

**SPECIAL MEETING MINUTES
TOWN PLANNING AND ZONING COMMISSION
MARCH 19, 2024
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine, Jaggon, Jepsen and Alternate Commissioner Hallowell (seated for Commissioner Kuintzle)

Absent: Commissioner Kuintzle and Alternate Commissioner Harvey

Also Present: Town Planner Barz, Assistant Town Planner Sealy and Secretary Andrea D. Marcavitch

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7:09 p.m.

- A. Public Communications and Petitions (five-minute time limit per person)**
- 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. Clover Street Fields, Parking lot improvement

Town Engineer Suzanne Choate was present and stated that the engineering firm hired by the town has recommended raising the grade of the playing fields by an average of 1.5 feet and the addition of underdrains to attain proper drainage of the field. The storm system improvements and construction of a paved parking lot, with 45 parking spaces is part of the project, along with removal and replacement of the existing restroom building is also proposed.

Commissioner Mips said there was a discussion the other night at the Council meeting about this and that this would be an improvement for them.

Commissioner Levine asked about the underdrains and assumed those would be like catch basins. Ms. Choate said the underdrains under the field are perforated pipe and stone and then the topsoil is supplemented with sand so that the water goes to the under drains quickly and out of the area. She said the pipes are connected to catch basins and there are catch basins on the plan for the parking lot as well. She said on the field is just pipes under the ground. Commissioner Levine clarified that the water would just leech into the ground and Ms. Choate said correct.

Commissioner Levine asked if there would be any need to clean out the catch basins periodically. Ms. Choate said they should not require it.

Town Planner Eric Barz asked if the pipes were wrapped with filter fabric and Ms. Choate said correct.

Commissioner Jepsen asked where any runoff water would go in the case of a large storm. Ms. Choate said there is a large swale along the property line that abuts the residences and there are catch basins along there. She said the water indirectly goes there now but with the regrading it will be directed to the swale.

Commissioner Jepsen clarified that it would not affect any property owners because there is a swale and Ms. Choate said that is correct.

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, recommends the Windsor Town Council agree to the improvements of the Clover Street playing fields parking lot and replacement of the existing restroom building. Commissioner Jepsen seconded the motion and it passed 5-0-0.

2. 400 Deerfield Road, Land acquisition

Town Engineer Suzanne Choate stated that as part of the design for the Windsor River Trail from East Barber Street to Windsor Center, the consultant for the project, East-West Engineering, has identified properties that are not owned by the Town of Windsor, which would require permission from the property owners in order to survey and build on. In contacting the owners of record, the property owner for 400 Deerfield Road has indicated both verbally and in writing that she wishes to donate the property to the Town of Windsor, to be utilized for the Windsor River Trail.

Commissioner Levine said the person who is donating the property is Janet Cohen but the property is titled “Property of Marguerite E. Mills and the Hartford Electric Light Co.” and she asked if Ms. Cohen has the legal authority to donate the property. Mr. Barz said the title is just referring to a map that shows the metes and bounds of the property and that it is not a deed. Ms. Choate confirmed that the title is just referring to the map.

Commissioner Levine said she was just concerned because when looking at the title, it does not look like Ms. Cohen owned the property.

Mr. Barz said it was fine and Ms. Choate clarified that they just did not do a new map when Ms. Cohen acquired the property.

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, recommends the Windsor Town Council accept the property of Ms. Janet Cohen as shown on “Property of Marguerite E. Mills and the Hartford Electric Light Co.”, dated March 1967, by W.M. Alford, which is on file in the Town Clerk’s Office in the Town of Windsor, Connecticut as Map Volume 11, Map Number 1066.

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

3. **1190 Kennedy Road, Easement acquisition**

Town Engineer Suzanne Choate was present and said the development and construction of the BDL Logistics Center located at 1190 Kennedy Road included new sidewalks along Kennedy Road, Hayden Station Road and River Street. The sidewalks fall outside of the town's right-of-way. She said the sidewalk easement was not previously indicated on the site plan and that in their packets is a plan showing the proposed sidewalk easement.

Commissioner Jepsen asked if the town would take over the maintenance. Ms. Choate said the maintenance of sidewalks is almost always the responsibility of the property owner. She asked if he was referring to shoveling of snow. Commissioner Jepsen said no and asked who would be responsible if the sidewalks needed to be rebuilt or repaired. Ms. Choate said that would be the responsibility of the town.

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, recommends the Windsor Town Council accept the easements at BDL Logistics Center, as shown on "BDL Logistics Center #1190 Kennedy Road, Easement Map, dated December 4, 2023, sheet 1 through 3 of 3, prepared by Langan, CT, Inc."

