

**MEETING MINUTES
TOWN PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2025
7:00 P.M. HYBRID MEETING
275 BROAD STREET, WINDSOR, CT**

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

Absent: Alternate Commissioner 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 – 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 Site Plan Revision – 550 Marshall Phelps Road, Site modifications - silos, I Zone, Bodum USA**
 - 2. 3.9 Site Plan Revision – 48 Skitchewaug Street, Install pavilion, R8 Zone, TOW**
 - 3. 3.9 Site Plan Revision – 1101 Kennedy Road, Install solar-powered scoreboard, NZ Zone, Hofsiss**
 - 4. 3.9 Site Plan Revision – 100 Helmsford Way, Site modifications, I Zone, Amazon**
 - 5. 3.9 Site Plan Revision – 50 Sage Park Road, Driveway expansion, NZ Zone, TOW**

Town Planner Todd Sealy reviewed the applications.

G. Site Plans

- 1. Site Plan – 84 Ezra Silva Lane, Add 100’x 330’ warehouse, I Zone, Ezra Silva Lane, LLC**
 - a. Waiver request from Zoning Regulation Section 3.5.1B, Provisions for Pedestrians, which states, “Unless waived by the Commission in accordance with Section 3.5.1F, sidewalks shall be required along the street frontage of all new site developments.” Requires a two-thirds vote of the Commission.**

Licensed Engineer and Land Surveyor TJ Barresi and applicant and owner of All Crate Joe Novak were present. He discussed the location, access, existing conditions, wetlands, soils, proposal for a 33,000 square foot warehouse building, parking, grading, stormwater, utilities, photometric submission, landscaping, fire lanes, traffic study and drainage submissions to the Engineering Department, and request for a sidewalk waiver.

Commissioner Mips asked if there are sidewalks there now and Mr. Barresi replied no.

Commissioner Mips asked if she heard him say that the building would be for office space and Mr. Barresi replied that there would be a small office located in the northwesterly corner and the remaining building would be a warehouse. He stated the applicant also owns 60 Ezra Silva Lane, which is the land immediately to the north, and that property has two buildings on it where the front building is occupied by Surface Prep and the back building is occupied by Surface Prep and All Crate. He said the plan would be for All Crate to move into the proposed new building and that Surface Prep would occupy both buildings at 60 Ezra Silva Lane.

Mr. Sealy asked Mr. Barresi or Mr. Novak to share with the Commission why there are proposing an additional building and to talk about the expansion. Mr. Novak replied that Surface Prep is expanding their business while All Crate's business is expanding and they need the extra room to handle their crating.

Commissioner DeCarlo asked about temporary storage and asked what was shown on the plans. Mr. Novak replied that they are Conex boxes that are customer owned and once they get the product crated then they load the ocean container and then the containers leave.

Commissioner DeCarlo asked about the distance between the end of that line and the beginning of the inland wetlands and Mr. Barresi replied that he would go get his scale.

Commissioner DeCarlo asked if they went through the Inland Wetlands Commission and asked why there is gravel in the outdoor storage area. Mr. Barresi replied that the outdoor storage area was permitted a couple of years ago in 2023 and they went through Inland Wetlands Commission.

Commissioner DeCarlo stated that his concern was that he did not want the outdoor storage area looking like a mess.

Commissioner Levine asked if the construction of the new building would negate the outside storage and Mr. Barresi replied that it would cut into some of it. He said on sheet three of the plans that there is a line that shows where it is right now and where it is being maintained.

Commissioner Levine stated that the outdoor storage area is not long term and is for in and out stuff and Mr. Barresi replied yes.

Commissioner Levine asked if this proposal went before the Wetlands Commission and Mr. Barresi replied that he met with the Wetland Agent Ms. Thompson and it was determined that they did not have to go before the Wetland Commission because none of the work they are proposing is any new unpermitted work.

Commissioner Levine asked if it would affect the wetlands at all and Mr. Barresi replied no.

Mr. Sealy discussed the sidewalk waiver and stated that there are no sidewalks going down Bloomfield Avenue or anywhere in the vicinity of that area. He stated that the staff believed that the request for the waiver is appropriate. He mentioned there was a Planning memo dated August 26th and that the applicant had responded to comments but they had not had time to review. He asked that any approval be subject to final staff review and approval.

