

**MINUTES
TOWN PLANNING AND ZONING COMMISSION
FEBRUARY 11, 2025
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

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

Absent: Alternate Commissioners Harvey and Tetteh

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 Mips announced that the March 11th meeting would have to be postponed to March 18th because a town referendum is scheduled for that day.

Motion: Commission Levine moved that the March 11th, 2025 meeting of the Planning and Zoning Commission be moved to March 18th, 2025.

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

C. Zoning Enforcement Officer's Report – None

D. C.G.S. §8-24 Referral Requests

1. Welch Park Court Rehabilitation – 1701 Poquonock Avenue

Town Planner Todd Sealy stated that he would present the 8-24 and that the Town Engineer Suzanne Choate had joined the meeting via Zoom and could answer any questions. Mr. Sealy reported that the adopted Capital Improvement Program included a project consisting of reconstructing the courts at Welch Park. The proposal is for new tennis and pickleball courts in the location of the existing ones. The surrounding chain link fence will be replaced and a sound barrier added on the two sides adjacent to residential properties. He said a shade structure is also proposed within the court area and drainage improvements and updates are also included in the project.

Commissioner Levine asked for help identifying which courts were the pickleball courts and which ones were the tennis courts. Ms. Choate replied that there is one single tennis court proposed and that it is the larger court. She stated there will be five pickleball courts that look like half size tennis courts.

Commissioner Levine asked if the one on the far left was the tennis court and Ms. Choate replied correct.

Commissioner Mips said that it looked like it would be a nice addition to Welch Park and did not have any problems with it.

Motion: Commissioner Levine moved that the Planning and Zoning Commission of the Town of Windsor, pursuant to the provisions of Section 8-24 of the General Statutes of Connecticut, recommends the Windsor Town Council agree to the improvements of the Welch Park Courts as shown on “Welch Park Tennis Court Rehabilitation, 1701 Poquonock Avenue, Windsor, Connecticut”, dated 02/05/2025, by Design Professionals, Inc. Commissioner Jepsen seconded the motion and it passed 5-0-0.

E. Pre-Application Scrutiny – None

F. Re-Approvals/Revisions/Extensions

- 1. 3.9 SP Revision – 51 Day Hill Road**, Modification to propane tank, I Zone, .25 acres, Kuegler/MDC

Mr. Sealy reviewed the application.

G. Site Plans

- 1. Site Plan – 89 and 99 Lamberton Road**, Solar array, I Zone, 28.87 and 21.69 acres, Babich – *continued from January 14, 2025 meeting*

Mr. Sealy stated that staff had received a sound study and also a visual impact analysis.

Director of Design and Permitting Bradley Parsons of Verogy and Engineer Anthony Capuano of Solli Engineering were present. Mr. Parsons gave an overview of the application and discussed revised grading, existing vegetation that will remain between residences and the site, sound study findings, Wetlands Commission approval, and minor staff comments regarding needed permits pertaining to erosion control and stormwater.

Commissioner Levine asked if the Commission was allowed to hear this application because the final approval of the Wetlands’ Commission was conditional. Mr. Sealy said the condition was to address one of the Town Engineer’s outstanding comments. He stated that as long as it has been addressed and they are working towards resolution then it can be acted on tonight.

Commissioner Mips asked if it would be a condition of their approval and Mr. Sealy said yes.

Commissioner Jepsen mentioned a resident’s concern about erosion that happens downstream and he wanted to be sure the runoff would not add volume to the brook. Mr. Parsons stated that initially gravel was proposed underneath the array and that has all been removed now. He said they ran a pre and post stormwater analysis and the area under the array will remain grass and there will be no increase in stormwater runoff as a result.

Motion: Commissioner Levine moved approval of the site plan for 89 and 99 Lamberton Road, the solar array in the I Zone, subject to resolution of all outstanding staff comments. Commissioner Jepson seconded the motion and it passed 5-0-0.

H. Minutes

1. January 14, 2025

Motion: Commissioner Levine moved to approve the draft minutes of January 14, 2025 as amended. Commissioner Jepson seconded the motion and it passed 5-0-0.