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

E. **Pre-Application Scrutiny – None**

F. **Re-Approvals/Revisions/Extensions**

1. **3.9 Site Plan – 205 Baker Hollow Road**, Add driveway on west side of proposed building, I Zone, Alford Associates, Inc.
2. **3.9 Site Plan – 1001 Day Hill Road**, Add one softball field, I Zone, Fastpitch Nation/Rocha

Assistant Town Planner Todd Sealy reviewed the approved applications.

G. **Site Plans – None**

H. **Minutes**

1. **February 14, 2024**

Motion: Commissioner Levine moved to approve the draft minutes of February 14, 2024 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

Mr. Barz was happy to report that the Building Department had finished their review of the plans for Bowfield Green, which is the apartments and retail complex on the former Ardery Chevrolet site, so that will be commencing soon. He said the Target frozen food warehouse will be getting their certificate of occupancy, if they have not received it already, to begin filling the warehouse and operating. He continued that the Baker Hollow Road construction is underway

Commissioner Mips said that it was good to see the fence up at the Ardery Chevrolet site because it means they are starting.

Commissioner Jaggon asked if there were any updates on the movie theatre building. Mr. Barz said there were none.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Design Development Detail Plan – 1100-1900 Old Yankee Drive**, 192 apartment units, PVD Zone, 11.922 acres, Poquonock Commons, LLC
2. **Amendment to Plan of Conservation and Development (POCD) – 5T & 105 Birchwood Road**, Open space to AG, 6.95/8.63 acres, AG/AA zone, Davis (May)

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Special Use – 25 Central Street, Section 5.2.6B, Commercial recreational and cultural buildings and facilities, B2 Zone, .64 acres, McKay

Owner Stephen McKay and Sarah McKay were present and Mr. McKay gave a quick overview. He discussed location, former use, possible events, historic character and architecture, parking, proximity to local landmarks, anticipated hours of operation, plans to add sound dampening, mission and community engagement and involvement. He said they envision to have two phases, where the first will be to continue to operate as raw event space. He said they found without advertising that there is a tremendous demand for just the rental of a room for family gatherings, weddings, etc. He said the primary focus would be live music, room rentals and moving forward to phase 2 to add a kitchen and a bar as well.

Commissioner Levine asked how they would propose to handle if a renter wanted to bring food in. Mr. McKay said he did not know what the rules are with a private party but he knew that if it was a public event that it would have to be catered by a certified catered kitchen. He said those are the rules and they will stick to them.

Commissioner Jaggon asked if he planned to bring in any Caribbean, West Indian reggae music. Mr. McKay said that they planned to offer a spectrum of music.

Commissioner Levine asked about the parking. Mr. McKay said that he believed they have about 40 on-site parking spaces and they have adjacent parking at CVS, the arts center, the train commuter lot and right up on Main Street. He said it is not too much of a task to walk 500 yards and thought they were well suited to serve those who are coming to their location.

Commissioner Levine asked if the owners of those lots are agreeable to having them use it. Mr. McKay said so far they have been very fortunate and people have been very encouraging.

Public Comment:

Nancy Moses of First Town Square, which faces the building on Central Street, voiced support to bringing vitality to the town center but also raised concerns of parking, safety, noise, and quality of life for those who live nearby. She said that there has been a band practicing there recently and the level of noise/music is excessive to the point where it is bouncing around the buildings and back to her building. She had major concerns if they are looking to hold events and have that level of noise until midnight. She suggested that some major soundproofing needed to be done and to have the doors closed, especially the garage door on the side.

Commissioner Mips said they had received 28 letters in favor of the application that were emailed to the Planning Department. She acknowledged that the Commission had read through them all so they did not have to read all 28 of them into the minutes.

Dave Morad of 45 Prospect Street spoke in favor of the application and noted there should be more street parking available when the road diet goes into effect on Broad Street.

Mr. Barz said that the staff had met with the applicant and reviewed the application. He said he had heard the complaint of Ms. Moses before and stated that if the Commission were to approve it that it should be with the condition that additional soundproofing is installed and that the doors are to remain closed during events. He stated that it has been the Commission's practice to have an initial one-year time limit on applications like this. The applicant will come back in a year and the Commission can re-evaluate the conditions over the past year and make any modifications necessary and possibly grant a longer time limit. He said as far as the future plans, originally they had talked about a taqueria restaurant and Covid derailed that. He asked Mr. McKay if that was still the end goal or if they had changed tack, as he heard something different tonight than staff had heard a few weeks ago.

Mr. McKay said they are still working on the menu but the idea is to have some food element to the facility.

Mr. Barz said that his concern is the use of the word bar and we do not have such a thing in town. He said we have full-service restaurants that have full liquor permits that may have a bar component to them.