Motion: Commissioner Levine moved to approve the sidewalk waiver as requested by the applicant for 84 Ezra Silva Lane.

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

Motion: Commissioner Levine moved to approve the site plan for 84 Ezra Silva Lane, pending resolution of all outstanding issues by town staff.

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

H. Minutes

1. July 8, 2025

Motion: Commissioner Levine moved to approve the draft minutes of July 8, 2025 as amended.

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

2. August 12, 2025

Motion: Commissioner Levine moved to approve the draft special meeting minutes of August 12, 2025 as presented.

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

II. MISCELLANEOUS

A. Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter – Summer 2025

Mr. Sealy discussed a few articles that were of particular interest to the Commission.

III. PLANNER'S REPORT

A. Update on recent development

Mr. Sealy reported that the Planning Department has submitted an application for a new design development district on Day Hill Road and planned for it to be heard at the October meeting. He also reported that the north and south buildings at Founders Square have been given certificate of occupancies and tenants had started moving into the commercial spaces. He reported that they had broken ground on the west building. He mentioned Bowfield Green on Poquonock is moving forward and that the façade is anticipated to be completed by the end of the year. He stated that they are aiming for a March or April opening. The pickleball facility on Day Hill Road has begun erecting steel and is in the process of making water and sewer connection. He also reported that a restaurant in the Windsor Shopping Center, Mr. Tso, had an opening ceremony on Monday. Finally, he reported that a Plan of Conservation and Development (POCD) workshop is planned for Thursday, October 2nd. He said the intent of this meeting is to present to the public the general findings of the survey. He stated that he would be working with the town's PR Department on getting the details for the workshop out to the public later this week. He anticipated that the POCD would be complete after the New Year.

B. Reschedule November 11 Meeting – 11/12 (Wed.) or 11/18 (Tues.) available

The Commission unanimously agreed to move the November Town Planning and Zoning Commission meeting from Tuesday, November 11 to Wednesday, November 12 in recognition of Veterans Day.

IV. BUSINESS MEETING**A. Application Acceptance**

1. **Special Use – 150 (144) Broad Street, Suite 300**, Section 5.2.6D(1), Limited-service restaurants, B2 Zone, 3.23 acres, Sullivan
2. **Text Amendment – Add Section 13.3, Day Hill Design Development**, TOW
3. **Special Use – 494 (560) Windsor Avenue**, Section 5.2.6B, Commercial recreational and cultural buildings, B2 Zone, Hibbard & Rosa Architects, LLC

The above applications will be heard on October 14, 2025.

V. PUBLIC HEARINGS

Commissioner Levine read the legal notice into the record.

A. Special Use – 27 Sinclair Street, Section 4.5.7B, Group Homes, R8 Zone, .25 acres, Myers
Continued from July 8, 2025 meeting

The applicant was not present.

Commissioner Mips stated that there was no public hearing sign posted at the property when she drove by yesterday and questioned if they needed to deny the application.

Mr. Sealy stated that we did not know the status of the application and that staff had reached out to Ms. Myers several times and found that her phone number was no longer in service. He said we do not know if the applicant intends on moving forward with the application. He stated that it could be continued to October. He stated that the zoning regulations state that public hearing signs shall be posted for at least 10 consecutive days prior to the public hearing and removed within five days after the public hearing and that no public hearing shall be conducted on any application or appeal unless the required sign has been posted in accordance with this section.

Commissioner DeCarlo shared that he believed the town staff and the Commission had done everything they could do and that there was no sense in dragging this on. He thought a denial would be a good way to go.

Commissioner Mips said the Commission could deny without prejudice so Ms. Myers could come back within a year, but everything would have to be in place.

Commissioner DeCarlo agreed and there were no other comments from the Commission or staff.

Motion: Commissioner Levine moved to deny without prejudice the special use application for 27 Sinclair Street.

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

B. Text Amendment – Add section 8.6L, Adaptive reuse of vacant, underutilized, or obsolete industrial facilities, Brady Sullivan Properties

Continued from August 12, 2025 meeting

Attorney Carl Landolina of Fahey and Landolina and Ben Kfoury of Brady Sullivan Properties were present. He stated that the Commission had a revised version of the text amendment before them that was revised by staff. He reported that the applicant has no objection to any of the revisions that staff has recommended. He gave an updated from the August meeting that they are now in control, contractually, with the owners for 3 Waterside Crossing as well.

Commissioner DeCarlo had follow up questions about square footage of the apartments in the area. Mr. Sealy replied that Great Pond studio and one-bedroom units have an average across the development of 650 square feet, provided that no unit should be less than 500 square feet. He said a two-bedroom average living area was 950 square feet, and then an additional 150 square feet per additional bedroom.

Commissioner DeCarlo said that at the last meeting there was discussion about making sure that this text amendment was specific to the Day Hill area. Mr. Sealy responded that staff had addressed that under number 1 subsection C, where it states the subject property lies within the designated focus area, as shown on the focus area maps in appendices A42 and A43. He said even within the red boundary lines they have the specific properties that were identified for potential adaptive reuse.

Commissioner DeCarlo thanked Mr. Sealy for addressing those two issues.

Public Comment: None

Mr. Sealy gave an overviewing stating that the text amendment limited existing office buildings that are at least 50% unoccupied for a minimum of a year prior to the submission of an application and the adaptive reuse under this section is limited to existing buildings only. He noted that there was some concern with hours of food vendors extending beyond 12 a.m. and stated that it could be amended.

Commissioner Mips stated that the Commission could address hours of operation when an application comes in, correct? Mr. Sealy agreed that they could do it specific to an application.

Commissioner Levine read a CRCOG (Capitol Region Council of Governments) letter dated July 18, 2025 into the record.

Motion: Commissioner Levine moved to approve the text amendment to amend Section 8.6L, Adaptive reuse of vacant, underutilized, or obsolete industrial facilities.

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

C. Special Use – 67 Rainbow Road and 1911 Poquonock Avenue, Section 15.2.10, Temporary or portable commercial amusements on private property, AG Zones, 52 acres, Campiti

Owner and operator of the Great Halloween drive-thru at Brown's Harvest Frank Campiti was present. He stated that they would like to add a kid's slide to the play area at Brown's Harvest on Saturday and Sundays.

Commissioner DeCarlo asked if it was a blow up slide and Mr. Campiti replied no and that it was on a trailer. He directed them to the photos that he provided for the Commission. Mr. Campiti believed the slide was 9 feet wide.

Commissioner Mips asked how long did they intend to have the structure up and Mr. Campiti replied about six weeks, until the first week of November. He said it is on a trailer on wheels and takes about two hours to put it up. He said there will be an admission charge to use it and no power is needed.

Commissioner Mips stated that the slide has nothing to do with his Halloween drive-thru event and Mr. Campiti replied no and that he is just facilitating it as he has access to these types of rides and amusements with other work he does. He said Sue from the farm wanted to add something for the kids. He said he will be the one bringing it to the farm. He noted that it will have to be inspected by the State before operating it.

Commissioner Mips asked if he saw the comments from the Fire Marshal and that it needs approval by the Town Manager according to the code of ordinances. Mr. Sealy responded that it would be a separate step if the Commission approved it.

Commissioner DeCarlo asked if it was going to be with the drive-thru event or if it would be separate and Mr. Campiti replied that it is something different. The slide will be in the kids area during the day on Saturday and Sundays and the Halloween drive-thru only operates two and half to three hours per night as it gets dark out.

Public Comment:

Doreen McCarthy of 118 Rainbow Road wrote an email dated September 7th with concerns about the Halloween Drive-Thru event, which was a separate special use application that had been approved on June 10th. Commissioner Levine read it into the record as Mr. Campiti said he wanted to respond to it. Ms. McCarthy shared concerns with traffic, car exhaust fumes, and noise carrying late into the night and asked the organizers to consider a different entrance point to reduce the burden on surrounding residents.

Mr. Campiti replied that unfortunately it becomes a he said she said thing. He stated that all the cars entering Brown's Harvest turn away from the home of Ms. McCarthy. He continued that her home is 137 feet from the road and she is 187 feet from the entrance. He said there was never a car on the state road waiting in line to get into the event. He also added that the exit from the event is 411 feet from her home. He said he looked at it and just could not see how headlights could swing toward the resident's house. He did not think fumes were an issue at all and stated he was not even sure how to address some of the concerns.

