

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

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

Absent: None

Also Present: Town Planner Todd Sealy and Environmental Planner Chloe Thompson

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7 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. CIP (Capital Improvements Program) for FY 2025 – 2030

Town Engineer Suzanne Choate was present and reviewed the CIP.

Commissioner Jaggon asked how they determine which local road is repaved. Ms. Choate replied that the Town hired a consultant to evaluate every road in town and that evaluation was done in 2022-2023. She said the town prioritizes which roads need to be done based on the consultant’s rating and the level of degradation that has occurred.

Commissioner Jaggon asked where they can see that data and if it is available to the public. Ms. Choate replied that it is not currently online but encouraged anyone with a question to contact the Engineering Department and they will try to address any concerns.

Commissioner Levine asked which side of the road would sidewalks be installed on Marshall Phelps Road. Ms. Choate replied that the sidewalks would be on Day Hill Road, which will help provide connectivity.

Commissioner Levine asked who is responsible to determine how many streetlights are on a road. Ms. Choate asked if it was a new road and Commissioner Levine said no, an existing road. Ms. Choate said that there is a distance requirement in engineering standards but that she did not know what it was without looking it up.

Commissioner Levine said she asked because she lives on a street that is very dark and shared safety concerns. Ms. Choate said that she would be happy to look at it and asked that she send an email.

Commissioner Harvey asked about the sidewalk installation on Poquonock Avenue from Marshall Street to Tiffany Drive planned for 2029 and questioned why this stretch was deemed as most dangerous for pedestrians. She shared concerns for those walking to the north of this stretch. Ms. Choate said that she would like to take a look at it and get back to her.

Commissioner Mips suggested they install a reflective strip on the side of the roads when they are repaving roads.

Commissioner Jepsen asked if some of these projects would come back before the Commission or if their review of the CIP was a blanket approval. Town Planner Sealy said that the project would have to come back to the Planning and Zoning Commission for review and approval. Ms. Choate confirmed that Mr. Sealy is correct.

Commissioner Harvey shared safety concerns for pedestrians crossing the street from the Price Chopper Plaza to the Riverbend Development. She noted that there is no crosswalk or a crosswalk light and is an intimidating place to cross the street. Ms. Choate said that it is possible to ask the State to take a look at it and review it.

Commissioner Levine asked about procedure and what happens next. Ms. Choate stated that the Town Improvements Committee would review it and then recommend it to Town Council.

Motion: Commissioner Levine moved that the Planning and Zoning Commission recommend to the Windsor Town Council pursuant to Connecticut General Statutes 8-24 approval of the Town of Windsor and Board of Education proposed Capital Improvements Program for fiscal years 2025-2030.

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

Mr. Sealy explained to the Commission that he has two applications for pre-application scrutiny and explained that they could be added to the agenda with a 2/3rds vote by the Commission.

Motion: Commissioner Mips moved approval to add two applications to the agenda for pre-application scrutiny – Palisado Avenue and a home-based business.

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

E. Pre-Application Scrutiny

1. 519, 545 & 549 Palisado Avenue, Temporary classroom trailers, AA/AG Zones, 14.6 acres, Medina Academy

Ahsan Saghir, Secretary of the Board for the Medina Academy was present. He discussed that they have an increase in enrollment for the school and they are out of space. They propose to install temporary trailers until they can do more permanent planning with the school, like a renovation or an expansion of the school. He discussed possible locations of the trailers.

Commissioner Mips asked if the trailers would be placed behind the buildings or if they would be seen from the street. Mr. Saghir said they won't be seen from the street.

He provided a visual showing where they would propose to install the temporary trailers. He said they would be placed away from the road and any neighbors. He said it would take 5-6 weeks to install the trailers and that they are hoping to start school in late August.

Commissioner Levine asked how many trailers would there be. Mr. Saghir said they are looking at 6 or 7 classrooms. He said they are in sections joined together and they have A/C and bathrooms in them.

Commissioner Jepsen recused himself as he is an abutter to this property and Alternate Commissioner Hollowell was seated.

Commissioner Levine asked how long they would need the trailers. Mr. Saghir estimated that it would take three to five years before they get the finances for design and construction.

Mr. Sealy said that he had mapped out two scenarios for this application to proceed. One would be a site plan revision and the second would be a text amendment and a special use and he explained the process of each. He asked Mr. Saghir if the buildings onsite are at full capacity. Mr. Saghir said yes.

Commissioner Mips asked what would be more expeditious for them and give the town what they needed. Mr. Sealy said that if the trailers were under 10,000 square feet then they could submit a site plan revision application that would be given to the Commission for approval.

Commissioner Hollowell said that there would be no time limit on that. Mr. Sealy said correct.

Commissioner Harvey said so it could essentially become a permanent change. Mr. Sealy said yes.

Mr. Saghir said that it is under 10,000 square feet.

Commissioner Hollowell said that she is not concerned with the intent but that she was concerned about the timeline. She said she would rather do it right and not fast which is not what they want to hear. She said not having any timeline on it makes it very difficult to keep our hands around.

