

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
OCTOBER 8, 2024
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

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

Absent: Commissioners DeCarlo and Jaggon

Also Present: Town Planner Todd Sealy, Assistant Town Planner Mitchell Vye and Secretary Andrea Marcavitch (via Zoom)

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 – None

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions

- 1. 3.9 SP Revision – 2200 Day Hill Road**, Site modifications, TNDDD Zone, 8.53 acres, Noble Energy Real Estate Holdings, LLC
Town Planner Todd 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
– *continued from September 10th meeting*
 - i) Request for waiver of section 3.5.1B, Provisions for Pedestrians, requiring sidewalks along the street frontage of all new site developments.
This application was heard along with the special use application under public hearings.

H. Minutes

- 1. September 10, 2024**
Motion: Commissioner Levine moved to approve the draft minutes of September 10, 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 announced that October is Community Planning month and that the Town Council recognized the month by reading a proclamation at last night’s meeting. He thanked the Commission for their commitment, oversight and expertise as citizen planners. He noted that the Town Council also authorized funding to hire consultants for the Plan of Conservation and Development (POCD) update. He stated that they expect the update to take 12-18 months, and that there would be engagement opportunities allowing residents and business owners to give input. He said this is an excellent time to take stock and take a pulse on the community as the Town approaches its 400 year anniversary.

Mr. Sealy also mentioned that the ceremony to install former Town Planner Eric Barz’s brick in town will be this Saturday at Constitution Square at 10 a.m. He also asked the Commission to continue their discussion about the Federal Firearms License to the next meeting and the Commission agreed.

Commissioner Levine asked if Chief Melanson could join them at the next meeting to understand where the police fit into the scenario. Mr. Sealy said that he would follow up with him.

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 Re-approval – 60 Ezra Silva Lane, Section 8.6B, Outdoor storage, I Zone, 14.47 acres, Ezra Silva Lane, LLC All Crate, Inc. owner Joseph Novak of 568 Kennedy Road was present.

Commissioner Mips asked what was being stored. Mr. Novak said that they have ocean containers full of customer products. He said that they do a lot of work with Mitsubishi Power and a lot of the containers have temporary power units in them.

Commissioner Levine asked if the Commission had given him a permit last year and Mr. Novak said they had.

Commissioner Levine asked if this application was for a different area or if it was an extension of the last special use. Mr. Novak said that it was for an extension.

Commissioner Levine asked how long of an extension he was looking for. Mr. Novak said permanent. He said that it is just a stone pad where they will store ocean containers.

Commissioner Hallowell asked for clarification on the map that was provided. Mr. Novak said that the concrete storage pad had been finished.

Commissioner Hallowell asked if the outdoor storage was on the right-hand side of the drawing. Mr. Novak replied that he was not sure what she was looking at. Mr. Sealy said that was correct.

Commissioner Levine asked what they had approved before. Mr. Sealy provided some clarity to the application and said a site plan revision had been approved to add the covered concrete storage area and that the special use was for the outdoor storage of the shipping containers. He stated Mr. Novak had come before the Commission in 2023 and was approved with a one-year time limit. He said during a September site visit they found the conditions to be in the same shape as they were in last year and since then, the applicant had made significant progress toward getting the shipping containers moved into the outdoor storage area.

Commissioner Levine asked if the Commission had a policy of not allowing outdoor storage on a permanent basis. Mr. Sealy replied that it could be approved.

Mr. Novak stated that the ocean containers are not permanent and that they fill the container and then they are picked up.

Commissioner Levine asked if the shipping containers look the same and Mr. Novak said yes, they are identical. He said they are either a 20' or a 40' ocean container.

Commissioner Hallowell said she thought they could put a time limit on a special use and Commissioner Mips said yes, especially when applicants are in a partial residential area.

Commissioner Mips said she did not see any comments from staff. Mr. Sealy said that there were no staff comments and that he would recommend approval, subject to another one-year time limit to ensure that they are in conformance with the plans.