Mr. Sealy wanted to again raise the point that this is not pertaining to this application but to a previous special use that was approved at Brown's Harvest. He stated that the application before the Commission tonight is to place a 30' high slide to be place for a period of time at the farm. Mr. Sealy asked Mr.

Campiti how the slide operated. Mr. Campiti replied that there are no mechanicals on it and that they grab a sack to sit on and slide down. He stated that this one is 9 feet wide with three lanes. He said they purposely chose to put it on the side of the barn so it would not be an eyesore. He stated that it will be placed over 400 feet from the road.

Commissioner DeCarlo asked if it would be operated during the day and if there would be any lights and Mr. Campiti replied that the operation would be during the day only with no lights. He said it would only be open when Brown's Harvest is open.

Mr. Sealy asked if there would be an attendant at the top of the slide and Mr. Campiti replied yes, there will be an attendant. He said it would be attended by one person and that the tickets would be sold inside.

Mr. Sealy stated that the Development staff had reviewed the application and stated that this needed approval from the Town Manager under the Town of Windsor ordinances. He said they have also asked for the applicant to confirm with staff the location of the access drive and parking areas for the events. He also noted that the Fire Marshal asked the applicant for an emergency responder access route and that it would need to be maintained throughout the event.

Mr. Sealy stated that he was unaware of any issues with the Halloween Drive-Thru last year and that he frequents that area quite a bit and would keep an eye out this year for any traffic issues or complaints.

Motion: Commissioner Levine moved to approve the special use at 67 Rainbow Road and 1911 Poquonock Avenue for the installation of a temporary and portable commercial slide in the AG zones, subject to any outstanding issues by the town.

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

D. Special Use Re-approval – 6 Spring Street, Section 4.5.1, Conversion of existing buildings, R8 Zone, .24 acres, Zheng

Tina Zheng and Ms. Zheng were present. Tina stated that she is the daughter of the applicants and would translate for her mom. Tina stated that they were not planning on making any changes.

Commissioner Mips said that it was an office before and asked if it was going to continue to be an office and Tina responded yes, as an office.

Commissioner Mips asked if there would be any employees and Tina responded that they do not have anything going on there right now.

Commissioner Mips asked what they have planned for the space and if there would be people working in the office besides them or if it would be a home office. Tina responded that it is just for them.

Mr. Sealy stated that staff had reviewed this application and that the special use had come up to their 10 year expiration date. He said there are new owners and operators of the property. He stated that the Fire Marshal had conducted inspections on the property back in the spring and identified some issues that

may require a building permit and changes to the building. He said if the Commission were to approve the special use to make it subject to resolution of any outstanding comments in the staff memo.

Public Comment: None

Wendy Roderick of 12 Spring Street emailed comments on September 3rd and Commission Levine read it into the record. She shared concerns with a stockade fence that was installed and is now in disrepair and unsafe. She requested that the fence be replaced, or removed and the evergreen border continued. She said if the fence was removed she would support the extension on the special use.

Commissioner DeCarlo asked if the fence had been required for the special use 10 years ago and Mr. Sealy replied that he did not see anything in the record to indicate that a fence was required and that he would caution the Commission on requiring specific improvements be made. He stated that one of the conditions of a special use can include modification of the exterior features or appearance of any building or structure and fence would technically fall under the definition of a structure. He thought it would be appropriate to have a condition that requires that they address the property line boundary between the two properties.

Commissioner Mips did not recall requiring a fence for the special use and Mr. Sealy stated that he did not see it in the file.

Commissioner Mips remembered that the bushes were supposed to be there because the parking lot was extended and that it had been used as a real estate office and there were people driving in and out.

Mr. Sealy asked Commissioner Mips if the Commission would like staff to review the property line and the boundaries in between and Commissioner Mips replied yes.

Motion: Commissioner Levine moved to approve the special use re-approval at 6 Spring Street for a period of 10 years, subject to resolution of any outstanding issues.