Commissioner Levine asked if they wanted the trailers because of the timeframe and the impending start to the school year or if it was an economic issue. Mr. Saghir said that it is both.

Commissioner Levine asked what if they gave them five years. Mr. Saghir said he was quite positive that they would have a permanent structure in place by then.

Commissioner Hollowell said that she was concerned about the timeline either way.

Commissioner Mips said they could have a special meeting.

Commissioner Mips asked if they can put a timeline on a site plan. Mr. Sealy said no and that special uses are the only applications where a timeline can be set.

Commissioner Mips asked if it could be considered a special use because of its educational purposes. Mr. Sealy said that he thought it would require a text amendment first.

Commissioner Harvey said that a site plan revision would not require a public hearing and they would not be able to put a timeline on it. Mr. Sealy said that it correct.

Commissioner Mips believed they could go the special use route for temporary structures. The Commission discussed other properties they had done special uses for temporary structures.

The Commission began discussion of when they could have a special meeting in July.

Mr. Sealy said that he would have to do some research.

The Commission aimed to have a special meeting on July 30th and Mr. Sealy said that he would take a look into how other temporary structures were permitted and would follow up with the Commission.

Commissioner Jepsen resumed his seat from Commissioner Hallowell.

2. Home-based business – 36 Warham Street

Kyle Metzler of 36 Warham Street was present and reviewed a potential home-based business. He said he is applying to the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) for a FFL (Federal Firearms License) and that he currently owns a business as a firearms safety instructor. He said this new business would create a safe pipeline from the students applying for their pistol permit to obtaining a firearm for themselves. He said the student would purchase the firearm from a firearm manufacturer and then that manufacturer would send him the firearm. He would then make an appointment with the student to come pick up the firearm to do paperwork and the transfer at his home. He said there would be no stock or inventory of firearms at his home and that transfers would happen maybe once a month due to the nature of the business and the process.

Commissioner Mips asked if the students need to come for lessons before purchasing a firearm. Mr. Metzler said yes. They have to complete his course and then apply through the town for their pistol permit. He said the town and state does a background check and goes through the entire permitting process. Once they are issued their permit, then they can purchase a pistol from a manufacturer.

Commissioner Jaggon asked where he goes for practicing on the range. Mr. Metzler replied that they go to Wolfs in Bristol.

Commissioner Harvey asked why the transfer would happen at his home instead of where the instructions take place in Manchester. Mr. Metzler explained that if you do not have a retail store, the ATF requires you to use your home address.

Commissioner Jaggon asked if a student were to buy a ghost gun online would that gun be sent to Mr. Metzler. Mr. Metzler said that the student would not be able to purchase a firearm that was not manufactured by a company with a serial number. He said at this point in time, it is virtually impossible.

Commissioner Levine said that Mr. Metzler would be acting as an intermediary. Mr. Metzler said correct and that any sales of a firearm must be done through an FFL so there are no private sales.

Commissioner Levine asked if gun stores are FFLs and Mr. Metzler said correct.

Commissioner Levine asked how many people he would expect in a week. Mr. Metzler said based on a friend who does this same thing, maybe one or two people a month.

Commissioner Jaggon asked why people would go to him when they can go to a store to purchase a gun. Mr. Metzler said that a lot of it is a trust thing and a lot of people want to be as safe as possible.

Commissioner Jaggon asked if his course is multi-state or just the State of Connecticut. Mr. Metzler said he is certified to teach in multiple states but that he only teaches and does the pistol permits for Connecticut.

Commissioner Harvey asked if all the customers he would be dealing with through this home-based business would be people he knows from taking his course. Mr. Metzler said correct. He added that his license would allow him to deal with anybody but for his business, safety and moral compass that he would only be dealing with people he knows like those from the course, friends and friends in law enforcement.

Commissioner Harvey said so it would not just be those that he has taught through the course. Mr. Metzler explained that his friends have gone through his safety course.

Commissioner Harvey said that law enforcement would not have to go through his course but they would have to go through some course. Mr. Metzler said that the way it works for law enforcement is that they can purchase a firearm to use on duty through their law enforcement badge which acts as a pistol permit for law enforcement. He said if they leave law enforcement then they must obtain a pistol permit in order to keep their pistol, otherwise it goes to the Department they worked for.

Commissioner Jepsen asked if he planned to sell anything that could go with a gun like ammunition or holsters. Mr. Metzler responded no and that the purpose was just to create a pipeline of safety from student to getting their first firearm. He said he does not plan to have any inventory or sell anything.

Commissioner Levine asked Mr. Sealy if this would require a public hearing. Mr. Sealy said correct and that he would address some of the things tonight.

Mr. Sealy asked if the FFL required students to purchase through him. Mr. Metzler said you are required to have a pistol permit in order to purchase any firearm or ammunition in the State of Connecticut so in order for someone to purchase they would have to take a course that is certified by the State, like his own or others, in order to get a permit and then purchase.

