

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 10, 2024
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, Levine (via Zoom), DeCarlo, Jaggon, Jepsen and Alternate Commissioners Hallowell, Harvey (via Zoom) and Tetteh

Absent: None

Also Present: Town Planner Todd Sealy, Assistant Town Planner Mitchell Vye and Secretary Andrea Marcavitch

I. NEW BUSINESS

Commissioner Mips opened the meeting at 7 p.m. and introduced new Commissioner Dominic DeCarlo and Alternate Commission Sophia Tetteh.

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. Town Owned Real Estate at 1195 Windsor Avenue, Stony Hill School – proposed new lease
Town Planner Todd Sealy reviewed the request and the Commission did not have any questions.

Motion: Commissioner Jepsen moved to recommend approval of the lease of the Stony Hill School at 1195 Windsor Avenue as consistent with the Plan of Conservation and Development.
Commissioner Jaggon seconded the motion and it passed 4-0-0.

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions

- 1. 3.9 SP Revision – 775 Marshall Phelps Road, Add Warehouse, I Zone, 28.36 acres, Industrial VI Enterprises, LLC**
- 2. 3.9 SP Revision – 1215 Kennedy Road, Delivery doors, I Zone, 129.23 acres, AECOM**

Mr. Sealy reviewed the applications.

G. Site Plans

1. Site Plan – 20 Day Hill Road, Indoor Pickleball Facility, RC Zone, 5 acres, 20 Day Hill Road, LLC
Application was heard with the corresponding special use application.

H. Minutes

1. July 9, 2024

Motion: Commissioner Levine moved to approve the draft minutes of July 9, 2024 as amended. Commissioner Jepsen seconded the motion and it passed 5-0-0.

2. July 30, 2024 – Special Meeting

Motion: Commissioner Levine moved to approve the draft special minutes of July 30, 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 introduced the new Assistant Town Planner Mitchell Vye and thanked the Planning staff, Andrea Marcavitch and Chloe Thompson, for their hard work and support with the transition over the summer. He also welcomed Dominic DeCarlo and Sophia Tetteh to the Commission.

Mr. Sealy reported that the Town is in the process of interviewing consultants for the Plan of Conservation and Development (POCD) and the Day Hill Corridor Area study and that they are looking to have a consultant on board by early October. He said that the Commission would be involved at various points and that staff will be looking to build a steering committee for the POCD update with three commissioners from the Planning and Zoning Commission, one Economic Development commissioner, one Wetlands commissioner and a few at-large members from the public. Once a consultant is selected, he hoped to have a schedule for the Commission. He said the Commission would have an opportunity to participate both as a commissioner and a resident. He anticipated a January or February adoption for the Day Hill Corridor Area study and an adoption of October 2025 for the POCD update.

Commissioner Mips asked if there was any development in town to report on. He replied that there has been some progress at Wilson Park with the playground installation and that Founder’s Square has been moving quickly. He also noted the foundations should be going in soon at Bowfield Green.

Mr. Sealy said that he wanted to follow up from July’s meeting regarding the home-based business using a Federal Firearms License (FFL) and that he had included some information in the Commission’s packets.

Commissioner Mips asked if he wanted to review it now and Mr. Sealy said that it was at her discretion. She replied that there are quite a few public hearings to get through and asked that the Commission wait to review the information.

Discussion continued after the public hearings – see agenda item VI.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Special Use – 176 Addison Road, Sections 8.4D(2)**, Warehousing, wholesaling and/or distribution facilities, I Zone, 37.41 acres, Addison Property Owner, LLC

B. Old Business – None

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

Commissioner Mips notified those present that the application for 60 Ezra Silva was postponed and would be heard at the next meeting on October 8th.

A. Amendment to Plan of Conservation and Development (POCD) – 114 Upper Broad Street, Add the Windsor Center Design District map to the POCD and amend the map to include 114 Upper Broad Street in the district boundary, R10 Zone, .21 acres, Vaca

Greg Vaca of Grava Properties was present and reviewed the application. He stated that they had recently purchased 114 Upper Broad Street and were looking to update the POCD to include the site, which is adjacent to the existing Founders Square site in the Windsor Center Design Development area. He said it would enhance the overall accessibility to the property and make it easier for a fire truck to get around the property. He also said it would allow them to address the other enhancements to the project that includes the addition of 2-bedroom units, which would improve housing variety. He stated that the second phase would then be upgraded to have an elevator, which was a request from town staff. He noted that this neighborhood is the closest to the train station and would provide accessibility to transit for residents.

