

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

**Present: Commissioners Mips, Levine, Jaggon, Jepsen and DeCarlo (Via Zoom not seated) and Alternate Commissioners Harvey (seated for Commissioner DeCarlo) and Hallowell (Via Zoom)**  
**Absent: Alternate Commissioner Tetteh**

**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**

Alternate Commissioner Harvey stated that she continues to attend quarterly regional meetings for CRCOG (Capitol Region Council of Governments), and shared that they formally approved their Plan of Conservation and Development (POCD) on November 21<sup>st</sup>. Commissioner Levine shared that she and Commissioner Jepsen attended an organizational meeting for the Town’s POCD update and encouraged the public to participate.

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

**D. C.G.S. §8-24 Referral Requests**

**1. Acquire State Property – Realign Violet Street and install sidewalks to further redevelopment of 29 Windsor Avenue**

Economic Development Director Patrick McMahon was present and reviewed the proposal to realign Violet Street as part of offsite improvement contemplated by the 29 Windsor Avenue redevelopment. He stated in order to make the project feasible, the applicant proposed a realignment of Violet Street to line up with the new site drive at 29 Windsor Avenue and a new traffic signal installation. As part of the realignment of Violet Street, new sidewalks are proposed along Violet Street and along Windsor Avenue in the state right-of-way. He said the realignment of Violet Street would require the Town acquiring a small parcel of land (231+/- sq. ft.) from the State at no cost to the town and that all costs of off-site improvements required by the Department of Transportation (DOT) for this development will be the responsibility of the developer. He noted that the land conveyance would not occur until DOT has approved the off-site improvements. He said the realignment of Violet Street was incorporated into the plans approved by this commission for the redevelopment of 29 Windsor Avenue. He reviewed steps the developer has taken and will need to make.

Commissioner Jepsen said the question that has been on their minds for this project is if they will get the traffic light moved and asked if it seemed like it was going to be approved. Mr. McMahon replied that they have not been given the exact timeframe of DOT's complete reviews, but the indication is that they are favorably disposed towards the plans that have been submitted by the developer.

Commissioner Jepsen thanked Mr. McMahon for the info and stated that was new news for him.

**Motion: Commissioner Levine moved to recommend to the Town Council approval of the acquisition of state property, the realignment of Violet Street, and installation of new sidewalks to facilitate the redevelopment of 29 Windsor Avenue as consistent with the Plan of Conservation and Development.**

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

**2. Sell Town-Owned Land** – Upper Broad Street to further redevelopment of Windsor Center Plaza Patrick McMahon was present and reviewed the proposal to sell a small parcel of excess town property along Upper Broad Street to the developers of Founders Square for incorporation into the redevelopment project. He stated the developers propose a new parking lot where a single-family home once stood at 114 Upper Broad Street and that this parking will facilitate the second phase of the proposed redevelopment. He explained that there is a small parcel of excess town-owned land along the frontage of 114 Upper Broad Street representing .32 acres that the developer is interested in acquiring from the town to incorporate into the project. He noted the POCD encourages the promotion of additional housing as a vital element for a successful mixed-use district to promote the redevelopment of auto-oriented, underutilized sites along major streets serving the town center, which Founders square embodies.

The Commission had no questions.

**Motion: Commissioner Levine moved to recommend to the Town Council approval of the sale of town-owned land along Upper Broad Street to facilitate the redevelopment of Windsor Center Plaza as Founders Square as consistent with the Plan of Conservation and Development.**

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

#### **E. Pre-Application Scrutiny**

- 1. 825 Prospect Hill Road** – townhouse development to build 138 townhomes, AA Zone, 11.51 acres, A.R. Building Co.

President Jason Kambitsis of A.R. Building Company was present and stated that he wanted to revisit the conversation that he had with the Commission on June 11<sup>th</sup> during a pre-application scrutiny. He stated that their proposed development is north of Day Hill Road and understood that residential developments south of Day Hill Road were not allowed per the town's POCD. He said he had left the last conversation with the Commission feeling pretty good. He said he received comments about the location of the entrance and dumpsters. He reviewed the proposal and commented on its scope, garage parking, stormwater management, entrance locations and emergency vehicle access. He stated that before they could begin the project, they would have to request a design development overlay in the residential zone or potentially do a zone change to industrial and then get approval for a text amendment to allow residential development within that zone. He asked the Commission if they had any questions. He said if everyone is happy with

the scale and likes the design that they are happy to move forward and move on to an application submission.

