sewer and water access, driveway location, wetland review and approval and Department of Energy and Environmental Protection review to ensure there were no endangered species located on the site.

Commissioner Levine asked if the dark area on the plans was the driveway. Mr. Sheehan said yes.

Commissioner Jepsen asked if the walkway, which looked like it was used as a shortcut into the campus, would be eliminated and people would have to walk around to Beckwith Drive. Mr. Sheehan stated that the walkway is going to be eliminated and he did not think it would be a huge strain for people to go down Beckwith Drive. He said it was a temporary walkway that was placed there because the grass got worn out from people walking down there.

Commissioner Levine asked if the address for this house would be Beckwith Drive. Mr. Sheehan said yes.

Mr. Sheehan noted to the Commission that the town staff was particularly helpful on both applications and commended them.

Motion: Commissioner Levine moved approval of the site plan for Beckwith Drive, construction of a new home, in the NZ zone.

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

3. Site Plan Re-Approval – 100 International Drive, W Zone, 58.46 acres, Tradeport Development III

This agenda item was moved to the end of the meeting, as the applicant was not present.

Town Planner Eric Barz gave an overview of the application. He explained that while the applicant has no plans to construct the addition shown on the site plan, they would like to request a five-year extension of the previous expiration date in the event that they might in the future.

Motion: Commissioner Levine moved approval of the site plan for 100 International Drive for a period of five years from the date of the last expiration.

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

H. Minutes

1. September 12, 2023

Motion: Commissioner Levine moved to approve the minutes of September 12, 2023 as presented.

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

II. MISCELLANEOUS

A. Inclusionary zoning training

This agenda item was moved to the end of the meeting.

Mr. Barz handed out the attached document to the Commission. Mr. Barz discussed the Affordable Housing Plan that was adopted last year; the definition of inclusionary zoning; how to incorporate it into regulations; and potential inclusionary zoning concepts to incorporate into the regulations.

Commissioner Mips asked if the proposal Mr. Barz mentioned was a requirement for every town in the State. Mr. Barz stated that the State requires 10% of housing in every town to be affordable in order to be exempt from appeal under CGS Section 8-30g and if it is not guaranteed affordable for 40 years then it will not count towards the 10% requirement. He said that the town is currently at 7.7% guaranteed affordable.

Commissioner Levine asked if every town is required to develop this kind of program. Mr. Barz said they are not. Commissioner Levine mentioned what has been done in another town in CT and the disadvantages.

Commissioner Jepsen asked what the AMI (area median income) is right now. Mr. Barz said he could not remember but there is a table and it depends on the size of the household. In the comprehensive plan, he had stated that the Windsor housing stock was inherently affordable but our prices have since spiked. He said that is the reason why the State wants to guarantee affordable housing, so if the prices run away and people who got the benefit of an affordable unit go to resell into the market, they will not get a windfall.

Commissioner Mips asked who would get the windfall and Mr. Barz said the land trust of whoever is managing it when the 40 year time limit ends.

Commissioner Jepsen asked if we have housing stock that would meet the AMI requirements but is not guaranteed for 40 years. Mr. Barz replied that we have over 12,000 housing units in town and that most of the condos are well below the affordability rate but cannot be included because they are not guaranteed.

Commissioner Harvey asked if the 10% was calculated on homes for purchase and rentals. Mr. Barz said yes and that there are formulas they use.

Commissioner Jepsen asked if it was individual or household median income. Mr. Barz replied that it is household median and based on household size.

Mr. Barz asked the Commissioner if these concepts were something we should explore. The Commission responded yes.

III. PLANNER'S REPORT

A. Update on recent development

Mr. Barz reported that Target is getting close to finishing on the exterior, Groton Road is getting close to acceptance and the panels are going up at 415-425 Day Hill Road.

IV. BUSINESS MEETING

A. Application Acceptance

1. Special Use – 610 Pigeon Hill Road, Section 8.6O(1), Self-storage facility, Alford Associates, Inc.

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

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Text Amendment – Add new section 13.2.10, Highway transitional design development, A.R. Building Co.

President Jason Kambitsis and Director of Development Emily Mitchell of A.R. Building Co. were present. Mr. Kambitsis discussed their company and its history, the type of products they build, the idea to take properties that are underutilized and undeveloped and give them more flexibility in the zoning regulations, the requirements and standards in the proposed text amendment, which includes affordable housing, the site they are looking to acquire and gave a brief overview of their plan to build 3, 51-unit buildings.

Mr. Barz said that he and the applicant did some wordsmithing today on the text amendment and handed out an updated copy of the text amendment.

Mr. Kambitsis said the overall idea of the highway transitional design development is to create flexibility and provide a mixed-use zone. He said the text amendment would allow for multi-family dwellings, which

are not allowed in the B2 zone. He said the big difference here came down to having 20 dwelling units per acre as a maximum, a maximum of four-stories and requiring that 10% of the housing is affordable at 80% of AMI (area median income).

Mr. Barz said that A.R. had come to them originally with the intent of going into the Villages at Poquonock, taking over that project and redesigning it but they have since dropped that. He said while working with them they built-in a density bonus which would allow for affordable housing that is needed in town. He said the income would have to be 80% of the AMI, which is the standard used under state statute Section 8-30G, the Affordable Housing Appeals Act.

Commissioner Levine asked where the 40 years comes from in the text amendment. Mr. Barz said that the 40 years is in CGS Section 8-30G and if we wanted these units to count for our affordable unit count then they have to be restricted for 40 years.

Commissioner Harvey asked where the 10% comes from. Mr. Barz said that 10% is just a number that they came up with and that a lot of towns around the region are adopting inclusionary zoning, setting those numbers at what the market can bear. He said in this case, A.R. is willing to do 10% and added that he would talk more about inclusionary zoning later.

Commissioner Mips asked where else would this text amendment apply in town. Mr. Barz stated that it would only apply to exit 37.

Commissioner Mips asked if once they approve it, could it apply to any of the other exits. Mr. Barz said no and that someone would have to come back and amend this language to include other locations or come up with a new design development that might have different criteria.

Commissioner Jaggon asked if the community got to see the text amendment document with the changes. Mr. Barz said no. Mr. Jaggon asked why. Mr. Barz said that the text amendment does not substantially change the use and that it is mandating affordable housing at the same rate they had previously proposed. He said that it was better for the community than what was previously proposed and nothing was being taken away.

Commissioner Mips stated there have been concerns in the past with the amount of vehicles and asked if they would be required to do a traffic study before they come back. Mr. Barz said they would be required to do a traffic study as part of their concept plan.

Commissioner Jepsen asked about the other properties included in this design development and how likely they are to be developed and asked why the zone is so big. Mr. Barz said that they did not want to create spot zoning, which only benefited one property.

Commissioner Jepsen asked if the one corner is almost entirely owned by the State. Mr. Barz replied that the Agricultural Experiment Station it is not entirely owned by the State but by a trust and the State has the right to use it, so it is not going anywhere.

Public Comment: None

Motion: Commissioner Levine moved approval of the new text amendment, Section 13.2.10, Highway Transitional Design Development, as amended.

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

B. Text Amendment – Sections 2.2, 3.3.5F(2)(b) & 15.2.16, Group Daycare Homes, TOW

Mr. Barz explained that the State recently passed a new law in the interest of making childcare more affordable. They previously allowed what they called a “family daycare home” by right and they could not be treated any differently than a single-family home. The new regulation states that “group daycare homes” are now exempt from local zoning and can be treated no differently than a single-family home, which will allow up to 12 children to go into a day care home without requiring any zoning approval.

Commissioner Mips asked if this was part of the new state statute. Mr. Barz said yes and that a group daycare would still have to meet whatever the State requirements are for the daycare group home and would also have to meet any building or fire code requirements that it might trigger.

Commissioner Jaggon asked Mr. Barz to give some limitations on group homes in town. Mr. Barz stated that he needed to clarify that there are group homes, which are homes for people with physical or mental disabilities and that this text amendment is for a family daycare home. He stated that there are no children staying overnight, so it does not fall under group home requirements.

Public Comment: None

Motion: Commissioner Levine moved approval of the text amendment, Sections 2.2, 3.3.5F(2)(b) and 15.2.16, Group Daycare Homes.

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

C. Special Use – 111 Prospect Hill Road, Section 4.5.7B, Group homes, AA Zone, 4.85 acres, Families United Serving and Embracing

President Sherry Denalis of Families United Serving and Embracing was present. She provided an overview and discussed the proposal to move to this new location and the maximum number of clients they could accept.

Commissioner Mips asked if she and her husband would be using this location as their residence. Ms. Denalis said yes.

Mr. Barz said that the State’s definition of a group home says they are exempt from local zoning if they fall under the auspices of the Department of Mental Health or Children and Family Services, etc. He said we have a section under our regulations that they have applied for, which is a group home that covers every group home that does not fall under the auspices of those state agencies and are not treated like a single-family home under the zoning regulations.

Commissioner Mips asked if the zoning would remain the same. Mr. Barz said yes.

Commissioner Jaggon asked the applicant to tell the Commission about the type of clients they will be taking in. Ms. Denalis said they would be taking in women with crisis pregnancies, some of whom are referred to them by the Department of Family Services, and foster care for young women who may not have a home. They assess their needs, help them find housing where they can graduate to an independent home within 90-days. She said it is mostly young women who aged out of foster care.

Commissioner Levine asked if the women transition out once they have their child. Ms. Denalis said yes and sometimes when they are pregnant they can transition out if they have the capacity but they help them with life skills and financial aptitude to make sure they can have an apartment. She said they largely act like a mom and dad and are able to provide a safe place and oversight.

Public Comment: None

Commissioner Levine asked if this would require any further fire protection because it is so far back from the street. Mr. Barz said that with the change from an office use to a residential use that the Fire Marshal has asked that it should at least meet the requirements of a residential flag lot because it is in the rear and they have asked that it be a condition of the approval.

Commissioner Mips asked about the septic issue that was raised by the Health Department. Mr. Barz said that it was not a condition of approval but that they would have to do that with the Health Department.

Commissioner Mips asked if they should make the condition of approval for the comments from the Fire Marshal. Mr. Barz said that was the recommendation by the Fire Marshal.

Motion: Commissioner Levine moved approval of the special use at 111 Prospect Hill Road, a group home, in the AA zone with conditions of approval to incorporate the Fire Marshal's comments in the staff report dated October 10th.

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 8:25 p.m.

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

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

Jill Levine, Secretary