

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JULY 14, 2015

MEMBERS PRESENT: Bart Pacekonis, Viney Wilson, Elizabeth Kuehnel

ALTERNATES PRESENT: Stephanie Dexter, Courtney King, William Flagg

STAFF PRESENT: Michele Lipe, Director of Planning; Donna Thompson, Recording Secretary

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 15-35P, Town of South Windsor Fairgrounds at Rye Street Park** – request for a special exception to Table 3.1.1A and site plan of development to create a multi-use open area for potential uses such as a debris storage, recreational fields, and fairground use, on property located on the westerly side of Brookfield Street and northerly side of Troy Road, RR zone
2. **Appl. 15-37P, Shahani, Inc. Zone Change** – request for a zone change of 1.44 acres of land from Industrial to General Commercial for property located at 569 Sullivan Avenue, General Commercial (GC) zone

PUBLIC HEARING / MADDEN ROOM

CALL TO ORDER: Chairman Pacekonis called the Public Hearing to order at 7:30 p.m.

Commissioner Wilson read the legal notice as it was published in the Journal Inquirer on Thursday, July 2, 2015 and Thursday, July 9, 2015.

Chairman Pacekonis seated Alternate Commissioner King to be seated for Commissioner Carroll and Alternate Commissioner Dexter for Commissioner Foley and Alternate Commissioner Flagg for Commissioner Marrero. The Chairman welcomed new Alternate Commissioner William Flagg to the Commission.

1. **Appl. 15-37P, Shahani, Inc. Zone Change** – request for a zone change of 1.44 acres of land from Industrial to General Commercial for property located at 569 Sullivan Avenue, General Commercial (GC) zone

Mr. Mohammad Khan of Shahani, Inc. of Branford, CT presented the request as the new tenant of 561 Sullivan Avenue as of March 1st.

Michele Lipe, Director of Planning gave staff comments:

1. Request for a zone change from Industrial to General Commercial for approx. 62,096 acres on land located on the southerly side of Sullivan Ave, immediately west of the package store.
2. This property has been traditionally used for retail use operating as a gas station and was originally built in 1972. The owners of the property have received several variances over the years for the canopy location, additional signage, for use of the 600 sf area for retail, but never specifically for commercial use on the entire site.
3. The Town Plan shows this area as industrial/commercial area and talks about helping business owners in reaching their development goals.
4. Minimum lot size in a GC zone is 35,000 square feet with 150 feet of frontage on Sullivan Avenue; minimum lot size in the I zone is 30,000 square feet. There is an existing building on this site and it appears the bulk requirements for the General Commercial requirements can be met.
5. Uses allowed in the GC zone include:

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- Commercial, Professional offices; retail stores; financial institutions and agencies; personal service shops; restaurants; retail and wholesale sales, gas stations; etc., and other uses deemed appropriate after public hearing.
- 6. There are regulated wetlands on the property and existing site survey has been provided. Any proposed activity on site would be subject to a site plan approval including PZC and IWA/CC review and approval.
- 7. Traffic impacts from the zone change should be minor and easily handled by Sullivan Ave. Parking requirements for uses in the general commercial zone tend to be higher than the industrial zone, but that would be something reviewed at the time an actual use is proposed for the building.
- 8. Public water and sewer are currently servicing the site.
- 9. There are regulated wetlands on the property and existing site survey has been provided. Any proposed activity on site would be subject to a site plan approval including PZC and IWA/CC review and approval.
- 10. If this zone change request is approved, the applicant would have to file a zone change map in accordance with the regulations before the change would be effective.

No one from the public spoke for or against the application.

Commissioner Wilson asked for address clarification for 561 or 569 Sullivan Avenue. Director of Planning Lipe stated the official record with Assessor's Office is 569 and the mailing address for the business is 561 Sullivan Avenue.

Commissioner Dexter asked about the cut off of Industrial Zone vs General Commercial. Ms. Lipe showed the industrial zone area abutting the general commercial on the zoning map.