Commissioner Jaggon asked if Mr. Vaca was acquiring new property. Mr. Vaca said that they had acquired the property and that it is a raised ranch just abutting the property in this location.

Commissioner Jaggon said so, you are planning to increase the number of units that is already approved. Mr. Vaca replied yes and that they would be back before the Commission should this pass to present a new plan for scrutiny of the Commission.

Commissioner Jaggon asked if it would increase the amount of low income dwellings that they are planning to build. Mr. Vaca said their property is subject to workforce housing requirements that would increase in the same proportion.

Commissioner Jepsen asked for clarification and that if he heard Mr. Vaca correctly that he is portioning the parcel to take care of some safety concerns in looping behind the property. Mr. Vaca said, no. He said an opportunity came about when they were approached by the seller. He said while looking at town records, they learned it was more advantageous that they had originally thought as the property looked like a rectangle in the town records but that is not how it is configured. He said that it has a long triangle in the back.

Commissioner Jepsen said he saw the long triangle and asked if that was the part they needed to address the safety concerns. Mr. Vaca said that there are two pinch points back there along the fence. He said he was not sure why it was not included in the map previously because when you look on the opposite side to Prospect Street there are three properties that were included. He thought maybe that it had been a single-family home, but that he could only speculate at the reason.

Public Comment:

Commissioner Mips read a letter of support from Dave Mourad of 45 Prospect Street.

Commissioner Levine read a CRCOG (Capital Region Council of Governments) letter into the record dated July 16, 2024. The letter stated that they found no apparent conflict with regional plans and policies, or concerns of the neighboring towns.

Mr. Sealy reported that this proposal will place 114 Upper Broad Street within the eligible boundary, allowing the existing raised ranch to be demolished and the acreage used to increase the number of bedrooms at Founder's Square. He stated that Town Council chose to have a public hearing on August 5th and there was no public comment, and Council recommended the proposal to the Planning and Zoning Commission with a vote of 8-1-0. He reminded the Commission that to make any changes to the proposed development would require the applicant to apply for the Center Design District application process, which is a two-step process requiring a concept plan and a detailed plan.

Commissioner Mips asked if Mr. Vaca was aware of that and Mr. Vaca responded yes.

Commissioner Mips said there were no comments from staff and asked the commissioners if anyone had any questions. There were no further questions.

Motion: Commissioner Levine moved approval of the amendment to the Plan of Conservation and Development concerning 114 Upper Broad Street as described by the applicant. Commissioner Jepsen seconded the motion and it passed 5-0-0.

B. Special Use Re-approval – 564 Park Avenue, Section 4.5.7D, Religious Institutions, AG Zone, .7 acres, Singh

Mr. Singh was present and reviewed the re-approval application. He said it had been 10 years since the Sikh church had begun and they asked for re-approval beyond five years.

Commissioner Mips recalled that the last time they were before the Commission there were problems with the yard and things that were supposed to be done. Mr. Singh said that everything had been taken care of.

Mr. Jaggon asked if there had been any complaints against the temple in the last six months. Mr. Singh said no.

Mr. Jaggon asked if their membership was growing. Mr. Singh said that membership was growing and that they continue to have new members.

Commissioner Jaggon asked about parking and Mr. Singh replied that sometimes people park on the street or at JFK School. He noted that they are only open on Sundays. He said they have 10 or 12 parking spots and that it is more than enough as some people carpool.

Commissioner Jaggon said he was inclined to give them a 10-year time limit.

Public Comment: None

Mr. Sealy reported that in years past property maintenance had been an issue but that the staff had inspected the property several times over the summer and found no violations and that the property was being well maintained.

Commissioner Mips asked how much time they were given last time.

Commissioner Levine thought that it was only a year because of a parking issue.

Ms. Marcavitch stated the staff comments in the folder were dated in 2019 and believed they were given a five-year time limit.

Commissioner Mips said that she would like to go with a five-year time limit and if there are no further issues, she could go for a 10-year time limit.

Commissioner Jepsen agreed with Commissioner Mips and thought that if they are growing, parking might become a concern.

Commissioner Jaggon said he believed they had done everything right and that the Commission should consider 10-years.

Commissioner Mips asked the Commission for their feedback.

Commissioner Levine said she thought that five-years was sufficient.

Commissioner Jepsen said he was fine with five-years.

Commissioner Levine said that if the congregation is growing that there may come a time where they will look for another facility to accommodate growing membership.