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

E. Special Use Re-approval – 226 Broad Street, Section 5.2.6D(2), Full-service restaurant, B2 Zone, Madigan

Owner of The Bean Melissa Madigan was present and stated that the special use was about to expire and that she would love to continue to be a coffeehouse at 226 Broad Street.

Commissioner Mips asked if anything was being changed at this point and Ms. Madigan replied no.

Commissioner Levine asked how long the previous special use permit was for and Ms. Madigan believed it was five years.

Commissioner DeCarlo stated that Planning mentioned something about the dumpster and Ms. Madigan stated that she never knew anything about it and that the previous landlord did not say anything about it. She stated that she purchased the building last April and that is when it was brought to her attention. She stated that she would definitely work with the town and get it taken care of.

Commissioner DeCarlo suggested a 10-year extension would be appropriate given that she now owns the building and has been around for a while. Ms. Madigan stated that she would love that and Commissioner Mips replied that she would have no problem with that but if they were to expand at some point that she would have to come back before the Commission.

Public Comment: None

Mr. Sealy stated that the screening of the dumpster and the location was not resolved previously and wanted to work with the applicant to resolve the issue. He said he had no issue with a 10-year approval.

Motion: Commissioner Levine moved to approve the special use re-approval at 226 Broad Street for a period of 10 years, pending resolution of the issue concerning the dumpster.

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

F. Special Use – 494 (578) Windsor Avenue, Section 5.2.6D(2), Full-service restaurant entertainment, B2 Zone, Singh

Mr. Sealy reported that he had spoken with the applicant and they agreed to postpone to the October meeting.

The application was postponed to the next meeting on October 14, 2025.

Agenda Items G, H and I were all heard together.

G. Subdivision – 445 Poquonock Avenue, Create 3 lots, AA Zone, 7.80 acres, Alford Associates, Inc.

1. **Waiver request from Subdivision Regulation Section 3.8.4A, Design Criteria for New Sidewalks**, which states, “Unless waived by the Commission under Section 3.8.4F, sidewalks shall be required on all proposed streets...” **Requires a two-thirds vote of the Commission.**

H. Special Use – 445 Poquonock Avenue, Section 4.5.14, Flag Lots, AA Zone, 7.80 acres, Alford Associates, Inc.

I. Special Use – 445 Poquonock Avenue, Section 4.5.14, Flag Lots, AA Zone, 7.80 acres, Alford Associates, Inc.

Professional Engineer and Land Surveyor Christian Alford of Alford and Associates, LLC and Executor of the estate of Victor Simmons Craig McKiernan were present. Mr. Alford stated that they are seeking approval of a subdivision plan and two special use approvals for flag lots. He discussed location, history of the property, topography, wetlands, and neighboring properties. He stated the proposal is to subdivide the property and construct two new homes served by a common driveway. He said the existing house will use the same driveway that has been there. He also discussed the zone, lot size requirements, and that all lots exceed the minimum requirements. He stated that the houses will have sprinklers installed in them as is required and there would be an evergreen screen at the back of the front lot. He also stated that there is existing vegetation to screen to other front lots. He believed this design with flag lots would have a less negative impact on the adjacent properties. He discussed the request of a waiver for sidewalks and stated there is an engineering challenge and that there are no sidewalks anywhere near the property.

Commissioner Mips noted the comments from the Engineering Department and Mr. Alford said that he had addressed many of them but there were some new ones that they can address.

Public Comment:

Summer Lockwood and Sebastian Barcomb of 475 Poquonock Avenue shared concerns with disturbing the wildlife ecosystem and stated there are eastern box turtles in the area. They also were concerned with runoff from the property, houses sitting vacant, and loss of privacy and quality of life.

Commissioner Levine served on the Inland Wetlands Commission and was surprised to hear that the development was approved by them with the presence of box turtles as she believed they were an endangered species.

Mr. Sealy asked Mr. Alford if the box turtle was identified by the NDDB (Natural Diversity Database) study and Mr. Alford replied no, there are no threatened or endangered species shown on the NDDB.