Commissioner Pacekonis asked if there could be further expansion on the site. Ms. Lipe noted the building has the potential of being moved back with possible mitigation of wetlands. Pacekonis asked about signage for site. Ms. Lipe described signage allowed in the general commercial zone. Temporary signs would be regulated and cigarette signs would not be allowed. Town Staff will work with the applicant to address signage.

Chairman Pacekonis closed the public hearing at 7:45 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: The Chairman opened the Regular Meeting at 7:45 p.m.

PUBLIC PARTICIPATION: none

NEW BUSINESS: Discussion/Decision/Action regarding the following:

1. Town Council CGS 8-24 Referral for Community Gardens

Mr. Ray Favreau, Director of Parks and Recreation, summarized the referral for the eleven acre Nelson property on Deming Street which was purchased in 2009 by the Town as open space with the intention of continuing its use for farming. The idea of using the land for additional community gardens was immediate for the ideal

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farming site. The 61 plots at the Avery Street community garden are filled and 18 people are on a waiting list for plots when they become available. A plan to develop a community garden on the Nelson property with up to 72 garden plots, 20' x 40' in size, and six raised beds for handicap accessibility has been developed. Mr. Favreau asked the Commission to look at the zoning requirements for the property.

Director Lipe stated the Commission's role concerning 8-24 Referrals is planning rather than zoning. The Farming section of the Town Plan of Conservation and Development (POCD) targets the idea of creating more community gardens and sustainability of food production in town. If the Nelson property is chosen as the site for more community gardens, the process will be through a Special Exception application by way of a public hearing.

Commissioner Kuehnel stated this referral is in line with what the Commission supports as part of the POCD. Commissioner Dexter asked if the site map was accurate. Mr. Favreau stated it shows the exact location 200' off the road with 1/3 of the property remaining heavily wooded as it slopes to the back.

Ms. Lipe commented the raised beds offer gardening for senior citizens something she saw at an open space seminar for seniors she recently attended. Mr. Favreau described parking directly adjacent to the raised beds which would have hard packed surfaces around them to accommodate wheelchair or crutches. The raised beds would be built in house by high school students with donated materials.

Ms. Betty Warren, resident of Abbe Road, stated she was chairman of SWALPAC when the Town purchased the property from Mr. Nelson who had the wish that the property become a community garden or be used for agriculture. SWALPAC looked at the property very carefully before making their recommendation to the Open Space Task Force and would like to see it move forward.

Commissioner Wilson made a motion to make a referral with favorable recommendation

Commissioner Flagg spoke in favor of the referral stating he has visited the Avery Street community gardens and has seen many people visiting the gardens some of whom are elderly with walkers. He spoke in favor of community gardens with better and safer parking and access for seniors who love to garden and to be in community.

Commissioner Kuehnel seconded the motion

The motion passed and the vote was unanimous.

2. Appl. 15-33P, Ticket Network Livestock Temporary and Conditional Permit - request for renewal of a 2-year temporary and conditional permit (Section 2013.a) for an animal agriculture permit to allow 64 chickens, 2 geese and 2 goats, on property located at 83 Gerber Road East, I zone

Michele Lipe, Director of Planning reviewed commentary from applicant and gave staff comments:

1. Request for the renewal of a two year temporary and conditional permit to allow 64 chickens and 2 goats on the Ticket Network property located at 83 Gerber Road, I zone. The T&C permit was originally issued in 2013 and expired on June 11, 2015.
2. The applicant's purpose for keeping chickens is to provide employees with fresh eggs. They are aware that the health code requirement does not allow the eggs to be used on site unless they have been USDA approved.
3. The area dedicated to this use is about 2 acres and includes two chicken coops and a 3,000 sf fenced area. The animals are cared for by a Ticket Network Employee.

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4. The wording of the T & C permit regulation is that “Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use”.
5. The Planning Department is not aware of any complaints arising from the keeping of the animals.