II. MISCELLANEOUS

A. Connecticut Federation of Planning and Zoning Agencies (CFPZA) – Winter 2025

B. Connecticut Federation of Planning and Zoning Agencies (CFPZA) – Annual Conference – March 27, 2025 in Plantsville, CT

Mr. Sealy reviewed the winter CFPZA newsletter and encouraged commissioners to contact Ms. Marcavitch if they were interested in attending the annual conference.

III. PLANNER'S REPORT

A. Update on recent development

Mr. Sealy reported that the Broad Street Traffic Calming and Pedestrian Safety project has a referendum scheduled for March 11th. The polls will be open from 6 a.m. to 8 p.m. and absentee ballots are available beginning February 18th. He said more information can be found on the town's website (townofwindsorct.com) and encouraged everyone to get out and vote.

He also stated that the Planning Department is gearing up for the first Plan of Conservation and Development (POCD) public workshop on Thursday, February 27th at 6:30 p.m. in the Council Chambers at Town Hall. He said there will be prompts and an opportunity for public feedback and questions. He encouraged residents and commissioners to attend and spread the word. He mentioned that the survey is live and can be found on the town's website and encouraged residents to complete it.

He said the third POCD Advisory Committee meeting will be held on Thursday, February 13th. He reported the Day Hill Corridor consultant held a public meeting on January 15th. He said they hoped to hear more news by the end of the month.

IV. BUSINESS MEETING

A. Application Acceptance

- 1. Special Use Re-approval – 130 Deerfield Road, Section 15.1.9, Family Center, A Zone, 3.7 acres, Carmon**
- 2. Text Amendment – Sections 13.2.10A and 13.2.10C, Highway Transitional Design Development, Goman+York Property Advisors**
- 3. Text Amendment – Sections 4.4.6 and 4.5.4, Minor and major home-based businesses, TOW (FFL)**

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

- A. Special Use Re-approval – 25 Central Street**, Section 5.2.6B, Commercial recreational and cultural buildings and facilities, B2 Zone, .64 acres, McKay
Stephen McKay of 335 Palisado Avenue was present and requested a 10-year renewal period. He stated that they had invested quite a bit of money already and that it was hard for them to commit to spending more when they do not know if they would be able to make a long run here. He said they had proven to be good stewards of the venue and have offered diverse multicultural programming and entertainment benefitting the community at large. He said they have not received any complaints and have not called the police.

Public Comment: None

Mr. Sealy stated that there were regulations written a few years ago to facilitate this type of redevelopment which said that any existing floor area prior to the adoption of that regulation does not have to provide additional parking as a result of the change of use. He said there was roughly 420 parking spaces, not including street parking, in town center. He said to his knowledge there have been no complaints related to noise or parking. He asked Mr. McKay if he could speak to some of the work they have done to address some of the concerns.

Mr. McKay said they have done two things to address noise concerns. They placed a movable petition in front of the back door when they have live music and they also have two pipe and drape setups, one backstage to absorb any noise backstage and one at the front of the house. He stated that they also plan to carpet the second floor.

Commissioner Mips asked Mr. McKay to talk about having a catering kitchen. Mr. McKay said that they would like to build out for a catering kitchen. He said they have received feedback from many customers asking for a service kitchen for functions. He said right now there is not a functioning kitchen in the facility.

Commissioner DeCarlo asked if they would be making the food or if an outside entity would come in and use it. Mr. McKay said it would be their preference to have somebody come in and run the kitchen. He said he is not interested in running a restaurant.

Commissioner DeCarlo asked about alcohol and if they would be serving wine and beer or providing full bar service. Mr. McKay said that at this point, selling beer and wine would be their preference but eventually they would like to have a full bar in the facility. He said they do not let outside alcohol to be brought in. He said they had some events where Union Street Tavern had done the alcohol service with them and they have had zero incidents.

Commissioner Levine asked about the hours of operation. Mr. McKay replied that it has varied and that he did not think they had anything that went past 11 p.m.

Commissioner Levine asked if Mr. McKay had a chance to look at the notes from town staff. Mr. McKay said that he had and that he had met with the Building Inspector and the Fire Marshal.