Mr. Sealy asked if this license would allow him to modify or do any manufacturing to the guns. Mr. Metzler said not manufacturing but that the ATF has specific rules when it comes to gunsmithing. He said that is not something he will be doing and is not his area of expertise. He said the ATF has different licenses and that he would be applying for a type 1, which includes the transfers, purchasing and selling of firearms, as well as minor gunsmithing.

Commissioner Jaggon asked if he heard him say that the permit would allow him to sell. Mr. Metzler said that is their definition but that it is not how it would work unless someone owned a retail storefront in a commercial district.

Commissioner Jaggon said that he would be licensed to sell. Mr. Metzler said according to the ATF and the federal government, yes.

Commissioner Levine clarified that is not his intention and Mr. Metzler said correct and that the main point is safety.

Commissioner Jaggon asked if he would be cleaning any guns there. Mr. Metzler said that he would not be doing that and that they teach a class on how to safely clean firearms.

Commissioner Levine thought that the only trouble with this is that it is on a residential street. Mr. Metzler said that there is already a home-based FFL maybe a mile down the road.

Commissioner Mips asked if Mr. Sealy was aware of the licenses in town. Mr. Sealy said he does not know the full history of firearm licenses in Windsor but that he was somewhat aware of one. The ATF reaches out to the local zoning official to verify that it is permitted by zoning and that in his time with the town he has not seen one permitted.

Commissioner Mips said that it has never come before the Commission and that she has been here for a number of years.

Mr. Metzler said according to what he knows that the ATF calls the town's zoning official and asks if home-based FFLs are allowed.

Mr. Sealy said during his tenure any calls he had received on registering an FFL at a residence, the answer has been no and that it is not permitted by right as a home-based business. He said they received a similar inquiry a year or two ago and they discussed adding a text amendment where this could be a special use under a home-based business. He said with the FFL license that they do have to consider all the potential scenarios that could occur with that. He thought if this were permitted, it should come before the Commission and have a public hearing process where the neighbors are notified. He asked if this was something the Commission would entertain and if so, would this require a text amendment or should this be allowed by special use under major home-based business regulations.

Commissioner Mips thought this should be added under special use and was interested to know about the home-based business that is in existence.

Mr. Sealy said he would do some research and present some scenarios to the Commission at the next regularly scheduled meeting as to what is the best way forward.

Commissioner Mips said that she would definitely want a public hearing and on a regular scheduled meeting night.

Commissioner Harvey shared concerns that the special use would remain with the property. Mr. Sealy said that the special use does remain with the property but that they could add a time limit to the permit.

Mr. Metzler asked what the time lines would look like. Mr. Sealy said typically the Commissioner would set a one-year time limit in the beginning and provided there are no zoning violations or complaints then they might extend it out to two, five or ten years.

Commissioner Mips said staff will get back to the Commission and will get back to Mr. Metzler with how to move forward.

F. Re-Approvals/Revisions/Extensions

1. **3.9 SP Revision – 145 Addison Road**, Add cement pad, I Zone, 3.9 acres, Molans
2. **3.9 SP Revision – 808 Bloomfield Avenue**, Install electrical service, I Zone, 6.45 acres, TLD ACE Corporation/Nickerson

Mr. Sealy reviewed the applications.

G. Site Plans – None

H. Minutes

1. June 11, 2024

Motion: Commissioner Levine moved to approve the draft minutes of July 11, 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. Sealy reported that two applications – 564 Park Avenue and 1911 Poquonock Avenue – under public hearing would not be heard this evening and will be postponed.

Mr. Sealy announced two new commissioners that would be joining the Commission and planned to do some onboard training with them in August. He expected they would sit for the September meeting. He also reported that they have advertised for the Assistant Town Planner position and are looking to begin interviewing towards the end of July. He said they are also reviewing and preparing an RFQ for the POCD (Plan of Conservation and Development) and have begun putting a timeline together for seeking out a consultant. He said it would begin sometime in the fall.

IV. BUSINESS MEETING

A. Application Acceptance – None

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Special Use Reapproval – 564 Park Avenue, Section 4.5.7D, Religious Institutions, AG Zone, .7 acres, Singh – *postponed*

B. Special Use – 851 Marshall Phelps Road, Section 15.2.16, Group Daycare Home and Child/Adult Daycare Centers, I Zone, 2.43 acres, Creative Hearts Learning Academy – *postponed*

C. Text Amendment – Recodification of Section 7.6.4 to 7.6.5, Racket sports facilities/clubs, TOW
Mr. Sealy reviewed the application and stated this was a correction to the text amendment that was approved at last month’s meeting and there have been no changes to the text.

Public Comment: None

Motion: Commissioner Levine moved approval of the renumbering of the text amendment pertaining to section 7.6.4 to 7.6.5 concerning racket sports facilities/clubs.

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

D. Special Use – 1911 Poquonock Ave., Section 15.2.10, Temporary or portable commercial amusements on private property, AG Zone, 8.3 acres, Campiti – *postponed*

VI. PUBLIC COMMUNICATIONS AND PETITIONS – None

VII. ADJOURNMENT

Motion: Commissioner Jaggon moved to adjourn the meeting at 8:13 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on July 9, 2024.

Jill Levine, Secretary