If this application is approved, the Planning Department has no modifications to request.

At 7:59 p.m. Commissioner King recused herself as an employee of Ticket Network.

Commissioner Pacekonis stated he visited the site and saw large stockpiles of dirt and logs and found the neighbors continue to be concerned about the buffer to the corner. Director Lipe stated there is an approval condition related to the buffer and position of the stock piles for Ticket Network’s parking lot expansion. The approval has not yet been finalized. Director Lipe will continue to follow up with the related buffer issues to be addressed when Ticket Network follows through with their parking lot expansion.

Commissioner Wilson made a motion to approve with modifications:

1. This permit will expire in two years, on June 11, 2017, and will have to be renewed at that time if the use is to be continued.

Commissioner Kuehnel seconded the motion

The motion carried and the vote was unanimous.

Commissioner King returned to the meeting at 8:08 p.m.

3. Appl. 15-37P, Shahani, Inc. Zone Change – request for a zone change of 1.44 acres of land from Industrial to General Commercial for property located at 569 Sullivan Avenue, General Commercial (GC) zone

Commissioner King made a motion to approve with modifications:

1. The Planning and Zoning Commission finds that the zone change is in conformance with the Town Plan of Conservation and Development.
2. A zone change map (1” = 40’) with an A-2 certification must be filed on the land records, showing all boundary lines and the acreage of the land where the zone change was granted. The map shall be drawn in accordance with the rules and regulations of the State Board of Registration for Professionals Engineers and Land Surveyors and shall be stamped and signed by a Registered Land Surveyor. The zone change map must be submitted on a black and white mylar, with this approval letter thereon, together with three blueprint copies of the Zone Change.

Commissioner Wilson seconded the motion

The motion carried and the vote was unanimous.

BONDS: Callings/Reductions/Settings

1. Appl. 07-63P, Residence at South Windsor Farms Landscaping Bond in the amount of \$5,000 to be reduced by \$5,000 to leave a balance of -0-.

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Commissioner Dexter made a motion to reduce the above mentioned bond. Commissioner Kuehnel seconded the motion. The motion carried and the vote was unanimous.

2. Appl. 07-63P, Residence at South Windsor Farms IWA/CC E&S Bond in the amount of \$20,000 to be reduced by \$20,000 to leave a balance of -0-.

Commissioner Dexter made a motion to reduce the above mentioned bond. Commissioner Kuehnel seconded the motion. The motion carried and the vote was unanimous.

MINUTES: 6/23/15 adopted by consensus with the correction made for the reduction of the CREC IWA/CC bond from 10K to 15K.

OLD BUSINESS: *see page 2*

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

Director Lipe stated Mr. Matyschsyk recently received PZC approval to conduct his CrossFit BrickYard business at 85 Nutmeg Road but the building is not yet habitable due to permitting issues. An email request from Mr. Matyschsyk has been received to use the 85 Nutmeg Road South parking lot for activities associated with CrossFit BrickYard from 7/15 to 8/3, sunrise and sunset, until their Certificate of Occupancy is obtained.

Chairman Pacekonis voiced concern about setting a precedent with other uses in the area but made an exception for the two week time limit. The Commission agreed by consensus to give Mr. Matyschsyk the two weeks requested, until August 3, 2015.

Motion to go into Executive Session at 8:45 p.m. was made by Commissioner Wilson
Seconded by Commissioner Kuehnel
The motion carried and the vote was unanimous.

EXECUTIVE SESSION:

Discussion with the Town Attorney of pending claims and litigation related to: Appl. 14-07, South Windsor Stone and Landscaping Supply Special Exception/Site Plan

Motion to come out of Executive Session was made by Commissioner Wilson
Seconded by Commissioner Kuehnel
The motion carried and the vote was unanimous.

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 9:20 p.m. was made by Commissioner Kuehnel
Seconded by Commissioner Carroll
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren Zarambo, Secretary
Donna Thompson, Recording Secretary