

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

Present: Commissioners Mips, Levine, Jaggon (arrived at 7:25 p.m.), Jepsen, Kuintzle, and Alternate Commissioner Hallowell was seated for Commissioner Jaggon until 8:24 p.m.

Absent: Alternate Commissioners Harvey 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)

Commissioner Levine read a letter dated December 11th from residents Victor and Mary Lou Ramos requesting that Old Poquonock Road to the Windsor/Bloomfield line be reconstructed, like Baker Hollow Road, and noted safety concerns on Old Poquonock Road.

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

1. Event space at 147 Poquonock Avenue, Hudson

Camille Hudson, owner of Warehouse 635, was present and discussed interest in creating an event space at 147 Poquonock Avenue. She explained that she learned that the use is not currently allowed in the B2 Zone and that she would need to submit a text amendment to allow her business to occupy the address. She gave background on her business and why she is looking at 147 Poquonock Avenue. She discussed the size of the space, occupancy capacity, parking, surrounding businesses, hours of operation, and event insurance requirements, including no sale of alcohol allowed and an additional rider tied to their insurance policy. The primary business is for family and private network events and the hours are not suitable for pop-up parties.

Commissioner Mips asked if there was any way to do this without a text amendment. Town Planner Eric Barz said no, it is between uses as it is neither a restaurant nor a catering facility.

Commissioner Mips did not see how to change the regulations for that one unit. Mr. Barz replied that it would not be a regulation for that one unit but a special use in the B2 Zone.

Commissioner Levine said that Ms. Hudson mentioned there would be music and asked if that building is equipped to deaden the sound, with it being in a residential area.

Commissioner Mips recalled that it was the old Scully Motors garage and that it is constructed with concrete. She did not think noise would be an issue unless they were opening up windows.

Ms. Hudson said that typically they do not let a lot of noise out and said that she controls the volume of the speakers at the events. She said if it was a concern that she could install sound proofing in the space. She said she did not foresee noise being an issue with the doors and windows shut.

Commissioner Levine asked if the building had heat and air conditioning. Ms. Hudson replied that they recently updated it and it has a brand new HVAC system.

Mr. Barz asked the Commission if she would be wasting her time pursuing obtaining a text amendment.

Commissioner Mips thought the use would be in a good location with off-hour use most of the time, although she thought it might affect the package store parking.

Commissioner Hollowell asked if the text amendment would affect all B2 Zoned properties and not just the one the space would be in. Mr. Barz said that is correct.

Commissioner Hollowell said that they would have to be careful not to set a precedent for everything else.

Commissioner Jepsen asked if it was part of our downtown zone that might impact it somehow. Mr. Barz said not specifically, no. He said it is in what we call the Center Design Development District.

Commissioner Jepsen asked if that is something that would affect it in any way. Mr. Barz said that it could be a way to limit the use to the Center Design Development District.

Commissioner Hollowell said that would keep it clean for the other B2 Zone areas.

Ms. Hudson gave a handout to the Commission, which provided some background on her current event space in West Hartford.

Commissioner Levine asked if there were restrooms already in the space. Ms. Hudson replied that there is one ADA compliant restroom and that she would be looking to add another one.

Ms. Hudson thanked the Commission for their time.

F. Re-Approvals/Revisions/Extensions

- 1. .9 Site Plan – 605 Day Hill Road**, Cage and propane forklift cylinders, I Zone, Ferrell Gas
- 2. 3.9 Site Plan – 332 Poquonock Avenue**, Install 8' fence, B2 Zone, Dewey's Barrels, LLC
- 3. 3.9 Site Plan – 875 (777) Day Hill Road**, Modifications to the west & south sides of the soccer dome, I Zone, Alford Associates, Inc.

Assistant Town Planner Todd Sealy reviewed the approved applications.

Commissioner Mips asked about the modifications at 875 (777) Day Hill Road. Mr. Sealy said there were some parking lot revisions, adding soccer fields, drainage and cleaning up the site from the original approval.

G. Site Plans – None

H. Minutes

1. November 14, 2023

Motion: Commissioner Levine moved to approve the minutes of November 14, 2023 as amended.

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

II. MISCELLANEOUS – None

III. PLANNER’S REPORT

A. Update on recent development

This item was moved after agenda item V. Public Hearings.