Commissioner Mips said they would have to come back again for the Commissioner to review and Mr. Barz said yes.

Mr. Barz continued that we are talking about a theatre here, at this point, and if caterers or mobile bartending services are serving a wedding or other event that is one thing, but becoming a liquor establishment is another matter. Mr. McKay said he understood.

Mr. McKay said he appreciated Ms. Moses' comments. He said he has a DB meter and he likes to imagine that he is a neighbor with a facility like this. He said he thought the garage door is one of the biggest villains in the sound progressing and said that it is easy for him to sit on things and keep a lid on it. He thought overall the positives far outweigh the negative and something that the town is thirsty for.

Commissioner Hallowell asked what parking is assigned to this location and if it was sufficient for the occupancy that is being requested. Mr. Barz said there are a number of different property owners there and they are all sharing a common parking area, other than an apartment building owned by the Seligs, which has designated parking spaces behind it, all the parking back there is on a first-come first-serve basis. The tavern may end up spilling onto his property and vice versa. He said people will find a place to park and they might park at town hall. The Plaza Theatre does not have much parking and they will be using the town hall parking lot, street parking or the commuter lot. He said they wrote a regulation a few years ago to facilitate this kind of redevelopment and we said any existing floor area prior to the adoption of that regulation does not have to provide additional parking as a result of a change of use. He said despite that, the Commission has the discretion to say that this will create an untenable situation and could deny it on that basis but he did not think that is the case here.

Commissioner Mips said that there is still a walkway along the back of the CVS and the post office to the town hall parking lot, so you do not have to walk all the way around. Mr. Barz said yes there is.

Commissioner Levine said they would have the one-year time limit so if there is a problem they can address it.

Mr. Barz said the onus is on the applicant to police his events and be sure that it is not creating issues during that time.

Mr. McKay said that the vast majority of the parking along the side and behind the building is actually part of their property and they allow the Union Street Tavern to utilize that space. He said they found a lot of commuters parking in there for three to four days, which they would like to discourage. He said if you go up to Northampton, MA, most of those venues do not have on-site parking. He thought they were in pretty good shape but that they would keep an eye on it.

Motion: Commissioner Levine moved approval of the special use at 25 Central Street under section 5.2.6B, Commercial recreational and cultural buildings and facilities, in the B2 Zone, subject to the following conditions: installation of soundproofing, the doors to remain closed during events, and a one-year time limit.

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

Mr. Barz asked the chair if they could go back to communications and petitions, agenda item I.A., as he just realized that there are people in the audience that wanted to speak to the Commission about something.

I. NEW BUSINESS

A. Public Communications and Petitions

Mark Ferraina of 126 West Street stated that he was present to discuss the apartment application for the Design Development Detail Plan for Poquonock Villages. He said they were originally before the Commission in 2012 and received approvals. He continued that they came back in 2022 to be re-approved for the apartments and then last year towards the end of the year they applied for a text amendment to make some revisions to the site plan. He said they will be coming in with a revised site plan application next month with parking at the perimeter and 192 apartments in four buildings, instead of eight. He said he was here this evening to seek some financial relief because they have paid the fees on the schedule for both the concept and detail plan, which are pretty steep fees, and they wrote another large check for the fees for the revision. He said that it was really a site plan revision and not a completely new application.

Mr. Barz said that we collected a base fee and then \$100 per unit and when you multiply it by 192, it is a large sum. He said we have been through this process a few times and we are not going to be spending a lot of time going through the tweaking of the plan and he thought it was reasonable to cut the per unit fee in half, plus the base fee, if the Commission was amenable.

Commissioner Levine said that it sounded reasonable to her.

Commissioner Mips said that she could see cutting the per unit cost in half because a major portion of it had been reviewed by staff.

Commissioner Jepsen asked what the base fee was. Mr. Barz said \$210 (The fee is \$160).

Motion: Commissioner Levine moved approval to cut the per unit cost in half (which would reduce the fee for the Design Development Detail Plan application for 1100-1900 Old Yankee Drive). Commissioner Jepsen seconded the motion and it passed 5-0-0.

The Commission went back to agenda item IV. A. Application Acceptance as it had been accidentally skipped. Mr. Barz reviewed the applications with the Commission.

The Commission continued the public hearing portion of the agenda.

V. PUBLIC HEARINGS

B. Text Amendment – Section 5.2.6R, Event spaces, TOW

Mr. Barz reviewed the application and discussed the history, purpose of the amendment and read the text amendment into the record.

Commissioner Levine asked if Mr. McKay's application would really fall under this regulation. Mr. Barz said his application was more of a theatre because he was holding a lot of large community events, like the dance, the pop up event and events of that nature.

Commissioner Levine made one correction to the last sentence and stated there are two r's in the word referral. Mr. Barz noted the correction.