Commissioner Mips said that five-years would be sufficient.

Commissioner Jepsen said that he did request five-years.

Mr. Singh said that he requested beyond five-years, like 10-years because last time they got five-years. He said that even though their community is growing that they also have a lot of people moving out as well.

Commissioner Mips said that the Commission does have to be mindful that the church is in a residential area and if they come back with no problems in five-years then they will probably get a 10-year extension without a problem.

Motion: Commissioner Levine moved approval of the special use re-approval at 564 Park Avenue for religious institutions for a period of five years.

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

C. Special Use Re-approval – 60 Ezra Silva Lane, Section 8.6B, Outdoor storage, I Zone, 14.47 acres, Ezra Silva Lane, LLC
Postponed to October 8, 2024

D. Special Use – 1195 Windsor Avenue, Section 11.4.1, Nonpublic Uses of Public and Quasi-Public Properties, NZ Zone, .23 acres, Lucinda’s House

Lucinda Canty was present and reviewed the application. She stated that she started Lucinda’s House in 2022, a non-profit to address maternal health equity. She said her goal is to provide education that people do not get when they go in for their prenatal visit. She said she helps women prepare for childbirth and care for themselves after they have the baby. She said she had used the library and the Collective Space but found there was not enough privacy where they could feel comfortable to discuss sensitive topics. She said she intended to preserve the historical integrity of the building and that there would be no modifications. She said it would be by appointment only and that no one would be there later than 7 p.m. She said she would be open Monday-Friday with limited hours on Saturdays and would be closed on Sundays.

Commissioner Jaggon asked if she had identified any structural barriers to maternal care in the Town of Windsor. Ms. Canty said that what she has noticed is the trauma that people have experienced in their care, even if they survive a complication. Women want to have more, they want to have a community around maternal health, and she felt like Windsor because of its diversity is a perfect space for that.

Public Comment: None

Mr. Sealy gave a recap of the history of the property. He said that the staff found this to be in conformance with the expanded use and in keeping with the original intentions of the donor, which was to provide a place for education.

Motion: Commissioner Levine moved approval of the special use at 1195 Windsor Avenue for nonpublic uses of public and quasi-public properties in the NZ Zone for Lucinda’s House applicant. Commissioner Jaggon seconded the motion and it passed 5-0-0.

E. Special Use – 234 Rainbow Road, Section 4.5.16, Increasing Accessory Building Size, R11 Zone, .70 acres, Ploszaj

Property owner Timothy Ploszaj was present and reviewed the application. He stated he is proposing to build a garage in the northeast corner at 234 Rainbow Road. He said without a special use permit that he would only be allotted a 580 square foot garage and is proposing 940 square foot garage. He stated that the garage would give the tenants additional storage as there is no storage in the basement and that four of the five tenants would have the opportunity for garage space.

Commissioner Mips asked if the garage would house some of the equipment or vehicles she saw outside when she drove by. Mr. Ploszaj said it would give an opportunity for those vehicles and things to be parked, although he was not sure what equipment or vehicles she mentioned.

Commissioner Mips said there was three or four things in a line right alongside of the house going back. Mr. Ploszaj thought they might have been tenant cars and one trailer, which would be removed or parked inside.

Commissioner Levine asked if her assumption is correct that no commercial vehicles would be parked in the new garage, alongside it, or in back of it, or anywhere near it. Mr. Ploszaj said that is correct.

Commissioner DeCarlo said he only saw four garage doors. Mr. Ploszaj explained that the maximum he can build is 940 square feet, which would only allow four garage doors.

Commissioner DeCarlo asked about its dimensions. Mr. Ploszaj explained that the building itself has an 8' wall and then a pitched roof.

Commissioner DeCarlo asked what the exterior material of the garage would be and that it would match the existing structures. Mr. Ploszaj said the siding on it would match one of the two houses on either side of it.

Commissioner DeCarlo asked if there would be a partition in between the doors or if it would be all open. Mr. Ploszaj said there probably would be a partition, so that the tenant would have some privacy in there.

Commissioner Mips asked if the tenants would be able to get their vehicle into the garage. Mr. Ploszaj said absolutely.

Commissioner Mips said she thought the garage would be a plus to the area as far as making it look nicer.

Public Comment: None

Mr. Sealy said that he did discuss the height of the building with the applicant and the standard accessory building height is measured halfway between the peak and the eaves of the roof. He said the standard height is 15'. By the special use, they can increase that height up to 18', so depending on the pitch of the roof, they could gain more usable space. He also reported that the Engineering and Health Departments have requested additional steps. He said he would recommend approval subject to resolution of staff comments in the staff memo.

