

**MINUTES  
TOWN PLANNING AND ZONING COMMISSION  
APRIL 9, 2024  
7:00 P.M. HYBRID MEETING  
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Levine, Jaggon and Jepsen, and Alternate Commissioners Hallowell (Via Zoom for Commissioner Mips) and Harvey (for Commissioner Kuintzle)**

**Absent: Commissioner Mips**

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

**I. NEW BUSINESS**

Commissioner Levine opened the meeting at 7:01 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**

Commissioner Harvey reported that she attended CRCOG's quarterly meeting on March 21 and that there will be a hearing on the draft POCD (Plan of Conservation and Development) on September 19.

**C. Zoning Enforcement Officer's Report – None**

**D. C.G.S. §8-24 Referral Requests – None**

**E. Pre-Application Scrutiny**

**1. Zone Change or text amendment to allow multifamily residential – 300 Corporate Drive – 142 apartment units, I Zone, 7.99 acres, A.R. Building Company (ARB)**

President of A.R. Building Company, Jason Kambitsis, was present and discussed the background of the company, gave examples of completed projects and showed examples of typical exteriors, interiors and amenities. He discussed the current property, surrounding properties and his proposal before asking for feedback from the Commission.

Commissioner Jaggon asked if the company had any major litigation open in Pennsylvania. Mr. Kambitsis said yes, they had one and they are settling. He explained the situation and said they are changing their process and are learning from it.

Commissioner Harvey asked if any of the other developments they have built were located in or around industrial zoned land and how that has worked out. Mr. Kambitsis said that they have one project similar to this one located in North Smithfield, RI where the CVS corporate park is located and they used light industrial land.

Commissioner Levine asked, for the record, what side of the road is Corporate Drive located on. Mr. Kambitsis said that it is on the south-side of Day Hill Road.

Commissioner Levine asked if that fell within the purview of the consultant we were talking about hiring. Mr. Barz said that it is the same issue that we spoke about a month or two ago when someone else came to propose housing on the south-side of Day Hill Road.

Commissioner Levine asked Mr. Kambitsis if he was aware of what they were talking about. Mr. Kambitsis said he was aware of a previous application that came before the Commission to put apartments in.

Commissioner Levine explained that when Day Hill Road was initially conceived it was envisioned, so they have been told, that no residential units would go on the south-side of Day Hill Road and now the whole concept of Day Hill Road has evolved because of Covid and the time that we are living in. She said rather than do this piecemeal, the Commission had a discussion a month or two ago to hire a consultant to give them some direction as to the future. She asked Mr. Barz if anyone has been hired yet. Mr. Barz said no and that they are still in the process.

Mr. Kambitsis asked where in the POCD it stated that there could be no residential use on the south-side. He said he did not see it. Mr. Barz said he would have to look as he did not know off the top of his head. He said the Commission has had this discussion numerous times and that they were in the process of updating the Day Hill Road chapter when Covid hit. He explained that a previous residential development had been denied because of the language in the plan.

Mr. Kambitsis said they could not find that language but did find information about converting unused land to residential.

Commissioner Levine said she brought it up to be sure they were aware. Mr. Kambitsis said they are aware. He said in Connecticut there is no such thing as precedence and if you do one, you do not have to do the other. He said the POCD does talk about the PUD process.

Mr. Barz interrupted to be sure the Commission new that Mr. Kambitsis was referring to Planned Unit Development, which is a common use community, not Planned Urban Development. He said the tool that we use to create them are the design development districts.

Mr. Kambitsis said this property has never had anything on it, where other properties may have been conversions or things like that. He felt like this project was on the edge and that it would not have any major effect. He said they are looking to get any kind of direction as to whether this makes sense. He said he believed it was a different use than what was brought before the Commission on February 16. He said it is not a specific user but a multitude of users and there would be inclusionary housing like they talked about on their project on Bloomfield Avenue, which there will be 10%.

Commissioner Levine asked if developing apartments as opposed to building condos and selling them was more financially sound for him. Mr. Kambitsis said that it depends on what you view as financially sound. He said condos have a higher value on a per unit basis than apartments. He said from a usability

standpoint, condos have not really bounced back even from 2008. He said they are not seeing it in the markets they are in. They are seeing it in very high-end markets, like in Miami but even those are starting to falter.

Commissioner Levine said that over long-term there would be a better return on apartments. Mr. Kambitsis said you would hope over a very long-term. He said these make money over a 10-30 year horizon and you do not get paid back instantly.

Commissioner Jepsen stated that we are at a crossroads with the Day Hill corridor. The area had always been commercial, then we had warehouses popping up everywhere and now people want to put in apartments and that it is a lot for the Commission to grapple with and that is why they need a consultant. He said the Commission needs to be sure we are going down the right path here because our old path seems broken and we want to make the right choice going forward.

Commissioner Levine said she did not think it was broken but that it was evolving.

Mr. Barz said that we had told the previous apartment developer that we would not wait until the end of the 18-month planning process to adopt the plan chapter for Day Hill Road. He said we made a promise to them that we would break that chapter out and go through the process of getting it adopted while the rest of the plan is still being developed.

Mr. Kambitsis said he heard what they were saying and added that this property is different when you look to other properties south of Day Hill Road, just in the sense of its size. He said there is only 4-5 usable acres on it. He said he could understand if it was a 20-40 acre parcel. He said they look for properties of this size because the use is often limited to what you can developed on them.

Commissioner Jepsen said he had some concerns on the impact to our schools and fire. Mr. Kambitsis said they run into this conversation on all of the projects that they do. He said that they do not really build for families as they mainly offer one and two bedroom units. He said they have three-bedrooms in places where they have to put them. He said he understood the concern but usually their impact is small.

Mr. Kambitsis thanked the Commissioners for their time.

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

1. **3.9 Site Plan – 465 Park Avenue**, Add 10'x12' shed, R13 Zone, Holy Zion Church
2. **3.9 Site Plan – 651 Day Hill Road**, Office/warehouse facility, 6.57 acres, I Zone, S.C. Schroder & Associates, LLC
3. **3.9 Site Plan – 1215 Kennedy Road**, Guard shack improvement, I Zone, Amazon/Obruzut
4. **3.9 Site Plan – 425 Day Hill Road**, Landscaping and grading revisions, I Zone, Alford

Assistant Town Planner Todd Sealy reviewed the approved applications.

#### **G. Site Plans – None**

**H. Minutes**

**1. March 19, 2024**

**Motion: Commissioner Jepsen moved to approve the draft minutes of March 19, 2024 as amended. Commissioner Jaggon seconded the motion and it passed 5-0-0.**

**II. MISCELLANEOUS – None**

**III. PLANNER’S REPORT**

**A. Update on recent development**

Mr. Barz announced his retirement as of June 21, 2024. He thanked the Commission and said that he has enjoyed working with everyone.

Commissioner Levine thanked him for his work and said that he would be missed.

**IV. BUSINESS MEETING**

**A. Application Acceptance – None**

**B. Old Business – None**

**V. PUBLIC HEARINGS**

Commissioner Jepsen read the legal notice into the record.

**A. Special Use – 147B Poquonock Avenue, Section 5.2.6R, Private Event Facility, B2 Zone, Hudson**  
Camille Hudson was present and discussed how the space would be used, parking and hours and days of operation.

Commissioner Levine asked about parking and if it would necessitate a condition of approval based upon a parking analysis by a skilled professional. Mr. Barz said he did not believe so.

Commissioner Levine asked about the bathrooms. Ms. Hudson said there is one ADA compliant bathroom now and that she is installing a second ADA compliant bathroom.

Commissioner Levine asked if it was her intention to construct privacy walls to protect the neighbors that about the property. Ms. Hudson stated Enterprise is raised above her and that there is a retaining wall in the back and that she could not see their place of business from the property. She said on the other side of her is a wine and spirit shop.

Commissioner Levine asked if there was any residential around her. Mr. Barz stated that she might have to do sound installation to the rear for residential neighbors and staff will be looking at that during the buildout process.

Commissioner Levine asked if we should make that a condition of approval. Mr. Barz replied that it is already in the regulations.

Ms. Levine asked if the Health Department would have to approve the kitchenette and Mr. Barz replied yes.

Commissioner Levine as if it would need to be conditioned upon the Health Department's inspection of the kitchenette. Mr. Barz said no but that the Commission could add a one-year time limit, like they have done with other applications in the past. He said the one-year would not start from this evening but would start once the CO is issued.

Commissioner Harvey asked if any of the events would involve music either live or a DJ. Ms. Hudson replied that there is not enough room for live music but that it probably would include a DJ. She said there are controls that she can put in place with the speaker system in the space and in addition to that, she is working on getting additional soundproofing.

Public Comment: None

Mr. Barz reported that staff had met with the applicant on several occasions. He said we wrote and adopted a regulation last month that puts all of the necessary conditions in writing, which governs alcohol, sound proofing and other issues, so staff is comfortable recommending approval with a one-year time limit.

**Motion: Commissioner Jepsen moved approval of the special use for 147B Poquonock Avenue Section 5.2.6R, Private Event Facility, B2 Zone, Hudson with the proviso that the special use is extended for one-year from the date of the CO issuance.**

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

**B. Design Development Detail Plan – 1100-1900 Old Yankee Drive**, 192 apartment units, PVD Zone, 11.922 acres, Poquonock Commons, LLC

Mark Ferraina of 126 West Street, Licensed Engineer and Land Surveyor, TJ Barresi, Associate Principal Ryan Schicker of EDM studios, and development partners Ben Caruso and Paul Kula were present. Mr. Ferraina gave an overview and discussed the timeline, history of the property, size, number of units, zoning requirements, increase in building height and green space and decrease of footprint and parking.

Mr. Barresi reviewed the previous approval, surrounding area, open space, public roads accepted by the town, revised site plan, reviewed proposal, parking, mail kiosk, rental garage spaces, dumpster locations, emergency access lane, walkways, cross walks and ramps, grading, drainage, utilities, landscaping, parking islands and lighting. He reviewed staff comments and minor changes made to the plans. He also addressed public concerns communicated via email about the pool, clubhouse, maintenance building, mislabeled unit, snow storage, addition of extra evergreens at the property line, removal of a garage by unit number 412 (shown on addendum drawing), green space and decreased impervious area. He said he believed they had addressed nearly all concerns and had worked with those who had shared concerns.

Mr. Barz commented on a public comment letter that made mention of the visitor's parking areas in the area already constructed not meeting expectations and asked if they had seen that comment. They responded that they had not seen that one and that it was new to them. Mr. Barz said he thought there was a little bit of a misunderstanding but that there might be a legitimate concern. Mr. Ferraina said he had not had the opportunity to read the letter but he believed that there were three or four auxiliary parking areas in the development and thought they all had 10-12 spaces in each lot. He mentioned one was shown on a drawing

and that there was another one immediately adjacent to the clubhouse, which held 20-25 parking spaces. He believed there was auxiliary parking spaces for 40-50 additional cars in the residential portion of the development. Mr. Barz said the letter from Eric Shields is disputing that number. Mr. Ferraina said that the parking spaces are not stripped and may need to be. He added that this parking is in addition to the resident's driveways.

Mr. Barz said that they have some garage spaces and asked if those were in addition to the one and a half required spaces. Mr. Ferraina and Mr. Barresi said yes.

Mr. Barz asked how many garages are there and Mr. Barresi said 44 bays. Mr. Barz said that they have 44 more spaces than are required but there is no guarantee that they will all be rented and Mr. Ferraina said right.

Mr. Barz said there is a potential for 44 more spaces than what is required in terms of the concern that their tenants are going to spill over into the rest of the development and its visitor parking. Mr. Barresi asked if the garage bays counted as parking spaces, and Mr. Barz said yes.

Mr. Ferraina said they are showing 332 spaces. He said they had a conversation earlier that the garages count as parking spaces and Mr. Barz said correct.

Mr. Ferraina clarified that they have the 288 plus the 44 garages. He added that the text amendment resulted in a reduction of 69 spaces. Mr. Barz said that they have more than one and a half spaces per unit. Mr. Ferraina said yes they do.

Mr. Schicker reviewed the architecture and elevations and discussed modules A (one-bedroom unit) and B (two-bedroom unit), 12 units per floor, an equal mix of one- and two-bedroom apartments (96 of each), accessibility, entry lobby, library, meeting/work rooms, event space, fitness center, work spaces, roof plan, potential solar on west-side and the clubhouse (pool house) with bathrooms.

Commissioner Levine asked if the clubhouse he was referring to would be the second clubhouse in the development. Mr. Schicker said yes but that it would not include as many functions as the current clubhouse. He said this is just the pool house, the leasing office and bathrooms.

Mr. Ferraina said the community rooms and activities will be designated in the center lobby areas. He said each building would contain one of those assortment of four floors of community amenities.

Commissioner Levine shared concerns she heard that fire fighters have been told that if there is solar on a building, not to go in to put out the fire. Mr. Schicker said in a single-family residence that may be true because there is often a no automatic emergency shut off, so if the solar was pulling power and the fire fighters spray it, there could be kick back.

Commissioner Levine asked how that would work with a larger apartment building. Mr. Schicker said because they have a full fire alarm system in this, when the fire alarm goes off, it cuts everything off to the building and helps keep the fire fighters safe when there is solar. Commissioner Levine said that made her feel a little bit better.

Mr. Ferraina reviewed how they plan to use any solar energy collected.

Mr. Schicker added that they provided a full photometric plan for lighting and stated that they do meet the regulations.

Commissioner Levine said that there are a number of items on the staff review sheets – one from the town staff and one from the Engineering Department. Mr. Ferraina said all have been reviewed and discussed in the staff meeting this morning. Mr. Barresi said he submitted letters to the Planning and Engineering Departments on responses to comments.

Mr. Sealy noted that those responses are still under review by staff.

Commissioner Levine said that they would make them conditions of approval if we got to that point.

Commissioner Harvey asked about wetlands and that she did not understand the memo. She said that it was not really an approval from the Wetlands Commission and asked if that was correct. Mr. Barz asked Mr. Sealy if Ms. Thompson, the Wetlands Agent, had finished her review and approval. Mr. Sealy said that a memo was given to the Commission stating that the Wetlands Commission had delegated the approval to the Wetlands agent. He said it was his understanding that she was waiting on a final set of the plans from the applicant to review for approval.

Commissioner Levine said that they cannot approve anything until the Wetlands Commission has approved it and asked Mr. Barz if that was correct. Mr. Barz said that is correct and that he did not realize that it had been deferred and not approved. He said Ms. Thompson has to finalize the approval and then the Commission can approve it. He apologized for the oversight.

Mr. Ferraina said he would not know what her hold up would be and that they do not have any wetlands. Mr. Barz said that she just got the plans yesterday.

Commissioner Levine asked how to proceed. Mr. Barz said that they could open it up to the public for public comment. He said they would have to continue the public hearing in order to receive Ms. Thompson's comments.

Commissioner Levine asked if we could condition it. Mr. Barz said no and that wetlands has to act first.

Mr. Ferraina asked if Ms. Thompson's comments would be part of the public hearing. Mr. Barz said that the state statutes states that the Planning and Zoning Commission must receive a final report from the Inland Wetlands agency and take their approval into consideration.

Commissioner Jaggon asked if we should table this. Commissioner Levine said that they would open up public comment first and then continue it to the next meeting. Mr. Barz said it should be quick next month unless the Commission would want to hold a special meeting. Commissioner Levine said maybe they could do that if they could get a quorum.

Mr. Ferraina replied that they were happy to wait until the next meeting

Public Comment:

Kerry Ruiz was present for his daughter Taylor, who lives at 412 Old Village Circle and was unable to attend the hearing. He said that Mr. Barresi had been working with them to address concerns and wanted to see the addendum that showed a revised plan removing the garage that was proposed near their backyard. A copy of the addendum was provided to him. He said that it looked fine and thanked them.

Commissioner Levine stated that they had received six public comments letters.

Commissioner Jepsen read resident Eric Shields letter into the record, who asked that the application be denied or delayed. Mr. Shields shared concerns that the plans for the development were not disclosed upon purchase and did not receive public notice of meetings, and concerns for overflow parking.

Mr. Barz said that the applicant has a month to come up with a response to their concerns.

**Motion: Commissioner Jepsen moved to continue the public hearing to the next meeting on May 21, 2024.**

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

**VI. PUBLIC COMMUNICATIONS AND PETITIONS – None**

**VII. ADJOURNMENT**

**Motion: Commissioner Jepsen moved to adjourn the meeting at 8:17 p.m.**

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

Respectfully submitted, \_\_\_\_\_, Andrea D. Marcavitch, Recording Secretary on April 9, 2024.

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Jill Levine, Secretary