Commissioner Levine asked if any of the townhouses would be handicap accessible. Mr. Kambitsis replied that all of their properties have to be ADA (Americans with Disabilities Act) accessible and that Connecticut requires a certain percentage of the units be accessible. He said they build to code.

Commissioner Levine asked if any of them would be affordable housing units. Mr. Kambitsis replied that they are not proposing them as affordable, but that they are happy to discuss that and have done that in other communities.

Commissioner Levine asked about vehicle charging stations. Mr. Kambitsis said the plans presented are conceptual but agreed that they could have stations.

Commissioner Mips shared concerns with fire and emergency vehicles access throughout the site. Mr. Kambitsis commented that they are very familiar with the process and that they would ensure it complied.

Town Planner Todd Sealy stated that adding multi-family, in that particular location, would require a revision to the zoning regulations and that they are still working to determine what would be the most appropriate method. He raised several questions that they just do not have the answers to until the Day Hill Road corridor study is complete. He said he was hesitant to make changes to the corridor or to the regulations while the study is ongoing. He stated that they anticipate the study will be complete by late January or February 2025, and realistically, it could take a month or two after the study has been completed to get the Commission some regulations to review.

Commissioner Mips asked Mr. Kambitsis if he got the feedback he needed. Mr. Kambitsis replied that they are just trying to see if this makes sense to continue on and if they can move forward or if they need to wait for the study.

Commissioner Mips stated that she would rather see residential on that corner going into the rest of the residential area, so that part of it she would support. She said that the industrial area is already built up there, so anyone moving in would understand what they were getting into.

Commissioner Jepsen said that he appreciated the Town Planner's comments. He stated that Day Hill Road was always Windsor's industrial engine and that he would love to see the consultants' reports first and to echo what had already been said by the Commission. He apologized if it delayed them by a couple of months.

Mr. Kambitsis replied that he thought they had time to work on things on their end. He said he could see both sides.

Commissioner Levine commented on how the whole complexity of Day Hill Road had changed, especially since COVID-19 and other commissioners agreed.

Commissioner Jepsen said that he did like the concept.

Commissioner Mips thanked Mr. Kambitsis, and Mr. Kambitsis said he appreciated their time and thanked them.

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

1. **3.9 SP Revision – 57 Clover Street**, Modify electrical service, NZ Zone, 17 acres, TOW
2. **3.9 SP Revision – 208 Broad Street**, Signage, B2 Zone, Win-Some Finds Thrift Shop
3. **3.9 SP Revision – 205 Baker Hollow Road**, Site Modifications, I Zone, 23 acres, Alford Assoc. Inc.
4. **3.9 SP Revision – 801 Bloomfield Avenue**, Installing electrical service for EV chargers, I Zone, 6.6 acres, Schneider
5. **3.9 SP Revision – 50 Pine Lane**, Add generator and concrete pad, NZ Zone, TOW/AT&T

Mr. Sealy reviewed the applications.

**G. Site Plans – None**

**H. Minutes**

**1. October 8, 2024**

**Motion: Commissioner Levine moved to approve the draft minutes of October 8, 2024 as amended. Commissioner Jepsen seconded the motion and it passed 5-0-0.**

**2. October 16, 2024 – Special Meeting**

**Motion: Commissioner Levine moved to approve the draft minutes of October 16, 2024 as presented.**

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

**I. Adopt 2025 Meeting Schedule**

**Motion: Commissioner Levine moved to adopt the 2025 meeting schedule.**

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

**II. MISCELLANEOUS**

**A. Update to Zoning Map**

Mr. Sealy explained that the zoning map had not been updated since 2021, and that a list of all approved zone changes from 2021 to now was included in their packets.

The Commission had no questions.

**Motion: Commissioner Levine moved the adoption of the official zoning map for the Town of Windsor dated December 3, 2024.**

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

**B. Connecticut Federation of Planning and Zoning Agencies (CFPZA) – Fall 2024**

**C. Connecticut Land Use Law Webinar – March 22, 2025**

Mr. Sealy reviewed the webinar training, and Secretary Andrea Marcavitch informed the Commission of the State's training requirements. She stated that new commissioners, appointed after January 1, 2023, have one year from the time that they are appointed to complete four hours of training and all other commissioners have until January 1, 2026 to complete the required training.