Commissioner Levine asked if there were any requirements for fire safety with a multi-bay garage where she assumed there would be gasoline or electric cars. Mr. Sealy said that the Fire Marshal did not have any comments on this application and that the applicant would have to file for the appropriate building permits and he assumed the Fire Marshal and the Building Official would be reviewing it at that time.

Commissioner DeCarlo said the Commission is to assume that he is giving up property from his existing home and is moving the property line over. Mr. Ploszaj said the garage would be on 234 Rainbow Road and

there is no property being exchanged. He said the property has adequate space to support the 940 square foot garage.

Commissioner Mips said the applicant still has to bring in the Class D survey to the Engineering Department and the B100a application to the Health Department. Mr. Sealy said yes, he will need staff sign off.

Mr. Sealy said that they will have to file for building permits as well.

Motion: Commissioner Levine moved approval of the special use at 234 Rainbow Road, increasing the accessory building size in the R11 Zone and resolution and sign off of any outstanding issues by staff.

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

F. 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 of Windsor
Creative Hearts Learning Academy of Windsor owner Leah Fleeting was present and reviewed the application. She stated that she is looking to purchase 851 Marshall Phelps Road and change the use from a medical office space to a childcare center. Her business is currently located in Bloomfield and she is looking to open a second location in Windsor. She reported that she currently has a wait list and that 25% of those on the list are Windsor residents.

Commissioner Mips asked if Ms. Fleeting had received comments from the staff. Ms. Fleeting said yes and that she received a question about the sprinkler system. She said they have received some quotes and that they will be installing a sprinkler system in the building. She said they also received questions about the number of parking spaces and based on their calculation, they have more than enough spaces in the first parking lot and they have an additional parking lot at the back of the property.

Commissioner Levine asked about the issues that the Wetland Agent raised. Ms. Fleeting said that she had received all correspondence from the Town, which stated that everything was all clear and had been handled by the current property owner.

Commissioner Levine asked if the contaminants in the soil had also been addressed. Ms. Fleeting reported that everything was tested and that she was given a letter stating that everything was all clear.

Commissioner Jaggon asked if she would accept Care 4 Kids payment. Ms. Fleeting replied that it was their plan to accept it and that they do accept it at their current site. She said that they are a readiness site and that they are fully accredited and licensed to care for children from six weeks to 12 years old.

Mr. Sealy asked if they could step back a bit and asked if Ms. Fleeting could discuss hours of operation and discuss what kind of services they provide. Ms. Fleeting responded that they are open Monday through Friday from 7 a.m. to 5:30 p.m. She said that they provide care for infants starting at six weeks up to children 12 years old, as they do provide before and after school care. She also stated that they provide care when schools are closed or if there are snow days.

Commissioner Mips asked Mr. Sealy if all of the staff comments had been addressed. Mr. Sealy said yes and that he would address them in his comments later.

Public Comment:

Shannon King of 14 Olga Avenue spoke in favor of the application and said that there had been a lot of time and effort given to finding a location that would work, as the market had not been favorable to buyers.

Ernice Robinson of 252 Carriage Way spoke in favor and stated that her son is currently enrolled in the daycare in Bloomfield. She said if they had a location in Windsor, travel would be much easier for her and her husband.

Attorney Vincent Purnhagen was present and spoke on behalf of Robert Mannarino, who is the owner of Building Blocks of Windsor, a daycare facility located across the street, at 842 Marshall Phelps Road who is opposing the application. He discussed regulation Sections 15.2.16, 15.0, Intent, and Section 15.1.3, which outline the criteria the Commission must use when making a determination for a special use application.

Mr. Robert Mannarino is the owner of Building Blocks of Windsor at 842 Marshall Phelps Road and was opposed to the application. He stated that he has been in childcare for over 25 years in several centers in the Hartford area. He reported that he has owned Building Blocks since 1996 and that he had his staff with him this evening. He said they have five star ratings from their clients and provide services for children six weeks to 12 years old. He gave a little history of daycares in the surrounding areas and his involvement. He reported that they had never reached full capacity and did not see the need for childcare in this area of town. He shared vacancy rates of other daycares in town from the State of Connecticut's Office of Early Childhood and stated that the data shows there is plenty of capacity in Windsor. He stated that they had done their research and did not find there was a need for more daycare.

