

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

DRAFT MINUTES

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APRIL 11, 2023

MEMBERS PRESENT: Stephanie Dexter, Bart Pacekonis, Robert Vetere, Alan Cavagnaro, Kevin Foley

ALTERNATES PRESENT: Carolyn Carey

STAFF PRESENT: Jeff Folger, Senior Environmental Planner; Michael Lehmann, IT Support; Caitlin O'Neil, Recording Secretary; Jeff Doolittle, Town Engineer (8:30pm)

PLEDGE OF ALLEGIANCE

Commissioner Dexter read the legal notice into the record.

Chairman Pacekonis sat Alternate Commissioner Carey for Commissioner Wagner.

CALL TO ORDER

PUBLIC HEARING/7:00 PM:

1. **Appl. 23-10P Cusson Automotive Enterprises, LLC** – request for a zone change of 9.92 acres of land from General Commercial to Industrial for property located at 753 John Fitch Boulevard.

Jay Ussery from J.R. Russo and Associates was present on behalf of the applicant. Mr. Ussery explained that this is an application for a zone change for property on 753 John Fitch Boulevard. Mr. Ussery commented that Cusson Automotive is currently located on Mascolo Road and is looking to expand business onto this parcel. Mr. Ussery commented on the frontage for the lot on John Fitch Boulevard, which is not a large amount of frontage. Mr. Ussery explained that the applicant is looking to change from General Commercial to Industrial. Mr. Ussery reviewed the surrounding properties, the properties to the south are zoned General Commercial, properties to the north are zoned Industrial and properties to the west are zoned A-40, with these being larger parcels.

Mr. Ussery discussed how this change was following the current Plan of Conservation and Development. Mr. Ussery then explained that typically General Commercial properties have a larger amount of frontage on Route 5 to attract business, as mentioned before, this parcel does not have as much frontage that is typically seen with General Commercial properties. Additionally, Cusson Automotive already exists on Mascolo Road and the parcel would be used for expansion of this business, with that said, Mascolo Road would still be used for accessing Cusson Automotive. Mr. Ussery explained that all utilities are available on Route 5 and reviewed traffic report. Mr. Ussery submitted the Commercial and Industrial Use Table from the Zoning Regulations and highlighted similar uses in both zones for the record (Exhibit A).

Don Cusson, owner and applicant, read his statement into the record regarding the zone change (Exhibit B).

Chairman Pacekonis asked for town staff comments.

Senior Environmental Planner Jeff Folger read the Planning Report prepared by the Director of Planning Michele Lipe.

1. Request for a zone change from General Commercial zone to Industrial Zone for approx. 9.93 acres on the westerly side of Route 5 and southerly of Mascolo Road. The site is adjacent to industrially zoned land to the north and there is a combination of industrial and commercial uses in the area.
2. The minimum lot size in the General Commercial zone and Industrial zone are 30,000 sf. Frontage requirement for both zones is 100 feet. The primary difference in bulk requirements are setbacks; Industrial zone has a 35-foot front yard setback and 25-foot rear yard setback for structures; the general commercial zone has a 50 foot front yard setback and a 15 foot rear yard setback. The lot coverage ratios are different as well; 50 % lot coverage allowed in Industrial zones and 30% in GC zones. Impervious coverage is the same in both zones allowing 65%.

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3. The possible uses in the GC zoning are more geared to retail and service uses whereas the industrial zoning category include manufacturing, offices, warehousing, distribution centers, general contracting establishments, automotive repairs, etc.
4. The Town Plan designates this area for economic development and encourages keeping industrial land so that it can accommodate today's businesses.
5. In acting upon the zone change, the Commission shall consider the various factors favorable and unfavorable to such a change, including but not limited to:
 - The goals, objectives, and recommendations of the Plan of Conservation and Development;
 - The purposes of zoning and of these regulations;
 - Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
 - The supply of land available in the present and proposed zone;
 - The physical suitability of the land for the proposed zone;
 - The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
 - The general character and zoning of the neighborhood;
 - Impacts on the surrounding area;
 - Traffic congestion impacts;
 - The impact on surrounding property values;
 - The environmental impacts;
 - The health and general welfare of the community;
 - Neighborhood acceptance weighed against community needs; and
 - The protection of historic factors.
6. This property is adjacent to industrial zoning to the north, general commercial zoning to the south and Residential A-40 zone to the west. This property is currently subject to the buffer requirements – and would be whether it was commercial or Industrial.
7. There is existing water and sewer available in Route 5 as well as Mascolo Road. WPCA approval will be required at the time of any site plan application.
8. There are regulated wetlands on the existing parcel and will be subject an IWA/CC application at the time of site plan approval.
9. A zone change is the appropriate time to discuss traffic impacts. The applicant's engineer has provided a statement in their narrative comparing traffic impacts of commercial uses versus industrial uses – suggesting the traffic coming in and out of the site is significantly less for industrial uses.
10. A Site plan of development would be required prior to any commercial and/or special exception use for this site.