### III. PLANNER'S REPORT

#### A. Update on recent development

Mr. Sealy commented that Noble Gas on Day Hill Road was nearing completion, and he anticipated that it would be open very soon. He stated they held the first POCD advisory committee meeting last week and they are looking to hold the first pop-up event at the Winter Wonderful Festival on December 18<sup>th</sup> from 6-7:30 p.m. He said they will use this opportunity to engage families with children who may not always be able to participate in public meetings. He said these events draw large crowds and they are hoping to get the opportunity to talk with some residents and get their feedback. He reported that the POCD web page is on the town's website, but that there may be some revisions made ahead of the Festival. He said they hope to direct people to the website where they can take an online survey. The POCD website is [www.plan.windsorct.com](http://www.plan.windsorct.com) and [www.2035.windsorct.com](http://www.2035.windsorct.com).

### IV. BUSINESS MEETING

#### A. Application Acceptance – None

#### B. Old Business

##### 1. Home-based business (FFL License) – 36 Warham Street

Mr. Sealy reviewed the question that was initiated by a discussion from a resident looking to have a home-based FFL (Federal Firearms License) business. He explained that the resident was present and could answer questions and that Mr. Sealy could answer any questions regarding the research or about the process. He made the distinction that the resident's proposal does not propose to include retail sales or manufacturing. He stated that his research concluded that a lot of communities allowed home-based FFL businesses by right but many either prohibited or required a special use permit for businesses which included manufacturing and/or retail sales of firearms. He said if the Commission was agreeable that he could draft zoning regulations with several different options and hold a public hearing where the public would have the opportunity to comment on it.

Commissioner Levine said it was her recollection that she had asked that the Police Chief be present at the meeting tonight and that he declined to do so. She said it does not seem like he sees an issue. Mr. Sealy apologized for any confusion, and said it was his recollection that the Commission asked for his feedback. He said the Police Chief stated that in his experience with FFLs that they are not conducting much transactional business at the home and that they would be receiving some packages and deliver them to whoever they are working for.

Commissioner Levine commented that the current Police Chief's views are the opposite of what the previous Police Chief had stated when this issue came up before this commission several years ago.

Commissioner Dominic DeCarlo asked how the resident's business would be run.

Commissioner Mips asked Mr. Metzler to address the Commission.

Kyle Metzler of 36 Warham Street was present and stated that his students would purchase the gun from a gun broker and then the gun broker would be able to choose Mr. Metzler as the FFL. The gun broker would ship the firearm to Mr. Metzler and then he would set up an appointment with his student to do the paperwork in order to complete the transfer. He said he would not have any inventory, or be doing any financial transactions of firearms.

Commissioner DeCarlo asked if he would be able to do gun transfers between parties for people other than his students. Mr. Metzler said the FFL would allow him to do that but that he would not do that for people he did not know. He said he would strictly be dealing with the students that he has taught.

Commissioner DeCarlo stated that a gun cannot be transferred to an individual until they go through the permitting process and asked if Mr. Metzler could explain the process to the Commission. Mr. Metzler said they would have to have a pistol permit in order for him to transfer the gun to them, which requires a background check. He said when the transfer does happen, they go through yet another background check, and all the paperwork is filed with the State and he believed with the town's Police Department too.

Commissioner DeCarlo stated that he understood that Mr. Metzler would only be doing transfers for people that he taught. Mr. Metzler said yes, and that he would assist law enforcement as well.

Commissioner Levine asked Mr. Metzler why people would go to him and not through a dealer. Mr. Metzler replied that no matter what firearm that is purchased, it must go through a person or business with an FFL.

Commissioner Levine replied that it could also be a dealer. Mr. Metzler said yes, it could be. He discussed the importance for gun owners to go somewhere they can trust and know that the gun will work properly.

Commissioner Levine asked if he could perform the business where he taught the classes rather than in his home. Mr. Metzler replied that he cannot because they have a lease and it is not allowed by the building owner.