Commissioner Jaggon asked how he could take his data that he presented as fact. Mr. Mannarino said he did not expect them to take his data as fact and that is why he reached out to the Office of Early Childhood where they directed him to a survey they do every year on capacity enrollment.

Commissioner Jaggon said that he mentioned several times that there is no need for another childcare center in this part of town and he asked Mr. Mannarino to explain that for him. While Mr. Mannarino was looking for language from the town's regulations, Mr. Sealy stated that he did some research on the Office of Early Childhood's website and came across similar statistics to what Mr. Mannarino showed.

Mr. Mannarino read part of regulation Section 15.1.3, which referred to public need.

Napoleon Tetreault, the current owner of 851 Marshall Phelps, spoke in favor of the application and stated that no business likes competition but that it is good for business. He thought that through competition we have to offer better services and have to be more competitive. He believed the winners of this would be the Windsor community, children and the parents of Windsor.

Mr. Sealy gave a brief history of the wetland zoning violations that existed on the property and stated that all violations have been addressed and the property is now in compliance. He said zoning regulations Section 15 gives the Commission a lot of discretion to make a determination on an application, and one of

those criteria is the public need of the proposed use. He said he found a 2023 Blue Ribbon Panel Childcare report from the Office of Early Childcare, which was initiated by Governor Lamont. He stated in the document there were several goals listed and one of the major goals and messages of the report was to expand access to childcare. He believed there was not enough evidence to determine that there is no need for the facility based on the proximity of other facilities and the current enrollment capacities. He said this was a difficult application for him as a planner and that he appreciated and valued local businesses that we have in town and wanted them all to succeed, but as a community, we have to give opportunities to new businesses. He finished by stating that based on the narrative he has read from the State that there is a need for expanded access to childcare.

Commissioner DeCarlo asked is any of the other daycare providers in town had reached out to the Town and Mr. Sealy said no.

Ms. Fleeting reported that when she opened her first center she was on a corner with two other daycares and was worried as a new business owner. She said she learned very fast that people want what they want and that word of mouth is everything. She stated that people come to Bloomfield and seek her out because she has been a school teacher and because of the impact she has had in the community. She said that just because one center has had a certain enrollment or had to close centers does not mean that will be her story. She said that she felt a lot of what had been said tonight had been extremely irrelevant to what they are trying to bring to the community. She said she stood firm on her ability to provide quality childcare and the wait list that they have. She reported that they did reach out to Building Blocks to see what was available and that there was a wait list there for toddler care and that they did not have any openings until January for that age. She ended by saying that she was not looking to compete but just looking to do what she does and knows how to do.

Commissioner Mips asked if she was buying the building and Ms. Fleeting answered yes and that she purchased the building in Bloomfield as well. She said that they have done everything that they needed to do with maintenance of that property and have not had any issues with the Town.

Commissioner Jepsen stated that he agreed with Mr. Sealy and thought this was an interesting topic. He said he is pro competition and that he was prepared to move forward with the application.

Commissioner Mips stated that she was in favor of the application and said if she was renting the building that she might have some problems with it, but she is buying the building and has an investment. She thought the Commission should give her a chance to go ahead. She recommended a one-year time limit and told Ms. Fleeting that she would have to come back to the Commission and show them what she has done and make sure there are no complaints, etc.

Mr. Sealy added that there will be a need for a site plan revision for the outdoor play area.

Motion: Commissioner Levine moved approval of the special use for 851 Marshall Phelps Road, group daycare home and child/adult daycare centers for a period of one year, pending resolution of any outstanding issues by staff.

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

Commissioner Levine asked if someone could sit for her as she was not feeling well and Commissioner Mips asked Alternate Commissioner Hallowell to sit for her. Commissioner Jaggon needed to leave and Commissioner Mips asked Alternate Commissioner Tetteh to sit for him.

G. Special Use – 20 Day Hill Road, Section 7.6.5, Racket Sports Facility/Club & Section 14.2.3, Requirements for Day Hill Rd., RC Zone, 5 acres, 20 Day Hill Road, LLC

Mr. Sealy stated that the Planning and Zoning (TPZ) Commission would not be able to act on the application tonight as the Wetlands Commission will need to render a decision at their October meeting and that the TPZ Commission cannot take action before the Wetlands Commission. The applicant agreed to open the public hearing to get feedback from the Commission and the public before taking action. He noted that the discussion would need to be continued to the October 8th meeting.

Commissioner Mips clarified to the public present that they would have the opportunity to speak tonight.

Engineer Luke Showalter with Furrow Engineering, applicant Jeffrey Morneau and Engineer Bryan Balicki were present via Zoom. Mr. Showalter discussed the application and discussed the size of the lot, location, shape of the lot, frontage, access through the existing Marriott, topography and wetlands location.

Mr. Showalter continued by reviewing the proposal to build a two-story, 16,000 square foot indoor pickleball facility and recreational facility on the upland portion of the site. He discussed an extension of the driveway with shared access, 69 parking spaces, as well as a truck turning lane. He stated that they had submitted formal response letters to Planning and Engineering Departments comments. He stated that one significant change was the exterior materials were changed to a smooth metal panel, as well as some cultured stone accents at the bottom, which is allowed with the Day Hill Road area. He also noted that revised building renderings and elevations were developed and submitted last week.

Mr. Showalter continued that a traffic study had been submitted and was completed by a third party, which concluded that the proposed development would have no adverse impact to the existing traffic.

Commissioner Mips said that this is the beginning of the Day Hill Road corridor and said that she did not see any brick in the exterior. Mr. Sealy replied that there are lists of approved materials in the Day Hill Road corridor and that he did not have an opportunity to review the updated elevation and is still under review by town staff.

Commissioner DeCarlo asked if the interior would look like an indoor tennis facility with the padding showing or is it going to be finished. Mr. Showalter said he could bring up the architectural drawings but it is going to be a metal building and the inside would be completely open. He said the front area will have some finished spaces like the bar off of the office space, locker rooms and restrooms, but the main area with pickleball courts will mainly be unfinished. He said there will be some seating but there will not be drywall or anything like that.

Commissioner DeCarlo asked if the bar would be serving alcohol or would they have a juice bar. Mr. Showalter responded that it would include beer and wine.

Commissioner DeCarlo asked if it would be open to the public where anyone could walk in or would you have to join a club. Mr. Showalter said it would be both and that members would have first pick of the courts.

Commissioner Mips stated that there were a lot of staff comments on the August 15th review sheet that we do not have answers to. Mr. Sealy replied that the applicant has responded to the comments and staff have not been able to update the memos and review it.

Commissioner Hallowell asked if there would be an issue with signage as their frontage on Day Hill Road is not where you enter and they share a driveway with the hotel. Mr. Sealy said he would take a second look at and be sure there was no issue.

Commissioner Mips said that she was not thrilled with the hardy plank, cementitious board.

Commissioner DeCarlo stated that they changed it to metal, so it will look like a prefab building.

Commissioner Mips said that was even worse and that she had concerns as this location is the beginning of Day Hill Road.

Commissioner DeCarlo asked Mr. Sealy what about the exterior materials. Mr. Sealy said that it would be a mix and that they proposed cultured stone, a significant amount of glass, smooth skin metal and hardy board cement cementitious fiber board. The cementitious fiber board was the one that was not in compliance with the Day Hill Road standards.

Mr. Showalter said the cement fiber board has been completely removed and is no longer being proposed. It was replaced by a smooth panel, which is higher end and will not look like a metal building. The structure will be made out of metal but that it would look more like a high end office building.

Commissioner DeCarlo asked what color the exterior would be. Mr. Showalter said he had some renderings that he could pull up to give the Commissioner a better idea.

Mr. Sealy read the Day Hill Road requirements for exteriors.

Mr. Showalter reviewed the elevations showing the front and back of the building. He noted that smooth skin metal panels are an allowed material. He said the exterior will be gray and dark blue with vertical stripes and cultured stone accents at the bottom. He said only two sides of the building will be visible from Day Hill Road and that it would not be very visible from Poquonock Avenue because of the tree buffer and distance.

Commissioner DeCarlo thought it would be helpful to bring a sample to the next meeting so they could see it.

Commissioner DeCarlo inquired about the lighting and wanted to be sure it did not adversely affect the neighbors. Mr. Sealy said he would let the applicant address some of the lighting questions but noted that we have lighting regulations that try and maintain a uniform level of site lighting throughout the site so that

it is not creating focus beams. He said they do have some egress points around the back of the building that code will require lighting. He said that we do not allow floodlights.

Mr. Showalter said the only necessary lighting will be at egresses, the parking lot and the entrances and that they are not going overboard with the lighting. He said they had addressed all the lighting issues that Mr. Sealy brought up and all the lighting now meets the zoning regulations. He continued that there are no wall pack lights and there are no lights on the building facing Day Hill Road. He said the lighting at the back of the building was kept to a minimum by request of the Inland Wetlands and Watercourses Commission due to the wetlands behind the building. He said at the back of the building they have proposed the minimum that is required by the building code egress.