Mr. Sealy said that any kind of catering service would have to be accessory to the primary use and that they would have to work with the Health Department and Building Official. He said if they thought it exceeded any regulation that they may need to come back to the Commission, but right now it could be approved as an accessory use.

Commissioner DeCarlo asked if that included the alcohol as well and Mr. Sealy said yes.

Commissioner DeCarlo asked if they offer alcohol if that would change their operational hours.

Commissioner Mips said they are not opening a bar.

Commissioner DeCarlo asked Mr. McKay if they plan to eventually provide a full bar. Mr. McKay explained what they are currently doing and said he understood that any addition of alcohol would result in him coming back to the Commission for approval.

Mr. Sealy said he wanted to be clear that the applicant is requesting to provide beer and wine service and Mr. McKay responded that is right.

Commissioner Jepsen said that he was fine with giving them a 10-year time limit. He said he had the experience and had run successful establishments in the past and Commissioner Levine agreed.

Commissioner Jaggon asked about their March 16th Soca dance and Mr. McKay gave him the details and said that they have had a wide range of programming.

Commissioner Levine asked about the capacity at the facility and Mr. McKay said that the capacity is about 348.

Motion: Commissioner Levine moved approval of the special use re-approval for 25 Central Street for commercial, recreational and cultural building facility for a period of 10 years. Commissioner Jaggon seconded the motion and it passed 5-0-0.

B. 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

Owner Salvatore Sena of Cross Country Automotive, LLC was present and said that he bought the property and the company in 2000 and has been established there for 25 years. He said he is looking to change their license from a repair to a dealers. He said he is looking at five spaces in the front for parking.

Commissioner Levine asked if he was going to continue to do repairs and sell cars and Mr. Sena said yes.

Commissioner Mips asked if he has enough room to facilitate that and Mr. Sena said yes.

Commissioner Jepsen said that in his letter to the Commission he stated that the majority of the business will be wholesale and that vehicles would not come through our physical location on bar receipt but will go through the auction. Mr. Sena explained that they are selling to other wholesalers and is not looking for retail sales.

Commissioner DeCarlo asked how many parking spaces they have and Mr. Sena replied that he owns the whole property.

Commissioner DeCarlo asked if the parking was all for his business or were there other businesses in there. Mr. Sena said there is another little auto shop on one side and a sign company.

Commissioner DeCarlo asked if there would only be eight parking spots for all the businesses. Mr. Sena explained that there were 25 parking spots in the front and an additional 18 spaces in the back and that there is even more past that.

Commissioner Mips asked if he had a chance to read the staff's review. Mr. Sena said that staff had walked the property already and that the Fire Marshal and Building Department had visited.

Commissioner Levine asked about the status of the right-of-way. Mr. Sena said that they are looking to get adverse possession on it. He said he spent \$18,000 25 years ago to clean it all up and has been maintaining it ever since. He said they have to get the legal part done.

Commissioner Levine asked if it was a closed issue and Mr. Sena said that it is something that is just getting started. He said he had given the paperwork to Mr. Sealy.

Public Comment: None

Commissioner Levine asked how much time he was requesting for the special use. Mr. Sena replied that he has been there for 25 years already.

Mr. Sealy explained some of the history of the property and that the last special use approval that was in the Planning Department's records was from 2001. He said the approval was subject to a list of conditions – fencing, screening details, dumpster location, signage, and final grading for a one-year period. He said there was a gap in his knowledge between the final approval and the Department of Motor Vehicle (DMV) applications in 2014 and 2016, so he thought it would be best to bring this back to the Commission. He discussed the area north of the property between the applicant and Route 291 and said that it was considered a paper street. He discussed some of the history. He said staff suggested that this application be subject to the approval of submitting a final parking plan as they had seen several iterations of a site plan, and they have slightly different variations. He said according to the regulations they are limited to five used cars for sale at a time. He said that with these additional five spaces, the staff would like to finalize this on a site plan, so that the town's records are clear going forward. He reported that staff had conducted an inspection and that the facility screening is up and effective and that

there were no additional comments from the Fire Marshal or the Building Official. He said staff would recommend approval subject to finalizing the parking plan and resolution of the ownership for the right-of-way on Booth Street. He mentioned a letter that was found from a town attorney in the 1970's that stated he would have a have a difficult time finding records of who owns that paper street even at that time.

Commissioner Mips said that it had not been a paper street for some time.

Commissioner Levine asked if the application was a re-approval.

Commissioner Mips said that it is almost a restart because he never came back after year one.

Mr. Sealy stated that Mr. Sena had been doing the same thing for a number of years, and the DMV applications had been signed by staff. It did list used car sales on there. He said when it came across his desk and he went through the files he could not explain why the gap existed.

Commissioner Mips asked if they should put a time limit on the special use.

Mr. Sena said that he did come back in 2016 but that the paperwork was missing from the file. He said former Town Planner Mario Zavarella signed off on a permit in 2013 and told him that he would never have to go before the Planning and Zoning Commission again. He said the Planning staff could not find the records, so he is here to make a fresh start.

Commissioner Jaggon asked if he had been operating a used car dealership since 2016 and Mr. Sena said that he had it approved in 2016.

Commissioner Jepsen asked if given the length of time, could it be that the zoning regulations were such that this would have been a nonconforming use and is grandfathered in. Mr. Sealy responded that it could have been what we consider a nonconforming use for a limited repair facility, and then they were able to upgrade it to a general repair facility. He said that this location would not be approved with current zoning regulations and it may have predated the zoning regulations.

Commissioner Mips asked if there had been any complaints received and Mr. Sealy said no, not to his knowledge.

Commissioner Levine was uncertain of how to proceed with the motion.

Commissioner DeCarlo asked if they could do a five-year instead of one-year time limit. He thought a five-year time limit would give him time to clean up and make sure everything is done right.

Commissioner Jepsen said if it is nonconforming and predates the code then there is no time limit.

Commissioner DeCarlo replied that the Commission did not know the answer to that.

Commissioner Mips said that the five-year time limit made sense because it gives him time to clean up a few things.

Commissioner DeCarlo agreed that it would give him time to coordinate and get the data.

Motion: Commissioner Levine moved approval of the special use at 245 East Barber Street for a period of five years with the condition that all outstanding issues raised by town staff be resolved. Commissioner Jepsen seconded the motion and it passed 5-0-0.

- C. **Special Use – 27 Sinclair Street**, Section 4.5.7B, Group Homes, R8 Zone, .25 acres, Myers Rhonda Myers of 44 Hope Circle was present and reviewed the application. She said the application is for a residential care home or group home for healthy elderly people, ages 55 and up that are still able to live a healthy lifestyle but may be facing hard times financially or homelessness. She said Halo Harp offers people a chance to come into a home within a group setting, which will allow them to live as a family unit. She said they wanted to help those who could not afford assisted living and were too healthy for a nursing home. She stated that the home on Sinclair Street has a long driveway and there is no traffic. She said they would provide transportation to appointments and help them maintain their independency and live as long as they can.

Commissioner Mips stated that in the application it said there would only be four individuals at one time and Ms. Myers replied yes.

Commissioner Mips said that there were a number of comments from the February 6th staff review and asked if she had gone through the memo. Ms. Myers stated that she had just received it tonight.

Commissioner Mips said there was a lot in the memo and asked Ms. Myers again if she had seen it and Ms. Myers stated that she had not received it at all.

Commissioner Mips asked if she had been able to read through any of it while she was sitting there and Ms. Myers said that she read through a little bit. She said she received like three emails and she did reach out to the people. She stated some of the emails were repetitive with the same language with different people's names. She said one person did reach out to her and said that they liked the idea and thought it was really nice.

Commissioner Mips stated that a license is required through the Department of Public Health (DPH). Ms. Myers replied yes and that the paperwork is there and that they are waiting for the Fire Marshal. She said Mr. Sealy had told her there were other things that she needed to do and one was to come before the Commission.

Commissioner Levine commented that there were a lot of modifications to do to the house itself and asked if she read the comments from the Building Department. Ms. Myers said that she did not have that paper.

Commissioner Levine read the building comments out loud from the memo dated February 6, 2025.

Ms. Myers stated that she did not have the memo that Commissioner Levine read.

Commissioner DeCarlo asked if it was emailed to her and Mr. Sealy replied yes it was.