Commissioner Levine said her issue is that he lives in a residential area, and her concern is for the community and for the people in his neighborhood. Mr. Metzler replied that by having a gun sent to his house is no more or less a threat to the community than the fact that he is a firearms owner.

Commissioner Levine asked how the firearm was delivered and if it was left on the doorstep. Mr. Metzler replied no, and that someone has to be at least 21 years of age and able to legally handle firearms in order to receive it. He said if he is not at home that his wife is a pistol owner and a veteran and can accept those packages for him.

Commissioner DeCarlo spoke about the importance of trust when purchasing a firearm and gave some insight to the process of purchasing a firearm.

Commissioner Jaggon asked if Mr. Metzler would be able to clean guns at his home. Mr. Metzler said he could clean his own but not someone else's firearm. He said that is not a service he would offer.

Commissioner Jaggon asked if he would be selling ammunition. Mr. Metzler replied that ammunition requires a separate type of FFL, which he is not applying for.

Commissioner Harvey asked if he had an estimate of how many transfers he would do in a year. Mr. Metzler said that it is hard to estimate because once a student finishes his class there are a bunch of other steps that they have to go through before they submit the paperwork to local police, and then from that point the police have eight weeks in order to put them in the system and get them approved for their pistol permit. He said most towns are backed up with pistol permit applications. He said at the maximum maybe five a week.

Commissioner Harvey asked where the firearm would be stored before the transfer happens. Mr. Metzler said that it would be stored in his safe. He said the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) will do a home visit and review where transfers will take place, where the paperwork will be stored and that everything has to be up to their specifications.

Commissioner Levine stated that she did not believe that the town has any regulations that govern this. Mr. Sealy said that we do but it would be tied into the home-based business regulations.

Commissioner Levine said but there is nothing specific to FFLs. Mr. Sealy replied that is correct and that is why he has brought it to the Commission.

Commissioner Levine asked if they were allowed by right, could the town potentially have a whole street of gun dealers.

Commissioner Harvey said if it required a special use then the Commission would have discretion.

Commissioner Levine said yes but there is nothing written into our regulations.

Commissioner Mips stated that is what Mr. Sealy will have to work on.

Commissioner Levine suggested that maybe we regulate that you can only have one per so many miles.

Commissioner Mips said the special use would run with the property and not the owner. Mr. Sealy replied yes, but any new individual in the home, regardless of the previous zoning approvals would have to go through this process again if that is the way the Commission would want to proceed.

Commissioner Levine asked Mr. Metzler how often his license is renewed. Mr. Metzler said it would be renewed after the first year, and then three years after that. He suggested that a special use with a time limit could mirror every time he would have to renew his FFL.

Commissioner Harvey asked Mr. Sealy if he knew anything about the existing FFL in town. Mr. Sealy said there was a letter in the Commission's packet addressing that specific property and that he did not know how it got approved.

Commissioner Mips said she understood there were three different outcomes to this and asked Mr. Sealy to set up a public hearing. Mr. Sealy agreed and believed that it should require a regulation change.

Commissioner Mips thanks Mr. Metzler for coming in and he thanked the Commission and Mr. Sealy.

## V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

- A. Special Use – 1001 Day Hill Road**, Section 8.6E, Commercial recreational and cultural buildings and facilities, I Zone, 55.7 acres, Dudleytown Brewing Co., LLC  
Daryle Dunlap of Dudleytown Brewing Company at 1001 Day Hill Road was present and stated that they are looking to add a music component to the outside beer garden and that a drawing was submitted with their application illustrating the plans.

Commissioner Levine said her assumption was that the outside facility would only be when weather permits. Mr. Dunlap answered yes.

Commissioner Levine said the restaurant will have indoor seating. Mr. Dunlap said the interior space is roughly 4,500 sq. ft.

Mr. Sealy asked Mr. Dunlap to give more information on the outdoor stage and to clarify potential hours of operation and if there would be amplified music. Mr. Dunlap replied that the outdoor space is about 7,000 sq. ft. and that they are looking to build something that is more permanent instead of having a tent. He stated that music would not be played past 10 p.m. and would primarily be on Fridays, Saturdays and early on Sundays. He said the live music would be amplified.

Public Comment: None

Commissioner Levine asked if he was comfortable with a one-year time limit as it is a big investment. Mr. Dunlap asked the Commission to extend that out as long as possible, so he would not have to come back every year. He said they have a ten year lease with the owner and it is a big investment.