Commissioner Hallowell commented that she did not see any electric vehicle spaces in the parking lot. Mr. Sealy said she raised a good point and would need to review that.

Commissioner Mips reminded the applicant that they have residential neighbors on the north and south sides and that lighting would have to be limited.

Commissioner Hallowell said they could shade it similar to what they did with Amazon and but that she was not sure of the slope here.

Commissioners talked amongst themselves trying to determine the elevation.

Mr. Showalter directed them to the lighting plan, which shows the foot candles around the building and that there is zero light trespass at the property line. He noted that the building is 400-500 feet away from the Hudson Lane residences.

Commissioner Mips opened public comment.

Public Comment: None

Lynn Carey of 11 Hudson Lane stated her property would be behind the facility and would be impacted. She asked questions about facility occupancy, Americans with Disabilities Act compliance, hours of operation, entertainment, lighting and trash removal. She wanted to be sure the wetlands and wildlife would not be adversely affected.

Thom Delpha of 21 Hudson Lane said he would be behind the facility and directly impacted as well. He shared concerns about the height of the building and the height of the parking lot lighting. He also wanted to know what was going to be done along the boundary to ensure a thickness of trees would be there to protect residents from the unnecessary visual, and also wanted to know more definitively what alcoholic beverages would be served.

Tom Gilmartin of 41 Hudson Lane asked if this new facility would be required to have a retention pond.

Peter Lange of 63 Hudson Lane shared concerns with noise as he understands there will be an outdoor patio. He asked what would be the hours of the patio and would alcohol be permitted on the patio. He questioned if there were any future plans to expand and have outdoor courts.

Pat Dressler of 17 Hudson Lane stated that their unit is right in the back of this property and asked where the patio will be located.

Mr. Showalter said that they had answered a lot of the questions in their responses to staff comments and that he would be happy to respond now. He said the occupancy of the building is 50-60 people and that there are 13 courts. The proposed hours of operation are from 6 a.m. to 11 p.m. He said there would be zero light trespass extending outside of the property. He said approximately half of the site will be left untouched as a large portion is wetlands. There is significant tree buffer between the development and Hudson Lane and Poquonock Avenue and shared a visual of the buffer, noting the closest house is 440 feet.

He stated there would be an infiltration basin that would serve the facility and lead to the retention ponds serving the Marriott. He said the applicant is seeking an equivalent to a bowling alley license and no hard alcohol will be served. He said there is no future development proposed for outdoor courts. He reported that a sound study had been done by an independent party and found no adverse impacts on the adjacent properties. He added that they found that the noise level from the pickleball facility was lower than the measured background noise from the traffic just on Poquonock Avenue and Day Hill Road and that noise levels for those on Hudson Lane would be below the thresholds of what the Windsor noise ordinance requires.

Mr. Sealy asked that Mr. Showalter show the location of the patio area and he showed the location on the map. He said the patio will be accessed from the bar area and beer and wine would be allowed on the patio.

Mr. Delpha stated that if alcohol would be served till closing that there could be people sitting outside 400 feet from their residences drinking alcohol. He stated that they will hear every syllable and asked if they would entertain moving the patio to the other side of the building.

Mr. Showalter said the sound study determined there would be no sound heard on Hudson Lane and that the location was chosen because it was the only feasible area to have an outdoor area for people.

Mr. Delpha suggested that the Commission go stand in the Marriott parking lot at 11 p.m. and talk and then call him on the phone. He said he would be able to tell you everything that was said. He said the sound is a real issue.

Ms. Carey thanked Mr. Showalter for answering questions and had a few follow up questions. She questioned the capacity of 50-60 people as tournaments and things like that would take place there. She also said the tree line is wonderful now but what about when winter comes and there are no leaves on the trees. She was concerned about noise and the ability to see everything. She said if you are going to open from 6 a.m. to 11 p.m., would there be snow plows starting at 5 a.m. or late at night.

Mr. Sealy said that he did have some questions about the sound study and would like the opportunity to review that with their sound consultant. He said he would get in touch with the sound consultant and address

some of the issues that were raised tonight. He stated that the applicant has responded to all staff comments but that staff needed a little more time to review. Mr. Sealy brought up some questions about the location of the parking lot and asked for the Commissions guidance.