Mr. Alford stated they are showing that all of the stormwater from the roof of the home will be collected and then there will be infiltration chambers that will be installed that would collect all of the roof water, so that would infiltrate back into the ground. He said the plans also show that there would be a stone trench along the driveway that would permit the water to infiltrate into the soil so that it would not be running back to the abutting properties.

Mr. Alford stated that the proposed house behind 475 Poquonock Avenue would be about 160 feet from their rear property line. He said they do not have any buyers for the houses at this time and they would not be built unless somebody wanted a home built.

Mr. Alford responded about the wildlife and stated there would be a conservation easement over the back half of the northerly lot to protect the wetlands. He said there is no reason for anybody to clear the whole back half of that property. He said it would be maintained just the way it is and did not think that these two homes on seven acres would create a significant impact on the land.

Mr. Sealy reported that this was reviewed and approved by the Wetlands Commission on September 2nd with standard conditions of approval and compliance with all Engineering Department comments. He noted that the requirements of a flag lot are that the applicant must provide screening against the rear property line. He typically we require a row of evergreens be installed at either the back or the front of the property line to screen if no vegetation is currently standing or if it gets removed with construction. He said the Commission could consider that as an additional condition to ensure both the back and the front are both screened from each other sufficiently.

Mr. Sealy noted there were a number of outstanding staff comments and would urge the Commission to condition any approval subject to resolution of all staff comments. He also reviewed the applicant's request of a waiver for sidewalks.

Motion: Commissioner Levine moved to approve the subdivision application for 445 Poquonock Avenue.

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

Motion: Commissioner Levine moved to approve the sidewalk waiver as requested by the applicant due to the fact that the roadway is not amenable to a sidewalk, and there are no other sidewalks in the area.
Commissioner Jepsen seconded the motion and it passed 5-0-0.

Motion: Commissioner Levine moved to approve the special uses for two flag lots at 445 Poquonock Avenue with the following conditions: installation of the appropriate landscaping to screen each of the two new houses, resolution of any outstanding staff comments and issues raised by the Engineering Department, and installation of sprinklers in the new houses.
Commissioner Jepsen seconded the motion and it passed 5-0-0.

J. Special Use – 43 Court Street, Section 4.5.1, Conversion of existing buildings & Section 4.5.6, Professional offices, R8 Zone, .20 acres, Marrero

Licensed Professional Counselor Claribel Rosario was present. She stated that they are expanding as an outpatient clinic to provide services for the Town of Windsor and surrounding towns.

Commissioner Mips stated that there had been a business there before and asked if they have enough room inside for what they need and Ms. Rosario replied yes. She stated that she has a couple of clinicians that are virtual and two clinicians providing in-person sessions.

Commissioner Levine asked who Carlos Marrero is as his name appears on the application and was not present. Mr. Rosario replied that he assisted her with the application and he assists her with contracts, insurance and sets up all the interns that are working for the office. She said she is the one who rents the building.

Mr. Sealy asked Ms. Rosario to give the Commission an overall narrative of the services you provide. Ms. Rosario stated that they will be providing outpatient mental health counseling to individuals and families to increase access to essential services to residents. She said the practice supports community wellness, and licensed clinicians will offer evidence-based care in a safe, professional setting. The office will operate during standard business hours between 9 p.m. and 6 p.m. and that there would be minimal neighborhood disruption. She stated the site will be monitored and licensed as a children's outpatient clinic by DCF (Department of Children and Families). She stated that they had been there providing services since last November and they have had no issues.

Commissioner Mips stated that she believed that the building across the street provided similar services and Ms. Rosario stated she thought there were a few clinicians that are in that space.

Public Comment:

Joe Gazzi is the owner and operator of 44/46 Court Street and is opposed to the application. He shared that they have had several tenants some of which have been mental health counselors and he stated that they got out of the business of renting as it was too disruptive and at time tumultuous and contentious. He recognized the need for services but did not think it was appropriate to incorporate into a neighborhood with families and thought it would be better suited for an area that functioned similarly. He also shared concerns with limited parking and possible late hours of operation.

Jacinta Williams of 40 Court Street was opposed to the application and shared concerns that Mr. Gazzi did and concerns of traffic. She stated that she did not realize who occupied 43 Court Street until she received the notice in the mail. She raised concerns as the applicant's narrative mentioned overnight and weekend hours.

