

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-1-**

**JANUARY 24, 2023**

**MEMBERS PRESENT:** Robert Vetere, Stephanie Dexter, Stephen Wagner, Bart Pacekonis, Kevin Foley, Michael LeBlanc, Alan Cavagnaro

**ALTERNATES PRESENT:** Carolyn Carey

**STAFF PRESENT:** Michele Lipe, Director of Planning; Michael Lehmann, IT Support; Caitlin O'Neil, Recording Secretary

**PLEDGE OF ALLEGIANCE**

Secretary Wagner read the legal notice into the record.

**CALL TO ORDER**

**PUBLIC HEARING/7:00 PM:**

1. **Appl. 22-41P Telecommunications Facilities Zone Text Amendment-** request by the Town of South Windsor to modify Section 7.18.4 General requirements, subsection d and j to allow for commercial wireless towers owned by the Town to be of a lattice design, limited in size.

Peter DeMallie of Design Professionals presented on behalf of the application. Also present was Walter Summers, Fire Marshal and Project Manager for this facility, Bruce Marcus of Marcus Telecommunication, consultant for the town, Chief of Police, Kristian Lindstrom, and Fire Chief, Kevin Cooney. Mr. DeMallie reviewed the background on the telecommunication facilities in South Windsor and then reviewed the proposed changes to the regulations. He explained the application was prompted by the need to address the poor communication and radio service for Police and Fire in the northwest corner of South Windsor, specifically, Rye Street, Main Street and parts of Route 5 near the East Windsor border. Mr. DeMallie explained that communication service in this area is poor and even worse if someone is inside a building.

Fire Chief Kevin Cooney and Police Chief Kristian Lindstrom both reviewed current radio issues in the areas of Main Street, Rye Street and general northwest corner of South Windsor. They both shared their safety concerns due to this problem. Both explained how an additional tower would help alleviate the issues that they are currently experiencing.

Peter DeMallie reviewed the proposed tower should this text amendment be approved. The proposed tower would be a 125-foot lattice tower at the rear of 124 Sullivan Avenue with a 12 foot by 12-foot foundation and an 8-foot chain link fence around the base of the tower. Mr. DeMallie reviewed photos of other towers around South Windsor.

Mr. DeMallie reviewed the changes that would be made to the Zoning Regulations text. Some of the changes included removing the wording that requires a telecommunication tower to be 1,000 feet away from a playground and also wording that specified the height and footprint of a tower. He commented that the text amendment changes are relatively minor change and are ultimately important changes for the general safety for the citizens of South Windsor.

Chairman Pacekonis asked for town staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request by the Town of South Windsor Emergency service agencies to modify Section 7.18.4 General requirements, subsection d and j to allow for commercial wireless towers regulations.
2. The proposed change to Item d would eliminate any separating distance for a telecommunication tower from a playground area; and the proposed change to item j would allow for lattice towers, however they would be limited in height to 125 feet and in size to 12' x 12' base.

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-2-**

**JANUARY 24, 2023**

3. This use is currently allowed by special exception approval which provides for neighborhood impacts to be evaluated at the time of an application.
4. The Business Development section of the Town Plan has one of its goals to “attract additional business development that is consistent with the character and scale of its surroundings with a strategy to maintain current business zones, with updates.
5. The Capitol Region Council of Governments has reviewed the amendment as required and has offered the following report:
6. If this application is approved, the Planning Dept has no additional requested modifications.

Chairman Pacekonis asked for public comment. No public comment.

Chairman Pacekonis asked for Commissioner questions or comments.

Commissioner Vetere questioned why they were proposing to remove the distance from playgrounds. Peter DeMallie commented that the reason they removed it was due to the need of coverage regardless of a playground being nearby. The new proposed tower site is not near a playground but the tower near Veterans Memorial Park is close to one. Commissioner Vetere suggested they still keep a distance from a playground but lessen the distance.

Commissioner Cavagnaro echoed Commissioner Vetere’s concerns with the distance from playgrounds. Commissioner Cavagnaro questioned the Director of Planning about the history and purpose of the playground wording in the regulations. Michele Lipe commented that these regulations were drafted in 1997 and due to the unknown outcomes or potential dangers of cell phone towers the Commission put in distance requirements. With that said, cell phone towers have been proven to not pose any health concerns. Commissioner Cavagnaro also suggested a distance from a playground should be considered, such as 200 feet.