Commissioner Mips said that the Commission would need to be very careful not to set a precedence.

Mr. Sealy said that it seems that there are two sections of regulations that they are in conflict with and he wanted to be sure that we are holding the site standards. He said if the Commission is not prepared to address it now that he would bring it up at the October meeting.

Commissioner Mips said they would address it at the next meeting.

Commissioner Hallowell asked if the site plan would still have to be voted on. Mr. Sealy said that is correct and that the Commission would need to vote on the special use and then the site plan application.

Mr. Sealy followed up about the sign question and stated that the sign is located on their property. He said it is hard to see on the plans.

Commissioner Mips asked if it was allowable there and Mr. Sealy said yes.

Motion: Commissioner Mips moved to recess the application to the next meeting on October 8. Commissioner Hallowell seconded the motion and it passed 5-0-0.

Commissioner Jepsen reminded the Commission that when the meeting is re-opened that the same Commissioners need to be seated.

VI. PLANNER'S REPORT CONTINUED

Commissioner DeCarlo asked if there are any other FFLs in town. Mr. Sealy said that we have two commercial facilities that are registered as an FFL and there is one residence registered.

Commissioner DeCarlo said that from what he has read that the gentleman says that he is only going to do transfers of firearms for people that he trains and teaches and Mr. Sealy said correct.

Commissioner DeCarlo said he just wanted to be sure and asked if there was any way it could be monitored to ensure he is doing what he is proposing. He also asked if there is a regulation requiring him to have a gun safe. Mr. Sealy said there are no zoning regulations for a gun safe and there are no specifics for a floor plan of a house or what location the safe would be in and said that it would be driven by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Commissioner DeCarlo said he found it hard to believe that he would only do transfers for people that he trained and Commissioner Mips agreed.

Commissioner Hallowell said that the Commission could not make that restriction with a special use.

Commissioner DeCarlo asked if the ATF would override that. Mr. Sealy said the ATF type one license allows them to do the sale and transfer and they do not specify, so he thought as a commission we would have to put in some kind of caveat to that, if that is something the Commission is willing to entertain. He said we allow limited retail sales out of a home-based business for products and goods made on the premises or manufactured on the premises.

Commissioner Jepsen said that he was not doing any sales at all.

Commissioner DeCarlo summarized that it was proposed that one of the students would purchase a gun online, send the gun to the applicant's house and then he would assist in the transfer and do the paperwork. Commissioner DeCarlo said it seemed like he would only do transfers for the people he trained.

Commissioner Mips wanted to know what the guarantee is.

Commissioner DeCarlo questioned what the Commission could require and the ATF's role.

Commissioner Mips asked if Mr. Sealy had reached out to the Chief of Police. Mr. Sealy said he had but had not received a response from him. He said if we do hear from him that he would include the information in the Commission's packets.

Mr. Sealy said technically how he presented it, it could be allowed by right if the Commission was willing to entertain a FFL as a home-based business as long as he is not doing retail sales or manufacturing parts and only transferring the weapon. He said he did not know how the ATF's application process worked and said that he did print out their application and reviewed it. He said he could reach out to someone to learn what their process looks like on their end.

Commissioner DeCarlo asked if there was any way the Commission could ensure transfers are only done for his students. He acknowledged that it gets a bit murky and was not even sure if the Commission could do that.

Mr. Sealy said the zoning regulations have limitations to the number of customers a minor home-based business can have in a week and for all intents and purposes no one should even recognize a business is there.

Commissioner DeCarlo wondered if we could ask for a yearly report stating how many transfers they had and if that would even be legal.

Commissioner Hallowell said that the Commission would have to be careful not to impose restrictions that have not been similarly imposed on other ones in town because we know there is another one in town.

Commissioner Mips asked if Mr. Sealy had checked on the one that is in town. Mr. Sealy said that he was aware of the property and who the individual is but that he had not talked with him. He continued that the ATF does check with the local zoning ordinances and that in the past he has always told them that it is not an allowed use. He said he brought it to the Commission to get input on how they would like staff to handle it going forward.

Commissioner Mips said they have more questions to be addressed at the next meeting and that they would continue the discussion.

VII. PUBLIC COMMUNICATIONS AND PETITIONS – None

VIII. ADJOURNMENT

**Motion: Commissioner Jepsen moved to adjourn the meeting at 9:31 p.m.
Commissioner Hallowell seconded the motion and it passed 5-0-0.**

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on
September 10, 2024.

Jill Levine, Secretary