Ms. Myers stated that she received emails that she could not open and said that she sent an email back stating that she was unable to open the attachment and that no one ever responded. She said an architect did come out and did an assessment and it was submitted to the Town of Windsor. She said they were told initially that they would not have to have a sprinkler system because it was only a two-bedroom.

Commissioner Mips stated that she was worried because what she is reading from the Planning Department says that the occupancy for 27 Sinclair Street would be limited to four residents because of the number of bedrooms (2) and one bathroom on the property card. She read that there are numerous improvements required by DPH depending on the occupancy type and the capabilities of individuals. She listed the house modifications required by DPH – an additional bathroom, a generator and improvement for accessibility. Commissioner Mips asked if she had done any of the modifications.

Ms. Myers replied that they are working on the bathroom for the staff and that they know they are required to have a generator as well. She said she would need to get the letter that Commissioner Mips mentioned so she could read all the comments. She said they would have to work on it.

Commissioner DeCarlo said he was trying to understand the parking. He read that the common standard from the American Planning Association parking manual for a group home is one space per bedroom and one space for employees. He asked Ms. Myers how many people are going to be working there at a time. Ms. Myers replied that there would be about three people per shift and that someone would have to be there 24 hours a day.

Commissioner DeCarlo asked if she understood that she only has room in the driveway for four parking spots. Ms. Myers answered correct that she understood and stated that it is a very long driveway.

Commissioner Mips recommended recessing the public hearing to give Ms. Myers time to read all of the staff and public comments and allow the Commission to get the information needed to move forward.

The Commission agreed and said they did not have enough information to proceed.

Ms. Myers requested a copy of the letters and Commissioner Mips replied that she could have hers.

Commissioner Jaggon asked how medications would be administered to the clients. Ms. Myers said that nursing staff or licensed Certified Nurse Aides (CNA) would be able to give medications.

Commissioner Mips asked if CNAs can give medication and Ms. Myers replied that they can become licensed through the State.

Commissioner Jaggon asked how controlled medications would be stored and Ms. Myers stated that they would have to be locked up.

Commissioner Jaggon asked how they would select their clients. Ms. Myers stated that it would be through admitting and that they would receive paperwork from facilities, and then they would have to read the paperwork to determine who is appropriate and who is not for the facility.

Commissioner Jaggon asked how they would deal with mental health challenges to the neighbors. Ms. Myers replied that she is open to talk to any neighbor about the business.

Commissioner Mips stated to Mr. Sealy that there are too many open questions to go any farther and would give the staff time to work with her.

Mr. Sealy stated that staff had met with her on several occasions and have explained what the requirements would be. He said they did have to do some research in the building code and the DPH codes of what would be needed for the building. He stated that all the information had been relayed to her. He said that he was not aware that Ms. Myers had any issues opening email attachments.

Ms. Myers said that she replied to the person who sent her the email and that she did not receive a response back. Mr. Sealy said that he was not aware of that correspondence. Ms. Myers said that it was not from him.

Commissioner Mips said they would take a recess and asked Ms. Myers if she understood that recessing the application meant that they would come back in a month and that the Commission would open the public hearing and continue from there. Ms. Myers said okay.

Mr. Sealy commented that there are a number of people here tonight to speak on this application.

Commissioner Mips said there are so many unanswered questions and thought they would be better off to wait and get the information correct and then they can open the public hearing. She asked if anyone else thought differently.

Commissioner Levine agreed with Commissioner Mips and stated that the purpose of listening to the public comments is to try to get answers, and the Commissioner does not have the answers themselves, so they cannot answer questions that the public may have.

Commissioner DeCarlo stated that the Commission has questions too that are unanswered and they cannot make a decision without answers.

Ms. Myers said in all fairness that she needed a chance to look over all the information.

Commissioner Mips said she understood that if Ms. Myers had not seen the information and Ms. Myers said thank you.

Mr. Sealy said that if anyone from the public has any questions about the application to reach out to the Planning Department staff, and we can provide some clarification. He said the meeting would be continued to March 18th.

Motion: Commissioner Levine moved that the special use at 27 Sinclair Street be recessed until the meeting of March 18th, 2025.

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 8:05 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on February 11, 2025.

Jill Levine, Secretary