Mr. Sealy looked through the records and said that he did not see any time limits on previous approvals. He said it was standard practice for the Commission to add time limits.

Commissioner Mips said special uses are usually one-year but this business has already been in operation for a while. Mr. Sealy said there have been no complaints reported to staff.

Commissioner Levine said that it is a whole new concept now that they are proposing outdoor music.

Commissioner Jepsen said that they have been having outdoor music but they have not had a permanent structure.



Commissioner Levine asked if they had amplified music and Commissioner Jepsen said yes and there have been no complaints for a year.

Commissioner Jaggon asked if the Commission was looking at a five year time limit.

Commissioner Jepsen said he would be fine with five years and Commissioner Jaggon agreed.

Commissioner Levine replied that it was quite a long time.

Commissioner Mips said she was thinking that they would need to come back in one year and then the Commission could entertain five years. She said that is what they have done in the past and would hate to change the precedent.

Mr. Dunlap asked if that was just for the music component.

Commissioner Levine replied yes and that it is the music component that is the troubling part.

**Motion: Commissioner Levine moved approval of the special use at 1001 Day Hill Road, commercial recreational and cultural buildings and facilities, for a period of one-year. Commissioner Jaggon seconded the motion and it passed 5-0-0.**

- B. Design Development Detail Plan – 144 Broad Street, 114 Upper Broad Street and 26 Prospect Street**, Mixed-use development, 120 units, B2 & R10 Zones, 3.492 acres, Alford Assoc., Inc. Founder of Grava Properties Greg Vaca and Professional Engineer Christian Alford of Alford and Associates, Inc. were present. Mr. Grava said the plan had been further refined and gave an overview of the project. He stated that it now consists of 120 units, nine of which are two-bedroom apartments and the remainder are studio and one-bedroom units. He stated that the first phase of 70 units is currently under construction and is anticipated to deliver next June. He said the second phase is anticipated to start as soon as the first phase delivers. He reviewed that the configuration of the site has evolved to incorporate one adjacent property at 114 Upper Broad Street to assist with parking and an easement on a separately owned second property at 26 Prospect Street to have a shared entrance and parking.

Mr. Alford reviewed the plan and stated that the plan has not changed that much since the previous approval in April of 2023. He stated that they added 14 more units and 29 more parking spaces in the back. He said the west building would now be four stories tall and the traffic will enter and exit both at Prospect Street and a one-way around the north-side to the new parking lot, where the house had been on Upper Broad Street. He said there are adequate utilities and there would be a lot more decorative trees and shrubs than there is at the present time. He also reviewed the waivers that were previously approved in October.

Commissioner Mips said that there were comments from the Town Engineer, specifically number 13 on the second page. Mr. Alford replied that there is a water line in front of the south building that was recently abandoned by the MDC (Metropolitan District Connecticut) and that it would be removed.

Mr. Vaca explained that over the last eight months, MDC has replaced all of the water main infrastructure around the whole block.

Mr. Alford said the Town Engineer wanted to be sure that there will still be access for pedestrians coming from Upper Broad Street down to the center and he said they would have access over the sidewalk. He noted that the pedestrian access is highlighted in yellow on the plan.

Commissioner Mips asked if cars will still be able to drive through the parking lot like they do now. Mr. Alford said that cars never had an easement to drive all the way through the property. Mr. Vaca said there is no gate there and they are not proposing one.

Mr. Alford also noted that there has been an area designated to store snow if necessary.

Public Comment: None

Mr. Sealy noted that the development is contingent upon action by the Town Council to transfer the right-of-way strip to the developer. He said the staff would recommend approval subject to addressing the staff comments in the December 4<sup>th</sup> Engineering memo, the November 27<sup>th</sup> Planning and Fire Marshal memo and final site plan and architectural review. He said staff is still reviewing the snow storage area.

Commissioner Levine asked if she should include the waivers in the motion. Mr. Sealy said they were all approved in the previous application but that it does not hurt to approve them again.

Commissioner Jepsen asked if they would be liable if the wall that Upper Broad sits on ever fails. Mr. Vaca said that while they acquired it, it came with the continued obligation of the town to restore and replace it, which is the same obligation the town had when it was state property. He noted that the wall is on the town's Capital Improvement Plan (CIP) to repair it and is slated for repair in two years.

**Motion: Commissioner Levine moved approval of the Design Development Detail Plan for 144 Broad Street, 114 Upper Broad Street and 26 Prospect Street with the following conditions: continuation of the previous waivers that were approved, resolution of the staff comments from memos dated November 27<sup>th</sup> and December 4<sup>th</sup>, and final review of the site plan and architecturals.**

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

- C. Subdivision – 853 Stone Road**, 4 lots, AA & AG Zones, 6.3 acres, Alford Assoc., Inc. Professional Engineer Christian Alford of Alford and Associates, Inc. and Dan Fauteux of Fauteux Construction were present. Mr. Alford reviewed that they are seeking approval of a four lot subdivision to build four houses on the north-side of Stone Road. He reviewed the parcel, topography, soils, stormwater management, and site distance for each driveway. He noted the property is zoned AA (residential) in the front and AG (agricultural) in the back. He also noted there is public water but no public sewer, and that the soil is suitable for a septic system.

Commissioner Mips asked if they had received the engineering comments from December 6<sup>th</sup> and Mr. Alford said he did and that he could go through the comments. He addressed comments about the stormwater report, as-builts, soil scientist findings, erosion and sediment control, construction entrance pads, soil type, pavement detail, needed permits from MDC and any excavation done in the town's right-of-way, existing street lights, hydrants, marking property lines after certificate of occupancy, plot plans, and house numbers.

**Public Comment:**

Robert Wallick of 782 Stone Road said he had several questions about the application. He asked if the property card or the zoning map would take priority as the property card indicates that it is in the AG zone and does not specify that it is in the AA zone. He also stated that the images showing the two different zones are different on the applicant's drawings than what is found online from the town's map. He estimated about a quarter acre difference, which then would make the AG zone the larger portion of the lots. He also stated that he could not find anything in the regulations that correlated to their application, which specified .65 dwelling units per acre, and noted that the regulations state AA zone allows 1.3 dwelling units per acre and AG zone allows for .3 dwelling units per acre. He said he believed there was a conflict and read from section 1.3 of the zoning regulations. He stated that considering there are two different zones on the property that the greatest restriction should be put in place and that the regulations for the AG zone should be used for calculating number of units per acre, which would allow for two houses instead of four. He continued that using the applicant's calculations of .65 units per acre that only two of the lots meet the requirements and two of the lots do not, and because of this he believed the lots should be redrawn or amended to allow two homes on the property to meet the AG zone requirements. He said he would like answers on where the numbers came from and how they came to be, and which takes priority – the zoning map or the property card.

Mr. Sealy replied that he did not catch all of the questions that he raised but said that the zoning map would take priority over the assessor's property card. He said that the property does have a split zone, and that we do have several instances in town. He recalled a subdivision on Rainbow Road where Habitat for Humanity built homes and it was zoned AG in the back of the property. He said the setbacks and standards for each zone would apply wherever that division is on the property but that the frontage and everything would have to meet the AA zone standards and the acreage requirements.

Mr. Wallick replied that the acreage requirement would require them to redesign the plots since one plot is at 1.36 acres and another one is at 1.422, and the minimum to meet the .65 listed is 1.54 acres.

Mr. Sealy said that he was not following what Mr. Wallick was saying. Mr. Wallick approached Mr. Sealy with permission to review documents he had printed.

Commissioner Jaggon asked if the Commission could extend this public hearing.

Mr. Alford stated that it was intended that the AA zone be along the frontage of Stone Road and that is what they are doing. He said if they were to take off the AG portion of the property that they would still have enough land to create AA lots. He said lots are about 135 feet wide and the AA zone extends back about 250 feet, so that is about 33,000 square feet, which is what is required for the AA zone. He stated

that the lots are quite a bit bigger than what is required under the AA zone, which requires only 27,500 square feet.

Commissioner Mips asked if their property lines were set in stone or if they could be moved to make them all closer to equal. Mr. Alford replied that the dwelling units per acre refers to the overall subdivision, so he did not understand the confusion.

Mr. Wallick discussed the discrepancy of the applicant's drawing to what is shown on the town zoning map and believed it would only allow three homes rather than four using the 1.3 dwelling units per acre.