Commissioner Cavagnaro questioned the wording of wireless in item j of the regulations. Bruce Marcus of Marcus Communication explained that all towers are now considered wireless, even if they are not used for cellphone purposes. Mr. Marcus also explained some of the history of communication towers and the role of the Siting Council, which ultimately regulates these towers. Mr. Marcus discussed other towers in the area, such as one communication next to the Manchester Police Department, which is next to Illing Middle School. He explained that these towers never fall and this should not be a concern since they are heavily regulated. Commissioner Cavagnaro questioned if South Windsor currently has any towers that exceed the height of 125 feet. Michele Lipe responded that all cell towers in South Windsor exceed 125 feet.

Commissioner LeBlanc confirmed that the tower material would be galvanized steel. Commissioner LeBlanc also mentioned his concern of children and teenagers potentially climbing these towers. Peter DeMallie commented that there would be an 8-foot fence around the tower with an alarm system to deter anyone from climbing these towers.

Commissioner Foley questioned why they would restrict the size of the towers to 125 feet since the tower at the Police Department is 200 feet. Bruce Marcus commented that higher towers are better in terms of the distance that can be reached for radios. Commissioner Foley questioned if there would be a future need of a taller tower and should they consider this while they are adjusting these regulations. Fire Marshal Walter Summers commented that this will likely be the last tower needed for South Windsor, with that said, if the Commission wanted to allow for a slightly taller tower they would not oppose a tower for 150 feet. Commissioner Foley commented that he would be open to increasing the allowed height since it’s for public safety.

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-3-**

**JANUARY 24, 2023**

Commissioner Wagner commented that he understood the importance of the tower and why they would prefer a lattice tower instead of a monopole tower. Commissioner Wagner discussed the issue of distance to a playground and the fall zone of a tower. Commissioner Wagner questioned if they had concerns with birds and the tower. Walter Summers commented on mitigation efforts that they would use and that the lattice construction does not allow for bird's nests.

Commissioner Wagner commented that he would be comfortable removing paragraph d and questioned why the issue on towers near schools or playgrounds was included in the zoning text. Michele Lipe commented that she assumed that this was included when they initially proposed these regulations because at the time there were concerns that communication towers may pose a health risk to people. As time has gone on these communication towers have been proven to show no actual health threat to the public. Commissioner Wagner also commented on paragraph j and stated that he felt it should include both Town owned and private communication towers could be of lattice design.

Commissioner Dexter commented that since the text amendment already restricts towers 500 feet from residences then playgrounds and schools should maintain a similar distance. Commissioner Dexter echoed a similar opinion to Commissioner Foley, she felt that the height of the tower should be increased to 150 feet.

Commissioner Carey commented that she agreed that they should require a distance from playgrounds and schools instead of removing it completely.

Chairman Pacekonis commented that he also felt there should be a distance from playgrounds and schools. Chairman Pacekonis also agreed to increase the height of the towers to 150 feet. He added that if they are increasing the height of the tower then they should also increase the base area to accommodate the higher tower. Peter DeMallie commented that a 150-foot tower would require a 20 by 20 base area. Chairman Pacekonis questioned what would make sense for a distance from playground. Peter DeMallie suggested two times the fall zone should alleviate the concerns of distance from playgrounds and schools and wouldn't cause any issues with the current towers and the proposed communication tower. Chairman Pacekonis confirmed that all towers have and will comply with item q. Peter DeMallie commented that this item is a requirement, therefore, they would comply.

Commissioner Wagner commented that he would like to review the revised text before making a decision. Michele Lipe explained that they could close the public hearing tonight and she could make the necessary changes and this item could be put on for decision at the February 14 regular meeting. The Commission agreed to this.

Chairman Pacekonis closed the public hearing at 8:03pm.

**REGULAR MEETING**

**CALL TO ORDER**

**PUBLIC PARTICIPATION:** Chairman Pacekonis commented that they received a letter regarding a property that is currently under litigation. Chairman Pacekonis confirmed that all the Commissioners received a copy of the letter, however, because it is in litigation this letter would not be read into the record.

**MINUTES:** 1/10/23- Commissioner Wagner and Chairman Pacekonis reviewed minor typos and changes. The minutes were accepted by consensus.

**NEW BUSINESS:** Discussion/Decision/Actions regarding the following:

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-4-**

**JANUARY 24, 2023**

1. **Appl. 22-41P Telecommunications Facilities Zone Text Amendment**- request by the Town of South Windsor to modify Section 7.18.4 General requirements, subsection d and j to allow for commercial wireless towers owned by the Town to be of a lattice design, limited in size.

This item would be taken up for a decision at the February 14, 2023 meeting.

2. **Use Determination Letter- Unit 5 Evergreen Walk**

Director of Planning Michele Lipe gave an overview of the submitted letter. Ms. Lipe explained that years ago the Commission incorporated text in the regulations regarding drive-through facilities in the Gateway Development zone. This change was prompted by Panera wanting to move to Evergreen Walk with a drive-through. The current text reads that a drive through facility must be part of a planned unit development of at least 200,000 square feet of gross building area. The question being posed is whether Unit 5 is technically considered part of Evergreen Walk or not. Matthew Welter of O'Evergreen LLC feels that Unit 5 should be considered part of Evergreen Walk and therefore will meet the criteria of 200,000 square feet of gross building area and all other bylaws and associated fees of Evergreen Walk.

Chairman Pacekonis asked for Commissioners questions or comments

Commissioner Carey questioned which unit they were discussing for this proposed plan. Michele Lipe explained that they were referring to Unit 5, which recently received approval for a Peoples Bank that is under construction now.

Commissioner Dexter questioned if they were to interpret that this unit was part of the larger development of Evergreen Walk, would they still be subject to certain restrictions for layout. Michele Lipe responded that they would be subject to all other criteria for drive throughs in the Gateway Development zone. Ms. Lipe added that she wanted to clarify that the recently approved Shake Shack is not considered a drive through facility since the window on the site is strictly a pick-up window.

Commissioner Wagner commented that he was comfortable with the interpretation.

Chairman Pacekonis questioned if they treat drive-through banks the same way they treat drive-through restaurants. Michele Lipe commented that they do not treat these the same way. Chairman Pacekonis questioned if a drive-through restaurant could be a stand alone building in this zone. Ms. Lipe commented that a drive-through restaurant would need to be apart of a multi-tenant building in the Gateway Development zone. For example, Panera is part of a building that also includes a nail salon. Chairman Pacekonis commented that he was also comfortable with the interpretation.

The Commission agreed by consensus that the proposed use would be allowed.

3. **Discussion and review of draft residential regulations**

Michele Lipe commented that she handed out the residential text amendments at the previous meetings and they are also now available on the Town website. These text amendments have also been sent to Capital Region Council of Government. With that said, any changes the Commission may want to see or discuss should be brought up during the public hearing in February, however, if the Commission had any clarifying questions they are welcome to ask at this time.

Commissioner Dexter asked Ms. Lipe to elaborate a little on the proposed fee in lieu of affordable units so the public could better understand. Ms. Lipe explained that the proposed regulations are now including provisions for inclusionary zoning. All residential zones would now require a certain percentage of affordable units to be included, multifamily zones would not offer a buy out option for affordable units. Single family subdivisions would require an affordable unit for every 4 units built, however, would offer a

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-5-**

**JANUARY 24, 2023**

fee in lieu of affordable units and reviewed the formula. Ms. Lipe commented that any money collected from this fee in lieu of would go towards an affordable housing trust fund. This money would be put aside and spent only on actions to support affordable housing in South Windsor.

Commissioner Dexter confirmed that they would be voting to opt out of Public Act 21-29 regarding limitation on number of parking spaces for dwelling units. Michele Lipe explained that she would be suggesting this since the Public Act is trying to reduce the number of parking spaces required to one parking space per unit. Ms. Lipe commented that South Windsor is not considered a transit community and currently does not have enough bus service at this time, therefore, people are still dependent on cars and would need parking available.

The Commission confirmed that they were comfortable with the proposed regulations and looked forward to public input at the February 14 public hearing.

4. Discussion and review of draft warehouse regulations

Michele Lipe reviewed a map that the Warehouse Subcommittee created that reviewed distances from residential zones from current industrial area. The map shows dimensions of available industrial space both 500 feet and 750 feet from residential zones. Ms. Lipe commented that they also focused on creating definitions for various type of facilities, such as warehouses, freight terminals, distribution centers and last mile delivery centers and then specified required distances of these facilities from residential zones. Ms. Lipe commented that the Subcommittee focused on creating these use definitions and worked on how to curb negative impacts of industrial land near residential zones. They have put additional restrictions on properties that abut residential areas and require these properties to go through a special exception approval process. Ms. Lipe added that other items that were addressed were buffer requirements, additional terms for bonding of buffers and berms, and mandatory requirements for traffic studies.

Commissioner Dexter questioned how they decided on the dimension of 40,000 square feet as the cut off for facilities before they start requiring special exception approval. Michele Lipe explained the thought process of the Subcommittee and what she reviewed in other communities. Ultimately, they do not want to stop development in South Windsor, they are simply trying to have a more in-depth review of what and where these facilities are created.

Commissioner Wagner clarified changes in Section 2.11. Commissioner Wagner commented that the State of Connecticut will be introducing some additional initiatives for larger companies to add solar, therefore, he would suggest adding solar panels as an item that should have screening requirements. Michele Lipe commented that they are in the process of finalizing the draft for these regulations and a completed draft should be available to the public by the end of the following week. Commissioner Wagner commented that the earth product screening use on Table 4.1.1A should also include the noise ordinance under additional provisions.

Commissioner Wagner commented that he did not want to necessarily limit outdoor storage in the Industrial zone, as long as it is properly screened. Michele Lipe commented that she would mirror Section 4.5.4 closer to what is allowed in the I-291 zone. Commissioner Wagner commented on Section 4.5.8 Performance Standards and wanted to see if truck noise and pollution on site could be monitored as well. He was unsure if this could be an option.

Commissioner Vetere asked for offensive in 4.5.8.a Performance Standards, Environmental Impact to be clarified further.

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-6-**

**JANUARY 24, 2023**

Commissioner Wagner reviewed the parking space table and suggested some additional requirements for manufacturing uses and allowed employee parking. Commissioner Wagner commented that 6.4.4.I Perimeter Circulation Road should reflect the total amount of parking spaces. Commissioner Wagner asked for clarification for additional parking on perimeter roads. Chairman Pacekonis explained the idea would be to allow parking on a perimeter roads for reserve or additional employee parking. Commissioner Wagner commented on some wording changes to Section 7.24.

Commissioner Wagner then discussed some minor wording changes for Section 6.2. Chairman Pacekonis asked for limits on height of berms be eliminated. Commissioner Wagner discussed adding solar panels to Section 6.2.5 Screening Requirements. Michele Lipe questioned if screening solar panels would cause any issues to the effectiveness of the panels. Commissioner Wagner commented that some screening would not cause any issues.

Michele Lipe commented that she did distribute cross section examples that were created by Landscape Architect, Tom Linden. Ms. Lipe commented that town staff felt the changes that were made in this section were significant changes. She commented that she would like input from the Commission on whether these changes are in line with what they are envisioning or if they are perhaps too much of a change.

Commissioner Wagner commented on the crop pollinator habitat description and if it should be included in the buffer regulations. Michele Lipe explained that this is not necessarily part of the buffer design but rather a suggestion for landscaping treatment. Ms. Lipe commented that she could re-word this item so it is incorporated more in the landscaping plans rather than buffers.

Commissioner Foley confirmed that they would be increasing the warranty maintenance period for landscaping and berms. Michele Lipe commented that buffers would be bonded and once established would then require a maintenance period, which they would hold 10% of the bond for up to five years. Chairman Pacekonis commented on the hard work of the Landscape Architect who helped the Subcommittee review and create these cross-section visuals. Commissioner Foley spoke in favor of the updates made to the berms, buffers and landscaping plans. He added that it's important that these proposed landscaping plans be completed and maintained properly by the applicants.

Michele Lipe commented that she would take the items discussed at this meeting and incorporate them into the final draft for these text amendments. Ms. Lipe commented the Subcommittee would meet one final time next week before she submitted the text changes to CRCOG. Chairman Pacekonis requested Michele Lipe draft an extension on the warehouse moratorium in the event they do not complete the public hearings in time before the moratorium expires.

Chairman Pacekonis thanked Michele Lipe for her hard work and efforts on these text amendment and regulation changes. Commissioner Wagner also thanked the Warehouse Subcommittee for their efforts.

**BONDS:** Callings/Reductions/Settings

**IWA/CC Bond**

Appl. 16-50P Hartford Truck E&S Bond in the amount of \$2,000 reduced by \$2,000 to leave a balance of -0-  
Appl. 22-02P Hartford Truck E&S Bond in the amount of \$20,000 reduced by \$20,000 to leave a balance of -0-

Commissioner Cavagnaro motioned to reduce the above-mentioned bonds. Commissioner Foley seconded the motion. The motion passed unanimously.

**OLD BUSINESS:**

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**-7-**

**JANUARY 24, 2023**

---

**APPLICATIONS OFFICIALLY RECEIVED:**

**CORRESPONDENCE/REPORTS:**

**ADJOURNMENT:**

Commissioner LeBlanc motioned to adjourned.

Commissioner Cavagnaro seconded the motion. The motion was called and the motion passed unanimously.

Meeting adjourned at 9:02 pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary