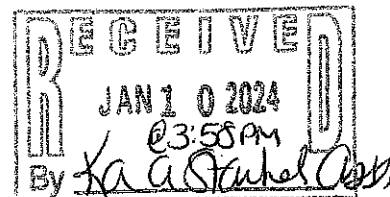


TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION



SPECIAL MEETING MINUTES

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DECEMBER 12, 2023

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

ALTERNATES PRESENT: None

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

PLEDGE OF ALLEGIANCE

SPECIAL MEETING

CALL TO ORDER: Chair Pacekonis called the Special Meeting to order at 6:30 p.m.

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

1. **Appl 23-44P, Berry Patch II Associated Limited Partnership** – request for a site plan modification including a lot line revision to reduce the overall parcel by approx. .3 acres, on property located at 440 Buckland Road, Buckland Gateway Development Zone

Ben Tripp, Executive Vice President of Development for Metro Realty, represented the application, which is in accordance with Metro's Special Exception and Site Plan application (item 2). The proposal is for a small change to the total lot area, causing a minor effect on impervious coverage for the site. No additional improvements are proposed.

Director of Planning Michele Lipe provided the Planning Report.

1. Request for a site plan modification including a lot line revision to reduce the overall parcel by approx. .3 acres, on property located at 440 Buckland Road, Buckland Gateway Development Zone.
2. The original approval for this project was in 2004. At the time it provided South Windsor with 75 additional affordable units on the State's "10%" list.
3. The small reduction in property changes, the impervious coverage increases by .3% to 24%; 40% allowed. The units per acre increase from 9.4 to 9.8 units per acre; 10 units allowed.
4. The affordability plan put in place at the time of approval contains affordability restrictions (a minimum of 40 years) unless transferred with notice to the Commission. The development is subject to restrictive covenants to both the Housing Authority and the CT Housing Finance Authority.

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

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

1. The building street number must be included on the final plan.
2. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
3. Mylar must be filed along with a new deed describing the new property boundaries.

Commissioner Vetere seconded the motion. The motion was called. Commissioners Cavagnaro, Vetere, Dexter, Wagner, and Chair Pacekonis were in favor and Commissioners Foley and LeBlanc were opposed. The motion passed 5:2.

2. **Appl 23-42P, The Metro Realty Management Corporation** – request for a special exception to Sec. 7.22 and site plan of development for a 55-unit apartment complex property located at 240 Deming Street and a portion of 440 Buckland Road (northerly side of Deming St. and easterly of Buckland Rd.), MAH Zone

Commissioner Wagner made a motion to approve the application with the following modifications:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$20,000 to ensure compliance with the erosion and sediment control measures and \$50,000 to ensure establishment of storm water system and installation of native buffer plantings.
4. A landscape bond in the amount of \$25,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. Engineering comments dated 10-24-23 must be incorporated into the final plans.
14. Assigned street addresses shall be shown on the final plans.
15. The Affordability Plan shall reference the 40-year affordability restriction.
16. Refuse collection cannot occur between the hours of 10 p.m. and 7 a.m.
17. EV Charger station locations, and future wiring, shall be shown on the plan in accordance with the regulations.
18. The play area shall be relocated from the center island to the northeasterly area of the site.
19. Once the exterior lighting is installed, the need for light shield will be evaluated with the applicant and staff.
20. No trees within the land transferred from the Berry Patch development shall be removed with the construction of this development.
21. The existing trees along Deming Street within the proposed conservation easement area shall be preserved.
22. The conservation area shall be mowed twice a month.

Commissioner Cavagnaro seconded the motion.

Chair Pacekonis clarified that condition 20 should refer to trees at the border of Berry Patch and the proposed development's parcel, not those on the transferred triangular piece of land. He suggested amending this condition to, "No trees within the Berry Patch development shall be removed with the construction of this development." Commissioners Wagner and Cavagnaro accepted this change as a friendly amendment.

With regard to condition 22, Chair Pacekonis said in the past, the Commission has aimed to leave conservation easements in their natural state or allow minimal haying or mowing. He suggested amending this condition to stipulate that the applicant shall work with Town staff and the neighbors to determine a landscape and maintenance plan for the conservation area. He and Michele Lipe discussed the wording of this condition. Commissioners Wagner and Cavagnaro accepted a friendly amendment to condition 22: "The details of the landscape and maintenance plan for the conservation area shall be finalized after consulting with Town Staff and neighbors."

There was discussion of whether the play area was to be relocated to the northeasterly or northwesterly side of the site (condition 18). The Commission and staff ultimately determined that the northeasterly side is the best location and kept the wording of this condition intact.