Commissioner Mips asked Mr. Sealy if they should recess this and come back.

Mr. Sealy said the lots are meeting the minimum requirement for the AA zone and the density for each one and that each one is over an acre. He said he still did not understand Mr. Wallick's viewpoint.

Mr. Wallick replied that using the map he's looking at there is less than three acres in the AA zone, which would allow for three houses. He believed regulations state there is a conflict because there are two zones. He asked if AA or AG zone requirements would be used.

Mr. Sealy replied that they would go with the frontage at the front yard setback.

Mr. Wallick asked to see where it states that in the regulations because he is reading that it would require them to go with the more stringent requirements.

Mr. Sealy asked what part of the regulations he was referencing and Mr. Wallick replied section 1.3, page 1-3, "Conflict".

Mr. Alford said that he did not think there is a conflict here.

Mr. Wallick replied that there are two different zones on the same property.

Mr. Alford stated that there is a house next door that has two zones and Mr. Wallick replied that there is much more AA zone on that property to allow a house to be there regardless of the AG zone.

Mr. Alford said he believed the intent of the zoning map was to have AA zone along Stone Road.

Mr. Sealy said he would advise the Commission that this is very similar to the Rainbow Road application with the Habitat for Humanity houses had to meet the AG setbacks wherever the line of division occurred, and he did not see what the conflict is with this application.

Commissioner Mips said that she did not have a problem with it.

Commissioner Jepsen said that Mr. Wallick might have a possible legal case on how the zoning regulations are interpreted and that he would like to have some better resolution as to if he has a case. He said he understood that there may have been other applications but probably no one contested it.

Commissioner Levine said then they would have to recess the meeting and get the advice of the town attorney.

Commissioner Harvey thought it was a good idea.

Commissioner Mips said that might be the best way to resolve this without setting something up. She also noted that the applicant could apply for a zone change to make the whole property zoned AA as it is not going to be used for agricultural.

Mr. Alford said it is clear that everything along Stone Road was supposed to have AA frontage and they have the area for the frontage and they are just tacking on some additional agricultural land.

Commissioner Mips said they could approve it, but if there is going to be contention that the Commission would rather have the town attorney's opinion on it and that she would go to recess the application to the next month.

Mr. Sealy asked Mr. Wallick if the conflict he was raising was in the zoning regulations or the subdivision regulations. Mr. Wallick replied that the map he's looking at would only allow three houses and not four.

Mr. Alford replied that they are not proposing to divide the land along the AA zone there and that there is plenty of land there.

Mr. Wallick said that he disagrees and believes there is a conflict and that the AG zone requirements should apply.

Mr. Alford said that Mr. Wallick is looking at the GIS map, which is not the zoning map and that it is an interpretation of the zoning map. He asked the Commission to interpret the zoning map and why the line was drawn there. He thought the intent was to have AA frontage lots along Stone Road.

Commissioner Jepsen replied that they do have an official zoning map in their package tonight but it is hard to see because the map is small. He thought the map lined up with what Mr. Wallick was saying versus Mr. Alford's math and that was a concern of his.

Mr. Alford agreed that it would be something to investigate and he shared what he thought was the intention of the line.

Mr. Jepsen said that the Commission cannot go by intent and that they have to follow the zoning regulations.

Mr. Sealy asked to keep the public hearing open tonight in case there is anyone else in the audience who would like to speak.

Debra Bologna of 933 Stone Road asked if the public hearing would remain open. Commissioner Levine replied that they would not close the public hearing and Commissioner Jepsen clarified that it would still be open in January.

Ms. Bologna asked the developer why the AG zoned portion, which is currently wooded, is not going to be used as open space if it is not needed for the requirements of the AA zone.

Mr. Alford replied that they discussed it with town staff and said it would leave the property in the rear inaccessible, so it would not be of interest to the town. He said they could put a conservation easement over the land but then the homeowners would not be able to cut the trees back there.

Ms. Bologna said she is asking because the tree line is very useful environmentally for the residents of Stone Road.

Commissioner Mips said nothing would be happening to it as it is the back end of that piece of property and they are not planning to take it out from what she can see.

Ms. Bologna replied that when she looked at the map it looked like each plot is shaped like a pie narrowing to the back into the woods and each homeowner would then own a portion of the woods. She asked if that was correct and Commissioner Mips said yes.