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If this zone change is approved, the Commission must state on the record that you have found the zone change to be consistent with the Town Plan of Conservation and development.

Chairman Pacekonis asked for public comment.

Steve Dalene of Dalene Flooring in South Windsor and current owner the 753 John Fitch Boulevard spoke in favor of the zone change and reviewed the history of the property. He felt this was the best use of the land.

Peter DeMallie President of Design Professionals spoke in favor of the zone change. Mr. DeMallie commented that he felt that this change of use would be appropriate. Mr. DeMallie commented that he did not think this change from General Commercial to Industrial would be a dramatic change given the area.

Mark Duclos of Sentry Commercial spoke in favor of the zone change.

Steve Grech of 155 Judy Lane spoke in favor of the zone change application.

Jessica Vogelgesang of 79 Hilton Drive spoke in favor of the zone change application.

Commissioner Dexter read letters of support from Lloyd Ferenc, Andrea Beaulieu, and David Cooke. Commissioner Dexter then read letters in opposition from Annette Pasek (Exhibit C).

Chairman Pacekonis asked for Commissioner comments.

Commissioner Vetere commented on the traffic flow leaving Mascolo Road and heading north, this would be his only concern with the zone change.

Commissioner Cavagnaro commented that he was in support of zone change and felt this was positive for small businesses.

Commissioner Foley spoke in favor of the zone change and the change of use.

Commissioner Dexter agreed that this would be a good use of the property.

Commissioner Carey echoed Commissioners Dexter and Foley.

Chairman Pacekonis spoke in favor of the zone change. He commented that there is not much industrial land left in South Windsor that has not been developed and it is important to keep industrial space in town to help with the tax base. Chairman Pacekonis commented that he had some concerns regarding the wetlands, however, this would be addressed further down the line during the site plan application process. Chairman Pacekonis clarified the comment made by the applicant regarding the site plan falling under the requirements of the Zoning Regulations. He explained that the site plan for development would be under the requirements of Zoning Regulations in place at the time of submission, a zone change cannot be conditioned.

Chairman Pacekonis closed the public hearing at 7:42pm.

2. **PZC Sponsored Text Amendment** Remove Section 1.5 Moratorium on New Truck and Freight Terminals and Warehouses and Distribution Centers ; Modify Sec 2.11.A, C and C storage requirements; Modify Sec. 2.16 Ancillary Structure Screening requirements; Modify Table 4.1.1.A to add specific requirements for certain uses, change for permitted to special exception; and minor use corrections; Modify 4.15 Traffic Requirements; Modify Sec 4.4.6.C Parking requirements; modify Sec. 4.5.1 Industrial zone Purpose and Intent; Modify Sec. 4.5.4 Outdoor storage of Material; Add Sec. 4.5.7 Pedestrian and Bicycle Requirements; Add Sec 4.5.8 Performance Standards; modify Sec 6.2 Landscaping and Buffers Sec 6.2.1.B,D,G and H; modify 6.2.2 Maintenance of Landscaping and bond requirements; modify Sec. 6.2.4 A-E to change landscaping standards, buffer sizes, buffer descriptions and include Sec F Berms; add Section 6.2.5 Screening requirements – establish standards

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and criteria for types of screening; modify Sec. 6 Off-Street Parking requirements for various uses; modify Sec. 6.4.4 A, and J Off Street Parking – General Provisions; modify Sec 6.4.5 Design of Parking Areas A and C and add Sec. 6.4.5. K, L M and N; modify Sec 6.4.8.1 A and B Off-Street Loading General Provisions; add Sec 6.4.8.1 Sec C and D; modify Sec 6.4.9. Modification of Minimum Parking; modify Sec. 6.7.2.A Pedestrians Design Standards Sec 6 and 7; Add Sec 6.7.4 Mass Transit Provisions; Add Sec 7.24. Freight, Truck, Bus Terminal and Warehouse Distribution Centers – including definitions and design criteria and application requirements; add to Definitions access Drive; add to Definitions – Screening; add Sec 11.9 Appendix I Buffer and Landscape Designs which includes standards for buffers and sample cross-sections. (continued from 3-14-23 and 3-28-23)

Chairman Pacekonis commented that this public hearing is a continuation. Chairman Pacekonis questioned if there were any update from town staff. Jeff Folger commented that there were no additional updates.

Chairman Pacekonis asked for public comment.

Peter DeMallie President of Design Professionals reviewed some concerns and items he thought the Commission may want to review further. Mr. DeMallie spoke about unintended consequences. For example, if there is a large industrial facility and any part of that property that abuts residential homes than this property, that was previously conforming, would no longer be a conforming use. Mr. DeMallie explained that that if a business was to expand their operation within 500 feet of residential they would need to first receive approval from Zoning Board of Appeals for a variance before having to submit a special exception application. He felt that this may be unfair to larger businesses that have spent a large amount of money on building their business in South Windsor. This change would affect businesses like Aldi, Coca Cola and Amazon. Mr. DeMallie commented on a proposed modifications, if a use is within a 500 foot setback of residents and they want to expand then the first 20% of expansion would still be considered a site plan instead of a special exception application. Mr. DeMallie commented on possibly eliminating the 50 parking space requirement as a reason for a special exception approval.

Mr. DeMallie reiterated that the Commission should consider businesses that have been established in town for long periods of time, like NuWay Tobacco, which is over 40,000 square feet and therefore, any additions made on this site would require a special exception approval. Mr. DeMallie spoke about the potential increase in the buffer for properties that abut residential parcels. Mr. DeMallie reviewed tax increases that have taken place in South Windsor and the need for businesses to help the tax base. Mr. DeMallie reviewed the top 20 tax payers in South Windsor, which included Aldi, FedEx, Mobis, and Home Depot.

Stephen Grech of 155 Judy Lane commented on concerns with tax abatements for larger warehouses in South Windsor and concerns for property values. Mr. Grech commented that he did not feel development of large warehouses was in the best interest of the town.

Jessica Vogelgesang of 79 Hilton Drive commented on the issue of protecting larger businesses in South Windsor versus protecting the residents. Ms. Vogelgesang commented that residents have invested large amounts of money into their homes that were unaware that properties nearby could be developed since they were told otherwise when purchasing. Ms. Vogelgesang also commented on definitions being proposed in regulations and questioned the process to hold companies accountable when they are no longer compliant with traffic requirements. Ms Vogelgesang added that she was struck by Marek Kozikowski's comments at the previous public hearing and considering to zone for what the town wants. She then commented on the exhibit that is being held at the Wood Memorial Library and the history of South Windsor residents and the achievements made in this community.

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Robert Stoddard of 10 Barbara Road commented on concerns with traffic in South Windsor.

Chairman Pacekonis asked for additional Commissioner comments. No additional comments.

Commissioner Dexter read letter into the record from Wei Zhang (Exhibit D).

Chairman Pacekonis reviewed some general comments he had regarding the text amendment. Chairman Pacekonis commented that he agreed that berms should not impede wildlife. Chairman Pacekonis discussed the slopes and explained that the Subcommittee took the recommendation from Landscape Architect that helped them develop language regarding buffers and berms. With that said, he commented that he would be comfortable with some flexibility regarding how steep slopes could be and he would discuss this item further during deliberations. Chairman Pacekonis spoke about the increased buffer and ideally regulating the buffer depending on the type of the activity occurring on the site. He did clarify that there is a provision currently that would allow the buffers to stay at 50 feet as he felt it was important to have current businesses have the ability to stay at 50 feet. New businesses and their buffer are what need to be considered. Chairman Pacekonis commented that he heard testimony about other towns that have larger buffer requirements, which he commented would need to be looked at further. Chairman Pacekonis reviewed comments that had been made about the excessive requirement for parking, he explained some of his concerns with parking, specifically overlap between shifts at warehouses or similar businesses. He added that everyone drives to work, people rarely carpool in this area, therefore, parking is something that needs to be considered.