Public Comment: None

Motion: Commissioner Levine moved approval of the special use re-approval at 60 Ezra Silva Lane, outdoor storage, for a period of one year.

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

B. 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 – *continued from September 10th meeting*

Engineers Luke Showalter and Bryan Balicki of Furrow Engineering were present and reviewed the application.

Commissioner Levine asked where the sidewalk will be installed. Mr. Balicki showed the Commission on a map and said it would be installed along the side of the driveway, up the hill and within the Marriott parking lot.

Commissioner Levine commented that the sidewalk does not go to the new building. Mr. Balicki responded that the new building has a sidewalk out front and then people would have to cross through the parking lot to get to the proposed sidewalk, which would lead them to the Marriott.

Commissioner Mips said that there were a lot of staff comments in the October 2nd memo and asked if they had been addressed. Mr. Showalter said that he believed all outstanding comments had been resolved from Planning and Zoning and asked if the Commission would like him to go through the comments. Commissioner Mips said yes.

Mr. Showalter reviewed why they are asking the Commission to allow parking in the front yard area. He stated they have added eight EV (electric vehicle) parking spaces, including one handicap accessible space. He said any additional documentation and applications to the Health Department would be addressed when the time comes.

Commissioner Levine asked about the total percentage of glass in the architecture. Mr. Sealy replied that it was compliant with the regulations.

Commissioner Levine asked if they were required to be ADA (Americans with Disability Act) compliant as it is a two-story facility. Mr. Balicki responded that it is a partial two-story facility. He said within the parking lot section, you would walk into the second floor where all the facilities – the locker rooms and lobby – are all at grade. He said there is a sub-level that has additional courts but because both floors provide the same services there is no need to have an elevator between the two. He stated that the building is fully compliant with accessibility standards and that it is essentially a walkout basement configuration due to the topography of the site.

Commissioner Jepsen asked if there would be any fencing around the patio or would it be open to the parking lot and surrounding area. Mr. Balicki replied that they anticipate a decorative fence to separate the two spaces.

Commissioner Levine asked about the location of the patio and if that was the only place for it. Mr. Balicki said that it is the logical place for it, due to the topography of the site. He said the other side, towards Day Hill Road, has much steeper slopes around it. He said the applicant would not have an issue closing the outdoor patio at a certain hour of the day, like 10 p.m., if there are issues with noise traveling.

Commissioner Mips asked if there would be a time limit for outdoor patio use. Mr. Balicki replied that is something they could entertain if it was a concern of the Commission. Commissioner Mips thought that there should be a time limit.

Public Comment:

Thom Delpha of 21 Hudson Lane shared noise concerns with the location of the patio and with the service of alcohol outside. He was also concerned if the bar was going to be set up outside and if there would be radio music played on the patio. He asked that the patio be moved to another location and to limit the hours alcohol is served to alleviate neighbor's concerns.

Acoustical Engineer Braxton Boren, who did the initial sound study for Sage Engineering, stated he was present if anyone had any questions.

Mr. Sealy gave a brief review of the application and said that staff had met with the applicant several times throughout the project. He stated they also obtained Wetlands approval and that the request for a waiver would be appropriate. He asked the sound consultant to address some of the concerns that were raised by staff and also by the residents along Hudson Lane.

Mr. Balicki responded that the intent of the patio is not to have a bar service but to allow people to go outside. He said there are no intentions to have alcohol service out there or to have live music but a place for people who are done playing to have a drink and go outside. He thought any potential noise issues could be addressed with limiting the time that the patio is open.

Commissioner Levine asked if any HVAC equipment would be around the building. Mr. Balicki said there would be no rooftop mounted units and that it would be heated only on the inside with radiant floor heating.

Mr. Boren reviewed the sound study and the metric used (LAF Max) to evaluate the sound for the facility. He then addressed several of the questions from staff and neighboring residents. Overall, their study found the sound from the facility would fall within ambient background noise levels and not likely to exceed the municipal noise code standard. He noted that they could close the doors if there were noise complaints and that they have lots of options to mitigate noise, such as more absorption on the walls. He reported that the report shared other reduction measures as well.

Mr. Sealy thought one of the primary ways to mitigate sound would be to keep the doors closed during sensitive hours and that we would look into some sound attenuation within the facility, if it becomes a problem. He noted the service of beer and wine was added as part of the State's café license and that the facility is not intended to function primarily as a bar. He said if the Commission is willing to approve the application that they do so subject to the outstanding staff memos and final review and approval of the architecture by staff.

Public Comment:

Peter Lang of 63 Hudson Lane asked about the location of the garage doors and if they would be along the Hudson Lane side. He also asked if there would be wireless speakers on the patio for music and asked there be a limitation on that.

Mr. Balicki responded that the location of the doors can be seen on the plans, and that if music playing on a cell phone becomes an issue then management could enforce that and stated there would be a time limit on the patio.

There were no further questions from the Commission.

Motion: Commissioner Levine moved approval of the special use for the indoor pickleball facility at 20 Day Hill Road in Windsor for a period of one-year with the following conditions: the garage doors be closed at 9 p.m.; the patio shall be closed at 9 p.m.; waived requirement that a sidewalk be constructed along Day Hill Road; the bar not be located on the patio but inside with beer and wine service only; final staff review and approval on the final architectural façade, as well as any outstanding staff issues; and final sign off by the Health Department of any requirements concerning the service of alcohol.

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

- C. Special Use – 176 Addison Road, Sections 8.4D(2), Warehousing, wholesaling and/or distribution facilities, I Zone, 37.41 acres, 176 Addison Property Owner, LLC**
Engineers David Ziaks and Scott Hesketh of F.A. Hesketh Associates and owners Bradford Wainman and Steven Glace were present. Mr. Ziaks reviewed the application and discussed acreage; orientation; former use; the redevelopment of 176 Addison Road; surrounding properties; evolution of the plans for the site; location and number of parking spaces; zoning regulations section 8.4D(2), Warehousing, Wholesaling and Distribution; special use criteria; warehouse square footage; and proposed number of loading docks and tractor trailer storage spaces.

Mr. Hesketh stated that he was the author of the May 1, 2024 traffic impact report, which had been submitted in support of the application. He reviewed that the site currently operates under the Office of the State Traffic Administration (OSTA) certificate number 369A, which was issued for the development of over 770,000 square feet and 2,040 parking spaces that includes 175 and 176 Addison Road and the development of the building at 570 Pigeon Hill Road across the street. He discussed volume traffic counts from a number of intersections and the redevelopment of surrounding areas. He reported that they are projecting that the site will generate 101 fewer trips during the morning peak hour and 55 trips fewer than the current approvals during the afternoon peak hour. He stated there would be very little impact on traffic volumes on area roadways. He said all reports have been submitted to the town staff for review and that they will be making a revised application to the State Traffic Administration for an administrative decision because of the change of use and addition of the additional square footage. He also reported that the original OSTA certificate included a requirement to make improvements at the intersection of Route 305 and Addison Road, and that those have been done, like the double left turn lane on Addison Road and the installation of the traffic signal.

Commissioner Mips believed that the Commission could not make an approval until the Inland Wetlands Commission report. Mr. Sealy said the Commission can approve a special use and that the wetlands report would come at the time of the site plan approval.

Commissioner Hallowell questioned whether the volume of traffic would truly be a decrease if the facility at 175 Addison Road was at capacity, which it is not now. Mr. Hesketh replied that if the project was completed today that there would be more traffic tomorrow out on the roadways, however, there will be less traffic when compared to the current approval.