TOWN OF SOUTH WINDSOR

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Chair Pacekonis said an additional approval condition should be added to hold the developers to the maintenance plan they presented at the November 28 public hearing. Commissioners Wagner and Cavagnaro accepted a friendly amendment to add condition 23: "The applicant shall maintain the site in accordance with the maintenance plan presented by the applicant in the public hearing as Exhibit A."

It was noted that the issue of the location of the bus shelter with regard to the sewer easement was addressed.

Commissioner Foley said although the zone was changed, the application must still be held to the Special Exception criteria. He doubts whether the application meets the criteria regarding surrounding property values, character of the neighborhood, general welfare of the community, balance between neighborhood acceptance and community needs, and physical appearance. He does not think 55 units would fit the site and said other appropriately zoned areas would be preferable.

Commissioner Wagner said the Special Exception criteria overlap with those for approval of the MAHZ, which included a review of the site plan, and that it is inappropriate to use the Special Exception application to revisit the MAHZ approval. He then listed the Special Exception criteria and outlined why he feels the application meets each of them. In particular, he said affordable housing is discussed at length in the POCD; he finds the applicant's traffic study credible and said the court overturned the PZC's denial, based on Commissioners' opinions of the traffic study, of the Educational Playcare application. He also thinks the conservation parcel and the approval condition regarding lighting would reduce the impacts to nearby homes. He found the property value studies the applicant presented to be consistent with his own understanding, and said the project fits the neighborhood as it is on the boundary of commercial, multi-family, and single-family uses. With regard to general welfare of the community, he said affordable and supportive housing benefit the Town, and the site has easy access to public transit, retail, and medical offices. He said the balance between neighborhood acceptance and community needs is the hardest to gauge, but said the nearby residents did express support for affordable housing and did not back up their comments that there are other, preferable locations with specific suggestions; the Town is short of the 10% affordable housing goal, and once the moratorium expires in 2024, the PZC will have less say over similar projects. He also disagrees with the concerns about introducing inappropriate children into the school system. He noted that the Architectural and Design Review Committee approved the design and that while some noise is to be expected from any new development, he does not see it as an issue given the buffers, the conservation area, and the approval condition regarding dumpster pickup.

Chair Pacekonis suggested a friendly amendment to condition 13 to clarify that the engineering comments from both October 24 and November 28 must be incorporated. Commissioners Wagner and Cavagnaro accepted the friendly amendment. The full list of approval modifications now read as follows:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$20,000 to ensure compliance with the erosion and sediment control measures and \$50,000 to ensure establishment of storm water system and installation of native buffer plantings.
4. A landscape bond in the amount of \$25,000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.

7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. No building permits will be issued until the Office of State Traffic Administration certificate has been issued (per CGS §14-311).
10. The building street number must be included on the final plan.
11. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
12. All free-standing signs and/or building signs require the issuance of a sign permit before they are erected.
13. Engineering comments dated 10-24-23 and 11-28-23 must be incorporated into the final plans.
14. Assigned street addresses shall be shown on the final plans.
15. The Affordability Plan shall reference the 40-year affordability restriction.
16. Refuse collection cannot occur between the hours of 10 p.m. and 7 a.m.
17. EV Charger station locations, and future wiring, shall be shown on the plan in accordance with the regulations.
18. The play area shall be relocated from the center island to the northeasterly area of the site.
19. Once the exterior lighting is installed, the need for light shield will be evaluated with the applicant and staff.
20. No trees within the Berry Patch development shall be removed with the construction of this development.
21. The existing trees along Deming Street within the proposed conservation easement area shall be preserved.
22. The details of the landscape and maintenance plan for the conservation area shall be finalized after consulting with Town Staff and neighbors.
23. The applicant shall maintain the site in accordance with the maintenance plan presented by the applicant in the public hearing as Exhibit A.

Commissioner Vetere asked a clarifying question about CGS 8-30g. He noted that developers have prevailed in 75% to 80% of appeals under 8-30g and that once the moratorium is over, it will be more difficult to make concessions and impose conditions on an application.

The motion was called. Commissioners Cavagnaro, Vetere, Wagner, and Chair Pacekonis were in favor and Commissioners Foley, Dexter, and LeBlanc were opposed. The motion passed 4:3.

ADJOURNMENT

Commissioner Wagner moved to adjourn. Seconded by Commissioner Cavagnaro. Motion passed unanimously. The Special Meeting adjourned at 7:03 p.m.

Respectfully submitted,

Joshua Stern, Recording Secretary