

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

RECEIVED FEB 14 2024

@ 1:00 pm
Kevin J. Ouellette, TC

MINUTES

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JANUARY 23, 2024

MEMBERS PRESENT: Stephen Wagner, Kevin Foley, Stephanie Dexter

ALTERNATES PRESENT: Paul Bernstein, Despina Buganski, Michael Ouellette

STAFF PRESENT: Michele Lipe, Director of Planning; Michael Lehmann, IT Support; Joshua Stern, Recording Secretary

PLEDGE OF ALLEGIANCE

Mayor Audrey Delnicki presented a proclamation for former PZC member and Chair Bart Pacekonis in recognition of his years of service on the Commission.

Alternate Commissioners Bernstein, Ouellette, and Buganski were seated for Robert Vetere, Alan Cavagnaro, and the seat vacated by Bart Pacekonis.

PUBLIC HEARING

1. PZC sponsored amendment to modify several sections of Section 6.4.10 *Minimum Number of EVSE Parking Spaces* to clarify the number and timing of required EV installed and EV ready spaces; and modify Section 11.8 APPENDIX H *Electric Vehicle Supply Equipment (EVSE)* to update EV Charger requirements related to: equipment, screening, site signage and EV Charger installation illustrations

Commissioner Dexter read the legal notice.

Chair Wagner said that since the proposed amendment was distributed to the Commission, it had been revised to omit the language specifying the type of charging equipment required, with the intention to leave it up to the developer. The text was also revised to allow either EV-ready or EV-capable spaces to fulfill certain requirements and to make some other clarifications.

Director of Planning Michele Lipe said the draft amendment was sent to CRCOG as required, and a response was received saying CRCOG finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. She said several site plans have recently been approved with EV charging requirements, and they are starting to be installed at Whole Foods and other locations; other developments, in the Industrial zone, have requested bonds for EV stations to be able to install later.

The Chair asked for public comments.

Stephen Lewis of 276 Scott Drive said his family owns four EVs, and finding available chargers is a challenge for owners who do not have chargers at home as stations often have long lines or are out of service. He feels South Windsor is leading on this issue and thinks the proposed update makes sense.

Peter DeMallie of Design Professionals, Inc., 21 Jeffrey Drive, asked how the amendment relates to the Clean Air Act, which required 10% EV spaces by January 1, 2023. He noted that the proposal does not require EV stations for developments with under 17 parking spaces, though it requires chargers to be added for a significant change in use at an existing facility with 50 or more spaces. He also noted the schedule in Table 6.4.10A; Chair Wagner noted that the requirements for EV-ready and EV-capable spaces would allow developments built between now and 2027 to meet the 10% EV-installed threshold by 2028.

DeMallie noted that the draft does not require EV spaces at municipal parks and recreation areas. Lipe said this language was intended for ancillary parking lots, and Town buildings require EV chargers. Per the amendment, EVSE would be recommended but not required at houses of worship as their parking lots are typically far emptier on days when services are not held. DeMallie said Level 2 stations typically take 4-10 hours to charge a car fully, while Level 3 (DC fast) chargers take 20 minutes to an hour. Wagner said Level 2 chargers could

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serve employees charging during work; customers of restaurants and other businesses would not receive full charges from them but would be able to increase the charge before driving home. DeMallie feels EVSE has been successfully implemented so far but wondered about customers leaving a site while their cars charge.

The Chair asked for Commissioner questions and comments.

Commissioner Bernstein asked about the tax benefit to the Town from EV charging stations. Lipe will check with the Assessor on whether there is a sales tax, but said there is likely a personal property tax for the charging unit. Bernstein asked if the increments of 3%, 7%, and 10% in Table 6.4.10A were based on existing benchmarks or established by a regulatory commission. Wagner said the rate of increase is intended to follow the EV market; 10% is the goal, but to avoid unnecessary parking restrictions before EVs are more common, he did not want to rush toward that threshold. In the proposed regulations, ADA-compliant EV spaces are not required to be restricted to handicapped users. Lipe noted that 10% is a minimum. Wagner said the regulation would also allow an EV-charging facility.