Commissioner Hallowell said if the original site plan required extra parking spaces then how is it that the site plan for 175 Addison Road only needs 953. Mr. Hesketh replied that the difference would be the

uses within the building are changing, and the proposed uses are different than office space. He said you might have 450 people working at a 150,000 square foot office building where you might only have 65, 70 or 100 people working in an industrial building, so it requires a lot less parking for that type of building.

Commissioner Hallowell asked if the parking requirements change based on the building type. Mr. Sealy replied that it changes based on the use, so an office building would require one parking space per 250 square feet, whereas manufacturing requires one per 1,000 square feet.

Mr. Ziaks reviewed their plan and how they determined how many spaces were needed. He reported that they have roughly 800 parking spaces on site and are looking at 150 spaces across the street to potentially fill the gap if needed.

Commissioner Jepsen asked if the one residential abutter had received notification to attend the meeting. Mr. Ziaks said yes and that there were signs posted on the property and a mailing went out.

Commissioner Jepsen shared concerns with trucks traveling on Pigeon Hill Road towards Bloomfield Avenue.

Commissioner Mips said taking Bloomfield Avenue to Addison Road makes sense. Commissioner Jepsen said it does, but if anyone goes the wrong way by mistake that he was not sure the road could handle that kind of traffic. Mr. Ziaks said there will be signage and that they will work on the appropriate signage to encourage people to take a right out of the site and go to Day Hill Road and stay off of Route 305.

Mr. Ziaks reported that they conducted their own sound study and that the town contracted with a third party reviewer, Ostergaard Associates, as well. He said both studies concluded that they will meet the town standards and will not have any negative acoustical impact on residences. He stated that the owner and applicants want to be a good neighbor and that they have been talking a great deal with staff about noise. He said that they have been looking at installing a berm and landscaping and maybe a six or eight-foot wooden, dense panel fence along the common boundary line with the one abutting residential property, if it seems appropriate. He said they will definitely work with the Town during the site plan approval. He mentioned that a lot of the truck areas will be lower in elevation from the abutting property and thought that would help.

Mr. Ziaks also mentioned that there is a driveway that goes out to Pigeon Hill Road from the parking lot and he said that would be abandoned and will put vegetation over it.

Mr. Wainman discussed the existing property and the proposed plans for the two new buildings.

Commissioner Hallowell commented that this is just a master plan and assumed more details would come in with the site plan application. Mr. Sealy said that is correct. Mr. Ziaks reminded the Commission that the scale of the drawings are 100/120' per inch, so things will look different when they change the scale.

Commissioner Hallowell asked why they broke it up into two buildings. Mr. Ziaks said the idea was to discourage high velocity tenants here and that is not what they are proposing. He said if they combined the two buildings together then they would have a solid 300,000 square foot building and noted that there are a number of those approved in town already and owners cannot find tenants. He said the owners feel that having two buildings at 150,000 square feet each can have completely different uses in each building. Mr. Wainman hoped they could reach a broader segment of the market on a tenancy basis.

Commissioner Levine asked if they were just approving the master plan this evening. Mr. Sealy said they are approving the special use.

Commissioner Levine asked if they are approving the additional loading dock spaces or if that approval comes later on with the site plan. Mr. Wainman provided clarification and said that one special use requests 15 loading docks per building, which is five more than is allowed and then the other special use is triggered because the combination of both buildings is over 200,000 square feet.

Commissioner Hallowell asked to discuss the increase of loading dock spaces by 50% and if there were any implications associated with an increase. Mr. Sealy said he did not think it would hit the triggers for a high velocity distribution facility just based on the site and size of the buildings. He said the Commission has discretion.

Commissioner Hallowell said it is her concern that by allowing that much extra space then the opportunity still exists for high velocity.

Mr. Wainman said what they have found, especially in the post COVID-19 world, is that trailers tend to sit at a dock for a longer period, 4 or 5 days or a week, with raw materials that are coming in and then there is also the outgoing freight. Trucks are not emptying and filling immediately, so you end up having fewer turns at the doors but they need to have the doors to use that as inbound and outbound space. He said it is used as a kind of flexible space.