Ms. Bologna said that the homeowner can then cut down the trees and she asked if that was correct.

Commissioner Levine said they could but only to the property line.

Ms. Bologna asked if they could plan some way to save that wooded area as a buffer for noise from Dollar Tree for those who hear it on Stone Road. She said it is an environmentally sound thing to do. She said she would hate to see the trees removed and asked if there could perhaps be a conservation easement on it.

Mr. Alford replied that the developer would prefer to do that rather than paying the fee in lieu of open space.

Commissioner Mips commented that putting a conservation easement on it would save the developer \$3,000/lot and Mr. Alford replied that was correct.

Mr. Dan Fauteux came forward to comment. He said he instructed Mr. Alford to make decent sized lots for the homeowners and that they would have about an acre and a half. He said the wooded area would be of no use to the town and that he would rather give the money for them to buy something else. He thought that the homeowners should be able to have an acre and a half, which he did not think was that big. He said he was not into putting a conservation easement on the land to make a homeowner happy who is located far away from the house.

Marjorie Janik of 793 Stone Road commented that between her home and Fern's home that there is a 25' right-of-way and there are three acres in the back and she shared concerns with the land being clear-cut

to build these homes and that the whole area is going to open up. She commented that Mr. Fauteux has a superior reputation.

Commissioner Mips thought they should recess this public hearing, get the attorney's opinion, and come back next month. She asked if everyone was in agreement and the Commissioners agreed.

**Motion: Commissioner Levine moved that the Commission recess the application at 853 Stone Road in Windsor to the January meeting.**

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

**D. Special Use – 300 Lamberton Road, Section 8.6Y, Warehousing, wholesaling and/or distribution facilities, I Zone, 4 acres, Rosa**

Owner Michael Richards was present and discussed the current use of property.

Mr. Sealy clarified that the application is for a special use and that there is also a site plan revision that has been submitted to staff to add additional loading docks. He asked Mr. Richards to talk about the nature of their operations and what they are looking to do. Mr. Sealy continued that during the review of the site plan revision it came to staff's attention that adding additional loading docks would exceed the ratio found in the zoning regulation's section 8.6Y. He said they currently have two loading docks and they are looking to add three more. He said although this is not a high volume warehousing and distribution facility, staff felt that it should come before the Commission as a special use application.

Mr. Richards stated that he purchased Ger Oil three years ago and they distribute oil largely to automotive businesses. He said they have five of their own delivery trucks. He said they purchased this building with the intent of storing and distributing their product. He said their trucks usually leave at 7:30/8 a.m. and are usually back by 3 or 4 p.m. and they take in four to six trailer loads of product a month. He said they store it, break it down and deliver it to auto parts stores, auto dealers and repair shops.

Commissioner Levine asked if all the storage would be inside and Mr. Richards replied yes.

Commissioner Levine asked what the process is like when they break it down. Mr. Richards said he has nine employees and they unload trailers in that facility and they will put it in pallet racking. He said they do bring in some bulk product because they pump product into other's people's tanks, like for auto dealerships.

Commissioner Mips clarified that this application was going to be a 3.9 site plan revision application but because they needed to add loading docks then we had to require a special use application as well. Mr. Sealy replied yes.

Commissioner Levine asked if the product was flammable. Mr. Richards said no and that it is not considered hazardous until it is used.

Public Comment: None.

Mr. Sealy stated that staff will need to review fully engineered plans before approving the site plan application and as a part of that we would also review in detail the screening of the truck courtyard. He said they have proposed some screening measures but staff would like to be sure it is going to be adequately screened from Lamberton Road. He noted there was a memo from the Assistant Town Planner dated December 4<sup>th</sup> and an engineering memo. He said any approval should be subject to the resolution of staff comments.

**Motion: Commissioner Levine moved approval of the special use for 300 Lamberton Road, Warehousing and wholesaling and/or distribution facilities pending resolution of any outstanding issues raised by the town staff.**

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

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

**VII. ADJOURNMENT**

**Motion: Commissioner Levine moved to adjourn the meeting at 9 p.m.**

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

Respectfully submitted, \_\_\_\_\_, Andrea D. Marcavitch, Recording Secretary on December 10, 2024.

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Jill Levine, Secretary