Chairman Pacekonis commented on screening roof top solar stating he does not want to create issues for those that want to install solar panels. Chairman Pacekonis then discussed the importance of bollards on sites. Chairman Pacekonis commented on the 40,000 square foot mark that requires a special exception approval. He commented that he wanted to make a distinction, a difference between a 40,000 square foot footprint, versus a 40,000 square foot building and the importance of a 40,000 square foot print of a building requiring a special exception approval. He commented on other remarks made about special exception approvals driving up costs of development and creating additional meetings for the Commission. Chairman Pacekonis commented that he was not concerned about additional or longer Planning and Zoning Commission meetings and added that he felt the proposed changes were important. Chairman Pacekonis commented on remarks made about the Regulations not doing enough to protect in terms of noise, light, and pollution associates with warehouses. He explained that Public Health Department is in charge of any and all noise issues. Chairman Pacekonis commented that light and diesel pollution are tough issues, especially light issues throughout town due to the increase in theft of catalytic converters. Many businesses have installed lights to help with security. Chairman Pacekonis commented on suggestion of separating residential and industrial by roadways, unfortunately, South Windsor is too developed for this to takeplace.

Chairman Pacekonis commented on testimony about requiring solar panels on industrial buildings, however, he did not feel that this was an issue as it seems that many buildings have incorporated solar panels. Chairman Pacekonis commented remarks made about the difference between distribution centers versus warehouses, often times these terms are used interchangeably and if that's the case then he would be in favor of the warehouses also having the same 500 foot requirement like the other uses in this category. Chairman Pacekonis commented on Marek Kozikowski's previous comments about zoning for what the town wants, currently there are a large number of warehouses in South Windsor. While he would prefer to see more manufacturing, the economy ultimately drives what kind of business is in demand. He added that since warehouses do not require a 500 foot distance from residential they may be encouraging this kind of development.

Chairman Pacekonis questioned if there was any reason to keep the public hearing open. Commissioners agreed that the public hearing should be closed.

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Chairman Pacekonis closed the public hearing at 8:34pm.

REGULAR MEETING

CALL TO ORDER

PUBLIC PARTICIPATION:

Jessica Vogelgesang of 79 Hilton Drive commented on Wood Memorial Library exhibit that will be taking place on Sunday.

MINUTES: 3/28/23- The minutes were accepted by consensus.

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

1. **Appl. 23-09P Pelletier MHO Renewal-** request for renewal of a 5-year major home occupation of a hair salon known as 'Studio 549', on property located at 549 Ellington Road, RR zone.

Senior Environmental Planner Jeff Folger read the Planning Report prepared by the Director of Planning Michele Lipe.

1. Request for renewal of a 5-year major home occupation permit to continue operating a hair salon at 549 Ellington Road, RR zone. The salon was first approved in 1997 and renewed in 2002, 2008. 2013 and again in 2018. We have not received any complaints about this home occupation.
2. The business operates five days a week, varying hours between 10 am and 8 pm, by appointment.
3. The existing house is served by public sewer and water. There currently is an in-law apartment approved above the garage as well. The applicant received WPCA approval for the sewer connection for the business on 4/2/13.
4. The applicant has 4 part-time employees, including her daughter who has her massage therapy license. The applicant had a similar situation at her 2008 renewals.
5. The site has two curb cuts. The parking requirement is met within the existing driveway. There is a significant amount of space available for parking on site. Refuse collection is handled privately.
6. The applicant has a two square foot sign, which is permitted by the regulations.
7. If renewed, the applicant will be required to return to this Commission for renewal upon expiration of the 5-year permit period.

Commissioner Cavagnaro motioned to approve Appl. 23-09P with the following conditions:

1. The business must be operated by the homeowner.
2. The permit will expire on April 11, 2028 and will have to be renewed at that time if the home occupation is to continue.
3. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.

Commissioner Vetere seconded the motion. The motion was called. The motion passed unanimously.

2. **Appl. 23-12P T's Auto T and C Renewal-** request for a 2 year temporary and conditional permit (Section 2.13.a) to allow four vehicles for sale at 718 Ellington Road, RC zone.

Senior Environmental Planner Jeff Folger read the Planning Report prepared by the Director of Planning Michele Lipe.