Mr. Barz reported that the Day Hill Dome is now open and that the Target warehouse is close to getting their certificate of occupancy and expects that it will be ready by next month. He also noted that the groundbreaking at 144 Broad Street, formerly known as Arthur Drug, will take place on Wednesday, December 13th at 1:30 p.m.

IV. BUSINESS MEETING

A. Application Acceptance – None

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Zone Change – 1531 Poquonock Avenue, AA to AG Zone, 16.17 acres, Khan

Continued to January 9, 2024.

B. Design Development Concept Plan – 450 and 462 Bloomfield Avenue & 60 and 80 Dunfey Lane,

Multi-family residential development, 201 dwelling units, B2 Zone, 11.61 acres, A.R. Building Co. Civil Engineer and Project Manager for BL Companies John Schmitz, President of A.R. Building Company Jason Kambitsis and Traffic Engineer for BL Companies Mike Kurker were present.

Mr. Schmitz discussed the location of the site, neighboring properties, acreage, wetlands, previous use, site access, proposed site plan, which includes constructing four multi-story apartment buildings with a total of 201 apartments (one and two bedroom units), available utilities, open spaces, sidewalks, stormwater management, floor plans and elevations.

Mr. Kambitsis discussed the history of A.R. Building Company, existing properties they own and the materials they use.

Commissioner Levine asked about noise from the highway and if they had plans to provide sound proofing. Mr. Kambitsis said they have multiple properties like this and they get better rent and rarely have vacancies. He said the people like the light, the sound and the view of it. He said in Illinois they are looking to use sound attenuation windows, which is a thicker glass to help with the sound. He said they've never gotten a complaint.

Commissioner Levine asked them to talk about the sidewalks along Dunfey Lane. Mr. Schmitz said they would be providing new sidewalks along the entire frontage of the site, interconnecting sidewalks throughout the development, as well as a sidewalk for access to the Sunoco station and directly out to Bloomfield Avenue.

Commissioner Levine asked if they would be asking for a waiver for sidewalks. Mr. Schmitz said they would not.

Mr. Schmitz said that they also have a brief presentation from their Traffic Engineer Mike Kurker.

Mr. Kurker reviewed the traffic impact study and discussed site access, peak hours, traffic counts at the seven intersections, no-build conditions, build conditions, projected daily trips and recommendations.

Mr. Barz said that in the Town Engineer's memo, they questioned the peak hour trip generation of 77 in the a.m. and 79 in the p.m. as appearing low. He asked if they had a conversation with the Town Engineer and if it had been addressed. Mr. Kurker said that within the traffic memo they have the outputs from the IT Trip Generation Manual, which is the standard for assessing the amount of trips that are being generated. He said they have the outputs to show where those numbers come from and can provide those again if needed.

Public Comments:

Michelle Lenc of 42 Dunfey Lane shared concerns with the traffic study and reported being stuck in several traffic light cues because of the traffic on Bloomfield Avenue. She was concerned with the impact of adding 201 apartments and the backup it could cause, and did not think that it looked like it belonged in Windsor.

Joseph Cicero, III who owns the property and the property next door said this opportunity is with a good company that will build beautiful buildings and expressed his support for the project.

Bob Mazairz of 26 Silvia Lane agreed that the traffic is tough at Bloomfield Avenue. He would encourage an opportunity for homeownership and was in support of the project.

Olivia O'Neal of 314 Dunfey Lane expressed concerns with traffic and said that she has been stuck at the traffic light for 20 minutes. She said unless there was an alternate solution to get in and out of the development, she would be against this project. She did not think it was fair to the new residents and to those who currently live there now.

Mr. Barz gave a history of the different projects that had been proposed over the years. He said the applicants have met with the staff and there are some outstanding comments but nothing that causes concern that the hearing needs to be continued and thought that the Commission could approve it subject to resolution of outstanding items in the staff memos. He reminded everyone that a design development is a two-phase process where there is a concept plan and what that does is to allow the developer to come up with a general concept that gives the Commission a good idea of what they are being asked to approve – the density, the look, the layout, the access, the traffic and the architecture. If the Commission is comfortable with what is presented, then they will go back and start spending serious money on fully engineering the site – drainage, landscaping, lighting and utilities – everything that needs to be done. Then the applicant will come back with a detail plan, which for all intents and purposes is a site plan. He said that a detail plan allows the Commission and the staff flexibility to have discretion that we would not have on a site plan. He explained that there had been some confusion in the past where residents came out to speak against the detail plan and it is really too late at that point. The time to provide resident input is when the concept plan is presented. He hoped that everyone who wanted to say something on this application had done so.

Commissioner Mips asked if Mr. Barz could address the traffic issue because Dunfey Lane is a one-way in and one-way out and she had concerns if everyone has to come out on that road.

Mr. Barz said that he lives off of Mountain Road and that he could speak to the lawlessness of some of the drivers on that road. He said when the light turns green, you count to three and look both ways again because there is probably a truck coming through. He said that does not speak to the traffic counts here and they have followed best practices. He added that traffic perception is a weird thing and that one could sit at a traffic light and say that took five minutes when in reality it took 45 seconds. He said he did not doubt that there are times when there are 20 cars cued up to make a left at the red light but that he had never experienced it and could not say how often that occurs.

Commissioner Levine asked if the Town had ever considered adding another lane on Dunfey Lane, like a turning lane. Mr. Barz said no we have not.

Commissioner Levine asked if that was something that might be considered. Mr. Barz said that would be an off-site improvement that we cannot require. He said they have to go to OSTA (Office of State Traffic Administration) and they can, if necessary, make them provide improvements to Route 305, which is a state road, including turn lanes. He said that he spoke to the applicant and told them that the Town has a Bloomfield Avenue Plan, which was done by CRCOG with us and it called for dedicated left turn lanes south on Mountain, Brookfield, and a widening all the way down to Longview. He could not say that the State would put that onto the applicant but they could pick off a couple of points and ask them to do a few things. The applicant would be under obligation to do what OSTA requires.

Commissioner Mips asked when they would go to OSTA. Mr. Barz said they would go to OSTA before they can get a building permit. He added that they need the concept plan before talking to OSTA and would need a site plan before they will consider talking about it.

Commissioner Jepsen said there had been a plan to make Bloomfield Avenue double lanes all the way to Bloomfield. Mr. Barz said yes, all the way to Bloomfield.

Commissioner Jepsen said that kind of improvement could easily impact the traffic to this site. Mr. Barz said that it would improve it.

Commissioner Jepsen said he heard about this project years ago but no one is sure when or if it would happen.

Commissioner Mips said the concept of having apartments there is good but had concerns with the traffic in that area.

Commissioner Levine said that it was a very congested area.

Mr. Barz said that unless the site remains empty, the current proposal would have minimal impact there. It can only be worse.

Mr. Sealy noted there was a public comment letter in their packets that needed to be read into the record.

Commissioner Levine read a letter into the record from Susan Huser of 2 Whitward Place dated December 5, 2023. She shared traffic concerns and reported that there were already issues at the traffic light at the corner of Dunfey Lane and Bloomfield Avenue. She wanted to know how the additional traffic would be handled.

Mr. Schmitz reported that traffic counts were done on Thursday, November 9 and were done at peak periods in the morning from 7-9 a.m. and the afternoon from 4-6 p.m.

Mr. Kurker discussed ITE studies and how they determined trips that would be generated from the site. He also reiterated that the current proposal would generate much less traffic than other proposals in the past.

Mr. Kambitsis said the traffic analysis had already been shared with OSTA. He said they also do not want to have a project where people cannot get in and out and that would not work for them. He thought the project would have the least amount of impact with a high return.

Commissioner Levine read a letter into the record from resident Robert Mazairz stating that he supported homeownership with condominiums or townhouses and was against apartments; direct access from a commercial property directly into the proposed development; a dense development; developments overall footprint; building D's close proximity to the highway; and the large footprint of the four buildings.

Mr. Kambitsis addressed the comment on homeownership and why the prices are so high and said that it is that there is not enough housing being built. He said that is the reality of it and anything that would be for sale at this location would be far more on a monthly basis than anything they could charge here. He believed that by adding more housing brings the price down and that they are seeing that happen in other places. He said they think this is a great location to do this and that it will be a big addition to the community.

Commissioner Hallowell asked how many new apartment units are going in throughout town. Mr. Barz said there were about 190 apartments.

Commissioner Mips said she liked the look of these apartments but that her biggest concern is the traffic. She wished there was some way for OSTA to get involved before the Commission does their approval. She said it was a hard one and thought this project would be the best use compared to some of the other proposals that were denied in the past.

Commissioner Jepsen agreed with Commissioner Mips and added that the traffic has been horrible there for years but as presented it has the least amount of impact than any other development. He said we must trust OSTA and hopefully they can come up with improvements, like signal timing, etc. to alleviate the situation.

Mr. Kambitsis said they want it to work too and if they want them to make improvements then they will come back and show them to the Commission. He said they cannot do anything until OSTA says it is ok and that they have made it right.

Mr. Barz added that the Town will have input into the OSTA process.

Motion: Commissioner Levine moved approval of the Design Development Concept Plan for 450 and 462 Bloomfield Avenue & 60 and 80 Dunfey Lane with the condition that all of the outstanding issues identified in the Engineering Department's memo on December 1st and the Planning Department's memos on November 17th and December 6th be resolved.
Commissioner Jepsen seconded the motion and it passed 5-0-0.

Alternate Commissioner Hallowell stepped down and Commissioner Jaggon was seated at 8:24 p.m.

C. & D Re-subdivision and Special Use – 77 Lincoln Way, 2 lots, A Zone, 19.83 acres, Riley

1. Request for waiver of Subdivision regulations in section 3.8.4, Design Criteria for New Sidewalks, requiring sidewalks on all proposed streets
2. Request for waiver of Subdivision regulations in section 3.10, Preservation of Natural Features, requiring the site to be preserved to the fullest extent, and the cutting or removal of trees shall be held to a minimum
3. Request for waiver of Subdivision regulations in section 3.11, Sanitary Sewer, requiring sanitary sewers to serve all lots in any residential subdivision containing lots less than one acre
4. Request for waiver of Subdivision regulations in section 3.12, Public Water Utility Provision, requiring all residential subdivisions to be served by MDC water lines
5. Request for waiver of Subdivision regulations in section 3.13, Fire Hydrants, requiring fire hydrants to be installed at the developer's expense
6. Request for waiver of Subdivision regulations in section 3.16, Street Lighting Requirements, requiring street lighting along the frontage of all lots on all existing and proposed streets

Engineer and Land Surveyor Edward Lally and Engineer and Land Surveyor T.J. Barresi were present to discuss the application. Mr. Lally provided historic data on the property and discussed access to the property, what is allowed to be built on the property and the current proposal.

Mr. Barresi discussed the proposal, acreage, flag lot, frontage, site, wetland soils, septic system design, access with a shared driveway, residential sprinkler system, private wells, grading, drainage system,

conservation and preservation easements, density, open space, fee in lieu of open space, waivers requested, wetlands approval, and resolution of Engineering, Health and Planning Departments comments.

Commissioner Mips asked if they had approval from the Health Department for the septic system. Mr. Barresi said yes and that he had received written confirmation from Sanitarian Mike Rotondaro today.

Commissioner Levine asked if they would have sprinklers in the houses. Mr. Barresi said yes.

Commissioner Mips asked if they would have public water. Mr. Barresi said no, there would be wells.

Commissioner Levine asked if the driveway would be wide enough for fire apparatus. Mr. Barresi said yes and that it would be 18' wide, as required.

Commissioner Levine said she did not see a memo from the Fire Marshal's Office about turning radii. Mr. Barz said there would not be one for a project like this.

Commissioner Jepsen asked if it required a fire loop and Mr. Barz said no.

Public Comment:

Raymond Colla Jr. of 81 Lincoln Way shared concerns of how equipment would make it in and out and asked about details on the proposal. He gave information on the character of the street and was concerned what it would do to property values and the quality of life.

Montana Lopez of 75 Lincoln Way shared concerns with creating additional traffic and noise and spoke out against the proposal.

Tony Smith of 45 Lincoln Way agreed with others that had spoken and asked that Commission to come out to Lincoln Way to see the area before making a decision.

Mr. Barresi said that a former application to change it to agricultural land was denied and that the Commission thought it was best suited for residential use. He clarified that they are proposing two lots with two single-family residential homes. He added that construction equipment has already accessed the site twice when they did DEEP testing. He said it is a 25' wide access strip, which is 3' less than a town road. The owner hopes to be done by next fall and all noise will be just during the construction period while they develop the property.

Mr. Barz said the staff met with the applicant, who also intends to be the builder as well. The owner plans to build his own house and one other. He agreed with Mr. Barresi and said that construction happens and that it will be temporary. He said in terms of the appropriateness of a flag lot being in harmony with the area, if we held it to the standards that the neighbors are looking for then we would not have flag lots in town. He said that these are extremely oversized flag lots with conservation easements on them with significant amounts of open spaces surrounding them. He said that the second lot does have frontage on Matianuck Avenue, although it is inaccessible and will be sharing a driveway onto Lincoln Way, so that is how we are able to have two houses sharing a 25' right-of-way. He thought it was a reasonable proposal and conforms to the

zoning and subdivision regulations. He was not positive that everyone had a chance to review the final plans that Mr. Barresi submitted and suggested any approval be subject to final staff review.

Commissioner Jepsen asked if any utilities would need to be relocated and possibly a catch basin for where the driveway will be installed. Mr. Barresi said there are utilities that will need to be shifted and they have been in contact with Eversource about that already. Mr. Barresi said that a curb catch basin could become a curb less catch basin.

Commissioner Mips said that there are a number of waivers being requested. Mr. Barz explained that only waiver numbers 3 and 4 were necessary, Sections 3.11 and 3.12.

Commissioner Mips said that this piece of property has been looked at a number of times over the years and she thought two houses compared to changing it to an agricultural zone, which could have given the neighbors a lot of headaches, is a move in the right direction.

Special Use – 77 Lincoln Way, Section 4.5.14, Flag lots, A Zone, 19.83 acres, Riley

Motion: Commissioner Levine moved approval of the special use for 77 Lincoln Way into two flag lots in the AA Zone.

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

Re-subdivision – 77 Lincoln Way, 2 lots, A Zone, 19.83 acres, Riley

Motion: Commissioner Levine moved approval of the re-subdivision for 77 Lincoln Way into two lots in the AA Zone, including two waivers in the subdivision regulations for Section 3.11 pertaining to the Sanitary Sewer and for Section 3.12 dealing with Public Water Utility Provision, and subject to final resolution of all the outstanding issues outlined in the Engineering memorandum on November 15th, 2023 and the Planning memorandum on December 6th, 2023.

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

E. Subdivision – 903 and 1001 Day Hill Road & 141 Old Poquonock Road, 2 lots, I Zone, 37 acres, Alford Associates, Inc.

- 1. Request for waiver of Subdivision regulations in section 3.8.4F, Design Criteria for New Sidewalks, requiring sidewalks on all proposed streets**

Engineer and Land Surveyor Christian Alford and Owner Mark Greenberg were present and discussed the property, acreage, small piece of land to be deeded to the Town to redo the intersection and creation of two lots.

Commissioner Mips asked if what was shown on the map in green was wetlands. Mr. Alford said no, some are wetlands and some are water quality basins that would be constructed.

Commissioner Levine asked if the two proposed buildings were indicated in the beige part shown on the plan. Mr. Alford said yes and that the gray areas were the parking lots and loading areas. He said there would be a road that connects on the north-side up to where the dome is under construction.

Commissioner Levine asked if Mr. Alford could show her on the plans where Baker Hollow is located. Mr. Alford showed her.

Mr. Alford stated that they are also looking for a waiver for the sidewalks. Mr. Barz added that the waiver will only apply to Old Poquonock Road and that they will have sidewalks on Baker Hollow Road.

Public Comment: None

Mr. Barz said that staff met with the applicant and engineer. He noted that staff did not have many comments. He said it was quite a simple subdivision that did not require many comments. He added that there is an Engineering Department memo dated December 6th and would recommend any approval subject to resolution of any outstanding items.

Motion: Commissioner Levine moved approval of the subdivision for 903 and 1001 Day Hill Road & 141 Old Poquonock Road into two lots in the I Zone pending resolution of the issues in the Town Engineer's memorandum on December 6th, including the applicant's request for a waiver concerning the sidewalks only on Old Poquonock Road.

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

Commissioner Mips asked Mr. Barz to add the resident request that Old Poquonock Road be reconstructed to those who put the CIP (Capital Improvement Plan) together, since that is not something that the Planning and Zoning Commission can require the Town to do.

VI. PUBLIC COMMUNICATIONS AND PETITIONS – None

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 9:11 p.m.

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

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

Jill Levine, Secretary