Leonardo Henville of 280 Pigeon Hill Road was in support of the application.

Mr. Sealy reviewed the narrative with Ms. Rosario and asked questions. She said there would be approximately four to six staff members but they would not be there at the same time. She said there are four other staff members that work virtually only. She addressed the comment about talking in the parking lot and said that they are bound by HIPPA and confidentiality laws that do not allow something like that to happen and if she did, she could risk lose her license and the ability to take Medicaid clients. She said there have been no disruptions and does not take high-acuity clients, which she refers out to others who can give the appropriate level of care.

Commissioner DeCarlo asked what it might look like in the office on a daily basis and Ms. Rosario replied that no one was in the office today, yesterday there were two clinician and tomorrow there may be three clinicians in the office.

Commissioner DeCarlo asked if they are seeing in-person clients or virtually and Ms. Rosario replied they do both and they work to organize their hours so there is room in the building for clinicians and clients.

Commissioner DeCarlo asked if the Commission could regulate the hours as the narrative stated that there could be overnight or weekend house added to accommodate family schedules. Mr. Sealy stated that he also had questions about what type of events and groups they would be seeing there as well. He said he believed the Commission had the provisions to do so, especially with the proximity to residential. Ms. Rosario stated that they would have groups about engaging in self-care but that it would take place between 9 a.m. and 5 p.m. or maybe go as late as 7 p.m. and only when a clinician is able to work those hours.

Commissioner Jaggon asked if they have a psychiatrist on their staff and Ms. Rosario replied that they are in the process of doing that but right now there is one off-site. Commissioner Jaggon asked if they would be able to PEC a suicidal or aggressive child and Ms. Rosario said no and that they would call 911.

Commissioner Jaggon asked if they would be doing any brain stimulation therapy and Ms. Rosario responded no.

Commissioner Levine asked how many parking spaces are at this site and Ms. Rosario responded that they are able to park three or four vehicles in the back and then there is off-street parking in the front. She said often times parents drop off the child and leave and at no point in time is there three and four vehicles. She said the space is just not conducive to have many people there.

Commissioner Levine stated that she is concerned with overnight visits and Ms. Rosario replied that she was so glad that she brought it up because she did not know where that came from and that no insurance would even allow that.

Mr. Sealy reviewed the history of the use of the building and stated the description Ms. Rosario provided of rotating staff alleviated his parking concerns. He stated that if our winter parking ban is in effect that the parking should be formalized in that back parking lot and that the applicant should work with staff to address parking concerns. He also mentioned looking at having at least one ADA parking space for a professional office and a path into the building.

Commissioner Levine asked if the building has to be ADA compliant and Mr. Sealy replied that he was not sure and that he would work with the building official.

Commissioner Levine read part of the narrative where it mentioned operating overnight and on weekends for pre-scheduled groups or community events. Ms. Rosario was not aware the narrative stated that and Commissioners DeCarlo and Levine suggested they take out that part if it does not reflect the business operations. Ms. Rosario said okay.

Mr. Sealy said he would advise the Commission to shy away from conditioning hours. He said if they put a one –year time limit on it then they can review it in a year and see if there were any issues.

Ms. Rosario asked if the special use was renewable and Commissioner Mips replied that it is normal that a new special use has a one-year time limit on it and if there are no problems or concerns then they could request it to be extended to like five years or something like that.

Motion: Commissioner Levine moved to approve the special use for 43 Court Street with the following conditions, that the applicant work with the staff to address parking concerns and compliance with the ADA requirements, and any other outstanding issues that were raised by town staff. This special use is for a time period of one year.

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

K. Special Use – 280 Pigeon Hill Road, Section 4.5.16, Increasing accessory building size, AA Zone, 2.4 acres, Maldonado

Lenardo Henville and homeowner Jose Maldonado were present. Mr. Henville explained that they are proposing storage for personal use for tractors and land maintenance use on the property.

Commissioner Mips asked if they were going to take down the old barn and Mr. Henville replied no.

Commissioner Mips stated that they are in a AA zone and that it is a problem to put a business in there and Mr. Henville responded that there is no business and that it would be just for storage.

Commissioner Levine asked about a big hole that is on the property and Mr. Henville explained that he is building Mr. Maldonado's dream home. Commissioner Levine asked if he would be building a new home there and a new garage and Mr. Henville said yes.

Commissioner DeCarlo summarized the work that they are proposing.

Commissioner Levine stated that this is like a detached garage and Mr. Henville agreed.

Commissioner Mips asked if they had seen the staff review comments and Mr. Henville replied that they had and have addressed everything. He said the town only allows for one paved driveway so the path to the garage and barn will be gravel.

Commissioner Jepsen said looking at the plan that it looked like the building was in the setbacks and Mr. Henville explained that the garage would be 16 feet to the property line and that they could be as close as 6 feet to the property line.

Public Comment: None

Mr. Sealy explained that the applicant needs the special use because they have an existing barn there that is 600 square feet and are looking to add a 24'x24' garage, which would exceed the 580 square feet that is allowed for a standard residential lot. He said originally he was concerned to allow a garage on a property that did not have a house on it but he has learned that they have submitted a building permit for the house. Mr. Sealy also discussed staff review comments.

Motion: Commissioner Levine moved to approve the special use at 280 Pigeon Hill Road, pending resolution of all the outstanding issues raised in the staff comments.

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

L. Text Amendment – Add Section 14.2.3A(1)(b)(i)(4), Requirement for Day Hill Road Area Sites, Alford Associates, Inc.

Professional Engineering and Land Surveyor Christian Alford of Alford Associates and Attorney Joseph Hammer were present. Attorney Hammer gave an overview and stated they are proposing an amendment to the zoning regulations pertaining to Day Hill Road area sites, and specifically the special use category in the Day Hill Road area for warehousing and distribution of articles not produced on the premises. The proposed amendment would give the ability through approval of a special use application to allow the conversion of a limited number of trailer spaces to loading docks at an existing warehouse industrial building. He said the special use approval process would be subject to a very rigorous and comprehensive review in terms of whether it complies with the special use criteria. He reported that the staff had been helpful in review of the amendment. He stated that it would only apply to buildings that existed as of January 1, 2025 and have less than 200,000 square feet in floor area and imposes limits on the number of trailer parking spaces that can be converted to loading docks.

Mr. Alford reviewed the current regulation and the proposed regulation. He stated that there is only one building that this regulation would apply to and it is 425 Day Hill Road and reviewed how an regulation like this would change the building.

Commissioner Jepsen stated that all of this only applies to one building on Day Hill Road and Mr. Alford said yes. Commissioner Jepsen asked why they did not build it to their needs and Mr. Alford

replied that they have a tenant now that needs some more loading docks, but they are not going to be a high-velocity user.

Commissioner Jepsen stated that this text amendment is basically so they can have the tenant that they did not have a year ago. Attorney Hammer said right and that the client has tried very hard over the last year plus to find a tenant, and now they have an opportunity. He said having the conversion of those handful of trailer spaces on the back of the building to loading docks is crucial to the ability of that tenant to operate. They hope it will enable them to get the building in full operation. He said this is the last piece to get them over the finish line on what they started back in 2022 to take away those non-performing office buildings and build something that was in keeping with all the design and architecture standards of the Day Hill Road.

Public Comment: None

Commissioner Levine read the CRCOG letter dated September 5, 2025 into the record, which found no apparent conflict with regional plans and policies or concerns from neighboring towns.

Mr. Sealy reviewed the history of regulation section 14.2.3. He stated that staff have been working with the applicant to make sure there are sufficient controls on this amendment to give the Commission discretion at a public hearing and that the intent of this regulation was to protect the corridor from high-velocity distribution facilities. He said an important point is that this only allows for the conversion of storage spaces to loading spaces, so we could not have an applicant come in and suddenly request additional loading docks. He stated they have capped the total number of conversions at 25 loading docks.

Motion: Commissioner Levine moved to approve the text amendment to add section 14.2.3A(1)(b)(i)(4) pertaining to the requirement for Day Hill Road area sites, as the clean copy shows.

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 10:00 p.m.

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

Respectfully submitted, _____, Andrea D. Marcavitch, Recording Secretary on September 9, 2025.

Jill Levine, Secretary