Commissioner Foley said he thinks all EV owners should have charging infrastructure at their homes and asked about multi-family developments. Wagner said per the provisions for multi-family housing, each unit with an individual garage or carport is required to have a 240-volt plug; otherwise, EVSE requirements at apartment complexes are based on parking. The development can restrict charging stations to residents.

Commissioner Dexter asked if existing developments are required to add EV stations; Wagner said adding stations is required only if there is a major redevelopment. Dexter asked why the EV stations at Whole Foods are directly in the front. Lipe said the supporting equipment for the DC fast chargers runs along the side of the building and should incorporate additional screening; Level 2 chargers do not require this equipment. The proposed regulations would require screening for some installations. Wagner said the DC fast chargers are incompatible with some hybrid cars.

Commissioner Ouellette said he owned an EV for a year but became dissatisfied. He estimated that under the proposed regulations, a development the size of Whole Foods would require 40 charging stations. He said Level 2 stations charged his car only 1-2% in the time it took him to buy groceries, and he does not think they would have a meaningful impact on EV owners; he found Level 3 stations more effective but said they have large footprints and power requirements. In addition, he does not think the proposed EVSE requirements for affordable housing developments are reasonable as their residents likely could not afford an EV. He added that EVSE could interfere with snow clearing and landscaping.

Wagner said the chargers at Whole Foods are all Level 3, though this is not a requirement. Ouellette also said EV spaces need to be wider than typical parking spaces, so requiring a certain number would reduce the number of spaces in a lot. Wagner said the size requirements for parking spaces are in the building code; a charging island takes up space, but he does not think EV spaces are required to be larger. He noted that developments with a certain number of chargers receive a credit reducing the overall number of required spaces, but said the additional spaces may be necessary. Ouellette asked if the Town has enough power to accommodate 10% Level 3 spaces in every development. Wagner expressed doubt, but restated that Level 2 chargers would still be beneficial for employees and customers.

Commissioner Buganski concurred with Ouellette's comment about affordable housing residents. Wagner said a used car market will likely develop for EVs, allowing lower-income communities to purchase them. Lipe will check whether the building code also contains requirements for chargers at multi-family developments.

Commissioner Dexter asked if the rollout schedule should more closely follow the State's plan to cease production of gas-powered vehicles by 2035. Lipe will check what the rationale was behind the schedule in the

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regulation draft, but thinks it was recommended by a State-level organization. Wagner noted that this schedule was initially proposed in 2011 or 2012. Ouellette said his observation is that people are not adopting EVs to the extent many had assumed then; a significant number of people have tried and abandoned EVs, and some dealers struggle to sell them. He said car batteries have not made an appreciable gain in storage capacity and charging speed. Wagner noted that the federal incentive program only covered EVs up to \$50,000 with certain contents, and expressed willingness to lengthen the rollout. Lipe will check for any restrictions in the Clean Air Act.

Commissioner Bernstein said at the recent Philadelphia Auto Show, every manufacturer featured an EV, including some hybrids that can toggle between gas and electric; he recommended continuing to examine how the EV market is trending. He also asked if EV spaces would be restricted to EV drivers if all other parking spaces were full. Wagner said the drafted regulations do not require EV spaces to be restricted; many developers do restrict them, but the police do not enforce this.

Peter DeMallie said the Connecticut Clean Air Act contained the language about 10% EV spaces by 2023. Lipe asked DeMallie about EV regulations in other towns. DeMallie said everywhere Design Professionals has worked, EV stations are required for any sizable project.

At 7:59 p.m., Commissioner Dexter made a motion to extend the public hearing to the February 13, 2024 regular meeting. Seconded by Commissioner Bernstein. Motion passed unanimously.

2. PZC sponsored public hearing to review Section 6.5 Signs – to gather community input as to effectiveness of existing regulations

Director of Planning Michele Lipe provided the Planning report:

This public hearing is being held in accordance with Section 6.5.13.

6.5.13 Amendment Procedure

By passage of this sign regulation, the Commission resolves to hold a public hearing every 4 years to:

1. Review this entire regulation.
 2. Determine if segments of this regulation have been proven to be too restrictive or too lenient by experience.
 3. Give the public a regular opportunity to speak to any aspects of this regulation they may feel is too restrictive, or too lenient, unfair, or objectionable.
 4. Allow administrative recourse made available by this automatic amendment procedure.
 5. Provide a regular, consistent forum for all to be heard.
1. This public hearing gives staff as well as the public an opportunity to bring up sign issues that recur with some frequency to see if there any changes the PZC wants to consider. This can take the form of sign regulations revisions, or a clear message from the Commission that the Commission is satisfied with certain existing provisions and is not troubled by the enforcement of these provisions. There were no actions taken after the 2015 or 2019 public hearings.
 2. Some areas where we continue to have enforcement difficulties include:
Temporary signage for non-profit organizations. We currently allow temporary signage for non-profit organizations, up to 60 days before an event and temporary signs up to 32 sf provided they have the property owner signatures. What often happens is that we have overlap of events and there ends up being multiple large signs up for several weeks. It becomes difficult to enforce when everyone wants the most visible locations. We would suggest limiting these signs to 30 days – usually adequate time for announcing

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an upcoming event. We would also suggest clearly stating whether temporary signs can be lit as that has become a question in the past few years.

3. A secondary area of temporary signage that causes some confusion is the permitting of lawn signs in residential neighborhoods. Currently the regulations permit construction signs and for sale signs as of right. The question comes up when folks want to put up signs for sports registration (which we do permit non-profit temporary signage) versus signage supporting a family member such as a graduation sign which are current practice is not to require a permit. A note clarifying this could be added to the regulations.
4. In Section 6.5.5 Illuminated Signs Section D Lighted Outdoor Advertising Signs, the regulations prohibit outdoor advertising that are internally lit unless dark backgrounds are used – e.g. does not allow a white plastic cabinet because of the tendency to become very brightly lit boxes. However, we find that this a popular sign type. We would suggest allowing white boxes with the requirement of a certain percentage of opaque screening that would lessen the intensity.
5. Also, over the past few years the Town has installed electronic message boards like what had been approved at Dairy Queen and Nomads. Currently there are no specific requirements related to brightness or frequency of the changing message and whether or not to allow blinking-colored signs in business windows. The Commission may want to consider an amendment to put some standards in place.
6. In Section 6.5.9 Signs in Buckland Gateway Zone – The PZC interpreted the Development Identification Sign to allow the inclusion of signage for Apartments, hotel, businesses – not just a single Development as references in the Regulations. This should be updated.
7. Directional signage is allowed; however, there are no there are no specific requirements as to size and location. The Commission may want to consider criteria for this type of signage.
8. Lastly, we reviewed the variance requests since the last public hearing held in 2019. The ZBA has entertained three separate requests: the ZBA approved a commercial sign that extended above a flat roof line; the second approval was for a free standing sign for a separate building in Town Center; and the ZBA denied a request for a 24 sf home occupation sign for a property on Route 5.

Chair Wagner asked for public comments on the sign regulations. None were heard.

Wagner said there is evidence that scrolling electronic billboards create a hazard, though he does not think the scrolling message board outside the Town Hall is similarly dangerous. He would support revising the definition of electronic signs, limiting their scrolling speed and use of videos, and adding switches to turn them off in case they are hacked. He noted that signs pertaining to upcoming elections or referendums are exempt from the regulations, and suggested also exempting signs advocating a viewpoint on a pending application. However, he supports some safety regulations for election signs as well as forbidding them on municipal, State, and utility properties. He would also like the regulations to address painted signs on parking lots. It was noted that the regulations should acknowledge the State requirement for signs to be 15' or more from the roadway. Lipe noted that complaints about sight line issues with political signs are usually referred to the Town Manager or Police Department.

Commissioner Buganski asked if there are any requirements for signs on private property other than their distance from the road. Lipe and Wagner said the content of signs cannot be regulated, though the signs should be kept out of the Town or State right of way.

Commissioner Ouellette said he would generally like to see the sign regulations pulled back, though he supports making signs dimmer and smaller. Commissioner Dexter said members of the public have taken issue with signs shining in their windows at night, affecting their quality of life. Commissioner Foley concurred with the previous comments.

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Commissioner Bernstein agreed with others' comments about political signs and feels residents are generally respectful with them, though he feels the signs should come down within a certain number of days after an election or hearing. He and Lipe noted that scrolling billboards are not allowed in town, though there are some legal nonconforming billboards along Route 5. Bernstein said the Commission should avoid adding regulations that would be less feasible to enforce. Lipe said the department's biggest enforcement focus is businesses placing signs on street corners to advertise their services. She said issues with lit signs can be addressed with approval conditions requiring lights to be turned off at a certain time; she would support more regulations for signs that are internally lit or lit with spotlights. She said the maximum size for signs in Evergreen Walk was increased due to pushback and that many variances have been requested over the years for signs at plazas and multi-tenant developments, and also noted the sign embellishment clause in the regulations.

Ouellette asked if the current regulations have a maximum number of lumens a sign can generate from a certain distance. Lipe said the regulations contain a chart of foot-candle requirements for parking lot lighting based on guidance from the Institute of Lighting and may contain something similar pertaining to signage. She said these regulations could be updated, but the Town has had success with persuading developers to reduce light levels.

Chair Wagner proposed forming a small committee to review and revise the sign regulations. He and Commissioners Ouellette and Bernstein volunteered to serve on the committee.

At 8:23 p.m., Commissioner Bernstein made a motion to close the public hearing. Seconded by Commissioner Foley. Motion passed unanimously.

REGULAR MEETING

CALL TO ORDER: Chair Wagner called the regular meeting to order at 8:23 p.m.

MINUTES: 1-9-24 Regular Meeting; 1-16-24 Special Meeting

The January 9, 2024 minutes were approved by consensus. The Commission will vote on approval of the January 16, 2024 minutes at the next regular meeting.

PUBLIC PARTICIPATION

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

1. **Appl. 24-01P, Colavecchio Major Home Occupation dba Hair by Diane** – request for renewal of a 5-year major home occupation of a beauty salon on property located at 331 Smith Street, RR zone

Vincent and Diane Colavecchio represented the application. Commissioners confirmed that no changes to the business or its hours are proposed.

Commissioner Dexter made a motion to approve the application with the following conditions:

1. The business must be operated by the homeowner.
2. The permit will expire on 1/23/29, and will have to be renewed at that time.
3. Only one non-resident employee can be hired.
4. Hours of operation – three days a week from 9 – 5 PM.
5. Not more than two (2) cars in the driveway during business hours.
6. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.

Seconded by Commissioner Bernstein. Motion passed unanimously.

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2. PZC sponsored amendment to modify several sections of Section 6.4.10 *Minimum Number of EVSE Parking Spaces* to clarify the number and timing of required EV installed and EV ready spaces; and modify Section 11.8 APPENDIX H *Electric Vehicle Supply Equipment (EVSE)* to update EV Charger requirements related to: equipment, screening, site signage and EV Charger installation illustrations

The public hearing on this item had been continued to the February 13 regular meeting.

BONDS: Callings/Reductions/Settings: None

OLD BUSINESS: None

APPLICATIONS OFFICIALLY RECEIVED

Appl 24-03P, Burnham Realty, LLC – Request for a Special Exception to Table 4.1.1.A and site plan approval for a 5,400 sf building in phase 1 and 1,080 sf addition in phase 2, for equipment sales and rental, on property located at 396 Burnham Street, I zone

OTHER BUSINESS

Michele Lipe reminded the Commission of the Community Workshop on the Plan of Conservation and Development, scheduled for Tuesday, January 30 at 7:00 p.m. at the Community Center.

CORRESPONDENCE/REPORTS: None

ADJOURNMENT

Commissioner Foley moved to adjourn. Seconded by Commissioner Ouellette. Motion passed unanimously.

The meeting adjourned at 8:28 p.m.

Respectfully submitted,


Joshua Stern, Recording Secretary