Mr. Ziaks reviewed the special uses and applicable zoning regulations, and the criteria that they meet.

Commissioner Mips asked if Mr. Ziaks realized there would be a one-year time limit on a special use. Mr. Ziaks replied that the Commission would have to talk about that as he could not see how they could put a one-year time limit on a building.

Mr. Ziaks noted that Addison Road looks like a public road and was built by the town, but that it was built on an easement that was given to the Town. He said the road sits inside a right-of-way but that it is really an easement, even though it is a public street built for public purpose. He speculated on what the reasoning may have been. He said they are going to ask the Town Council to simply take the right-of-way over as a public right-of-way and if Council approves it then it would require an 8-24 review and approval by the Planning and Zoning Commission. He said it does not affect the decision made tonight for the special uses but that he wanted the Commission to know.

Mr. Sealy stated that staff have been in conversations with them for about a year now, and he reviewed the history of the property and the proposal. He stated he researched the easement and was unsuccessful in finding any insight into the process of transferring the land. He noted that the Town Engineer did not have any specific concerns related to trip generation. He agreed that there will be less volume than what was originally approved but we will be looking at trucks versus passenger vehicles and suggested some offsite improvements may be warranted. He said originally he did have concerns about the noise levels shown in the applicant's sound study and that was the reason we had requested a third party review. He noted that the sound consultant was present and could answer any specific questions. He said that if the Commission were to approve the application that he would suggest a conditional approval on reaching an agreement between the sound consultants on what appropriate noise mitigation measures would look like.

In response to the special use time limit, Mr. Sealy said the Commission would have to condition a special condition related to the operation of the facility, not necessarily to the use of the facility. He recognized standard practice has been to put a one-year time limit on special uses but this puts the developer in a weird situation. He thought if there are concerns with noise or the operations of the facility that they could revisit the special use and see if any additional mitigation measure are warranted.

Public Comment: None

Motion: Commissioner Levine moved approval of the special use for the master plan for 176 Addison Road, including increasing the total loading dock spaces from 10 to 15 per building for a total not to exceed 30 loading dock spaces, and subject to final staff approval on sound mitigation measures.

Commissioner Jepsen seconded the motion and it passed 4-0-1 (Hallowell).

D. Special Use – 55 Palisado Avenue, Section 5.2.6D(1), Limited-service restaurants, B2 Zone, 1.19 acres, Brault

Owner Paul Brault of Beer Garden at Barts was present and reviewed the application.

Commissioner Mips asked about the hours of operation. Mr. Brault said the sale of alcohol would be from 11 a.m. to 8:30 p.m.

Commissioner Mips asked if it would be just beer and wine. Mr. Brault said that is correct.

Commissioner Hallowell asked if it would be served outside and Mr. Brault responded no.

Commissioner Jepsen asked if they still have to apply for a state permit. Mr. Brault said that is correct. Commissioner Jepsen said a lot of that is controlled by the State and that the Commission has to give permission to apply for the permit. Mr. Brault said yes.

Public Comment: None

Mr. Sealy stated that they are applying under the limited-service restaurant special use in the B2 Zone, which would allow them to do beer and wine sales. He said there were no staff comments and there were no issues raised, and we would recommend approval subject to a time limit of one-year.

Motion: Commissioner Levine moved approval of the special use at 55 Palisado Avenue for the service of beer and wine for a period of one-year and the hours of operation would be 11 a.m. to 8:30 p.m.

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

- E. Design Development Concept Plan – 144 Broad Street, 114 Upper Broad Street and 26 Prospect Street**, Mixed-use development, 120 units, B2 & R10 Zones, 3.492 acres, Alford Associates, Inc. Founder of Grava Properties Greg Vaca and Engineer Christian Alford of Alford and Associates, Inc. were present. Mr. Vaca reviewed the application and discussed modifications to the site, such as, the acquisition of 114 Upper Broad Street and 26 Prospect Street; site improvements; increased dwelling units from 106 to 120; improving circulation around the property and the second entrance; parking; adding an elevator in the west building; and architectural elements.

Mr. Alford reviewed the changes to the site, including increase acreage and additional parking.

Commissioner Mips said she noticed a one-way sign on the north-side coming in on the first Prospect Street and asked if it will allow two-way traffic and Mr. Alford responded yes.

Commissioner Mips asked if the fire apparatus would be able to get in at any point in time and if there were any changes there. Mr. Alford said that it had not changed.

Commissioner Mips asked what the yellow square was in the north corner by the railroad. Mr. Alford responded that it is the dumpster location.

Commissioner Hallowell asked if the building was four-stories previously. Mr. Vaca explained that the height is permitted at 45', so the building seen going up as the south building is three-stories, but the lateral buildings are 45' high. The west building will have a half-story on its fourth floor within the roof line, so it is no taller than the south building.

Mr. Alford continued that the site meets the density, the height, the coverage and the parking requirements that are required under the zone. He also stated that they would be asking for the same four waivers that were previously granted under the previous plan. He said Mr. Vaca is trying to reach an agreement with the neighbor at 30 Prospect Street, so they could widen that driveway up to 24'.

Commissioner Mips asked if there would be an easement and Mr. Alford said yes, there would be an easement across 30 Prospect Street. Mr. Vaca said that they hope they do not have to go through the two stage process when the adjustment to the parking lot happens.

Commissioner Mips asked if they still have to get that easement and Mr. Vaca said yes and that it was all happening now. He said if it happens quickly then it could be addressed during the detail plan.

Commissioner Levine asked if it could be handled by town staff. Mr. Vaca said it would be ideal to handle under a 3.9 site plan revision.

Commissioner Mips asked Mr. Sealy if it would fall under a 3.9. Mr. Sealy said that it is ideal that it gets presented to the Commission now with hopes to button it up by the time of the detail plan.

Commissioner Mips asked if it would require them to move their garage. Mr. Vaca said that the property is in some disrepair, and that there are discussions around demolishing the garage and creating some shared parking there in order to eliminate some of the asphalt in the backyard. He said his question is could we handle whatever configuration comes out of these discussions with town staff or in a single meeting having presented it in this forum and discussed here.

Commissioner Mips thought it would improve the plan to have it, so it if would be considered legal and everybody understands what is happening then she would not have a problem with it.

Mr. Sealy said it would be best if they could button it up at the time of the detail plan but if not, the Commission could approve with the understanding that the layout might change and that it could be handled at a staff level approval.

Mr. Vaca said that this would not run them afoul with any of the parking restrictions or requirements.

Commissioner Mips asked about the EV stations and Mr. Vaca said that they would increase by one with the way things are now. He said they may get 180 total spaces, in which case they would be safe, otherwise they may need one additional charger.

Mr. Sealy asked if it would create any non-conformities with the existing lot in terms of the area. Mr. Alford responded that the lot would stay the same and that they would just have a shared parking easement over it, eliminating the driveway and the parking area in the back.

Commissioner Hallowell questioned the north-side where it looked like they were only four feet from the property line and she thought they had to be six feet. Mr. Alford replied that it could be down to three feet and said that was one of the waivers that had been approved. He added that there will be new fencing installed along the entire property line.

Commissioner Hallowell said that all of the EVs are on the front of the buildings and asked if that was a concern since they have increased 30 apartments on that back building. Mr. Vaca replied that they are spread around the property and showed on the map where several are located. Commissioner Hallowell said she was looking at the wrong drawing.

