

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
JANUARY 14, 2025
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

Present: Commissioners Mips, DeCarlo, Levine, Jaggon and Jepsen and Alternate Commissioners Hallowell, Harvey, 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.

A. Public Communications and Petitions (five-minute time limit per person) – None

B. Communications and Petitions from the Town Planning and Zoning Commission

Commissioner Levine stated that she attended January's Plan of Conservation and Development (POCD) Advisory Committee meeting and encouraged the public to participate whenever there is a public forum to provide input on the POCD update.

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 – 30 Baker Hollow Road**, Addition, I Zone, DJB Building
- 2. 3.9 SP Revision – 99 Lamberton Road**, Storage container, I Zone, Peltier

Assistant Town Planner Mitchell Vye reviewed the applications.

G. Site Plans

1. Site Plan – 89 and 99 Lamberton Road, Solar array, I Zone, 28.87 and 21.69 acres, Babich
Director of Design and Permitting Bradley Parsons and Project Manager Torre Babich of Verogy were present. Mr. Parsons gave an overview of the application and discussed the location of the solar facility, 2,470 panels, zoning setbacks requirements and vegetation.

Town Planner Todd Sealy asked Mr. Parsons to share his screen so that the Commission could have a visual while talking through the site plan.

Mr. Parsons shared his screen and the site plan was visible on the screen. He continued that they have been before the Inland Wetlands Commission and that they needed to make some adjustments before getting their approval. He discussed access and the distance from the property line to the south.

Commissioner Levine asked how much noise would be emitted from the solar panels. Mr. Parsons said that the panels do not make any noise but the inverters will have a dBA (A-weighted decibel) of about 68 decibels. He reported that they are in the process of having a sound engineer perform an analysis to show that the noise will not have any negative impact and that the noise will dissipate by the time it reaches the property line.

Commissioner Mips asked if the sound study had been done yet and Mr. Parsons said no. He said they were working through staff comments that they received around the holidays and that they plan to ask for a continuance to the February meeting since they also did not have the Inland Wetland's Commission approval. He stated that they wanted to come before the Commission tonight to address any potential comments between now and the February meeting. He anticipated that the sound study would be done by the end of the month and before the next meeting.

Mr. Sealy explained that this application came in originally as a 3.9 site plan revision application, but after review staff determined that it exceeded the limits of a staff approval and felt that it should go to the Commission. He said initially there were some concerns whether this met the regulations for on-site solar energy but since then they have resolved the question and felt they could proceed without any property line revisions. He stated that we are still waiting on a sound study and the visual impact analysis. He also mentioned that the Inland Wetlands Commission requested revisions to the application and that they did not act on the application, so the Planning and Zoning Commission could not take action tonight.

Commissioner Mips agreed that the application would need to be continued and said that the applicant would need to have answered and addressed all staff comments before coming back to the Commission.

Motion: Commissioner Levine moved that the site plan for 89 and 99 Lamberton Road be continued until the February 2025 meeting.

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

H. Minutes

1. December 10, 2024

Motion: Commissioner Levine moved to approve the draft minutes of December 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 reported a kickoff event was held in December for the launch of the POCD website (plan.windsorct.com) and community survey at the Winter Wonderland Festival. He said it was a well-attended event and were able to have conversations with a good number of people. He said they also had

their second meeting with the POCD Advisory Committee where the consultant presented some community-wide statistics, and the committee reviewed it and gave their feedback and experiences. He said they had chosen a logo and will be preparing some displays at our public libraries and will run ads in the Windsor Journal and on WinTV. He encouraged the Commissioners and the public to participate in the survey and encourage their network to do so as well. He said to contact the Planning Department if anyone has any issues with the website or survey.

He also reported that the Likkle Patty Shop has moved to Broad Street where the Subway had been located and that Noble Gas had received their Certificate of Occupancy and are now open and operating with a Dunkin'. He reported that he is working on the text amendment for the Federal Firearms License and it is taking longer than hoped. He hoped to have something for the Commission in February or possibly even March.

Commissioner Mips said that it is better to do it right than to do it fast.

IV. BUSINESS MEETING

A. Application Acceptance

1. **Special Use Extension – 25 Central Street**, Section 5.2.6B, Commercial recreational and cultural buildings and facilities, B2 Zone, .64 acres, McKay
2. **Special Use – 245 East Barber Street**, Section 8.6F, Limited repair and service of motor vehicles, I zone, 1.12 acres, Cross Country Automotive, LLC

V. PUBLIC HEARINGS

- A. Subdivision – 853 Stone Road**, 4 lots, AA & AG Zones, 6.3 acres, Alford Assoc., Inc. Professional Engineer and Land Surveyor Wilson Alford, Jr. of Alford and Associates, Inc. and Dan Fauteux of Fauteux Construction were present. Mr. Alford said that historically the Commission had allowed development with two zones and that the houses would be built in accordance of whatever zone it was placed on. He said there were engineering comments and that they have complied and submitted responses but are waiting to hear back.

Public Comment:

Robert Wallick of 782 Stone Road stated that he still had questions regarding where in the regulations it stated they are allowed 6.5 dwelling units per acre. He asked with two zones on one property which zone are they required to use and stated that the regulations say to use the more restrictive zone. He asked that they follow the regulation as it is written.

Commissioner Mips asked Mr. Sealy to address Mr. Wallick's questions. He explained that the subdivision regulations do not explicitly address the treatment of lots within split zone properties. The zoning regulations do mention split zones in section 1.21E, which permits the Commission to apply the provision of either zoning district for a distance of up to 20 feet from the zone boundary line without requiring a zone change or a public hearing. He said the Commission had approved subdivisions involving split zone properties in the past. He said in this case, the zone boundary line serves as a transition point between the setback requirements and the zoning determinations, so the applicable

zoning regulations are determined by the location of the primary structure on the lot as far as density. In response to the conflict mentioned in section 1.3 of the regulations, Mr. Sealy replied that he did not think a split zone property was a regulatory conflict. He said the past practice had been to require compliance with the applicable zoning regulations of wherever the structure is placed. He recounted a project on Rainbow Road that had a similar situation and in Mr. Christian Alford's letter he had referenced another subdivision.

Mr. Sealy responded to the discrepancies in the map and said he went to the Town Clerk's Office and looked at the map book, which looked like it was at 200 scale. He said it did look like the zoning line came across in a different location. He believed part of that could be the scale and shifting between two maps. He said he asked the Town Attorney which map would take precedent if there was a discrepancy between the zoning map and the map book in the Clerk's Office. He said regardless of where that line falls, the structure falls within the AA Zone. He stated he felt the Commission has enough information based on past precedent and viewing the regulations to take action on the application.

Commissioner Levine read a letter into the record from Robert and Debra Bologna of 933 Stone Road. They asked if there were any protections like open space or a conservation easement or other protections that could be placed upon the tree line at the rear of the four lots. They said the community benefits from this wooded area, which provides protection from noise pollution from the Dollar Tree, the airport and other businesses and it also protects a large area of wetlands and wildlife.

Commissioner Levine said the letter she just read alluded to a large wetland.

Commissioner Mips said she didn't see a wetland on the map.

Mr. Sealy said that the wetland is off site to the rear. He said there is a large wooded area behind this parcel that leads back into Dollar Tree, which is a good distance away. He said there are no wetlands on the property.

Commissioner Levine said she wanted to clarify that for the record.

Mr. Sealy said that the staff did look into whether or not this could be dedicated open space. He said that it did not provide public access to anything and it does not connect to any larger space. He said the fee in lieu of open space would be appropriate for the four lots. He said if the applicant wishes to hold a conservation easement on the property that they can do so at their discretion but there is no requirement in the regulations. He stated that the plans do not indicate that the developer intends to go in there and cut, and that he did not suspect there is a significant amount of timber to get back there to harvest.

Commissioner Jaggon stated that he had some concerns with conflicts in the interpretation of the regulations and that he would feel more comfortable with the Town Attorney's input on this application. He said he would abstain.

Motion: Commissioner Levine moved approval of the subdivision at 853 Stone Road, four lots in the AA and AG zones on 6.3 acres with the provision that all outstanding issues raised by town staff be resolved.

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

VI. PUBLIC COMMUNICATIONS AND PETITIONS – None

VII. ADJOURNMENT

Motion: Commissioner Levine moved to adjourn the meeting at 7:38 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on
January 14, 2025.

Jill Levine, Secretary