Commissioner Jepsen said that it mentions Windsor Center or Wilson and he asked if we have defined areas that showed what that encompasses. Commissioner Mips said these are design development districts and stated that there are maps.

Commissioner Hallowell asked if there was a reason why we did not call it the design development center as opposed to Windsor Center or Wilson.

Commissioner Levine asked if St. Casimir's hall also fell into this. Mr. Barz said that it is a non-profit club.

Mr. Barz asked Mr. Sealy to look in the appendices to look for the names of the areas that are referenced in the regulations.

Commissioner Levine asked why we had to name the areas that this regulation would apply to. Mr. Barz said that we were trying to limit it to the areas where we wanted to concentrate this type of activity.

Mr. Sealy handed the appendix pages to Commissioner Hallowell and she read that the pages were A-22 and A-23.

Mr. Barz said that he would amend the regulation to say "Windsor Center and Wilson as shown in appendices A-22 and A-23" and then it would continue as written. He thanked the Commission.

Commissioner Jepsen asked if there were interested parties proposing a location within that map. Mr. Barz said yes.

Mr. Barz clarified that it would have to be in the B2 Zone within those areas.

Public Comment:

Camille Hudson of 8 Westview Drive in Bloomfield spoke in favor of the application. She had come before the Commission a few months ago and spoke during pre-application scrutiny where she shared her ideas for a new event space. She currently owns an event space in West Hartford and is hoping to expand her business into Windsor.

Mr. Barz said that under our current procedures, Ms. Hudson could submit an application in the next few days and if we have enough time to advertise it, then we will let Ms. Mips know and we will add it to the agenda for next month.

Motion: Commissioner Levine moved approval of the text amendment for section 5.2.6R, Event spaces, as amended.

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

C. Text Amendment – Sections 2.2, 8.6J, 10.5.12 & 15.2.3, Landscape contractor’s yard, TOW

Mr. Barz gave background information and read the text amendment into the record. He amended the date on the last page to read March 19, 2024. He said in a nutshell, you can come in under the I and AG zones and ask to be a landscape contractor, subject to the previous conditions or you can be a nursery allowed in any zone by special use under these conditions. He said that the businesses who were present in the audience and affected by this amendment would be grandfathered in and if they needed to make changes over the years to their use they could do it with another subsequent special use, but landscape contractor’s yards going forward will not be approved as a new use in any zone, only in the AG or I zones.

Commissioner Levine brought to Mr. Barz attention that rakes and shovels were sold at some of the existing businesses and did not want them to be out of compliance. Mr. Barz said that he was not aware that they sold rakes and shovels and asked her how the text should be amended. Commissioner Levine suggested that the sales of lawn mowers or vehicles be prohibited. Mr. Barz read back the edits made to section 15.2.3A(1), so it would read, “The sale of lawn mowers, or vehicles is prohibited.”

Commissioner Hallowell said that she was confused because under section 15, Special Uses, special uses were permitted in any zone but that Mr. Barz just said that landscaping use is in any zone and nurseries are only allowed in the AG and I zones. Mr. Barz said that it is only for those that are grandfathered in. He said that horticultural nurseries in any zone can be approved by special use and landscape contractor’s yards would be bound by section B and only allowed in the AG and I zones unless grandfathered in before March 19, 2024.

Commissioner Hallowell asked for clarification and said if she was in a residential area and a new person wanted to come in to do a landscaper’s yard then they would have to do it by special use. Mr. Barz said no, they cannot do it in a residential zone. He said that regulation would send them to the I and AG zones.

Public Comment:

Phil Thulen of 33 Tunxis Street and the owner of Philip’s Lawn Care said that he was in support of the text amendment. He added that his business is in the B2 zone and had been there for the last five years with no issues with neighbors or anyone. Mr. Barz reminded him that he would be coming in under the new regulation. Mr. Thulen said yes, for his next permit.

Mr. Jaggon recalled there had been an issue with box storage. Mr. Barz said that is a special use issue for when Mr. Thulen comes back and not an issue for the text amendment.

Bob St. Jacques of 836 Palisado was present for Four Seasons Landscaping and said that they have been in Windsor for 20 years under a special use permit. He thanked Mr. Barz for the text amendment and for helping to keep them in Windsor.

**Text Amendment – Sections 2.2, 8.6J, 10.5.12 & 15.2.3, Landscape contractor’s yard, TOW
Motion: Commissioner Levine moved approval of the text amendment for sections 2.2, 8.6J,
10.5.12 & 15.2.3, Landscape contractor’s yard, as amended.
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 8:11 p.m.
Commissioner Hallowell seconded the motion and it passed 5-0-0.**

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on
March 19, 2024.

Jill Levine, Secretary