Commissioner Jepsen asked if there were four efficiency units on the fourth floor. Mr. Vaca said yes, there are four studios on the top. Commissioner Jepsen asked about the mix of unit types in the building now. Mr. Vaca said previously it was a mix of studios and one-bedrooms and now there are four studios and nine two-bedrooms in the 50 units in the building.

Commissioner Mips asked if that increases the amount of workforce housing that they will have and Mr. Vaca said 20% of the units will be workforce housing.

Commissioner Mips asked Mr. Vaca to explain what workforce housing is because some people are under the impression that it is something different. Mr. Vaca explained that workforce housing is restricted to those making up to 80% of the area median income as defined by the Department of Housing and Urban Development (HUD). He said we sit inside the East Hartford, Hartford and West Hartford statistical area and that the information is easily accessible online and states what the maximum rent for each of these unit types can be based on income.

Commissioner Jepsen asked if they have to spread those equally among the units and Mr. Vaca said that they will spread them throughout the property in terms of type and floor.

Commissioner Levine asked Mr. Vaca if he is having success in getting commercial tenants lined up. Mr. Vaca replied that the spaces are not targeted at national tenants but more to “mom and pop” types of tenants, which is what they are looking for. He said they have some local interest from folks in town. Commissioner Mips thought having a mix that will bring people into town and provide a service to the tenants would be the key to success.

Mr. Vaca discussed that the revised plan will be removing the berm.

Commissioner Mips asked if there would still be grass but that it would be flat and Mr. Vaca replied yes and they are looking to thread in between the utilities there some large shade trees given that it is due south, and we want people to actually be there in the summer.

Commissioner Levine asked if they would be keeping the hexagon with the tree in the middle. Mr. Vaca said that it was their plan to but it is pending what happens with the road diet because the roundabout may eat into that slightly.

Commissioner Tetteh asked how they will be advertising to get their tenants. Mr. Vaca replied that it is a long strategy in terms of marketing and they will be targeting those tenants who want a walkable, lively center to live in.

Commissioner Tetteh asked how they would get out the information that 20% of the units will be workforce housing. Mr. Vaca said they have a whole strategy of receiving information from interested folks, and when they receive that information they will then be able to understand who qualifies for those units.

Commissioner Mips noted that there were concerns from the Fire Marshal about the narrowness of the access road along the rear property line and the location of the new fire hydrant and asked if it had been addressed. Mr. Alford responded that a plan was submitted showing that the truck can get around there without crossing over any curbs.

Mr. Sealy recapped the revised application and said that there will be a sliver of land that the Town will need to transfer to the developer, which will require an 8-24. He thought most of the comments could be

addressed at the time of the detailed plan for the design development. He said if the Commission was inclined that they do an approval of the waivers first and then the approval of the concept plan application.

Commissioner Mips asked if Mr. Sealy wanted separate motions for each waiver or if it could be included into one motion. Mr. Sealy believed we did approvals for each waiver last time and that he would request to do the same.

Public Comment:

Dave Mourad of 45 Prospect Street gave his support for the application and listed additions to the plans that he liked, such as additional greenery and more attractive landscaping, parking for the tenants at 26 Prospect Street would be taken off the street and tucked inside the overall development, and the increased housing diversity offered with the addition of two-bedroom apartments. He was also very happy with the elevations.

Commissioner Levine asked if the waivers should be done first and Mr. Sealy said yes and that they were listed on the site plan.

Mr. Alford said that there was also an attachment with the waivers and Commissioner Mips agreed that they were there.

Motion: Commissioner Levine moved re-approval of the four waivers that were previously granted on April 11th, 2023 concerning 144 Broad Street, 114 Upper Broad Street and 26 Prospect Street.

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

Motion: Commissioner Levine moved approval of the redesign of the Design Development Concept Plan for 144 Broad Street, 114 Upper Broad Street and 26 Prospect Street as presented by the applicant.

Commissioner Jepsen 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 9:31 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on October 8, 2024.

Jill Levine, Secretary