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1. Request for the renewal of a two-year Temporary & Conditional permit for the display of four (4) automobiles for sale at T's Auto Service on the corner of Ellington Road and Pleasant Valley Road (across from the 7-11 store), RC zone.
2. This application was originally granted by the Zoning Board of Appeals (ZBA) in February 1986 to allow two (2) vehicles for sale and renewed by this Commission every two years since. The October 2010 Planning & Zoning Commission (PZC) approval allowed the applicant to increase the number of vehicles for sale to four (4).
3. The original ZBA approval and earlier PZC approvals included three conditions:
 - The permit is restricted to two (2) automobiles and excludes vans or trucks.
 - The cars are to be no closer than twelve (12) feet from the corner. No more than twelve (12) cars in a single row with two (2) other cars making a second row (as shown in the diagram submitted) are to be parked from the station to Pleasant Valley Road. This includes the automobiles for sale.
 - There will be no parking at any time in the front area of the parking lot.
4. The regulations state that Temporary & Conditional permits may be granted by the Commission for a use, if 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. If this application is approved, the Planning Department has no modifications to recommend.

Chairman Pacekonis commented on the plan submitted that details previous approval conditions.

Commissioner Carey motioned to approve Appl. 23-12P with the following conditions:

1. This permit is for a two (2) year maximum period;
2. This permit is restricted to four (4) vehicles for sale with a standard auto marker, and excludes vans or trucks;
3. The cars are to be no closer than twelve (12) feet from the corner. No more than twelve (12) cars in a single row with two (2) other cars making a second row (as shown in the diagram submitted) are to be parked from the station to Pleasant Valley Road. This includes the automobiles for sale; and
4. There will be no parking at any time in the front area of the parking lot (triangle and near the dumpster).

The permit will expire in two (2) years, April 11, 2025 and will have to be renewed at that time.

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

3. **Appl. 23-10P 23-10P Cusson Automotive Enterprises, LLC** – request for a zone change of 9.92 acres of land from General Commercial to Industrial for property located at 753 John Fitch Boulevard.

Chairman Pacekonis questioned if there were any additional staff comments. Jeff Folger commented that they had no additional comments.

Commissioner Dexter motioned to approve Appl. 23-10P zone change:

1. The Planning and Zoning Commission finds that the zone change is in conformance with the Town Plan of Conservation and Development.

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2. The effective date of the zone change is 4-30-23.
3. Within ninety days, by 7-29-23, 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 black and white mylars, with this approval letter thereon, together with three blueprint copies of the Zone Change.

Commissioner Vetere seconded the motion. The motion as called. The motion passed unanimously.

BONDS: Callings/Reductions/Settings

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 23-14P South Windsor Wellness Center** -request for renewal of a 5-year major home occupation to operate a chiropractic, therapeutic massage and hydrotherapy office on property located at 88 Nevers Road, RR zone.

CORRESPONDENCE/REPORTS:

EXECUTIVE SESSION:

Discussion related to litigation for **Appl. 21-11P, REESG Newco South Windsor, LLC** – request for a Zone Change from General Commercial Zone (GC) to Sullivan Ave Mixed Use Development Overlay Zone (SAMUD) of 19 +/- acres and General Plan of Development for the renovation of 60,740 sf of commercial space and the development of 125 apartment units, on property known as Sullivan Avenue Plaza, located at 959, 1017 and 1079 Sullivan Avenue, GC zone

Commissioner Vetere motioned to enter Executive Session with Commissioners Carey, Dexter, Pacekonis, Foley and Cavagnaro and Town Engineer Jeff Doolittle and Town Attorney Kari Olson via phone.

Commissioner Carey seconded the motion. The motion as called. The motion passed unanimously. The Commission entered Executive Session at 8:48pm.

Commissioner Foley motioned to exit Executive Session and return to the Regular Meeting with an amendment to the agenda to discuss the sidewalk plan reviewed in the Executive Session.

Commissioner Vetere seconded the motion. The motion was called. The motion passed unanimously.

Commissioner Cavagnaro motioned that the Commission had reviewed the Concept Offsite Sidewalk Plan submitted by Design Professionals, Inc., sheet C-SW1 dated 1/25/23 revised 2/3/23 and 2/13/23. The Commission has accepted this plan in good faith to resolve the offsite sidewalk issue and will now recommend sending the plan to the Connecticut Department of Transportation for an independent review.

Commissioner Vetere seconded the motion. The motion was called. The motion passed unanimously.

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Carey seconded the motion.

Meeting adjourned at 9:42 pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary